



NATIONAL CONGRESS OF AMERICAN INDIANS

May 5, 2005

The Honorable John McCain, Chairman
Senate Committee on Indian Affairs
722 Hart Building
Washington, DC 20510-1102

The Honorable Byron Dorgan, Vice-Chairman
Senate Committee on Indian Affairs
722 Hart Building
Washington, DC 20510-1102

Dear Chairman McCain and Vice-Chairman Dorgan:

On behalf of the National Congress of American Indians, the oldest and largest national organization of American Indian and Alaska Native tribal governments, I am writing to request that the Senate Committee on Indian Affairs hold a hearing to review the federal government's handling of rape and domestic violence crimes in Indian country and legislative possibilities for closing jurisdictional gaps that exacerbate the problem of violence against Indian women.

Given the complexity of criminal jurisdiction in Indian country and the serious consequences for Indian women of the existing system, it is appropriate that the Senate Committee on Indian Affairs hold a hearing in addition to any hearings scheduled by the Judiciary Committee to fully explore this issue. The Judiciary Committee will consider amendments to the Violence Against Women Act this year, but we strongly believe that the concerns related to Indian women and law enforcement in Indian country deserve special consideration by the Committee on Indian Affairs.

Indian tribes have a unique legal and political relationship to the United States that creates a responsibility of the federal government to assist tribes in safeguarding the lives of Indian women. Despite this responsibility, Indian women are battered, raped and stalked at far greater rates than any other group of women in the United States. An estimated 1 of 3 American Indian and Alaska Native women will be raped in her lifetime.¹ Approximately 9 in 10 American Indian victims of rape or assault were assaulted by non-Indian perpetrators.² The National Congress of American Indians is concerned about the lack of federal response in the face of these disproportionate statistics.

While many issues need to be addressed to successfully combat the disproportionate violence facing women in Indian country, jurisdictional inadequacies is one clear factor that must be dealt with. The limits placed on tribal government

¹ Tjaden, Patricia, and Nancy Thoennes, *Full Report of the Prevalence, Incidents, and Consequences of Violence Against Women, Findings from the National Violence Against Women Survey*, Washington, DC; National Institute of Justice, November 2000, NCJ 183781, p.22.

² Lawrence A. Greenfeld and Steven K. Smith, *American Indians and Crime*, U.S. Department of Justice Bureau of Crime and Statistics, 1999.

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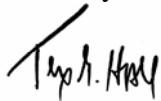
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jurisdiction over non-Indians mean that non-Indian perpetrators in particular fall through the cracks in law enforcement in Indian country. The U.S. Department of Justice has general jurisdiction over felony crimes by or against Indians, but perpetrators of such violent crimes against Indian women are rarely, if at all, prosecuted. The Ninth Circuit Gender Bias Task Force report acknowledges that “jurisdictional complexities, geographic isolation, and institutional resistance impede effective protection of women subjected to violence within Indian country.” It further notes that although federal jurisdiction is technically available in some districts over spouse abuse, such prosecutions are rare. It concludes that crimes against women are under-prosecuted in this setting.

We simply must address the system’s failure to protect Indian women and children. We urge you to schedule a hearing to create a record documenting this problem and to examine possible solutions. If you have any questions, or would like to discuss our request further, please contact me or Virginia Davis, at vdavis@ncai.org or (202) 466-7767. We appreciate your attention to this serious matter and thank you both for your leadership on issues of importance to Indian nations.

Sincerely,

A handwritten signature in black ink, appearing to read "Tex Hall". The signature is written in a cursive, somewhat stylized font.

Tex Hall
President, National Congress of American Indians