

Dear Tribal Representatives—

S. 1925, the Violence Against Women Reauthorization Act, is likely to be taken up by the Senate for debate tomorrow (Wednesday). Yesterday, Senator Hutchison (R-TX) introduced an alternative VAWA bill, S.2338, which would strip the key tribal jurisdiction provisions and replace them with a proposal that undermines current law and, arguably, would exacerbate the problem.

Hutchison's bill would require tribes to seek validation of tribal protection orders and exclusionary orders in federal district court, even though the current full faith and credit provisions of VAWA (specifically 18 USC 2265(e)) already give tribes civil authority to issue and enforce these types of orders without interference from federal authorities. Moreover, Hutchison's bill appears to make it a federal crime to violate tribal protection orders. Federal prosecutors—those with the primary enforcement responsibility for crimes in Indian country—already decline to prosecute half of Indian Country crimes that are referred to them. By adding violations of tribal protection orders to the long list of crimes that federal authorities can prosecute—but frequently fail to do so—Hutchison has offered a distraction that may ultimately exacerbate the problem, instead of proposing a real solution that will protect Native victims.

Now is the time for us to be calling our contacts on the hill and urging them to oppose the Hutchison alternative and other possible harmful amendments from passing. **We have to ensure that S.1925 passes immediately with the key tribal provisions—that will enhance tribal sovereignty and protect Native victims—intact!**

ACTION: Call the Senators below and tell them “Thank you for sponsoring S. 1925. We urge you to pass S.1925 immediately AS IS and vote against any and all amendments that will alter or strip the critical tribal provisions in Sections 904 and 905 of the bill!”

If you talk to staff, ask for their email so you can send them the attached one-pager.

Start with our valiant Republican sponsors – they are under pressure from all sides and need to know you appreciate their support:

Ayotte, Kelly <<http://www.ayotte.senate.gov>> - (R - NH) (202) 224-3324 Judiciary: John Lawrence, Women: Daniel Auger

Brown, Scott P. <<http://www.scottbrown.senate.gov>> - (R - MA) (202) 224-4543

Collins, Susan M. <<http://www.collins.senate.gov>> - (R - ME) (202) 224-2523 Judiciary: Rich Houghton, Women: Kenneth Altman, Lorinda Harris

Crapo, Mike <<http://www.crapo.senate.gov>> - (R - ID) (202) 224-6142

Heller, Dean <<http://www.heller.senate.gov/>> - (R - NV)) (202) 224-6244 Judiciary and Women's Issues LA: Leeann Gibson

Kirk, Mark <<http://www.kirk.senate.gov>> - (R - IL) (202) 224-2854

Murkowski, Lisa <<http://www.murkowski.senate.gov/>> - (R - AK) (202) 224-6665 Judiciary LA: Nathan Bergerbest, Women's Issues LA: Amanda Makki

Snowe, Olympia J. <<http://www.snowe.senate.gov/>> - (R - ME) (202) 224-5344 Women's Issues LA: Amy Pellegrino

Next, our Democratic women champions:

California

Dianne Feinstein <http://en.wikipedia.org/wiki/Dianne_Feinstein> D (202) 224-3841 Judiciary LA: Neil Quinter, Women's Issues: Nora Connors, Devin Rhinerson

Barbara Boxer <http://en.wikipedia.org/wiki/Barbara_Boxer> D (202) 224-3553 Judiciary LA: Derrick Brent, Women's Issues LA: Cerin Lindgrensavage

Louisiana

Mary Landrieu <http://en.wikipedia.org/wiki/Mary_Landrieu> D (202) 224-5824 CoS: Jane Campbell, Leg Dir: Elizabeth Craddock, Judiciary: Angeliqye Roche

Maryland

Barbara Mikulski <http://en.wikipedia.org/wiki/Barbara_Mikulski> D (202) 224-4654 Judiciary and women's issues LA: Teri Curtis

Michigan

Debbie Stabenow <http://en.wikipedia.org/wiki/Debbie_Stabenow> D (202) 224-4822 Judiciary LA: Jason LaGosh, Women's Issues LA: Alex Sheff

Minnesota

Amy Klobuchar <http://en.wikipedia.org/wiki/Amy_Klobuchar> D (202) 224-3244 Judiciary LA: Craig Kalkut, Women's Issues LA: Elizabeth Frosch

Missouri

Claire McCaskill <http://en.wikipedia.org/wiki/Claire_McCaskill> D (202) 224-6154 Judiciary and women's issues LA: Derron Parks

New Hampshire

Jeanne Shaheen <http://en.wikipedia.org/wiki/Jeanne_Shaheen> D (202) 224-2841 Judiciary LA: Emily Livingston, Women's issues: Alison MacDonald

New York

Kirsten Gillibrand <http://en.wikipedia.org/wiki/Kirsten_Gillibrand> (202) 224-4451 Judiciary and women's issues LA: Michele Jawando

North Carolina

Kay Hagan <http://en.wikipedia.org/wiki/Kay_Hagan> D (202) 224-6342 Judiciary and women's issues LA: Tracy Zvenyach

Washington

Patty Murray <http://en.wikipedia.org/wiki/Patty_Murray> D (202) 224-2621

Judiciary LA: Jason Park, Women's Issues LA: Paula Burg

Maria Cantwell <http://en.wikipedia.org/wiki/Maria_Cantwell> D (202) 224-3441

Judiciary and women's issues LA: Janel George

And finally all the other wonderful sponsors:

Leahy, Patrick J. <<http://www.leahy.senate.gov/>> - (D - VT)

Akaka, Daniel K. <<http://www.akaka.senate.gov/>> - (D - HI)

Baucus, Max <<http://www.baucus.senate.gov/>> - (D - MT)

Begich, Mark <<http://www.begich.senate.gov/>> - (D - AK)

Bennet, Michael F. <<http://www.bennet.senate.gov/>> - (D - CO)

Bingaman, Jeff <<http://www.bingaman.senate.gov/>> - (D - NM)

Blumenthal, Richard <<http://www.blumenthal.senate.gov/>> - (D - CT)

Brown, Sherrod <<http://www.brown.senate.gov/>> - (D - OH)

Cardin, Benjamin L. <<http://www.cardin.senate.gov/>> - (D - MD)

Carper, Thomas R. <<http://www.carper.senate.gov/>> - (D - DE)

Casey, Robert P., Jr. <<http://www.casey.senate.gov/>> - (D - PA)

Conrad, Kent <<http://www.conrad.senate.gov/>> - (D - ND)

Coons, Christopher A. <<http://www.coons.senate.gov/>> - (D - DE)

Durbin, Richard J. <<http://www.durbin.senate.gov/>> - (D - IL)

Franken, Al <<http://www.franken.senate.gov/>> - (D - MN)

Harkin, Tom <<http://www.harkin.senate.gov/>> - (D - IA)

Inouye, Daniel K. <<http://www.inouye.senate.gov/>> - (D - HI)

Johnson, Tim <<http://www.johnson.senate.gov/>> - (D - SD)

Kerry, John F. <<http://www.kerry.senate.gov/>> - (D - MA)

Kohl, Herb <<http://www.kohl.senate.gov/>> - (D - WI)

Lautenberg, Frank R. <<http://www.lautenberg.senate.gov/>> - (D - NJ)

Levin, Carl <<http://www.levin.senate.gov/>> - (D - MI)

Lieberman, Joseph I. <<http://www.lieberman.senate.gov/>> - (ID - CT)

Manchin, Joe, III <<http://www.manchin.senate.gov/>> - (D - WV)

Menendez, Robert <<http://menendez.senate.gov/>> - (D - NJ)
Merkley, Jeff <<http://www.merkley.senate.gov>> - (D - OR)
Nelson, Ben <<http://www.bennelson.senate.gov/>> - (D - NE)
Nelson, Bill <<http://www.billnelson.senate.gov/>> - (D - FL)
Pryor, Mark L. <<http://www.pryor.senate.gov>> - (D - AR)
Reed, Jack <<http://www.reed.senate.gov/>> - (D - RI)
Reid, Harry - (D-NV)
Rockefeller, John <<http://www.rockefeller.senate.gov/>> - (D - WV)
Sanders, Bernard <<http://www.sanders.senate.gov/>> - (I - VT)
Schumer, Charles E. <<http://www.schumer.senate.gov/>> - (D - NY)
Tester, Jon <<http://www.testers.senate.gov/>> - (D - MT)
Udall, Mark <<http://www.markudall.senate.gov>> - (D - CO)
Udall, Tom <<http://www.tomudall.senate.gov>> - (D - NM)
Warner, Mark R. <<http://www.warner.senate.gov>> - (D - VA)
Webb, Jim <<http://www.webb.senate.gov/>> - (D - VA)
Whitehouse, Sheldon <<http://www.whitehouse.senate.gov/>> - (D - RI)
Wyden, Ron <<http://www.wyden.senate.gov/>> - (D - OR)

Thanks for all of your support!

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Factsheet: The Obama Administration's Commitment to Combating Violence Against Women

Domestic violence, sexual assault, and stalking are not just criminal justice issues – the scope and far-reaching effects of violence require a coordinated response across the Federal government. In 2010, the President Obama announced unprecedented cooperation across the entire government to protect victims of domestic and sexual violence and enable survivors to break the cycle of abuse.

The President called on every agency in the Federal government to be part of the solution to ending violence against women. The initiatives announced and highlighted today demonstrate a comprehensive approach to reducing violence against women.

Improving the Workplace Response to Domestic Violence

- **Today, the Obama administration announced new efforts to help combat and prevent domestic violence in the federal workplace.** President Obama signed a memorandum directing federal agencies to develop policies to address the effects of domestic violence and provide assistance for employees who may be experiencing domestic violence. These policies will also serve as a model for private sector employers.
- Many victims report being harassed at work or distracted from their jobs because of abuse, and the Centers for Disease Control and Prevention estimate that domestic violence costs our nation more than eight billion dollars a year in lost productivity and healthcare costs alone. This new effort builds on ongoing Administration initiatives to improve workplace safety and assist victims of domestic violence.

Combating High Rates of Violence Among Teens and Young Adults

- **Today, the White House is teaming up with Discovery Education to help prevent teen dating violence.** Federal officials will join with Discovery Education today for a live web event broadcast to more than 250 participating schools around the country. This program will help students, teachers, and school administrators identify warning signs of abuse and learn how to help teens who are experiencing violence. One in ten teens will be physically hurt on purpose by a boyfriend or girlfriend this year alone.
- In September 2011, the Department of Justice provided funding for the **National Dating Abuse Helpline** to use the latest technology to be available around the clock by text, online chat, or phone so that teens and young adults can reach out in the way they feel most comfortable. The President's 2013 budget includes an additional 1.3 million dollars to help the National Dating Abuse Helpline and the National Domestic Violence Hotline meet the growing volume of requests for help.

- Recognizing the need for concentrated, coordinated efforts to reduce the high rates of violence among youth **Vice President Biden launched the 1is2many initiative** in September 2011. This initiative raises awareness about dating violence and sexual assault and encourages bystanders to speak out against violence. The Vice President solicited input from young men and women across the country on how to reduce dating and sexual violence in schools and on college campuses. www.whitehouse.gov/1is2many
- In July 2011, Secretary Sebelius of the Department of Health and Human Services announced Apps Against Abuse, a challenge to technology innovators to find new ways to reach teens and young adults to prevent dating violence and sexual assault. **Today, the winning apps are available for free download.**
 - **Circle of 6:** This iPhone app makes it easy to reach your circle of friends and family and let them know where you are and what you need. The app uses text messaging to contact your circle, GPS to locate you when needed, connections to reputable domestic violence organizations, and a user-wide pledge to stop violence before it happens.
 - **On Watch.** This iPhone app lets you transmit critical information by phone, email, text, and social media to your support network. You can check in with friends, call 911 or campus police, set countdown timers that send messages and GPS information automatically if events or activities do not go according to plan, and connect to sexual assault, dating violence, and domestic abuse hotlines.
- One in five young women will be sexually assaulted while in college, and the traumatic effects of this violence can be devastating. On April 4, 2011, Vice President Biden and Secretary of Education Arne Duncan introduced **comprehensive guidance to help schools, colleges and universities better understand their obligations under federal civil rights laws to prevent and respond to the problem of campus sexual assault.** The new guidance makes clear the legal obligations under Title IX of any school, college or university receiving federal funds to respond promptly and effectively to sexual violence.
- The Office of Civil Rights at the Department of Education has resolved multiple investigations with first-of-their-kind agreements to comprehensively address sexual assault on campuses. These agreements have included **measures to change the culture at schools** and colleges where sexual violence is more prevalent and the implementation of climate checks and monitoring that allow the Office of Civil Rights to hear about the situation on the ground directly from students. This year, Office of Civil Rights will give more than 40 technical assistance presentations related to how Title IX applies in cases of sexual harassment and sexual violence to colleges, trade associations, bar associations, and state agencies.

Combating Rape and Sexual Assault

- In January 2012, the Department of Justice **modernized the FBI's Uniform Crime Report definition of rape**, which will lead to a more comprehensive statistical reporting of rape nationwide. The new definition is more inclusive, better reflects state criminal codes, and focuses on the various forms of sexual penetration understood to be rape. For the first time, rapes of men and boys will be included in our national crime statistics. The old definition- which only covers rape of women by force- did not capture the true impact of this crime. The revised definition includes any gender of victim or perpetrator, and includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical capacity, including due to the influence of drugs or alcohol, or because of age.
- Research has demonstrated that Sexual Assault Nurse Examiners (SANE) programs are effective at improving the quality of forensic evidence collected and providing support for victims, but access to trained examiners is limited in some areas of the country. The Department of Justice is creating a **telemedicine center that** will provide remote access to forensic examination consultation in rural and tribal communities.
- The Department of Justice launched a new effort to end sexual violence in the United States including pilot projects to **reduce the rape kit backlog** in targeted cities. Sites in Houston and Detroit are currently classifying the status of their backlogged kits, developing a system for prioritizing kits for testing and notifying victims of the results of kit tests.
- Under the leadership of the Secretary of Defense, several new policies have recently been implemented including expedited transfers for victims of sexual assault who file an unrestricted report. DOD will also start shifting toward the use of one integrated data system, called the Defense Sexual Assault Incident Database (DSAID). This database will promote accurate and timely reporting of sexual assaults, and enhance analysis and trend identification capabilities to inform the Department's sexual assault prevention and response efforts.
- On April 16, Secretary Panetta announced several additional steps to combat sexual assault in the military. These new initiatives include elevating disposition authority for the most serious sexual assault offenses so that, at a minimum, these cases are addressed by a "Special Court Martial Convening Authority" who is an officer at the Colonel (or Navy Captain) level. This will ensure that cases of sexual assault receive a high level of command attention. The Department is also establishing a "Special Victim's Unit" capability within each of the Services, to ensure that specially trained investigators, prosecutors and victim-witness assistance personnel are available to assist with sexual assault cases.
- The Department of Defense provides additional resources for adult Service members and their families at 1-877-995-5247 and www.SafeHelpline.org

Assisting Victims with Health Care, Housing, and Economic Security

- In March 2012, President Obama signed a presidential memorandum establishing a **new effort to address the intersection between HIV/AIDS and violence against women and girls**. The memorandum established an interagency working group that will build on current agency programs addressing the intersection of HIV/AIDS, violence against women and girls, and gender-based health disparities by improving data collection, research, and intervention and prevention strategies. The working group will develop recommendations to help inform the National HIV/AIDS Strategy.
- In July 2011, the Department of Health and Human Services accepted guidelines recommended by the Institute of Medicine as required under the Affordable Care Act that include **screening for domestic violence and counseling as preventative care measures**. When these guidelines go into effect, domestic violence screening and counseling will be available to women with no co-pays.
- The Affordable Care Act includes **protections against insurance discrimination** for victims of domestic violence and **important programs reaching women experiencing violence** during pregnancy and vulnerable families after the birth of a child.
- The Department of Health and Human Services is releasing a new toolkit to build partnerships between domestic violence centers and asset-building agencies **to help victims save for the future** and improve their economic stability.
- In 2011, the Department of Housing and Urban Development issued guidance to clarify that **residents who are denied or evicted from housing as a result of domestic violence may have grounds to file a discrimination complaint** under the federal Fair Housing Act.
- In 2010, the Department of Housing and Urban Development released new rules that **provide protection for victims living in subsidized housing** allowing landlords and public housing authorities to evict perpetrators of abuse, keep their properties safe, and make sure victims do not lose their housing due to crimes committed against them.

Legislation to Protect Victims of Abuse

- The President signed two critical pieces of legislation addressing violence against women. The Tribal Law and Order Act provides new tools and resources to Indian Country to respond to the high rates of violence committed against Native American women. The Family Violence Prevention and Services Act funds 1,700 shelters and service programs for victims of domestic violence and their children.

Factsheet: The Violence Against Women Act

Under the leadership of then-Senator Joe Biden, Congress recognized the severity of violence against women and our need for a national strategy with the enactment of the Violence Against Women Act in 1994. This landmark federal legislation's comprehensive approach to violence against women combined tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence.

VAWA has **improved the criminal justice response** to violence against women by:

- holding rapists accountable for their crimes by strengthening federal penalties for repeat sex offenders and creating a federal “rape shield law,” which is intended to prevent offenders from using victims’ past sexual conduct against them during a rape trial;
- mandating that victims, no matter their income levels, are not forced to bear the expense of their own rape exams or for service of a protection order;
- keeping victims safe by requiring that a victim’s protection order will be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States;
- increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence dockets;
- ensuring that police respond to crisis calls and judges understand the realities of domestic and sexual violence by training law enforcement officers, prosecutors, victim advocates and judges; VAWA funds train over 500,000 law enforcement officers, prosecutors, judges, and other personnel every year;
- providing additional tools for protecting women in Indian country by creating a new federal habitual offender crime and authorizing warrantless arrest authority for federal law enforcement officers who determine there is probable cause when responding to domestic violence cases.

VAWA has **ensured that victims and their families have access to the services** they need to achieve safety and rebuild their lives by:

- responding to urgent calls for help by establishing the National Domestic Violence Hotline, which has answered over 3 million calls and receives over 22,000 calls every month; 92% of callers report that it’s their first call for help;

- improving safety and reducing recidivism by developing coordinated community responses that bring together diverse stakeholders to work together to prevent and respond to violence against women,
- focusing attention on the needs of underserved communities, including creating legal relief for battered immigrants so that abusers cannot use the victim's immigration status to prevent victims from calling the police or seeking safety, and supporting tribal governments in building their capacity to protect American Indian and Alaska Native women.

VAWA has **created positive change**. Since VAWA was passed:

- Fewer people are experiencing domestic violence.
 - Between 1993 to 2010, the rate of intimate partner violence declined 67%;
 - Between 1993 to 2007, the rate of intimate partner homicides of females decreased 35% and the rate of intimate partner homicides of males decreased 46%.
- More victims are reporting domestic and sexual violence to police, and reports to police are resulting in more arrests.
- States have reformed their laws to take violence against women more seriously:
 - All states have reformed laws that previously treated date or spousal rape as a lesser crime than stranger rape;
 - All states have passed laws making stalking a crime;
 - All states have authorized warrantless arrests in misdemeanor domestic violence cases where the responding officer determines that probable cause exists;
 - All states provide for criminal sanctions for the violation of a civil protection order;
 - Many states have passed laws prohibiting polygraphing of rape victims;
 - Over 35 states, the District of Columbia, and the U.S. Virgin Islands have adopted laws addressing domestic and sexual violence, and stalking in the workplace. These laws vary widely and may offer a victim time off from work to address the violence in their lives, protect victims from employment discrimination related to the violence, and/or provide unemployment insurance to survivors who must leave their jobs because of the abuse.

STOP VIOLENCE AGAINST NATIVE WOMEN SUPPORT THE TRIBAL PROVISIONS OF S. 1925

Longstanding Epidemic of Violence Against Native Women. More than 1 in 3 American Indian and Alaska Native Women will be raped in their lifetimes, and 2 in 5 will suffer domestic violence. Tribal leaders, police officers, and prosecutors report a pattern of escalating violence that goes unaddressed, each more severe than the last, leading to severe physical injury or death. On some reservations, Native women are murdered at a rate more than ten times the national average.

The gap in jurisdiction has left many acts of domestic violence against Native women unpunished. Nonmember abusers feel UNTOUCHABLE. S. 1925 fills the gap in jurisdiction and addresses domestic violence at the local level in the early stages, before violence escalates, by empowering tribal courts to prosecute all crimes of domestic and dating violence regardless of the race of the perpetrator.

Existing law is failing Indian women. Federal laws force tribes to rely *exclusively* on far away federal—and in some cases state—government officials to investigate and prosecute misdemeanor crimes of domestic violence committed on tribal government lands by non-Indians against Native women.

Federal and state authorities will never have the resources, time, or will to address misdemeanor crimes on Indian lands. For example, in 2006 and 2007, U.S. attorneys prosecuted less than 23 misdemeanor crimes annually on Indian lands. Compare that number to the problem: one small reservation in Arizona faced more than 450 domestic violence cases in 2006 alone – one act of domestic abuse every 19 hours.

Federal officials have a difficult enough time keeping up with the violent felonies on Indian lands. From 2005-2007, U.S. Attorneys declined to prosecute more than 65% of sexual assaults on Indian lands.

State governments have also not been able to address reservation violence. For nearly 50 years, the experiment of PL 83-280 has proven to be an abject policy failure. States have ignored reservation crimes, citing the lack of resources and higher priorities of addressing crimes off reservation as more important local government officials.

S. 1925, a local answer for a local problem. S. 1925 will address domestic violence in American Indian communities at the local tribal level at the early stages, before violence escalates to aggravated assault and homicide. It will empower tribal courts to prosecute crimes of domestic violence, dating violence, or violations of protection orders, regardless of the race of the perpetrator.

Every other government in the U.S. handles crime locally and holds offenders accountable within their community to deter the escalation of crimes. Domestic violence is an intimately personal and local crime. It's proven that one of the only ways to prevent abuse from escalating is to force the offender to face the local community.

Protections for Suspects of Abuse. To exercise this authority, S. 1925 requires tribal courts to provide suspects with protections that mirror U.S. constitution, including the rights to: a licensed and effective counsel for indigent defendants; a licensed judge trained in criminal law; access to the tribe's criminal laws, procedures, and rules of evidence; a jury of 6 that will be pooled from all residents of the reservation, including non-Indians; *and all other rights whose protection is necessary under the U.S. Constitution.*

S. 1925 includes even greater protections for suspects of abuse than those in the Tribal Law and Order Act, which the Senate passed by Unanimous Consent. There is no rational reason to oppose S. 1925

VOTE YES ON S. 1925