

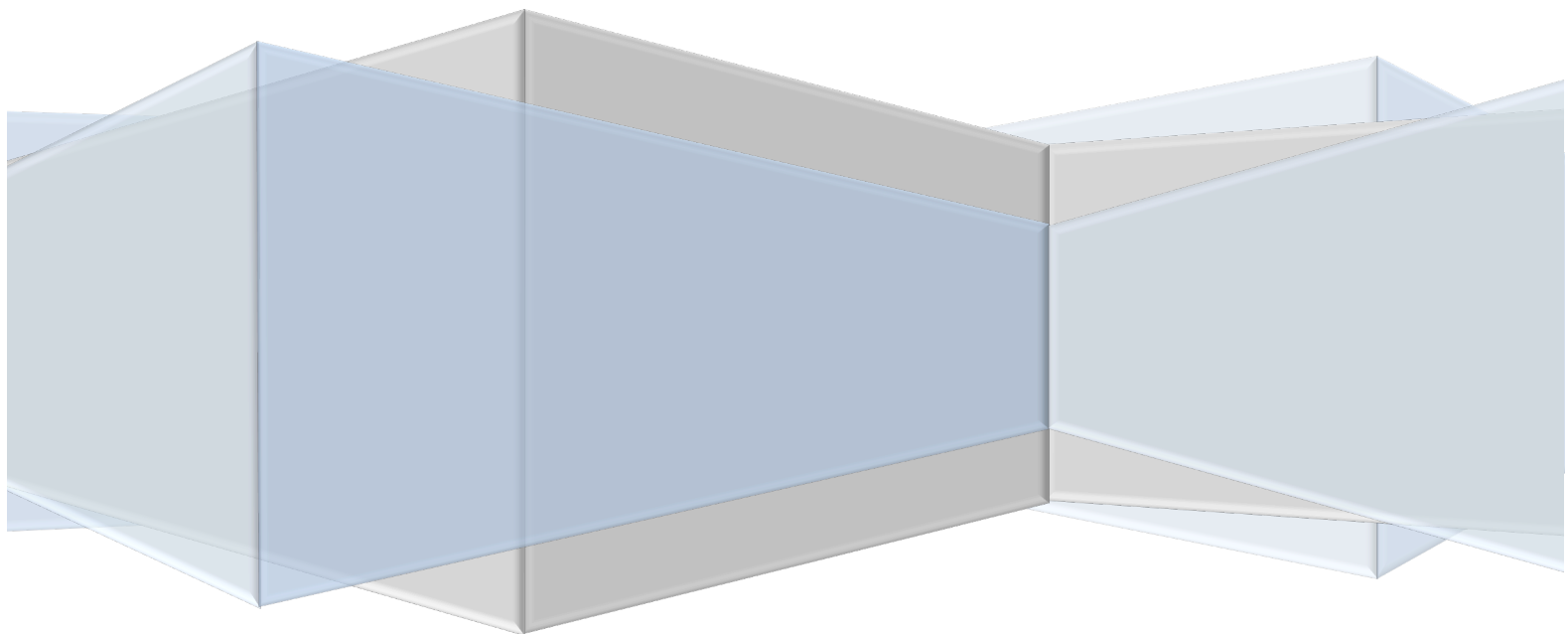
Duke Immerse: Rights & Identities in the Americas- Human Rights, Indigenous Peoples, and Contemporary Challenges

The Human Rights Impacts of VAWA 2013

A True Victory for Native American women?

By Lauren Kelly

December 10, 2013



Introduction

The level of gender violence against native women within the United States' own borders has reached epidemic proportions.¹ Furthermore, the vast majority of Native American gender violence victims are abused at the hands of non-native men. Native American tribes are considered to be "domestic dependents" of the United States, meaning that they have the inherent authority to govern themselves but also maintain U.S. citizenship rights. This system creates multiple overlapping governing systems on tribal reservations, such as illustrated in determining jurisdiction over gender violence crimes.² Tribal courts do not have the power to persecute non-native persons, and federal prosecutors, who do have jurisdiction, have declined approximately two-thirds of sexual abuse cases from Native Americans in recent years. Native women are essentially left legally defenseless to sexual abuse.³

Consequently, Native Americans have reached out to the international human rights community for support in gaining more legal protection for the victims of gender violence. The Indian Law Resource Center, the National Congress of American Indians Task Force on Violence Against Women, Clan Star, Inc. and the National Indigenous Women's Resource Center have been particularly active in calling attention to the blatant human rights violations occurring to Native American women. "One of the most basic human rights recognized under international law is the right to be free of violence. While many in the United States take this

¹ Kpolisse, "Violence Against Native Women Gaining Global Attention; Congress Encouraged to Act," Text, *Indian Country Today Media Network.com*, October 11, 2012, <http://indiancountrytodaymedianetwork.com/2012/10/11/violence-against-native-women-gaining-global-attention-congress-encouraged-act-139108>.

² Christine Crossland, Jane Palmer, and Alison Brooks, "NIJ's Program of Research on Violence Against American Indian and Alaska Native Women," *Violence Against Women* 19, no. 6 (June 1, 2013): 771–790.

³ "America's Dark Secret: Violence Against Natives," *Girls' Globe*, accessed December 5, 2013, <http://girlsglobe.org/2013/04/19/americas-dark-secret-violence-against-natives/>.

right for granted, Native women do not," said Jana Walker, senior attorney and director of the Indian Law Resource Center's Safe Women, Strong Nations project.⁴

In response, independent international experts and human rights organizations have repeatedly called on the United States to take action and create more legal protection and security for Native American women. Amnesty International states that, "In failing to protect Indigenous women from sexual violence, the US is violating these women's human rights."⁵ The human rights organization is calling on the United States government to take the necessary steps to end sexual violence against Native American women. James Anaya, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, also expressed concern about the prevalence of gender violence on Native American reservations. Following his visit to the United States in 2012 he stated in a report that numerous cases of violence against native women are committed by non-native individuals, many of whom are not subject to indigenous prosecutorial authority because of their non-native status. He asserts that, "Congress should act promptly to pass key reforms to the Violence Against Women Act that bolster indigenous tribes' ability to prosecute cases involving violence against indigenous women."⁶

Fortunately, in March of 2013 the Violence Against Women Act (VAWA) was reauthorized to include a provision which gave tribal governments criminal jurisdiction over some non-Indians who commit crimes on reservations. This recent legislation is being hailed as a victory for indigenous women seeking justice and protection from the legal system, but there are also many critics and notable shortcomings of the new provision. This paper seeks to

⁵ "Maze of Injustice," accessed December 4, 2013, <http://www.amnestyusa.org/our-work/issues/women-s-rights/violence-against-women/maze-of-injustice>.

⁶ Matthew L. M. Fletcher, "UN Human Rights Press Release: UN Experts Call for VAWA Reauthorization," *Turtle Talk*, accessed December 3, 2013, <http://turtletalk.wordpress.com/2013/02/20/un-human-rights-press-release-un-experts-call-for-vawa-reauthorization/>.

examine whether the reauthorized Act is truly a victory for Native American women and if it adequately protects their human rights. I will focus on three of the key human rights established by the United Nation's Declaration of Human Rights: the right to life, liberty and the security of person, the right to recognition and equality everywhere as a person before the law, and the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.⁷

History of Gender Violence and Tribal Jurisdiction

Sexual abuse of Native American women is astonishingly prevalent and extraordinarily violent in nature. According to US government statistics, Native American women are more than two and a half times more likely to be raped or sexually assaulted than other women in the United States.⁸ Approximately one in three Native American women will be raped in their lifetimes. This rate is most likely even higher due to the underreporting of sexual violence crimes; according to the Department of Justice, seventy percent of sexual assaults of Native women are never reported.⁹ Many of the Native American women interviewed by Amnesty International said they did not know of any women in their community who had not experienced sexual violence.¹⁰ Furthermore, there is evidence that Native women are more likely than other American women to suffer additional violence at the hands of their attackers. Rapes of native

⁷ "The Universal Declaration of Human Rights," accessed December 8, 2013, <http://www.un.org/en/documents/udhr/>.

⁸ "USDOJ: Office on Violence Against Women: Tribal Communities," accessed October 1, 2013, <http://www.ovw.usdoj.gov/tribal.html>.

⁹ Roe Bubar and Pamela Jumper Thurman, "Violence Against Native Women," *Social Justice* 31, no. 4 (98) (January 1, 2004): 70–86.

¹⁰ "Maze of Injustice."

women are three times more likely to involve weapons than all other rapes in the United States.¹¹ In a 2006 study, ninety-six percent of American Indian respondents who had been a victim of rape or sexual assault had experienced other physical abuse as well.¹²

Lisa Brunner, an advocate for the survivors of sexual violence in the Native American community and the Director of the Sacred Spirits First Nations Coalition, says that rates of rape are so high in her community that girls discuss rape in terms of what to do “when I am raped,” not “if I am raped.” She recalls what one young girl told her: “My mom and I already talked about that. When I’m raped, we won’t report it, because we know nothing will happen. We don’t want to cause problems for our family.”¹³ Sexual assaults are a constant threat and, as illustrated by Lisa Brunner’s experience, sometimes even an accepted reality in native women’s lives.

According to the US Department of Justice, in at least eighty-six percent of the reported cases of rape or sexual assault against Native American women, victims report that the perpetrators are non-Native men.¹⁴ This represents a substantially higher rate of interracial sexual violence than is experienced by Anglo or African American women within the United States.¹⁵ Reservation demographics are partially responsible for this. A significant portion of residents on most reservations are non-Indian, largely a result of the United States government’s sale of tribal land to white settlers around the turn of the century.¹⁶ Over half of all Native American married women have non-native husbands and, arguably as a consequence, Native American women experience some of the highest domestic-violence victimization rates in the

¹¹ N. Bruce Duthu, “Broken Justice in Indian Country,” *The New York Times*, August 11, 2008, sec. Opinion, <http://www.nytimes.com/2008/08/11/opinion/11duthu.html>.

¹² Lillian Comas-Diaz and Beverly Greene, *Psychological Health of Women of Color: Intersections, Challenges, and Opportunities* (ABC-CLIO, 2013).

¹³ Kavitha Chekuru, “Violence Against Women Act Includes New Protections For Native American Women,” *Huffington Post*, March 10, 2010, http://www.huffingtonpost.com/2010/03/10/violence-against-women-act-native-americans_n_2849931.html.

¹⁴ “Maze of Injustice.”

¹⁵ Bubar and Thurman, “Violence Against Native Women.”

¹⁶ Chekuru, “Violence Against Women Act Includes New Protections For Native American Women.”

country.¹⁷ However, reports also state that sexual predators from outside tribal lands will often travel to reservations with the specific intent to rape. Accounts of violence against women living in tribal communities generally increase during hunting season.¹⁸

The sexual abuse of Native American women by non-native men is not a recent phenomenon. On the contrary, there has been a long history of sexual violence against Native women in the United States. Native women were frequently raped by settlers and soldiers; these attacks were not random or individual, but were in fact tools of conquest and colonization.¹⁹ Andrea Smith argues in *Conquest: Sexual Violence and Native Indian Genocide* that the current sexual violence against Native American women is an extension of contemporary colonialism.²⁰ Amnesty International agrees, stating that, “the attitudes towards Indigenous peoples that underpin such human rights abuses continue to be present in in the USA today. They contribute to the present high rates of sexual violence perpetrated against Indigenous women and help to shield their attackers from justice.”²¹

Historically, Indian tribes have exercised full authority over everyone within tribal lands. Early federal treaties specifically noted a tribe’s power to punish non-Indians. However, towards the end of the nineteenth century there was a push within the United States government to dismantle tribal government systems. Criminal law enforcement, especially in cases involving non-Indians, increasingly came to be viewed as a federal or state matter and tribal court powers became more and more limited. In 1968 the Indian Civil Rights Act limited the criminal

¹⁷ “VAWA Tribal Jurisdiction Provision,” *Belt Way Indian*, accessed December 3, 2013, <http://beltwayindian.wordpress.com/2012/12/09/all-you-need-to-know-about-the-history-of-the-vawa-tribal-jurisdiction-provision/>.

¹⁸ “America’s Dark Secret.”

¹⁹ “Maze of Injustice.”

²⁰ Andrea Smith, *Conquest: Sexual Violence And American Indian Genocide* (South End Press, 2005).

²¹ “Maze of Injustice.”

sentences that tribal courts can impose to one year in jail and a \$5,000 fine. To put this restriction into perspective, in cases of rape state court sentences typically exceed eight years and federal sentences generally surpass twelve.²² Moreover, in 1978 the Supreme Court ruled it unconstitutional for tribal courts to try non-natives without Congress' consent in its *Oliphant v. Suquamish Indian Tribe* decision.²³ This is an injustice to Indian victims of all crimes, but the problem is most exacerbated when it comes to gender violence because sexual assaults on Native American women are overwhelmingly interracial. David Perez, a graduate of Yale Law School and legal commentator, states, "the biggest problem Native American women face isn't related to crimes committed by Native Americans—it's crimes committed by non-Indians on tribal land. But those who commit violence against women on tribal lands are roaming this legal maze with absolute impunity."

Native women who come forward today to report sexual violence are caught in a jurisdictional maze between three justice systems: tribal, state and federal. Whether the victim is a member of a federally recognized tribe or not, whether the accused is a member of a federally recognized tribe or not and whether the offence took place on tribal land or not are the three most significant deciding factors in determining which justice system has the authority to prosecute the crime. David Perez explains that, "For instance, if neither the victim nor the perpetrator is Native American, then only State authorities can make the arrest and try the case. If the victim is Native American, but the perpetrator is not, then only federal agents can make the arrest. And if the victim is not Native American, but the perpetrator is? Then tribal authorities can make the

²² Duthu, "Broken Justice in Indian Country."

²³ Ibid.

arrest, but only federal courts would have jurisdiction to try the case.”²⁴ There are often significant delays before police, lawyers and courts can eventually agree upon who has jurisdiction over a particular crime. There have even been instances in which there is so much confusion over jurisdiction that the case is never tried.²⁵

A New York Times article published in February of 2013 shares the personal anecdote of Diane Millich, a Native American from the Southern Ute reservation in Colorado. Millich married a white man and in 1998 moved into a home with him on her native reservation. She became a victim of domestic violence and, like countless other Native American women, was denied legal protection and justice because her husband was white. The Southern Ute Tribal Police could not touch him because he was not native, and because she was a Native American on tribal land, the county sheriff’s deputies were powerless as well. She tried going to federal law enforcement, which did have jurisdiction, but her case was declined. Millich shares that, “after one of his beatings, he even called the county sheriff himself to prove that he could not be stopped.”²⁶ Only after he publicly threatened her at her office, opened fire and wounded one of her co-workers was he arrested. Yet even then, “law enforcement had to use a tape measure to sort out jurisdiction, gauging the distance between the barrel of the gun and the point of bullet impact to persuade the local police to intervene.”²⁷ As unbelievable as it may sound, Millich is actually lucky compared to countless other Native American women whose assailants are never convicted.

²⁴ Matthew L. M. Fletcher, “David Perez on Why GOP Is Wrong on Constitutionality of Tribal Court Provisions in VAWA Reauthorization,” *Turtle Talk*, accessed December 3, 2013, <http://turtletalk.wordpress.com/2013/02/26/david-perez-on-why-gop-is-wrong-on-constitutionality-of-tribal-court-provisions-in-vawa-reauthorization/>.

²⁵ “Maze of Injustice.”

²⁶ Jonathan Weisman, “Violence Against Women Act Held Up by Tribal Land Issue,” *The New York Times*, February 10, 2013, sec. U.S. / Politics, <http://www.nytimes.com/2013/02/11/us/politics/violence-against-women-act-held-up-by-tribal-land-issue.html>.

²⁷ Ibid.

The bureaucracy surrounding jurisdiction has ultimately caused law enforcement to be extremely inefficient on tribal lands. According to recent studies, law enforcement on reservations rarely leads to prosecution and conviction of non-Indian offenders.²⁸ N. Bruce Duthu points out in the New York Times article “Broken Justice in Indian Country” that, “the Department of Justice’s own records show that in 2006, prosecutors filed only 606 criminal cases in all of Indian country. With more than 560 federally recognized tribes, that works out to a little more than one criminal prosecution for each tribe.” Lisa Brunner, a Native American victim advocate who, along with both of her teenage daughters, has experienced rape and sexual abuse, states that, “non-natives come here hunting. They know they can come onto our land and rape us with impunity because they know we can’t touch them. The U.S. government has created that atmosphere.”²⁹

This situation is a result of not only jurisdictional confusion but also the lack of law enforcement officers in tribal communities. There is less law enforcement per capita in tribal communities than in other rural areas nationwide. A 2001 survey of police departments on tribal reservations across the country found that many tribal police departments are underfunded and lack necessary resources such as sufficient staffing (administrative and law enforcement personnel), technology, vehicles, and equipment.³⁰ The lack of resources available means that law enforcement responses to crime scenes are extremely delayed. Furthermore, upon arrival the officer must first take the time to determine whether the crime is within tribal jurisdiction. If it is

²⁸ Duthu, “Broken Justice in Indian Country.”

²⁹ “America’s Dark Secret.”

³⁰ Bubar and Thurman, “Violence Against Native Women.”

not, the state or federal law enforcement officers must be contacted, creating even more delays before the investigation may begin and the victim is actually tended to.³¹

Furthermore, federal and state prosecutors often lack the time and resources to pursue cases, and yet they are responsible for all cases involving non-native offenders. According to the Government Accountability Office, between 2005 and 2009, 67 percent of sexual abuse cases sent to the federal government for prosecution were declined.³² Although the Justice department states that it has mandated extra training for prosecutors and directed each field office to develop its own plan to help reduce violence against women in recent years, there have been no significant or quantitative improvements.³³ Some advocates for Native American women said they no longer pushed victims to report rapes.³⁴ Even if a case is accepted by the federal government, relying on federal or state authorities often means having to travel hundreds of kilometers to the nearest forensic examiner or prosecutor.

Sarah Deer, an assistant professor of law at William Mitchell College and a citizen of the Muscogee Nation of Oklahoma, states that, “There’s never really been accountability for non-Indians coming into tribal communities and committing acts of rape or domestic violence; tribal governments can’t prosecute them. I’ve heard tribal police say that the white men on the reservation basically flaunt their violence and taunt the police: ‘You can’t do anything, I know I’m outside the bounds of the law.’”³⁵ The United States legal system essentially leaves Native American women helpless and vulnerable. According to Roe Bubar, an assistant professor in the

³¹ Crossland, Palmer, and Brooks, “NIJ’s Program of Research on Violence Against American Indian and Alaska Native Women.”

³² Chekuru, “Violence Against Women Act Includes New Protections For Native American Women.”

³³ “USDOJ: Tribal Justice and Safety: Publications,” accessed October 1, 2013, <http://www.justice.gov/tribal/vawa-tribal.html>.

³⁴ “VAWA Tribal Jurisdiction Provision.”

³⁵ Rebecca Burns, “VAWA: A Victory for Women—But Which Women?,” *In These Times*, February 28, 2013, http://inthesetimes.com/article/14668/vawa_a_victory_for_womenbut_which_women/.

school of Social Work and Ethnic Studies at Colorado State University, and Pamela Jumper Thurman, a senior researcher and practitioner at the Tri-Ethnic Center for Preventative Research at Colorado State University, “The message to Native women and their children is that they are expendable and there is no real help or assistance within the system.”³⁶

Violence Against Women Act

The Violence Against Women Act is part of the Violent Crime Control and Law Enforcement Act of 1994. According to the Congressional Research Service Report, “The act was intended to change attitudes toward domestic violence, foster awareness of domestic violence, improve services and provisions for victims, and revise the manner in which the criminal justice system responds to domestic violence.”³⁷ VAWA has been widely credited with helping law enforcement and prosecutors crack down on domestic violence nationwide.³⁸ The Act provides additional tools for protecting women on native reservations specifically 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 also created the Violence Against Women Office (VAWO), which currently administers 21 grant programs and subsequent legislation, four of which are specifically targeted to Native American populations. The Department of Justice states that, “these grant programs are designed to continue to develop the nation's capacity to reduce

³⁶ Fletcher, “David Perez on Why GOP Is Wrong on Constitutionality of Tribal Court Provisions in VAWA Reauthorization.”

³⁷ Lisa M. Seghetti and Jerome P. Bjelopera, “The Violence Against Women Act: Overview, Legislation, and Federal Funding” (Congressional Research Service, May 10, 2012), <http://www.fas.org/sgp/crs/misc/R42499.pdf>.

³⁸ Fletcher, “David Perez on Why GOP Is Wrong on Constitutionality of Tribal Court Provisions in VAWA Reauthorization.”

domestic violence, dating violence, sexual assault, and stalking by strengthening services to victims and holding offenders accountable for their actions.”³⁹

In March of 2009, the Obama administration created the White House Council on Women and Girls. The Council is composed of members of the cabinet and other high-level executive officials. The group serves as an advisory body to the president and is tasked with creating a federal interagency plan of how to best respond to the critical issues which affect women and girls.⁴⁰ This federal interagency group began meeting three years ago to consider weaknesses in the Violence Against Women Act and make recommendations to Congress to fill those gaps. Over the course of a roundtable discussion between the United States Department of Justice Office on Violence Against Women, the White House Council on Women and Girls and the White House Advisor on Violence Against Women on the subject of sexual violence in the United States, it was suggested that federal agencies responsible for investigating and prosecuting sexual violence in Indian Country need to prioritize these cases and improve the transparency of their processes. Participants also recommended that tribal authorities have jurisdiction over non-Native offenders in Indian Country.⁴¹

These suggestions were aimed towards the then upcoming and expected 2012 VAWA reauthorization. VAWA expired in 2011 and lawmakers were naturally eager to reauthorize the bill before Congress adjourned the 112th Congress.⁴² However, largely because 2012 was an election year, VAWA became the front line of a much larger battle: the so-called “GOP war on women.”⁴³ The subsequent deadlock which occurred in the House of Representatives in 2012

³⁹ “USDOJ.”

⁴⁰ Luisa Blanchfield (ed), *International Violence Against Women: U.S. Response and Policy Issues* (DIANE Publishing, n.d.).

⁴¹ “Sexual Violence in the United States: Summary of the Roundtable Proceedings,” October 27, 2010, <http://www.ovw.usdoj.gov/sexual-violence-report-march.pdf>.

⁴² “VAWA Tribal Jurisdiction Provision.”

⁴³ Burns, “VAWA.”

was the first time the bill had not been reauthorized since Senator Joe Biden introduced it in 1994.⁴⁴

On March 7, 2012 Congressman Dan Boren introduced the Stand Against Violence and Empower (SAVE) Native Women Act as an addition to VAWA.⁴⁵ The Act allows tribes to exercise their sovereign power to investigate, prosecute, convict, and sentence both Native Americans and non-natives who assault Native American spouses or dating partners or violate a protection order in native lands. The reauthorized Act also clarifies tribes' sovereign power to issue and enforce civil protection orders against natives and non-natives. Tribes' criminal jurisdiction over non-natives is limited, according to the act, to crimes of domestic violence, dating violence and criminal violations of protection orders. Crimes between two strangers (including sexual assaults), crimes committed by a person who lacks sufficient ties to the tribe (such as living or working on its reservation), child abuse or elder abuse that does not involve the violation of a protection order and crimes between two non-natives will still not be covered. In addition to addressing issues of jurisdiction, the SAVE Act requires the Attorney General to submit an annual report of suggestions by Indian tribes as well as the actions taken to respond to recommendations from years prior. The aim of these annual reports is to facilitate cooperation and consultation between tribes and law enforcement agencies.⁴⁶

The White House stated in a press announcement in regards to reauthorization, "VAWA will bring justice for Native American victims. Rates of domestic violence perpetrated on Native American women are among the highest in the country. VAWA will help to improve the

⁴⁴ Ibid.

⁴⁵ *Boren Introduces Legislation to Combat Violence Against Native American Women: Rep. Dan Boren (D-OK) News Release* (Lanham, United States: Federal Information & News Dispatch, Inc., March 7, 2012), <http://search.proquest.com.proxy.lib.duke.edu/docview/926802763>.

⁴⁶ "McCollum's SAVE Native Women Act Empowers Tribal Communities to Effectively Combat Domestic Violence," accessed December 4, 2013, <http://mccollum.house.gov/press-release/mccollum%E2%80%99s-save-native-women-act-empowers-tribal-communities-effectively-combat>.

effectiveness and efficiency of the tribal justice system and bring perpetrators of violence to justice.”⁴⁷ The other major additions to VAWA that the 2013 reauthorization creates, aside from the sovereignty of tribal courts, is the protection for intimate partner violence against lesbian, gay, bisexual, and transgender people and extended access to United States’ visas for immigrant victims.⁴⁸ Ultimately, the reauthorized act extends the protections against gendered violence to minorities whom did not receive the full benefit of the original Violence Against Women Act passed in 1994.

Political Battle Over Reauthorization

The 2012 Reauthorization of VAWA spurred a long and arduous political battle. While the VAWA reauthorization passed the Senate with overwhelming bipartisan support of 78 votes in favor,⁴⁹ the reauthorization act got held up in the House of Representatives due to Republican opposition. Interestingly, it was this issue of tribal court powers, a rather obscure topic to the average American, which held up Congress’s entire broad reauthorization of the Act. Under the passed Senate bill Section 904, tribal courts are granted jurisdiction over non-Indian domestic violence offenders, while Section 905 allows for tribal protection orders involving “any person,” including non-Indian offenders. House Majority Leader Eric Cantor refused to allow VAWA to advance in his chamber because he wanted to get rid of these new protections for Native American women.

⁴⁷ “No One Should Have to Live in Fear of Violence | The White House,” accessed December 4, 2013, <http://www.whitehouse.gov/blog/2013/03/07/no-one-should-have-live-fear-violence>.

⁴⁸ Debora Ortega and Noël Busch-Armendariz, “In the Name of VAWA,” *Affilia* 28, no. 3 (August 1, 2013): 225–228.

⁴⁹ Fletcher, “David Perez on Why GOP Is Wrong on Constitutionality of Tribal Court Provisions in VAWA Reauthorization.”

Cantor and the other conservative opponents felt that the Senate's language goes too far, "empowering courts that are not equipped for the job and depriving defendants of constitutional rights without nearly enough recourse to federal courts and no guaranteed protections like those afforded by the Bill of Rights."⁵⁰ Conservatives were also concerned with the aspect of the federal government subsidizing what is considered to be under the jurisdiction of state and local governments (the law enforcement battle to combat domestic violence is usually waged and budgeted by state and local governments). David B. Muhlhausen, a Ph.D. and Research Fellow in Empirical Policy Analysis in the Center for Data Analysis at The Heritage Foundation, argues against the reauthorization act, stating that, "simply expanding this framework with extensive new provisions and programs that have been inadequately assessed is likely to facilitate waste, fraud, and abuse and will not better protect women or victims of violence generally."⁵¹ Senator John Cornyn, Republican of Texas, said on the Senate Floor, "This is a bill which could do so much good in the battle for victims' rights, but unfortunately it is being held hostage by a single provision that would take away fundamental constitutional rights for certain American citizens. And for what? For what? In order to satisfy the unconstitutional demands of special interests." The House initially watered down the bill to mitigate the new protections for the minority and subjugated groups which the Senate's version had included.⁵² The House Republican's version of the Act differs from the Senate version primarily due to its elimination of LGBT protections and its modified language regarding tribal courts, which make it harder to prosecute non-tribe members and harder to protect victims.⁵³

⁵⁰ Weisman, "Violence Against Women Act Held Up by Tribal Land Issue."

⁵¹ David Muhlhausen, "VAWA Amendment Does Not Fix the Problem," *The Foundry: Conservative Policy News Blog from The Heritage Foundation*, accessed October 1, 2013, <http://blog.heritage.org/2013/02/26/violence-against-women-act-substitute-amendment-fails-to-address-the-underlying-problems/>.

⁵² Ibid.

⁵³ "Rights Groups to GOP: Stop Watering Down the Violence Against Women Act," *Mother Jones*, accessed December 9, 2013, <http://www.motherjones.com/mojo/2013/02/gop-vawa-bill-lgbt-undocumented-immigrants>.

Native American groups formed a significant lobbying force in opposition to the House's Republican version of the bill. Eight Native American groups disclosed lobbying on the bill,⁵⁴ and Native American women nationwide loudly clamored for their right to legal protection against gender violence. Many Native American groups even tried bargaining with the Republican opposition in order to ensure that the bill pass through the House. Jacqueline Pata, executive director of the National Congress of American Indians, said that the tribes, "tried to assuage Congressional misgivings, expanding financing and capacity, bolstering indigent legal representation, and changing rules to ensure that non-Indian defendants would face a jury of their peers, Indian and non-Indian alike."⁵⁵ However, other Native American individuals were outraged that the SAVE Act could possibly be taken off the table and were not willing to negotiate. "Dropping the Indian provisions from the final bill should be a fireable offense," said Pamela Stearns, a citizen of the Tlingit Indian Tribe and an outspoken leader for women's rights, "If anyone in Congress agrees to that, they should be forced to explain to Indian country just how they think they can bargain away our honor, our dignity, our pride, and our safety."⁵⁶

The Obama administration steadfastly stood in support of the reauthorization, particularly the tribal provisions.⁵⁷ On May 15, 2012, the White House issued a Statement of Administration Policy stating that, "If the President is presented with H.R. 4970, his senior advisors would recommend that he veto the bill."⁵⁸ Outside legal experts also concurred with the Native American community and supporters and asserted that the tribal provisions are fully constitutional. Among those who entered the fray were fifty American law professors, including

⁵⁴ Viveca Novak on May 15 and 2012 2:33 Pm, "Violence Against Women Act Focus of Heavy Lobbying - OpenSecrets Blog," accessed December 4, 2013, <http://www.opensecrets.org/news/2012/05/vawa.html>.

⁵⁵ Weisman, "Violence Against Women Act Held Up by Tribal Land Issue."

⁵⁶ Kpolisse, "Native Women Warriors Lobby for Pro-Tribal VAWA," Text, *Indian Country Today Media Network.com*, June 27, 2012, <http://indiancountrytodaymedianetwork.com/2012/06/27/native-women-warriors-lobby-pro-tribal-vawa-120933>.

⁵⁷ "No One Should Have to Live in Fear of Violence | The White House."

⁵⁸ "VAWA Tribal Jurisdiction Provision."

some of the most notable experts in federal Indian law, who submitted a joint letter to congressional leaders in late April 2012 expressing their “full confidence in the constitutionality of the legislation.”⁵⁹

By a vote of 286 to 138 the U.S. House of Representatives eventually passed the Senate’s pro-tribe version of the bill. It strengthened and reauthorized the Violence Against Women Act and was signed by President Obama on March 7, 2013. It is currently still being hailed as a great victory for Native American women. When President Obama signed the reauthorization, he commented, “This is the day of the advocates, the day of the survivors. This is your victory. This victory shows that when the American people make their voices heard, Washington listens.”⁶⁰ Native Americans are commonly thought of as the biggest benefactors of the reauthorization. “It’s a great victory for women everywhere but especially tribal women,” said Rep. Ann Kirkpatrick.⁶¹ Secretary of the Interior Ken Salazar praised the new Act, stating, “This historic legislation, which recognizes and affirms inherent tribal jurisdiction over non-Indians in domestic violence cases, will provide much needed tools to tribal justice systems to effectively protect Indian women from abuse.” Navajo Nation President Shelly also acclaimed the House for passing the broad bipartisan Senate version of the Act. He commented, “The Navajo Nation, like any government, should have the right to protect its people. I am encouraged by the bold leadership of our congressional Representatives today in protecting our sovereign rights.”⁶² This new law generally takes effect on March 7, 2015, but also authorizes a voluntary "Pilot Project"

⁵⁹ Bruce Duthu, *Shadow Nations: Tribal Sovereignty and the Limits of Legal Pluralism* (Oxford University Press, 2013), <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199735860.001.0001/acprof-9780199735860>.

⁶⁰ “Obama Signs Violence Against Women Reauthorization Act,” *ABC News Blogs*, accessed December 9, 2013, <http://abcnews.go.com/blogs/politics/2013/03/obama-signs-violence-against-women-reauthorization-act/>.

⁶¹ Michelle Peirano Cronkite News, “Violence Against Women Reauthorization Adds Protections for Tribal Women,” accessed December 9, 2013, <http://cronkitenewsonline.com/2013/02/violence-against-women-reauthorization-add-protections-for-tribal-women/>.

⁶² Matthew L. M. Fletcher, “Navajo President Lauds Passage of VAWA Reauthorization,” *Turtle Talk*, accessed December 3, 2013, <http://turtletalk.wordpress.com/2013/02/28/navajo-president-lauds-passage-of-vawa-reauthorization/>.

to allow certain tribes to begin exercising SDVCJ sooner.⁶³ There is currently barely any public discussion of the remaining limitations of the new Act.

Conclusion

It is dangerously easy to assume that since Native Americans won the political battle of the 2013 VAWA reauthorization they have also achieved the proper human rights protection which they deserve. However, political standards and human rights are far from the same. Upon closer reflection of how the VAWA reauthorization impacts Native American women's specific human rights, it becomes apparent that the new Act is not a true and complete victory for the native victims of sexual violence.

The VAWA Reauthorization of 2013 only goes halfway to ensure the human rights of life, liberty and security of person for Native American women. While the new tribal provisions allow Native American communities much more sovereignty than previous versions of VAWA, there are still extreme jurisdictional limitations. For example, crimes between two strangers (including sexual assaults), crimes committed by a person who lacks sufficient ties to the tribe (such as living or working on its reservation) and child or elder abuse that does not involve the violation of a protection order are still out of tribal courts' jurisdiction.⁶⁴ Sarah Deer, a citizen of Muscogee (Creek) Nation and assistant professor of law at William Mitchell College of Law, explains that the law will only apply to non-Indians who are married or in an intimate relationship with a tribal member. It is also limited to cases of domestic violence. Deer says,

⁶³ "USDOJ."

⁶⁴ Ibid.

"So it's not going to apply to just anyone who happens to be on the reservation. It's not going to apply to people who visit a casino, unless they're in some type of romantic relationship with a tribal woman."⁶⁵ Bruce Duthu, an internationally recognized scholar of Native American law and policy and professor at Dartmouth College, points out that, "The reauthorized VAWA goes part of the way by affirming tribal sovereignty over all offenders for a very limited class of offenses."⁶⁶

Furthermore, while the VAWA reauthorization gives tribal courts more sovereignty, it does nothing to address the concerning inadequacies of these tribal courts. According to Amnesty International, "Tribal law enforcement agencies are also chronically under-funded – federal and state governments provide significantly fewer resources for law enforcement on tribal land than are provided for comparable non-Native communities. The lack of appropriate training in all police forces -- federal, state and tribal -- also undermines survivors' right to justice. Many officers don't have the skills to ensure a full and accurate crime report. Survivors of sexual violence are not guaranteed access to adequate and timely sexual assault forensic examinations, which is caused in part by the federal government's severe under-funding of the Indian Health Service."⁶⁷ Tribal courts' recently enlarged jurisdiction is being regarded as a great victory, but it is important to remember that these tribal law enforcement systems do not presently have the necessary means to successfully pursue justice for victims. Furthermore, tribes wishing to take advantage of VAWA's jurisdictional provisions need to first enact many institutional changes, such as amending current tribal codes, hiring new judges, and devoting

⁶⁵ "Violence Against Women Act Reauthorization Hailed in Indian Country," *MPR News*, accessed December 3, 2013, <http://minnesota.publicradio.org/display/web/2013/03/07/law/violence-against-women-act-indian-country>.

⁶⁶ Duthu, *Shadow Nations*.

⁶⁷ "Maze of Injustice."

resources to pay for public defenders in order to qualify.⁶⁸ Thus, the VAWA reauthorization does not ensure Native American women's right to recognition and equality everywhere as a person before the law. It is undeniable that Native American women still receive substandard legal protection and security compared to other American women.

As decreed by the United Nations, it is a human right to, "an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."⁶⁹ The federal advisory bodies, in this sense the equivalent of the "national tribunals," suggested that federal agencies responsible for investigating and prosecuting sexual violence in Indian Country need to prioritize these cases and improve the transparency of their processes. The councils also recommended that tribal authorities have jurisdiction over non-Native offenders in Indian Country.⁷⁰ According to the White House, most of the committees' suggestions are included in the reauthorized version of the Violence Against Women Act.⁷¹ However, the reauthorized Act does not dictate any necessary requirement of federal agencies to make sexual violence cases on tribal lands a priority. Furthermore, tribal authorities only have jurisdiction over some of the non-native offenders on tribal lands. Ultimately, Native Americans were not granted the full "effective remedy" which these interagency councils recommended.

Another major limitation of the 2013 VAWA reauthorization is that Alaskan Native women are left out. As Native Americans and supporters across the country celebrate the VAWA reauthorization, the controversial provision that excluded Alaskan Native tribes from the

⁶⁸ Winter King, "Navigating VAWA's New Tribal Court Jurisdictional Provision," Text, *Indian Country Today Media Network.com*, March 31, 2013, <http://indiancountrytodaymedianetwork.com/opinion/navigating-vawas-new-tribal-court-jurisdictional-provision-148458>.

⁶⁹ "The Universal Declaration of Human Rights."

⁷⁰ "Sexual Violence in the United States: Summary of the Roundtable Proceedings."

⁷¹ "No One Should Have to Live in Fear of Violence | The White House."

tribal jurisdiction provisions has been largely left out of the media.⁷² This new provision prevents Alaskan Native women from gaining the same benefits which all other Native American women in the United States are now receiving from the VAWA reauthorization. The cause of this disparity between Alaska Natives and Native Americans is differences in land ownership. In Alaska, tribes do not have reservations, so they cannot base claims of jurisdiction on reservation boundaries.⁷³ Tragically, for this same reason Native Alaskan women are probably in the most need of tribal sovereignty. There are currently 140 Alaskan villages with no state law enforcement. Because of the vast distances, weather conditions, and lack of state trooper posts in Alaska, law enforcement response times can be very slow and often too late to help. The only place many women can turn to for protection against gender violence is their tribe.⁷⁴ Thus, Native Alaskan women's human rights continue to be grossly violated.

Recommendations

In order to best protect Native American women's human rights, VAWA needs to extend tribal jurisdiction to all crimes of gender violence which occur on tribal lands. As the sovereigns closest in physical distance to the actual crime, tribal courts are likely to be the most effective means of law enforcement, and may be able to engage the community in efforts to prevent gender violence in the first place. Peace Over Violence, a non-profit dedicated to preventing gender violence, issued the statement that, "We believe that services and law enforcement response must be culturally relevant and sensitive. We look forward to supporting more federal

⁷² "Native American Rights Fund," n.d., <http://www.narf.org/cases/vawa2013.html>.

⁷³ "Shannyn Moore: Alaska Politicians Stand in the Way of Protections | Shannyn Moore | ADN.com," accessed December 3, 2013, <http://www.adn.com/2013/03/09/2819003/shannyn-moore-alaska-politicians.html>.

⁷⁴ "Alaska Native Women Lose in Violence Against Women Act Renewal," *Alaska Dispatch*, accessed December 3, 2013, <http://www.alaskadispatch.com/article/20130312/alaska-native-women-lose-violence-against-women-act-renewal>.

legislation that dedicates resources to improving response to domestic violence and sexual assault on tribal land through engaging the community and creating the capacity and supports within and of the community to intervene and prevent all forms of gender-based violence.”⁷⁵ Tribal courts undeniably care more about the wellbeing of the victims, and the argument that tribal courts are incapable of producing impartial juries is unfair and discriminatory. Moreover, Native American tribes are privy to the collective human right of governing themselves, as decreed by the United Nations as, “indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal or local affairs.”⁷⁶ In my opinion, a crime of gender violence which occurs on tribal land is an internal matter, no matter whether the offender is native or not. The loopholes in the justice system concerning the prosecution of non-natives are precisely what perpetuate the culture of rape on tribal reservations. According to Judy Postmus, the author of *Sexual Violence and Abuse: An Encyclopedia of Prevention, Impacts, and Recovery*, “offenders commit crimes in Indian Country precisely because of the jurisdictional gaps and lack of resources for tribal citizens.”⁷⁷ In order to dismantle this cultural norm of sexual assault, it is critical that more federal funds from VAWA should go towards improving the tribal courts and law enforcement system so that they are actually effective.

I also recommend that tribal court systems create stronger statutory laws. Sarah Deer, an assistant professor at William Mitchell College of Law and a citizen of the Muscogee (Creek) Nation, states that, “During the last century, various criminal codes have been written and signed into law by tribal legislatures—some much better than others. Statutes are sometimes out of date.

⁷⁵ Emily Austin, “Statement from Peace Over Violence,” December 9, 2013, <https://webmail.duke.edu/index.php/mail>.

⁷⁶ “United Nations,” accessed December 9, 2013, <http://www.un.org/en/>.

⁷⁷ Judy Postmus, *Sexual Violence and Abuse: An Encyclopedia of Prevention, Impacts, and Recovery* (ABC-CLIO, 2012).

In addition, some of the earliest tribal criminal codes were taken from "boilerplate" codes which were drafted by non-Indians. Over the past several years, I have reviewed over 100 tribal sexual assault laws. What I have found is that many tribal codes have weaknesses—and most of the time, these weaknesses are inconsistent with tribal traditional laws which served to protect women and children.”⁷⁸ For example, some tribal codes require that a prosecutor prove that physical force was used to commit sexual assault and some even have a marital exemption clause. These standards of gender violence are outdated and, frankly, insulting to women. The sovereignty of tribal courts can only benefit Native American women if tribal laws are updated to efficiently protect native women’s human rights. If there is no sexual assault code in place at the tribal level, no justice can be found in tribal court.

Furthermore, in order to equalize the treatment of Native American women and non-native women before the law, it is imperative to create a system to collect, analyze and disseminate crime and victimization data on tribal lands. There is currently no systematic national data collection effort or program of research focused on crime on reservations, whereas there are extensive programs for this purpose throughout the rest of the United States. It is very rare that federal, state, and local crime data reports even distinguish between offenses committed in Indian Country from those committed elsewhere. According to the National Institute of Justice’s Program of Research on Violence Against American Indian and Alaska Native Women, “The primary mechanisms for reporting crime data—the FBI’s Uniform Crime Reporting (UCR) program and the National Incident Based Reporting System (NIBRS)—do not include offenses committed on reservations or criminal and delinquency arrests and subsequent processing by federal agents (e.g., FBI, BIA, The Drug Enforcement Administration [DEA], Bureau of

⁷⁸ Mazecyrus, “Violence Against Women and Tribal Law,” Text, *Indian Country Today Media Network.com*, July 16, 2012, <http://indiancountrytodaymedianetwork.com/2012/07/16/violence-against-women-and-tribal-law>.

Alcohol, Tobacco, Firearms and Explosives [ATF], U.S. Immigration and Customs Enforcement [ICE]).”⁷⁹ Collecting such information allows the government to anticipate, monitor and prevent such criminal activity. The next VAWA reauthorization should create such a system so that Native American women can finally begin to receive the same protection against gender violence as all other American women.

Ultimately, it is important to remember that the condition of Native American women today can be explained through history. Bubar and Thurman, the authors of “Violence Against Native Women,” eloquently state that, “colonization and historical trauma resulted in the sanctioning of violence against Native people, deterioration of traditional support systems for Native women, adoption of the dominant culture's view of women, resulting in economic deprivation and impoverishment of tribal communities.”⁸⁰ The high rate of gender violence experienced by native women today at the hands of white men is almost tradition within American society. In order to truly change such a fundamental problem, the attitude of an entire nation must be reformed. The VAWA reauthorization of 2013 represents a step in the right direction, but there is still much more to be done to safeguard native women’s human rights.

⁷⁹ Crossland, Palmer, and Brooks, “NIJ’s Program of Research on Violence Against American Indian and Alaska Native Women.”

⁸⁰ Bubar and Thurman, “Violence Against Native Women.”

Works Cited

- “Alaska Native Women Lose in Violence Against Women Act Renewal.” *Alaska Dispatch*. Accessed December 3, 2013. <http://www.alaskadispatch.com/article/20130312/alaska-native-women-lose-violence-against-women-act-renewal>.
- “America’s Dark Secret: Violence Against Natives.” *Girls’ Globe*. Accessed December 5, 2013. <http://girlsglobe.org/2013/04/19/americas-dark-secret-violence-against-natives/>.
- Austin, Emily. “Statement from Peace Over Violence,” December 9, 2013. <https://webmail.duke.edu/index.php/mail>.
- Boren Introduces Legislation to Combat Violence Against Native American Women: Rep. Dan Boren (D-OK) News Release*. Lanham, United States: Federal Information & News Dispatch, Inc., March 7, 2012. <http://search.proquest.com.proxy.lib.duke.edu/docview/926802763>.
- Bubar, Roe, and Pamela Jumper Thurman. “Violence Against Native Women.” *Social Justice* 31, no. 4 (98) (January 1, 2004): 70–86.
- Burns, Rebecca. “VAWA: A Victory for Women—But Which Women?” *In These Times*, February 28, 2013. http://inthesetimes.com/article/14668/vawa_a_victory_for_womenbut_which_women/.
- Chekuru, Kavitha. “Violence Against Women Act Includes New Protections For Native American Women.” *Huffington Post*, March 10, 2013. http://www.huffingtonpost.com/2013/03/10/violence-against-women-act-native-americans_n_2849931.html.
- Comas-Diaz, Lillian, and Beverly Greene. *Psychological Health of Women of Color: Intersections, Challenges, and Opportunities*. ABC-CLIO, 2013.
- Crossland, Christine, Jane Palmer, and Alison Brooks. “NIJ’s Program of Research on Violence Against American Indian and Alaska Native Women.” *Violence Against Women* 19, no. 6 (June 1, 2013): 771–790.
- Duthu, Bruce. *Shadow Nations: Tribal Sovereignty and the Limits of Legal Pluralism*. Oxford University Press, 2013. <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199735860.001.0001/acprof-9780199735860>.
- Duthu, N. Bruce. “Broken Justice in Indian Country.” *The New York Times*, August 11, 2008, sec. Opinion. <http://www.nytimes.com/2008/08/11/opinion/11duthu.html>.
- Fletcher, Matthew L. M. “David Perez on Why GOP Is Wrong on Constitutionality of Tribal Court Provisions in VAWA Reauthorization.” *Turtle Talk*. Accessed December 3, 2013. <http://turtletalk.wordpress.com/2013/02/26/david-perez-on-why-gop-is-wrong-on-constitutionality-of-tribal-court-provisions-in-vawa-reauthorization/>.
- “Navajo President Lauds Passage of VAWA Reauthorization.” *Turtle Talk*. Accessed December 3, 2013. <http://turtletalk.wordpress.com/2013/02/28/navajo-president-lauds-passage-of-vawa-reauthorization/>.
- “UN Human Rights Press Release: UN Experts Call for VAWA Reauthorization.” *Turtle Talk*. Accessed December 3, 2013. <http://turtletalk.wordpress.com/2013/02/20/un-human-rights-press-release-un-experts-call-for-vawa-reauthorization/>.
- King, Winter. “Navigating VAWA’s New Tribal Court Jurisdictional Provision.” Text. *Indian Country Today Media Network.com*, March 31, 2013. <http://indiancountrytodaymedia>

- network.com/opinion/navigating-vawas-new-tribal-court-jurisdictional-provision-148458.
- Kpolisse. "Native Women Warriors Lobby for Pro-Tribal VAWA." Text. *Indian Country Today Media Network.com*, June 27, 2012. <http://indiancountrytodaymedianetwork.com/2012/06/27/native-women-warriors-lobby-pro-tribal-vawa-120933>.
- "Maze of Injustice." Accessed December 4, 2013. <http://www.amnestyusa.org/our-work/issues/women-s-rights/violence-against-women/maze-of-injustice>.
- Mazecyrus. "Violence Against Women and Tribal Law." Text. *Indian Country Today Media Network.com*, July 16, 2012. <http://indiancountrytodaymedianetwork.com/2012/07/16/violence-against-women-and-tribal-law>.
- "McCollum's SAVE Native Women Act Empowers Tribal Communities to Effectively Combat Domestic Violence." Accessed December 4, 2013. <http://mccollum.house.gov/press-release/mccollum%E2%80%99s-save-native-women-act-empowers-tribal-communities-effectively-combat>.
- Muhlhausen, David. "VAWA Amendment Does Not Fix the Problem." *The Foundry: Conservative Policy News Blog from The Heritage Foundation*. Accessed October 1, 2013. <http://blog.heritage.org/2013/02/26/violence-against-women-act-substitute-amendment-fails-to-address-the-underlying-problems/>.
- "Native American Rights Fund," n.d. <http://www.narf.org/cases/vawa2013.html>.
- News, Michelle Peirano Cronkite. "Violence Against Women Reauthorization Adds Protections for Tribal Women." Accessed December 9, 2013. <http://cronkitenewsonline.com/2013/02/violence-against-women-reauthorization-add-protections-for-tribal-women/>.
- "No One Should Have to Live in Fear of Violence | The White House." Accessed December 4, 2013. <http://www.whitehouse.gov/blog/2013/03/07/no-one-should-have-live-fear-violence>.
- "Obama Signs Violence Against Women Reauthorization Act." *ABC News Blogs*. Accessed December 9, 2013. <http://abcnews.go.com/blogs/politics/2013/03/obama-signs-violence-against-women-reauthorization-act/>.
- Ortega, Debora, and Noël Busch-Armendariz. "In the Name of VAWA." *Affilia* 28, no. 3 (August 1, 2013): 225–228. doi:10.1177/0886109913495644.
- Postmus, Judy. *Sexual Violence and Abuse: An Encyclopedia of Prevention, Impacts, and Recovery*. ABC-CLIO, 2012.
- "Rights Groups to GOP: Stop Watering Down the Violence Against Women Act." *Mother Jones*. Accessed December 9, 2013. <http://www.motherjones.com/mojo/2013/02/gop-vawa-bill-lgbt-undocumented-immigrants>.
- Seghetti, Lisa M., and Jerome P. Bjelopera. "The Violence Against Women Act: Overview, Legislation, and Federal Funding." Congressional Research Service, May 10, 2012. <http://www.fas.org/sgp/crs/misc/R42499.pdf>.
- "Sexual Violence in the United States: Summary of the Roundtable Proceedings," October 27, 2010. <http://www.ovw.usdoj.gov/sexual-violence-report-march.pdf>.
- "Violence Against Native Women Gaining Global Attention; Congress Encouraged to Act." Text. *Indian Country Today Media Network.com*, October 11, 2012. <http://indiancountrytodaymedianetwork.com/2012/10/11/violence-against-native-women-gaining-global-attention-congress-encouraged-act-139108>.

- “Shannyn Moore: Alaska Politicians Stand in the Way of Protections | Shannyn Moore | ADN.com.” Accessed December 3, 2013. <http://www.adn.com/2013/03/09/2819003/shannyn-moore-alaska-politicians.html>.
- Smith, Andrea. *Conquest: Sexual Violence And American Indian Genocide*. South End Press, 2005.
- “The Universal Declaration of Human Rights.” Accessed December 8, 2013. <http://www.un.org/en/documents/udhr/>.
- “United Nations.” Accessed December 9, 2013. <http://www.un.org/en/>.
- “USDOJ: Office on Violence Against Women: Tribal Communities.” Accessed October 1, 2013. <http://www.ovw.usdoj.gov/tribal.html>.
- “USDOJ: Tribal Justice and Safety: Publications.” Accessed October 1, 2013. <http://www.justice.gov/tribal/vawa-tribal.html>.
- “VAWA Tribal Jurisdiction Provision.” *Belt Way Indian*. Accessed December 3, 2013. <http://beltwayindian.wordpress.com/2012/12/09/all-you-need-to-know-about-the-history-of-the-vawa-tribal-jurisdiction-provision/>.
- “Violence Against Women Act Reauthorization Hailed in Indian Country.” *MPR News*. Accessed December 3, 2013. <http://minnesota.publicradio.org/display/web/2013/03/07/law/violence-against-women-act-indian-country>.
- Weisman, Jonathan. “Violence Against Women Act Held Up by Tribal Land Issue.” *The New York Times*, February 10, 2013, sec. U.S. / Politics. <http://www.nytimes.com/2013/02/11/us/politics/violence-against-women-act-held-up-by-tribal-land-issue.html>.