Legislation Recognizes and Affirms Tribal Court Jurisdiction over Non-Indians in Domestic Violence Crimes

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WASHINGTON – Secretary of the Interior Ken Salazar and Assistant Secretary- Indian Affairs Kevin K. Washburn today praised the passage of the Violence Against Women Act, which includes important provisions for federally recognized tribal communities, saying it advances the progress the nation has made in combating violence against women by providing greater protections against homicide, rape, assault and battery in the home, workplace and on school campuses across the country.

“By providing stronger protections and greater resources to states and Indian tribes, this legislation will make women and vulnerable populations safer,” Salazar said. “This legislation is especially significant for the First Americans because it closes a gaping legal loophole that prevented the arrest and prosecution of non-Indian men who commit domestic violence against Indian women on federal Indian lands. 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.”

"American Indian women experience among the highest domestic violence victimization rates in the country and more than half of all married Indian women have non-Indian husbands,” said Assistant Secretary Washburn. “This legislation provides tools to tribal governments to address the problem of domestic violence much more completely on Indian reservations.”

“I applaud Congress’s reauthorization of the Violence Against Women Act today. Tribal leaders, tribal law enforcement, and tribal courts are all too familiar with this type of violence. It is shameful that for far too long, many American Indian women victims came to accept that there was nothing they could do when their abuser was non-Indian,” said Washburn. “Now, tribal courts have the ability to enforce protection orders again non-Indians, regardless of where the order originated, and to prosecute any individual who stands accused of domestic violence on a federal Indian reservation. American Indian women are now safer with the passage of this law.”

The Senate last week voted for a broadened version of the landmark law, first enacted in 1994, which provides a comprehensive approach to violence against women by combining tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence. The Senate version approved by the House today also enhances protections for other vulnerable populations, such as American Indians and gay, lesbian, bisexual and transgender victims. The bill now goes to the President for his signature.

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