



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SPO-16-053

TITLE: Supporting S. 2785, the Tribal Youth & Community Protection Act

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, violent crime in Indian country is at epidemic levels, with more than 4 in 5 Native women and men experiencing intimate partner violence, sexual violence, and stalking in their lifetime; and

WHEREAS, nearly all of the Native victims of intimate partner violence, sexual violence, and stalking have been victimized by a non-Indian offender; and

WHEREAS, the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence concluded that service providers and policy makers should assume that *all* Native children have been exposed to violence; and

WHERE AS, the illegal manufacture, sale and use of illegal drugs on American Indian reservations and in Alaska Native villages creates a dangerous environment with enormous costs for tribal communities and is a contributing factor in far too many cases of domestic violence, sexual assault, and child abuse; and

WHEREAS, the 2013 Re-authorization of the Violence Against Women Act permitted tribes to exercise limited inherent criminal jurisdiction over non-Indian domestic violence perpetrators in narrow circumstances; and

WHEREAS, the experience of those tribes that have implemented jurisdiction over non-Indians pursuant to VAWA 2013 highlights additional gaps in jurisdiction that continue to leave tribal citizens, particularly women and children, vulnerable to violent crime; and

WHEREAS, despite the fact that nearly all of the domestic violence cases prosecuted in tribal court against non-Indians have involved Indian children as either victims or witnesses, tribes have no jurisdiction over these crimes; and

WHEREAS, tribal courts have no jurisdiction to charge defendants for crimes that co-occur with domestic violence, including drug or property crimes, or that take place within the tribal criminal justice system, including crimes such as assaulting an officer, perjury, or witness tampering; and

WHEREAS, Indian tribes continue to be hampered in their ability to provide safety and justice to domestic violence victims in their communities; and

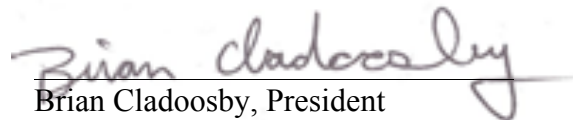
WHEREAS, S. 2785, the Tribal Youth and Community Protection Act would address some of these gaps in jurisdiction by reaffirming tribal jurisdiction over child abuse, drug crimes, and crimes committed by non-Indian offenders against tribal officers and employees.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports S. 2785, the Tribal Youth & Community Protection Act, and urges its swift passage.

NOW THEREFORE BE IT FURTHER RESOLVED, that the National Congress of American Indians calls on Congress to consider additional legislative proposals that would address the many remaining gaps in tribal criminal jurisdiction.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary