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Race and Ethnicity in American Politics

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Issue Brief: Sexual Violence in Native American Communities

Abstract

This issue brief will describe the high rate of sexual violence in Native American communities, which is so large that one in three Native women report incidents of rape. While there have been numerous political and jurisdictional changes in the past decade to address this issue, more has to be done in order to improve the rates of sexual violence in a timely and effective manner.

Keywords

Native Americans, Women's Issues, Sexual Violence, Violence Against Women Act, Jurisdictional Issues

Key Points

- Native American women suffer sexual assault and rape at a level that is 2.5 times the national average.
- Tribal communities cannot prosecute non-Native rapists due to court authority rules, allowing serial rapists to prey on Native communities.
- The Violence Against Women Act in 2013 promised to crackdown on sexual abuse in Native American communities and to allow tribes to put non-Native rapists on trial. However, minimal funds and resources preclude the majority of tribes from meeting the requirements for these trials.
- One year after the passage of the Violence Against Women Act, the Department of Justice implemented a pilot program for three tribal courts to try non-Natives.
- Although hailed as momentous, the Violence Against Women Act was largely symbolic and progress must be made more expediently to resolve the injustices.

Issue Brief

The rate of sexual assault and rape in Native American communities is more than 2.5 times the national average, with one-third of Native women reporting cases of rape

(Department of Justice). This rate varies from tribe to tribe, with rural Alaskan Native communities experiencing even worse statistics, such as the village of Emmonak's sexual abuse rate, which is 12 times higher than the national rate (Williams). At this level, women are more likely to be victims of rape than not—an atrocious reality that cannot be tolerated in the United States.

For this reason, President Obama signed a new version of the Violence Against Women Act in March 2013 and specified an intended crackdown on sexual abuse in Native



American communities. The main reason for this heightened incidence, however, is not a failure of women's protection and rights within tribal communities. Instead, 86% of the rapes reported in Native American tribes are committed by non-Native men ("Maze of Injustice"). Before the passing of the Violence Against Women Act, tribes could not prosecute non-Native alleged rapists, and several House Republicans opposed the bill's passing due to its granting tribal courts authority over non-Native American citizens (Williams).

Although the passing of this section of the Violence Against Women Act represents a victory, it is an essentially symbolic one. Due to minimal resources and lack of funding, only 100 out of 566 tribes will be able to meet the guidelines

stipulated by the bill within the next five years (Childress). These guidelines demand that tribal courts offer non-Native defendants rights comparable to those of state courts, such as the right to an attorney, trained judges, and a jury that includes non-Natives. This necessitates an immense transformation for many tribal judicial systems, as some do not require that judges have law degrees or the presence of a defense attorney.

Figure 1: This politically charged poster highlights the staggering statistics and encourages observers to promote VAWA despite Republican opposition.
<http://feministactivism.com/tag/united->

Although the Violence Against Women Act indicates a breakthrough in the fight against sexual violence in Native American communities, it will be a slow and incomplete solution. For many more years, the Department of Justice will continue to hold jurisdiction over crimes perpetrated by non-Native citizens on tribal lands that do not reform their judicial structure. The failure of the federal judicial system on behalf of Native American women is appalling: Only 13% of Native American sexual assault cases result in arrests, compared to the still unacceptable rates of 32% for white victims and 35% for African American victims (Williams). The Department of Justice failed to follow through on 65% of the Native American rape cases in 2011, and reports from within Native American communities suggest that some federal prosecutors have stopped urging sexual assault victims to report incidents of rape (Williams). The latest breakthrough in the federal push for tribal autonomy over non-Native sexual assailants occurred in February 2014—almost an entire year after the Act passed—when the Department of Justice announced its pilot program for prosecuting non-Native sexual assault suspects in the tribal courts of three tribes (Culp-Ressler). If declared successful, the pilot program will expand to more tribes.

Despite a call from the President to ameliorate the conditions for Native American women, the government could do more to prioritize ending the violence. A small step, one year after legislation hailed as a “turning point” passed, is not sufficient. Native American women have not been prioritized. Increased federal funding and raising awareness are further steps the government can and should take to fix this complicated and unacceptable reality.

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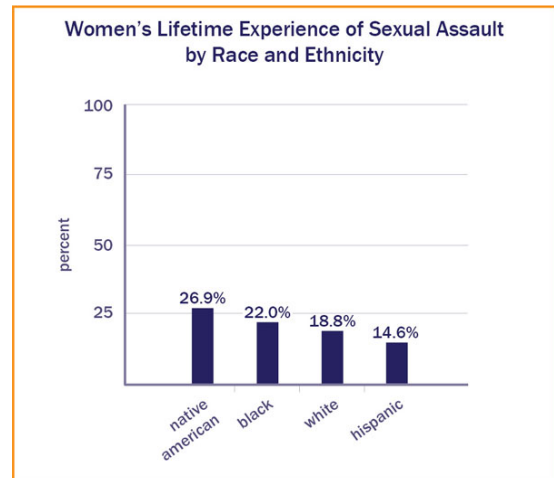


Figure 2: This graph illustrates the high percentage of Native American women who are sexually assaulted relative to other ethnicities. This is the lowest estimation of percentage of victims.
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