Senator Leahy Welcomes ‘Constructive’ New House GOP Proposal on Tribal Violence as He Pushes for Final Action on VAWA

December 6, 2012

[WASHINGTON (Thursday, December 6, 2012) – Judiciary Committee Chairman Senator Patrick Leahy (D-Vt.), lead author of the Violence Against Women Reauthorization Act, Thursday highlighted a key provision in the measure that would allow tribal courts limited jurisdiction to consider domestic violence offenses committed against Indian women on tribal lands by non-Indian. This piece of the widely supported Leahy-Crapo measure was included to ensure that VAWA covers all victims in this country, and especially those neglected communities with higher rates of violence and abuse.

With just two weeks left until the end of the year, House Republican leaders are preventing a bipartisan compromise on VAWA because of their objections to this important tribal provision despite its broad support among service providers, advocates, every woman Senator and a total of 15 Republican Senators. Senator Leahy called on House Republicans to listen to their own conference members, many of whom who recently endorsed a complementary tribal bill authored by Rep. Darrell Issa (R-Calif.) and Rep. Tom Cole (R-Okla.), and take up the Senate-passed VAWA bill without further delay.]

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Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
on The Violence Against Women Reauthorization Act

December 6, 2012

As the end of this Congress rapidly approaches, it is time for the Senate and the House to come together to pass the Leahy-Crapo Violence Against Women Reauthorization Act.

Earlier this week I read in the Burlington Free Press the story of Carmen Tarleton, a woman from Thetford, Vermont. Five years ago, Carmen’s estranged husband broke into her home, beat her with a baseball bat, and poured industrial-strength lye on her, severely burning a great deal of her body and nearly blinding her. Her doctors said that she had suffered “the most horrific injury a human being could suffer.” Today, she is disfigured and continues to experience pain from her injuries. She is currently awaiting approval for a procedure that could help her get a face transplant. Despite this, Carmen is courageously sharing her story in a book that she has written called “Overcome: Burned, Blinded, and Blessed.” Stories like hers remind me that every day we do not pass legislation that will help to prevent horrific violence and assist victims, more people are suffering. I ask that a copy of this article be included in the record.

Senator Crapo and I put together our bill after listening to victims and the professionals who work with them every day. None of the provisions in our bill were included to score political points. All of them address the urgent needs of vulnerable victims.

One key provision in our bipartisan bill would allow tribal courts limited jurisdiction to consider domestic violence offenses committed against Indian women on tribal lands by non-Indians. The epidemic of violence against native women is appalling. According to a recent study, almost three in five native women have been assaulted by their spouses or intimate partners. Much of this violence is committed by non-Indians. Federal and state law enforcement may be hours away and lack the resources to respond to these cases, while tribal courts lack jurisdiction to consider these cases. Effectively, these perpetrators are immune from the law, and they know it. The jurisdiction provision in the Leahy-Crapo bill would be a significant step toward addressing this horrific problem and ensuring that no abuser is above the law. As the President said yesterday in a speech to the Tribal Nations Conference: “With domestic violence so prevalent on reservations, we’re pushing Congress to restore your power to bring to justice anyone – Indian or non-Indian – who hurts a woman.”
Even though this tribal provision is limited and guarantees comprehensive rights, House Republicans have objected to it. Today, I come to the Senate to report what I hope is a breakthrough on this issue and this important bill.

Two conservative House Republicans with leadership positions in the Republican House majority have introduced a reasonable: a middle ground position regarding tribal jurisdiction. Representative Issa of California and Representative Cole of Oklahoma have introduced the Violence Against Indian Women Act, H.R. 6625. Their cosponsors include Republicans from North Carolina, Minnesota and Idaho. They all have tribes within their states and are concerned about the violence our Senate bill is trying to combat. Their bill includes a provision that allows defendants to remove a case to Federal Court if any defendants’ rights are violated. This modification should ensure that only those tribes that are following the requirements of the law and providing full rights can exercise jurisdiction and that defendants can raise challenges at the beginning of a case.

Some in the House Republican leadership have expressed a “just say no” approach to any grant of tribal jurisdiction but the House Republican leadership should give serious and thoughtful consideration to this Republican proposal so that we can move forward and protect thousands of victims. I am consulting with Senators on both sides of the aisle regarding this proposal so that we can find a way forward. The National Congress of American Indians has urged Senator Crapo and me “to take a serious look at the Issa/Cole provision.” We are. I urge the House Republican leadership to do so, as well, and ask that a copy of the letter be included in the record at the conclusion of my remarks.

Already, eight House Republicans have endorsed this approach in a letter to Speaker Boehner urging passage of our VAWA legislation with this compromise. I am reaching out to them and to members of both parties in both houses of Congress asking them to consider how we can bridge differences and get VAWA reauthorization legislation enacted to meaningfully address the brutal violence on tribal lands.

I remain committed to finding solutions to all the areas of contention on VAWA. We should be able to pass legislation that includes provisions addressing the violence on tribal lands, the need to protect immigrant women and those who have not had access to services because of their sexual orientation or gender identity. I believe we can find acceptable versions of the Senate bill’s new protections for students and other key provisions.

I am reaching out to the House Republican leadership and look forward to their seizing this opportunity, provided by a proposal by senior House Republicans, to work with me and Senator Crapo and the 68 Senators from both parties who voted for the Leahy-Crapo Violence Against Women Reauthorization Act last April, so that we can complete our work and send that measure to the President before we adjourn this year.

With every day, every week, every month that goes by, there are more horrific accounts of domestic and sexual violence. Whether it is a victim in Thetford, Vermont or Kansas City, we owe it to them to come together to find a compromise. I still have nightmares from the domestic violence crime scenes I saw as a prosecutor in Vermont. The thought that our inaction could lead to more such scenes is tragic. Congress must act now to protect victims of rape and domestic violence across the country. Let us pass VAWA and do our part to make this country a better, safer place. I look forward to hearing from House Republican leadership.

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