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LA JOLLA BAND OF LUISEÑO INDIANS

22000 Hwy 76 * Pauma Valley, CA. 92061

(760) 742-3771 * Fax (760) 742-1704

April 30, 2012

The Honorable Darrell Issa
U.S. House of Representatives
1800 Thibodo Road, #310
Vista, CA 92081

Dear Congressman Issa:

First, I write on behalf of the La Jolla Band of Luiseno Indians to thank you for your continued support of our Sexual Assault Awareness Walk for Honor Walk for Justice over the last 3 years evidenced by your staff representation and words of encouragement. Only through coordinated efforts at the Federal, State and Tribal levels will we truly stem the epidemic of violence against women.

I also write to convey the urgent need for the reauthorization of the Violence Against Women Act (VAWA) that include the life-saving tribal provisions contained in S. 1925 that was passed in the Senate last week. I ask that you support these tribal provisions, which are contained in H.R. 4154, that will provide local control to help combat the epidemic of violence against American Indian and Alaska Native women.

As you may know Federal gaps in jurisdiction have caused a longstanding crisis of domestic and sexual violence on Indian lands. I, and our Council and staff and volunteers of our Tribe's Avellaka Program have worked hard to inform community members and first responders of the disturbing statistics reported by the US Department of Justice (USDOJ) regarding violence committed against Native women. Native women are raped and assaulted at 2.5 times the national average. It is estimated by the USDOJ that 1 of 3 American Indian Women will be raped in their lifetime. The need to address this horrific statistic is the reason my Tribe sponsored the first Inter-Tribal sexual assault awareness walk for this region on the La Jolla Indian Reservation in 2010. Over 300 people attended the walk to make a strong statement that something must be done to end this epidemic of violence against Native women.

Often I am asked why are these statistics so high. While the answer is complicated, one

glaring reason is described in the words of a mother that lost her daughter to the violence, “the system is broken.” Since 2006, tribal leaders have participated in the annual DOJ consultation on violence against Native women required under the VAWA 2005. We have raised our concern for the jurisdictional gap that allows many non-Indian perpetrators to walk free. On this note the U.S. Department of Justice (DOJ) has found the current system of justice, “inadequate to stop the pattern of escalating violence against Native women.” Tribal leaders, police officers, and prosecutors have testified that violence that goes unaddressed—with beating after beating, each more severe than the last—all too often leads to death or severe physical injury. An NIJ-funded analysis of death certificates found that, on some reservations, Native women are murdered at a rate more than ten times the national average.

This pattern of misdemeanor domestic violence cases going unaddressed by local law enforcement escalating to serious felony violence and in some cases homicide is true on our Reservation as well. Many cases begin as verbal abuse, then pushing and hitting, and escalate to serious felony level violence that becomes serial and predatory in nature because offenders are not held accountable early on. As a tribal government, we strongly recognize the need for tribal authority to hold such perpetrators accountable immediately.

We ask for a local solution for the local problem of domestic violence on Indian lands. The general framework for this proposal is included in H.R. 4154, a bipartisan bill that has been introduced in the House. It will permit the first responders of domestic violence on Indian lands – tribal police and tribal courts – with the ability to stop violence at the early stages before the crimes escalate to aggravated assault, rape, and homicide. In particular, H.R. 4154 will restore limited tribal jurisdiction over non-Indian misdemeanor perpetrators. The only proven method of deterring domestic violence is to hold the offenders immediately accountable in the community in which their crimes are committed.

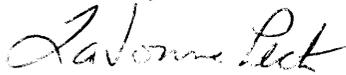
The provisions in the SAVE Act and H.R. 4154 are narrow and limited in scope to reservation-based crimes of domestic or dating violence committed by non-Indian offenders with strong ties to the tribe (work or live on the reservation or are married or dating a tribal member). Like the Tribal Law and Order Act, which passed the Senate by unanimous consent and the House of Representatives on suspension, these provisions afford defendants constitutional protections when they stand before tribal courts.

In 1978, the U.S. Supreme Court, in deciding to divest Indian tribes of authority over local reservation-based crimes, made the following statement: “We recognize that some Indian tribal court systems have become increasingly sophisticated and resemble in many respects their state counterparts.... We are not unaware of the prevalence of non-Indian crime on today's reservations which the tribes forcefully argue requires the ability to try non-Indians. But these are considerations for Congress to weigh.” *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 211 (1978).

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Congressman Darrell Issa

Over the past 35 years this statement has haunted thousands of residents on Indian lands. The time has come for Congress to act. I urge your support for the tribal provisions contained in H.R. 4154 and inclusion of these provisions in any measure the House considers to reauthorize VAWA. I request that you or your staff meet with Juana Majel-Dixon and other tribal leaders in our District this week to discuss these life-saving provisions. As an elected leader I ask that you support enhancing the safety of all victims of VAWA related crimes and in particular given the epidemic of violence committed against Indian women that you stand as a champion for ending the violence by signing on to H.R. 4154.

Sincerely,

A handwritten signature in cursive script that reads "LaVonne Peck".

LaVonne Peck
Tribal Chair

Attachment