April 26, 2012

United States Senate
Washington, DC  20510

Dear Senator:

On behalf of the American Bar Association, with nearly 400,000 members, I write to express our strong support for S. 1925, the Violence Against Women Reauthorization Act of 2011, sponsored by Senators Leahy and Crapo, and we urge you to support passage of S. 1925 and vote against any amendments that would weaken this important legislation, including a substitute version being offered by Senators Grassley and Hutchison.

The Violence Against Women Act (VAWA) has been the single most effective federal effort to respond to the epidemic of domestic violence, dating violence, sexual assault and stalking in this country. The act has ensured that legal and social services are available to survivors, and that law enforcement, prosecutors, judges, attorneys and advocates are well-trained and equipped with cutting-edge resources to effectively address these crimes in their own communities.

Reauthorization of VAWA is critical. It provides Congress with the opportunity to amend VAWA so that it can combat domestic violence, dating violence, sexual violence, and stalking more effectively. With each authorization, VAWA is improved. In 2000, Congress created the Legal Assistance to Victims grant program. It also created the U visa for immigrants who are victims of serious crimes and who have cooperated with authorities in the prosecution of the perpetrator, and it authorized funding for increased protection of older individuals and individuals with disabilities. In 2005, it became unlawful to deny an individual housing assistance simply because the individual is a victim of domestic violence, dating violence, sexual assault or stalking. Congress also created a new grant program to improve court responses to these crimes. Continuing in this tradition, S. 1925 was carefully crafted to reflect discussions with more than 2,000 advocates and experts across the country. Advocates brought the results of these interviews to Congressional offices two years ago to help inform the bill’s development and S. 1925 is the result.

The ABA has long taken a leadership role in addressing domestic violence, dating violence, sexual assault, and stalking and recognizes the important role of the legal profession in addressing these crimes. We strongly support legislation and appropriate funding to strengthen protections and assistance for victims of gender-based violence. In August 2008, the ABA adopted policy urging Congress to enact and fund legislation that: (1) supports funding for legal assistance for victims of gender-based violence; (2) supports funding to provide training and education about gender-based violence and the needs of victims; (3) supports efforts to foster a
multidisciplinary and community approach to serving victims and ending gender-based violence; and (4) supports efforts to ensure that perpetrators of gender-based violence are held accountable. And in February 2010, the ABA adopted a resolution urging reauthorization of the Violence Against Women Act (and similar legislation), specifically highlighting the need for legislation that “provides services, protection, and justice for underserved and vulnerable victims of violence, including children and youth who are victims or are witnesses to family violence, and victims who are disabled, elderly, immigrant, trafficked, LGBT and/or Indian.”

Although the ABA supports passage of S. 1925, we are strongly opposed to mandatory minimum sentencing proposals either to accompany new proposed federal crimes or to augment existing offenses. Mandatory minimum sentencing is premised on unsound sentencing principles that, in our view, result in an undue and unbalanced shifting of discretion to prosecutors at the expense of the role of neutral judges in our justice system. Excessively long mandatory minimum sentences often operate to result in the unintended consequence of keeping victims who were assaulted by someone they know from reporting the crime and are likely to result in plea bargaining to lesser offenses to non-sex offense crimes.

VAWA has become an integral part of our public safety strategy that has empirical support for its effectiveness. The good work being done by thousands of local providers and public servants cannot continue without its reauthorization. We urge you to vote in favor of S. 1925.

Sincerely,

Wm. T. (Bill) Robinson III