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VIOLENCE AGAINST WOMEN: FIGHTING THE FEAR

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

EXAMINING THE RISE OF VIOLENCE AGAINST WOMEN IN THE STATE OF MAINE AND IN OTHER RURAL AREAS

SOUTH PORTLAND, ME

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VIOLENCE AGAINST WOMEN: FIGHTING THE FEAR

FRIDAY, NOVEMBER 12, 1993

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
South Portland, ME.

The committee met, pursuant to notice, at 9:00 a.m., in the City Council Chamber, South Portland City Hall, South Portland, ME, Hon. William S. Cohen presiding.

OPENING STATEMENT OF HON. WILLIAM S. COHEN, A U.S. SENATOR FROM THE STATE OF MAINE

Senator COHEN. Good morning, ladies and gentlemen, and welcome to this hearing.

Violence has always been a part of the human experience. Today, however, our society is facing such an escalation of violence that many Americans fear not only to walk the streets of our urban ghettos, but also the once quiet and safe streets of our suburban neighborhoods and rural communities in States like Maine. Not only must parents be concerned about what mischief their children might get into on the way home from school, they must also worry about whether their child might get shot in the school playground or mugged in the school hallway.

As we look at America, too often we see a rising tide of violence, a flood tide that is sweeping this country and drowning cities and towns, and urban and rural areas. As I said on the Senate floor recently during the debate on the omnibus crime bill, we can and we should build more prisons and hire more police officers and prosecutors, but none of these can be done fast enough to keep pace with the number of crack-addicted babies that are being born or the number of children growing up in urban concrete jungles. The only way to retrieve our society from continuing a downward spiral of violence is to embrace moral values—values about caring and respect for our children and those around us, and about taking responsibility for ourselves and our children.

As communities, public officials, politicians street police, district attorneys, and courts struggle to deal with the drive-by shootings, gang violence, drug trafficking and street crime that are overwhelming our criminal justice system, there is one aspect of violence in our society that has received and continues to receive too little attention. That aspect is the violence experienced by thousands of women and children occurring in the one place that, no matter how dangerous our streets become, we all want to believe is safe and inviolate—our homes. It would be easier and less dis-

turbing to believe that violence against women is being perpetrated by strangers, but the truth is that the vast majority of abuse and sexual assaults are being committed by those we know and by those we call loved ones.

In Maine, a domestic assault occurs every 2 hours and 20 minutes. Every 2 hours and 20 minutes. Nationally, it is estimated that an act of domestic violence occurs every 18 seconds and that some 6 million women are beaten each year by their husbands and boyfriends and that 4,000 women each year die as a result.

It was not until a century ago that the laws began to change to revoke a man's legal right to beat his wife. While our society has adopted many of the customs and traditions brought to the New World by English colonists, we would have been wise to reject the English common law principle that a man could beat his wife with a rod not thicker than his thumb. This "rule of thumb" was included in Sir William Blackstone's codification of the British common law in 1768 which influenced early American judicial thought.

Despite the positive changes in the law of the last century, the criminal justice system continues to ignore or condone battering. Although this "rule of thumb" is no longer reflected in our Nation's laws, regrettably it still influences many of our citizens' view of domestic relations. It has only been in the last 20 years, with the growth of the women's movement and the struggle for equal rights, that police, prosecutors, courts and society in general have been forced to confront an issue that has too long been considered a private family matter.

Every day thousands of women are held hostage in their own homes, subject to a reign of terror, both physical and emotional, and made by their batterer to feel that they are to blame. It must be made clear that battering of any kind is a crime, that it will not be tolerated, and that victims will be protected with the full force of the law. As a society, we must educate men and women, boys and girls, and ensure that all of those who are victims of such abusive situations have the opportunity to protect both themselves and their children.

It is also critical is to stop the cycle of abuse. Studies show that batterers have often grown up in abusive homes, seeing their mothers battered or indeed being abused themselves. Many of the troubled and delinquent juveniles that come into contact with our juvenile justice systems have been victims of some form of physical, sexual, or emotional abuse. The victims of abuse become the perpetrators of abuse. The cycle must be stopped.

Unlike domestic abuse, rape is a crime that we tend to associate with strangers lurking in darkened streets and back alleyways. The reality is that the perpetrators are more likely to be husbands, boyfriends, family members, or friends rather than strangers. According to a recent nationwide survey, 75 percent of the women who reported being raped said the assailant was someone they knew, and it is clear from the numbers that most of these assaults are not being committed in the dark streets but in our homes and the homes of relatives and friends.

The official statistics on rape and sexual assault are shocking. In Maine, a woman is raped every 30 hours, but the reality is even worse. According to the National Victim Center, only 16 percent of

rapes are ever reported. In the 1992 study it was estimated that more than 12 million American women have been the victim of forcible rape sometime in their lifetime, with 60 percent of the rapes occurring before the victims were 18 years of age.

Perhaps even more than domestic abuse, rape is a crime that has remained hidden, not only in our modern society but throughout history and indeed throughout the world. It is a heinous and shameful assault upon the physical and emotional integrity of the victim. Yet, throughout history we have too often placed the shame and the blame for the rape on the victim and not the perpetrator. It is only in the past 2 decades that we have made any substantial progress in shifting the responsibility back where it legitimately belongs and attempting to address the needs and concerns of the victims of rape. The fact that only a small percentage of rapes are ever reported to the police authorities is an indication that much more needs to be done.

Unlike rape, which continues to remain largely shrouded from public view, a crime that has received much public attention in recent months is that of stalking. Justice Louis Brandeis once described the right to be left alone as the most comprehensive of rights and the right most valued by civilized men, and we would have to add women as well. Unfortunately, an increasing number of women are becoming victims of stalking, which is an insidious and frightening crime. The targets of stalkers often find it impossible to be left alone. They feel as if there is no place to turn when they become a stalker's prey.

About 5 percent of the women in the general population will be victims of stalking at some time in their lives. It is a unique crime because it often involves ordinarily normal behavior that is used to harass and hound a victim. Simple actions such as using a telephone or standing on street corners become the tools of the crime. Stalking is also unique because it is often a series of acts that escalate into a violent and tragic consequence for the victim. It is critically important that anti-stalking laws identify the stages of stalking and enable law enforcement officials to intervene before a stalker's actions culminate in violence.

Women who seek protection from abuse often face a judicial system that has traditionally viewed such violence as "domestics disputes" and, therefore, has given less serious attention to abuse. Even when protection is sought and obtained, there is no guarantee that the abuse is going to stop. Like domestic abuse and sexual assault, stalking is a crime that does not discriminate. It affects people from all walks of life. I became deeply involved in the issue that I was surprised to learn three members of my own staff had been targets of stalkers.

Women throughout our country, in our Nation's urban and rural communities, are being beaten and brutalized and terrorized. Even those women who have not been touched directly by violent crime are affected. How many women can walk home at night without some thought of what is the safest route to take or without pausing when they hear footsteps behind them? Regretfully, all women are victims of fear, and that fear is generated by the pervasiveness of violence directed at women. It is our mothers and wives and

daughters and sisters and friends and neighbors and coworkers who are being victimized as well.

The question is how do we best respond to the violence directed at the women of our society? With regard to stalking, I felt strongly that something had to be done to see that tough, enforceable anti-stalking laws are passed. Last year Senator Biden and I sponsored legislation that directed the National Institute of Justice to develop a model anti-stalking law for the States to follow. While it is important that we have anti-stalking laws in place, it is equally important that these laws be enforceable. What must prevent the situation where a victim learns that the local police force or the prosecutor's office is reluctant to do something, not because they are indifferent to the plight of victims but because the State anti-stalking law has deficiencies that render it completely ineffective.

While we are limited in predicting who will become the stalker and who will be the victim, we can prevent victims from being told that the State is powerless to help. It was this type of situation that our own legislation sought to prevent, and it is my hope that the model code, which was just released this past month, will prove to be an effective tool for the States in their fight to stop stalking.

In an event to address the larger issues of domestic abuse and sexual assault, again I joined Senator Biden and others in 1989 in introducing the first comprehensive Federal legislation designed specifically to address the broad scope of violent crime against women both on the streets and in their homes. This legislation, The Violence Against Women Act, is designed both to increase public awareness of the magnitude of the problem and also to enhance law enforcement and prevention efforts.

The Violence Against Women Act was introduced in each of the past three Congresses, and I am pleased to report to you today that earlier this week it was debated and it was approved for the first time by the full Senate as a part of the omnibus anti-crime measure. We cannot, however, afford to become complacent. There is still much to be done before this act is finally passed into law. Today's hearing will strengthen the record on why the passage of the bill is critical to combating the escalation of violent crime against women. It also provides us with a meaningful opportunity to explore what further measures can and should be taken at the Federal level to ensure a safer environment for the women of our Nation.

I want to thank all of our witnesses who will be testifying, particularly the courageous women who have agreed to come forward and share their painful experiences with the committee and with the public. Three of these women continue to have reason to fear their abusers and stalkers. These women are to be admired and commended for their willingness to come forward to help educate the Congress and the public and, most importantly, to help other women who are victims of either violence or stalkers.

We have only a few witnesses who will be testifying this morning. Since the notice of these hearings, I must tell you my office has been flooded with phone calls and people coming in to say that they would like to testify. We will not be able to take all of the testimony this morning. I am going to invite all of those who want to, to prepare a letter or some form of written documentation of your

experience, and that will become part of the formal record of this hearing. Senator Biden could not be here this morning, but he is very, very interested in this hearing and indeed he has asked me personally to bring the record back to him so we can use it in our negotiations with the House of Representatives as we try to include The Violence Against Women Act as part of the House version of the crime bill. So for all of you who wish to make a statement, please put it in writing. It will become a part of the hearing record and will be very important to the passage of the act.

Our first panel of witnesses is going to focus on the problem of domestic violence, and I want to welcome four panelists. We have Donna Baietti, who is the director of Battered Women's Workshop that serves hundreds of abused women and their children in Aroostook County. Donna, please come forward.

We have Dr. Robert McAfee, a practicing surgeon in Portland, the president-elect of the American Medical Association who has led the AMA's effort to address the issue of family violence. Dr. McAfee was with me last evening as we taped a session on health care reform. It is good to see you again.

We have Patrol Officer Ruth Hodgdon of the Damariscotta Police Department who has worked extensively in the area of domestic and sexual assault. And, finally, I want to welcome Lisa, a victim of domestic abuse who has agreed to share her painful and harrowing story with us. I want to welcome all of you here.

Donna, would you like to begin?

PANEL CONSISTING OF DONNA BAIETTI, DIRECTOR, BATTERED WOMEN'S PROJECT; DR. ROBERT McAFEE, PRESIDENT-ELECT, AMERICAN MEDICAL ASSOCIATION; RUTH HODGDON, DAMARISCOTTA POLICE DEPARTMENT; AND LISA, VICTIM OF DOMESTIC ABUSE

STATEMENT OF DONNA BAIETTI

Ms. BAIETTI. Well, thank you. I usually do not get a chance to open up. I usually get very nervous, so this will help.

I represent the Battered Women's Project in Aroostook County. In preparing for today's program, I felt an obligation to offer a statewide perspective on domestic violence and knew that my 6 years' experience with battered women might be limited because it is based on lives of abused women living predominantly in northern Maine. But then I thought again about what battered women's stories have in common. Besides the important factor that they are told by women, I would like to suggest the collected accounts of battered women's experiences share some common themes that must be acknowledged. To do this, I would like to introduce you to Betty. She has been a friend of the domestic violence project for a while, but for today I would like to focus on Betty from April 1992 until October 1992, a brief 6 months in the life of this 40-year-old woman.

On April 16, 1992, after talking with support people in her life, Betty met with a Battered Women's advocate at the local district court to request an emergency order for protection. Betty stated on the affidavit to the court that she had recently been abused by Paul, her intimate partner. She wrote that he forced her to have

sex, was very rough, and even broke her rib in the most recent attack. She broke up with him because of the abuse and wanted the protection order to ensure that he would not come to her home. She was afraid he would hurt her again. This was a giant step for Betty. She was embarrassed and ashamed to talk about her intimate relationship. She thought that some things should stay private, but her fear of being hurt by Paul again motivated her to seek protection.

After reading the affidavit, the judge spoke to Betty. He asked her how long she had been with Paul, if there were other ways that he had abused her, and if she ever had consented to sex with him. Betty was not at all prepared when the judge denied her request explaining that he did not think that she was in immediate danger of further harm, but he did schedule a full hearing on the matter for May 1992.

Please take a minute to consider what Betty might be thinking or feeling at this point. Let me tell you some of the things she expressed: If the judge does not believe me now, why will the same judge believe me in May? I knew I should not have talked about this to anyone. When I go to court in May, how many people will be in the courtroom and know all about my personal life? I think I will need a lawyer, but I cannot afford a lawyer. But the worst part is Paul will be there, and he will know that the judge did not believe me, so he will hurt me again and again and again.

Betty is now as afraid of the process as she is of Paul. Her fear became paralyzing. She never went through with the full hearing. It all became too much for her. And after all, Paul had moved away, so things went OK for a while.

Betty continued to reach out to others. She found support with a church group, got counseling from a pastor. She felt good about herself and decided to give Paul another chance, to be more tolerant, to try to communicate with him. She felt that couples counseling might help them. So Paul came back into Betty's life sometime in the early fall, and then on October 22, 1992, Paul killed Betty. He tore off her nightgown, cut off her underwear, threw her on the bed, and strangled her. The medical report said she also had a few more broken ribs. Betty died at the hands of her intimate partner in what should have been in the safety of her home. She died just the way she told the judge she was being abused.

Whose fault was it that Betty was killed? The judge's? The advocate's? Betty's? No. It was Paul's fault. Paul had a history of abusing women at other times. Other women in other places in this State had requested orders of protection against Paul. The district court judge did not know that, the advocates did not know that, and Betty did not know. But the superior court judge knew and sentenced Paul in October 1993 to 55 years in State prison for the murder of Betty.

What can we learn from the loss of Betty's life? What does her story have in common with other battered women everywhere? Battered women know that their abusers can kill them if they choose to at any time, and they live with that constant fear, but they cannot always convey how afraid they are or why.

As a community, we do not believe this thing called domestic violence is that bad. We continue to minimize, and battered women

continue to be killed. Battered women know that it is far more dangerous to leave their abuser than to stay. The most recent fact sheets from the National Women Abuse Prevention Project states that a battered woman frequently faces the most physical danger when she attempts to leave. She may be threatened with violence and death or attacked if she tries to flee. She fears for her safety, her children's safety, and the safety of those helping her. She does not believe that the community she lives in can protect her.

Another common theme that the stories of battered women tell us is how difficult we make it for her to leave. She must jump through endless hoops of victim blaming every place she turns for help. We continually ask her why she stays even after she has left. The tasks that we assign battered women to ensure their own and their children's safety are incredible burdens for women that just want to heal and live violence-free.

The Violence Against Women Act is an appropriate acknowledgment of the plight of women in the United States. Title 2, Safe Homes For Women, may offer some hope to battered women and their children courageously struggling without adequate community resources or support. Violence against women in their homes must not be tolerated. The five steps outlined in Title 2 may set the stage for the necessary social changes needed to end this violence and insure that women can find safety in their own homes.

Senator COHEN. Thank you very much.

Dr. McAfee?

STATEMENT OF DR. ROBERT McAFEE

Dr. MCAFEE. Thank you. Good morning, Senator. My name is Bob McAfee, and I am a practicing general surgeon in Portland, ME, and president-elect of the American Medical Association. It is with a great sense of personal pride and not the least of any humility that I realize I am the first Maine physician to occupy that post in the 150-year history of the American Medical Association.

Senator COHEN. Could I interrupt you just for a moment? There are a number of people who are standing, and I am told there is a room downstairs with seats and a TV screen where you could all sit down comfortably if you prefer to do that, or you may stay here. If it is possible, we may be able to accommodate the people who are standing by putting some seats up that do not block the television cameras.

Dr. McAfee, please continue.

Dr. MCAFEE. I merely wanted to say, Senator, that in my role as president, I intend to use family violence as my theme in this country and internationally representing my association.

We certainly are very pleased to have the opportunity to testify regarding this very serious problem of violence against women and family violence in general in this country, and we offer our support, indeed, for S. 11.

We the people of the United States of America, in order to form a more perfect union, will manage to kill 26,500 people by homicide in this country this year, 12,500 of those by handgun homicide. The next nearest country is Great Britain which will kill 95.

We the people of the United States of America, in order to form a more perfect union and assure our right to bear arms, will allow

tomorrow in this country 100,000 children to go to school with a gun.

And we the people of the United States of America, in order to form a more perfect union and assure domestic tranquility, will allow more women to be killed in their homes during an 8- to 9-year period by their husbands or boyfriends than men died in the Vietnam War. Envision, if you will, the President of the United States addressing us on Memorial Day standing in front of the Vietnam Memorial 9 years from now with a second wall behind that and 18 years from now with a third wall behind that with the names of women killed in this country by those who are closest and theoretically dearest to them in an environment that should be nurturing their safety.

If we are going to have any real success in addressing this epidemic, which is a major public health problem in this country, we have to realize that violence is far more than carnage in the streets of urban America and images on our television screen, it has a broad-reaching negative effect on all Americans; and if we look to Congress to reform the health care system, we hope to address the excess that is caused by violence. Violence results in a huge number of encounters within the health care system. Care for the victims of violence strains the health care system in many communities and adds very significantly to our health care bill. In this regard, it has been estimated that over 500,000 emergency visits annually are due to violent injuries and, furthermore, ⅔ of crime victims who are treated in hospitals are uninsured. And it is been estimated that the direct medical costs alone of all violent injuries are more than $5.3 billion to U.S. health expenditures. Now these are largely preventable costs, and we are pleased that this committee is addressing the massive problem and focusing on the particularly insidious and troubling issue of violence against women.

When one asks victims of violence whom you would have rather told of this repetitive behavior, as you have just heard, the family physician is named 87 percent of the time. That is more than what they tell their priest, their pastor, or their rabbi; it is considerably more than what they tell the police. And with that ominous responsibility, we have had every right to go to our membership and say when we look at our accuracy in detecting those victims, who are probably less than 10 percent of the time accurate, or ask those special screening questions that are necessary to make us break the cycle of violence. These are preventable costs, and we are pleased the committee is addressing this massive problem.

The AMA and physicians are very active in efforts to address the issues of family violence in general and violence against women in particular. In the past several years, we have undertaken a substantial number of activities to recognize and address family violence prevention. We have gone out to the medical community to sensitize them to the needs of victims of violence. I had ½ of the requests with my schedule of roughly 250 days a year is now based on requests to appear on behalf of family violence issues at a time when we have health system reform as a major, major problem.

Our commitment is an ongoing one. We are pleased to be sponsoring, and I am very excited about this, Senator, a national invitational conference on family violence to be held March 11–13, 1994,

in Washington, DC. This conference will be entitled "Family Violence: Health and Justice." It is cosponsored by the American Medical Association and the American Bar Association. There are 43 other sponsoring organizations both from the health side and the justice side, including the American Nurses Association, the Hospital Association and specialty societies, the Trial Bar, the Judges Association, the Chiefs of Police, and everyone involved on the justice side. It is our hope that this invitational conference, a working conference, will hammer out a series of five to six public policy statements regarding issues such as guns, such as reporting, such as application of stalking laws, such as other elements that we as a society must grapple with. In using the influence and perhaps clout of the organizations sponsoring this, with the presence of the White House and Congress, we can come to a conclusion on some of these issues that will allow us to move on as a society.

The AMA has organized a National Coalition of Physicians Against Violence. We now number close to 5,000 physicians who are throughout this country in providing a focus for the development of violence prevention committees through local medical societies. This is already occurring in 16 States. And, further, our National Advisory Council on Family Violence, consisting of representatives from the National Medical Specialty Society numbering now 42, has been formed and is actively functioning. In addition to these outreach activities, we are working to help the practicing physicians better address those situations where violence is the cause behind a patient's encounter. We recognize the need to be even more proactive, and physicians and others in the health care sector must operate with a full knowledge of the extent of this epidemic, especially as it relates to women.

The AMA's diagnostic and treatment guidelines on child physical abuse, child sexual abuse, domestic violence, and elderly abuse have been widely distributed, and I will leave copies of this for the committee.

At the same time it was 3 years ago we went to the editor of JAMA, Dr. Lundberg, and said, "It is time for you to consider a theme issue on violence."

Senator COHEN. JAMA being the Journal of the American Medical Association.

Dr. MCAFEE. The most widely read weekly medical journal in the world, distributed in 47 countries and 7 languages.

Dr. Lundberg said, "In order to have a theme issue, I have to have 8–10 manuscripts of a peer review to make a theme issue." I said, "You are not going to know if you do not ask, George." He asked and he received 122 manuscripts within a 2-month period of time. So not only one but two issues of JAMA were totally devoted to violence and, in addition, every single specialty journal—seven specialty journals that the AMA had for the month of June 1992 were totally devoted to violence. This compendium, which I will also leave with the committee, is the culmination of all those papers put together in a single volume, indicating at this time such things as television impact on children, women's violence and prevention programs, child abuse, elderly abuse. Put together in one package, it gives one a beginning understanding of the horrible problem that this public health menace creates in this country.

Studies now indicate that at least 20 percent of adult women and 15 percent of college women and 12 percent of adolescent girls have experienced sexual abuse and assault in their lifetime. It is disturbing but true that young adult women and adolescents are most at risk with acquaintance and date rape and at least risk from someone unknown to them. Studies now document that women in the United States are more likely to be assaulted and injured, raped or killed by a current or ex-male partner than by all other types of assailants combined. It is also true that these surveys or studies, especially estimates of intimate violence, are marked underestimates. Researchers on family violence agree that the true incidence of partner violence is probably double the published statistics.

There are both human and health care costs associated with violence against women. There are, of course, direct costs to the health care system. Beyond the dollars spent to provide physical and mental health treatment to women against whom violence is perpetrated, there are additional health care and societal costs: one, the cost of psychological treatment for traumatized children who innocently stand by and witness abuse on their mother; the cost of the social service system, the cost incurred in the legal and judicial system; and the cost incurred in the future in response to the fact that violence breeds violence. Children who witness domestic violence are 5 times more likely to be batterers or victims as adults. For the future well-being of our society this cycle of violence must be curtailed. The human costs are especially tragic and immeasurable, and they cannot be ignored. In addition to the psychological pain and sorrow incurred by those who are victims of violence, there is a loss of self-confidence, self-respect, and personal dignity? And who knows how many women's lives have been devastated because of violence perpetrated against them?

We commend you, Senator Cohen and Senator Biden, for introducing S. 11, The Violence Against Women Act of 1993. We view this as a strong step forward in recognizing and treating domestic violence as the public health epidemic that it truly is. We support S. 11 as being consistent with our major initiative to declare violence as a major public health issue, to support research and educational programs and appropriate interventions to increase public awareness of domestic and other types of violence and to reduce harmful behaviors and work towards the goal of achieving a violence-free society. We would be pleased to work with the committee to provide our expertise on any of the issues contained in the bill.

For example, we feel that the bill could be improved by adding stronger provisions based upon your model law on stalking to this particular bill as well and also including verbal threats of violence which are a significant method in which this violence is carried out. I also would point out that gender-neutral language should be incorporated where appropriate to recognize males as well as females can be victimized by sexual and domestic violence. It is our estimate that between 5 and 10 percent of our victims are men. I have done two national call-in television shows, and the first two callers both times were men who were complaining of this problem.

So in conclusion, the issue of family violence in general and violence against women in particular has direct relevance to practic-

ing physicians. It is the practicing physician who treats the results of family violence, who must diagnose that an injury is a result of violence and refer cases of abused to the appropriate authorities for protection and prosecution. The AMA believes that we must dramatically reduce violence and must do so now before countless more lives are devastated by the brutality of continuing abuse, and I am here today, Senator Cohen, to pledge to you the American Medical Association's intent to help amputate the rule of thumb from our lexicon.

Thank you.

Senator COHEN. Thank you very much.

I have just been told we have a technical problem with the television monitoring in the other room and we're working to correct it as soon as possible.

Ms. Hodgdon?

STATEMENT OF RUTH HODGDON

Ms. HODGDON. Thank you, Senator. My name is Ruth Anna Hodgdon. I am a 36-year-old single parent of a 16-year-old daughter. I am employed as a patrol officer for the Damariscotta Police Department in Damariscotta, ME. Damariscotta is a coastal community in Lincoln County with a population of 1,800 people in the winter and about 4,000 in the summer.

Senator COHEN. Could you just pull the mike closer?

Ms. HODGDON. I have been in law enforcement for 12 years and am a graduate of the Maine Criminal Justice Academy in Waterville, ME. I also hold an Associate of Science degree in Criminal Justice from the University of Maine in Augusta, ME, and have 240 hours of training in domestic violence and 82 hours training in sexual assault advocacy. As a representative of my department, I am involved in public speaking for local civic groups and organizations and I provide training for schools as well as my own department. I have recently devised an informational packet for victims of domestic violence that contains many valuable resources. The packet is distributed by myself and fellow officers of the Damariscotta Police Department. I am currently involved in conducting a special investigation for the District Attorney's Office in Wiscasset, ME, involving a domestic violence situation. I have worked intensively with victims of domestic violence for the past 7 years.

Domestic violence is a crime. It is a crime perpetrated through the use of power and control over the victim. There are many methods used by an abuser to gain power and control over a victim. The abuser may use isolation, emotional abuse, economic abuse, sexual abuse, threats and intimidation, male privilege, and the common thread which runs through all of these methods is the method of physical abuse. Physical abuse helps the batterer reinforce the goals of control.

Any police officer will tell you as the pressures on society mount, we see a dramatic increase in the incidence of domestic violence. With the increase we are seeing a more lethal abuser than ever before. We in law enforcement use what is known as a lethality scale to assess domestic violence situations. This scale was formulated by a nonprofit Boston-based agency called Emerge. There are five pre-

dictable indicators. If the abuser displays two or more of the behaviors, he or she is considered a potential lethal risk and the partner is warned. The victim needs to be prepared to leave or escape on a moment's notice. The five predictable indicators are as follows: One is drug or alcohol abuse; two, extreme jealously and obsessive need to control the victim's behavior; three, abusers who attempt and/or threaten suicide and/or homicide; four, use or threatened use of weapons; and, five, surveillance of the partner's activities—stalking, the most lethal indicator of all as it shows an unstable state of mind.

Domestic violence is one of the most common of all crimes. Most family violence is committed against women. Domestic violence takes its toll on the family structure, society, and the future. Domestic violence robs our children of a future as most often the children in the violent situation are emotionally traumatized by the witnessing of family violence. Many of these children will grow up to repeat the pattern as a victim or as an abuser.

The worst obstacle faced by victims today is society's attitude towards them. Domestic violence can occur in any family and does regardless of race, income, or religion. Society as a whole needs to shift the responsibility from the battered women, where the responsibility has traditionally been left, to the batterers and to the community where it belongs.

Society is very critical of the woman who stays in a battering situation. The reasons for staying are many. It may not be safe for the victim to leave until a later time. The victim may not have anywhere to go, may not have any money or any transportation. With all these basics of human life withheld, the victim literally becomes a prisoner in her own home.

The police officer may be the first and only person in the victim's life to ever tell him or her that there is help out there and that the person is a good, intelligent human being. By the time we are called to a domestic violence situation, the abuser has usually managed to strip the victim of every shred of self-esteem and human dignity.

As of October 19, 1993, the Maine Legislature removed a large obstacle for the law enforcement community by enacting legislation that allows for warrantless arrests in these situations. This and the anti-stalking legislation are valuable tools. We are now able to go forward in cases in which the victim will not or cannot participate in evidence gathering. The responsibility for pressing charges is taken off the victim and placed on the police officer and the police agency, which is exactly where it should lie.

We as a society have made some great strides forward, but there is still much to be done. We need to move forward and provide our State with a consistent, fair, and respectable approach to domestic violence situations.

Funds and personnel are needed to administer training programs providing for a coordinated and consistent response by the entire system, starting with the street officer and running the gambit all the way through the system to the justice that sits on the bench in domestic violence cases.

Batterers need to receive increasingly harsh punishment for their continued battering. At the same time they need to be offered the

support and training required to change their unacceptable behavior.

We need funding for more and better safehouses for the victims of domestic violence. The people that run the programs which provide advocacy and assistance to the victims do the very best they can with what they have, but what they have to work with isn't enough. The organization in my own area will not accept a male child over the age of 12, so what do I do with a battered mother and her 13-year-old son? How do I keep them safe? There is no place for them to go but back to the abusive situation.

Federal monies should be allocated so that the small police departments will not have their investigation stymied by time and budgetary complaints. If there is only one officer on duty for a certain municipality at a time, there is no way humanly possible to do a complete and thorough investigation into a domestic. A program should be initiated whereby these agencies could receive funding for a full-time domestic officer within each and every agency who needs one. Domestic violence cases go through the system with faulty investigations every day. Patrol officers have no allotted time for follow-up either because budgets are so tight that there are no monies available for any overtime.

Domestic violence assault is the major cause of injury to women in our country, more frequent than auto accidents, muggings and rapes combined. Since I started speaking moments ago, 8–10 women have been severely beaten.

In closing, I would like to leave you with a statistic to consider. In 1992 in the State of Maine there were 25 homicides; 11 of those homicides stemmed from domestic violence situations.

Senator COHEN. Thank you very much, Officer Hodgdon.

Our final witness for this panel is Lisa. Lisa, please tell us about your own personal experience.

STATEMENT OF LISA

LISA. This is my story and the story of so many women today, the story of domestic violence. Violence comes across all economic stations. It knows no prejudice. It is the life of intimidation and control. No one ever deserves to be hit, not once, not ever. It is not the fault of the woman if she stays. Women choose to stay for many reasons: lack of money, no support systems, no place to go, limited transportation, low self-esteem. She may believe there is no other choice. It is living in fear each and every day. It is an exhausting way to live.

I was in a relationship for 5 years with an abusive man. It did not start out to be abusive, but then they rarely do. The first few years were OK. There were arguments but nothing too intense. In 1985 is when my life started to go amiss. I worked. I had a good job, friends, and money. Slowly those things I took for granted fell to the wayside.

It started with the husband—and throughout my testimony I will refer to this man as "the husband"—with him drinking heavily. One evening he pushed me out of the way. I landed against the wall. I thought it was going to be a one-time thing, but I better move quickly the next time.

In 1985 I became pregnant. As my pregnancy progressed, so did the violence and the rage. The rage was often taken out on things like walls, throwing things, or verbal insults. I was critically ill during my pregnancy. I had two surgeries within 5 months and many hospitalizations. When I would be released from the hospital, I was expected to carry on instead of rest.

Our house was immaculate. I realize now that I tried to control my surroundings, my other child, anything to keep the peace. It often did not work, but I tried. Our child was born in the 7th–8th month of gestation and was critically ill, on life-support systems. When I delivered, I had a C-section. Three days later I was released from the hospital. We traveled to where the baby was admitted to another hospital in a neonatal unit. We stayed most of the day, and then we drove back to Wilton.

My husband drank heavily that evening. As he drank, he became more belligerent. Finally, he passed out in our bed. I remember trying to get into bed without him noticing and finally lying down trying not to breathe too loud so he would not wake up. I thought he was asleep, but he was not. He rolled on top of me and tried to penetrate me. I tried to say no, it was not time yet. I tried to get him off me, to no avail. The more I fought, the harder he tried.

When it was over, he told me that if I ever told anyone, he would kill me. After I could hear his snoring, I got up and went into the bathroom. I ran a tub of warm water; I spent the majority of the night in the tub. It felt good. I stayed there so I would not get any more blood anywhere else. The next morning he had me clean up the entire bloody mess. He destroyed all the sheets and my nightgown. I did not receive any medical attention.

Two weeks after that incident I hemorrhaged and was taken to the hospital. I was examined internally, and the doctor stated that if he did not know any better he thought I would have been raped. But I could not say a word because my husband was standing right there.

Because the baby was so very ill when she came home from the hospital, I did not realize that many things were going to be taken away. I lost touch with my friends. I couldn't drive; I was not allowed to go back to work. He controlled the clothes that I wore and the way that my hair was cut. It was a slow, methodical brainwashing. I lost me. I became mechanical.

In the years between 1986 and 1988 there were many incidences big and small. This would happen, occasionally set off by a family event or a holiday. In time they would become more frequent. Eventually, they would happen every week and then every day.

In the spring 1988, we went to visit his folks in the Midwest. The second night we were there an incident occurred, one of which I realize now that my life was out of control, but I believed that it was my fault. If only I could be that special person, everything would stop. That night I spent with his family we all retired early. He did not like the outfit that I had chosen to wear, he snapped, and he instantly was out of control. He had me up against the wall by the throat and banging my head against the wall. Several times I—I moaned. His folks were in the next room across the hall, and they would not help me. He eventually stopped. I spent that night sitting in a dark living room, blank. I had bruises on my neck, those

of his fingers. Not one person said one word. We returned later to Maine.

In July 1988 he decided he needed to find himself, so he left, and when he did, there was a spark of life that came back into me. I knew this was my chance to get out and not to live in terror anymore. In the time that he was gone I got a job. I had all the locks changed in the house. When he called a week later and wanted to come home, I told him he did not have a home to come home to, and to my reasoning he took it pretty well.

Several weeks later, in August, he called to say that he was coming to take the children for a ride. I told him no because he had been drinking. Within 2 hours, he arrived at my house from Jay. He was completely out of control. He came in and wiped everything from the bookshelves, the TV, stereo, books and plants. The children were in the room screaming. I got them into another room and I shut the door and I told them not to come out. I dashed to the front door, and he caught me and he pushed me through a pane glass window. Then he took a large shard of the glass, and he stabbed me in the back. I got up and I started to run to the neighbors, and he—then he pulled me into the truck and wrapped my arm around the seat belt and he pulled me down the road with his pickup truck. I was screaming to stop, and then my arm let go of the belt. I was left in the road. Several cars went by, but no one stopped. He stopped his truck down the road; I could still see it.

I pulled myself on to the lawn. The police did finally arrive. They went to talk to the husband asking him what happened. The officer commented that it looked like a push/shove match took place here. At this time I was hysterical and I was out of control. I was taken to the hospital emergency room. I could not calm down. When anyone tried to attend to me, I would scream. I was so scared. I knew no one. The doctor was very irritated with me because I was being so loud. I would not let him touch me. They gave me many milligrams of tranquilizers, but they did not work. Eventually, the doctor told me to shut up so he could work on me.

We call that day "the bad day" at our house. The results of the bad day that I had is a stab wound in the back, many small cuts on my back from the glass, three broken ribs and a bruised and cracked kneecap. I felt absolutely no pain from my injuries; my body was numb; I felt nothing. I know now that once a body is in great distress, it shuts down to safeguard itself from any more pain. No one asked me what happened. The hardest thing to do that day was to call my mother and ask her to come to the hospital. The look on her face when she saw me was disbelief. She was the only one to ask me what happened that day. Not only was I greatly abused that day by my husband, but I also was abused by the system. Not one person has said what happened to me was an assault or that I could press charges or that I could have a protection order, not one person.

With my body healed, I returned to work. He would call my work and home all hours of the day and night trying to find me or trying to talk to me. My supervisor finally said something had to be done because he thought that the people I worked with would be unsafe. He took me to the district courthouse to fill out a protection from abuse order. When I went to the desk, the clerk handed me the pa-

perwork, and she said, "Don't think he hands these out every day because he will not." I went back to the bench to fill it out. It was later granted that day.

That day I packed up my children and went into hiding while he was being served with the paperwork. It took them 3 days to serve the papers. On the third day I went back to the house to get more clothes; he came while I was there. The fear froze my being; I could not move and I could not speak. My friend called the police. He tried to enter the home several times, but he could not get in and then he left.

That was the beginning of the cat-and-mouse game for almost 2 years. He would come and then I would call the police each time he came. They were sometimes angry because they had to come so often, and when they came, they could not always find their copy of the protection order. Often it would take them a long time to respond, and sometimes they did not respond at all. Once even the courthouse lost the protection order, and then when the police finally did arrive, it was in question whether I had a protection order at all. Then there were several remarks made by the police department.

My point is I did all the right things. I called them whenever he came to my home and he was always asked to leave, but he would not until he heard the sirens, and then he would leave.

One morning he called very early and wanted to take our daughter. I told him no. He told me that he knew where her day-care was and that I may never see her again and then he hung up. I called the police. That day they believed me and they took action. He was stopped near the day-care and told not to return again. Shortly after that, his case was picked up for violating a protection order by the DA's office. I had to appear in court that day; he did not. He hired a lawyer, pleaded guilty and paid $50, and that was it. It was so unfair. He did not even have to show up but I did.

After that, things would happen to my home when I was not there. A truck ran through my gardens and my shrubs. Garbage would be on my lawn, and it was not even my trash. There were beer cans on the side of my lawn, 30 and 40 in number. My friend's pickup truck was egged with 5 dozen eggs on the inside of the cab, and after each incident, I would call the police and file a report.

In the fall 1990, he was charged again with violating a protection order. When we appeared before the judge, the judge refused to hear the case because he had seen the husband in his courtroom so many times that he felt that he could not be impartial. The case was held over until Judge Ellen Gorman could hear the case. The district attorney wanted to go for a fine and that was all. I said I wanted him to receive jail time. The only thing that—I felt that was the only thing that he would understand, that if all his power is taken away from him. He did not care about money. I wanted his freedom and his choices to be taken away just like mine had been, and the judge saw these through my words and my eyes. He was to serve 90 days with a year probation. There are many stipulations to his term and probation.

Since 1990 my life has been relatively calm and chaos-free. Myself and my children have received extensive counseling. Our lives are good. Although I must always be on guard for safety, my life

is my own. When you see charts and diagrams about domestic violence, I want you to keep in mind that violence is not clean-cut, it is messy. It cannot be as well defined as those charts and diagrams make people believe. It is horrific and it is deadly.

Senator COHEN. Lisa, thank you very much. After your testimony, all of your testimony, there is not much in the way of asking any questions. I think it is very clear that most men in our society feel that they have an absolute right to abuse their partner, be it a wife or a girlfriend. They believe that the system is going to work in their favor, that nothing of any significance. Will be done to punish them. Everything is stacked against the woman, the victim. Hopefully today's testimony and the legislation Senator Biden and I have been sponsoring for the past three Congresses will cause some significant changes to be made.

Lisa, I noticed that when Officer Hodgdon was talking about these lethality scales, you started to shake your head. I was not sure whether you were in disagreement or whether you agreed that there were certain identifiable stages when there is a danger to the individual involved. Would explain that for me.

LISA. Yes, I was upset to hear that because I feel that there isn't enough time for officers to make that judgment during the domestic call, and I really understand that domestic calls are the least favorite thing to do. And I understand there is, you know, a high danger rate in that, but no more than the woman faces that danger. And I just wish that there would be a better way, and I think there is through more education, through, you know, law protection, that they need more education.

You just cannot easily assess things. As I said in my closing statement those kinds of assessments lead people to think that things are very clean-cut and dry. In domestic violence it is never that way and there is not time to assess those things. And I just do not want officers to go to a domestic call and think that that is all they have to think about, are those five issues and that is it. It is just so much more than that.

Senator COHEN. I think what Officer Hodgdon was talking about—and I will let her explain it—is that sometimes you might have a, "verbal altercation," a shouting match, and the neighbors might call the police to go to the scene and a police officer has to make a judgment at that time: Is there a danger to the individual involved? Is there some evidence of alcohol or drugs? Is there some background behind it that may but the officer in a position of making a judgment? Do I arrest this person on the spot? So they have to make a judgment call, and I think that Officer Hodgdon was talking about a kind of criteria that the officer can rely upon.

As you point out, it is very difficult, it is messy, and unless that officer has had some experience or training it is even more difficult. I agree with you, from having spent my earlier years, much earlier years, as a prosecutor involved in domestic disputes, that the courts are very reluctant to take them. The police are usually reluctant to, "get involved." Their attitude is that this is simply a husband and wife having a fight, let's not bother them.

Today the situation is quite different. Today there is an element of great danger to the police officer, as you point out. The police are reluctant to walk in because of what Dr. McAfee talked about;

Namely, the threat of being shot. The situation today is more complicated, as Officer Hodgdon will explain.

Ms. HODGDON. The lethality scale is one of the very few tools that we do have, Lisa. First of all, I will tell you it is not our least favorite call at all, and there are those of us who are trying through education and trying to change attitudes. The most significant problem that we have is I am the only police officer in this town for 10 hours at a time and I may be standing at a domestic where two partners are arguing back and forth, and I am trying to decide, you know: Am I going to bump this up? Is there alcohol involved here? Is there a crime here? Can I take someone out of this situation when I get a call that there may be a 3-vehicle accident with personal injury out on the highway on Route 1? And not to minimize domestic violence at all because I am not trying to do that, but people injured on the highway, I have to go now. I have to go out there and clean that mess up before I can help at the domestic violence situation. And that is one of the real big problems for us.

The other one is that this lethality scale that I mentioned, this is something that prosecutors and judges will be looking for. That is a reporting technique. After everything is said and done and the arrest is made, we sit down with the paperwork and hopefully a history of the perpetrator and look up these indicators and say, gee, this guy fits the bill and hopefully the judge will be able to see that paperwork while he is saying, gee, this lady really needs the protection or he fits the bill here and this is a dangerous situation.

Senator COHEN. Dr. McAfee, I am particularly curious about one aspect of Lisa's story. She said that about 3 days after having given birth to a child she was essentially raped by her husband. The doctor standing in the presence of the husband said, "Well, if I did not know better, I would think that you had been raped." What is the responsibility of physicians? What has been their response in the past when they see a situation where their experience would tell them this is something that is serious, where they do not care if the husband is standing there and where they have an obligation to pursue this and report it to the authorities? What has been done?

Dr. MCAFEE. Up until recently there has been no course in medical school or residency training that has dealt with domestic violence as a public health issue. I will tell you that one of the things that we are doing is being sure that this will be part of the school curriculum. But for young physicians from this point on, there will always be an appreciation that this particular situation is not complete until you have either made the appropriate referral, have identified this as a victim of domestic violence, et cetera. That is the purpose of these protocols, Senator, because this is for the practicing physician to say no longer is it good enough to treat the twisted ankle, the cracked rib, the broken nose, and accept the fact that the woman says, "I fell down the stairs," "I bumped into a refrigerator," when the chart in the emergency room is getting rather thick.

Now, every physician is being asked to screen every patient in that situation for domestic violence, and I will tell you that the re-

sponses we are getting are overwhelming, that the resources that we have in this community to refer victims night and day is inadequate, that our battered women's shelters that exist are having an occupancy rate higher than their occupancy on a regular basis. This is a major public health problem.

A very simple thing that we are trying to do throughout this country is that if a woman has called and made an appointment in your office—and it makes no difference whether you are family practice, whether you are obstetrics, whether you are dermatology, what have you—and a man calls later and cancels that appointment, there is an 80 percent chance that that is a victim of battering. We are asking our medical assistants to flag those charts if that patient subsequently comes to the office again, put a little sticker—in our office we use black and blue—to alert you that this patient who may come in because of a breast lump, abdominal pain, insomnia, a whole series of symptoms that may have nothing to do with your specific specialty practice, but in which the patient is obviously asking for assistance and wants your help and wants to talk to you.

So I think that our goal is twofold, Senator. It is to elevate the public awareness of this through our publication, but more importantly to improve our professional responsibilities, our professional diagnostic accuracy, and the ability of us as physicians and our institutions to have the resources to refer these patients who have this problem because it is as much a major public health problem in cost and as large as is AIDS in this country.

Senator COHEN. I was going to talk to you about AIDS as well. There was a survey by the National Victims Center last year that found that a medical examination occurred in only very small percentages of the cases, about 17 percent, and of that 17 percent more than ⅓ were not given any information about testing them for sexually transmitted diseases. Almost 75 percent did not receive any information about testing for AIDS, and 60 percent were not advised about pregnancy testing. Do you see this as a serious problem in the medical profession?

Dr. MCAFEE. Yes, indeed, and I think that the opportunity that we have had to work with funding agencies, to work with those in medical education, to work with those who provide care both in the office and in the health clinic situation has enhanced the opportunity we have of shoring up our shortcomings. As we work with the administration in the basic package, those particular opportunities for health education, the new women's health initiative sponsored by the National Institute of Health, all of these are focusing on where we have not done a good job in the past and where we need to include them in the future. And I agree with you wholeheartedly that that is an area we need to focus much of our effort on.

Senator COHEN. I would think at a minimum anyone who seeks medical treatment as a result of rape, would automatically be advised and informed that they should be tested for sexually transmitted diseases, AIDS, and pregnancy. It does not take a Harvard education to figure that doctors ought to employ what we call a reasonably prudent man or woman test. Under the circumstances this should be automatic; it should not take some kind of booklet

and training, unless a student going through medical school suffered the same problem that society at large suffers from, namely, indifference to the whole problem of violence against women.

Dr. MCAFEE. There is a problem in dissemination of information particularly in the emergency room setting. We can give patients all the information they need, we can give them booklets, pamphlets, et cetera, but we find because of safety issues that sometimes the perpetrator confiscates that material rapidly. The one thing that disappears very quickly is the little, tiny business—smaller than a business card—with the number of the local shelter or the local counselor which we keep in the women's rest room, which can be picked up and put in a shoe, in a bra, taken out of the situation and still accompanied by the male and the contact can be made the following day. That is the way we have to disseminate information to some victims simply because what we wish to disappears rather rapidly once they leave the institution.

Senator COHEN. Ms. Baietti, you implied that women stay in an abusive relationship because of fear. I think Lisa indicated it is a little more complicated. I suspect that some women feel they are, "to blame." I think Lisa said if only she had been a more perfect wife or had on a more perfect dress or had done something more, it would not have happened. So it is not only fear. There is a whole series of layers of complexity involved these abusive relationships, isn't there?

Ms. BAIETTI. Well, I would say that I did not mean to imply that fear was one of the only reasons why women stay. It was just that it was more dangerous for them to leave. I think that was the point that I was trying to make. In fact, I have read recently where at least 50 percent of battered women do, in fact, leave, so I think that is important to know.

Senator COHEN. Tell me what your experience has been, any of you, when there has been a service of process; the complaint has been filed and the police arrive and either arrest the individual or serve him with papers. What is the level of danger at that point? The person has been arrested. Let's suppose he has been put out on bail or is not required to post bail. Based on your experience, what is the danger at that point?

Ms. BAIETTI. Well, I think that that varies throughout the State of Maine. There does not appear to be consistency throughout the State. I mean from up in Aroostook County that would be the ideal picture, to think that somebody who was arrested as a result of a domestic violence situation. That does not happen consistently throughout Maine. So it is difficult for me to comment.

Senator COHEN. Officer Hodgdon?

Ms. HODGDON. It is supposed to happen throughout the whole State. I know that is probably no help, but it is now the law that someone will be removed from that situation. Probably when—about the time that the process server arrives with the protection order is the worst time for the victim because that seems to infuriate the abuser.

Senator COHEN. What happens after the arrest has been made and there has been a——

Ms. HODGDON. Unfortunately, usually it costs them $25 to get out and they are home before I am.

Senator COHEN. What I am trying to find out is: Is there a heightened danger once the complaint has been filed and the person has been served the legal process? What is the level of danger at that point if the person is not in jail?

Ms. HODGDON. It is worse, I think; it seems to be worse. Oftentimes, we go right back to the home, and it is even more violent than the first time because that infuriates them. They think that the person that they have abused has had them arrested, and we try to make that clear now, that the choice is taken out of the person who has been abused hands. We tell them the police department, I, Officer Hodgdon, I am pressing the charges; it is not her fault, it is not her doing. You know, if you want to be angry at someone, be angry at us. But oftentimes, it does not work.

Senator COHEN. Lisa?

LISA. I know from myself is that when he would be served with protection order papers is when, like I said, we would go into hiding. And one of the things that I find difficult with that, with my own case, is that those papers were not always served immediately and I had to wait. And not only did they—and then I had to like guess when they were going to be served. I was not notified when they would be served, and I wished that that would be a mandatory thing for police departments to do, is to notify the victim when the papers had been served. To me that is a highly volatile time, and I do advocate work now, and I always advocate for the woman to go to another space, a safe space for her and her children.

Senator COHEN. Ms. Baietti, tell me——

Ms. BAIETTI. Could I just address one part of this, also? When someone is arrested and then makes PR bail and shows up at home, the system then gives him more power because then he can say to his victim, "I told you nothing would keep me from getting you."

Senator COHEN. So is the recommendation that once there is an arrest that there not be a release until there has been a hearing or an adjudication?

Ms. BAIETTI. At least a no-contact order.

Senator COHEN. Dr. McAfee?

Dr. MCAFEE. I was only going to say that from a physician's point of view, child abuse is a reportable condition for us in 50 States in this country, elderly abuse is reportable in 42 States, and in only one State is domestic violence reportable by law by a physician unless the victim wishes to press charges.

The concern that we have as we struggle with this is we need to have a public policy in this regard backed up by our legal system, and that is one of the focuses of this conference I mentioned coming up in March. But the trigger points are at the times that you have identified, and we must provide a system which for the safety of the victim and the safety of the victim's children is paramount. It is not so much to prosecute as it is to maintain the safety of individuals first and then solve the problem, and that is why reporting does not necessarily lend itself to the best and wisest decision at 3 o'clock in the morning, and that is why we have to be very careful as to how we struggle and how we develop the policy in this regard because of the safety issue.

Senator COHEN. In other words, if you would report the abuse immediately, there might not be any action taken for several days and the wife, or girlfriend is then put in the position of having to live in complete fear for that 3-day period.

Ms. Baietti, is pregnancy any kind of a protection to a woman from abuse?

Ms. BAIETTI. No. In fact, it is one of the times when physical abuse first appears in some relationships.

Senator COHEN. I know Lisa mentioned this, but there is another case I am aware of in which a pregnant woman was beaten and went to a physician for treatment. He advised her that the next time that she is hit hopefully she will not be hit in the stomach; he cautioned her as if she could protect against that. Do you find that, also, Dr. McAfee?

Dr. MCAFEE. The second leading place to find victims of domestic violence in a hospital situation is in the obstetrical clinic. Seventeen percent of women in the least populous areas and up to 33.3 percent of women in the largest areas have indicated physical violence, particularly punching to the abdomen, during pregnancy. The magnitude of the problem is so great that recent statisticians have indicated that the single largest cause of congenital anomalies in this country may be the impact of domestic violence and the physical abuse that occurs.

Dr. Dick Jones, a former president of the American College of OB–GYNs from Hartford, starts his lecture—and he is a strong proponent now of doing something in this—starts his lecture showing a slide with a woman with a pregnancy at term, a full-grown infant about to be born, whose right side is fractured prior to delivery because of this trauma. The obstetricians themselves share with me their fright with the magnitude of the problem as it impacts on their patients, and it crosses every socioeconomic line. This is not something which is academic to those less fortunate in our society, and with only half of the victims does substance abuse or alcoholism play a role.

This is a complicated power relationship problem that plays itself out in the most affluent societies and professional families as well.

Senator COHEN. You make an interesting point. We are still in the process of debating the omnibus crime bill, and as you may have read, there are enhanced penalties for so-called hate crimes; that if someone commits a violent act, a murder, for example, and the motivation is directed toward any racial, ethnic, or religious group, there are much stiffer penalties. The question I would raise is: Is this something we should also take into account at the State and perhaps even at the Federal level? If there is an assault upon a pregnant woman should the penalty be enhanced? You are all nodding.

All right. One final question for you, Lisa. You mentioned that when you were at your in-laws, that you were virtually being beaten in the next room. Your head was pounded against the wall, you were grabbed by the throat and left with bruises. It's very difficult to believe that his parents could not have heard what was going on in the other room, and very difficult to believe that they could not have seen his finger marks on your neck the next morning. Nothing was ever said to their son, I assume?

LISA. Nothing. It was acknowledged that day—my husband wanted me to wear a scarf that day to hide those bruises, and I would not do it because I thought that he would not be stupid enough to assault me again there in their presence. Since my divorce, I have confronted my ex-in-laws regarding that fact, and my ex-husband, unbeknownst to me until I was married to him, had a long history of substance and alcohol abuse and also a history of violence, that they neglected to tell me those things. They thought he had outgrown them and that being married would make those things go away.

There is something that I would like to say: It is that being a woman in rural Maine it is very difficult to still receive access and help regarding domestic violence, and I think that that is something that really has to be looked at, that the plight of a woman who is in rural Maine is different than someone in the city. The transportation issue is a very big issue. I live in Oxford County, and to this day it is very difficult still to receive help in Oxford County even though the county seat is in South Paris, ME. At that time still the closest shelter that we have is still 40 to 50 miles away, and it is still a 45-minute drive. There is no immediate access, and I would hope that this bill would provide monies for rural communities and education.

Senator COHEN. One final point to raise and perhaps even to make: As you know, there is a great deal of debate taking place about the role of television in our lives. I happen to have grown up in the era of "Father Knows Best" and then later watching "The Mary Tyler Moore Show." Today television is quite different. Today you see the images of MTV, you hear the lyrics of rappers who urge the killing of police officers and the beating of women. We have the entire issue of the role of television in cultivating and promoting a culture of violence. This issue affects all of us and involves, obviously, the first amendment, which we are reluctant to infringe. Who among us can be the censors of television? But I must tell you that some of the things that are on television, on HBO, not at the wee morning hours but as early as 9:30 or 10 o'clock, would shock even the most coarse merchant sailors of years past. They would not even imagine the magnitude of what you can witness on television with everyone having easy access to it and with the stars glorifying the activities.

Do you think that lyrics and TV programming contribute to the culture of violence that we seem to be experiencing?

Dr. MCAFEE. There are several longitudinal studies that have shown that during the formative years, from 1 to 5, exposure of violence on television carries—and the dose of that experience is dose-related down the road to violent behavior to that individual by the time they reach their adolescent years.

Right now, Senator, there are 19 television shows shown on Saturday morning with greater than 20 acts of violence per hour. That is the highest time in which those children have access to that television set.

I had the opportunity to testify on behalf of the AMA to the congressional committee on Congressman Markey's bill looking at the installation of a violence chip or a V chip into newly produced television sets. I look upon that as not censorship. That with the com-

mitment of the industry now to tell us the degree of violence on the programming, that parents through that chip will then be able to program out the opportunities for children to view that. That is not censorship. That is helping parents parent, and in this day and age we can expect no less from the industry, those that produce the violent programming, which is cheap and inexpensive programming.

One fact of that hearing impressed me. The 10 largest advertisers in this country were asked to attend that hearing and offer their testimony. Only one of them showed up, and that was AT&T, and they got dinged for a couple of shows they had sponsored. There is no question that violence sells and I think to hold even those who are responsible for promoting that violence through the advertising dollars should be part of our equation as well.

Senator COHEN. I want to thank all the members of this panel. Your statements are very powerful and persuasive. When the rest of the Judiciary Committee reads the testimony, they will be equally impressed. As I indicated, Senator Biden and I will be taking this to our colleagues in the House, who I am sure will be more than sympathetic in supporting The Violence Against Women Act.

Thank you very much.

[Recess.]

Senator COHEN. Ladies and gentlemen, we are going to begin our second panel. Our second panel of witnesses is going to discuss the problem of stalking.

Our first panelist is Joanne Stinson, a victim of stalking. Joanne has recently received some media attention for bravely suing her stalker to recover the costs she has incurred to protect herself as a result of his actions. In addition, she has publicly spoken about the destructive effect stalking has had on her life. Today she has generously agreed to testify about her experiences and about the insidious crime of stalking. Ms. Stinson, would you please come forward and join this panel?

We also have Karen Gigey, a victim of stalking. After leaving an abusive marriage, she found herself unable to make a new start because she had become the prey of her ex-husband who refused to let her go and relentlessly stalked her. It is an incessant, hostile intrusion in her life which affected her at home and at her job. Ms. Gigey cannot be sure that she is ever out of her stalker's reach. I want to thank her, also, for agreeing to come forward, despite the constant threat under which she lives. Karen, would you please come forward?

Finally, Barbara Michaud, a Skowhegan Outreach officer for the Augusta Family Violence Project is going to testify. Ms. Michaud counsels victims of stalking and is familiar with the many different kinds of excessive violent methods that stalkers use to fill the lives of their victims. Ms. Michaud, would you please step forward as well.

Before I proceed any further, there is some question that I made a statement that most men believe it is their legal right to beat their wives. I hope everyone understands I was talking in an historical context; that under English law it was specifically allowed for men to beat their wives, provided the rod was no thicker than the thumb of their hand, and that rule survived for many years. We inherited that rule, and it was only about a century ago that

we abolished it. Under the English law we inherited, when the husband and the wife were married, they were said to be one and the husband was the one and the woman lost virtually every legal right that she had prior to marriage. She could no longer enter into contracts; she could no longer sign documents in her own name; she had no separate identity, period, and it took years for us to change that.

What I was suggesting is that I do not believe that most men today feel that they have a, "legal" right to beat their wives. It is not all men but there are too many men who feel it is their right to abuse their wives and they feel they are not going to be punished for doing so. If you listened to the testimony earlier and you look at all of the obstacles that women have to overcome from calling the police, to getting a hearing, to getting a complaint and then finding that someone may pay a $50 fine for everything they have done, it shows that the law is meaningless in the eyes of many—not most but many men in our society. So I hope I clarified that. Most men do not feel they have a legal right to abuse their wife or girlfriend. Historically that was encouraged and it has taken too long to change the attitude of some men in our society.

Now, Joanne, why don't you go ahead and tell us your story?

PANEL CONSISTING OF JOANNE STINSON, VICTIM OF STALKING; KAREN GIGEY, VICTIM OF STALKING; AND BARBARA MICHAUD, SKOWHEGAN OUTREACH OFFICER, AUGUSTA FAMILY VIOLENCE PROJECT

STATEMENT OF JOANNE STINSON

Ms. STINSON. I have been stalked by Richard since April 1992. The previous Christmas I met him through family members. He had worked in my family's business, so a lot of—again, a lot of my family members thought they knew him quite well. We went out on a couple of dates after that, and he started becoming very controlling, rather obsessive. He would set up dates that I told him ahead of time I could not make, and then if I did not show up, he would drive in and out of my driveway all night looking for me.

After I got fed up with his actions, I let him know that I was not interested in seeing him anymore, and almost immediately strange events began happening. I started getting strange phone calls. I was working in North Conway, NH, at the time and living in Maine. At my workplace I was getting strange phone calls, and then in Maine, at home, I was also receiving strange phone calls. All of a sudden a man started following me around. I had no idea who he was. It was not Richard, but I still did not suspect he was behind it. And I informed the police at this time that I had a license plate, but I did not know who it was. They tracked it down and it was a rental car, and after some time they finally determined that this was a private investigator that had been hired by someone whom they did not know. And he had stopped, so there was nothing they could do about it.

Soon after this, I started getting flat tires at my workplace. I started receiving hang-up phone calls. As soon as I would get a phone call—I would walk in the door and the phone would start

ringing immediately; I would pick it up, and no one would talk to me.

In New Hampshire I informed the police out there, and they were—they felt badly for me, what was going on, but unless they could catch somebody in the act of doing something, they could not do anything else about it. So I attempted myself to catch him flattening tires, and that did not work.

Shortly after this, I started seeing Richard walking around the building where I worked almost every weekend that I was there. He would not come in the store; he would just walk by and look in and almost make sure that I saw his face out there. One time I got extremely fed up with this, and I confronted him and told him in so many words that I did not want to see his face again. And he just ignored me and walked off. This continued through the whole summer, again with the flat tires, more phone calls. I would get hundreds of phone calls, up to six, seven, eight a day on my answering machine where someone would hang up.

I went on vacation in August. When I came back from vacation, I had about 20 hang-up calls that had just come in over one weekend.

I got fed up, and I hired a private investigator myself, and he immediately took attention that there was a serious problem going on here and started teaching me on how I could protect myself. The police at this point still understood the situation was going on, but again they had not caught him. My investigator taught me how to shoot a handgun, how to get training, and basically what you could expect from an individual that had been obsessive and was still around and was stalking.

And it was early September that I went to a meeting in Portland. I was working in Freeport at this time, and I came out of the building, and there was a note on my car with my name on it. I opened it up, and the note described exactly what I had done every minute of the previous evening in my home, what I was wearing, who came to visit, who left, and it was very frightening. And almost immediately after this is when the Topsham Police called me and asked me to come over, they had something for me to see. I sat in with the officer, he opened the file, and he had a picture of a girl who looked very similar to me. He said this is Richard's history 10 years ago of what he did in another State. He had been doing the same sort of stalking action. It was almost an identical case, and, unfortunately, the woman ended up dead at the end of that one and he was the one and only prime suspect in the case. Unfortunately, it got botched. The witness disappeared, so right before the indictment with the grand jury the case fell apart. It is still an open case at this time.

My investigator then helped me to get a restraining order. It was a lengthy process, but the police now were quite aware of the situation. They all had the file; the State police, the FBI, the sheriff's department, all of them were more than willing to cooperate. They moved me out of my house the same day that I found out about his history and wanted me to be closer to a city where the police station was a lot easier access.

After obtaining the restraining order, things got a little quieter. They had a cat-and-mouse game just trying to track him down, of

course, to serve him with paperwork, but I would continue to see him driving back and forth from work. Hang-up phone calls would come in on occasion. I had a caller ID, so we were trying to track those, and that also did not work, unfortunately.

In February 1993 all was quiet that night, and suddenly I heard a noise outside of the home I was living in. My roommate looked out to see a man jump back from the window and run through the woods. I ran outside quickly and looked around to see which way he had gone. I called the police, they came up and followed the tracks and learned through talking to neighbors that a man had been parking on this back street almost every Friday night for months and walking through the woods. They did not know where he was going. I understand that he was more than likely standing outside the back window of where I was living.

Then in March, I believe, 1993, I was working one day and I was getting ready to leave, and as I walked out to the parking lot, I noticed the truck, Richard's truck, sitting in the parking lot. So I immediately went back into the store and reported to security, and we found him wandering through the store and peeking out in the windows where my car was parked. We had three or four police arrest him just down the street as soon as he left and, of course, within minutes he was home again.

About a month later I came home one day to meet my investigator, and a package was sitting on the doorstep with my name scribbled on it. He knew right away not to get fingerprints on it. We picked it up and we took it inside the house and opened it up, and there was some sexual paraphernalia in there with a note describing that, yes, I and another person are watching you and on and on, and it has been going on for a year now.

And then this summer it was the same thing. I would see him off and on, while I was playing softball, again going to and from work, hang-up phone calls coming in that they were not registering so that we could pick them up. I still waited to see if any of these charges were going to be brought forth on Richard, and he has the right to ask for a jury trial so they were thrown back into the system and they said it would probably be 6 months or more if you ever hear anything from them.

Then I found out accidentally through a realtor that she had some strange events with this man that wanted to see properties in the Portland area, but he specifically liked Westbrook, and after asking more questions found out that it was Richard and he had been in the condo that I was living in. It was for sale, but the realtor had specific instructions not to let this man in the occupancy. He had not only gone there once, he had gone there twice. He had roamed throughout the house by himself for approximately 45 minutes and as far as I know could have gone through all of my personal belongings. So, fortunately, we do have charges outstanding on him being in the condominium, and I believe those will be taken action on.

By the end of the summer that is when I finally did start working with an attorney to draw up a civil suit against Richard, and I presently am working very strongly on that case.

Senator COHEN. Has he been served with the papers for that suit?

Ms. STINSON. Yes, we are in the process of all the depositions being done actually in that suit, and in October my restraining order ran out so I attempted to go through the process of getting another one and was granted a temporary restraining order. And, unfortunately—or fortunately—he has been out of town. But since he is out of town, I cannot get the papers served. We need to get a restraining order, so I just keep continuing to go back to the courts and try to get this process. But he is still around and he still has a home in the State of Maine, and I firmly believe that this is never going to end as long as he is not in some sort of jail or as long as he is living.

Senator COHEN. When did you feel that the police first started to take your complaint seriously?

Ms. STINSON. When they were able to read the file about what had happened 10 years earlier in Virginia.

Senator COHEN. It was not until they saw that he had been a prime suspect in the Virginia case?

Ms. STINSON. Exactly. Before that, they kept referring me to domestic violence units, and again they would just repeat, well, you know, if we had the time, we would do more with this but * * *. And I understood, there just are not enough police out there. They cannot watch someone 24 hours a day in order to catch them. That is why I tried to take it upon myself to gather the evidence.

Senator COHEN. I take it everyone in this audience knows stalkers are very clever.

Ms. STINSON. They certainly are.

Senator COHEN. You talked about cat-and-mouse games. Stalkers are very clever and know just how far they can go, at what point they cross the line, at what point the police may arrest them. They do play cat-and-mouse games, and many of them are highly intelligent, understand the workings of the law have read it carefully and know exactly how far they can go.

Ms. STINSON. I do know that he has taken the steps to check to see what the laws are as far as restraining orders, how far can he go before action can be taken against him, how much surveillance can he do on his own and hiring investigators before an action can be taken against him. And the cat-and-mouse game is very interesting. It was while we were trying to serve him the papers, and like Lisa said earlier it took 3 or 4 days for them to catch him, and they were watching his house very closely. He snuck in in the middle of the night. They came back the next morning, and he had left a note—Ha, ha, moved to Westbrook, which is where I was living, and, finally, that night they caught him in a hotel right in Westbrook.

Senator COHEN. I will ask you some more questions in a moment.

Ms. Gigey?

STATEMENT OF KAREN GIGEY

Ms. GIGEY. OK. I am very nervous about this. I have decided to go public with this finally after 4 years of fighting with the system, fighting with my ex-husband, fighting with friends, family, relatives and everyone involved, except for social service agencies like Family Violence Project. I will try to summarize this.

In January 1990, my children and I were forced to leave our home and seek shelter and protection from the abuse center. We left in a crisis situation. My friends had been telling me I was living in an unsafe and dangerous environment. I was so emotionally involved with it that I could not see this. I knew something was wrong, but I did not know how bad it was. I had adjusted to this way of life. I guess I just accepted it. I just kept trying to keep my family together no matter what.

I had just given birth to our daughter in November, and she was only 1½ months old. My husband at that time had been having an affair with a young 18-year-old girl in our house while I was in the hospital giving birth to our daughter. I was very emotional. I had a very hard labor and then to find this out when I got home, but I just had to handle this, I had to keep this together. I was trying to nurse the baby and I did not want the milk to dry, so I just accepted it. At that time it was all I could do.

Just before I went to the Family Violence Shelter, my ex-husband Steve got so bad that I was shut off from all of my friends and family. At that time in my life, my children and family and friends were my only sanity. By this I mean he did not allow me to visit with family or friends, nor was I allowed to talk on the phone unless he was standing right next to me to monitor all of the conversations. No one was allowed to visit the children or myself at our home. It had been 2 weeks. People were starting to become worried about the children and I. This was very unusual for them not to hear anything at all from us.

One of my friends came over to see if we were all right, and I was terrified for my friend to be there. I said, "Steve has just gone to the store. You must leave; it is very dangerous for you to be here. He'll be very angry."

My friends asked why they hadn't heard from us. I told them I was being held against my will by Steve. He told me he was going to help us—my friend told me he was going to help us and call the police. At that time in my life, both my children were very sick and under a doctor's care. I could not even go—I was not allowed to go to the store to get them their medicine. I just was not allowed. My friend told me he was going to call the police. I told him I was very scared.

After a few minutes, my husband returned home and right behind him came a police cruiser. They both came to the door, Steve coming in first. The policeman asked me was I being held against my will and I said yes, I was. They asked me if I wanted Steve to leave and I said yes, I did. Then they escorted Steve out of the house and told him not to come back until he got in touch with the police to get his personal belongings. He resisted the police, he cried and he carried on and he begged and he pleaded, but then he left and he left with the only vehicle of the home. The police then told me to get the children and my things packed and go to a shelter for a while. They felt it would be the safest thing for us to do. So we packed. They waited for us while we packed. And during this time, I told the police that I had two very sick children; they told me that I needed to go to the shelter anyways because it would be safer that way for everybody. They did not have enough police on duty at that time and in that town to patrol the area, and

they felt at that time I needed 24-hour protection, so the safest place would be the shelter. I called a friend, they took me—the police took me to the police station. I called a friend and he picked us up and he brought us to the shelter. All the shelters around were full. The only one available to us was the shelter in Portland, which was 1½ hours away from home. This was very scary, and I was very upset that the police could not provide me protection if I stayed home. It was my own house, but I was told that I could not stay even in my own home at that time.

It was a very scary place. I remember one recollection I had to go to the store; if you did not remember the combination of the lock on the door, you would be locked out and there would be no way to get back in. During our stay at the shelter, they were very overcrowded. There was a lack of food and the furnace broke and we were all without heat for 5 hours. I had two sick children, and we had to wear our winter coats and mittens to keep warm. I was told the funding was not available. They did the best they could. I really wondered why I was being forced to go through this. I wanted to go home.

I went home and Steve was waiting there for us. Somehow he just knew. I thought at that time living with him again would be better and less hassle than going back to the shelter. This lasted for less than 2 months. This time I was very angry with all of his promises that never came true. I had him removed again. This time there was no turning back. I knew in my heart he was a very sick individual, and I did not want to live that way anymore. I refused to be forced out of my own house ever again.

After he was escorted out of the house, he kept calling me, begging to come back. He would call the operator, and he would tell her that it was an emergency and have her interrupt my conversations just to threaten me and harass me. He followed me with his car, his friends' cars. He even followed me with used cars with dealer plates on them. I reported each and every time with an official statement. I made so many statements at that time in my life I was nicknamed "The Statement Queen" by the local officers.

Finally, I was making out another statement at my home while the police were present. Steve called me on the phone. The police picked up the phone, and there was my proof that they required of me, an eyewitness. They served him with a harassment order that day. This did not stop him. He kept calling me. He was very, very angry at why I did this to him.

I could go on and on within other stories with providing various statements and documents, but time does not allow me to do this. He once came to my home driving by and turning around in my neighbor's yard. He did this for 4 hours straight on end. Every call to the police I was told he was not violating his harassment order because he was driving on a public roadway. Now, I lived on a dead-end street. What other purpose would he have to go back and forth for 4 hours straight?

Every time I called the police about this, the police would never come. They would just log it in a file. It has not violated his order, they would say; no one but yourself has been witness to this.

I once told them what do I have to do, get a camcorder, and they laughed and said yes, that would be helpful if you could. I kept tell-

ing them I was afraid for my children and myself, he was going to do something, he is going to explode, please do something, please do something. They said they would patrol the area. They never did.

Then it happened. I had one of my friends over, and he came over and he took a baseball bat, he threatened us with it. He threatened to steal our daughter and move to Florida with her. He also had a German Shepherd dog, which was very ugly, and he had trained the dog to attack people. The dog was later taken away from him and put to sleep because of his abuse to the dog. He grabbed my daughter's leg and tried very hard to rip her out of my arms, and she was only 18 months at this time. She was screaming very loud. I had him served with a temporary protection from abuse order at this time. He was not able to be found, so he did not go to court; I did. The next day he chased me—the next day after he should have been served with this, after I went to court, he chased me in a high-speed chase in his car. He chased me through two different towns. He tried to run me off the road and bump into me. He forced another truck that was in back of me off the road so he could get right behind me and put his high beams to blind me. He did not know if my children were with me or not, nor did he care.

The police called again—the police were called again, and it was my word against his. They said he went to the police station that night and told them that he was trying to stop me so he could get clothes out of the house. This was untrue because at that time he had been gone from our home for almost 2 months. He had already removed all of his personal belongings with an officer present. They were told he drove into my baby-sitter's yard and called out obscenities. She was an eyewitness, that is, my baby-sitter. They did not believe her.

At that time, I might add, I had my ankle in a cast. I was about to have surgery on it, so I was trying to tell the police that he had, in fact, violated his protective order as well as his first harassment order. They said they could find no orders for them to arrest him, but they would check into it and they would get back to me. They never did. In fact, I called the next day. They had misplaced the statement. They only called it harassment because he could not be found to be served. He had already been served with one harassment order and only fined for the telephone harassment. This should have been his violation from his protective order, but it was not. I took the time to go to the court and have the judge hear my story and get the protective order, and the police were not aware of that.

I went to the court and I begged the DA to arrest him, that he was driving me crazy. He said I did not have a strong enough case to arrest him, but he would bargain with me to put him on probation and suspend the jail sentence. In between, I was given my final protection from abuse order, which he continued to violate. He kept contact with me, asked about me to my family and friends all of the time. He was not officially contacting me directly, but he sure was indirectly contacting me. He caused me to lose my job. He kept sending me messages at work through strangers, scaring me

half to death. I begged the DA for a no-contact direct or indirect order. I got one 4 months later.

At this point in time, none of my friends that I had were friends anymore. They were too afraid to continue to be my friends. My family did not know what to do. My children lived in total fear. My baby-sitters all quit either out of fear or their parents' fear. The only support I had was the Family Violence Protection Agency. They kept me going, and they were a godsend to me and my children.

The divorce came very slowly. I did not have much of an income, so I could not afford my own lawyer. I contacted the Volunteer Lawyers Project, and they appointed one for me. He was not very helpful or supportive at all. I found out later that Steve had called him on the phone and threatened him. He never reported this to the police. He was, in fact, afraid of him also, so he was not aggressive with my case. I had to serve my own subpoenas for court hearings. I called my own witnesses and prepared my own case. This was very difficult, but we did it.

The probation officers I spoke to recognized his name, Steve Alan Gordon, said he had a criminal record a mile long. I had checked this out and it was true. I was devastated. No one told me. One of his old probation officers did tell me to be aware of him, he was very sly, he was very dangerous to be around. He wished me luck but said he personally could not deal with him. I take it he was afraid, also. The many times I contacted the other parole officers, they said that I had to make more statements, I needed more witnesses before anything could be done again. He was no help.

I felt hopelessly alone and abandoned by the law, so I took it upon myself to feel safe again. I took a concealed weapons course, and I did very well with it. I learned how to handle a gun quite well. I was told by the police that I should not do this. They did everything in their power to discourage me, but I still went forward and I did this, and I feel much safer than before. I personally know that if I ever have to defend myself and my family, I feel more confident that I can without waiting for someone in the law enforcement to believe me or to come to the rescue.

I have done a lot in 2 years of my life trying to gain back my peace of mind and my dignity. Steve Gordon still to this day stalks me. I never know when or where he might be following me. I carry Pepper Guard on my person at all times. I continue to fight for the right to be protected to this day. I have had to fight back hard at the system. I hope this testimony will help to make much needed stalking laws more forceful. I live with my own personal fear each and every day, always looking down the driveway for strange vehicles, looking over my shoulder all the time while I am driving in my car, looking in stores, parking lots and always, always being on my guard. I will never be at peace until he is locked up for good or he is dead.

Senator COHEN. Thank you very much.

Ms. Michaud?

STATEMENT OF BARBARA MICHAUD

Ms. MICHAUD. Good morning. I was asked to speak to you today on the nature and the scope of stalking, and what I have to offer

these proceedings are the results of a preliminary survey that I did amongst clients in the area that I provide services to, that being northern Kennebec and Somerset County.

I am actively involved with victims of this crime on a daily basis. The approach that I took was to take a random sampling from our files over the past year. I pulled 100 files, and within these there were 31 people who had been stalked. I also looked at the stalking behaviors and found that there were many similarities as well as other additional behaviors. The most common behaviors were driving by the victim's home; phone calls to the home and to the workplace, with and without threats; contact through friends, which ranged from declarations of love to death threats; following the victims on foot, in vehicles, to work, to school, to friends' homes, to grocery stores and anyplace else in between. Some of the more innovative acts or tactics included having a person's utilities turned off, killing pets, threatening over a CB radio, using the legal system by making false complaints or filing numerous court proceedings.

The victims of these tactics, as has been clearly explained to us by these two other women, had suffered innumerable losses as the result of living in these situations. Victims live in a constant state of fearfulness which over time results in a number of physical as well as emotional symptoms. Many personal relationships are lost because family and friends fear for having their own families or having people close to them impacted by this violence.

People who live like this are in constant terror. It is the first thing they think about when they get up in the morning, and it is the last thing that they think about when they go to bed at night, consuming all their waking hours, wondering when the stalker will show up next and how close is he going to get this time. They fear not only for themselves but for their children as well and their family and their friends because stalkers will often approach these others as a means of intimidating the victims. And so the victim lives in a state of hypervigilance as well as emotional exhaustion. They lose their sense of personal safety, they lose their sense of privacy and freedom, and sadly they lose their respect for the legal system.

Victims employ a number of methods on their own to obtain relief. They change their personal habits. They go to a different church; they go to a different grocery store. They change day-care providers. Those who have resources expend them on security systems, changing their phone numbers. Caller ID has been mentioned a number of times, purchasing car phones, CB radios. Some people move, some buy attack dogs, and some get guns. Those with fewer resources change their locks, sleep with the lights on and have a baseball bat by their side, or maybe go to a shelter. When a victim has accessed the legal system, it has been clear from Karen's testimony they spend time in courtrooms, and they spend hours filling out police reports.

Victims who have the option to move out of State or even to visit others out of State often will not do that because they are afraid of leaving their court-ordered protection behind them. The model stalking code as well as The Violence Against Women Act encour-

ages the States to honor protective orders from other jurisdictions, and I think that is critical.

The model stalking code is a comprehensive framework for addressing this issue, and it is clear that the task force understood the scope and the nature of stalking and provided State legislators with an excellent resource for developing legislation that can combat this newly identified crime. The code addresses all aspects from the definition of the crime to arrest policies, to sentencing options and to victim notification in every step of the criminal justice process.

I would like to express one concern with regard to the task force suggestion for post-arrest and presentence mental health evaluations. The code encourages this, and I would caution against it because I think that it underestimates the level of functioning of the stalker. These people are very calculated. They are very focused; they are highly adaptive with or without a mental health diagnosis. It takes an incredible level of functioning to study another person's life-style, their behaviors, their habits, and then to alter your own so that your paths cross on a regular basis.

And I agree that police and prosecutors need a means of assessing the victim's level of safety as well as determining the stalker's potential for violence. I encourage you to insist that that assessment be based on the stalker's behavior and not on a psychological exam. It was a further recommendation of the task force that the behaviors of convicted stalkers be studied and that a scale be developed that speaks to their potential for violence and lethality, and I think this scale is the appropriate tool on which to base post-arrest and preconviction policies or responses, and I think that that will greatly assist the criminal justice system in developing policies and procedures and then being able to enforce the law.

The code also speaks to the need for education and training of police, prosecutors, defense counsel, judges, corrections professionals, including probation and parole, and I would like to suggest an enhancement to that list, that being that the general public also needs to be educated as to what the system has available to them.

Most of the people that we work with at the Family Violence Project have no idea that as a victim they are entitled to know the conditions of an alleged or convicted stalker's release, especially if those conditions apply to them. Many victims will come in and say, well, yes, I had him arrested and, big deal, he is still calling me, he is still following me, it did not do any good. There are people in our communities right now that are living with their shades down, with their curtains drawn. They have hockey sticks under their beds because they do not know what the system can do for them. And without this information, unfortunately, many victims are becoming overwhelmed; they are giving up and they are picking up the phone and saying, Hon, come on home.

Senator COHEN. Thank you very much for your testimony, all of you.

The whole issue of stalking raises some complex legal issues. As I indicated briefly in my opening remarks, there are important first amendment questions. When does the right to make a phone call turn from an innocent phone call or as you said, declarations of "I love you, I want you back" to harassment and then to intimidation?

At what point does it cross the line? Those involved in the prosecutorial or the police aspects of a stalking case have judgment calls to make and it is not always clear to them when they should intervene or when it is inappropriate to intervene. When you are dealing with human relationships it is very difficult to make those kinds of determinations. But some cases are so clear-cut that it does not take either a psychological evaluation or a professional to make a judgment that the stalker poses a reasonable threat to a person's life or puts that person in fear of serious bodily harm.

I became involved in this initially when I read about the case of Karen Lardner. She is the daughter of a fairly prominent Washington Post journalist and was studying art, I believe, at the University of Boston. She had dated an individual on several occasions and found that she did not want to be with him anymore. On one occasion he beat her and kicked her into unconsciousness on one of the streets in Boston. She got a protective order, and the individual involved simply laughed at her and said this is not going to stop me. Of course, he was right. A short time after the protective order had been issued, she was in a restaurant in the suburban part of Boston and he shot her dead.

I read that story and realized just how serious, how prevalent, this issue of stalking is. I do not think many people were aware of the extent of stalking until about the late 1980's, maybe 1990, and then suddenly virtually every State in the country passed an anti-stalking law. Some of the laws are so narrowly defined that they are meaningless; others are so broadly defined that they are unconstitutional. That is the reason that I introduced the legislation last year with Senator Biden to call upon the National Institutes of Justice to develop a model anti-stalking law so States can pass their laws with the assurance of some security that what they pass will be constitutional and enforceable. That is just the beginning of what needs to be done. We must also educate educating police officials.

Joanne and Karen, I assume that one of the first things you confront is the moment police officers find out that there has been a prior intimate relationship. That puts a different coloration on the nature of the complaint. If it were a total stranger, as opposed to someone you had dated or had lived with, you might be treated quite differently.

The tactics involved, as you indicated, Ms. Michaud, are quite clever. I have read case after case, and we have had several hearings in Washington now about how devious stalkers can be. They can inflict fear without ever violating the law without any fear of apprehension of being caught, or if they are caught, without any fear of any kind of prosecution or incarceration. We must educate our society about the fear that can be inflicted upon another individual just by the phone call at night or just by driving by a dead-end road back and forth. The question is: Is the right to move freely in our society going to run up against the right not to be put in fear of bodily harm? We need a lot more training and a lot more assistance to shelters, to those who are in the business of educating women throughout the country about what is available to them.

Most of the time women find they have no place to turn. They find a system which is stacked against them. They are not believed,

or if they are believed, the situation is not treated as being serious; or if it is being treated serious, perhaps the authorities do not want to get involved. By the time the case reaches the courts, the victim might get a protective order that lasts for 90 days or 6 months and then have to get it renewed again. And even if there is a protective order, it is often violated. There seem to be no serious consequences to violating it. This hearing has been structured to be educational for all of us.

I was going to ask the panel members whether they think Maine stalking law has been helpful, whether they think it is sufficiently tough. What more might need to be done? Joanne, do you have any——

Ms. STINSON. The law that was just recently passed, I believe in mid-October it went into effect, I honestly have not seen or I have not had any experience with it yet to see if it is going to work.

Senator COHEN. What do you think has been most effective as far as deterring Mr. Slaughter from following you? Has it been the lawsuit you have initiated? Is it because you have publicized it?

Ms. STINSON. The publicity and the awareness out with the people, right out in the public, that definitely has been one of the biggest things that has helped me because other people are now aware of it; they are looking out for me; they are looking out for what he is doing. I think the public attention has pushed the authorities, the police.

Senator COHEN. But if it were not for the publication of the fact that he is a prime suspect in another case, it might never have gotten the publicity that it has today.

Ms. STINSON. No, definitely not, definitely would not.

Senator COHEN. What would you recommend? What advice do you offer to stalking victims? At what point should they contact the police? What types of records, for example, should they keep when documenting the stalking?

Karen, you have indicated that the police said get a videotape. Do we have to have videocams in order to make a case for stalking?

Ms. GIGEY. Seriously what they ask is if you have somebody with you at all times, that is what they want, want to see; but it is virtually impossible because your children are with you and usually it is a single parent with the children and they do not consider the children's testimony because they are emotionally upset or one thing or another. I do not know. I do not know what the answer is. I just think that every case should be investigated and not just put on file, and I think that when they get several cases or several statements in there about this one particular person, they should write out a rap sheet on him or whatever, run and have a computer system from the courthouse to police stations to sheriff's departments to see if there are any pending orders waiting to be served while the offender is violating his order, that he does not know he has because he has not been served. So it is like kind of a computer network system maybe that is needed.

Ms. STINSON. You definitely need to keep the documentation. You have to track anything that you find out of the ordinary, and you should report it to the police the moment that you feel one little urge that something is not right here. This is psychological terrorism as far as I am concerned. And the moment we both expressed

to these men that we were not interested, it should have dropped at that point. Once they continued to pursue it after that, then there is a problem.

Ms. MICHAUD. I would agree with Joanne. Once you have said I do not want to be a part of your life anymore or this relationship is over and the stalking behavior commences, that is when the first report ought to be made to the police, and that is the advice that I give to the people coming to us. I also encourage people to keep a log of the time and the date of each incident, each time their paths cross, and to report each and every time that that happens. In spite of being called the report queen, it is sort of that persistence that gets the attention that is needed to get something to happen.

Senator COHEN. How about tape recording of phone conversations?

Ms. MICHAUD. A lot of people do not have access to that kind of equipment, but it would not hurt.

Ms. STINSON. If you can, it helps.

Senator COHEN. It is a Federal crime to make a threat over the telephone. So in addition to carrying a gun, you might carry a tape recorder.

Ms. GIGEY. I did that already.

Ms. STINSON. A tape recording and a camera with a caller ID system. I was asked to take pictures of any phone numbers that were strange that did come in. And I agree with the video camera, I use that for myself.

Senator COHEN. Senator Kruger from Texas his wife had been stalking victims for a period of 2 or 3 years. Senator Kruger ran for the Senate back in 1980, and as he was running for office, he had a pilot that was flying him around the State of Texas. It is a fairly big State. Mr. Kruger lost that initial race for the Senate, and the pilot became so distressed or distraught over the loss of the election that he immediately started to contact the Krugers. Initially they thought that the pilot was just depressed about the election results. And then it became much more intense to the point where he would not stop harassing the krugers and showing up at all hours of the night. Finally it started to turn more belligerent. He started putting letters in the mail and called as many as 40 times during the course of the night. He would drop letters in the mailbox saying, see how close I can get to you on any occasion. These were reported to the police. They felt they could not do much about it under existing law. It was only after they had received and taped a phone conversation that they finally arrested him and charged him. But he is due to get out of jail, if he is not already out, and they anticipate it may very well start all over again.

Stalking is a serious problem, and it affects people. As we have indicated before, it is not a matter of class, social lives, or economic levels. It happens at every level of our society. It is not a matter of color, creed, or ethnicity; it cuts across every line in our society. What is shocking to me is that it is only now starting to come to the surface. It is only now being recognized as a serious crime. Stalking is a very serious crime, and people should not have to wait until they face death or serious bodily harm before our system

takes it seriously, all the way from police officials to prosecutors to doctors who examine victims of a beating.

In this particular case, we are talking about physically stalking a person, but you do not have to be physically stalked in order to be terrorized. You used the phrase "psychological terrorism." I think psychological terrorism can inflict as deep a bruise as any physical wound can. It can cause serious physical reactions, loss of weight, nervousness, irritability, sleeplessness. It can upset a person's the entire emotional makeup and put a person into a state of nervous disorder. The psychological aspects make this crime so insidious—the fear that that horn out in the driveway or the shadow coming through the window may be an individual posing a threat to your lives.

The question most people ask is: Why do some men do this? We do not indict all the males in our society because stalking probably is confined to a small group that stalks again and again. In your case, we know about that. Again, why do some men do this? We have not really discussed this in prior panels, but I assume that a number of stalkers come from a battered background. For some stalkers it may be a question of employment. Those who are unemployed often lose self-esteem, sit home, turn to alcohol or drugs, It may simply be that we are promoting a culture of crudeness in our society as we experience the breakdown on so many levels. Also, there has been very little in the way of a penalty. You do things and there is no consequence. The absence of penalty contributes to the problem.

We are finally taking some steps nationally. The Violence Against Women legislation has become part of the Senate's crime bill. It has real teeth in it. It has a good deal of money that is being authorized and will be appropriated for it. It will be a major step in the right direction.

I want to thank all of you for coming forward and sharing your stories. It is important that everybody here and those who will be watching the presentation of this hearing on television will have a better understanding of just how serious the problem is. It is not isolated. It is not confined to a few rural areas. It is everywhere.

I spoke about this recently in a Judiciary Committee hearing where I cited an article I read in a magazine called New York Magazine. It described what has happened to New York City. There are 5,000 murders a year in New York City. There are 500,000 violent felonies committed each year, a million that go unreported. One out of every four crimes committed by those under the age 15 are committed in New York City alone. People are fleeing the city—white flight, black flight, middle class flight. Everybody wants to get out who can afford to get out.

The former mayor of New York City, Ed Koch, was saying that we are getting very near the edge, and someone asked, what happens when you reach the edge. He said, then we become like Detroit. I mentioned this to Senator Levin of Michigan, and perhaps it was a bit flip, but something has happened in Detroit; people have left the urban centers and gone out to suburbia in search of safety.

There is not any place to hide. I have tried to impress upon my colleagues and everyone else that this is not confined to New York City, it is happening everywhere in the country.

Look at the breakdown of our criminal justice system. There are not enough police. They do not have enough resources. They are not paid enough. As a result, they cannot go out and do the work that needs to be done to investigate, capture, and prosecute the criminals. The courts are overloaded. How long does it take—you were told 6 months—before the complaint might come to a hearing? The courts are flooded with litigation as well. There are not enough judges in courts. Then assuming you have the courts, you do not have enough jails or prisons, and it comes back to an issue I talked about. We cannot build enough prisons, we cannot hire enough policemen and women, we cannot hire and pay enough judges, we cannot build enough boot camps unless we come back and deal with the issue of what is happening in our society about illegitimacy, illegitimate babies, crack-addicted babies being born. It costs almost $200,000 a year to keep a crack-addicted baby alive, and in one city in Missouri one hospital is being overloaded with crack-addicted babies.

So it comes back to the question of how do we get back to some core values and ethics and senses of responsibility. We have got to get back to a sense that we have responsibility. Part of the problem that we see in stalking is that there seems to be no consequence to the action, or by the time there is a consequence people might be injured or killed as a result of finally getting our attention. Hopefully as a result of your testimony and that of the preceding panel we will begin this educational process to see if we can come to grips with these very, very serious problems, and stalking is one of them.

I want to thank all of you for coming this morning and I think it is been very, very helpful. Thank you.

We have one final panel this morning which we have labeled to be street crime, and all of our witnesses can provide a broader perspective on the issue of violence against women.

Out first panelist is Jennifer Tescher, a victim of sexual assault. Ms. Tescher, I want to thank you for coming this morning. I know it is very difficult for you, and I believe your testimony will be very helpful to ensure that measures are taken to prevent other women from becoming victims of violence. That is the reason I have asked you to come today.

Also, joining us is John Atwood, the Commissioner of the Maine Department of Public Safety. Commissioner Atwood is the chairman of the Maine Commission on Domestic Abuse. He has been a leader in the State in addressing violence against women, and we are also very fortunate to have you with us today, Commissioner Atwood.

And I am pleased to introduce Julia Vigue of the Augusta Area Rape Crisis Center, who is a member of the organization of the Maine Coalition Against Rape. Ms. Vigue is also a Winslow police officer and a former victim advocate.

Finally, we have Meg Elam, an assistant district attorney for Cumberland County with extensive experience in prosecuting sexual assault cases. We welcome you as well, Ms. Elam.

Jennifer, why don't you begin?

PANEL CONSISTING OF JENNIFER TESCHER, VICTIM OF SEXUAL ASSAULT; JOHN ATWOOD, COMMISSIONER, STATE DEPARTMENT OF PUBLIC SAFETY, AND CHAIR, MAINE COMMISSION ON DOMESTIC ABUSE; JULIA VIGUE, RAPE CRISIS CENTER, AUGUSTA, ME; AND MEG ELAM, ASSISTANT DISTRICT ATTORNEY, CUMBERLAND COUNTY.

STATEMENT OF JENNIFER TESCHER

Ms. TESCHER. I remember preparing for college and my mother telling me that the next 10 years would be the best of my life. I truly believe they may have been if it were not for the violence that I endured the first 2 years away from home. Instead, I spent most of the my twenties trying to recover from my fear and distrust of the world around me.

After the humiliation of being sexually assaulted by a boy I had been dating for several months, after having been left in the corner of a dark bathroom for 8 hours wondering if it was safe to come out, I finally did confront him. His was the response not unfamiliar to rape victims. He rolled his eyes and he told me he was drunk.

The rage and disgust from this assault are as vivid to me today, 8 years later, as they were the night it happened. Someone that I trusted had violated me. I will never forget that feeling of powerlessness. Thankfully I got through this experience with a sense of perspective. As degrading as the rape was, I knew that it was not my fault. I knew that the rape was not a sexual experience, but his twisted attempt for control. However, it took me a long time to be able to trust another young man again.

The following year I was pledging a sorority and living at the sorority house. A roommate and I had just come home from having dinner out. As conditioned in Houston, we ran to the door, which was secured with iron bars and dead bolts. We were always very aware of who was around us and of securing those locks. Once you are inside the house, you think safety is there. But no house in any city is a fortress.

After dressing for bed, I started out to the kitchen to get a drink. I had the sense that someone was behind me. I turned to see a large man rushing at me. My instinct was to scream and run, but he caught me and beat me over the head. He continued to punch me with his fists, warning me to stop screaming.

I consciously screamed one last time in hopes that I could awaken the roommates who slept in the next room. This is when I was first aware of the knife. He cut me in the mouth and told me that the next time I screamed, I would be dead. I believed him. Meanwhile, a second man was holding the other three girls at knife point, robbing them of their jewelry and money.

The attacker pulled me by my hair into my bedroom across the hall. He kept reminding me that he was going to kill me. I never remembered his face even though I looked squarely into his eyes. Then he raped me. He finally distracted—he was finally distracted when he noticed my purse. He had me dump its contents, ordering me to give him the money that I had. I gave him all $7 I had and the coins in my change purse. Infuriated, he threw the coins at me

and told me he did not want my change. He told me to lie face down on the floor. At this point I was sure he was going to kill me. I grabbed the nearest object, a 5-pound barbell, and swung. He grabbed it from me and aimed for my head. I rolled away and managed to crawl to the next room with the roommates.

The two men fled from the house. They were never caught. The police were called, and an ambulance arrived 10 minutes later. Ironically, we had to break a window and throw the keys down to them in order for them to help us. It was estimated that the two men had climbed a tree and broken into a window on the second floor. The police were helpful and comforting. When I asked them if they had found the men, they shook their heads. They later explained this was an everyday occurrence. Rape is not a high-priority crime.

I got a phone call the following day from the national president of the sorority telling me that she was sorry I was hurt but that nobody needed to know about it. The members of the sorority were warned not to discuss the break-in, but particularly not the rape. If they did, their membership would be terminated. Their reputation was at stake.

I decided not to continue my association with them and promised myself that I would never stop telling about what happened to me. It is not something to be ashamed of but something to be aware of, a crime that happens all too often, something that needs to be changed.

These experiences changed my life in every respect. Besides the flashbacks, nightmares, and perpetual fear associated with the posttraumatic stress disorder that many crime victims suffer, I went from an outgoing, interested performing arts student to a terrified girl who did not want to be noticed.

I spent the next year sleeping on the living room couch rather than my own bed. I would stay awake all hours of the night. I could not bring myself to watch the news, read the paper, or go out in public after dark. It still haunts me today. My concentration for my classes diminished. My interest in school ceased. I did not feel much of anything except fear. My reality was that safety was only by happenstance. No amount of locks or iron bars on doors and windows could keep the real monsters out. If someone wanted to hurt me, they could. This has been proven to me. My family, my only real support system, tried to convince me to come home to Maine; but I believed if I did, I would be running away. I felt I had to face it. People had told me that. People had told me that I should put the rape behind me. They said that this experience would actually make me a stronger person. I can think of a million ways to become strong, but I would not wish what happened to me that night on my worst enemy.

My hope is that by telling my experiences I might reach someone who can help make stronger penalties for the perpetrators of this kind of violence. Granted, I survived these two nightmares, and I am finally to a point in my life where I have taken back control.

But when I look at my 3-year-old daughter, I feel a twinge of fear for her future. I wish nothing more than to have her life free from victimization of any kind. I hope that she is allowed a safe and

healthy young adult life and that I never get the kind of phone call that my mother got when I was 20 years old.

Senator COHEN. Commissioner Atwood, would you like to proceed?

STATEMENT OF JOHN ATWOOD

Mr. ATWOOD. Thank you very much, Senator. I certainly very much appreciate you being here today and taking this testimony. I want to join with the others today here at South Portland City Hall and welcome you to Maine and also in thanking you for your attention to this very serious issue, not only today but in the past in your advocacy for legislation, which all of us hope will assist us in the struggle to turn around what has become one of the most troubling of today's social and criminal justice issues.

My name is John Atwood, and I am the Commissioner of the State Department of Public Safety and the Chair of the Maine Commission on Domestic Abuse. The latter is a legislatively authorized commission made up of a police chief, a sheriff, two family counseling professionals, a judge, two lawyers who work in the area of domestic relations, two directors of family crisis shelters, a State child welfare official, a prosecutor and a rape crisis shelter worker. Several of those members of the commission are here with us today. Our Department of Safety houses most of the State law enforcement agencies, including the Criminal Justice Academy and the Uniform Crime Reporting office, which collects statistics on crime in Maine.

The issue of crimes against women is one that has been the subject of increasing public attention in our State in recent years, which, in turn, has resulted in significant advances in response to this troubling social phenomenon on a number of fronts. I will be detailing these accomplishments in my testimony, but in doing so I do not wish to leave the impression with you or on the record that we have prevailed against the oft-repeated criminal acts which affect half our population. We have not. Indeed, our testimony or the testimony you have heard today is certainly very compelling as to the shortcomings which we must address. But there are reasons to hope that we can reduce the number of such crimes and mitigate the damage to society and individuals which flow from this broad area of criminal activity.

Let me first list some of what we have done as our State has made itself aware of our crimes, particularly crimes of violence that have impacted women. Our Supreme Judicial Court in 1981 became one of the first appellate courts in the country to recognize the battered-wife syndrome as part of the justification for an alleged crime known here and elsewhere as self-defense. As a result, it is unusual in Maine for a woman to be convicted of any assaulting crime when she has responded to violence with violence.

In 1985, on the recommendation of our Criminal Law Advisory Commission, Maine repealed its spousal immunity clause in those criminal code provisions which cover sexual offenses. The result, of course, was that one's marital status cannot legally excuse a sexual crime as rape in Maine.

Incidentally, I was in the room when you were recounting the history of English common law and how it has affected our society,

and today in 1993 in looking back to think that as recently as 8 years ago it was absolute defense for a rape in Maine if the perpetrator were a husband and the victim were the wife.

We have pioneering laws in the books which protect the victims of domestic violence and rape which are given constant and thoughtful attention by our legislature and our judicial branch. There are literally dozens of examples of this, including an evidentiary bar to the past sexual behavior of the victim in cases involving sexual affairs; a mandated arrest law in domestic violence cases; a requirement that police departments and prosecutors' offices establish written protocols in domestic violence cases; considerable process on establishing a uniform rape protocol and rape evidence collections kits for use by police and medical personnel throughout our State; and the enactment this year of the stalking legislation.

More important than these legal advancements is a spirit and commitment in the State to address this problem. Foremost among these are a corps of volunteers, many of whom are here today, who work tirelessly with little or no reward at rape crisis and family crisis shelters. These citizens train themselves and their peers so that they can and do respond at all hours to calls for assistance from women who are crime victims. They have forged alliances with police departments and prosecutors' offices, educated the public, and become an invaluable resource to other social service agencies. I can tell you that Maine would not have made the progress that it has without their commitment and advocacy.

Those whose professions involve responding to criminal activity are also doing a good job in Maine. I have already mentioned our legislature and our judiciary, the latter, for example, having just recently conducted a 3-day seminar on domestic violence so that Maine judges can be effective and knowledgeable in their review of the cases involving the abuse of women in their homes and so that judges in Maine will not respond as they did to the case that you heard about in the first panel, which struck me as being certainly lacking compassion, if not understanding. Our police officials have instituted training programs throughout the State so that our officers, such as Ruth Hodgdon who was in our first panel, can be most effective when responding to a call for help from a victim of sexual assault and domestic violence cases. Maine's prosecutors have also taken steps at their annual training programs to make sure that they are up to date with the latest techniques in prosecuting these difficult cases.

Reinforcing this spirit and this commitment has been the role of the media in Maine, particularly our newspapers. In recent years, several of our major dailies and local weekly papers have done excellent work, not simply reporting on individual cases but also in describing the phenomenon of crimes against women and domestic abuse in multipart series. This kind of journalistic effort, if sustained, will, I hope, be an important part of a long-term effort to educate the public and undermine the persistent cultural acceptance of violence against women. In my view the reason we have enjoyed success in Maine and in our Nation in curbing drunk driving and sharply reducing drug use is not so much because we had good enforcement tools and excellent police responses but because our

citizens have become informed about these matters and have responded accordingly. Obviously, the media is indispensable in affecting these results, which has been a most welcome development.

Maine has a very low crime rate. We have no drive-by shootings; crack cocaine is very rare. However, the number of reported rapes increases every year as does the number of cases of assaults on women. It does not take a sophisticated analysis of crime statistics to understand from this that while our State is becoming safer and more crime-free relatively speaking, the benefits of this development are not reaching women. While I expect that this may be true in some other States as well, we in Maine should seize upon this circumstance as an opportunity.

To put the matter another way, while we are not required to devote our resources to quelling gang violence or destroying crack houses, we can instead focus our attention on making Maine communities safe for women. This will be no easy task, however.

The challenge here will not be to mobilize lawmakers, judges, police or volunteers; it will be to convince the public that passive acceptance of violence against women must simply not be a tolerated facet of our society. This is not a limited agenda in scope or in time. As to the latter, we have in Western and American societies accepted physical abuse of women either as matter of right or dismissed her injuries as her fault for centuries. Indeed, it is really only the past 20 years that we can cite progress of any kind in stemming this type of uncivilized behavior in a society we like to hold up as the most civilized in human history. Obviously, we have a long way to go.

As I mentioned before, I am convinced that public education and prevention contain our best hope of changing the attitudes, both professional and public, which permit the ages-long trend of violence against women to continue. Make no mistake about it, such efforts are not for the short term. Excellent newspaper articles, a domestic violence awareness month and support of public officials are only a good start. It will take far greater and more sustained public education efforts before we can see progress of any type.

If prevention and education do hold promise for us, we must also consider carefully how such efforts can be effective. To do so we must develop a better understanding of this facet of our culture. While we have crime statistics and data from various other sources, we really need to know much more about the dynamics of violence against women rather than what the raw numbers we collect will tell us. We know, Senator Cohen, very little about the whys. We have heard here testimony about obsessive behavior that results in violence and that for every case that could be cited here and elsewhere, there are at least as many theories as to why these offenses occurred as to the cases themselves. We need to thoroughly and carefully research all aspects of this issue and then design any approach we take with the information we have assembled in this way. Without this, we will nibble around the edges of this problem and may make no progress in reducing the numbers that our crime reports give us. More police officers, stiffer sentences, and other tools are useful but alone will not stop this phenomenon.

We have taken some modest and very preliminary steps in the direction of doing research in Maine. Recently some members of the Domestic Abuse Commission and I met with an informal committee of academics, researchers, and others at the Muskie Institute at the University of Southern Maine. We have begun to explore a study of the problems of domestic violence in Maine, and indeed violence against women in general, so that we can, therefore, develop initiatives to increase our effectiveness of stopping this level of violence. Our hope is to attract health officials, criminologists, sociologists, political scientists, criminal justice professionals, and others to a potential project that will help us better understand this issue. Such an initiative might also involve other rural States which we suspect have different problems, particularly for female victims, than our more urbanized sister States.

In that regard I certainly could not help but take mental note, at least, of the testimony here today about police responses, particularly in rural Maine. Among the first panel there is the witness who testified that she lived, I believe, in Franklin County for a while and Oxford County; and being somewhat aware of the deployment of police officers in Maine, I can say that in Franklin County if a citizen lives outside a municipality that has an organized police department, at best there are three police officers on duty for that entire county. The same is certainly true of Oxford County and probably only slightly better in Aroostook County.

But, in any case, while the parameters of such a research project are now just being examined in a very preliminary way, we obviously have some real obstacles to confront before we make any significant commitments to such a task. The first obstacle is, of course, funding.

A major and we would hope useful research project would involve as much as ½ million-dollar investment and several years of work, especially if it is to involve several States, and a careful, thoughtful process in collecting and analyzing information. The second obstacle is the acceptance of such work involves time, several years as I have mentioned. On this score, however, I am encouraged by the initial responses to such a project by advocates in the field. They have told me that a wait of several years for a definitive research project and a comprehensive blueprint for action is insignificant relative to a characteristic of our society that has been with us for centuries.

No doubt, Senator, wherever you go, you are asked for money to help with efforts to cure the myriad ills that plague our society. I do not want to do so, at least today, directly because I respect what most Americans hope is a new commitment by our Congress to reduce our deficit by reducing spending. I have to tell you, however, that we get some mixed signals from Washington in terms of funding priorities that reach us. On the one hand, year in and year out we receive funding for various types of DUI, drunk driving initiatives; on the other hand, we are seeing a reduction this year in our Federal justice assistance. I expect that as you examine the crime bill which you have before you and are considering the various funding measures that are in there, I hope you and your colleagues will pay particular attention to the language in there, which I believe is in Subtitle I in Title 2, which calls for a research project

such as the type that we are looking at in Maine. It is my firm belief, as I mentioned before, that this type of effort is going to start giving us the answers as to why. And once we learn the whys, I believe that all of us who have a responsibility for responding will do a better job than that which you have heard today.

Let me close out my testimony by telling you that I read The Violence Against Women Act of 1993 and its explanatory text and the report of the project to develop a model anti-stalking code for the States. In both instances, the authors have done an excellent job in analyzing the issues and developing useful tools for addressing criminal conduct in which women are victimized. As a State law enforcement official, I am greatly encouraged by this work and will continue to be hopeful that we will have you as an important partner as we endeavor to reduce crime in Maine and in our Nation.

Before I stop, Senator, I want to add one thing which was not in my prepared testimony, but during the testimony that you heard in the last panel on stalking, I met with a woman outside here in the corridor who has a letter which she would like to present to you and will present to you through your staff which illustrates a problem that both the State stalking law and the Federal model stalking law at least have not yet addressed effectively and that has to do with stalking by strangers. In both the Maine law and the Federal law, there is the assumption that the police can learn who the stalker is. In her particular situation—and I know you will read her letter when it is presented to you—she is being stalked, if you will, by telephone on a frequent basis. Her life has been substantially affected, both her business life, her personal life. She cannot vote. She has to constantly change her address, and because the individual uses public pay phones and other public phones and uses different names, it is virtually impossible for the police to track that. This may be a problem that approaches the insoluble, but I simply wanted to bring that to your attention and to let you know that there is someone here today who wanted you to be aware of that difficult issue.

Senator COHEN. Thank you very much and that will be included in the record as well.

[The letter follows:]

Senator COHEN. Ms. Vigue?

STATEMENT OF JULIA VIGUE

Ms. VIGUE. Senator Cohen, thank you. I would like to thank you very much for your interest in this subject matter, and I address my statement today more to your fellow Senators who perhaps have not shown as much interest and concern in this bill.

I come before you today as the program director of the Augusta Area Rape Crisis Center, as a member of the Maine Coalition Against Rape, as a former victim/witness advocate in Prosecutorial District IV of the State of Maine and as a 6-year veteran police officer with the Winslow, ME, Police Department. I assure you that I am all too familiar with street crime.

I come before you more significantly as a woman—a woman who has learned to look over her shoulder, a woman who instinctively checks the back seat of her car before entering a vehicle, a woman has been known to carry a weapon or two, a woman with a 72-

year-old mother who walks daily for physical fitness armed not only with good walking shoes but with a can of Pepper Mace as well, and a woman with a 4-year-old niece who believes the world is a kind and safe place and who should be right but is wrong.

My support of The Violence Against Women Act of 1993 is multifaceted. With time limitations in mind, I wish to focus for the purpose of this testimony on issues of education.

We know that a rape occurs every 6 minutes in the United States, more than in any other industrialized country. In the State of Maine alone, a gross sexual assault occurs every 30 hours, and one in three women will be the victim of a violent sexual assault in her lifetime. If statistics do not move you, then consider that this means that either your mother, your sister, or your daughter will be a victim.

Your mother, your sister, or your daughter, should she dare to prosecute, will enter a system plagued by insensitivity, ignorance, and overload. Initially, she will meet with police officers who will do the best they can with what they know, but who are largely uneducated with regard to the handling and investigating of sexual assault cases. Indeed, the Maine Criminal Justice Academy will provide little or no training with regard to sex crimes for their incoming police cadets. Such training has been offered to them at no charge, but they have little or no time for this kind of training. The proper filling out of accident reports and the proper management of the radar unit will surely be covered in depth, but the proper and thorough investigation of violent sexual assault cases is not priority. We find this most interesting and discouraging.

Within the scope of The Violence Against Women Act of 1993, all police departments, sheriff's departments, and State police troops should have mandatory training requirements for all front-line officers involving sensitization to the issues of sexual assault and proper and thorough investigative techniques. Also, every police department should have a team or at least an officer who receives advanced training regarding sexual assault cases. These officers should be specifically called in to handle such cases as they have been appropriately trained to do.

Education is an issue where prosecutors and judges are concerned as well. One former State of Maine district attorney who is now a judge dropped a case of gang rape in which six men were alleged to have raped a woman, stating, "If you do not see evidence of force, then how do you know a rape has occurred?" Well, sir, you know because she says it occurred. You believe the rapist when he says it did not occur, and you have no hard evidence of that either. This former DA, now a judge, was clearly uneducated with regard to Maine law concerning the issue of compulsion, and six men were given permission to rape, and the woman, someone's mother, someone's sister, someone's daughter, received no attempt at justice from this State.

The Violence Against Women Act of 1993 should appropriate funding for more prosecutors specifically trained to prosecute sexual assault cases. Our prosecutors in the State of Maine are overloaded as are our judges. For this reason, sexual assault cases remain on the trial docket for 18 months to 2 years before final prosecution. This creates numerous problems for the prosecutor and

creates tremendous hardship for the victim—your mother, your sister, your daughter—who is desperately trying to heal and move onward in her life.

Education is the key. We must educate everyone involved in our system of criminal justice on the wide variety of issues encountered by female victims of violent crimes. Rape is the most underreported crime committed in the United States. Women do not report for fear of what they will encounter in the system. In order for us to have a handle on the scope of violence against women in this country, women need to report as the crime occurs. However, in order for women to feel welcomed to report, we must change the way they are received by the system.

If, for example, a woman has gone to a bar, has consumed alcohol, and is subsequently raped, she is made responsible for her rape. She is blamed. She should not have been at a bar. The rapist was at a bar, but he is not blamed. She should not have been drinking. The rapist was drinking, but he is not blamed. Indeed, in a recent case prosecuted in Kennebec County, an alleged rapist was not convicted based on the fact that he had been drinking and may have been in an alcoholic blackout when he raped and, therefore, could not be held responsible for his actions. A double standard is very, very clear. Sex crime is the one area of criminality where we judge the offense not by the perpetrator but by the victim.

Education, Senators, we are in dire need of education.

Another form of education which we sorely lack is rehabilitation for sex offenders. As of July 1992 a series of budget cuts have completely wiped out the Maine Department of Corrections counseling programs for sex offenders. This undermines all of our efforts. We lock them up, we let them out, and we expect them not to re-offend? Here is a budget cut that can clearly be classified as penny wise and pound foolish. Yes, even our Governor needs to be educated.

What we are doing currently is providing an education to perpetrators of violent crimes against women. We are teaching them, A, not to leave visible signs of injury to a victim because she is less likely to be believed; B, sexual assault is very hard to prove; C, should you be caught, worst-case scenario, you will go to prison for a very short length of time and you will not be made to rehabilitate in any way—you will lift weights, watch television, play basketball, and receive three square meals every day; and, D, women deserve to be raped and no one gets very highly up in arms when they do.

That is our education system now. The key is to reform that system now, to instead educate police officers, prosecutors and judges to force them to take victims seriously. We must increase the number of special prosecutors and judges to hear these cases expediently. We must mandate that they be top priority.

We need to send a new message. Alice Vachss, a longtime sex crimes prosecutor, states in her 1993 book entitled: "Sex Crimes,"

As each rape is committed, it creates a greater need to rape. Rape is dose-related. It is chronic, repetitive, and always escalating. Rapists cross a line, a clear, bright line. Absent significant, predictable consequences, they are never going to cross back. Too often instead of consequences what we give them is permission.

Collaboration is a hate crime. When a jury in Florida acquits because the victim was not wearing underpants, when a grand jury in Texas refuses to indict because an AIDS-fearing victim begged the rapist to use a condom, when a judge in Manhattan imposes a lenient sentence because the rape of a retarded teenager was not violent, and when a judge in Wisconsin calls a 5-year-old seductive, all of that is collaboration, and it is antipathy toward victims so virulent that it subjects us all to risk, including, Senators, your mother, your sister, and your daughter.

Senator COHEN. Thank you very much, Ms. Vigue. Obviously you have touched the hearts and minds of everyone here who has listened to your statement.

Ms. Elam?

STATEMENT OF MEGAN ELAM

Ms. ELAM. Thank you. Senator Cohen, my name is Megan Elam. I am an assistant district attorney here in Cumberland County, and I have been working as a criminal prosecutor in the last 6 years, and my current caseload consists primarily of felony sexual assaults and sexual abuse crimes. Both Stephanie Anderson, the district attorney of Cumberland County, and I greatly appreciate the opportunity for me to offer testimony today at this hearing. I hope that the information provided with respect to those involved in the prosecution of violent crimes against women will be helpful to your efforts in sponsoring The Violence Against Women Act.

The Cumberland County district attorney's office is charged with prosecution of crimes occurring within the county's borders. Our office is staffed by nine full-time and two part-time lawyers. We cover three district courts, juvenile court, superior court and criminal appeals. Our office is responsible for prosecuting 25 percent of the criminal cases in the entire State of Maine. We are responsible for cases ranging from speeding to sexual assault, red-light violations to child abuse. Our caseload is grueling with an average of 14,000 cases per attorney in district court and 700 cases per attorney in superior court. We are one component in an antiquated, crumbling, overburdened system that still strives to be worthy of the title criminal justice.

It is important to understand the system in which we work, for your committee and the full Congress to understand how this legislation can make a difference for those of us dealing daily with the consequences of violence against women. We work daily with women who have been both physically and emotionally abused, most chronically by people who are supposed to love and respect them. We see women who have been sexually assaulted by either a trusted acquaintance or, more rarely, by complete strangers. In a more peripheral sense, we regularly sentence criminals who themselves have grown up in an atmosphere of domestic violence and sexual abuse. From victims we hear of unimaginable acts of inhuman cruelty: a woman whose boyfriend struck her in the head repeatedly with a machete because she asked him to move out; a woman sexually assaulted by the three men who took her home as friends, sick, from a party; a woman sexually assaulted by a stranger near a highway on-ramp as she walked home. All of those women sought help from the police, and I expect that if each of

them were here today, they would offer mixed reviews of the treatment they received on their way through the maze of the criminal process.

While police in Maine are routinely trained in the dynamics of domestic violence, they are discouraged by the often disappointing results of their efforts. Prosecutors are often burned out by the sheer volume of cases and their ability to stem the tide of violence. I expect judges are also disheartened by limits on their sentencing options, given the fiscal crisis our State finds itself in, and yet there are many police, prosecutors, victim advocates, and judges who continue to fight the good fight. Police officers continue to arrest abusers and encourage often reluctant victims domestic violence victims to begin on the path to stop their abuse. Prosecutors, with the invaluable help of victim advocates, seek prosecution of criminals who may not even see themselves as doing anything criminal. Judges are also striving to find sentencing options that include treatment in the hopes of avoiding future abuse.

From the perspective of State prosecutors, The Violence Against Women Act will help in a number of specific areas. This legislation will provide badly needed financial assistance to law enforcement and prosecutors for training and protocol development. This legislation also provides funding to establish specialized units of police and prosecutors to prosecute domestic violence and sexual assault.

While I do not want to diminish the need for assistance to police and prosecutors in dealing with the aftermath of crimes against women, I commend particularly the legislation's proactive approach in finding education efforts to stem the tide of violence. This act's support for informational hot-lines for victims of domestic violence and shelters offers us an opportunity to break the destructive cycle of family violence. Additionally, the 20-fold increase in funding for rape prevention and education targeting students as early as junior high school would provide the opportunity to change societal attitudes of violence toward women. This component is particularly important given the 50 percent increase in sexual assaults involving juvenile offenders from 1991 to 1992. These educational programs will also assist criminal prosecutions in the future. For today's students are tomorrow's police, prosecutors, judges, and juries.

The crisis of violence in our Nation generally and violence against women in particular can no longer be ignored. The health of our Nation depends on it, and American people demand our attention to this issue. Domestic violence and sexual assault must no longer be viewed as a women's issue alone. As the quality of the lives of half our citizens are diminished by fear of violence, so the quality of the life of our entire Nation suffers.

There are men and women in law enforcement and prosecution who are working every day to end violence against women. We do not do this work because it is glamorous, and we certainly do not do it for the monetary rewards. We do this work because it is important. We do this work because it can make a difference. Last, we do this work because we must, for to do less would be unthinkable.

Senator COHEN. Thank you.

Just a few comments and a few questions. Ms. Vigue, you talked about establishing the correct priorities. I have a related personal

experience that happened a few nights ago. I had just picked up my oldest son in Washington. I was taking him to a wedding. We were both dressed in black tie, and I had just washed my car and had it all cleaned up. As I picked him up at his apartment and pulled out, a police car was coming in the opposite direction and looked startled at me pulling out, and immediately did a quick U-turn and put the lights on and stopped me. Did I go through a red light? Have I done something wrong? He had noticed that I had a Maine license plate, and he wanted to find out whether I had a Virginia driver's license because then I would have been in violation of the law. I thought about the priorities in Greater Washington, DC. Finally, when I showed him that I had a Maine driver's license and a Maine license plate that was in full compliance with the law, after having been stopped in the center of the road by a police care with lights flashing, I was allowed to continue. This incidence struck me as somewhat ironic given that it occurred in the murder capital of the country. The priorities seemed skewed in the wrong direction.

I said nothing, of course, for fear of there being immediate retaliation, and simply presented my license. It was quite an extraordinary experience to be stopped for that particular purpose. The priorities are sometimes really quite out of alignment with the reality.

Ms. Elam, what are the obstacles to a successful prosecution? And, Ms. Vigue, in terms of this question of a rape case, you mentioned age and you mentioned daughters—and, Ms. Tescher, you talked about fear for your own daughter. I learned last night when I called back to Washington, they found that a 4-year-old girl had been raped under an overpass in Alexandria. I found it impossible to believe, but it happened. What are the major obstacles that you found in prosecuting these cases and how can we correct them?

Ms. ELAM. There are sort of a host of obstacles, and each case obviously is different. Ms. Vigue's remarks caused me concern largely because of what she said about judges' reactions and juries' reactions. I think, however, as angry as we should be about that, we also lose sight that people are doing good work. The stories of the good work that police and prosecutors do often does not get told, and that may sound self-serving coming from a prosecutor but that much is true as well.

The largest obstacle I find in prosecuting criminal cases are really societal attitudes. I think those are reflected both in the reactions from police officers and prosecutors when a case is originally presented to them for review and, additionally, in the prosecutor's assessment of the strength of the case, which you have to do in every criminal case, trying to judge a jury's reaction to the case. There are societal attitudes that Ms. Vigue spoke of that are fairly pervasive but have not, at least in our county, discouraged us from prosecuting cases. We often prosecute cases where victims have been drinking. Virtually every crime, a prosecution in which I have been involved in, the defendants have been drinking or taking some kind of drug, and it is not uncommon for victims of crimes, not just sexual assault but other crimes, also to have been drinking. That has not in and of itself ever been an obstacle; but of concern to us obviously is the jury reaction to a victim who has been

drinking. While that does not present a problem for us in accepting a case, we have to be realistic in trying to assess the jury's reaction to that kind of case. It is more difficult——

Senator COHEN. Clothing.

Ms. ELAM. Well, clothing does not come up too often. The defense bar, at least here in Cumberland County, has been civilized enough not to raise that often, although I am certain that it might come up at some point.

More of our cases than not, sexual assault cases, involve victims who know their attacker. I think statistically it shows that most victims know their attacker. Those cases obviously are more difficult for jurors than stranger attacks. The sort of quintessential rape case has always been the man in the trench coat milling about the street corner. That does not happen——

Senator COHEN. About 75 percent of the rape cases involve people who know each other.

Ms. ELAM. Those kinds of cases present more difficult obstacles for us, but largely I would say the main obstacle for us is trying to assess jury reaction to a case and trying to decide the strength of the case based on that. And that is why from my perspective the education component of the act is very, very important because the people we educate now both as junior high students and larger in the bigger society will eventually be jurors, and those are the people to whom I am going to have to present a case.

Senator COHEN. You mentioned the Texas case that probably stunned everybody.

You indicated you were going to school in Texas?

Ms. TESCHER. Yes.

Senator COHEN. When that case first came up, I think everybody was shocked by the fact that a grand jury had refused to indict when a woman who at knifepoint had been raped and she first inquired as to whether the attacker had a condom. He said no so she produced one, and that was sufficient for the grand jury to say that she had consented. The case was quite extraordinary. It received so much publicity, of course, the prosecutor then went back and secured an indictment, I believe, and got a conviction in that particular case. It is going to take time to change attitudes such as that, and I agree with you, it does go back to education.

What is also discouraging is that rapes among juveniles is on an alarming rise. It comes back to what I mentioned before. We listen to lyrics of some of the more popular rap artists who advocate more abuse or some of the programs that one sees on television which are explicit and violent, and they are sanctioned by the celebrities who. So, on the one hand, we are trying to get into the school systems to say this is wrong, this is not civilized behavior; on the other, we have a culture which is overwhelming that young society with messages promoting poor behavior. You talked about conflicting messages, Commissioner Atwood. There is a real conflict. On the one hand, the school system is saying certain behavior is wrong and we are trying to teach values and, on the other hand, our culture is advocating the opposite.

I talked to several groups after returning from a trip to Southeast Asia this summer trying to promote Maine jobs over there for Bath Iron Works and the Maine Blueberry Association and others.

The way in which the people in Southeast Asia instilled values was quite extraordinary. In Malaysia, Singapore, and the other countries that I visited, women do not walk in fear. I saw women who were dressed, "provocatively," walking completely unafraid because their culture does not tolerate any abuse of women, no matter how they might be dressed. There if you were to even suggest abusing a woman, you are publicly caned, and that is not something that is very light punishment. They have a very strict code of ethics that they have instilled in their society about how people treat each other, and so people walk completely free of fear. What we have to come back to are the questions: What is our culture promoting? what are its values? Can we not have people dress in a fashionable way without attracting not only the eyes but the ugly comments of men who see them?

I raise that because you talked about the woman who goes to a bar and is drinking, the male is also drinking, but she gets the blame and there is no punishment of the man for what took place. Was there consent or not consent? Why should she be blamed because she is there? The prevailing attitude is complicated to understand.

There was a very celebrated case that just came down a couple days ago in Virginia. I will not go into all the graphic details. You are all familiar with it. The wife dismembered her husband, and yet the jury found the husband not guilty of rape under those circumstances. I found the reaction to it quite interesting because a woman who has been very much involved in rape counseling said that it is understandable because eight of the jurors were women. I wondered about that because it had to do again with attitude. If you had had eight of the jurors being men and say only two or four of the jurors being women, would that have made a difference? I suppose you could say, well, the jurors are men. But what she was saying is that many of the older women looked upon that particular complainant as being part of the problem. I am not familiar with all the aspects of the case, but somehow the jury found inconsistencies in the testimony. They did not quite believe that she had been raped or that the incident did not warrant her reaction of using a knife. In any event, it has to do with our attitudes of what is acceptable or tolerable behavior on the part of both parties to that particular marriage.

Is there an increase in rapes or just in the reporting of the rapes? As all of you would indicate, it has not been easy for a woman to come forward because, number one, she may not be believed; number two, the people who listen to her may not care; number three, in all likelihood she will have difficulty prosecuting because it is her word against his; and, number four, even if he is convicted, the penalty is not that severe.

Are there more rapes today than there were 10 years ago or are people coming forward?

Mr. ATWOOD. If I could take a stab at that, I would have to say this is a topic that comes up not only as to rape but as to domestic violence as well. And, of course, the answer is we do not know simply because with the absence of reporting, you have no way of knowing what the numbers are. So the best we can do is guess about something like that. We know from talking to rape crisis cen-

ters that the numbers of cases they get is greater than the numbers that the police get. We know from some national research that the gross number is considerably greater than the number that is reported. But I guess my response is twofold: One is that better research would help us know, but, on the other hand, I guess my answer is that the numbers are sufficiently large and the scope of the problem is sufficiently big and disturbing and has so much impact on so many people that it really does not make any difference in terms of how we address this to know what the exact numbers are simply because they are so great and the impact is so large; that knowing that would help, but I do not think we will—I do not know that any one of us can tell you. I may well be corrected. But the good news is that I think whether there are less today or more today, the fact that there is greater reporting indicates that hopefully there is greater trust by some people in the criminal justice system so that some people are willing to come forward.

Ms. VIGUE. Well, I would certainly not hesitate to guess that there is no decline in rape, you know, the most underreported crime in the country. You know, you will never know, you will never know correct statistics on rape. But I would come awfully close to guaranteeing you that there is no decline and there will be no decline until we stop accepting the rape of women. It is unacceptable, and until we show that in every facet of the system and until we stand up and say, you know, this will not do, as Michelangelo said, this will not do, then nothing is going to change.

And I do not—you know, I am not here to say that there are not good people in the system doing good work, believe me. I like to think that I am one of you trying to do some good work. I mean I am a police officer, and I have been in the DA's office for 5 years, and I know that some good work is done. But, you know, you just cannot stop short of—as much as I appreciate the good work that is done, we have to admit that it is not good enough. And I do not think you will find a victim who will tell you that the system is satisfactory or good enough. And when the Criminal Justice Academy does not have time in a 12-week municipal academy and a 16-week State police academy does not have time to give us a 2-hour block to assist in the education of upcoming parole officers, that is not good enough. When a judge is allowed to call a 5-year-old seductive and get away with it, that is not good enough. It is not good enough. It needs to be better, a lot better.

Senator COHEN. Can I ask you about victim impact statements? As you know, The Violence Against Women Act provides that victims have a right to make a statement at the time of sentencing. Do you feel that is an important factor, something that should be encouraged?

Ms. VIGUE. A very important factor, and most victims will make a statement themselves, and certainly if they do not feel comfortable doing that, will offer a statement via the victim/witness advocate or the DA. It is a very important component to victims to have a voice, to finally have a voice and be able to stand up and say, you know, this is what you did to me and this is how I feel about it. I am not sure that—I am hoping that it has some impact on sentencing. I am not sure that it does.

Senator COHEN. I would hope so, too. Ms. Tescher's testimony about what she lives with and the consequences that she has had to endure for these many years should have an impact on what the judge would hand down for a sentence, which leads me to another question.

Do you think the highly publicized rape trials in the past few years have been helpful in encouraging others to come forward, such as the Mike Tyson case? Or has the very nature of the publicity been a deterrent? Has it cut both ways?

Ms. ELAM. I think largely it has been a positive factor, I think. In some circumstances it has angered victims to the point where they now demand to be heard. I often have trouble with media coverage about criminal cases anyway, but particularly sexual assault cases, because the media seems to focus on the more lascivious nature of the crime. The case that you, Senator, cited about the woman who castrated her husband after she was sexually assaulted by him has got a lot more media attention, but the circumstances of marital rape happen all the time, and the media was not particularly interested in it until it became that sort of an "Inside Edition" type of story. I think coverage about those rape cases has largely been positive. I think the sort of outcomes in those rape cases have been fairly typical because these are very difficult cases for jurors to understand. They are very difficult cases for prosecutors in a short amount of time to educate people about the dynamics of sexual assault. One concern I have is that particularly with the case where Mike Tyson raped the woman, it was reported on the sports page and I found that particularly discouraging that that was referred to apparently by the media source as sort of a sports story more than a crime story.

When you talked about—when you asked earlier about reporting and whether more is going on, more sexual assaults are going on, or whether we are having it reported more often, it raises a concern that I personally have had about these cases in that we treat sexual assault as sort of different than other crimes. I know that from a victim perspective you really cannot equate a sexual assault, obviously, with a burglary or where somebody comes into your garage and takes your bicycle. But a concern that I have is that part of—in my own personal perspective, part of the difficulty that victims have in dealing with this is because of the reaction that we and the public have to them, to their victimization, different than we would if someone's home was broken into and their property was taken. In sexual assault cases we sometimes view them differently. Ms. Vigue was right. There are often circumstances where victims are made to be the bad actors, portrayed as responsible. No one would think to do that in a home burglary, but they certainly do and can in sexual assault cases, and media reporting can have an effect on that, on victims' perspectives about how they will be treated.

Additionally, I think we should examine and media sources should examine the confidentiality that they now give to victims' names. I understand that many victims, most victims from my experience, want their names to be confidential, and I know that media sources here at least in Portland have respected that. My concern is that that continued secrecy around sexual assault sort

of reinforces the notion that somehow victims should be ashamed about what happened to them. From my perspective, they have no need to be ashamed. They are victims. They did nothing wrong. They are the people that had the horrible act done to them. And until we can as a society not blame them anymore, then perhaps it is appropriate to keep their names secret and not published. I hope there will be a time where people will not be ashamed of what was done to them. Then perhaps reporting will be up, and then there perhaps will not be a need for secrecy and sort of cloaking the sexual violence that currently exists and I think that hampers prosecution.

Ms. TESCHER. I just want to interject. That brought something for me in my experience. My only way of standing up for myself then—I did not really have a support system. People were denying, you know, this thing happening to me by the cover-up, and my way of reaching out, I guess, was to file a civil suit finding against the sorority, not only them but the owners of the house who rented out this house to a sorority, knowing of 50 cases on that same block of break-ins, rapes, and a murder. And during my depositions I was asked—and this is in accordance with the stranger rape—what I was wearing that night and what my sexual history was, and I found it extremely offensive.

Senator COHEN. When did you decide that it was OK for you to come back to Maine?

Ms. TESCHER. You know, far too late, to be honest with you. I went from Houston—I stayed there 2 years after the assault saying—you know, everyone is saying I have to put this behind me, I have to face it, I have got to be strong, and sometimes the only way to save your sanity is to go away. And that is not running away. That is saving your sanity. And then I left, I went to Florida, and then I said I do not know what I am waiting for, you know. I just got to go home, and it was really validating to come home to Maine and the comforts here. And I realized that there is by comparison a small crime rate; however, just in my association with the advocating for crime victims, I have noticed the skyrocketing percentages of reporting in the past 2 years, and that is a real concern for me because I do plan to stay here, and I want to raise my daughter in an environment that is not going to get worse.

Senator COHEN. Well, I thank you very much. I mentioned that you tend to associate violent crime with urban centers, but it is everywhere. It is right here in Maine. We may not have the level of problems they have in Washington, DC, or New York City or Boston or any of the other major urban areas of this country, but we have a serious problem, and as the witnesses who have testified on the previous panel would indicate, it is not something that is only a minor inconvenience or a minor criminal misdemeanor. It is very, very serious, and it is on the increase even here in the State of Maine. So the more resources, Commissioner Atwood and Ms. Vigue, that we can put to work, the better, and more education is necessary. Throughout our society and our culture we must reverse this culture of violence which seems to be expanding rather rapidly.

I thank all of you for coming. Your testimony is very, very important. I believe we will have the passage of the crime bill in both

the House and the Senate, and you will see it signed into law. There is a significant increase in the funding of the crime bill. It is been almost doubled in the past week. The inclusion of The Violence Against Women Act also will receive additional funding. We are making some progress. There is a long way to go, but this is very important testimony you have all given today, and I know my colleagues are going to be very interested in reading it. Thank you very much.

That concludes the hearing, ladies and gentlemen, for today. As I have indicated in my opening statement, any written testimony that you would like to submit, will be included in the record and presented as part of the full record to the committee.

Thank you very much. The committee will stand adjourned.

[Whereupon, at 12:15 p.m., the committee was adjourned.]

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