

VIOLENCE AGAINST WOMEN

HEARING
BEFORE THE
SUBCOMMITTEE ON
CRIME AND CRIMINAL JUSTICE
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SECOND CONGRESS

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CONTENTS

HEARING DATE

February 6, 1992.....	Page 1
-----------------------	-----------

OPENING STATEMENT

Schumer, Hon. Charles E., a Representative in Congress from the State of New York, and chairman, Subcommittee on Crime and Criminal Justice.....	1
--	---

WITNESSES

Biden, Hon. Joseph, a Senator in Congress from the State of Delaware.....	7
Boxer, Hon. Barbara, a Representative in Congress from the State of California.....	12
Doe, Jane, New York City, NY, accompanied by Jeanne Mulgrave, representing Victim Services, New York City, NY.....	55
Downing, Vivian, Philadelphia, PA, accompanied by Marion Lett.....	33
Katzoff, Jennifer, New York City, NY.....	39
Morella, Hon. Constance, a Representative in Congress from the State of Maryland.....	24
Pfeiffer, Guy D., chief magistrate, Crisp County, GA.....	83
Rosenbaum, Margaret, assistant State attorney, Miami, FL, and division chief, Domestic Crimes Unit.....	70
Sands, Sandra Jean, Office of General Counsel, Department of Health and Human Services, District of Columbia, and past president, District of Columbia Coalition Against Domestic Violence.....	98
Schenck, William F., county prosecutor, Greene County, OH, appearing on behalf of the National Organization for Victim Assistance.....	59
Sunaz, Sherri, executive director, Alamo Area Rape Crisis, and president, Texas Association Against Sexual Assault.....	91

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Boxer, Hon. Barbara, a Representative in Congress from the State of California: Prepared statement with attachment.....	15
Katzoff, Jennifer, New York City, NY: Prepared statement.....	43
Lett, Marion, Philadelphia, PA: Prepared statement.....	36
Pfeiffer, Guy D., chief magistrate, Crisp County, GA: Prepared statement.....	85
Rosenbaum, Margaret, assistant State attorney, Miami, FL, and division chief, Domestic Crimes Unit: Prepared statement.....	73
Sands, Sandra Jean, Office of General Counsel, Department of Health and Human Services, District of Columbia, and past president, District of Columbia Coalition Against Domestic Violence: Attachment to oral statement.....	101
Schenck, William F., county prosecutor, Greene County, OH, appearing on behalf of the National Organization for Victim Assistance: Prepared statement.....	62
Sunaz, Sherri, executive director, Alamo Area Rape Crisis, and president, Texas Association Against Sexual Assault: Prepared statement.....	93

APPENDIX

Statement of New York City Commission on the Status of Women.....	113
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VIOLENCE AGAINST WOMEN

THURSDAY, FEBRUARY 6, 1992

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME AND CRIMINAL JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:08 a.m., in room 2141, Rayburn House Office Building, Hon. Charles E. Schumer (chairman of the subcommittee) presiding.

Present: Representatives Charles E. Schumer, Edward F. Feighan, George E. Sangmeister, Craig A. Washington, Peter Hoagland, F. James Sensenbrenner, Jr., Steven Schiff, Jim Ramstad, and George W. Gekas.

Also present: Representatives Patricia Schroeder, Barbara Boxer, Connie Morella, and Senator Joe Biden.

Staff present: Jim Rowe, counsel; Andy Fois, assistant counsel; David Yassky, assistant counsel; Teresa Faunce, clerk; Lisa Lawler, clerk; and Lyle Nirenberg, minority counsel.

Mr. SCHUMER. The hearing will come to order.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the subcommittee permit broadcast and photography of this hearing pursuant to committee rule 5.

Mr. SCHUMER. Without objection.

Good morning, everybody.

OPENING STATEMENT OF CHAIRMAN SCHUMER

Today the subcommittee will examine something in America that may be bigger than the numbers show, violence against women. By the time this hearing concludes today, 21 women will have been raped and 480 will have been beaten by an intimate partner, either a husband or a boyfriend. As the general crime rate rises, women are bearing an increasingly disproportionate share of this epidemic of violence.

FBI statistics show that the rape rate has risen four times faster than the overall crime rate in the last decade. The Surgeon General of the United States says that battery is the single largest cause of injury among women. Troubling figures, but even they may not show the entire picture. According to estimates, only 34 percent of stranger rapes and 13 percent of acquaintance rapes are reported to police, and police hear about only half of domestic battery incidents. Societal acceptance of violence against women is partly to blame for these incredible statistics.

A recent poll incredibly showed that one-fourth of junior high school boys agreed that a man was entitled to force sex on a

woman if he spent \$10 on her. For hundreds of years, the legal system explicitly condoned violence against women. For instance, the expression "the rule of thumb" comes from an English common law which said that it was permissible for a man to beat his wife with a stick so long as it was no wider than his thumb.

In more modern times, the justice system has tacitly sanctioned victimization of women. The rule of thumb now is that domestic violence cases are nothing but lovers' quarrels that are best left to be resolved without the police and the courts.

We will hear testimony from one witness today about how the D.C. police only made an arrest in a domestic violence case if the assailant resisted them, a policy now, to the credit of the D.C. police, that has been changed. When they do get into the courts, domestic violence cases are sometimes not treated with the gravity of other assaults. A man can often get more time in jail for decking a stranger in a bar than he can for punching his wife out in her own house.

We only have to look at recent examples in Palm Beach and Indianapolis to see how rape victims are put on trial. Accusers are greeted with skepticism and incredulity. They have to face questions about whether they were asking for it because of the way they were dressed or because they acted friendly toward their eventual attacker.

We will hear from a court official who took part in a study that found pervasive bias against women among police, prosecutors, and judges in his State. We will also hear firsthand accounts of horrible violence, women like Vivian Downing who is now a quadriplegic and on life support after being shot by her husband in 1987. Another witness will tell how her husband moved her and her children from State to State each time she reported his abuse to police. And we will hear from a college student who was raped during her freshman year and discouraged from pursuing prosecution by school officials. I want to commend each of the witnesses for the courage they have shown by coming here today to share their stories with us.

But first we will hear from two leaders in this area, Senator Joseph Biden, the chairman of the Senate Judiciary Committee—and we are honored with his presence today—and Representative Barbara Boxer, my friend and colleague. They are the sponsors of the Violence Against Women Act that would expand the Federal Government's role in preventing and prosecuting acts of violence against women. I want to commend each of them for their leadership in this area, and I believe they are right in that the Federal Government does have a role to play in stemming this type of violence.

Also in our audience is Congresswoman Connie Morella, who has been a staunch leader in this area for many, many years, and we very much appreciate her leadership and interest. After we examine this area and we look at legislation, we are, of course, going to be examining not only the legislation here before us today but Congresswoman Morella's as well.

It is my philosophy that the Federal Government can best help prevent crime by making sure that local law enforcement officers have the wherewithal and equipment they need to do their jobs. It

should act as a facilitator to help good ideas that are successful in one area spread across the country. It can lead by example. The Federal Government has a loud voice that can send a message that violence against women is not accepted behavior in today's society, and I hope today's hearing will be a first step to doing just that.

Now I would like to call on my colleague, Jim Sensenbrenner, for his opening remarks.

Mr. SENSENBRENNER. Thank you very much, Mr. Chairman.

I agree with the chairman that the problem of violence against women is an increasing problem, and it needs to be addressed. I think it is regrettable that we do not have a specific bill before us to discuss today in the context of proposed legislation. That is because the chairman of the House Judiciary Committee has not referred the Biden-Boxer bill or other legislation in this area to subcommittee.

I believe that hearings are much more productive when they are legislative hearings dealing with specific legislation rather than oversight hearings dealing with a general subject. But, I think it is important that we do have this hearing today dealing with the general subject to at least get the ball rolling to see what type of legislation would be possible to craft and pass before the 102d Congress adjourns sine die.

The problem of violence against women is an increasing one. Part of the problem is due to the fact that we really do not have adequate and complete statistics because of the reluctance of many victims to report crimes, that have been committed against them, to appropriate law enforcement or social services officials.

We do have a study from the University of Minnesota that indicates that one out of four female students at the Minneapolis campus of the University of Minnesota will be a victim of some kind of violence or sexual assault during a 4-year undergraduate degree, and that is really an appalling statistic when one woman in four ends up having to be victimized simply because they happen to be on campus getting an education and a bachelor's degree.

Among the issues that are very serious and need to be discussed and decided in the context of this issue is the role of the States and the role of the Federal Government in this issue. Because the Federal Government has a very limited role in prosecuting what we call street crime—and violence against women usually falls into that category—how we respond will have a limited effect. The most meaningful response will be in the 50 State capitals and in the thousands of communities around the country.

But, there are some criminal justice problems that I think we can address here at the Federal level to show that this is a crime that is just as serious as assaults in society, drug-related crimes, and the homicides that are springing all around the country.

I know that this is a serious issue because my wife, before we were married, was the victim of an assault against her, and she still bears the scars from that assault 20 years after the fact. This is something that we have to do—everything at all levels of government to prevent, and I hope that this is the beginning of a very constructive and bipartisan effort by the Congress to do just that.

Mr. SCHUMER. Mr. Sangmeister.

Mr. SANGMEISTER. Thank you, Mr. Chairman.

Although we are here to discuss the subject matter in a broad nature, I want you to know that I support H.R. 1502, which is the Violence Against Women Act.

I have a special interest in the provisions relating to domestic violence and, in fact, offered an amendment to the crime bill that incorporated part of Mrs. Boxer's bill last session. As a former prosecutor, I know firsthand how difficult it is for women to come forward in domestic violence cases.

I am sad to report that today a battered woman stands a better chance in the courts if her assailant is a stranger. The undeniable fact is that if the husband or partner is the assailant her complaint is often dismissed as a domestic squabble or a private matter between husband and wife. Until very recently, battery almost never resulted in arrest.

Why is it that battered women who eventually kill their husbands in self-defense receive on an average double the sentence that men who murder their wives receive. I believe we in Congress have a responsibility to recognize domestic violence for what it is; and that is, it is a crime. Those guilty of domestic violence crimes must be held accountable for their actions and punished under the law.

We must work to change the perception that domestic violence is a family matter. We can begin by passing laws that will give our Nation's police officers, judges, and prosecutors the tools necessary to treat these types of offenses in the same way as any other crime. In addition, victims of domestic violence who are often terrified to come forward need assurances and, indeed, should be guaranteed that the system will help them and not work against them.

Sadly, Mr. Chairman, the problem of violence against women goes well beyond the disturbing trends in domestic violence. In today's violent culture, it seems as though every woman has reason to fear. In fact, the Department of Justice's calculations that three out of four American women could expect to be victims of at least one violent crime in their lifetime is, as astounding as it is, unacceptable. Also unacceptable is the FBI statistic indicating that rapes have increased four times as fast as the general crime rate during the past decade, and Mrs. Boxer's bill suggests proposals in those areas as well.

I look forward to hearing the testimony this morning and thank you again, Mr. Chairman, for scheduling this hearing.

Mr. SCHUMER. Thank you, Mr. Sangmeister.

Mr. Gekas.

Mr. GEKAS. I thank the Chair, and I too welcome Senator Biden and Congresswoman Boxer and Congresswoman Morella to this hearing.

For a long time, I had been laboring under the false impression that we had made great strides in the arena of victimization of women. In my own State and elsewhere, even in the Federal establishment, we began to develop recognition of groups that would be honing in on these various individual problems, like rape crisis, and other domestic violence entities that really had a firsthand, hands-on knowledge of the series of problems that we are encountering in this field, and I was feeling rather smug about it until this last couple of years when the headlines began to scream all

over the country with a renewed, shall we say, outbreak of visible incidents involving the victimization of women. So when Senator Dole and Congresswoman Molinari and I got together to do our version of a women victims' rights bill, I was eager to renew my own interest in this field and in preventing such victimizations.

We have shield laws, we have increased penalties, we have even the inclusion of rape-murder in the death penalty provisions pending, so we are continuously cognizant of the problem. But, a sweeping change in the attitudes of our citizens and in our law enforcement, and in those of us who have the responsibility of crafting new laws, still remains with us. That is why I am eager to proceed with listening to our colleagues and in hearing hard testimony for our consideration.

Thank you, Mr. Chairman.

Mr. SCHUMER. Thank you, Mr. Gekas.

Congressman Washington.

Mr. WASHINGTON. Thank you for recognizing me, Mr. Chairman.

I don't have a prepared statement, but I would like to say that I have always felt that leadership was defined by, or at least the qualities of leadership were essentially defined by those who had the courage to step forward and to recognize a problem and do what was right. I am therefore not at all surprised that Senator Biden and Congresswomen Boxer and Morella, all of whom I respect and admire very much, have taken the leadership on this issue. So I look forward to hearing their testimony, and I am happy to be an original cosponsor of H.R. 1502, and I hope that we can find a way to make all the provisions that are required in order to beef up our law to make all of our citizens understand that there is no difference between violence committed against women and violence committed against others. In fact, if there were to be a distinction, I think we would look on it with more abhorrence than violence committed against men, but that would sound chauvinistic on the other end.

At any rate, I look forward to hearing all the testimony. I have had the opportunity to read over the testimony of the witnesses last evening, a lot of which brought tears to my eyes. I want to hear it again, and I want us to move forward on this legislation. I want us to get it on the floor and get it passed and over to the President's desk as soon as possible.

Thank you, Mr. Chairman.

Mr. SCHUMER. Thank you, Mr. Washington.

Mr. Ramstad.

Mr. RAMSTAD. Thank you, Mr. Chairman.

I, too, thank you for holding this important hearing today. As we all know, far too many women in our neighborhoods are battered, far too many women on our college campuses are raped, and I might add to Mr. Sensenbrenner's comment that the most recent national study corroborates the University of Minnesota study, which was a local study done in my State, that, in fact, one of four college women during her 4-year college career is the victim of either attempted rape or an actual rape, a full-fledged sexual assault, and, as we all know, far too many women are denied justice.

On top of all of that, we know that these crimes are vastly underreported. The same study I just cited shows that, once again,

fewer than 10 percent of all sexual assaults in this country are reported.

In Minnesota alone, with a population of just over 4 million people, further research indicates there may be over 400,000 battered women, yet 41 of our 87 counties do not have battered women's programs. In some counties, a battered woman's nearest option for emergency safety is over 100 miles away. In the Twin Cities metropolitan area, part of which I represent, more than two-thirds of women seeking safe shelter from domestic violence are turned away due to lack of space.

Clearly, Mr. Chairman, the Federal Government must step in to buttress State efforts to prevent violence against women, to prosecute their attackers, and to provide victims shelter and much needed treatment.

Mr. Chairman, I am particularly pleased today that we will receive testimony from Jenny Katzoff, who was the victim of sexual assault as a 1st-year college student and whose allegations of rape were grossly mishandled by a number of different college officials. As Jenny knows, we tried but just weren't able to get her out to Minnesota to testify at a recent field hearing that Congresswoman Molinari, Congressman Penny, and I conducted last September on the issue of campus sexual assault. Thus, I am very pleased that we will be able to hear from her today.

I am also grateful that Senator Biden and our distinguished colleagues, Congresswomen Boxer and Morella, are here today. Senator Biden and I introduced the Campus Sexual Assault Victims Bill of Rights Act, H.R. 2363 and S. 1287, last year. This legislation, which now has 165 cosponsors in the House, complements the Violence Against Women Act which I was proud to cosponsor.

H.R. 2363, the campus sexual assault victims bill, would protect campus rape victims by requiring university and college officials to make victims aware of their legal rights and assist them in bringing allegations of sexual assault before the criminal justice system. Our bill also protects victims who choose to go through campus disciplinary proceedings. But the choice should be with the victim.

Jenny's tragic story shows exactly why we must enact both the Violence Against Women Act and the Campus Sexual Assault Victims' Bill of Rights Act. Senator Biden and Congresswomen Boxer and Morella obviously recognize this as they are sponsors of both, Senator Biden being the principal sponsor of both of these bills in the Senate, and Congresswomen Boxer and Morella are cosponsors. We must work to prevent rape as well as ensure that rape survivors are not traumatized a second time because justice is denied them.

Mr. Chairman, I think this will be one of the most important hearings that we will hold this year, and I thank you again for your leadership in this area.

Mr. SCHUMER. Thank you, Mr. Ramstad.

Now let us get on to our first panel. If the witnesses don't mind, I would like to ask Connie Morella maybe to join us because she not only has her legislation but she is the second sponsor of the bill after Congresswoman Boxer for the Violence Against Women Act.

So, Connie, you are welcome to join us and maybe say a few words after Joe and Barbara.

As our first panel of witnesses today, I am pleased to welcome two—three now—very distinguished Members of Congress: Senator Joe Biden of Delaware, Representative Barbara Boxer from the Sixth District of California, and Representative Connie Morella from the Eighth District of Maryland.

Senator Biden and Representative Boxer and Representative Morella have been leaders in combating violence against women. Senator Biden introduced the Violence Against Women Act, S. 15, which was reported favorably by the Senate Judiciary Committee, and Representatives Boxer and Morella have introduced the Violence Against Women Act, H.R. 1502, here in the House. All three have been real leaders on this issue, being the beacon for not only the Congress but for the country in helping us all recognize not only how serious the problem is but how hidden it has been for so long.

I want to thank all of you for coming, commend you for your efforts, and turn over the floor to you.

Senator Biden, again, it is an honor for you to be here, and you may proceed. We are doing it in alphabetical order. It is not because you are a Senator or a man.

**STATEMENT OF HON. JOSEPH BIDEN, A SENATOR IN CONGRESS
FROM THE STATE OF DELAWARE**

Mr. BIDEN. Thank you, Mr. Chairman. Thank you very much.

Let me begin by thanking my colleagues on my left and right for their leadership. Quite frankly, it is not only their leadership in drafting and pushing this legislation, but also their standing that has given this legislation the kind of credibility that it otherwise might not have had. The mere fact that my friend, Barbara Boxer, immediately indicated an interest in perfecting this legislation and introducing it gave it a legitimacy—and I mean this sincerely—that I was not capable of giving it by the mere fact of drafting parts of it on the Senate side. I want to thank both my colleagues for their work.

As you know, Mr. Chairman—you and I have worked together on a lot of crime issues—I try not to beat around the bush. I am not going to take your time by going through each part of this legislation—it has a number of titles. Quite frankly, I would be dumbfounded if there were disagreement on 90 percent of the titles. But we should probably get right to the nub of the controversy.

We have got a Chief Justice who, I respectfully suggest, does not know what he is talking about, when he criticizes this legislation. What he is referring to is the one section of the bill that refers to making violence against women a hate crime, providing a civil rights remedy; that is the most controversial section of the bill.

Like all of you on this committee—you Mr. Chairman, Mr. Sensenbrenner, and others on the committee—I have spent a great deal of time working on criminal justice issues. It has been my responsibility, given to me by my party on the other end of the Capitol, for the last 10 to 12 years.

I thought I understood this issue. I thought violent crime was an equal opportunity employer. I thought violent crime had been rising at an equal rate across the board whether you were rich or

poor, black or white, male or female. But I was dumbfounded—in February 1990, when reading the statistics from the National Bureau of Justice Statistics—to learn that from 1974 to 1987, violent crimes against males in the age category of 20 to 24 dropped, if my memory serves me correctly—and I am doing this from memory—12 percent—dropped—yet violent crime against women 20 to 24 went up over 50 percent during that same time period. Something was awry. Something is seriously wrong. I suspect many women as well as men in this body thought that the violence, the climate of violence in the American streets, made no distinction between women and men. In fact, it did.

Although the bulk of our bill—and I realize that it is not technically before you all—deals with matters relating to Federal law enforcement—from providing dollars to achieve better lighting in areas of high intensity crime straight through to providing that a stay-away order issued in one State should be enforced in all States.

Now, the Chief Justice and others have suggested that the bill may burden the Federal courts unnecessarily. Let me tell you something. We have, under title XVIII of the U.S. Code, provisions making it a Federal crime if you move across a State line with falsely made dentures—dentures. We cover a myriad, a host of crimes—for example, if you take a cow across a State line, if you rustle a cow, it is a Federal crime. And I hear the outrageous assertion from some on the bench that we should tolerate a system in which a State court in Pennsylvania tells a man who has battered, or is likely to batter his wife, “You must stay away,” but when that woman crosses the State line into Delaware, that order has no effect whatsoever—is unenforceable. This notion that what is ordered in the State court in Pennsylvania should be enforceable in Delaware is, I don’t think, any radical expansion. If we can take care of cows, maybe the vaulted chambers of the Supreme Court could understand it may make sense to worry about women—some of whom you are going to hear from today.

Mr. Chairman, I want to thank you and the members of this subcommittee for inviting me to testify on H.R. 1502, the Violence Against Women Act. I want to thank Representative Boxer, in particular, the sponsor of this legislation, for her tireless work on the issue and her success in obtaining so much support for the bill.

As you know, Mr. Chairman, and many of you, I first introduced the Violence Against Women Act in the Senate in June 1990 for the reasons I indicated. I might add a point on that study you mentioned, Mr. Chairman, from Rhode Island where it said one-quarter of all the young men of junior high school age believed that if a man spends \$10 on a woman he is entitled to force sex on her. That is startling. What is even more startling is that one-fifth of the girls thought the same thing. Twenty percent of the girls—and I say “girls” advisedly—seventh grade, eighth grade, and ninth grade—said that if a man spends \$10, he has a right to force sex. We have a cultural problem in this country.

But I would respectfully suggest, no one State law—notwithstanding all of your and my adherence to the notion that the State should control law enforcement—is likely to change nationwide attitudes. So, Mr. Chairman, we had four hearings on my side of this

Chamber, this building, this Capitol, and we voted out this bill unanimously on two occasions. It is bipartisan, Mr. Sensenbrenner. Strom Thurmond and Joe Biden, the ultimate odd couple, both strongly support the legislation. Orrin Hatch and Ted Kennedy—I can go down the list; we have an unusually divided committee—unanimously voted this out.

But clearly, as I said from the outset, the most controversial provision—and I will just take a few more minutes and focus on it—the civil rights provision. This provision gives a civil rights remedy for gender-motivated crimes. It goes beyond sending the perpetrator of the violent act to jail, or whatever punishment under the Criminal Code is appropriate. We deal with that as well, as you know, Mr. Chairman, in this bill.

The legislation has been supported by a broad cross section of interests—law enforcement groups like the National Association of Attorneys General; by victims groups, including hundreds of rape crisis centers and battered women's shelters across the Nation; and by many women advocates, two of whom are sitting on either side of me today. Fifty of my colleagues in the Senate have joined in cosponsoring the legislation. Let me explain very briefly why I think it is so important. Violent attacks, as you said, Mr. Chairman, are the number one health threat to women in America. When we had before us the admitting physicians of two of the largest hospitals in America dealing with crisis problems and emergency wards, we learned that one of the top reasons why women come into an emergency ward off the top is because they have been beaten up. We talk about "domestic" violence as if we are talking about "domesticated" cats or "domesticated" wild animals. "Domestic" connotes somehow that this violence is gentle; "domestic" connotes somehow that it is not horrible.

The psychiatrists who have testified before my committee point out that a woman who is the victim of domestic violence, a woman who is a victim of date rape, a woman who is a victim of acquaintance rape may be more seriously damaged physically and psychologically than a woman who is the victim of stranger rape or stranger violence. The woman begins to question every single thing about her person and her judgment: "How could I have been with him? Should I not have known better? Why did I wear that skirt? Should I have taken the one drink? Was I in the wrong place? Did I do something wrong?" We as a society have to stop that. No man has any right, under any conditions, for any reason, to lay a hand upon a woman without her consent, express consent—whether she is a nun or a prostitute, whether she is suggestive or reclusive. No right, period.

The reason we have to put in the bill the part that everyone, including the Chief Justice, is so fixated on—the civil rights provision—is that there have to be additional remedies for a woman. You will hear testimony somewhere along the line, Mr. Chairman, from psychiatrists and psychologists. It is not sufficient that a woman merely be able to have the satisfaction that her attacker is punished under the criminal justice system. She does not control that process—as the prosecutors on the bench can tell you—the prosecutor does. There has to be something to give the woman back

the right of control, for her to say, "I have chosen to bring a civil action against this person."

There is another reason. Rapists aren't what are portrayed by some of my friends. Rapists are too often characterized as some minority person crouched behind a garbage can in an alley about to jump out and attack this vessel of womanhood. Rapists are doctors, they are lawyers, they are prominent businessmen, and they should be subjected not only to have their liberty taken but their property taken as well—their property.

Let me make two more points and cease, because I know I am trespassing on this committee's time. The civil rights provision of the bill is a hate crimes law. That means an element of proving whether or not there has been a civil rights violation—if this bill were passed—is that the crime has to be motivated by hate. You cannot establish a cause of action under this bill by saying that, "I am a woman; I have a bruise; ergo, I have a civil rights claim"—as the Chief Justice would lead you to believe.

If you look at the section of the bill that deals with what satisfies the burden to carry the civil rights remedy, you will see that the crime has to be motivated by the fact that the person is a woman or by gender. A black man or woman who is indiscriminately beaten and/or the victim of violence, and/or the victim of rape, cannot under our present civil rights law say, "My civil rights were violated, because I'm black and someone that wasn't black did me harm." He or she must show that the reason they were picked as the victim is because they are black, and that that attacker does not like or attacks black people or has said that before he attacked. Remember the fellow up in Canada who said something like, "These women engineering students that I have killed, all women, are bad; they got into engineering school; I did not; I hate women." That would qualify as a hate crime against women.

But in terms of "domestic violence," us federalizing domestic violence, that is simply not true. The legislation makes it clear it is not true, and the legislative reports point out explicitly that is not our intention and that random crimes on the home or elsewhere are not capable of meeting the burden of proof under the law, as written, to qualify as a civil rights violation.

I find it interesting, as Ms. Nourse, who is the lead person for us on the Judiciary Committee meeting with Federal judges appointed by the Chief Justice to discuss this bill with us, asked one of the judges, "Well, this is no different than standard civil rights laws making it a crime to act this way against black folks," and one of the judges said, "Yes, that is right, that is the problem; I wouldn't do it for black folks either." You have got to cross the Rubicon here, folks.

First, the bill does not federalize domestic violence; second, when critics complain about the bill they fail to mention that they are complaining about the civil rights remedy of the bill, one part of a comprehensive bill; and, third, the civil rights remedy about which the critics complain falls within well established grounds for Federal jurisdiction and has nothing to do with the D'Amato—as is often mentioned with it—the D'Amato gun crimes amendment to which it has been compared.

With all due respect to the Chief Justice whose repeated misstatements have generated this controversy, his speech writers have not done their homework. First, they have failed to read the statute, which specifically says in title III that the civil rights remedy he opposes does not cover random crimes or crimes not motivated solely by discrimination. Two, they have not read the committee report issued by the Judiciary Committee last June and signed by Republicans and Democrats alike which states: "Title III does not cover random beatings in the home or elsewhere. The only remedy title III provides is for violent crimes motivated by gender discrimination." Finally, they have forgotten 120 years of civil rights history. This country has a long tradition in which civil rights laws have been used to fight discriminatory violence beginning in 1871 with the first antilynching laws.

No one would say today that laws barring violent attacks motivated by race or ethnicity fall outside the Federal courts' jurisdiction. Then why are they saying that violent discrimination motivated by gender is not a traditional civil rights violation? This jurisdictional argument is just the latest in a series of strawmen raised to prevent the bill from moving forward.

First, the critics said the civil rights part of the bill was unconstitutional, so we held a hearing, and constitutional experts overwhelmingly said "No, that is not true," and the critics backed off that argument.

Second, the critics said that title III would encourage women to raise false claims to extort more alimony in divorce cases, a claim made by the Chief Justice that is not only wrong but verges on the offensive to the extent that it suggests that women have a greater propensity to file false claims than men do. It is outrageous.

Three, the critics are now claiming, wrongly, that the bill would flood Federal courts with what they believe to be unimportant domestic relations cases. By the way, flooding the Federal courts—you have cooperated, we have cooperated, the chairman of the full committee, with putting through all these new Federal judges, hundreds of them. I don't hear the same courts complaining that this administration has not filled over 110 of those vacancies which have been vacant for, on average, over 1 year. If they want to ease their workload, let's get new judges. I don't know a whole lot of Federal judges, with all due respect—and I have great respect for the Court—that any of us would think are so overburdened with work that they are bent at the back and their brow is constantly occupied with beads of sweat.

I am tired of hearing it. Every new Federal judge they have wanted I as a Democrat, have proposed. I have introduced a bill with a Republican President giving him over the last 10 years over 150 new judges, a cardinal violation of partisan politics. This is ridiculous. I hope the committee will keep an eye on the ball and the critics will not divert their attention from an extremely serious and growing scourge affecting more than half the Nation's population. Every day we ignore the problem, thousands of women—literally thousands—are raped and battered in this country, and every day we fail to respond we help perpetuate the awful silence of thousands more survivors who never tell anyone of these crimes.

Mr. Chairman, I conclude by thanking you and suggesting that, with all due respect to the courts, the civil rights remedy does not cover all domestic violence cases; that the judges are wrong when they say that the women in this audience are sitting there saying, "I can hardly wait for this to happen because I'll get higher alimony payments; I can take it to Federal court." And, lastly—I have great respect for the courts. I shouldn't even say this publicly; I always support their pay raises; I initiate their pay raises; I initiate more judges; I do all I can. But, let me tell you something, their problem is not that they are all about to have cardiac arrest as a consequence of workloads that are so overbearing that they cannot entertain the single most serious identifiable violence problem facing the women of this country.

I thank you, Mr. Chairman. As you can tell, I don't feel strongly about this at all. It has been 2 years, and I am getting impatient—not with you—but impatient with our unwillingness as an institution to resolve this question and lay it on the President's desk and let him decide.

Mr. SCHUMER. Thank you, Senator, for your, as you say, impassioned speech. I don't think there's any doubt in the room that this is a message that comes from your heart. I know long you have studied this issue, worked on this issue, and how much you care about it.

Mrs. Boxer.

STATEMENT OF HON. BARBARA BOXER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. BOXER. Thank you, Mr. Chairman, and thank you, members of this subcommittee.

I am so proud to be here today, Mr. Chairman, in front of your subcommittee. I am so proud to have my colleagues here and be associated with this bill, with the leadership of Senator Biden. He always tells me to take more credit for the bill. I want to tell you something. He wrote the bill. It's his bill. It's his bill. I was just so proud when he said, "Barbara, I would like you to help me in the House." So I want to put that on the table. This is his bill.

Mr. BIDEN. You may be hurting its chances, Barbara, by emphasizing that.

[Laughter.]

Mrs. BOXER. No, I'm just being honest, and my colleagues appreciate that.

The fact that Congresswoman Morella and I have been able to play a leading role in getting this through is a tribute to him and we're very pleased to be associated with this bill.

In the House we now have 178 cosponsors, Mr. Chairman. I think it's terrific. It's very bipartisan. I want to say that the comments made by the subcommittee this morning are very encouraging, from the Democrats and the Republicans. I think we need to move this bill now. We need you, we need your help, and the women of this country, the women who are going to come before you, are looking to you for your leadership and your help. We will be there to help push this bill through, or the parts of the bill that you are ready to deal with.

I also want to point out that the bill is endorsed by over 125 organizations nationwide. I won't go through the list. I would ask that they be included in the record, as well as my full statement, which I will summarize.

Mr. SCHUMER. Without objection.

Mrs. BOXER. Mr. Chairman, I would like to begin my testimony with a 15-second pause.

[Pause.]

Mrs. BOXER. Mr. Chairman and members of the subcommittee, in that 15 seconds, another American woman was battered. We have an epidemic on our hands and we need to act. This movement started a couple of years ago. There's no more time. It's going to touch every one of you. It's going to touch all of us. It already has touched some of you.

Let me tell you how it has touched me, and why, when the Senator talked to me about this, I said, please, don't ask anybody else. I want to be there. In the past 8 years, two members of my staff, two young women on my staff, were brutally assaulted in Washington, DC. They came to work on my staff from California, excited and eager and ready. One of them was brutally raped, another brutally assaulted and robbed and battered and bruised, right here, a few blocks from this hearing.

Mr. Chairman, when they think back when they're older—like me, old—on their experience, it's forever going to be clouded by this experience. We can multiply that over and over again.

My daughter went to college in a very high crime city. We worried about her. We called her constantly, "what are you doing to protect yourself?" She said, "Don't worry, Mom. I never make eye contact when I walk in the street with anybody." I thought of when I grew up, frankly in that same city, it was different. You could connect with people. She never made eye contact. She said, "I also wear great, big coats, I never put on makeup, my hair's a mess." That's how she survived. In other words, if I hadn't brought it up, she never would have mentioned it. Because that's how young women are surviving. If they're lucky, they get through.

We cannot sit here and say we'll leave it to the States, because it's happening all over, Mr. Chairman. We didn't leave child labor laws to the States. We set the pace. That's what Senator Biden wants to do here, and that's what we want to do here, to say that this is a nationwide epidemic and we need to move.

We have lost our freedom. We're a country that's free. We're so proud. People send for our Constitution and our Bill of Rights, and yet, every day, women have given up their freedom. They can't walk—I don't happen to have an automobile in this town. I love to walk. But when night comes, I don't walk. I'm so angry about that fact. Look, I'm a Member of Congress and I'm afraid to walk six blocks from here. You know that, Mr. Chairman.

So we have things to do, and we're very fortunate that we have a bill to focus on. I, too, am distressed that it is not immediately in front of your subcommittee, but I'm very grateful to you, Mr. Chairman, for having this oversight hearing in any case. Because whatever bill emerges—it may not be my bill, it may not be Mrs. Morella's bill, it may be a combination of bills—but that's wonder-

ful. We don't care who has his or her name on the bill. We want to make some progress here.

Look at the chart, Mr. Chairman, on the number of reported rapes, 100,000. Every 5 to 6 minutes, a woman is raped. Since I started this testimony, a woman was raped. We can't let this go on, and we can do something about it. It is laid out in the bill, clearly and thoughtfully. The entire Senate Judiciary Committee has voted for this bill. This is well thought out. The Senator has done his homework over and over again on this.

So, to summarize, because I've gone on long enough, when you do get this bill in front of your subcommittee, we will be looking at money for police training; we'll be looking for money to stop recidivism. Fifty percent of the rapists who get convicted go out and rape again. We need enhanced treatment for these people.

Shelters. We have three times as many animal shelters in America as we do shelters for women. Now, we need those animal shelters, but we need the shelters for women, and we need more money for the rape crisis centers as well. We must move on this, Mr. Chairman.

Domestic violence, I won't go into it further. I think Senator Biden moved me to tears with his testimony about domestic violence. He's right. When we use words, we have to think about what we're saying. It's brutal violence. It's not love. It's hate. It's fear. We have to move on it in our society if we really believe in the family, and I know we all do. We need to move on this.

We talk about public education programs. You read about it. Training for judges. It seems to me, from the Senator's statements, our judges need training on this issue.

In summary, violence against women has reached epidemic proportions, and we cannot ignore its effect on not only women's lives but on all our lives, on our good colleague's life, whose wife, her feelings, her emotions, her grief, he shares that. So it's not isolated to just women. If we resolve this, we help men, we help children, and we help women.

I want to quote from President Bush's State of the Union Address. It may have been the only thing I agreed with. But I want to read you the statement. "Surely it's true that everyone who changes his or her life because of crime—from those afraid to go out at night to those afraid to walk in the parks they pay for—surely these people have been denied a basic civil right." He should talk to Supreme Court Justice Rehnquist and repeat that. "Surely these people have been denied a basic civil right."

We three agree with that. We hope you agree with that. We have a great bill to work on as a start. We're looking to you, Mr. Chairman, and the subcommittee to help us.

Thank you very, very much.

Mr. SCHUMER. Thank you, Ms. Boxer, again for your eloquence and your passion, as well as your intelligence on this issue.

[The prepared statement of Mrs. Boxer, with attachment, follows:]

BARBARA BOXER
6TH DISTRICT, CALIFORNIA

CHAIR,
GOVERNMENT ACTIVITIES AND
TRANSPORTATION SUBCOMMITTEE
of the
COMMITTEE ON GOVERNMENT OPERATIONS

COMMITTEE ON ARMED SERVICES
SELECT COMMITTEE ON CHILDREN,
YOUTH, AND FAMILIES

CO-CHAIR
MILITARY REFORM CAUCUS
WHIP AT LARGE



Congress of the United States
House of Representatives
Washington, DC 20515

Testimony by Rep. Barbara Boxer
Before the Subcommittee on Crime and Criminal Justice
H.R. 1502, The Violence Against Women Act
February 6, 1992

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Mr. Chairman, thank you very much for giving both Senator Biden and me the chance to testify on behalf of the Violence Against Women Act.

Senator Biden deserves all the credit for this bill. I am his voice in the House and I am very proud that he gave me this opportunity to write the bill in the House.

There is a growing "gender gap" of violence in this country and women are increasingly the victims of brutal crimes like rape and domestic violence.

In the past eight years, two of my women staff members were viciously attacked on Capitol Hill, not far from this chamber; one brutally raped and the other robbed and beaten. These young women came from California to Washington D.C. to make an important contribution and sadly their memories of Washington D.C. will forever be darkened by that experience.

Women must take extraordinary precautions to protect themselves against assault in this-city. I have no car in Washington D.C. and love to walk, but when darkness falls, I rarely walk home. I feel like I have lost my freedom and I live in an area that is probably one of the least dangerous in the district.

A 1989 study found that largely due to the fear of rape, a woman is eight times more likely than a man to avoid walking in her own neighborhood after dark. Women are also less likely to use public transit and walk near parks alone after dark. Women are restricted from living full lives because of their fear of violence.

In fact, the fear of attack is so strong that a record number of women are joining the ranks of those who own handguns for protection. The Washington Post recently reported that the number of women who own handguns "swelled by 53% between 1983 and 1986" and now accounts for 12 million women.

Mr. Chairman, I am especially concerned about this latest development. As you and I both know, owning a handgun is not the answer to ending violence. However, it does show the degree to which women feel unsafe in our communities and the extent to which we have failed to address those fears by enacting real solutions.

By all accounts violence against women is rising in America. The statistics are appalling. Over the past decade, the number of sexual assaults has risen four times as fast as the total crime rate. A record 100,000 rapes were reported in 1990. An estimated 3 to 4 million women are battered each year by their husbands or partners. In 1990, 30% of all women murdered were slain by their husbands or boyfriends. In contrast, 4% of men murdered were killed by their wives or girlfriends.

As shocking as these statistics are, they do not represent the full scope of the problem. Rape is one of the most underreported crimes in America. In addition, there are no official statistics collected by the federal government which tally the number of women beaten in their homes. The figures which we do have are estimates based on special victimization studies.

The Violence Against Women Act, which we are here to consider today, focuses needed attention on these crimes and provides for solutions which aid the survivors, increase the police response, and work to break persistent stereotypes that cause both society and our judicial institutions to treat the crimes of rape and domestic violence as less serious and deserving of our resources than other violent crimes.

The Violence Against Women Act is a bold, far-reaching proposal. However, in the interest of saving time, I will confine my comments only to those initiatives which fall under the jurisdiction of the Subcommittee on Crime and Criminal Justice.

POLICE TRAINING

For most victims of crime, the first place they will turn to for assistance is the police. If sexual assault and domestic violence are to be treated as serious crimes, and not as an instance of sexual "miscommunication," or a "family" problem, then law enforcement officials must make responding to these crimes a top priority.

The Violence Against Women Act would provide states with the resources to improve and implement policies that encourage the arrest of the criminal and prosecution of the crime, to develop and train special units of police, prosecutors and victim advocates, and to streamline and systematize the process for identifying and tracking arrests, prosecutions and convictions. Under Title I of the bill, \$300 million is authorized for this purpose, with funds going to the cities in most need of assistance.

RECIDIVISM

Statistics show that released rapists are 10.5 times more likely than all other released offenders who committed violent crimes to be re-arrested for rape. According to the Bureau of Justice Statistics, 51.5% of convicted rapists are re-arrested for the same crime within three years of their release. In comparison, 42.1% of convicted murderers are re-arrested within three years for the same crime.

In order to combat this high rate of recidivism for rapists, the Violence Against Women Act requires mandatory treatment and rehabilitation for sex offenders in federal prison in addition to their sentence.

SHELTERS

The bill also increases funding for the services provided to victims by rape crisis centers and battered women's shelters. Mr. Chairman, there are three times as many needed animal shelters in America as battered women's shelters. We need more shelters for battered women and the Violence Against Women act authorizes \$150 million for shelters and the services they provide.

DOMESTIC VIOLENCE

It is time that we, as a society, change our perception of domestic violence which encourages people to view it as private and insignificant. Domestic violence is not merely a spat or a lover's quarrel resulting in a push or a shove. It is physical violence which results in serious physical injury. In fact, one-third of all spouse abuse cases would be categorized as "felonious assaults" if reported to the police.

The Violence Against Women Act authorizes \$25 million for grants to states to improve police, prosecutor and court performance in domestic violence cases and to strengthen legal advocacy programs for victims of spouse abuse. There is an additional \$25 million authorized to establish ten "model states" who are leaders in responding to and prosecuting crimes of domestic violence.

Since few legal protections exist for battered women, the Violence Against Women Act would require each state to honor protective orders issued by another state. The bill also provides for a minimum prison term of five years, and up to 10 or 20 years depending on the extent of the injuries sustained by the victim, for two interstate crimes of abuse: the crime committed by spouse abusers who cross state lines in order to continue their abuse or in violation of a protection order.

Further, the bill authorizes \$10 million for grants to states to conduct public education campaigns, and \$7.5 million to establish national resource centers to provide technical assistance to states, localities and shelters.

TRAINING FOR JUDGES

Finally, the Violence Against Women Act will provide \$1 million to train state and federal judges on a number of issues, including sexual assault, domestic violence and gender stereotyping. In hearings before the Senate Judiciary Committee, witnesses testified to the fact that all too often women are blamed for these crimes. This attitude, which causes women to feel that they have been doubly victimized, once by the assailant and a second time by the criminal justice system, must stop.

SUMMARY

Violence against women has reached epidemic proportions and we can no longer ignore its effect on women's lives. President Bush stated in his state-of-the-union address, "Surely it's true that everyone who changes his or her life because of crime-- from those afraid to go out at night to those afraid to walk in the parks they pay for-- surely these people have been denied a basic civil right." I completely agree.

The good news is that Senator Biden has written a bill which attacks this problem in a comprehensive way. The Education and Labor Committee has passed the appropriate parts of the bill in the Higher Education Reauthorization Act which are aimed at making campuses safer for women.

Please do your part, Mr. Chairman, so that we can move against this serious problem.

List of Organization Endorsements (as of 2/25/92)
HOUSE VIOLENCE AGAINST WOMEN ACT

- ActionAIDS, Inc. (Philadelphia, PA)*
Advisory Commission on Women (Providence, RI)
Alaska Network on Domestic Violence & Sexual Assault (Juneau, AK)
Alaska State NOW (Douglas, AK)
Alaska Women's Lobby (Douglas, AK)
Alternatives for Battered Women (Rochester, NY)
Alternatives to Domestic Violence (Hackensack, NJ)
Amalgamated Clothing and Textile Workers Union (Washington, DC)
American College of Emergency Physicians (Washington, DC)
American College of Nurse-Midwives (Washington, DC)
American Home Economics Association (Alexandria, VA)
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) (Washington, DC)
American Nurses Association (Washington, DC)
American Psychological Association (Washington, DC)
American Women's Self Defense Association (Lindenhurst, NY)
Anne Arundel County Commission for Women (Annapolis, MD)
Arizona Coalition Against Domestic Violence (Phoenix, AZ)
Asian American Legal Defense and Education Fund (New York, NY)
Ayuda/Clinica Legal Latina (Washington, DC)
B'nai B'rith Women (Washington, DC)
Barnard Center for Research on Women (New York, NY)
Battered Women's Legal Advocacy Project (Winona, NM)
Boston Women's Health Book Collective (West Somerville, MA)
Bronx Women Against Rape (BXWAR) (Bronx, NY)
Brooklyn Residents Against Bias-Related Violence (Brooklyn, NY)
Brooklyn Women's Anti-Rape Exchange (Brooklyn, NY)
Business and Professional Women/USA (Washington, DC)

Casa Myrna Vasquez (Boston, MA)
Catholics for Choice - St. Louis (St. Louis, MO)
Center for Medical Consumers (New York, NY)
Chicago Catholic Women (Chicago, IL)
Choices Women's Medical Center, Inc. (Forest Hills, NY)
Coalition for Family Justice (Brooklyn, NY)
Coalition of Labor Union Women (New York, NY)
Committee to Defend Reproductive Rights (CDRR) (San Francisco, CA)
Community Family Planning Council (New York, NY)
Connecticut Coalition Against Domestic Violence, Inc. (Hartford, CT)
Connecticut Sexual Assault Crisis Services, Inc. (E. Hartford, CT)
Connecticut Women's Education and Legal Fund (Hartford, CT)
Council for Safe Families (New York, NY)
Domestic Violence Clearinghouse and Legal Hotline (Honolulu, HI)
Dominican Women's Caucus (New York, NY)
Eisner, Levy, Pollack & Ratner, PC (New York, NY)
Family Violence Prevention Fund (San Francisco, CA)
Federally Employed Women (Washington, DC)
Federation of Reconstructionist Congregations (Wyncote, PA)
Fort Worth Commission on the Status of Women (Fort Worth, TX)
Hadassah - The Women's Zionist Organization of America (Washington, DC)
Hawaii State Commission on the Status of Women (Honolulu, HI)
Hispanic Health Council (Hartford, CT)
Hollywood Women's Political Committee (Culver City, CA)
Human Resources/Department of Social Services - Task Force (New York, NY)
Hunt Alternatives Fund (New York, NY)
Illinois Women's Agenda (Chicago, IL)
International Women's Tribune Center (New York, NY)
Kauai County Committee on the Status of Women (Lihue Kauai, HI)
Kennett Square Business & Professional Women's Club (Kennett Square, PA)
LAMBDA Legal Defense and Education Fund (New York, NY)
Loretto Women's Network (St. Louis, MO)

Lower East Side Women's Center (New York, NY)
Maine Coalition for Family Crisis Services (Orono, ME)
Mecklenburg County Women's Commission (Charlotte, NC)
Men's Anti-Rape Resource Center (Washington, DC)
Missouri Women's Network (St. Louis County, MO)
Montefiore Residency Program in Social Medicine (Bronx, NY)
Ms. Foundation for Women (New York, NY)
Municipal Elections Committee of Los Angeles (MECLA) (Los Angeles, CA)
National Association of Commissions for Women (Washington, DC)
National Association of Cuban American Women-USA (Miami, FL)
National Association of Women's Centers (NAWC) (Rock Island, IL)
National Black Women's Health Project (Atlanta, GA)
National Clearinghouse on Marital and Date Rape (Berkeley, CA)
National Coalition Against Domestic Violence (Washington, DC)
National Coalition Against Sexual Assault (Washington, DC)
National Coalition of American Nuns (Chicago, IL)
National Conference of Women's Bar Associations (Edenton, NC)
National Conference of Women's Bar Associations (Silver Spring, MD)
National Council for Research on Women (New York, NY)
National Council of Women of the United States, Inc. (New York, NY)
National Gay & Lesbian Task Force (Washington, DC)
National Lawyers Guild (New York, NY)
National Organization for Women (Washington, DC)
National Woman Abuse Prevention Center (Washington, DC)
National Women's Conference Committee (Eau Claire, WI)
National Women's Party (Washington, DC)
National Women's Political Caucus/New York State (New York, NY)
New Directions for Women (Englewood, NJ)
New Jewish Agenda (New York, NY)
New York City Coalition for Women's Mental Health (New York, NY)
New York City Commission on Human Rights (New York, NY)
New York State Coalition on Women's Legal Issues (New York, NY)

New York State Office for the Prevention of Domestic Violence (Troy, NY)
New York Women in Criminal Justice (New York, NY)
No More Nice Girls (New York, NY)
North Carolina Council for Women (Greenville, NC)
Northwest Women's Law Center (Seattle, WA)
NOW Legal Defense and Education Fund (New York, NY)
NOW National Office (Washington, DC)
NOW NYC (New York, NY)
NOW NYS (Selden, NY)
O.D.N. Productions (New York, NY)
*Office of Ministries with Women and Families, United Methodist Board of Global Ministries
 (New York, NY)*
Pennsylvania Coalition Against Domestic Violence (PCADV) (Harrisburg, PA)
Planned Parenthood of New York City (New York, NY)
Pro Bono Advocates (Chicago, IL)
Queens Women's Center (New York, NY)
Recollex Publishing (Lake Oswego, OR)
Respond, Inc. (Somerville, MA)
Rockland Family Shelter (Spring Valley, NY)
Rutgers University Lesbian, Gay & Bisexual Alliance (New Brunswick, NJ)
Rutgers Women's Rights Litigation Clinic (Newark, NJ)
Seattle Office for Women's Rights (Seattle, WA)
Sex Information and Education Council of the US (New York, NY)
Sistercare, Inc. (Columbia, SC)
Sonoma County Commission on the Status of Women (Santa Rosa, CA)
*South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA)
 (Columbia, SC)*
The American Medical Student Association/Foundation (Reston, VA)
The Domestic Violence Center of Chester County, Inc. (West Chester, PA)
The Family Crisis Shelter (Portland, ME)
The Goddess Centre (Brooklyn, NY)
The YWCA of the Hartford Region, Inc. (Hartford, CT)
Tucson Women's Commission (Tucson, AZ)

Unitarian Universalist Association of Congregations (Washington, DC)
Unitarian Universalists Acting to Stop Violence Against Women (Boston, MA)
United Church Board of Homeland Ministries (Cleveland, OH)
Victim Services (New York, NY)
West Virginia Coalition Against Domestic Violence (Sutton, WV)
Wisconsin Women's Network - Task Force on Domestic Violence (Madison, WI)
Wisconsin Women's Network - Task Force on Sexual Assault (Madison, WI)
Women Employed (Chicago, IL)
Women for Racial and Economic Equality (New York, NY)
Women in Communications, Inc. (Arlington, VA)
Women in Film (Los Angeles, CA)
Women Lawyers Association of Los Angeles (Los Angeles, CA)
Women's Action Collective (New Brunswick, NJ)
Women's Alliance for Theology, Ethics and Ritual (WATER) (Silver Spring, MD)
Women's Law Center, Inc. (Baltimore, MD)
Women's Law Project (Philadelphia, PA)
Women's Movements, Inc. (Los Angeles, CA)
Women's Studies Program, Yale University (New Haven, CT)
Women's Therapy Centre Institute (New York, NY)
Womencare/Aegle Association (Dover-Foxcroft, ME)
Worldwatch Institute (Washington, DC)
YWCA of the USA (Washington, DC)

Mr. SCHUMER. Ms. Morella, would you like to give a statement?

STATEMENT OF HON. CONSTANCE MORELLA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Ms. MORELLA. Thank you. I will be brief, because I associate myself with the remarks so eloquently and appropriately presented by my colleagues. Senator Biden's leadership has been wonderful. And Congresswoman Boxer has been a staunch leader on the House side, so I am very honored to be here with them. I also want to thank the subcommittee for your opening statement as well as your interest in this subject.

I am proud to be a cosponsor of H.R. 1502, the Violence Against Women Act. I also have introduced legislation on domestic violence. A problem that in the past was swept under the carpet, domestic violence is now a national disgrace of critical proportion. During the 15-second pause that we observed, a woman was battered by her spouse or her live-in friend. Three to four million women are battered each year. Of that number, 4,000 are battered to death, by their spouse or their loved one. Battering is no respecter of socioeconomic, status, geographic region, or race.

There are a lot of reasons why women stay with their batterer. One woman recently told me she had left her husband who had been battering her. The children had been watching this for years. She finally had the courage to leave. She said, "I talked to my mother and told her what I was going to do. My mother said, 'Well, dear, I always knew you didn't know how to get along with men.'" Here is just one example of why women stay: Cultural biases play upon a woman's sense of self-worth if she leaves.

There's a lot to be done, including the need for adequate housing: Shelters, transitional housing, and shared housing, where families can band together and share child care, as well as the support network. We need to educate and train our judiciary and law enforcement people, so that we don't have, as we did in Maryland, a gender bias in the courts. There is a report of a judge saying, "I don't believe what you said because nobody would have put up with what you said you put up with." So there's an example of a woman not even being believed in a domestic violence case. We know the same doubt arises in rape cases. I'm hoping that all of these issues will be addressed as you look at H.R. 1502. I think it is an excellent bill which covers many dimensions.

In addition, I would like to give my support to the concept of the battered woman getting a fair trial. In my State of Maryland, we have looked into some of the cases of the department of corrections where women have been battered, sometimes for decades, and then have struck back. These women were not allowed to present any corroborating evidence of their history of abuse. I am hoping that you will consider adding to H.R. 1502 provisions for expert testimony on the battered woman syndrome.

We talk about terrorism. We're all against terrorism. We're all against keeping hostages. Yet, in our great America, we have people who are hostages in their own homes and who suffer the fear of terrorism every moment.

So I thank you, Mr. Chairman and the committee, and my leaders here for their testimony and hard work.

Mr. SCHUMER. Thank you, Ms. Morella. We thank you for your hard work and leadership on this issue.

Because the witnesses have really covered and answered my questions ahead of time, and covered the issue so extensively and so well, I'm going to pass my chance to ask questions.

Mr. Sensenbrenner.

Mr. SENSENBRENNER. Thank you very much, Mr. Chairman.

Mr. SCHUMER. By the way, just for my colleagues, we will try to stick to the 5-minute rule, because we do have a busy day. Thank you.

Mr. SENSENBRENNER. Senator Biden, all of us who are on the Judiciary Committees in both Houses receive a flood of letters from Chief Justice Rehnquist and other Federal judges that, in my view, seem to have one common streak; that is, they object to the expansion of the jurisdiction of Federal courts and are urging us to take away some of their jurisdiction, such as that based upon diversity of citizenship. The Constitution very clearly gives the Congress the right to set the jurisdiction of the inferior Federal courts, so it's a policy determination on the part of the Congress on what type of cases Federal judges hear.

I agree with you, that there should be a Federal cause of action for violence against women, as enunciated in your bill, but I'm wondering what kind of standards you apply as to what types of cases rise to merit a Federal cause of action and what types of cases do not rise to that standard.

Mr. BIDEN. Well, let me try to answer that very, very briefly, with one very short preamble.

You and I are old enough to remember when the Federal courts also did not want civil rights jurisdiction on matters of race and matters of ethnicity, and so—

Mr. SENSENBRENNER. And some Federal judges don't accept the call of Congress to give them that jurisdiction, to this day.

Mr. BIDEN. I understand that. And so I think it's somewhat important to put that in perspective. But let me be very precise.

The elements of the cause of action that would have to be established would have to be that the crime was committed—the victim coming into court saying that my civil rights were violated—would have to be able to show that the person who had perpetrated the act against them did so because of their bias against women. Let me be more precise and let me give you an example. Obviously, the fact situations could be altered. In a domestic violence case, where there is a battering that takes place between a husband and a wife, it would be very hard for that woman to prove that the reason she was battered was merely because she was a woman—as opposed to her being battered because she was the wife of, she had a relationship with, they had arguments about, they had disagreements of, it related to power within the family and so on. On the other hand, if the man came in and battered his wife, and had been running around town, to overstate the case, saying “I hate all women; any woman that gets in my way, I'm going to move out of my way,” that adds a different circumstance. But it's very difficult in the “domestic violence” case.

I might add that other titles of the bill, as you well know, and because you've been supportive of similar notions, other titles of the bill relate to what we typically refer to as domestic violence. But the civil rights cause of action would, in almost all cases, not lie in what is a "classic" domestic violence situation.

On the other hand it would lie if, in fact, you had the case I gave you that occurred up in Canada, where a young man, rejected for engineering school, goes in and kills a number of women who, in fact, were accepted in his stead, in his mind, because of a policy encouraging women to participate. His hate for women generated that crime.

Now, these are two extremes I have given you. Obviously, most fact situations would lie in between, just as they would in a civil rights case, a civil rights case relating to ethnicity.—

Mr. SENSENBRENNER. Senator, I don't think you're answering my question.

Mr. BIDEN. I'm sorry. I didn't understand it, then.

Mr. SENSENBRENNER. What I'm trying to do is to find out what types of cases you feel are important enough to merit Federal jurisdiction and which types of cases are not. I prefaced my question by agreeing with you, that I think that the type of case involving violence against women does merit jurisdiction, and I agree with you that the Chief Justice is off base on this one.

But, where do you draw the line? If this type of case is above the line, the type of case such as a handgun crime where murder results, as Senator D'Amato has proposed is below the line, why is there a difference between the two?

Mr. BIDEN. That's a good point. I would argue that it relates to the scope, the scope of the offense in terms of its impact on the Nation as a whole, and the ability or inability of State courts to be able to provide or be willing to provide any remedy.

Many States have provided remedies with regard to handguns and have enhanced penalties for the use of handguns. It is traditionally within the jurisdiction of State courts to make judgments about—and State legislative bodies—to make judgments along those lines. It is also within the context of Federal jurisdiction to deal with those crimes that are bias-related in nature. One of those is crimes based on race, crimes based on ethnicity, and, I would argue, crimes based on sex.

Mr. SENSENBRENNER. How about a drug-related murder using a handgun?

Mr. BIDEN. We have historically, where the nexus has been drugs, intervened. Drugs are beyond the capability of States—

Mr. SENSENBRENNER. But there you're dealing with the ultimate civil right, and that's the right to continue living. All the other civil rights don't mean any difference if you're murdered.

Mr. BIDEN. No, I understand that. And I would argue that in drug cases there is a logical nexus as well to give Federal jurisdiction.

Mr. SENSENBRENNER. My time is almost up. It seems to me that the case for this bill, and the Federal cause of action that is contained therein, which I support, is much stronger if we are consistent in applying the standard of what is an important enough crime to merit a Federal cause of action.

Mr. BIDEN. I see your point.

Mr. SENSENBRENNER. I think that the Chief Justice is consistently wrong in saying that crimes against women and handgun crimes should stay out of the Federal courts.

Mr. BIDEN. I understand your point.

Mr. SENSENBRENNER. I don't think you can have it both ways. We must be consistent.

Thank you.

Mr. BIDEN. Thank you very much.

Mr. SCHUMER. Mr. Sangmeister.

Mr. SANGMEISTER. Just briefly, because I know we want to get on with the witnesses. My congratulations to all three of you. We need somebody out in front on this, and your being here today and moving this I'm sure is going to help.

In response to Congressman Sensenbrenner's questions concerning the civil rights aspect of this thing, you alluded in your testimony—and I'm kind of curious because you didn't explore it very much—that either you or your staff have talked directly with the Chief Justice and some of the Justices over there.

Mr. BIDEN. Let me be precise. The Chief Justice, Congressman, appointed a committee of four Federal judges to take a look at this legislation and I assume give him a recommendation, or give the Judicial Conference a recommendation. In exercising that mandate from the Chief Judge, they were kind enough to meet with my staff, my lead staff person on this legislation, to give me, through her, an opportunity to make my case as to why, in fact, they should be supporting and not opposing such legislation.

In the context of that discussion, not involving me but involving my staff, my staff person made the assertion that this is not dissimilar, in rationale or in scope, or in urgency, to us having federalized civil rights violations based on ethnicity or based upon race. To which one of the Federal judges proffered the notion that that, too, probably was not a good idea. That's what I was referring to.

Mr. SANGMEISTER. Having looked at the legislation as it's drafted here, you stated that they were concerned that, even as it is worded here, a simple battery or a bruising may bring all these people into the Federal courts?

Mr. BIDEN. So that I do not misspeak, let me look to my staff.
[Conferring.]

Mr. BIDEN. That is correct. Members of that committee were "worried"—my language, not theirs—that the proof required could be so easily met that it might bring into the Federal courts, what the Federal courts are almost paranoid about, domestic cases—anything from divorce to alimony to battery cases that are "domestic" in nature. All of us have practiced law and we all know how complicated and difficult they are—those sticky ones like custody. For a long time, liberal and conservative Justices, have said "Spare me from those cases ever coming to the Federal courts."

The Chief Justice articulated the concern. He said this legislation would be a vehicle, that title III of this legislation would be a vehicle that women would use in divorce proceedings to get into Federal court—to use it as a bludgeon, as a threat, not unlike it's been argued that RICO is used. So that was the context in which this concern was expressed, that it would ultimately overwork the

courts. The objection is not being made on constitutional grounds—that the civil rights remedy does not fall within the commerce clause or section V of the 14th amendment—but that it will overburden, overload, the courts.

I think that is a fair analysis of the expressed concern to me, through my staff, and in public statements by members of the Federal bench about title III of this legislation.

Mr. SANGMEISTER. Seeing as I'm sure that will be communicated to the administration, if it has not already been done, has your staff tried to think of any language that could be placed in the bill to allay those particular fears? I know it's easier said than done; I understand that.

Mr. BIDEN. Well, we are prepared, and I say publicly now—and I believe I can speak for my colleagues and cosponsors—we are prepared to entertain any language at all coming from the administration, from the courts, from this committee or any Member of the House or Senate, or any outside individuals, so that fear, which we thought we legitimately and fully took care of, can be better accommodated, better protected against, than it already is. I don't think it is necessary, but I have no pride of authorship. If there is a better way of doing it, then we should do it.

I think this is driven by the notion, as Mr. Sensenbrenner said it took me a while to figure out the drift of his questioning, where he was taking me. There has been an overwhelming concern of late, whether it's diversity jurisdiction or this bill—about the Federal courts. Led by the Chief—and in fairness to him, for the past 15 years, the Chief has had the same view, even when he wasn't Chief—that “We want less on our plate. Take more off of our plate and give it to the States.” So I think that's the overwhelming driving concern of those on the bench who are concerned about this.

By the way, the American Bar Association did not go on record, did not go on record opposing this legislation, as was either reported or implied in the press.

Mr. SCHUMER. Thank you, Mr. Sangmeister.

Mr. Ramstad.

Mr. RAMSTAD. I have no questions, Mr. Chairman.

Mr. SCHUMER. Thank you.

Mr. Washington.

Mr. WASHINGTON. Thank you, Mr. Chairman.

Senator Biden, let me just follow up with you on a train of thought and go to what you identified as being the central issue. I had to refresh my memory—and I'm certain yours doesn't need refreshing—but for the benefit of those in the audience who may not be as familiar as are you and the two Congresswomen, section 1981 of title 42, U.S. Code, says—and we know that was passed as part of the reconstruction amendments to protect the rights of blacks. The idea was to elevate the rights of all people to the same level.

It seems to me, if there's a question now about the rights of women being elevated, then maybe we could paraphrase these statutes. I'm specifically thinking of instances in which States fail to come up to a certain level. We may use the negating, if you will, of custom and usage to accomplish that. Anyway, the statute says, “All persons within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce

contracts, to sue, be parties, give evidence, full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens"—and obviously we would say male citizens—"and shall be subject to the same punishments, pains, penalties, taxes, licenses" et cetera.

In section 1983, it says "Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or territory, or the District of Columbia, subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any right, privilege or amenity secured by the Constitution and laws shall be liable to the party injured."

My point is, if we could find a way to establish what Congresswoman Boxer said, a common standard—and I think it's just a question of coming up with some language that would take us to the point where we could all agree that there should be a common standard, not forcing it upon the States, if you will, but a national standard of decorum and conduct that people owe one to another, then, in the instance where a State, because they have not educated their judges or whatever—the litany of reasons that you all have articulated and those that we can imagine, because in some States in our recent past they have paramour laws or whatever reason that leads to the cultural bias, which was, in part, at least in the past, based upon some action or inaction by the State—we could make it fall under the definition of custom or usage. So if the State, for whatever reason, fails to come up to the standard, then you would automatically have Federal jurisdiction under existing law and under existing cases, and you wouldn't have to reinvent the wheel in order to get Federal jurisdiction and the Chief wouldn't have anything to say about it because Congress defines the term "custom and usage" because Congress wrote this statute.

It seems to me, if you used that approach, then all we're doing is saying, if the States do not measure up to the standard, regardless of whatever reason within the State, then that is a custom or usage within that State that would then bring Federal jurisdiction under existing law in section 1983.

Mr. BIDEN. Now I know why you've had the reputation as being a good trial lawyer and a practitioner, and I mean that sincerely.

Mr. WASHINGTON. Thank you, sir.

Mr. BIDEN. In using sections 1981, 1983, 1985, in particular subsection 3 of 1985, as our models, we attempted to do precisely what you suggested. Again, I know you have a lot of witnesses, and this arcane legal discussion that you and I are having is hard to follow. I would be happy to follow up with the committee in writing and/or otherwise. Briefly, on page 95 of H.R. 1502, we essentially tried to paraphrase existing language. Subsection (b): Rights, Privileges and Immunities. "All persons in the United States shall have the same rights, privileges, and immunity in every State as are enjoyed by all other persons to be free from crimes of violence motivated by the victim's gender as defined in subsection (d)." I won't take you all the way through it, but subsection (d) contains definitions. It says, "Purposes of the section," and then, as my colleague will note, if you look at Subsection (e): Limitations and Procedures. So if you put them together, we attempted to do that.

I'm not being solicitous when I say this. You are a better lawyer than I am and you may have a way to do it more tightly than we have done it. You may have a way to do it that leaves it less in controversy as to what we are intending to do and what, in fact, we have done. I am more than happy—and I'm sure Congresswoman Boxer is as well—to accommodate any constructive change. Along the lines you're going is how we tried to travel. Whether we've done it adequately enough remains to be discussed.

Mr. WASHINGTON. I would just add that if we work on it a bit, we would leave it up to the individual case—I'm trying to respond to Mr. Sensenbrenner's question to you before. Because if you throw it out to the universe, we're going to be subject to the criticism of the Chief and others that don't want to expand the jurisdiction.

I agree with you, that the courts are there for people first, and when people have problems, they ought to have the benefit of the Federal courts. But we remove that argument, it seems to me, if we go the other way and take the existing statute, coming in, frankly, through the back door. That means that a court then would have to make a determination that the State procedures, customs and usage are sufficient to protect a woman. Otherwise, that would be subject to appeal on a 12(b)(6) motion.

Mr. BIDEN. Well, I think we have already done that, and I misunderstood Mr. Sensenbrenner. Mr. Sensenbrenner is really saying to me, "Biden, why aren't you for D'Amato?" That's what he was saying. It took me a while to figure that out, and I respect that position. But it took me a while to figure that one out.

Mr. SCHUMER. I would just make two quick points before I call on our last questioner.

The first is, there's another real difference between D'Amato and the proposal here. That is, most of the criminal parts of the proposal here focus on crossing State lines. As the Senator brought up early on, that is the whole nexus of Federal jurisdiction.

Mr. BIDEN. That's correct.

Mr. SCHUMER. So there is a real difference. If D'Amato had limited his proposal to guns that were used in interstate commerce or some hook like that, he might have been on the same ground.

I have only one quick question for Ms. Boxer, which is the Senate bill and the House bill, as you know, were different. The Senate bill was narrowed to make it tighter in terms of it being a hate crime. If this committee were to narrow the House bill similarly, would you find any problem with that?

Mrs. BOXER. Mr. Chairman, I will work with you, I will work with the Senator, and I'm sure that we can come to some consensus. I don't want to say today that anything you do will be fine because I need to work with you and—

Mr. SCHUMER. Fine. Not everyone else does.

[Laughter.]

Mr. BIDEN. If you go the route of the Senate bill, anything you do is fine.

[Laughter.]

Mr. SCHUMER. Right. I'm just saying the Senate bill and House bill started out the same way. The Senate bill, to get the support, really did what the Senator said, which was for hate crimes only. Otherwise, I think we're going to—

Mrs. BOXER. We are very much open to that discussion.

Mr. SCHUMER. Thank you.

Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. Mr. Chairman, in view of the length of time the witnesses have already testified, and because there are other witnesses waiting, I will be very brief. There are two things I would like to ask about.

Senator, I know you have been covering this, but I'm not quite sure that I have it down right. As I understood our Chief Justice, when he was speaking through the media, which is how I heard him, he seemed to criticize both the D'Amato proposal and this bill—

Mr. BIDEN. Correct.

Mr. SCHIFF [continuing]. As both putting too much of a burden on the Federal court system, which in his view should be on the State court system.

Mr. BIDEN. Correct.

Mr. SCHIFF. Again, it's my understanding that you support this bill because you're obviously here testifying on its behalf, but you do not support the D'Amato proposals.

Mr. BIDEN. Right.

Mr. SCHIFF. I wonder if you could just tell me again how you distinguish the two in view of the fact that the Chief Justice appears to oppose both of them for the reasons stated?

Mr. BIDEN. We do not have—and I thank you for the question, Congressman. The Federal Government does not have, in our traditional division of authority, the power of enforcement of laws relating to the criminal justice system that do not have some nexus to interstate commerce. For example, bank robbery. We assume that the money goes across State lines, that people go across State lines. The interstate theft of automobiles. We do not make it a Federal crime to steal an automobile unless it is in interstate commerce. So there is a nexus related to the commerce clause, giving it a constitutional rationale for Federal jurisdiction.

Now, with regard to my friend—and he is my friend—Senator D'Amato's proposal has, I believe, a very tenuous nexus to interstate commerce. The theory is that gun violence is related to drugs. Since drugs are porous, since drugs come into the Port of New York and they go to Delaware, or come into the Port of Delaware and go to Boise, ID, since they cross State lines, if it's related to drugs, then there is the interstate nexus. That is somewhat tenuous. If he had said, as the Chair has suggested, that any gun that was, in fact, transported in interstate commerce and used in the commission of a crime, then you would have the traditional, historic nexus that is usually required for federalizing a particular crime.

Mr. SCHIFF. Thank you, Senator.

May I switch to one other subject.

Mr. BIDEN. Sure.

Mr. SCHIFF. I had the privilege of serving with you and our own chairman and other Members of the House and Senate Judiciary Committees on the conference committee on the crime bill. The final bill that was adopted by the committee, I think you can fairly say, was the majority party's version of the bill.

Mr. BIDEN. That's true.

Mr. SCHIFF. I know I didn't get involved in the discussions, and no one on my side of the aisle did that I know of.

Mr. BIDEN. I think that's true.

Mr. SCHIFF. Well, my point is this, though. My point is, I am informed that a number of provisions that were in the original House bill, that I think were introduced by Representative Sensenbrenner, which dealt with many of the same kinds of things that you and Representative Boxer are testifying about today, that we all agree are serious—there's no contention on that—but that would have improved the prosecution of sexual assault crimes and improve the standings of victims of these crimes, were, in fact, removed in the final version of the conference report.

Since you acknowledge it was the majority's version, I wonder if you can explain why the majority removed those provisions?

Mr. BIDEN. Sure, I can. Because there wasn't a consensus, number one.

Number two, there has been historically—since the 19 years I've been in the Senate, and half of that time on conferences relating to crime issues and continues to be the notion that if we begin to break up into little segments pieces of legislation that should be considered as a whole, we diminish the impact of what we are attempting to do. We diminish the prospect that the larger issue will be addressed. Now, I happen to be of the view that we could have and should have taken major chunks. You and I have been on other crime conferences. You have observed the legislation that I have been squiring on the Senate side. You've observed that I've said let's just take section 1 of it, take section 2 of it. There wasn't a consensus to do that.

Mr. SCHIFF. Thank you.

Thank you, Mr. Chairman.

Mr. SCHUMER. OK. I want to thank our panel, all of you, for spending so much time here and lending us not only your knowledge about the bill but your passion and your concern. I thank all of you very much.

Mr. BIDEN. Thank you, Mr. Chairman. I apologize to your witnesses, who have much more to say than we do, and who I think will give you much more insight into the problem than we can.

Mr. SCHUMER. Thank you.

One point that has been made by our three previous witnesses on the first panel is that the voice of victims of violence against women is too often ignored or not given credence. The purpose of our next panel is to remedy that, at least in part, by giving the victim's perspective.

There are four witnesses scheduled for this panel, but I'm going to ask the first witness, Vivian Downing, to come forward first, so that we can accommodate her.

Ms. Downing is truly a remarkable woman. As you can see, she is confined to a wheelchair and, in fact, she relies on a life support system. The reason for her condition is that she was, indeed, a victim of domestic violence. Despite the difficulty she has in traveling, Ms. Downing has been willing to come down here from Philadelphia to tell her story. She is accompanied by her sister, Marion Lett, who will also make a brief statement.

I want to thank you, Ms. Downing, and thank you, Ms. Lett, for coming here today. We understand the effort it took for you to come here, but let me assure you that all of us, the elected officials, can talk about these things in the abstract—and that's important, because our law is an abstract form of law. But having individuals who tell their stories really hits home the message, and your testimony is thus very important to us.

So, as soon as you're ready, Ms. Downing, you can give your statement, and your complete statement will be made part of the record. You can proceed or summarize, however you feel comfortable.

**STATEMENT OF VIVIAN DOWNING, PHILADELPHIA, PA,
ACCOMPANIED BY MARION LETT**

Ms. DOWNING. Good morning, Mr. Chairman, and members of the subcommittee.

I'm 33 years old and I'm the mother of two daughters, aged 12 and 8. I appear before you in support of H.R. 1502, which is the Violence Against Women Act.

As I make my appeal to you in support of the Violence Against Women Act, it is on behalf of myself and the thousands of other victims of domestic violence. Can you imagine thousands of other women victimized by domestic violence?

Every 15 seconds a woman is beaten by a current or former husband and/or partner. Hopefully, your mothers, sisters, or friends won't become part of this startling statistic. Unfortunately, I'm part of the statistics and my tragic story begins.

Four and a half years ago I was shot in the neck by my husband, Darryl Downing. As a result, I was left a quadriplegic on a life support system.

It all started when my husband was in the Army and he was stationed in Germany. Upon his return, about 1 week after, I discovered that he had had an affair, and this caused arguments and fighting. I decided to relocate to Texas with him for the betterment of our children, in the hope that things would get better.

Once we arrived in Texas, at times it seemed like things were getting better. At other times, they were getting worse. As time went on, I found out that he was still in touch with his mistress. I thought that she had become pregnant, but she had had a miscarriage. He was calling her from his job and billing the call to our home phone.

On May 18, 1987, Darryl and I had a very heated argument. I told him that I was leaving and going back to Philadelphia. The next thing I knew, I saw him go to the drawer to get the gun. I tried running to the bathroom to hide. He ran behind me and pointed the gun to my neck. Without hesitation, he pulled the trigger.

At the time our children were in their bedroom adjacent to ours when they heard the gun shot. They immediately came running to our bedroom and they saw Darryl dragging me from the bathroom to the bedroom. At that time he told our oldest daughter, Shalea, to call for the police, but she didn't know the number.

Mr. SCHUMER. Ms. Downing, I know that it's hard for you to read the statement. If you would like your sister, Ms. Lett, to continue doing it, that's fine.

Ms. DOWNING. No.

Mr. SCHUMER. You go right ahead then.

Ms. DOWNING. The children were screaming and crying "Mommy, mommy." With all the commotion going on, he told the children to stay in the bedroom with me while he called the police. There was a phone in our bedroom, but he went to the kitchen to use the phone.

Since the shooting I've been in two different hospitals, and finally to a rehabilitation center in Atlanta. I was away from my children for almost 1 year. During all this time, he told me that I had been injured myself and he would take care of me and the children.

My sister Marion had made all the preparations for me to be released from Atlanta, so that I could go with my family. I didn't remember the reason for Darryl shooting me, and I couldn't believe that he could do such a thing. So there I was, released in his care, and I left Atlanta. Despite all that, I was still in love with him and I didn't remember the argument that we had before the shooting. Whenever I asked him what happened that night, he would always tell me, "You remember. If you don't remember, I'm not going to tell you."

While living with Darryl and his family for a short time, he showed no interest in my care or the welfare of our children. I saw less and less of him, until finally he moved out and my care depended on his mother, grandmother and brother. Until finally his mother got tired of caring for me. My mother had to move me out and the children and I moved in with my family. I was put out of my mother-in-law's house.

While living with my family, I started feeling like a human being again. I have been getting a great deal of love and I started seeing a big difference in my children's attitude and personality.

I've been trying for 2 years—that's when I remember what happened that night. I have been trying to get the police in Killeen, TX, to open up my case so that justice can be served. Darryl has not spent not 1 minute in jail. No justice has been served because my case was closed.

While in the hospital, a week after I was injured, I was told that the detective came to question me. I was told if he intended to shoot me, I was to blink one time, and if it was an accident, to blink twice. I blinked twice and I never remembered seeing a detective.

What made me remember that night was one evening when my eldest daughter and I were talking about the night of the shooting. She made a comment. She said, "Mommy, daddy would not have shot you if you didn't talk about his girlfriend." That's when I remembered the argument. She had blamed me, until my sister, Marion, explained to her. She said, "Shalea, when you're married, you don't have boyfriends or girlfriends." That's when she found it wasn't my fault. I was asked by the police, if I could go public, that maybe they could do something.

I have been taking care of my children by myself. Last year, I received three support checks from Darryl, and then he had the nerve to subpoena me for court to reduce the payments. I went, but he didn't show up.

I truly feel that it is very unfair, unjust, that my life has been taken away by someone who has no regard for human life, and because he is out of the State of Texas and was told that he can't be prosecuted after 2 years. He was also informed that as long as he stays in Philadelphia, he is safe.

Then look at me and tell me, am I safe? Is it fair for me to be shot in Texas, injured in the neck, on a life support system for the rest of my life, not being able to feel the touch of my children, and waiting to be fed, bathed and dressed? Is that fair?

At the age of 28, with my whole life ahead of me, I was robbed of future dreams and what I considered to be quality life.

What about my children? What about my daughters, the mother-daughter relationship that we should be enjoying? With God's help, I am still struggling, trying very hard to keep my family together. As for Darryl, he is just a free agent. From the beginning of this tragic incident, he has not spent a second in jail. He has also abandoned me and our children.

I solely have to depend on my oldest sister, my children, my other sisters and brothers, nieces, nephews, in-laws, neighbors and a nurse to partake in my daily needs. I can never be left alone. I need 24 hours care.

Do you know what's fair to me? Fair is having Darryl arrested and returning him to Texas where he should be tried for attempted murder for trying to take my life, to take my life.

I can do nothing for myself. Nothing. My children have to help care for me from the time they were 4 and 8 years old.

In closing, I would like to say that my appeal is in support of H.R. 1502. Naturally, my interest in H.R. 1502 is personal, but also on behalf of the numerous other women who feel totally helpless and bewildered when confronted with the issue of domestic violence.

Ask yourselves, how would you feel if one of your family members fell victim to my tragic experience? Would you hesitate to become an advocate for H.R. 1502 if you suddenly found yourself having to care for your mother, sister or daughter?

With the existing laws, what recourse does a victim have? The justice system sometimes works, but in many instances appears unbalanced. Is it fair that I will, for the remainder of my life, be confined to my present condition? My life has been altered in every way while he continues to go on with his life as usual.

For a crime so serious as the one inflicted on me, is there no justice? Is there no penalty for Darryl to pay? Is a life less valuable than someone who serves time for theft or selling drugs? I am solely dependent on others while I live my life from a wheelchair.

Too many women have lost their lives because there are very few laws that protect them. These criminals have more rights than the victims. Please get these criminals and return them to where the crime was committed. Please, please help me. I'm still not out of the woods yet. He only lives less than 10 blocks away from my

home. I'm afraid for my life, my children and my family. Is this fair?

Thank you all for having me here.

Mr. SCHUMER. Thank you very much, Ms. Downing.

[The prepared statement of Ms. Lett follows:]

PREPARED STATEMENT OF MARION LETT, PHILADELPHIA, PA

Good Morning Everyone!

on behalf of myself and our family.

I would like to extend our gratitude for all those that were instrumental in having us here today.

It has been a very hard, and long four years, since Vivian was injured. During the four years, we also lost our Beloved Mother.

From the time Vivian was shot by her husband, I felt that he had attempted to take her life.

I have been working non-stop to make sure that my sister gets quality care, in and out of hospitals. I have been trained to bath, catheterize, check for bed sores, suction her, made sure that her ventilator operates correctly and also makes sure she gets a bowel program every 3 days; also meals must be prepared and fed to her. It takes a great deal of patience and time to care for Vivian more than what you would give to a newborn baby. I make sure my nieces get love, understanding and affection.

These things they wish they could get from their mother. I recently had to transfer the children from Public to Parochial School because Darryl had kidnapped the children from school.

I even made it possible for our home to be remodeled in ways that Vivian could benefit so that she could be with the family more than just being in a room with 4 walls day in and day out.

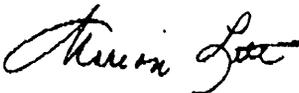
None of you can imagine what we are all going thru since this happen, it has altered all our lives completely! Please take into consideration how many men have left one state and fled to another, taken up new identities and even starting new families.

Please don't allow these criminals to continue to do crimes and not pay. If they do the crime they should do the time.

This HR1502 is exactly what every state needs.

Don't let this happen to another innocent women. No one deserves to live life as we do. No one deserves to be abused.

Thank you.



Mr. SCHUMER. I think I speak on behalf of all of us who are here out of respect and admiration for you coming here today and telling your story with force and power, and the story tells itself.

First, it is going to make us look and try to do whatever we can to help in your individual situation. I would still like to know why the police in Killeen, TX, haven't opened up the case. Maybe we can try to find that out. Second, of course, the plea you are making on behalf of not only yourself but all women who are subject to this kind of terrible thing.

So again, our respect for your power and your intelligence and your perseverance. We'll try to help you. I realize your testimony was extensive compared to other witnesses and it took some time, more time than we usually take, but Ms. Downing lives with this every day and I think we can all live with it for an hour.

Mr. Ramstad.

Mr. RAMSTAD. Mr. Chairman, just briefly, I want to add to the distinguished chairman's comments.

Ms. Downing, you are truly a profile in courage, and I want to thank you for coming here today. I believe that very few people could endure the pain and suffering that you have endured, that you've been forced to endure, let alone be such an effective advocate. I only regret that every Member of Congress, every Member of the House and Senate, was not able to hear your testimony today, because I believe, if they had, we would pass the Violence Against Women Act much sooner, much sooner, rather than later.

Certainly your tragic experiences underscore the need for this legislation in so many ways, as the chairman alluded, and I believe you're going to have a very, very forceful effect and a very positive impact on the future of this legislation. You can feel good about that and very proud.

I just want to respond. You asked three very, very poignant and important, pressing questions. No, it's not fair what happened to you, Ms. Downing. What happened to you should not happen to anyone living in this country or living anywhere. And no, women are not safe in America, as has been underscored several times here today, and certainly by your testimony, and they won't be safe until these statistics, where every 15 seconds a woman is battered, and every hour 10 women are raped, but again, because of your effective testimony here today, hopefully we will pass this legislation and address this problem and begin to correct this national epidemic of violence against women.

Finally, your question, no, there hasn't been justice for you, and I know the chairman is sincere and will follow through, as the rest of us will. I don't understand the actions, similar to the chairman's inability to comprehend, why the law enforcement officials acted as they did. But we will get to the bottom of it. Hopefully, because of your testimony today, there will be more justice.

Thank you.

Mr. SCHUMER. Mr. Sangmeister.

Mr. SANGMEISTER. Thank you, Mr. Chairman. I also would like to thank you, Ms. Downing, for being here. I'm sure it was a very difficult decision when you were asked to come here, whether you wanted to or not, and your dedication and perseverance in being

here has been very helpful to all of us, including this Member of Congress.

We have a tendency here to talk in the abstract, and all the niceties and all the language that we want to put into legislation. But you today graphically bring home to us what this is all about and what we're talking about. Your appearance here has meant an awful lot to us and it has meant a lot to I'm sure the whole country and those that are concerned about domestic violence. For that, I sincerely thank you.

Mr. SCHUMER. Again, Ms. Downing, thank you. We thank all of your family, not only for being here with you today and helping, but for the support and love they have obviously shown you through your struggle. You should feel very good about what you did today and hopefully it will do some good. Thank you.

I think we're ready to call our next panel. Will the remainder of panel II please come forward? We have Ms. Katzoff, and the next witness, Jane Doe, and finally Mr. William Schenck.

As I said before, just as Ms. Downing's testimony was very helpful, these witnesses will help us understand the victims' perspective on violence against women. I think it's appropriate that, on an issue that so focuses on the victims of crime, that the victims have a great deal to say and comprise a large portion of the testimony today.

The first witness will be Jenny Katzoff, who is a student at Columbia University in New York. Ms. Katzoff was raped when she was a student at another university, and since that she has founded an organization called Greeks United Against Violence and Assault, which helps combat sexual assault on campus. I briefly met Ms. Katzoff before and it's clear that she's somebody of great commitment and purpose.

The next witness on this panel is a survivor of domestic battery. She decided to testify anonymously because her husband is still at large and, in fact, she doesn't know where he is. So I would ask those of you from the media to please refrain from using her name if you do report her story.

She was married for nearly 2 years to a man who beat her three or four times a week. She finally left with her two children and since has done police training. Just a few weeks ago she was hired by a social service agency in New York. These are two women of great courage.

The final witness on this panel is Mr. William Schenck. He's the county prosecutor for Greene County, OH. He also serves as president of the National Organization for Victims Assistance, NOVA, who we have worked with on this panel very closely and appreciate their fine work. He's here today as a representative of that organization.

First we'll have Ms. Katzoff. Your entire statement, Ms. Katzoff, will be read into the record in full. You may proceed as you wish. You may read the statement or do whatever you feel comfortable and appropriate. Again, thank you for coming.

STATEMENT OF JENNIFER KATZOFF, NEW YORK CITY, NY

Ms. KATZOFF. My name is Jennifer Katzoff. I'm 21 years old. Today I speak to you as a survivor of rape and as an antirape advocate. I would like to thank Congressman Schumer and his fellow committee members for inviting me to speak today. It's an honor to express myself before the people that change and establish the laws of this country, and I am extremely nervous, to say the least.

Mr. SCHUMER. You're doing fine.

Ms. KATZOFF. Thanks.

I have spoken a lot of times to the public about my feelings concerning this country's problems with rape, and my own rape has also been publicly debated a lot.

My own rape occurred at a nearby university. This is probably the first time that I've been back to D.C. and felt confident about coming back, because of the problems I had my freshman year.

My freshman year I lived in a coed dorm, and one of my next-door neighbors harassed me my first semester. This is not in my statement.

Mr. SCHUMER. That's perfectly OK. Your entire statement, you see, is printed in the record that other Members will read. You can read it, but you can just—

Ms. KATZOFF. OK. Then I'll just "wing it."

My first semester I was harassed by someone who lived next door to me, who was on drugs, who had wanted to go out with me and who I would not go out with because he was on drugs. He harassed me throughout my entire first semester, threatened my life many times. It got to the point where I could not leave my dorm room to eat or to go to classes because I was afraid of what he might do to me. He followed me around.

I went to my resident director and my resident adviser, who lived on my floor, and I told him what was going on. He thought that I was exaggerating the problem. Everyone on my floor, the other students, knew what was going on and they just tried to keep us apart or warn me when this guy was coming.

He was friends with another boy, or a young man, my rapist. The two of them, when they were together, were very violent. My rapist would come into the dorm building and onto my floor quite often because they were friends. He would threaten the other people on the floor. He never really bothered me, I guess because this other boy was doing a good enough job.

In the second semester of my freshman year, the January semester, on the night of January 28, I had some friends in my dorm room. This young man—I'll call him John for convenience—John burst into my dorm room where I was sitting with my friends. He started to harass my friends and me because we were different than he was, because one of the boys was gay and another boy and I were Catholic, and John, the assailant, was Jewish. He started to pick a fight with the three of us and say, you know, that we weren't worth anything, that we were just to be subservient to him and people like him, that gay men were completely abnormal, that he would teach him a lesson, that I wasn't good enough to deal with people like him basically.

A few weeks before this happened, he and this other young man who lived next door to me, the drug person, got into a fight in the men's bathroom. The men's bathroom and the women's bathroom on the floor of this building were separated by a wall, a pretty thick wall. He had thrown this drug addict person through this wall and there was a huge hole in the wall, so that the men's and women's bathrooms were now connected as one, just as evidence of his violence.

Anyway, I went to my RA and had him thrown out of the building. He lived off campus. He and this drug person had evidently gone to a fraternity party and gotten drunk. He then, from what I heard later, went home, and then he came back onto campus, came back into my dorm room—I mean back into my dorm, where he was supposed to be barred from, through a faulty security door, came past someone who was supposed to have stopped him and checked him for his ID.

Am I supposed to stop now? OK.

He came past someone who was supposed to check him for his ID, who did not stop him, who did not check him, who did nothing. He came back up onto my floor, came back to my room, knocked on the door. I asked who it was and he didn't answer. I opened the door. He came in and he raped me.

Afterward he left—I've talked about it in my statement. He left. The next day I called a friend and she took me with her roommate to the police station. The detective with whom I spoke told me that he would not do anything, that I should go back to the head of security on my campus. They had gone to the Police Academy together, he was really a wonderful person and he would understand. He would take me under his wing; he would be like a father figure, all of this kind of stuff, and that he would settle everything, that the head of security would settle everything and I would have to go through him to pursue any type of case against this assailant.

The detective that I spoke to never told me that I should have, should go, or in any way seek any help at a hospital, that there was anything that could be done. I was 18, 18½. When I went back to the security office the next day—because I had gone to the police the evening before—I spoke to the head of security, who told me that because I had opened the door, because I had not screamed, that I had asked for it, that it was my fault, that there was nothing I could do, that I should deal with it, go on with my life and forget about it, whatever I had to do, whatever, just put it in the past. It was over, right?

I had gone to my RA the day after I was raped, and I had told him what happened. He said that the boy obviously needed help, that he needed someone to talk to. He then invited the boy back onto my floor to talk to him. My RA lived directly across the hall from me.

He called this person back onto my floor when I was there, when he knew I would be there. I ran into him outside of my dorm room. I said to him, my assailant, John, my rapist, I said to him "What the hell are you doing here?" Excuse my language. "What the hell are you doing here? You raped me last night. You raped me." I'm a blunt person. I'm not exaggerating or being more blunt now than I was then. I said to him in the hall, in my dorm, in the hall which

was public, with people walking past, "You raped me last night. What the hell are you doing here?" He said, "Oh, yeah. Well, deal with it and try to prove it." He knocked on my RA's door and walked in. That's the kind of treatment that I got from my RA.

I know that women are being raped every day, and I know from the work that I do, GUAVA is one organization, but concerning women is a national network which is in its infancy stages, which I also established. It has forced me to learn a lot about this stuff, unfortunately. Well, maybe fortunately. I don't know. But one in four of us—I'm still in college. One in three of my friends—and I'm not being very articulate now. So because I was raped, right, that means that three of my close friends won't be. That means that I can... [crying].

Mr. SCHUMER. It's OK, Ms. Katzoff. It's very hard and very courageous to come tell about an experience like this.

Do you want to stop now? We have your testimony—

Ms. KATZOFF. No, no.

Mr. SCHUMER. Or we could proceed with Ms. Doe and then come back to you.

Ms. KATZOFF. I'm OK.

Mr. SCHUMER. We're with you.

Ms. KATZOFF. Thank you.

That's what I thought subconsciously, that I could do this work, that I could save three other women, that my life and my dignity were perishable and that I could deal with that as long as I could know that they were OK.

When I went to my college authorities beside security, they said the same thing, that there was nothing they could do. We found out that in trying to prosecute him through the conduct counsel, that he wasn't taking classes that semester so he shouldn't have been allowed on campus in the first place. When I talked to anyone else, when I talked to my academic adviser, because my grades were suffering—they had been suffering the semester before and they were suffering now. I didn't know what the hell to do. I mean, I was 18½.

All my life, all I had been told was you achieve, get good grades, and life will be great. I had achieved and I had done well, and I wasn't getting good grades. What was it? What was I doing?

Anyway, when I talked to my academic adviser, she said that I wasn't fit for college, whatever.

That summer I transferred and it's a much better school, and I will get a much better degree. Academically, I could cut it. I guess I'm still trying to justify to myself, to kind of offset the things he said to me.

I don't know what to say to you. I know all of this is going down in the record. I have seen so many women, all ages, so many women that have been affected by this—I mean, I feel so insignificant in the numbers that I see. One story, you know, and all these women whose lives are destroyed, and the irony of all—like when I started this, as I said, I have worked with an organization called Security on Campus, Inc. I did a lot of public stuff because I thought I would reach more people. But it's not changing. The more we learn, the more that's done, the larger the problem seems, the larger it's getting.

Every woman that I know, every single one, has their own story—every single one. And it's not because I only gravitate toward these women or they gravitate toward me. Every single one, the year after I was raped, someone who I would die for told me that she had been assaulted. Please, it is an assault on our civil right.

I'm not physically disabled. Everything is OK with me. But there are all these other women, all these young girls, young girls, little girls, babies, your daughters, your nieces, everybody, people you wouldn't expect, women who wouldn't tell anybody are being raped. That's the worst thing. They don't have anybody to tell.

It is only laws that 1502 that change anything, that help people. There is so much to be done. I don't understand, I don't understand, as a 21-year-old female, coming out into this country, why my rights as a human being, why my friends' rights as human beings are not being protected, how this can happen to me, how this can happen to them. It's not right. Something doesn't fit. It just makes no sense that this stuff is happening. It's ridiculous. It's unconscionable. It's disgusting, and men get away with it, and men think they can get away with it because no one is saying "No." The women are saying no, but the men aren't hearing, because the laws don't say no. The laws have to say no. We have to show them that they can't do this, and the only way to show them that, the only way to set the example, is to pass laws like 1502 that protect women, protect children.

That's it.

Mr. SCHUMER. Thank you, Ms. Katzoff. Your testimony has done more to further that than probably you could ever imagine. I know how hard it is, much harder than anything that probably 98 percent of us in this room will ever have to do. We respect you for it and it's going to importune us to act.

[The prepared statement of Ms. Katzoff follows:]

PREPARED STATEMENT OF JENNIFER KATZOFF, NEW YORK, NY

My name is Jennifer Katzoff. I am 21 years old. Today I speak to you as a survivor of rape and as an anti-rape advocate. I would like to thank Congressman Brooks and his fellow committee members for inviting me to speak today. It is an honor to express myself before women and men able to establish laws for which this country is in dire need.

I must admit that the idea of standing here before you has been quite daunting to me. I have spoken out loudly many times in the past about my feelings concerning this country's problem with rape and my own rape has also often been publicly debated. However the road back to Washington for this particular speech has been very difficult.

The summer after my Freshman year at a nearby university, I began to work with Security On Campus, Inc. becoming one of their student victim/ advocates. The many media appearances instilled in me a sense that the problem was more far reaching than I had thought. I then went through peer education training, hospital advocate training, and began to attend conferences in order to educate myself further. I became increasingly more frustrated with the fact that rape is the most underreported crime on college campuses. Intimidation by peers and administrators stifled an incredible number of women's voices. The Greek

(fraternity/sorority) system was thought to be "the root of all evil" at my present university so I founded "G.U.A.V.A." (Greeks United Against Violence and Assault) to combat this problem. Within this forum members of fraternities and sororities create a safe environment for those students inside the system. They begin by becoming educated about the problems on their campus and then learn how to keep themselves away from those problems and problem areas. There are meetings between fraternity and sorority members to discuss volatile problems, recent crimes on campus and ways to diffuse the problems. So far the organization has worked tremendously well. Plans to branch out to other universities will go into effect next year. I also founded "Concerning Women," an intercollegiate clearinghouse and advocacy center, which works as a network nationwide. This was a bit more time consuming, but it too is flourishing even in its infant state. This year Security on Campus, Incorporated asked me to sit on their Board of Directors. All in all this has been a fast paced three years. Yet so much is still left to be done.

If I were not here today, I would be at a memorial service for a dear friend, Frank Carrington. He initiated much of what has been done in this country to fight for victims rights on campuses. His legal battle became

my personal battle, and often he and Howard and Connie Clery, the founders of Security on Campus, Inc., were my only support. While I was in Germany a few weeks ago, Mr. Carrington died in a house fire. I wanted to fly back immediately from Germany, where I was meeting with students attempting to learn how their universities dealt with crimes on campuses. However, I was assured then, as I believe now, that Frank would have wanted me to carry on the struggle. I stand here today knowing that Frank Carrington is with me now and will be with all young crime victims until we obliterate this miscarriage of justice, this discrimination against young people from our colleges.

Rape is not pleasant. Neither is physical abuse, harassment, emotional abuse, or discrimination. One would think that these are truisms. Yet every day millions of Americans must deal in some way with the hurt and shame imposed on them by their abusers. Yet the abuse is not isolated to only physical or verbal attacks. Our society encourages and sanctions these actions. Indeed the problem is so great that for an individual to address the problem in its entirety proves impossible. I try to discuss the problem and its aftermath, however, my knowledge concerning rape statistics is limited to college age women. For this is the category in which I now fall.

One in four women between the ages of 18 and 21 will be raped on college campuses this year. This is not a maybe, this is the fact, the statistic. And these are statistics compiled from women who have come forward. Yet only one in three women who have been raped comes forward. This obviously creates a much higher statistic. Here the discussion rests solely on rape, excluding other sexual violence. Dealing only with rape, these combined statistics show a problem which touches over fifty percent of our college age female population. To say the least, this is daunting.

My story might illuminate some points in which our present system fails its female student population. Most things mentioned will have importance in the discussion afterward. I apologize if I offend anyone in this ensuing description.

During my freshman year at a nearby University I was raped. I had known the boy, as he was a good friend of the boys in the dorm room next to me, yet he and I were not good friends. One night in January some friends were visiting with my roommate and I in our dorm room when this young man barged into the room screaming obscenities. One of the visiting

young men was gay. The attacker, I will call him John for convenience, screamed that he would kill him, that my friend was abnormal, and that he could sexually teach him a lesson. My other friend is Catholic, as am I John is Jewish. He screamed that Catholics were the servants of the Jews, that we are not worth anything, that we are stupid mongrels and should also be annihilated. Immediately the three men got into a fight in my room. I went and got the dormitory authorities who broke up the fight and kicked John out of the building. As he lived off campus, we could have him barred from the building.

Between the time that John left and later returned, he went to a fraternity party. Evidently he got very drunk at the party which was serving liquor to underaged students. From what I also heard in the following days, he returned to his mother's apartment but then came back on campus.

John reentered my dormitory building through a broken security door. He passed a student guard who did not stop him to ask for identification. He came up to my floor, to my door room, knocked on the door and when I opened it he came in and raped me. When he was through with me, he started to leave the room, turned and yelled, "I won, I won" and began to

laugh hysterically. This "fine, upstanding" young man now attends Yale University, he transferred with a recommendation from the college I was raped at.

The next day a friend drove me to the local police station. The detective with whom I spoke told me to talk to the head of security at my campus. The detective said that security would be better suited to help me, and I as a terrified 18 year old victim believed him. He had gone to the police academy with the head of security. However the head of campus security did not help me, he told me that it would prove too traumatizing for me to confront the young man and insinuated that I had asked for it. He also said that the young man would be acquitted and he made a point in stating that I had opened the door and had not screamed (which in his estimation proved that it was consensual sex; not that I was in shock, was being physically abused, was terrified, or was in fear of my life, but that I wanted to be raped).

My R.A. did nothing to help me, not even refer me to a hospital emergency room, a rape crisis person or hotline, not notify a female authority to discuss it with, not refer me to campus security, he did nothing for me. However, the day after I had told him what happened, he

called my assailant back into my dorm and onto my floor. He felt that the boy "needed someone to talk to." I ran into John in the hall when he returned and I said, "what the (something I can't say here) are you doing here? You raped me last night." He replied, "Yes. But try to prove it." My R.A. proved so useless that days later I had to approach my Resident Director myself. He was very supportive and took me to see a student health therapist. The nightmare was not over, not only was this therapist a man, but in my mind he looked like the stereotypical sleazy rapist. He wanted me to discuss my rape with him, all the details, everything that was said and everything that John did to me. All of his efforts to draw me out about the incident died fruitlessly, I never returned. Later when I attempted to seek justice through the university conduct board, we discovered that my assailant was not enrolled for classes that semester. So under no conditions should he have been able to be in my dorm building. Finally, when I approached my academic dean for support, assistance, any help, I was told that it was a personal problem. She said that I should not allow it to reflect in my studies, that I was a disgraceful student, and that I should withdraw from university completely.

Those are the facts of my case. I would like to mention in my own intellectual defense that I had gone to an English boarding school after

having completed the first part of American high school with honors. For my Sophomore year I did transfer from the university - to attend an Ivy League institution from which I will shortly graduate. However most victims of rape in college do withdraw completely. Women who once saw a purpose to their lives now live, attempting to cope, in a society which rejects them, their feelings and their fears.

Our society is fragmenting into many subcultures. John demonstrated this isolationist tendency which inhabits university campuses when he attacked me and my friends for being different from him. He feared himself and his own feelings of powerlessness. These he superimposed on us, seeing the different as that which created his powerlessness. In conquering us he would regain his feeling of power over his own life. Ironically, Hitler used this same ideology in gaining support against the Jews during his reign. It may be a distasteful comparison, but evil is evil is evil. It is just as bad to have tens of thousands of citizens live the rest of their lives terrorized and terrified as it is to have millions upon millions of Jews living the rest of their lives terrorized and terrified. Rape can, and often does, destroy a woman's life and soul.

Presently on university campuses, multiculturalism is being taken

to the extreme. Instead of fostering an environment in which equality and cross cultural understanding predominate, fragmentation and intercultural warring exist in increasing numbers. Sexism and racism are on the rise. Students are becoming less tolerant of each other and their differences. Instead they look for ways to set themselves apart and above the rest. This establishes an environment which breeds hate of the opposite sex, of a different color, of a different religion, of a different style of dressing, where does this all end? This hatred can be a factor leading to rape because in rape a man feels that he conquers the victim, and is thus superior to the victim. Rather than diffuse the situation, to give it a forum to be discussed and revised by the students, for the students; it is handled by the college authorities, who are attempting to gain good press and "sell" their empty seats.

When leaving my dorm room John said that he won. Psychologists have said that men attempt to regain their own self esteem through complete subjugation of others. Thus rape occurs. But the feeling of power is gained only for a short period of time. The act of rape must be repeated to regain that feeling. These men rape again. Statistics show that most convicted rapists are repeat offenders. And a study done on college men show that a vast majority would rape if they knew that they

would not be held accountable. On most college campuses they are not held accountable, the victims are. These facts all point to a correlation between the attempt of men to gain power and rape.

On one T.V. show on which I was a guest, a repeat rapist stated that he only raped because he had had a bad life. He attempted to arouse audience sympathy because he had a "reason" to rape. But I ask you, what about his victims? What about all of those women whose lives he ruined? Can rapists now walk around ruining women using the lame excuse that they themselves have been raped? Should congress pass laws which make the movie "Thelma and Louis" possible? We all know the answer is a resounding "no."

Yet legislation which protects women before and after rape is scarce. That is why this bill is so incredibly important. The act called rape and all other acts of sexual and emotional violence are on the rise on college campuses across the nation. They are not limited to rural or urban or religious or elitist. Struggling women's rights groups are attempting to form centers, and marches, and phone lines. Women's magazines have two to three articles about abuse and rape every month now. Women are mobilizing at a steadily increasing rate. Men are also taking part. These are not problems which only touch one sector of our population. They are

statements about our society.

This bill must be passed. But you must also realize that this is only one step. Fully staffed rape crisis centers are urgently needed on all campuses now. Campus security departments must be given sensitivity training and learn how to deal with victims of college crimes. Disclosure of all rape and crime statistics to the public, whether reported to police or solely to campus authorities, is urgently needed on all campuses now. A bill to require all felony crimes committed on campuses to be reported to, and handled by, civic authorities must be passed now. An order to have all rape cases seen by proper authorities sensitive to and trained in rape crisis syndrome, is urgently needed on all campuses now. The victim must be made to understand that that is what they are, a victim! When young men and women go off to college, they may feel a new found freedom, however, they also believe the security of home is there surrounding them in their dormitory, on their campus, among their friends. It is a harsh reality, a birth by fire for our next generation to come face to face with the reality of rape, discrimination, hatred, and violence. Is this the foundation we want our children to go forth holding high? I for one wish I could go forth with my innocence intact, with my belief that everyone is basically good, that I can look for honesty and fairness in my

fellow human beings rather than to look at everyone as a potential abuser, fearing any relationship, professional or romantic, because I might be raped again. There must be an end to public flagellation of sexual offense victims and it must begin now.

Victim blaming has gone on for too long. Our society must create an environment in which all of its citizens are safe to pursue life, liberty, and happiness. As it stands now, women are taught to live, but only to be liberated at their own risk. And happiness is obliterated with rape. By passing this legislation you will bring us one step closer to having a society in the spirit intended by our founders.

Thank you and good day.

Mr. SCHUMER. Ms. Doe.

**STATEMENT OF JANE DOE, NEW YORK CITY, NY, ACCOMPANIED
BY JEANNE MULGRAVE, REPRESENTING VICTIM SERVICES,
NEW YORK CITY, NY**

Ms. DOE. Chairman Schumer and subcommittee members, thank you for allowing me to share with you today my experiences and my hope for the future. As mentioned earlier, I would like to repeat that I would prefer that my last name not be released for the safety of my children.

I am here with Jeanne Mulgrave, who is a representative of Victim Services in New York City. The agency itself has been very supportive with counseling, as well as other issues.

My name is Lisa and I am a survivor of domestic violence. I was battered in four different States, seven different cities. I was beaten as often as three to five times a week at the beginning, to approximately once a month at the end.

Three years ago this March, I left the man who had been my batterer, my husband. It was the hardest thing I've ever done. Today I am divorced and I am slowly recovering from the nightmare I was living.

I hope by telling my story that I can help other women get help and escape abuse. I have left out some details because I feel that my children are still at risk.

It began in New York in 1987. My husband and I were both students when we met. He was getting a degree in psychology. We were married and I dropped out of my last semester to support him and to help finance a move to Louisiana, where he was to pursue his master's degree in clinical psychology. I found a job at Burger King and later at a local radio station. I worked throughout the marriage and was the primary supporter; my husband could not keep a job. I discovered I was pregnant right before we moved to Louisiana.

My husband was intelligent and he could be quite charming. He used these skills and his knowledge of psychology to manipulate the police officers during their frequent visits to our home, often summoned there by neighbors' complaints.

In the early months of my pregnancy he would tell the police I was pregnant and the hormones made me irrational, so he had to physically restrain me. He claims he only hit me when I struggled. On one occasion he force-fed me, punched me in the stomach, and made me swallow pills. The police came and took me to the hospital where they pumped my stomach. My husband told the authorities that I was delusional and an unfit mother, a pattern that was to continue throughout our relationship. He was always believed and I began to feel that there was no way out.

When I tried to reach out to a police officer, he took me to his Pentecostal Church where they laid healing hands on me, spoke in tongues, and pulled the evil spirits out of me so my husband wouldn't have to beat me any more. Of course, this approach did not work and my husband insisted we move because I had not kept our personal life personal.

After just 4 months, we moved back to New York, upstate. My husband became more possessive and attended almost all of my prenatal doctor appointments. At my husband's insistence, our son was born at home, in a motel I was working at, with a midwife present. The abuse continued.

I called a police detective I had met—he had worked on a drug bust at the motel—and told him that my husband was holding me hostage in our apartment and that I had black and blue fingerprint marks on my neck. He asked me if I would press charges and I told him that I couldn't because the baby was only a few days old. He told me to call back when I was ready to press charges—and I did.

Two weeks later, after my husband stuffed paper towels in the baby's mouth, I called the detective and my husband was arrested and charged with child abuse, endangering the welfare of a child, unlawful imprisonment, and harassment. The police arrested him and later gave me an order of protection. Even after the arrest, I still did not know that I was a battered woman or that I had any rights, or that services were available to me.

My husband's father came and gave me \$1,000 for bail and told me to drop the charges. He accused me of ruining my husband's career. I was scared of my husband and believed him when he told me, because of the trouble I had caused in Louisiana, he would get custody of our son. I dropped the charges. My husband was informed that if he left the jurisdiction, the child abuse charges would not follow him. Our next stop was Texas.

In Texas I managed properties but had to change jobs after 1 month because I was not making enough to support the family. So we moved to another town in Texas.

At my next job, the police helped me clean up a drug-ridden property that was put in my charge. The officers I worked closely with knew that I was being abused, even though there weren't as many physical marks as there had been. My husband had been told in New York that if he didn't leave marks, I could not press charges. So he found new ways to inflict pain. He would suffocate me with pillows; he would physically restrain me, tying my hands behind my back, grinding his knee into my back and grinding my face into the carpeting. The police officers told me that, no matter what my husband did, the bottom line under Texas law was whatever was mine was his, as long as we were married. I felt trapped.

I feel the need to emphasize that the emotional and psychological abuse, the constant humiliation, was worse than the physical abuse. My husband had convinced me that I was somehow responsible for his anger and his violent outbursts, and that was the reason why he couldn't keep a job. He felt that no job was good enough for him, and he was upset because he could not make as much money as I did, so he stayed home.

When I wasn't being beaten, I lived in constant fear of his rage. I walked on eggshells. I would do anything to keep him happy. I would hold my breath at night until I could set my breathing pattern to his, so that I wouldn't disturb him.

I still have to remind myself that I'm allowed to breathe normally. The physical scars have healed, but the inner scarring will take years. The isolation, ridiculing, egobashing and destructive acts to my children were the worst. I stayed with him for almost 2 years

because I thought it was the only way I could be with my children and protect them.

After an incident where I worked—a gun was held to my head by a resident I was evicting in Texas—we left Texas and moved to the Midwest. We went back to Minnesota because my husband had gone to school there and he had liked it. I found a job working for the Girl Scout Council, but I wasn't allowed to have any keys to the car or the house. I was allowed only to go to my job and come home and nowhere else. Every time I went to the bathroom, I had to leave the door open. I had no sense of self, no sense of privacy. My boss figured out right away that my husband was abusing me and offered to help me stay in Minnesota, since my husband could not find a job and was ready to move again. I couldn't risk losing custody of my son and I was pregnant again, so after 1 month we moved to New York.

In New York, my husband began working with mentally retarded and emotionally disturbed adults. We lived in New York for 2 months. Twice the police were called and both times they did not show up. Both times my husband had taken my son and left. He told me that if I wanted to be with my son, I would have to move upstate where he wanted to go. So in my 9th month of pregnancy we moved.

My husband decided to deliver our second child himself because he could not find a midwife that late in the pregnancy. He didn't want me in a setting where I could talk to people and let them know what was going on. At the last moment he changed his mind and rushed me to the hospital and 20 minutes later our son was born at 10 pounds, 7 ounces. He told me that if I didn't sign out of the hospital right after the birth, I would never see my oldest son again. We were home 4 hours later.

On Easter Sunday, 1989, I got up at 6 a.m. to feed and dress my sons and clean the house. At 9 a.m. I put my son in the carriage—he was 13 months old—and I put the baby, who was then 5 weeks old, in a front carrier and walked 3 miles into town so that I could get the paper—so it would be there when my husband woke up.

I was home by noon and about to feed the boys when my husband came out of the bedroom calling me names and insisting that we play basketball. I told him I was tired and the boys needed feeding. He took the boys crying into another room and shut the door. At this point I opened up the door so a neighbor doing laundry might overhear what was happening. I walked into the kitchen to prepare the food.

My husband grabbed me by the hair and threw me to the floor. I told him I would be good and asked him to please just let me feed the boys. He was grinding my chin into the floor and pulling my arm behind my back and digging his knee into my back. I called for someone to call the police.

The police came. They went in and spoke to my husband and then came out and asked me if he was the father of the children. I said yes, and they informed me that he had said I could take the baby but I had to leave my oldest son behind. I became hysterical, telling the officers how my husband has just spent the last 45 minutes holding me hostage and rubbing my face into the floor. The officer interrupted me and said that unless I could prove he was

abusing the children, he had every right to keep them. They said that he was also being very nice and he was going to let me back into the house, and if I wanted to be with my children, I should go back into the house and work everything out.

If I had not gone back into the house today, I believe that my oldest son would be dead. I had no choice. I went back and my husband informed me that I would never leave again. He said, "You lied to me when you said our wedding vows and said 'until death do we part.' Well, that's the way it's going to be."

He said he had been poisoning me and the baby—since I was nursing—because he didn't believe the child was his son, because it didn't look like him. He said we would be dead by Thursday. He threatened to kill our oldest child and himself to punish me by driving off of the highway.

That's when I realized that I had to get out. I knew that I could not try to protect my children or myself any longer. I filled the bathtub with water, slit my wrist, put my wrist in the tub, hoping that my husband would freak out and call the police. When my husband found me, he called the police and they took me to a hospital where I told them everything. Within 24 hours, the children and I were safe. The hospital staff helped me get into a battered women's shelter. They put my children in temporary foster care because I had tried to commit suicide.

When I got to the shelter, every other word out of my mouth to the counselor was "I'm sorry, I'm sorry." I felt with all my problems that I had been a burden to everybody. Having been beaten so relentlessly both physically and psychologically by my husband, I didn't even feel entitled to talk and to have someone listen to me and be sympathetic.

As I began to discuss the 23 months that I lived with my battering husband, my counselor at the shelter was shocked that my sons and I survived. The first question is: Why did I stay? I stayed because I did not know that I had a choice. My experiences with people who were supposed to be there to help me, the police, reinforced what, through my husband's psychological abuse, I had come to believe; that my husband had every right to beat me, rape me and hurt our children. No matter what he did, no matter how many times the police were called, it seemed that he had all the rights, that he would be advised to get custody.

I can understand how I may have seemed to the police. I was out of control by the time they arrived, which was all part of my husband's plan. So they listened to him and never took me aside and offer to listen to me. Society said it was OK.

Today I have my children back and I would love to tell you that this is the end of my story, but, unfortunately, it is not. I have been divorced for longer than I was married, and I still have to live in fear. He still threatens to kidnap my oldest son. My children suffered the greatest, especially the oldest. At 13 months he was the "perfect" child. He never cried. When he ate, he put his hands flat on the table so he could be fed and he did not make a mess. When he got upset, he shoved his blanket in his mouth so he would not cry. He did not walk and he had stopped talking. The only way I was able to convey to my son that the anger from my husband was not directed at him but at me was through sign language. I taught

him that this meant good boy and that the things that happened were not his fault. His psychological evaluation at 13 months showed him to be developmentally delayed.

I am happy to say that today he is a normal, active 4-year-old. I just pray that there are no long-term effects. Because my younger son was 5 weeks old when we got out, he has no memory of his father or the hell that we all went through. Both children are extremely bright and they both have an extensive understanding of sign language, although they are not handicapped in that way.

At Victim Services in New York City, I received counseling for 1 year, and it is with their support that I'm here today to try to impress upon you the terror that millions of American women live with. If any of the police that I had come in contact with had taken me aside and told me that what my husband was doing was a crime, and had he been treated like a criminal, maybe I would have gotten out sooner.

To help victims of domestic violence, we first have to educate the public, to make them aware of how pervasive and insidious this crime is, train law enforcement staff on how to recognize and deal with domestic violence, and to create a Federal enforcement mechanism so that women aren't held hostage by their husbands or partners, moved from State to State to avoid detection. To many battered women in this country, freedom is as much a dream as the fantasy that the violence will stop. I hope my story has helped you to understand this and will convince you of the need to do something about it.

I am very proud to have spoken with you today. It's a great honor. I will tell you, it brought tears to my eyes this morning when my son said the Pledge of Allegiance and sang "My Country 'Tis of Thee," because I knew I was making a difference in this country.

Mr. SCHUMER. Ms. Doe, thank you. The honor is ours.

Mr. Schenck.

**STATEMENT OF WILLIAM F. SCHENCK, COUNTY PROSECUTOR,
GREENE COUNTY, OH, APPEARING ON BEHALF OF THE NA-
TIONAL ORGANIZATION FOR VICTIM ASSISTANCE**

Mr. SCHENCK. Mr. Chairman and members of the subcommittee, my name is Bill Schenck. I serve as the elected prosecuting attorney in southwestern Ohio, and I have the privilege of being president of the board of the National Organization for Victim Assistance, known as NOVA.

I would like to say to you that it's been 7½ years since I appeared before this subcommittee. I testified on the Victims of Crime Act in August 1984. I was not president of NOVA and had never heard of NOVA. I was a prosecuting attorney and brought here as such by my former boss, then Congressman Mike DeWine.

I would like to say that I'm happy to be back, but I can't really say that I'm happy to be back because the occasion that brings me here and the situation is not one that lends itself to anything near what one might describe as happiness.

I can say that when I left my office in Ohio yesterday afternoon, I was somewhat relieved that we had successfully convicted a 68-

year-old man of three counts of rape, for raping his three daughters. They are now in their twenties, and these rapes had occurred some 10 or 15 years ago. In a little way and in some sense, I realize that we have made some progress since my last time here.

We now have case decisions and laws which enable us to deal with matters more fairly. The statute of limitations doesn't preclude us. Yes, we have rape shield laws and things of that kind. So I do believe that legislation makes a difference. I do believe that legislation helps prosecutors and victims.

I come to you today as a representative of NOVA. I am honored to convey this organization's strong support for the Violence Against Women Act. Founded in 1975, NOVA is the oldest of the national victim rights coalitions found in the United States and in many other countries across the world. Ours is a nonprofit, nonpartisan organization, whose members and their elected leaders come from every sector of the victims' movement.

The central point of our position regarding H.R. 1502 is this: As legislatures fashion generic rights and services for all victims, they should also tailor certain laws to the unique needs of special classes of victims. American women victims of violent crime, as a class, are profoundly in need of those rights, services and protections that we believe the bill would create.

I had some notes and thoughts about my own experience in the victims' movement which talk about how I got involved. I won't at this time, for the sake of brevity, go through this, except to say that my beginnings in the movement also came about as the result of my experience with a female crime victim; namely, a college coed who had been abducted and sadistically raped in my county. While working on that case some 13 years ago, it became again so very obvious that there is, indeed, something very wrong in our society and in our system. As I think Senator Biden said here earlier today, it's a cultural problem and it doesn't seem to be getting any better.

From my standpoint as a prosecutor, when I first became involved, it was not only a sense of wanting to do something about it, but it was also a practical need. So we began our own victims' program. That program has grown, and legislation has helped it.

The one point I want to make from my own experience as a prosecutor in the victims' movement is that I am convinced that responding to violence against women is indeed the bedrock of our movement. Crimes against women are so pervasive, destructive and offensive to decent human values.

Between 1973 and 1987, the National Crime Survey found that about 155,000 women and 13,000 males were victims of rape or attempted rape each year. Improved survey technology would lead us to at least triple those figures, meaning that each year's rape victims roughly equal the entire population of a congressional district.

Whatever estimates we use, all tell us that millions of American women today carry with them the scars of having been sexually assaulted. The myth is that rape only happens to attractive young women who are careless, or worse. The data show that it occurs across every demographic section of American womanhood, but that like other forms of criminal violence, it falls heaviest on low-income residents of the inner city.

Comparative data consistently show that women in the United States are at least three times more likely to become rape victims than their European counterparts. Reported rapes in the United States keep escalating—22 percent from 1986 to 1990. Any crime can propel its victims into crisis or debilitating, long-term stress, but obviously, rape takes a higher toll than most others. The fact is that we have too few trained crisis counselors to help these women make the emotional transition from victim to survivor.

The picture is no better when we turn to the far more prevalent crimes of domestic violence. For here, we not only face grim numbers, but the persistent myth that a man's home is his castle—as if that gave him the right to construct a torture chamber within it.

According to the National Crime Survey, with its limitations, violent crimes committed by “intimates”—a family member, spouse, ex-spouse, lover, or ex-lover—was 2½ times more likely to victimize a woman than a man during the period of 1979–1987.

The rates of intimate violence were not in the order of 36 per 100,000 women, as in the crime of rape, but nearly 800 per 100,000.

Almost 60 percent of the victims of domestic violence suffered physical injuries, in the sense of being visibly obvious, and about one-quarter of these needed or required medical care.

Over 1 million women a year must now seek such medical attention because of domestic violence, a situation that as you know, caused former Surgeon General Everett Koop to describe domestic violence as the number one health problem for women in this country.

We are speaking here of preventable injuries and preventable homicides. A Kansas City study of women killed by husbands or boyfriends revealed that in 90 percent of the cases the police had intervened in that domestic violence situation at least once before, and in about half the cases the police had been there five or more times before.

In my judgment, it comes down to this: American women suffer inordinately high rates of sexual assault and domestic violence; our countermeasures in the way of prevention, and skilled criminal justice and social service intervention, are woefully inadequate; and targeted, remedial efforts, such as those of Representative Boxer and Senator Biden have proposed before you, are long overdue.

On a final note, Mr. Chairman, I am aware that I'm unlike most of your other witnesses. I am a white male, over 40, an accident of birth I keep trying to live with as best I can.

I am a conservative, a Republican, I've been a leader in the President's election campaign in my State. I'm an elected official. I suppose then in some ways my presence here says a lot about the victims' movement, as I think has been noted by other witnesses, and this subcommittee's contributions to it. With this bill, as with others you have advanced, traditional notions of party and ideology have and must continue to be superseded by broader, traditional ideals of compassion and justice.

On behalf of the National Organization for Victim Assistance, and for the nationwide coalition—tongue in cheek—of “bleeding heart conservatives and hard-nosed liberals” which this organization represents, I thank you for placing women victims of criminal violence on your reform agenda.

Mr. SCHUMER. Thank you, Mr. Schenck, for your excellent and comprehensive testimony representing NOVA, which is an outstanding organization.

[The prepared statement of Mr. Schenck follows:]

PREPARED STATEMENT OF WILLIAM F. SCHENCK, COUNTY PROSECUTOR, GREENE COUNTY, OH, ON BEHALF OF NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE

Mr. Chairman and Members of the Subcommittee, I am William Schenck, the elected Prosecutor of Greene County, Ohio, and Board President of the National Organization for Victim Assistance, or NOVA.

I am honored to convey NOVA's strong support for the Violence Against Women Act. Founded in 1975, NOVA is the oldest of the national victim rights coalitions found in the United States and in many other countries across the world. Ours is a non-profit, non-partisan organization whose members and their elected leaders come from every sector of the victims' movement.

The central point of our position regarding H.R. 1502 is this:

Even as legislatures fashion generic rights and services for all victims, they should also tailor certain laws to the unique needs of special classes of victims. Tragically, American women victims of violent crime, as a class, are profoundly in need of just those rights, services, and protections that the bill would create.

Before I present information underscoring the need for this legislation, let me begin at my own beginning in the victims' movement. It was a moment of great frustration for Mike DeWine and me at a town many miles from home some years back. Mike was then the county prosecutor -- he later served in Congress, on this very subcommittee in fact, and is now our Lieutenant Governor -- and he just exploded in frustration over our inability to find the frightened, complaining witness in an important case.

After I succeeded Mike in office, I set out to alleviate that frustration by establishing our county's first victim assistance program. It was that simple.

It will surprise no one at this hearing that the anguishing case

that drove me into the victims' movement involved the sadistic rape of a college coed -- or that my victim assistance program now does outreach to victims of sexual assault -- or that, as a historical fact, it was the rape crisis centers and the battered women's shelters which were the pioneers of our movement.

The lesson is clear: responding to violence against women is the bedrock of our movement -- because those crimes are so pervasive, so destructive, and so offensive to decent human values.

Here are some of the reasons why H.R. 1502 deserves enactment:

- o Between 1973 and 1987, the National Crime Survey found that about 155,000 women and 13,000 males were victims of rape or attempted rape each year. Improved survey technology would lead us to at least triple those figures -- meaning that each year's rape victims roughly equal the entire population of a Congressional District.
- o Whatever estimates we use, all tell us that millions of American women today carry with them the scars of having been sexually assaulted.
- o The myth is that rape only happens to attractive young women who are careless or worse. The data show that it occurs across every demographic sector of American womanhood -- but that, like other forms of criminal violence, it falls heaviest on low-income residents of the inner-city.
- o Comparative data consistently show that women in the United States are at least three times more likely to become rape victims than their European counterparts.
- o Reported rapes in the U.S. keeps escalating -- 22 percent from 1986 to 1990.

- o Any crime can propel its victims into crisis or debilitating, long-term stress -- but obviously, rape takes a higher toll than most others. And the fact is that we have too few trained crisis counselors to help those women make the emotional transition from "victim" to "survivor".

The picture is no better when we turn to the far more prevalent crimes of domestic violence. For here, we not only face grim numbers but the persistent myth that a man's home is his castle -- as if that gave him the right to construct a torture chamber within it.

Research data show the following:

- o According to the admittedly-flawed National Crime Surveys, violent crimes committed by "intimates" -- family member, spouse, ex-spouse, lover, or ex-lover -- was two-and-a-half times more likely to victimize a woman than a man in the 1979-1987 period.
- o The rates of intimate violence were not in the order of 36 per 100,000 women, as in the crime of rape, but nearly 800 per 100,000.
- o Almost 60 percent of the victims of domestic violence suffered physical injuries, and about one quarter of these needed medical care.
- o Over 1 million women a year must now seek such medical attention because of domestic violence -- a situation that caused former Surgeon General Everett Koop to describe domestic violence as the Number One health problem for women.
- o We are talking here of preventable injuries -- and preventable homicides. A Kansas City study of women killed by husbands or boyfriends revealed that in 90 percent of the

cases, the police had intervened in that domestic violence situation at least once before -- and in about half the cases, the police had been there five or more times before.

It all comes down to this, in my judgment:

- o American women suffer inordinately high rates of sexual assault and domestic violence;
- o Our countermeasures in the way of prevention, and skilled criminal justice and social service intervention, are woefully inadequate;
- o And targeted, remedial efforts such as Representative Boxer and Senator Biden have proposed are long overdue.

* * *

On a final note, Mr. Chairman, I am aware that I am unlike most of your other witnesses. I am, for one thing, a white male over forty, an accident of birth I keep trying to live with as best I can.

I am also a conservative, a Republican, a leader in President Bush's re-election campaign in Ohio, and an elected public official -- and each of these labels is, to me, a badge of honor. I am not certain how many other of your witnesses could make that claim.

In some ways, then, my presence here is a celebration of the victims' movement -- and of this subcommittee's contributions to it. With this bill, as with others you have advanced, traditional notions of party and ideology have been superseded by broader, traditional ideals of compassion and justice.

So in behalf of the National Organization for Victim Assistance, and for the nationwide coalition of "bleeding-heart conservatives and hard-nosed liberals" it represents, I thank you for placing women victims of criminal violence on your reform agenda.

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Mr. SCHUMER. At first my instinct was to ask questions, even of Ms. Downing, Ms. Katzoff, and Ms. Doe, about the specifics of why your torturer is unpunished. Ms. Katzoff, for those of you who haven't seen the record, the man who raped her applied to Yale and was accepted—I don't know if he got in. I don't know if the record said that—but got in at Columbia, with a recommendation—

Ms. KATZOFF. No. I'm at Columbia. He's at Yale. But we both got recommendations from our university, our old university.

Mr. SCHUMER. This man got a recommendation.

Then, Ms. Doe's husband has not been punished. He's on the lam. He remarried and is now wanted for a murder of a child of his, although not of Ms. Doe's. And, of course, we heard from Ms. Downing about the efforts or the lack of effort to punish her husband.

At first my instinct was to ask questions specifically about that, but that's not the point. Because there are lots of specific mess-ups, obviously, because local law enforcement, which tries very hard, isn't able to deal with the problem. The real burden ends up being here as to what we can do, because we can deal with the specifics maybe of what happened in Ms. Doe's case and in Ms. Katzoff's case and Ms. Downing's case, but we can't deal with the tens of thousands of them except by some kind of broad-based legislation.

So I will not ask you those questions because I think they're beside the point. I think your testimony speaks eloquently and strongly to the need for us to do something. Again, it's going to be far more than anything any of us can say or any of the other witnesses can say, including the sponsors of this bill who were here earlier today, in terms of trying to get something done. I guess I would just say our admiration is with you and our hearts are with you.

Mr. Ramstad.

Mr. RAMSTAD. Very briefly, Mr. Chairman. I want to thank all of the witnesses for being here today.

Ms. Katzoff, I want to say to you that I feel like I know you, from all the things I've heard, good things, from Frank Carrington and Howard and Connie Clery of Security on Campus.

Ms. KATZOFF. It's mutual.

Mr. RAMSTAD. Were it not for this hearing today, we both would have been at Frank's memorial service. But I know Frank wanted us here, and I also know that Frank is up there in Heaven somewhere very proud of you for your courage that you have shown today. Also, I believe your testimony again points out the need to pass both the Violence Against Women Act, particularly in your case, those provisions that relate to campus rape, as well as the campus sexual assault victims' bill which I have sponsored.

I was just looking through that proposed legislation, and there are several provisions which I have highlighted here which would apply directly to your situation, in the campus sexual assault victims' bill of rights. So again, I want to thank you for your testimony, Ms. Katzoff, as well as the other witnesses.

Mr. SCHUMER. Mr. Sangmeister.

Mr. SANGMEISTER. Thank you very much, Mr. Chairman. I will try to be brief, also.

I would like to direct my questions to Jane Doe. Please understand that the questions that I ask I do more as a devil's advocate than anything else, because I think we need to understand the thinking of people like yourself. Having been a former prosecutor and having dealt with these cases on a regular basis, I have come to certain conclusions that I would like to explore with you.

First let me say this. If I were to leave here today and go home and hit my wife, in any manner, after 40 years of marriage, it's over. I mean, she's gone. There will be no explanations and she doesn't, in my opinion, have to give any. I mean, it's a basic fundamental that we're talking about here. You don't abuse anyone, particularly your spouse.

Yet your testimony is—"I didn't have a choice" is what you said. Does that mean, when you took the marriage vows and you said "to love, honor and obey," the same vows that I'm sure he took, that you take "obey" to mean that, whatever your husband would do to you or say to you, that you had to take it?

I know the other thing I've heard from women in your same position is, "Well, I couldn't leave him because there was no other way I could live. I can't go back to my parents. They can't afford to raise me or my children. I can't get a job." But that's not your case at all. In fact, you're supporting the family. Or does it boil down to the other statement, that he's going to take my kids away from me?

Now, even when I practiced divorce law, I heard that over and over and over again. I can't understand why women get paranoid when they hear that. Because when I used to practice in that field and men came in to see me—and that's what they wanted to do, "we're going to take the kids away from her, right?"—the answer was, "you've got little prayer at all." Ninety-eight percent of the time the court is going to award any child to the mother to begin with. So I don't know why women get so excited about the fact that "he's going to take the kids away from me; therefore, I've got to put up with this."

That's sort of a long question, but I would like you to address that.

Ms. DOE. I would like to address it on a couple of different ways.

First of all, the incident that I shared with you from Louisiana was the first incident of domestic violence that was reported to the police. When they took me to the hospital and they pumped my stomach, that was when we had the confirmation that I was pregnant. I was dehydrated, I had lost 15 pounds, and he had told me, in front of the police—and the police did not do anything about this—that he now had a way to get custody of this unborn child. So definitely losing custody of my child was a very big concern.

But the police were there. They heard his statements. They did absolutely nothing to take the blame off of me and make him responsible for his actions. One of those officers who had been there—and there was no mention of the arrest—was the one that I befriended and he took me to his church. He did that with an open heart and he shared with me his beliefs. I hold no anger toward him. In fact, you know, he was being good to me and taking me under his wing. But there was no mention of what my husband was doing with the crime, and this continued to be this way.

My parents were supportive. But when you do go to get married, and you make the decision to marry somebody, our society dictates—and even though it's not true, and statistics for divorce are extremely high—that you marry for the rest of your life. You fall in love and you live happily ever after. You don't want to be a failure. Divorce has always been seen as a failure. I did not want to fail in that part of my life.

Mr. SANGMEISTER. OK. I think that gives me a better idea of where you are personally coming from.

One other question—because I think you've had experience in that area—when you go into the emergency room, which you must have done on a couple of occasions, when these beatings were going on, what kind of reception did you get from not the police but from the medical personnel there? Did they look like they were concerned or that they had any training, or were they taking down any kind of a record as to what you might have said to them happened?

Ms. DOE. Believe it or not, in my experiences I had only gone to the hospital for my injuries twice. The first time was when they pumped my stomach, and I had black and blue marks over the entire bathing suit area. He had punched me repeatedly in my stomach, while I was carrying our child.

Then there was the last time, which was “self-inflicted.” It was there, the last time, where they said, “OK, we see that you were not trying to hurt yourself and that what you were doing was making an attempt to get out.” There I did get assistance. But in Louisiana and in Texas, there was absolutely no move toward helping the victim. The attitude was pretty much to close your eyes. Especially I was living in a very small town in Louisiana and I felt like I walked in the backwoods of American society after coming from New York City, where I grew up. The attitudes there were you keep your nose out of your neighbor's business. Even though everybody knew everybody else's business, nobody would do anything about it.

Mr. SANGMEISTER. So no one ever said to you, in the next or adjoining town, we have a battered women's organization, here's the phone number and maybe you ought to give them a call?

Ms. DOE. Never.

Mr. SANGMEISTER. How many of them even asked you, outside of treating you for what had happened, that were even interested enough to ask you, what happened to you?

Ms. DOE. None of them. Only in the last instance.

When my bosses in my different jobs noticed what was going on, especially in Minnesota, there I was offered the support to stay in a shelter. But when we did move back, we moved back to my parent's home so I thought I would be safe there.

Mr. SANGMEISTER. I'm sorry. It took me longer than I thought and I see my time is up, Mr. Chairman.

Mr. SCHUMER. I also would like to welcome to our subcommittee someone who's been a leader in the House of Representatives, the Congress and the Nation on women's issues. She doesn't sit on our Criminal Justice panel, but she does sit on the Judiciary Committee, where she is one of the senior members. Pat.

Mrs. SCHROEDER. I just came to thank you, Mr. Chairman, and members of this committee, for giving this front-and-center billing at the very beginning of this year. I thank all the witnesses and everyone for participating.

I know, those of us who have been in public life for a long time, have heard these stories over and over and over again. It is so tragic, we really have to go right at the system. So I'm very pleased we have these bills in front of us and that you're focusing on them. I thank you.

Mr. SCHUMER. Thank you.

Let me thank all of you, particularly Ms. Doe and Ms. Katzoff. Mr. Schenck, you were terrific, but they went above and beyond the call of duty. You're both very strong people. I guess there are lots of people who go through what you've gone through, but only the strong ones end up on that side of the table. But we're grateful that you did and we're going to spread your message from one end of the House of Representatives to the other. Thank you.

I will now move to our third panel. Because of the lateness of the hour and other Members' appointments, I have asked my staff to ask if it's OK that we strictly observe the 5-minute rule with each of our next witnesses. Their entire statements will be read into the record, but we do want to try to keep our time commitments. So let me introduce this panel.

This panel will explore the ways to stop the cycle of violence against women. The witnesses will testify about all four aspects of the response and law enforcement system—the police, prosecution, the judiciary, and nonprofit service providers.

The first witness on the panel is Ms. Margaret Rosenbaum. Ms. Rosenbaum graduated from the City University of New York, received her law degree from the University of Miami Law School, and then practiced with a private law firm. But after a very short while she joined the government. She served in the juvenile and felony divisions of the State attorney's office in Miami and has been chief of its domestic crimes unit since its inception in 1986.

The next witness will be Mr. Guy Pfeiffer, who is the chief magistrate of Crisp County, GA. He put the study together that I mentioned in my opening statement. He has been a practicing attorney in Cordele, GA, for the past 16 years, in addition to which he served as chief magistrate since 1983. In the past 3 years, Judge Pfeiffer has instructed magistrate court judges in his area about domestic violence, and most recently he was appointed by the chief justice of the Supreme Court of Georgia to serve on the Georgia Commission on Gender Bias in the courts.

The third witness will be Ms. Sherri Sunaz. Ms. Sunaz has been working in the area of sexual assault for 15 years, first as a volunteer counselor, an advocate at a rape crisis center, and then as a program administrator at the Texas Department of Health.

The final witness on this panel will be Ms. Sandra Sands. After serving as a VISTA volunteer and a judicial clerk, Ms. Sands received a fellowship from the Revson Foundation's Women's Law and Public Policy Fellowship Program which she used to research and coauthor a study of the response by police in the District of Columbia to calls for help from victims of domestic violence.

Ms. Rosenbaum, you're on first.

STATEMENT OF MARGARET ROSENBAUM, ASSISTANT STATE ATTORNEY, MIAMI, FL, AND DIVISION CHIEF, DOMESTIC CRIMES UNIT

Ms. ROSENBAUM. Thank you, Mr. Chairman, and thank you for inviting me here to speak on this important topic.

My name is Margaret Rosenbaum, and I have been an assistant State attorney in Miami, FL, for the past 10 years. Five years ago I had the honor of being selected as the founding division chief for a newly created specialized prosecution unit, designed to focus on the vertical prosecution of domestic violence cases. The unit began quite small. It was myself, a counselor, and a part-time typist. Over the years we have grown to a staff of 15, and unfortunately, the problem in our community is so great that I could use a staff many times that number to deal with it.

In my prepared statement I have set forth the functions of the specialized prosecution unit that I supervise.

I have been asked to speak on barriers to the successful prosecution of domestic violence cases. Let me say that barriers to successful prosecution abound in the system. I would like to take a few of them in turn, starting with the police.

Once police arrive at the scene of a domestic assault, they may fail to investigate a domestic case as they would a stranger-on-stranger crime. Police work on domestic cases generally reflect the officers' attitude toward these cases: That they are unimportant and that they will go nowhere. Often—and I would say more often than not—the unit that I supervise screens felony cases in which no detective has been assigned, no evidence impounded, no photographs taken, no area canvass done for witnesses who may have seen or heard something, and no statements attempted to be taken from the victim or the offender.

I myself have handled cases in which the following evidence was not impounded: A hot iron that had been used to burn a woman on the face and on her thigh; handcuffs which had been used to restrain a woman who was being raped with a gun; a knife which was used to stab a woman—the uniform officer rinsed off the knife and placed it back in the drainboard, and he now works in homicide—the socks, necktie and belt that were used to gag and bind a woman who was raped anally and vaginally by her estranged husband, who had just been served with divorce papers; and the burned clothing and bed covers of a woman whose boyfriend had poured alcohol on her and set her on fire. In half of these cases, no detective was ever assigned and no crime scene photographs were taken.

Frankly, I must tell you it is unimaginable that this would happen in a stranger-on-stranger crime situation. But since many officers consider domestic violence to be a private matter, something other than real crime, the failure to properly investigate the case is tolerated and, in fact, in some departments it is even encouraged.

Police have got to be trained to understand the dynamics of intimate violence. They must understand that they cannot and should not expect the same reaction from a victim of a stranger-on-stranger crime as they might from a victim of domestic violence. Tradi-

tionally, police training on domestic violence has been limited to a 2-hour block on how the officer can stay safe and protect himself. Just as prosecutors' offices are specializing in the prosecution of these important cases, police departments must do the same. I have, Mr. Chairman, set forth in my prepared statement several areas which, at a minimum, ought to be included in standard police training in this area.

Second, let me move on to medical documentation. The failure of medical documentation is another serious barrier to successful prosecution. In order to cut short the presentation, let me just say that I have set forth some suggestions in this area in my prepared statement.

I want to move onto an important area and one that I've been working on for some time, and that's the prosecution.

Some of my comments on the shortcomings of the police response to domestic violence also apply to the prosecution response. For example, prosecutors' offices in large urban areas should be encouraged to develop specialized units for vertical prosecution of domestic violence. Let me explain what vertical prosecution means, because it is a key to successful prosecution.

It means that the same attorney works with the victim from her first appearance in that prosecutor's office, through trial, and through sentencing. You have seen just what sort of emotional trauma these cases work on victims. It is not uncommon in a prosecutor's office for a victim to deal with three or four or five attorneys during the pendency of her case. Relating the facts of her assault over and over again is a painful and a humiliating process. Vertical prosecution relieves the victim of this burden.

At a minimum, well-trained means that the attorney understands the dynamics of family violence, the nature of intimate victimization, what the community resources are, and how to best interview the victim and take her history.

Prosecutors who develop expertise in domestic violence cases must have a reduced caseload assigned to them. There is no way to handle 100, 150 or 200 domestic violence cases and successfully and effectively prosecute them. Attorneys in the unit I supervise have a reduced caseload and have only 25 to 30 cases set for jury trial that they handle.

Developing an expertise in the prosecution of domestic violence cases, of necessity, has got to include how to prove cases without victim cooperation. That means we need proper police investigation and case analysis. How do we prove the case with the victim's cooperation? How are we going to prove the case without her cooperation? I have set forth in my prepared materials a number of areas which can be used in order to successfully prosecute a domestic violence case without the victim's cooperation.

In the interest of moving on, I have just one last area I would like to cover, Mr. Chairman, and that's the prosecutor's use of expert testimony. Prosecutors must make use of expert testimony in order to dispel myths and to explain matters that are beyond the understanding of the average lay person. Just by way of example, why did this victim return to her abuser time and time again? Why has the victim become ambivalent or recanted her original testimony? Why didn't the victim report the violence before it esca-

lated to this level? Why didn't she just walk out and leave? Why has the victim gradually revealed piece by piece by piece little bits of her victimization? Why has this victim visited her abuser in jail and signed a nonprosecution form provided to her by a defense attorney or family member?

Any one of these concerns might result in a prosecutor declining to prosecute a case, or dropping charges after they've been filed, and any one of them might result in a not guilty verdict as well. But all of these problems must be anticipated and they come up frequently in domestic violence prosecutions. The prosecutor must not wait for the defense shield of expert testimony once the battered woman kills. We can do something before that. We can practice homicide prevention. The better practice would be to use expert testimony as a sword and pursue the case before the homicide occurs.

Finally, I have set forth for you in my materials, as well, some suggested areas for training for the judiciary, another area where there are some great problems.

In closing, let me just say that there's a great deal of work to be done. The unit I supervise is only one of a handful of these units in the Nation. Despite the fact that the concerned citizens and public officials in Dade County have worked hard for the past 5 years to try to develop a systemic approach to the problem, and despite the fact that a significant amount of my time and that of others is spent on training, the problem persists in mammoth proportions.

Legislation such as this bill will give communities throughout the Nation the opportunity to develop and expand specialized police and prosecution units. It will give these communities an opportunity to develop training for judges, police and prosecutors. While all of us, I think, realize this is merely a start, nonetheless it is something that we need desperately.

Thank you, Mr. Chairman.

Mr. SCHUMER. Thank you. I appreciate both your effort to summarize and hit home on some really important points there, which are included in parts of this bill.

[The prepared statement of Ms. Rosenbaum follows:]

PREPARED STATEMENT OF MARGARET ROSENBAUM, ASSISTANT STATE ATTORNEY,
MIAMI, FL, AND DIVISION CHIEF, DOMESTIC CRIMES UNIT

BARRIERS TO PROSECUTION OF DOMESTIC VIOLENCE CASES

My thanks to you for inviting me here to speak on this important topic.

My name is Margaret Rosenbaum and I have been an Assistant State Attorney in Miami, Florida for the past ten years. Five years ago, I had the honor of being selected as the founding division chief for a newly created specialized prosecution unit, designed to focus on the vertical prosecution of domestic violence cases. The unit began with myself, a victim counselor and a part-time typist. We have grown over the years and now include a staff of fifteen. Unfortunately, the problem of domestic violence is so great that a staff of many times that number could be utilized to deal with it.

The Dade County Domestic Crimes Unit has four basic prosecution functions:

1. Our staff screens monthly between 250 and 350 domestic related felony arrests.
2. We have a "walk-in" intake component, the function of which is to screen the cases of domestic violence victims in which no arrest has been made by police. We screen approximately 100 such cases per month.
3. In connection with civil restraining orders, staff paralegal/counselors and attorneys prepare court documents that are necessary for the prosecution of criminal contempt of court for violation of these injunctions.

4. Finally, attorneys assigned to the unit carry caseloads for vertical prosecution which consist of the most severe cases of domestic violence, short of homicide, in Dade County. These cases include attempted murders, spousal rapes, armed kidnappings, hostage takings, aggravated batteries on pregnant women and the like. Cases such as these often involve child witnesses, thoroughly traumatized women, or both. Our attorneys handle a significantly reduced caseload, in order to give the cases we keep the time and attention they require.

Barriers to successful prosecution abound in the system. I would like to go through a few of these with you.

1. THE POLICE:

An officer is likely to be the first person a domestic assault victim has contact with after her abuser has finished with her. The domestic assault call is often given low priority by police. If the response time is delayed, the message the victim gets is that her problem is minor and unimportant. I have had victims tell me that they have lied to police dispatchers and claimed that weapons were used in order to get police to respond more quickly. Response time needs to improve and domestic assault cases must be given a higher priority. Additionally, police computer systems should be developed to identify problem homes. Those homes should be targeted for rapid response.

Once police are on the scene, they may fail to investigate the case

as a stranger on stranger crime would be investigated. Police work on domestic cases reflects the officer's attitude toward these cases: that they are unimportant and that they will go nowhere. Often -- more often than not -- the unit I supervise screens felony cases in which no detective has been assigned, no evidence impounded, no photographs taken, no area canvas conducted for witnesses who may have seen or heard something and no statement taken from the victim or the offender.

Pro-arrest means little unless it involves a thorough investigation. In fact, without investigation, an arrest may lead to no charges being filed. The purpose of pro-arrest may well be lost if police do not accompany the arrest with a thorough investigation. It is that investigation that helps to build a prosecutable case.

I have handled cases myself in which the following evidence was not impounded: an iron used to burn a woman on the face and thigh; handcuffs used to restrain a woman being raped with a gun; a knife used to stab a woman (it was rinsed off and placed in the drainboard), the socks, necktie and belt used to gag and bind a woman who was kidnapped and raped anally and vaginally by her estranged husband who had just been served with divorce papers; and the burned clothing and bedcovers of a woman whose boyfriend poured alcohol on her and set her on fire. In half of these cases, no detective was assigned and no crime scene photographs were taken. It is unimaginable that this would happen in a stranger-on-stranger situation. But since many officers consider domestic violence a private matter or something other than "real crime," the failure to properly investigate is tolerated, and sometimes encouraged.

Police must be trained to understand the dynamics of intimate violence -- that they cannot and should not expect the same reaction from a victim of a stranger-on-stranger crime as from a victim of domestic violence. Traditionally, police training on domestic violence has been limited to how the officer can protect himself on a domestic call. Just as prosecutor's offices are specializing in the prosecution of these important cases, police departments must do the same. At the very least, police training should include:

- The dynamics of family violence
- How to investigate and corroborate domestic violence cases
- How to identify and best deal with a victim of repeat abuse
- How to interview victims, children and offenders
- Training on available community services

2. MEDICAL DOCUMENTATION:

In Dade County, as in many communities, there exists a designated facility where rape victims are taken. An examination is performed, specimens are taken, injuries are documented and the victim's explanation of how the assault occurred is recorded by medical personnel. A simplified two-page form is filled out by a doctor trained in the procedure.

No such system exists for the documentation of domestic violence. Indeed, many domestic violence victims are left on the scene to find their own way for medical treatment. Centralized medical treatment for victims of domestic

violence combined with effective uniform documentation of the assault would greatly assist the prosecutor who is trying to bolster a case with corroborative evidence.

3. PROSECUTION:

Some of my comments on the shortcomings of the police response to domestic violence are applicable to the prosecution response. For example, prosecutor's offices in large urban areas should be encouraged to develop specialized units for the vertical prosecution of domestic violence. These units should coordinate with specialized police investigative units. Vertical prosecution means that the same attorney works with the victim from her first appearance through trial and sentencing. It is not uncommon for a victim to deal with three, four or five attorneys during the pendency of her case. Relating the facts surrounding her assault over and over again is a painful, humiliating process. Vertical prosecution relieves the victim of this burden. Vertical prosecution also promotes trust and develops rapport between the victim and a "well-trained" prosecutor.

At a minimum "well-trained" means that the attorney understands the dynamics of family violence, the nature of intimate victimization, community resources to help the victim, and how to best interview the victim and take her history. If the prosecutor's office is a small one, one or more attorneys should be designated as specialists in order to develop expertise in this area.

Prosecutors who develop expertise in domestic violence cases need to have assigned to them a reduced caseload. Of necessity, working such cases involves spending a significant amount of time with the victim. It also means doing everything possible to corroborate the victim's complaint and history. It is impossible to effectively prosecute one hundred cases of domestic violence. Yet we know caseloads of this size are common in prosecutor's offices. Attorneys in the unit I supervise are responsible for twenty-five to thirty cases set for trial.

Often, domestic violence cases are not filed by the prosecutor's office because they are viewed as "one-on-one" cases without corroboration. Police work rarely brings forth that corroboration. Post arrest, the prosecutor must make diligent efforts to locate and develop corroborative evidence in order to bring a prosecutable case. Developing such evidence means knowing where to find it. It has been my experience that developing corroborative evidence in an intimate violence case may be quite different from the stranger-on-stranger case.

Developing expertise in the prosecution of domestic violence cases must include the prosecution of cases without the victim's cooperation. With proper police investigation and case analysis, the prosecutor may be able to go forward making use of the following:

- photographs of the victim depicting injuries
- eyewitness accounts
- admissions by the abuser
- hearsay exceptions such as excited utterances, spontaneous statements and statements made for medical diagnosis

- medical testimony
- police communications recordings (911 tapes)
- documented past violence by the abuser against the same victim

Prosecutors must work hand in hand with victim counselors who are kept apprised of the case status. Counselors may make referrals to community services, keep victims informed of the offender's custody status, accompany the victim to various hearings and help to dispel misinformation which the victim may have. Effective prosecution means understanding that a systemic approach must be taken to address social and economic problems victims face which are barriers to prosecution.

The attorney and the victim counselor must be aware of, and coordinate with other agencies assisting the victim and her children including:

- Child support enforcement
- Public housing
- Civil injunction unit staff
- Welfare / AFDC
- Counseling services
- Public schools
- Shelters

Prosecutors should make use of expert testimony to dispel myths and explain those matters that are beyond the understanding of the average lay

person. For example:

- Why did the victim return to her abuser time and time again?
- Why has the victim become ambivalent or recanted her original testimony?
- Why didn't the victim report the violence before it escalated to this level?
- Why didn't the victim just leave?
- Why has the victim gradually revealed pieces of information over time?
- Why has the victim visited the abuser in jail or signed a non-prosecution form?

Any one of these concerns might result in a prosecutor declining to file charges or dropping charges that have been filed. But all of these problems can and must be anticipated in a domestic violence prosecution. The prosecutor need not wait for the defense shield of expert testimony when the battered woman kills. Better practice would be to use expert testimony as a sword and to pursue the case before the homicide occurs.

4. THE JUDICIARY:

A program designed to respond to the problem of domestic violence must include judicial training. Even with excellent investigation, technical training and expert testimony, a judge who disposes of a case inappropriately won't protect the victim or send the right message to an abuser. Judicial training should be made a part of continuing judicial education.

I have assisted with judicial training in Dade County and have found that the judges who most need it are least likely to attend. That is why the training should be mandatory. Newly appointed or elected judges should also be required to attend training. Recognizing that judicial attitudes, like police and prosecutor attitudes, change gradually over time, domestic violence training should be mandated on a yearly basis. Suggested subject matter for such training would include:

- Dynamics of family violence
- Expert testimony, including:
 - Battered Woman Syndrome
 - Child Abuse Accommodation Syndrome
 - Post Traumatic Stress Disorder
 - Rape Trauma Syndrome
- The impact of domestic violence on the community
- Injunctions and restraining orders and enforcement of same
- Use and enforcement of stay away orders and no contact orders
- Profiles of the battered victim and the batterer
- Sentencing alternatives and available treatment programs

CLOSING

In closing, let me say that there is much work to be done. The unit I supervise is one of a handful of its kind in the nation. Despite the fact that concerned Dade County citizens and public officials have worked hard for the past five years to develop a systemic approach to this problem, despite the fact that a significant amount of my time and that of other concerned

persons is taken up by training, the problem persists in mammoth proportions as evidenced by some of my comments.

Legislation such as this bill will give communities throughout our nation the opportunity to develop and expand specialized police and prosecution units. It will give those communities an opportunity to develop training for judges, police and prosecutors. While all of us realize this is only a start, nonetheless, it is the start of something this nation needs desperately.

Mr. SCHUMER. Mr. Pfeiffer.

STATEMENT OF GUY D. PFEIFFER, CHIEF MAGISTRATE, CRISP COUNTY, GA

Mr. PFEIFFER. Thank you, Mr. Chairman, members of the subcommittee.

My testimony today will relate insights gained by the Georgia Commission on Gender Bias in the Judicial System, and that commission and its formation and who all it is composed of is set out in the formal statement. I just want to take parts as they relate to today's subject.

In particular, I would really like to build on the last comment made, the necessity not only of education and training but the effect this bill should have on States and local governments, to encourage them to educate and train law enforcement, prosecutors and judges, but the necessity of that being coordinated.

In the course of our going around the State of Georgia, we ran across a glimmer of hope in the city of Savannah, which because of a terrible homicide rate that was domestic-related, formed a domestic violence task force. It consisted of representatives of the police, prosecutors, courts, victim advocates, social service agencies, and safe shelters. This task force developed a comprehensive protocol for the handling of domestic violence complaints.

The goal of the protocol was to develop a process that would effectively handle the complaints by interrupting the cycle of violence. The protocol included a stern pro-arrest policy. In Savannah, every domestic violence call had to have a written report. Every report that indicated probable cause, where an arrest was not made, that officer had to answer to his police department. Very stern.

The victims were informed at the time that the police officer goes to the scene of the referral services available and transported to safe shelter when that was indicated. A copy of the incident report was immediately provided to the safe shelter agency, so immediate outreach could be made. The safe shelter was to provide emergency shelter to victims, contact victims when arrests were made to advise victims of safety options and procedures, provide legal assistance, counseling and referral services, provide preventive education, and provide educational classes for police officers regarding the cycle of violence and other matters related to the domestic violence dynamics.

All preliminary hearing cases were handled in the same courtroom on the same day of each week, at the same hour, so that the police officers could subpoena the witnesses and tell the victims and others the time, the day, when to appear for the preliminary hearing—the same day, same time, every week.

In preliminary hearing cases, since that court also had jurisdiction over certain misdemeanor offenses, a defendant could waive the preliminary hearing at that time and be arraigned and plead guilty to the offense. An assistant district attorney was to present the State's case at the preliminary hearing, thereby giving support to both the victim and the arresting officer. Volunteer victim advocates work in the district attorney's office and provide assistance to

the victim, usually accompanying the victims to court. A counseling program was to be available for defendants to complete as a condition of probation.

The protocol was implemented in late 1988 and with it, in the words of a shelter worker, "the message is now being sent out from our community and our court system that domestic violence is a crime, that police are going to respond to it, and there are going to be arrests made, and this is something you can get sentenced for, including the counseling if that's an appropriate option."

The number of arrests increased from 10 to 15 arrests per month before the protocol to 60 arrests per month. One measurable effect of this involvement was that, in 1989, there were no domestic related murders in the city of Savannah.

Now, we often hear the frustration of the American public with a criminal justice system that is perceived not to work. At the same time, the protocol in Savannah appears to be saving the lives of four to five people a year. And there are untold children who are experiencing less family violence and will never know how many potential victims will never experience domestic violence because of this effort.

Now, our report clearly indicates that we do know that this experience is not being duplicated in each city and county in Georgia, because the lack of understanding of the dynamics of domestic violence has resulted in the failure to implement similar protocols which coordinate the response to these cases.

At the time of our report, which was completed in August, the basic police officer training course offered by the State did not even include a segment on domestic violence. Your bill, as I have read it, and as I understand the bill, would provide impetus to the States and local governments to develop protocols such as Savannah has developed. With it, I believe that the possibility that we see, the hope we see from the city of Savannah, can become a reality in the rest of our communities.

Thank you very much.

Mr. SCHUMER. Mr. Pfeiffer, I want to thank you for your excellent testimony, but much more importantly, for the excellent job you're doing. You have helped set a model that we hope to bring national.

[The prepared statement of Mr. Pfeiffer follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND CRIMINAL JUSTICE

OPENING STATEMENT

GUY D. PFEIFFER, CHIEF MAGISTRATE OF CRISP COUNTY, GEORGIA AND
MEMBER OF THE GEORGIA COMMISSION ON GENDER BIAS IN THE COURTS

Mr. Chairman, members of the Subcommittee, my testimony will relate insights gained by the Georgia Commission on Gender Bias in the Judicial System to various aspects of the proposed Violence Against Women Act of 1991. The Georgia Commission was created by order of the Supreme Court of Georgia in March, 1989, at the request of the Council of Superior Court Judges and was composed of judges from each level of court, trial and appellate, as well as members of the Bar, business leaders, law school faculty members, educators and other interested persons. During a fifteen month period of data gathering, well publicized public hearings were held in ten cities around the state, questionnaires were sent to all trial court judges and to court clerks, judicial secretaries and court reporters as well as to one thousand attorneys. The Commission heard from state, county and local officials, spokespersons for shelters and counseling centers, attorneys, parents, spouses, victims, police officers and people from various special interest groups. A report containing the findings of the extent to which gender bias was found to exist and the recommendations to the Supreme Court of Georgia for action to be taken to correct the problems was submitted to the court in August, 1991, and is titled Gender and Justice in the Courts. My remarks

today will focus on one section of that report— Domestic Violence Involving Adults -- as well as Title II, "Safe Homes for Women," and Title V, "Equal Justice for Women in the Courts," of the Violence Against Women Act of 1991.

While I am certain that you have heard and will hear testimony of the extent of domestic violence in this country and of the many barriers, including gender bias, that discourage and routinely deny victims effective protection of the available criminal and civil remedies-- all of which was paralleled in much of the testimony before the Commission— I would call this subcommittee's attention to the glimmer of hope that is the experience of the Savannah, Georgia Domestic Violence Task Force, which provides an example of what can happen when police, prosecutors, and judges coordinate their efforts to provide effective handling of domestic violence cases.

From 1985-1988, Savannah experienced twenty-nine domestic related homicides. As a result, a task force was formed consisting of representatives of the police, prosecutors, courts, victim advocates, social service agencies and safe shelters. This task force developed a comprehensive protocol for the handling of domestic violence complaints. The goal of the protocol was to develop a process which would effectively handle domestic violence complaints by interrupting the cycle of violence.

The protocol included a stern pro-arrest policy, with departmental review of each domestic violence report and officers being questioned when a report indicated probable cause existed but

no arrest was made. Victims were to be informed of referral services available and transported to a safe shelter when indicated. A copy of each incident report was to be provided the safe shelter agency so immediate outreach could be made. The safe shelter was to provide emergency shelter to victims, contact victims when arrests were made to advise victims of safety options and procedures, provide legal assistance, counseling and referral services, provide preventive education, and provide educational classes for police officers regarding the cycle of violence and other matters related to domestic violence cases. All preliminary hearing cases were to be handled in the same courtroom and at the same time and on the same day each week so that officers could subpoena all witnesses and could appear for court at the same time each week. Since the Court also had jurisdiction over certain misdemeanor offenses, a defendant could waive preliminary hearing, be arraigned and plead guilty to such offenses at the same time. An assistant district attorney was to present the state's case at the preliminary hearing, thereby giving support to both the victim and the arresting officer. Victim advocates were to work in the district attorney's office and provide assistance to the victim, usually accompanying the victim to court. A counselling program was to be available for defendants to complete as a condition of probation.

The protocol was implemented in late 1988, and with it, in the words of a shelter worker, "the message is now being sent out from our community and our court system that domestic violence is a

crime, that police are going to respond to it, that there are going to be arrests made, and this is something you can get sentenced [for, including] to counselling if this is an appropriate option." The number of arrests increased from ten to fifteen arrests per month before the protocol to sixty arrests per month. One measurable effect of this involvement of law enforcement, prosecution and the courts in a consistent approach to domestic violence complaints was that there were no domestic-related murders in Savannah in 1989, and the domestic-related murder rates for 1990 and 1991 were markedly reduced.

While we so often hear of the frustration of the American public with a criminal justice system that is perceived not to work, the protocol in Savannah appears to be saving the lives of four to five persons each year. There are untold children who are experiencing less family violence, and we will never know how many potential victims will never experience domestic violence because of this effort.

Our report clearly indicates that we do know that this experience is not being duplicated in each city and county in Georgia because the lack of understanding of the dynamics of domestic violence has resulted in the failure to implement similar protocols which coordinate the response to these cases. At the time of our report, which was completed in August of last year, the basic police officer training course offered by the state did not include a segment on domestic violence; few police or sheriff's departments had written comprehensive protocols for responding to

domestic violence complaints; and prosecutors were not making the prosecution of domestic violence cases a priority. Our commission was told that some judges would not even hear the cases.

Subtitle B of Title II of the proposed bill authorizes grants to states and local governments to implement pro-arrest policies, such as used in Savannah and educate judges in effective judicial handling of the cases. Subtitle D of Title II provides for expansion of the Family Violence and Services Act to provide for grants for State Domestic Violence Coalitions and should encourage the formation of local task forces such as used in Savannah. Subtitle A of Title V of the proposed bill provides for the awarding of grants for the purpose of developing effective education and training programs for the judges and court personnel of the various states.

Domestic violence is the most frequently reported crime of violence against women, the crime most predictable to reoccur, and a crime which apparently produces future criminal actions from the children who experience it. If the judges, prosecutors and law enforcement agencies received the necessary education and training to understand the benefits of effective, coordinated response to domestic violence cases, the Savannah experience would be a possibility for each of our communities.

By encouraging state and local governments to treat spousal abuse as a serious criminal offense and by providing funding to encourage collection of information, the development of comprehensive protocols, the training of police officers and

prosecutors to improve the response to, investigation of, and prosecution of domestic violence cases, the training of judges to improve the judicial handling of the cases as well as funding to develop the counseling, shelters, and other services necessary for the effective disposition of those cases, the Congress would be bringing that possibility closer to reality.

Mr. SCHUMER. Ms. Sunaz.

STATEMENT OF SHERRI SUNAZ, EXECUTIVE DIRECTOR, ALAMO AREA RAPE CRISIS, AND PRESIDENT, TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT

Ms. SUNAZ. Well, first of all I would like to say how much I appreciate also the courage of the victims who have testified here today, and how much I appreciate the work of the committee in bringing them here to testify. I would like to say that each one of them represents thousands and thousands of other victims who have very similar stories.

I think we have heard some reasons today to certainly look at how things are working and how things are not working, and what we can do to improve that situation in dealing with sexual assaults and domestic violence. I think the good news is that there are a number of things that we can do to make the situation much better. Part of it is because of studies over the last 15 years or so. We now do have a step in the right direction toward better knowledge and understanding of sexual assault issues—particularly that's the one I'm certainly the most familiar with. We know things that do work, and we do have projects just as he just described that we do know are effective.

What we don't have very often is not a lack of knowledge but the tools, the financial resources to put some of these programs into action. That's what I would like to emphasize now. I'm deviating quite a bit from my formal statement, which makes several points that have already been made.

Mr. SCHUMER. The formal statements of all the witnesses are in the record, so you will have that plus what you get to say here.

Ms. SUNAZ. What I wanted to say is that, in my opinion, the legislation that we're discussing today contains the tools that we need to actually do something about this. You had mentioned something before about how you were tempted to find out more about each of the individual cases that were being discussed here and what had gone wrong.

In the thousands of cases that I'm familiar with, that I have worked with over the last several years, one of the things that consistently goes wrong is that when the crime has been committed—and I'm again speaking more to sexual assault issues—if it's not believed that what has happened to that woman is a crime in the first place, then nothing else is going to happen. What that means is that that rapist is just free to go on and commit those crimes again and again and again, against his acquaintances, family members, sometimes against strangers. Certainly in my experience, in situations where the rapist and victim are acquainted, it is much less likely to be successfully prosecuted than in a case where the assailant is a stranger.

What we need is better training for police officer—and I think that has been mentioned several times. I would like to say that I know that that is a very effective tool, that it does work. Otherwise, I would not be in favor of spending limited financial resources on that. But we do know it has been effective in a number of communities in which I've worked.

The relief of case overload on the part of law enforcement officers, one of the very important things to consider when you're talking about how these cases get through the system, or how they don't get through the system, is the two different laws that we operate by day to day. One is how the law is written and the other is how that law is interpreted by the officers on the street who are having to make those interpretations. If they believe that no woman is ever really raped by her husband or an acquaintance or a boyfriend, ex-husband or ex-boyfriend, then the laws on the books that we have worked very hard over the last years, at least in Texas, to make changes and improvements to those laws, those changes and improvements are not effective unless we change those attitudes about how those laws are being interpreted day to day on the street. That's very important.

Training for judges is another important tool that we need. I think we can use each one of these tools. We know that they will work. We have programs in place that show us that they work. What we need are the financial resources to help us do that. By doing that, we can send messages to offenders that individual communities, individual States, and this country is wanting this to stop, and that they're going to be held accountable for these crimes.

All the studies that were done, for instance, on drunk driving years ago said that it was not how strict the laws were; it was not so much a factor as what was the likelihood of getting caught. We know that in sexual assault cases the likelihood of getting caught is very, very slim. And even if you are caught, being successfully prosecuted is very small. Rapists know that 1 out of 10 rapes are reported; they know that. They know that acquaintance rapes are less likely to be prosecuted than stranger rapes. That's why we have so many more acquaintance rapes than stranger assaults.

So all of these things are things that we know that we can work with, and we need to all work together and send a message to them that we're ready, as a country, to do something about that. I think this is an excellent step in that direction.

I again would like to say that safe streets for women, safe homes for women, the protection of our civil rights, safe campuses for women, and equal justice for women in the courts are not only just but they're attainable, but only if we make it a national priority.

Thank you.

Mr. SCHUMER. Thank you, Ms. Sunaz, again for your excellent testimony. It was right to the point.

You make a point that I've always thought of. In the whole criminal justice area, not only in this area, there are innovations, like Mr. Pfeiffer is doing down there in Savannah, and they don't spread. If someone figured out a new way to do heart surgery up in Boston, it would spread to San Diego within 6 months. There are so many good things going on in the criminal justice system, and yet they stay isolated in little corners.

Another interesting one in Georgia is the intermediate sanction system that Georgia set up, and no other State is emulating it. So that is particularly true here. You're right, one of the main reasons is the lack of funds.

Ms. SUNAZ. I think lack of funds, but also lack of training. People don't understand that these programs have been shown to be effective.

Mr. SCHUMER. Exactly. Well, that's one of the things we hope to do, even with today's hearing.

[The prepared statement of Ms. Sunaz follows:]

STATEMENT OF
SHERRI SUNAZ

TO BE PRESENTED BEFORE THE HOUSE JUDICIARY COMMITTEE'S
SUBCOMMITTEE ON
CRIME AND CRIMINAL JUSTICE

OVERSIGHT HEARING ON
VIOLENCE AGAINST WOMEN

I am Sherri Sunaz, Executive Director of the Alamo Area Rape Crisis Center in San Antonio, Texas, and President of the Texas Association Against Sexual Assault. I have worked as an advocate for sexual assault survivors since 1977 as a volunteer, staff member, program administrator for a state agency, public education director, and executive director.

The Alamo Area Rape Crisis Center is a private, non-profit agency dedicated to addressing the problems of sexual assault in our community. We provide 24-hour advocacy through a hotline, accompaniment to the hospital for a medical and forensic exam, and all criminal justice procedures. We served approximately 1100 survivors of sexual assault in calendar year 1991, and about 900 family members of victims. We also provide prevention/avoidance presentations to around 15,000 people per year, mostly junior high and high school students and training for professionals. Most direct services are provided by well-trained, certified volunteer advocates. Mental health professionals also provide volunteer time to lead support groups for teen victims, male sexual assault victims, adults molested as children, and parents of sexually abused children. According to estimates provided by the Texas Department of Health Sexual Assault Prevention and Crisis Services

Program, based on the demographics of Bexar County, approximately 3700 people become victims of sexual violence in our community each year. The Uniform Crime Report issued during January indicated that the number of persons reporting "forcible rape" to the San Antonio Police Department rose 62% from 1990 to 1991.

Because the specifics of the FBI's Uniform Crime Report do not track all sexual assaults reported, even this increase is not a true reflection of the problems facing our community.

As startling as these figures are, they do not begin to reflect the true magnitude of the problem. The FBI estimates only one in ten rapes are reported to law enforcement agencies; that one in three women will be sexually assaulted during her lifetime.

In Texas for the twelve-month period beginning October 1st of 1990, sexual assault programs in Texas served more than 16,500 victims and approximately 7,000 family members of victims.

In 126 counties in Texas there are very limited services for sexual assault victims, and in 79 counties, representing a population of 1,194,335, there are no services available. Only 45 counties have full services, and not everyone is served due to limited resources.

Part of the tremendous problem that we, as service providers, face is the prevalence of the myths in our culture about sexual assault

- that it is the fault of the woman, that no one can really force a woman against her will, that only assaults by strangers really "count" as rapes. When these myths are believed by criminal justice professionals, not only does the victim suffer, but a rapist goes free to rape again. Training for police officers is needed. We currently provide such training on a limited basis, limited only by our lack of financial resources.

In order for one sexual assault to be successfully prosecuted, many factors must be present. First, the responding law enforcement officer must believe that she is a credible witness. To some officers, any woman who says she was raped by an acquaintance or date must be lying. If that officer believes her, then he or she must give her accurate information about how to report the crime, where to go for a forensic rape exam, and the fact that, in Texas, law enforcement agencies must pay for the exam. Some victims have not chosen not to report because they did not know that the cost would be picked up by the police department, and they knew they could not afford it.

At the hospital, she must be examined by medical personnel who are well-trained, both technically in collecting physical evidence, and in asking her the right questions so they know what evidence may exist. They must be knowledgeable about maintaining the chain of custody of evidence. The victim must be told the correct procedures for giving her formal statement to the police. In San

Antonio, the police will not usually take a formal statement or begin an investigation before the initial report is typed, which takes an average of two or three days.

The suspect will almost never be arrested strictly on the word of the victim. Medical evidence must be tested and the report finished before an arrest warrant will be issued. This usually takes two to three weeks. Many times the detective assigned to the case will conduct no investigation pending the receipt of these results.

In order for a rapist to be successfully prosecuted, the victim must be willing to report it, the law enforcement officers and medical personnel who collect evidence must be well-informed, the detectives who prepare the cases for the prosecutor's office must have sufficient understanding of sexual assault issues, and the prosecutor's office must be dedicated to trying the cases where sufficient evidence exists. If any one of these elements is missing, the rapist goes free. We know that rape is a repeat crime; that one rapist may have hundreds of victims before being charged, much less prosecuted.

HR 1502 will provide resources for addressing many of these problems by providing financial resources for training for law enforcement officers, better collection of data, fostering better communication between the prosecutor's office and law enforcement

agencies, and the development of specific policies and protocols for officers to follow.

The knowledge base exists for improving prosecution of sex offenders, and therefore taking more rapists off the streets of our communities. In many cities and rural areas, there are interagency committees devoted to this purpose. What every single sexual assault program with which I am acquainted, as well as every law enforcement agency, needs is the financial resources to put what we know will work into action.

We can make a difference in the number of sexual assaults committed in this country. Thousands of volunteers all over this country are giving hundreds of thousands of hours each year to eliminating sexual violence and to assisting those who have already suffered. Every one of us does suffer because of sexual assault - men as well as women, whether we have already been assaulted, or only feel that fear for own safety and that of our mothers and daughters and friends.

The establishment of a National Commission on Violent Crime Against Women is long overdue. Safe Streets for Women, Safe Homes for Women, protection of our Civil Rights, Safe Campuses for Women, and Equal Justice for Women in the Courts are truly just and attainable goals, but only if Congress makes these items a national priority.

Mr. SCHUMER. Finally, Ms. Sands. You've been very patient and we appreciate your hanging around to testify.

STATEMENT OF SANDRA JEAN SANDS, OFFICE OF GENERAL COUNSEL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DISTRICT OF COLUMBIA, AND PAST PRESIDENT, DISTRICT OF COLUMBIA COALITION AGAINST DOMESTIC VIOLENCE

Ms. SANDS. Thank you.

I am here today to discuss a survey conducted by the District of Columbia Coalition Against Domestic Violence, in conjunction with the Women's Law and Public Policy Fellowship program.

For 4 months, in late 1987 and early 1988, we surveyed victims of domestic violence, focusing on the response of the D.C. police to calls for help from these victims. Until 1987, the D.C. Metropolitan Police Department [MPD] had no explicit policy relating to domestic violence. Its unofficial policy, however, and its practice, were clear: Domestic disputes should be mediated and arrests should be avoided. D.C. police receive approximately 19,000 calls from victims of domestic violence each year, yet during 1986, only 42 of these incidents resulted in a written police report, and possibly even fewer resulted in an arrest.

The coalition and other advocates urged the MPD to reform this policy, arguing that it was, at best, ineffective in stopping the violence, and at worst, may well have encouraged further violence by communicating to abusers, victims, and the community at large that familial abuse was acceptable to society, since the police were not treating it as a serious crime.

In 1986, in response to this pressure, the MPD adopted guidelines expressing a preference for arrest where probable cause existed. MPD General Order 701.5, which became effective in June 1987, provided that domestic violence should be treated like any other criminal offense. Most notably, the order explicitly stated that the relationship of the parties should not override the other indicia of a crime so as to preclude an arrest. The officer was to make an arrest immediately, whenever possible, where there was probable cause to believe a criminal offense had occurred.

In addition, the police order contained specific provisions that define the factors relevant to determining probable cause, required the filing of reports in cases of arrest or violation of a civil protection order, and required police to provide complainants with an informational pamphlet explaining their rights and legal options.

Concerned that the mere articulation of a policy might not result in changes in practice, the coalition undertook a major empirical study of police practices under the new policy. This study is the first ever to document actual police response to domestic violence incidents in the District. The study was based on screening interviews with over 700 persons, and indepth interviews with over 270 victims of domestic violence who had called the police for assistance after the general order became effective. The study showed that the District police had failed to implement the general order and were continuing to refuse to make arrests in so-called domestic cases, even where the abuse resulted in serious injury.

The key findings of the study include the following: Only 5 percent of the domestic violence calls in the survey population resulted in arrest; moreover, police department data for 1988 indicate that this rate is substantially higher than the arrest rate for domestic violence calls in the nonstudy population.

The presence of relevant factors listed in the guidelines did not positively affect whether an arrest was made. For example, even where the complainant was seriously injured, including requiring medical treatment, arrests were rare. Even when complainants had been threatened or attacked with guns, knives, or other weapons, and the weapon was visible to the police, only 27.2 percent of the abusers were arrested.

When the incident included an attack on a child, arrests were made only 11 percent of the time. However, when the incident included damage to the victim's car, the police made arrests in 25 percent of the cases. The single factor most highly correlated as to whether an arrest was made was whether the abuser insulted the police officer, the arrest rate for such incidents was 32 percent.

The police provided many reasons why they would not arrest, including that the case was domestic, or that the parties lived together—that was in 22 percent of the cases—or, in 23 percent of the cases, that they believed nothing could be done. In many cases, the victim was simply told to go to the citizens complaint center, a local agency which is understaffed and, therefore, not equipped to deal with the many needs of the people seeking help there.

One victim was illogically told that the police would have arrested her attacker if she had stayed home with him rather than going to the hospital to seek treatment for her broken bones.

In 89 percent of the cases, complainants were not provided with the informational pamphlet required by the police guidelines. In only 16 percent of all incidents did the officer file a report. In only 31 percent of the incidents did they even take notes about the incident. In only half of the incidents where there were witnesses 7 years of age or older, when the police arrived, were the witnesses questioned by the police.

In April 1990, in response to the findings of this survey, the MPD convened a task force to advise the department on what steps could be taken to improve its performance in assisting victims of domestic violence in this community. The task force was composed of police officers, coalition members, other women's advocates, and local criminal justice and social service government agency representatives.

In the summer of 1990, the Council of the District of Columbia enacted a mandatory arrest law, which is in effect now. That law provides, amongst other things, for mandatory training of all MPD police officers, both old and new.

In closing, I believe that our experiences in the District of Columbia are illustrative. In order to combat the age-old tolerance in our society to family violence, we must take the strongest measures, like implementing mandatory arrest laws, to change people's attitudes and behavior, and to do so requires a coordination of efforts by the criminal justice system and the communities serving victims of domestic violence.

Thank you.

Mr. SCHUMER. Thank you, Ms. Sands. You complete what I consider an excellent panel, in terms of showing basically how, at least the part of H.R. 1502 that you are all concerned about, can really make a difference in concrete and real ways, because each one of you is out there on the firing line and you see what happens. And as we mentioned before, this kind of training and the kind of thinking, just sensitizing law enforcement to the importance of these issues, it will help them up and down the line. As Mr. Pfeiffer said, no domestic violence murders in Savannah, or the county—I don't remember which it was—in that whole year because of what they had done.

So I want to thank all of you. It was an excellent panel. We appreciate your summarizing, but I think you got your major points in and they were very convincing, as well as very "crisp." No pun intended, Mr. Pfeiffer.

[Attachment to Ms. Sands' oral statement follows:]

SUMMARY OF REPORT ON DISTRICT OF COLUMBIA POLICE RESPONSE
TO DOMESTIC VIOLENCE

(PREPARED FOR PUBLICATION IN 1990)

POLICE RESPONSE TO DOMESTIC VIOLENCE

Sandra Jean Sands, Office of General Counsel, Department of Health & Human Services
Karen Baker, Office of General Counsel, Equal Employment Opportunity Commission
Naomi Cahn, Sex-Based Discrimination Clinic, Georgetown University Law Center

ABSTRACT: In an effort to test the effectiveness of a police department order instructing officers to treat domestic violence like other criminal violence and expressing a preference for arrest in the presence of probable cause, the District of Columbia Coalition Against Domestic Violence conducted a survey of over 270 victims of domestic violence who requested police assistance, and found that the police arrested the suspected abuser in only five percent of the incidents, when there appeared to be probable cause to arrest in a substantially higher percentage of the incidents.

Concerned that mere articulation of policy might not result in changes in practice, the Coalition in the fall of 1987 undertook a major empirical study of police practices under the new policy. This study is the first ever to document actual police response (including whether and how they respond and whether and when they arrest) in domestic violence incidents in the District. The study was based on screening interviews with over 700 persons, and in-depth interviews of over 270 victims of domestic violence who had called the police for assistance after the general order became effective. The study showed that the District police had failed to implement the general order, and were continuing to refuse to make arrests in "domestic" cases even where the abuse resulted in serious injury.

INTRODUCTION

Domestic violence is a pervasive national problem: at least two million women are battered each year by their husbands or boyfriends.¹ Research has established that arresting the abuser is the most effective form of police response.² Unfortunately, however, many police officers do not share that belief.³

In late 1987 and early 1988 the District of Columbia Coalition Against Domestic Violence ("Coalition") conducted a survey of victims of domestic violence, focusing on the response of the D.C. police to calls for help from these victims. Until 1987, the D.C. Metropolitan Police Department (MPD) had no explicit policy relating to domestic violence. Its unofficial policy, however, and its practice, were clear: domestic "disputes" should be "mediated" and arrest should be avoided.⁴ D.C. police receive approximately 19,000 calls from victims of domestic violence each year, yet during 1986 only 42 of these incidents resulted in a written police report, and possibly even fewer resulted in an arrest.⁵

The Coalition and other advocates urged the MPD to reform this policy, arguing that it was at best ineffective in stopping the violence, and at worst may well have encouraged further violence by communicating to abusers, victims and the community at large that familial abuse was acceptable to society, since the police were not treating it as a serious crime.

In 1986, in response to this pressure, the MPD adopted guidelines expressing a preference for arrest where probable cause existed. MPD General Order 701.5, which became effective in June 1987, provided that domestic violence should be treated like any other criminal offense.⁶ Most notably, the order explicitly stated that the relationship of the parties should not override the other indicia of a crime so as to preclude arrest. Unfortunately, however, the department made no provision for training officers to implement the new policy.

SURVEY DESIGN

Some of our principal considerations in planning the survey were the following: First, we wanted to test whether the police were in fact arresting whenever there was probable cause. Accordingly, we needed to survey victims of domestic violence without regard to whether the abuser was arrested. Second, we wanted to interview a large enough number of victims that our results would be considered representative. Third, we wanted to interview victims who had experienced domestic violence in the recent past and had a good recollection of the incident. Finally, we wanted to use the time of our volunteer interviewers efficiently.

With these goals in mind, we decided to screen two populations for survey subjects: persons seeking assistance from the Citizens' Complaint Center (CCC), a D.C. agency to which police officers routinely direct individuals who seek their assistance if they consider the matter too trivial for their intervention,⁷ and women seeking civil restraining orders from the D.C. Superior Court Intrafamily Offenses Division ("IFO court").⁸ The survey was conducted on a weekly basis at each site over a period of four months in late 1987 and early 1988.

RESPONSE RATE

A total of 79 persons sought assistance at the CCC on the days interviewers were present. Screening interviews showed that at least 320 of them were not appropriate survey subjects.⁹ Some persons left without being screened, and some who were deemed appropriate survey subjects based on the screening interview left without being interviewed for the survey. The most conservative estimate of the number of appropriate survey subjects--

i.e., all those who were found by screening to be appropriate, plus all those who left without being screened--was 279.¹⁰ Survey workers completed interviews with 186 persons, for a response rate of at least 66.7%.

At the IFO court 187 persons appeared for scheduled hearings. Using the same conservative assumption--i.e., including all who left without being screened--at most 144 persons were appropriate survey subjects. Interviews were completed with 91 persons, for a response rate of 63.2%.

When the two populations are combined, there were 783 potential survey subjects. At most, 420 of them were appropriate survey subjects, and 274 were interviewed,¹¹ for an overall response rate of 65.2%. We believe these response rates are sufficiently high to justify viewing the results as representative of the results that would have been obtained had the entire population of appropriate survey subjects been interviewed.

PERSONS INVOLVED IN DOMESTIC VIOLENCE

The Victims

The victims of domestic violence in our survey population were overwhelmingly (90%) women. The majority (71%) were in their 20s (42%) or 30s (29%), and most were poor, with 63% living in households with incomes under \$20,000.¹² The victims whose abusers were arrested were all women. They were younger than the general survey population, with 64% being in their 20s, and they were poorer, with 79% having household incomes of under \$20,000.

Most of the victims (79%) in the survey had children. In 16% of the incidents, children were threatened with violence, and in 7%, children were beaten. The arrest rate in incidents where children were threatened or beaten was about twice as high as for the survey population as a whole.

The Abusers and the Abuser-Victim Relationship

The abusers were overwhelmingly (90%) male. Most were in their 20s (39%) or 30s (38%), with only 4% under 20. The abusers arrested were all male, and somewhat younger, with 14% under 20, 43% in their 20s, and 36% in their 30s.

In 33% of the incidents reported by survey respondents, the abuser was the victim's spouse. In 46% of the incidents, he was her spouse and/or the father of her children.¹³ In 12% of the cases, the abuser was the victim's current boyfriend, and in 29% he was a former boyfriend.

In cases resulting in arrest, the abuser was more often the father of the children (64%),¹⁴ but less often the victim's spouse (21%). The latter difference is consistent with a younger population among victims where arrest occurred, who are more likely to be in relationships with children but no formal marriage ties.

If we look at the subset of cases where the abuser and the victim were man and wife, in two-thirds of those cases the parties were not living together at the time of the incident. The arrest rate for husbands separated from the victims was only 3.6%, slightly less than the overall arrest rate.

Two weeks before the incident, the 47-year-old woman left her husband. On the day of the incident she went to his auto body shop to discuss financial matters. He beat her with a metal pipe, and she was taken to the hospital. Permanent scarring resulting from the lacerations received during the beating. The wife requested assistance from the police, who responded by going to the husband's home to inform him to go to the CCC with his wife. No further action was taken by police.

In 38% of all cases (and 50% of the arrest cases), the abuser and the victim were living together at the time of the incident. Most victims had succeeded in terminating that relationship by the time the interview was conducted. Only 15% of the former group (the 38%) and only 7% of the latter (the 50%) were still living with the abuser at the time of the interview. This data demonstrates that victims are not complaisant about the abuse, and even when they have few economic resources, will do whatever they can to escape it.

In 9% of the cases, the abuser was a child--usually a grown child--of the victim. The abuser was a sibling of the victim in 14% of the cases, and a parent of the victim in 7% of the cases.

The survey shows that there is no particular type of relationship that makes arrest significantly more likely. Egregious incidents involving every type of familial relationship result in police responding that there is nothing they can do.

An estranged son woke his mother, his sister and her husband at 1 a.m. as he went around the outside of the family home smashing windows with a cane. His mother let him in to stop the destruction, whereupon he attacked his sister with his fists. The son then left, and went to another brother-in-law's home where he broke all his car windows. He then returned to his mother's home. His brother-in-law tried to subdue him, and the son attacked. The daughter escaped the house and phoned for police assistance. No officers arrived. Finally, after the son fell asleep, his mother went to the police station to request help, and was told police would come right away. Police arrived within 30 minutes, questioned none of the three adult witnesses present, ignored the numerous broken windows, and in response to the mother's request that the son be arrested, replied that the case was domestic and they could do nothing.

A 59-year-old woman lived in a multi-generational family home with her 60-year-old husband. On Friday

night he argued with her, and used force sufficient to send her to the hospital with bruises and pain when she breathed, and cuts on her hands that were bleeding. The police interviewed her at the hospital, and told her that it was her problem, they could do nothing, and that she should lock herself in a room to protect herself. On Saturday, after her return from the hospital, the abuse continued. This time the husband started beating the children, too. Again, the police were called, this time by a daughter. When police arrived, furniture was in disarray, the victim had a swollen face, and there were witnesses, including the daughter and her 79-year-old grandmother. The abuser was angry and denied the incident. The family asked the police to arrest him. The police refused to arrest, but after repeated pressure from the family, agreed to take the abuser away from the home. He returned the next day.

CHARACTERISTICS OF VIOLENT INCIDENTS

Time and Place

The majority of all events reported occur on Friday through Sunday (61%), with Saturday being the most violent day (25% of all incidents occur on that day). The same was generally true among incidents leading to arrest; however, only 50% of the arrests occurred on weekends, and the second highest number of arrests occurred on Tuesdays (21%), suggesting that police may be more likely to arrest if they are not otherwise busy, as they would be on weekends.

The most likely time for violence to occur is between 6 p.m. and midnight, when 37% of all incidents occur. However, the single most likely time for incidents ending in arrests to occur is from 6 a.m. to noon (36%). We posit that police are probably not as busy during those hours; they consequently may be more likely to respond quickly (and actually observe the abuser in action). The period between 6 p.m. and midnight is the second most likely time for arrests to occur; the second most likely time for abuse to occur, however, is from noon to 6 p.m. (with only 14% of arrests occurring during those hours).

Almost half of the incidents occurred in a residence where the victim lived but not the abuser, and 23% occurred in a residence shared by the victim and the abuser. The comparable figures for incidents resulting in arrest were lower: 28% and 14%. It was interesting that 29% of all incidents resulting in arrest occurred in a multi-generation family home, while only 1% of all incidents involved this site.

The Violent Conduct

Table 1 shows the abusers' acts as reported by survey respondents. The results show that the police are tolerating serious domestic violence incidents that clearly meet the standards for arrest without effecting arrests.¹³

TABLE 1. Actions by Abusers during Incidents

Abuser's Action ¹⁴	% of Incidents	% of Arrests
Break into house	15.7	14.3
Threaten child	16.4	35.7
Verbally threaten	70.8	78.6
Hold prisoner	15.3	28.6
Throw things at victim	15.3	21.4
Destroy property of victim	31.8	14.3
Push/grab victim	50.7	71.4
Pull hair	11.3	14.3
Slap	21.9	14.3
Punch	37.2	59.0
Kick	16.1	0.0
Choke	18.6	14.3
Beat	32.5	28.6
Threaten with gun	4.7	0.0
Threaten with knife	13.1	21.3
Threaten with other weapon	12.8	21.4
Attack with weapon	14.2	28.6
Attempt rape	6.2	7.1
Rape	2.2	7.1
Beat child	6.6	14.3

There is no indication that the incidents ending in arrests were more serious than those not ending in arrest. Many incidents demonstrate this. For example:

The victim's ex-boyfriend came to retrieve his belongings. She called the police, because she was afraid of violence. After she called the police, the boyfriend dragged her to the bedroom, beat her, kicked her in the face, dragged her into another room, and beat her until she was unconscious. A neighbor called the police, who arrived and took the victim to the hospital. No further action was taken, despite her request to the police that they arrest the abuser. The boyfriend had a record of previous arrests.

Husband and wife were at a friend's house. They quarreled, and she went home. Her husband came home the next morning and immediately began to beat her. He slapped her, choked her, threw her on the floor repeatedly, pushed her chin to make her bite her tongue, and eventually tried to rape her. The abuse continued two hours. Eventually, she fled and called the police from a friend's house. The police dispatcher told her nothing could be done because the victim had left the site of the abuse. He told her to go to the complaint center.

The Victim's Injuries

In 55% of all incidents, the victim was hurt, and the proportion was the same for incidents resulting in arrest. The type of injuries are detailed in Table 2.

TABLE 2. Injuries Suffered by the Victims

Injury	% of Incidents	% of Arrests
Bruises	39.4	50.0
Lacerations	27.0	42.9
Bleeding	18.6	28.6
Fracture	2.6	0.0
Sprains	2.6	0.0
Burns	0.7	0.0
Headache	6.2	0.0
Pain	41.2	35.7
Injury visible to police	35.4	42.9

These data show that the infliction of substantial injuries would not with any predictability result in the arrest of the abuser. Indeed, incidents not ending in arrest were somewhat more likely to have involved certain serious injuries than incidents that did. Of particular note is the fact that in seven cases the victim had broken bones as the result of the beating, and in none of these cases was the abuser arrested. There were several other instances where on the basis of the injury alone, or the nature of the medical treatment, arrest would seem likely, yet did not occur.

TABLE 3. Type of Medical Treatment Received by Victim

Medical Treatment	% of Victims	% of Arrests
Treatment by Doctor	26.8	21.4
Went to Hospital	18.6	21.4
Of Those Who Went to Hospital:		
Treated as Outpatient	84.0	100.0
Admitted to Hospital	16.0	0.0

Not one of the abusers who inflicted the most severe injuries, those that resulted in admission to hospital, was arrested.

After having made repeated threats, the uncle entered his niece's home and hit her. She called the police, and the dispatcher said that the police could do nothing about it. Then her uncle attacked her in earnest. He punched her, choked her, pushed her into the bathtub and turned the hot water on her. Her jaw was fractured and her ribs bruised. She called the police again. When they eventually arrived her mouth was bleeding, her neck was bruised, and the broken jaw was evident. While the police were present, her uncle hit her with his fist, and threatened to kill her. The victim asked the police to arrest the abuser. The officers declined to do so, stating only that there was nothing they could do. The victim was subsequently admitted to the hospital for treatment.

Most of the victims who were taken to a hospital for their injuries were treated on an outpatient basis, and their injuries were presumably less serious than the injuries of the victims who were admitted. But even among the

outpatients, there were various examples of victims with serious injuries whose abusers were not arrested.

A woman was attacked by her brother in the family home. The incident occurred at 11 p.m. on a Monday night. The brother, a drug abuser, became agitated, argued with the victim and, carrying a large mirror, followed her as she tried to stop the argument by going into her own room. He smashed the mirror on her head. He then jumped on her, and she fell into the broken glass, while he beat her with his fists and scratched her. Another family member called an ambulance and the police, who arrived as she was being taken to the hospital, and ultimately questioned her there, where she received stitches in her legs and face. The victim asked that her brother be arrested, and insisted that the police take a report. However, the officer refused to arrest, stating that this was a family matter, that the victim was wasting his (i.e., the officer's) time because she would probably not carry through. He acted annoyed at her requests for assistance."

THE POLICE RESPONSE

Response Time

Rapid arrival by the police improved the chances that the abuser was still on the scene, that he was still engaging in abusive conduct, and that he was arrested. The police arrived at the scene within 15 minutes of the call for help in 40% of the cases where arrests resulted, and they arrived within 30 minutes in 86% of those cases. For the population as a whole, those figures were only 32% (within 15 mins.) and 57% (within 30 mins.). In 8% of all cases, in spite of assurances by the dispatcher that officers would respond, none ever did. In 38% of the incidents where the abuser had been present when the police were called, he had left by the time the police arrived. This was true in only 21% of cases where arrests occurred.

One of the most significant differences between the incidents ending in arrest and those that did not was the fact that in 21% of arrests, the physical abuse was continuing at the time that the police arrived, and in 29% of those cases, verbal abuse was continuing. The former was true in only 4% of all reports, and the latter in 11% of all reports.

Officers did often arrest when a crime was in progress in front of them. Yet their responsibility did not end if the abuser had left the scene of the crime before the police arrived. The June-1987 order states that if there is probable cause to arrest, the officer is to swear out a warrant. However, this rarely occurs in the District of Columbia.

The police order calls for incident reports to be filed in domestic violence cases when an arrest occurs. And the

police did indeed file reports in 13 of the 14 arrests that occurred in the survey population. But the victims stated that reports were filed in only 16% of all incidents. The data suggest that officers should be required to file incident reports, if only to ensure that they take the time to determine what actually happened, and can be held accountable for their decisions.

For example, in 52% of all the incidents, there were witnesses to the abuse present when the police arrived. In only half of the cases where adult witnesses were present when the police arrived were they interviewed. The police took notes about the incident in only 31% of all cases, but did so in 64% of cases ending in arrest. This suggests that when police listen, and carefully consider the incident, treating it like any other call on a criminal matter, they are more likely to take effective action, in part because the note-taking represents active, concerned listening.

Evidence of Violence

The survey results on what the police saw when they arrived are shown in Table 4. These results indicate that in many instances, even if a crime was not in progress, sufficient probable cause existed to make an arrest.

TABLE 4. What the Police Saw on Arrival

Visible Evidence	% of Incidents	% of Arrests
Furniture in disarray	14.2	28.6
Property damage	30.7	28.6
Furniture damage	6.9	14.3
Broken windows	15.0	7.1
Torn/dishvelled clothing	8.8	7.1
Weapon visible	4.0	21.4
Children upset	16.1	21.4
Car damaged	5.8	28.6

It is to be expected that arrest is more likely when there are weapons visible. What does not make sense is that while there were weapons visible in 11 cases in the population, in only 3 of these cases did arrest result. Still, situations with visible weapons had the highest arrest rate (27%). What is most remarkable, however, is that the second most important variable for predicting arrest was whether the victim's car was damaged. The rate of arrests for such incidents was 25%. These rates should be compared with the arrest rates in cases with visible injuries and cases resulting in hospital treatment or admission, as shown in Table 5.

TABLE 5. Arrest Rate, by Injury or Treatment

Injury to Victim	Arrest Rate
Bleeding	13.7%
Fracture	0.0
Bruises	6.5
Treatment by Doctor	4.1
Outpatient hospital care	16.3
Admitted to hospital	0.0

These data, and the anecdotes from the survey respondents supplied throughout this report, strongly suggest that whatever reason the police supply for why there was an arrest in one case and not in another, these reasons are generally not useful, because they do not reflect judgments made in a logical, predictable manner. The fact is that victims of serious, life-threatening violence are not being protected.

The Effect of a Civil Protection Order

In 10 percent of all cases, the victim had a civil protection order (CPO) in effect when the incident took place, and this figure was slightly lower for cases ending in arrest. The police were virtually always told about the CPO, yet the existence of the order had little effect on arrest. The police stated variously that the order was: "useless"; good only if the victim had been physically hurt, or only if the abuser had still been present; or not relevant to the question of arrest because the victim had to go to court, or to the Citizen's Complaint Center. These statements are at odds with the June 1987 order. An egregious example of police failure to effectively deal with a CPO follows.

In October 1987, because of past violence, the victim had sought and obtained an order that her boyfriend stay away from the home they had once shared. The day after Christmas 1987, the ex-boyfriend broke into the house and started "raging around." He grabbed the victim's six-year-old daughter by her collar and jerked her. He told the victim that he would stay as long as he wanted, and no one could make him leave. Eventually he left. However, the next morning at 8 a.m., he broke a window and entered the house again, stating that he had come to be fed breakfast. The victim called the police. Despite the clear criminal violation (unlawful entry), the stay-away order, the evident property damage, a very upset child, the fact that witnesses were present, and the fact that the abuser not only was still there, but he admitted the act, the police refused to arrest, stating that "the only thing we can do is put him out." The police took the abuser to the front door and told him to stay away. They counseled the victim to seek a contempt order through the IFO court.

What should not be forgotten here is the message that is sent to abusers. First, police fail to arrest in the original incident. The victim goes to court and the abuser is told to stay away. The abuser treats the order as a joke, and the police respond by essentially reinforcing that attitude. The abuser receives the clear message that his victim is "fair game." The victim might be better off if the police did not show up at all!

Police Action Requested by Victim

The victim's ability to openly demand an arrest had at most a marginal effect on what the police did. In 50% of cases where arrest occurred, the victim explicitly asked for an arrest to be made. However, the victim demanded arrest in 33% of all cases. The arrest rate in incidents

where the victim requested arrest was just 8%, which was higher than the overall arrest rate of 5%, but not significantly so. In 26% of all the cases, the victims asked the police to make the abuser stay away. This request was made in 36% of all arrests. Victims asked the police to get the abuser out of the house in 24% of the cases. This may have had a small effect, as 43% of the victims whose abusers were arrested asked the police to do this, resulting in an arrest rate of 9%. However, the victim's insistence that the officer do something was often not effective:

In one case where a father terrorized and beat his wife and his daughter, requiring emergency room treatment for the wife, the family's insistence that he be removed and arrested resulted in an admonition from the police that if they did not stop making demands, the police would never come back again.

The police failed to realize that if they had complied with the demands and arrested the abuser, they would perhaps not have to come back again.

Nature of Police Response

As stated above, the police arrested the accused abuser in only 5% of the cases. In the majority of all cases (61% of the time), the victim was told that her remedy lay in going to the Citizen's Complaint Center, which is simply not equipped to deal with the problems of people who are sent there. But even putting effectiveness aside, the police response here was inadequate. The June 1987 order required officers to provide victims of domestic violence with a government-printed pamphlet describing the agencies and services that are available to them, yet the officers did this only 11% of the time (and in only 29% of cases ending in arrest).

The officers gave their cards, with information on how to contact them, to only 19% of the victims (and only 36% of the victims whose abusers were arrested). The literature shows that police efforts to make themselves available to assist victims is an important aspect of enforcement in this area. The failure to provide cards tells the victims that the police do not want to hear from them, and that they are not available to them for assistance.

There were weapons used in 14% of all cases, and those weapons were visible when the police arrived in 4% of all cases (21% of arrests). The police took away the abuser's weapons in every case where there was an arrest, but left the non-arrested abusers free to use those weapons again in half the cases.

In 15% of the incidents, the police took the abuser away or walked him around the block. The abuser was warned not to hurt the victim again only 11% of the time. The police took five victims to the hospital (2%), and seven to shelters for battered women (3%); they gave women rides to other safe places in 4% of all incidents. In 3% of incidents, they waited for the victim to gather her things and escorted her out of the abuser's presence.

In 25% of all cases, the victims thought the police were unconcerned; 12% reported the police acted bored; 13% said the police acted annoyed. Victims reported that the police talked down to them in 8% of incidents, and acted as if the abuse was the victim's fault in 11% of the incidents. The police appeared sympathetic to the abuser 10% of the time. Sixteen percent of the victims said that the police failed to help them determine what their rights to protection were, and how they could go about protecting themselves.

Reasons for Arresting or Not Arresting

Victims were asked why the police declined to arrest the abuser. Their responses are telling:

TABLE 6. Victim's Understanding of Why Police Failed to Arrest

Reason offered for failure to arrest	% of Cases
Victim asked officer not to arrest	2.6%
Victim should go to Citizen's Complaint Center	20.1
Police did not see the incident happen	9.9
Parties are married or live together	6.9
The case is domestic or civil	15.7
Nothing could be done by police	23.7
Abuser had left before officer arrived	18.2
Abuser denied the incident	1.8
Victim does not know why no arrest	10.9

Sometimes the reasons the police gave for not arresting the abuser were truly bizarre:

Two days before the incident in question, the victim's husband had been physically abusive to her and had been removed by the police from the family home (but not arrested). Two days later he returned to the home at 1 a.m. and woke the victim by yelling at her. He began hitting her with his fists, and then got a stick and began beating and choking her. He continued the beating for about a half-hour before she escaped with her two-year-old child, and ran to a friend's house, where she called the police. She proceeded to the hospital, where the police met her. (Another car went to her apartment and found her husband there.) The victim had bruises all over her body, including neck marks from choking, cuts on her right leg, and a fractured left arm. The officers told the victim that they could not arrest because they did not see the assault, but added that they would have arrested her husband if she had remained at home instead of going to the hospital!

The reasons for arrests appear to have little to do with the severity of the injuries or other evidence that a crime has been committed, or the existence of a CPO. Rather, it appears that the abuser's actions toward the police are most important.

In 50% of the arrests, the abuser responded angrily to police presence. This was true only in 16% of all inci-

dents. In 29% of arrests, the abuser was smug about what he had done, while this occurred in only 8% of all incidents. Moreover, 43% of all arrested abusers argued with the police, and 43% of them insulted the police. (The comparable figures for all cases were only 10% and 7%.) Interestingly, 29% of all arrested abusers actively denied that they had abused the victim, while only 14% of all abusers did so. (On the other hand, 21% of arrested abusers admitted their acts, while only 6% of those not arrested did so.)

It is possible that the officers are using the abuse directed at them as evidence, and concluding that if the suspect abuses the police, he probably abused the victim, but if he is not abusive to the police, he probably did not abuse the victim. Or perhaps the officers simply take abuse directed against them more seriously than violence directed against the victims. Neither approach is acceptable.

Examples of this phenomenon follow. All of these examples are taken from the incidents from the survey that ended in arrest.

As the victim and her two daughters were walking down the street, her former boyfriend (and the father of her younger child) attacked her. He grabbed the woman and hit her with a stick, and then hit her in the back with a baseball bat. She fled, and he threw a bottle at her, which broke and cut her hand. Police came to the scene, and the victim asked them to arrest the abuser. The man responded to the police efforts to take the bat away from him by insulting and swearing at police. They arrested him for assault with a deadly weapon. However, the next day the police called the victim to persuade her to drop charges, saying that women "usually back down," and that judges don't like "these kinds of cases."

The victim was beaten by the father of her child, who also lived with her. He punched her in the face and her nose bled. She left the home, and drove away. She then flagged down a police car, and the officers returned with her to the apartment. When they arrived, the abuser had straightened up the apartment. However, his response to questioning was very smug. The police arrested him for simple assault. The victim moved out that night.

The 18-year-old son of a 54-year-old woman had been told by police to leave the home three days earlier, after he threatened his mother with an axe. Nonetheless, he returned and began verbally threatening his mother. She called the police and showed them a copy of a petition for a CPO that she had recently filed. The son's response to police questioning was smug. The police arrested the son and charged him with unlawful entry.

The abuser attacked his girlfriend (with whom he had not lived in eleven months) by threatening her and her children, pushing her down and punching her, and pulling her hair. Her nine-year-old daughter called the

police. In the meantime, the victim's sister arrived with a baseball bat and hit the abuser, but he took the bat from her. When the police arrived, the abuser had the bat and was screaming at the victim. The officer had to grab the bat after the abuser refused to relinquish it. Despite this behavior, the officer merely asked the abuser to please leave. He responded to the request by starting a fist fight with the officer, whereupon the officer arrested him for assault with a deadly weapon (the baseball bat).

What is striking about these incidents is that the abuse was not different from the types of abuse that occur routinely in cases where no arrests were made. The only difference was how the abuser interacted with the police.

For law enforcement analysts with concerns over the cost-effectiveness of arresting abusers in domestic-violence incidents, it should be noted that substantial numbers of abusers have backgrounds of previous arrest. They are not just hurting their families; they are hurting society. Half of the abusers had previous arrests for crimes such as simple assault (15% of all abusers and 21% of arrested abusers) and drug possession or distribution (15% of all cases and 7% of cases ending in arrests). Another 6% had been arrested for disorderly conduct, 2% for assault with a weapon, 2% for carrying a concealed weapon, 1% for attempted murder, and 1% for sexual assault (none of the abusers involved in these incidents was arrested). While previous arrest (without convictions) cannot be the basis of a present arrest, this data should help to convince police that abusers may well be criminals, even from the police perspective. Of course, in reality abusers are criminals, regardless of whether they have been arrested for other crimes or not.

RECOMMENDATIONS

Based on the results of the survey, the D.C. Coalition Against Domestic Violence developed the following four recommendations as to how the police can better respond to the crime of domestic violence and protect victims:

- 1) Mandatory-arrest legislation should be enacted, designed with the assistance of the battered women's community, to remove discretion that has been misused.
- 2) All officers (new recruits and veterans) should receive training concerning domestic violence intervention.
- 3) Officers should be required to file incident reports for each domestic violence call.
- 4) Officers should distribute to each victim a victim information brochure (in English and in Spanish) prepared by the police together with the battered women's community.

These measures are similar to those generally accepted in many communities around the country as necessary to reduce violence in the family.

Mandatory-Arrest Legislation

Despite the mandate from their own 1987 general order, the police arrested perpetrators in very few cases. Arrest does not appear to be a serious alternative, let alone the preferred alternative, in the District of Columbia, despite the MPD's own guidelines.

This failure of the police to respond is inappropriate and harmful to victims of domestic violence. It is clear that arrest is the most effective means of preventing future domestic-violence crimes and injuries, including homicides. Arrest also communicates to the defendant that society holds him responsible for his criminal conduct, and will take action against him. As a result, arrest reduces the number of repeat domestic-violence calls. Refusal to arrest, in contrast, encourages perpetrators to commit further and worse violence.

Based on the increase in arrest rate which occurs after mandatory-arrest legislation, it is clear that probable cause to believe that a crime has occurred exists in many cases of domestic violence, but that police will not exercise their discretion to arrest unless they are required to do so by law. In Washington, D.C., many of the survey cases involved clear probable cause to arrest, yet the arrests were not made. Accordingly, the police need clear legislative direction setting out a mandatory arrest policy.

Training

Further, police officers and their supervisors must be trained to evaluate whether there is probable cause to arrest and, if so, to arrest. The training must include explicit discussion of prior *de facto* department policy, and a clear statement from the top of the department on down that this policy is no longer to be practiced. Line officers all indicate that unless top management clearly sends this signal, business will continue as usual, and arrests simply will not happen. The training curriculum should cover such topics as: the criminal nature of domestic violence, the bases for finding probable cause, appropriate behavior to the victim and the batterer, and community resources that provide support to violent families. The training should be planned by the police in conjunction with the prosecutor's office and battered women's advocates, and a refresher training course should be required each year.

Incident-Report Requirement

In addition, there must be accountability in statistics maintained by the police department, so that compliance with policy can be monitored. The data we obtained through an arduous process with thousands of hours of volunteer time was not otherwise available in the District of Columbia, since the MPD requires no reports, and keeps no records on this matter. Maintenance of data leads to accountability.

Incident reports are critical to improving the response to domestic violence because they alert the police to the perpetrator's criminal behavior, and provide a record in cases where there are subsequent calls to the same address. They are also important for the prosecution of offenders, as they may be introduced at trial as evidence against the perpetrator, and they provide the prosecutor with critical information about the victim or witnesses to the crime. Incident reports can also be used by battered women as evidence of past abuse in litigation for CPOs, contempt, or other civil litigation.

The Coalition recommends that the MPD utilize an incident-report form specifically designed for domestic-violence cases. Such a report form would contain information most useful to these cases, including whether the police had been called before. These types of records are used in many other cities, including Denver.

At the least, all incident reports used by the police should have a box that can be checked if the incident is a domestic-violence call. This ensures that these cases can be identified for later follow-up, and also allows police department supervisors to monitor performance in domestic-violence cases.

Victim Information Brochure

The victim of a crime who has called the police needs help. Most likely, her needs extend beyond getting the abuser arrested, to emergency housing, transportation away from the scene, and medical help. Apart from emergency needs, she probably does not know about her legal options, either for criminal prosecution or for a civil protection order. The survey results showed that in only 11% of the cases did the police give out any information other than the referral to the CCC, leaving the victim believing she had few options for protection or rebuilding her life.

In addition to giving out information about the resources available to battered women, such as shelters, victim advocacy groups and counselling, there should also be a brief summary of the victim's legal rights and what steps she can take to enforce them. The police should also give the victim their names and badge numbers, in case there is further trouble or they want to follow up on the police report that must be filed. All of this information should be available in both English and Spanish, in light of the large Hispanic population of the city.

These four recommendations would result in a dramatic improvement in police response to domestic violence cases. Mandatory arrest helps deter future violence; improved training ensures that the police follow proper intervention methods and arrest in appropriate cases; required incident reports help police, prosecutors, and victims in follow-through actions; and victim information brochures help victims obtain needed protection, take legal action, and use the other community resources available to them.

POSTSCRIPT

In April 1990, in response to the findings of this survey, the MPD convened a task force to advise the department on what steps could be taken to improve its performance in assisting victims of domestic violence. Participants were given a book of resources to assist them, principal among them being the survey summarized here. The task force, composed of police officers, Coalition members, other women's advocates, and local criminal justice and social-service government-agency representatives, is analyzing what systems and services need to be in place to institute mandatory arrest. The task force's deliberations are not a matter of public record at this time, but the task force is confident that institutional changes are going to occur soon. For instance, as this article goes to press (in July 1990), it appears that the Council of the District of Columbia is in the process of enacting a mandatory-arrest law.

NOTES

1. Goolkasian, Confronting Domestic Violence: A Guide for Criminal Justice Agencies (National Institute for Justice, 1986)
2. See, e.g., Sherman & Berk, The Minneapolis Domestic Violence Experiment. 1 Police Foundation Reports (1984) (reporting that violence recurred in 19% of the cases where the police "advised" or mediated, and in only 10% of the cases where they arrested). The respective police departments have reported that the proportion of homicides in Albuquerque, New Mexico, that started as domestic violence dropped from 34% to 19% after institution of a mandatory-arrest policy, and that the annual total of domestic-violence homicides in Newport News, Virginia, declined from 9 to 0 in the five years following institution of such a policy.
3. Saunders & Size, Attitudes about Woman Abuse Among Police Officers, Victims and Victim Advocates. 1 Journal of Interpersonal Violence 25 (1986)
4. This was the message of an elaborate training program the department instituted in 1979. This message was consistent with prevailing social and legal thought at the time. Waitz, The Criminal Justice System's Response to Battering: Understanding the Problem, Forging the Solutions. 60 Washington L. Rev. 267 (1985)
5. An incident report must be filed if there is an arrest, but a report may be filed even if there is no arrest. Thus, there were at most 42 arrests for domestic violence in 1986 out of 19,000 calls.
6. The order stated that probable cause to arrest should be determined by reference to such factors as "injury, need for medical treatment, the involvement of weapons, witnesses, furniture being in disarray, threats in the [officer's] presence, the demeanor of the respondent and the existence of a CPO/TPO [civil orders typically restraining the abuser from contact with the victim]."
7. Research has found that police often use referrals to other agencies as an arrest-avoidance mechanism in domestic incidents. Bell, The Police Response to Domestic Violence: A Multivariate Study. 8 Police Studies 58 (1983).
8. The authors rejected proposals, among others, that included stationing interviewers at hospitals (this seemed an inefficient use of interviewer time, due to the relatively low frequency with which domestic-violence victims arrive at any particular hospital during a given shift), or advertising in the media for victims to come forward (we wanted to ensure that all events occurred after the implementation of the general order, and that we did not obtain responses only from persons dissatisfied with police response).
9. Some persons were not domestic violence victims, and many persons who were had not called the police. Their reasons, although not tabulated formally, included the following:
 - The victim immediately moved out instead of calling police.
 - The abuser physically prevented the victim from doing so or threatened further violence if she did.
 The single most common explanation for failure to call police, however, was that the victim knew from personal experience that the police would do nothing. Examples of comments from victims follow:
 - In D.C., police say it's a domestic problem.
 - I called the police before, but got no response.
 - I called before, and the police said they don't get involved in domestic matters.
 - The police say to go to the complaint center.
 - It didn't do any good the previous seven times, so why would it do any good now?
 - The last time I did, they [the police] didn't do anything, even though I had a CPO.
 - They want to see a person dead first.
10. This total is conservative because it assumes that everyone who left without being screened was an appropriate survey subject. There is, however, no reason to believe that the proportion who were appropriate survey subjects was any different among those who were not screened than it was among those who were screened.
11. Six persons were interviewed about the same incident at both the CCC and the court. (The individuals sought help at CCC, sought a CPO, and had the case calendared for hearing all in the same four-month period.) These individuals are appropriately counted in each location for purposes of computing response rates for the location. In computing an overall response rate, however, their presence and interviews were counted only once. In addition, there are three surveys in which the interviewer failed to record the location of the interview. These are included only in the overall response rate.
12. Only 12% reported household incomes of over \$30,000. The survey did not capture a representative sample of affluent victims of domestic violence. It is not that middle and upper income individuals do not experience domestic violence; rather, they have other methods of dealing with it. First, they often have the financial resources to simply move out of any shared dwelling, and institute legal action to sort things out. Second, they are more often married, and deal with the issues presented through divorce proceedings, rather than CPO petitions. Such persons rarely appeared in court to obtain a civil protection order.
13. Since the victims were almost all women and the abusers were almost all men, we will regularly refer, in reporting survey results, to the victims as women and the abusers as men.
14. For data-collation purposes, we assumed that the spouse of a person with children was—or functioned as—a parent of those children.
15. In reading many of the tables included in this article, including Table 1, the principal comparison to keep in mind is that there were arrests made in only 5% of the incidents. Thus even though the victim was beaten in 33% of the incidents and her property was destroyed in 32% of the incidents, the abuser was arrested in only 5% of the incidents. In reviewing the figures in column 2, percent of arrests, recall that there were only 14 incidents in the survey population that resulted in arrests.
16. The percentage figures in each column total more than 100, because many victims reported numerous acts of violence and abuse.
17. This incident is of particular importance, since the officer was forthright in expressing his belief that (1) the woman would not press charges, and (2) because he knew that to be true, no arrest was warranted. It has been demonstrated that failure of the prosecutor's office to follow through on such cases (a truism in the District, but beyond the reach of this study) does result in police failing to arrest. Schmidt & Steury, Prosecutorial Discretion in Filing Charges in Domestic Violence Cases. 27 Criminology 487 (1989).

Mr. SCHUMER. Mr. Sangmeister, do you have any questions?

Mr. SANGMEISTER. Just quickly. Of course, I go back a number of years in the State's attorneys office back in Illinois, where we didn't have any protection orders. Illinois has only had protection orders for the last 6 or 7 years, whatever it's been, and that has been a help. But I know there are many States that don't have that yet, under that program whereby the police make the arrest at night. I can remember vividly on Monday morning, what had happened on the weekend, and there they all sat on the bench, all the women lined up, all battered, and in the morning everybody would have to sign a complaint against her husband. By afternoon, at least three-quarters of those women were in there saying, "Please dismiss the complaint."

The basic reason, of course, was that the employer has now called and said, "Look, if John isn't on the job by tomorrow morning, there will be no job for him." That put a woman in a pretty difficult situation. I'm not so sure that that has changed all that much, has it? How do you address that particular problem if it hasn't? Anyone.

Mr. PFEIFFER. One of my jobs as chief magistrate is setting bonds in these cases. One of the things we can do is put conditions on bonds. In these cases, the information that has been delivered to the magistrates in our training session—and we've had about 4 years on it—is that the women don't necessarily want the man out of the house; they just want him to quit hitting them. So there can be conditions put on bonds to allow him to go to work.

The other thing is what the city of Savannah has done, and the other cities that have implemented the total arrest policy, is they take the prosecution of the cases out of the hands of the woman. We're looking at a situation where they are going to be in the "honeymoon" stage very shortly anyway, so she's going to want to drop the charges, even if he doesn't pressure her to drop the charges.

In the cities that have instituted protocols, they don't allow the woman to drop the charges. It is a crime against the State of Georgia, and the State of Georgia will prosecute the crime. There is a State interest in the crime because the statistics indicate that children that grow up in battered homes, many of those turn out to be batterers themselves and are certainly damaged otherwise. So there is clearly an interest in the State dealing with these crimes as crimes. Then we have to look at the realities of the parties in each—

Mr. SANGMEISTER. It's encouraging to hear that, because I think the authority should be with the State and to get away from the woman all together. That's the reason you have this attitude—I think you were talking about this, Maggie—that the police officers don't get very excited, for want of a better way of putting it, about domestic crimes because they know very well by the next day it's going to be gone anyway. But if they understand that the State is now involved in this and is probably going to follow through, I think you might find a little different attitude on behalf of the police officers.

Ms. ROSENBAUM. It's enormously frustrating for police officers, when they're young and rookies and they make their best efforts

and get involved in a case, only to find that the prosecutor's office allowed a victim to sign a nonprosecution form. The unit that I supervise has no nonprosecution forms in it. If the case is prosecutable, with or without the victim, we will pursue it. If it's not prosecutable, that becomes a problem. Maybe we cannot prosecute this time but maybe we can the next time. We know there will be a next time.

Mr. SANGMEISTER. Police officers found that walking into a domestic situation can be dangerous, so that aspect has to be considered, too. Anyhow, that is some good news on the scene. I thank you all for your efforts here today.

Mr. SCHUMER. Thank you.

Because none of our minority members are here, we will hear from minority counsel for a question.

Mr. NIRENBERG. I just have one quick question for Ms. Rosenbaum, especially given her job in Florida.

On this subcommittee, several times we've been investigating amending the Federal Rules of Evidence to cover the admission at trial, in criminal cases, of evidence, with appropriate safeguards, of the previous commission of sexual assault by the defendant. I know that such a rule, in the Florida Rules of Evidence, has come under recent scrutiny and we intend to possibly reinvestigate amending the Federal Rules of Evidence to possibly let in this sort of evidence in cases of repeat sexual assaults.

What are your thoughts on this issue?

Ms. ROSENBAUM. You're talking about evidence of other crimes, wrongs or acts or similar fact evidence. If you have, particularly in the domestic violence area, a domestic violence case that is finally at the point of being prosecuted, there is a history there. I know the same is true in situations of spousal sexual assaults, and those are the areas really that I can speak to.

It is really quite difficult to prove up these cases without evidence of other crimes, wrongs or acts, or similar fact evidence. I would venture to say that in just about every case that I prosecute, we make use of that rule of evidence that allows for the admission of that evidence.

Mr. NIRENBERG. Thank you. No further questions.

Mr. SCHUMER. OK. Well, I want to thank this panel for excellent testimony. I want to thank everyone who helped out. Mr. Sangmeister, as always, was here through the end—I won't say the bloody end this time. My staff who did an excellent job, the minority staff, and finally, I always like to thank the unsung heroes of all these hearings, our stenographer, who today is Ben Leesman. Ben, thank you, too.

The hearing is adjourned.

[Whereupon, at 2:04 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]



APPENDIX

STATEMENT OF NEW YORK CITY COMMISSION ON THE STATUS OF WOMEN



NEW YORK CITY

COMMISSION ON THE STATUS OF WOMEN

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February 19, 1992

The Honorable Charles E. Schumer
Chairman, Subcommittee on Crime and Criminal Justice
362 House Annex II
Washington, D.C. 20515

Dear Congressman Schumer:

We are writing on behalf of the New York City Commission on the Status of Women. Enclosed is our testimony for H.R. 1502, the Violence Against Women Act. We are grateful for the opportunity to participate in this hearing, and we are especially appreciative of your support on this vital issue.

We at the Commission are strongly in favor of H.R. 1502, and would be interested in participating in any future hearings on this issue. Thank you for your consideration of our views, and your support.

Cordially,

Marcella Maxwell
Chairperson

Cecilie Bakkevig
Intern

Testimony by the
NEW YORK CITY COMMISSION ON THE STATUS OF WOMEN

Marcella Maxwell

The New York City Commission on the Status of Women is an advisory board to the Mayor, mandated to assess and seek ways to improve the status of women in New York City. Ensuring the health and safety of all women is among the Commission's highest priorities.

The hearing you are holding today is of the utmost importance, and represents long awaited recognition of this national outrage. The Violence Against Women Act recognizes that the continued abuse of women is not only sexist, but a violation of their civil rights as well.

There is little hope for improving the status of women in New York City, and nation-wide as well, as long as so many women are afraid to go home because of the high incidence of spouse abuse, afraid to leave their homes for fear of the violence outside, afraid to walk their college campuses or participate in social activities because of the high rate of rape and sexual assault,

and afraid to seek justice through the legal system because of the lack of knowledge and training on the part of the court personnel.

In short, women will never be able to realize their full potential, and contribute to society all that they are capable of, as long as they are shadowed by an ever present fear of violence.

Last year in New York City alone:

- * an estimated 30,000 rapes were committed
- * Victim Service's hotline received 46,000 calls, 35% of which were from battered women.
- * college rapes occurred every 21 hours based on national statistics, with over 50 colleges, universities, and community centers throughout the five boroughs, you can understand the severity of the problem.

This is just a sample of the kind of violence women are currently facing. It is estimated that only one out of ten rapes

is actually reported. This number should come as no surprise when you consider that nationally, only 3% of reported rapes actually end with the conviction of the rapist. There are few incentives to encourage a woman to report crimes of domestic violence and rape. Police officers need enhanced sensitivity and training about the nature of violent acts against women, as well as the authority to intervene. When a woman does choose to press charges, the trial process often compounds her victimization and ends up focused on her, and her ability to prove her innocence, rather than on the alleged perpetrator.

Violence against women is not a "women's issue". Every resident of the United States is affected when women are abused, sexually assaulted, or treated unfairly in the judicial system. The economy, and therefore everyone's standard of living are affected in numerous ways when women are the victims of violence.

* when women do not accept jobs because they fear the hours they would need to work would be too risky, i.e. having to

walk home alone late at night, or ride the bus or subway.

* when women cannot work because of possessive/abusive spouses, or they are limited to working in places where the spouse can maintain control or contact.

* resources used for shelters, counselors, missed work, and in the judicial system.

* children who are raised in abusive homes: In NYC, a pioneering entity by the name of Mothers Against Violence, headed by Barbara Lowe, is addressing the issues of children who are the victims of violence. It is a well documented fact that those individuals who commit violent crimes often came from families where abuse was occurring. When you consider the pervasiveness of domestic violence in our society, it is truly frightening to imagine the effect this is having on future generations.

In a recessionary time such as this, we are acutely aware of

how each dollar is spent, and every effort is made to stretch

valuable budgetary dollars to the limit. Still, many valuable services and programs go under funded, or receive no funding at all. One can only imagine the tremendous cost that all of society must bear because of the senseless violence against women that is currently occurring. Ideally, this violence will eventually be stopped altogether, but this can only occur when society takes some decisive action.

- 1) There needs to be universal recognition of the pervasiveness of this problem. The public, the government, the legal and judicial systems must all be educated to the fact that everywhere, everyday, women are the victims of violence.
- 2) We need to commit to helping these women, and preventing future violence. The victims of violence are innocent, and society must be committed to helping them out of currently or potentially dangerous situations and protecting them in the future.

- 3) We need to take a stand. The perpetrators of this violence must receive a loud and clear message that this violence will not be tolerated in any form or to any degree. If a crime is committed, punishment will follow.
- 4) We need to provide services. Women must have readily available services if they are to escape destructive environments and receive the assistance necessary to live productive, fulfilling lives. Services must include crisis centers, hotlines, and counselors, as well as safer streets and transportation systems, and trained police officers and legal personnel.

In closing, H.R. 1502, addresses these concerns and other issues. With your support, we can finally begin to address the pain, suffering, and fear that are familiar to so many women. Not only can we address this issue, we have the chance to put an end to it. The time for action has come. We feel that H.R. 1502 is both comprehensive and realistic, and provides the opportunity to

effectively deal with the violence that is affecting so many members of society today. The implementation of the policies of this act, can directly improve the lives of millions of women in this country. We know the disastrous results of choosing to ignore this outrage. Now lets see what happens when we choose to act. On behalf of the women of New York City we urge you to pass this legislation in it's current form. Thank you.

