

# COMBATING VIOLENCE AGAINST WOMEN

---

## HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

**S. 1729**

A BILL TO AMEND TITLE 18, UNITED STATES CODE, WITH RESPECT TO  
STALKING

---

MAY 15, 1996

---

**Serial No. J-104-81**

---

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1997

40-013

For sale by the U.S. Government Printing Office

Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-054974-4

5521-62

2

**COMMITTEE ON THE JUDICIARY**

**ORRIN G. HATCH, Utah, *Chairman***

**STROM THURMOND, South Carolina**

**ALAN K. SIMPSON, Wyoming**

**CHARLES E. GRASSLEY, Iowa**

**ARLEN SPECTER, Pennsylvania**

**HANK BROWN, Colorado**

**FRED THOMPSON, Tennessee**

**JON KYL, Arizona**

**MIKE DEWINE, Ohio**

**SPENCER ABRAHAM, Michigan**

**JOSEPH R. BIDEN, JR., Delaware**

**EDWARD M. KENNEDY, Massachusetts**

**PATRICK J. LEAHY, Vermont**

**HOWELL HEFLIN, Alabama**

**PAUL SIMON, Illinois**

**HERBERT KOHL, Wisconsin**

**DIANNE FEINSTEIN, California**

**RUSSELL D. FEINGOLD, Wisconsin**

**MARK R. DISLER, *Chief Counsel***

**MANUS COONEY, *Staff Director and Chief Counsel***

**CYNTHIA C. HOGAN, *Minority Chief Counsel***

**KAREN A. ROBB, *Minority Staff Director***

# CONTENTS

## STATEMENTS OF COMMITTEE MEMBERS

	Page
Hatch, Hon. Orrin G., U.S. Senator from the State of Utah .....	1
Biden, Hon. Joseph R., Jr., U.S. Senator from the State of Delaware .....	9
Simpson, Hon. Alan K., U.S. Senator from the State of Wyoming .....	11
Grassley, Hon. Charles E., U.S. Senator from the State of Iowa .....	11
Feinstein, Hon. Dianne, U.S. Senator from the State of California .....	21

## CHRONOLOGICAL LIST OF WITNESSES

Hon. Kay Bailey Hutchison, U.S. Senator from the State of Texas .....	2
Hon. Janet Reno, Attorney General, U.S. Department of Justice, Washington, DC .....	5
Panel consisting of Denise Brown, Nicole Brown Simpson Charitable Foundation, Dana Point, CA; and Beverly C. Dusso, executive director, Harriet Tubman Center, Inc., Minneapolis, MN .....	43
Panel consisting of John C. Nelson, member, board of trustees, American Medical Association, Salt Lake City, UT; Kenneth J. Novack, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, Boston, MA; Deborah E. Tjaden, DuPont de Nemours and Company, Wilmington, DE; and Kathryn J. Rodgers, executive director, NOW Legal Defense and Education Fund, New York, NY .....	60

## ALPHABETICAL LIST AND MATERIALS SUBMITTED

Brown, Denise: Testimony .....	43
Dusso, Beverly C.: Testimony .....	45
Prepared statement .....	47
Hutchison, Hon. Kay Bailey: Testimony .....	2
Prepared statement .....	4
Nelson, John C.: Testimony .....	60
Prepared statement .....	62
Novak, Kenneth J.: Testimony .....	65
Prepared statement .....	66
Rodgers, Kathryn J.: Testimony .....	75
Prepared statement .....	77
Reno, Janet: Testimony .....	5
Prepared statement .....	37
Tjaden, Deborah E.: Testimony .....	70
Prepared statement .....	73

## APPENDIX

### PROPOSED LEGISLATION

S. 1729, a bill to amend title 18, United States Code, with respect to stalking .....	82
---	----

IV

ADDITIONAL SUBMISSIONS FOR THE RECORD

Letter from Delilah Rumburg, executive director, Pennsylvania Coalition Against Rape, to Senator Specter, dated May 13, 1996 .....	Page 84
Prepared statements of:	
The Coalition of Labor Union Women .....	84
Gail Burns-Smith, National Alliance of Sexual Assault Coalitions .....	85
The National Network on Behalf of Battered Immigrant Women .....	86
Report of the Presidential Task Force on Violence and the Family—Executive Summary .....	91

# COMBATING VIOLENCE AGAINST WOMEN

WEDNESDAY, MAY 15, 1996

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:03 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Orrin G. Hatch (chairman of the committee), presiding.

Also present: Senators Grassley, Specter, Kyl, Abraham, Kennedy, Biden, Leahy, Feinstein, and Wellstone [ex officio].

## OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

The CHAIRMAN. I want to welcome everybody here this morning. We have a distinguished group of witnesses with us today, led by Senator Kay Bailey Hutchison and the Attorney General of the United States of America. We will also hear from Denise Brown, who has dedicated herself to working at the grass-roots level to combat domestic violence. We are pleased that she arranged her schedule so that she could be with us as well.

The hearing has three purposes. First, we are joined by my friend and colleague from Texas who is with us to discuss her stalking legislation. This is a bill that passed the House of Representatives last week and addresses an extremely important matter. I know that the Senator is eager to share her views with this committee, and I appreciate you, Senator Hutchison, for taking time to be with us this morning.

The second purpose of this hearing is to review the efforts of the Justice Department and others involved in the implementation and the enforcement of the Violence Against Women Act. That landmark legislation has been in effect for over a year and this committee welcomes the opportunity to review the progress made under it, as well as any problems in its enforcement.

I am concerned that notwithstanding this administration's commitment to the social spending of the Violence Against Women Act, its enforcement of the act's criminal provisions has been limited to only a handful of cases. I appreciate that Attorney General Reno is here to address these concerns.

The third purpose of this hearing is a bit broader as we look at it. As important as this Federal law is and as important as congressional funding of the grants authorized by this act is, combating violence against women is not a problem that can be singularly tackled by changes in Federal law or appropriations of Federal money. Rather, it is a matter on which all Americans, in their

homes, neighborhoods, workplaces, professional societies, places of worship and social organizations, have to take a stand and do their part.

On the last panel this morning, I have tried to bring together persons representing the medical community, the legal community and the business community. We need a continuous dialog that involves all of these professions. Each has a role and responsibility in combating violence against women.

Finally, I will conclude with just a few words of clarification. I am concerned that the whole issue of violence against women is being misperceived as only a women's issue, even a feminist issue. I do not believe such characterizations are really accurate. This issue cannot be pigeon-holed as only a women's issue any more than the economy or taxes can be.

Domestic and sexual violence is, of course, first about women, since they are most often the victims of it, but it is also about children growing up in an atmosphere of violence and abuse. It is about family and it is about our most basic values as a people; that is, decency and respect. All of us need to care and need to take responsibility.

Again, I welcome our witnesses to the committee. Many have traveled from distances all over the country and from different parts of the country to share their knowledge and experiences with us and we look forward to hearing from all of them.

When Senator Biden comes, we will take his statement and we will interrupt at that time to do so, but let me now turn to my friend and colleague, Senator Hutchison, who has worked very long and hard on this bill that she has, as well as on the violence against women bill.

We are very appreciative to have you here, Senator Hutchison, and we will look forward to hearing your testimony.

**STATEMENT OF HON. KAY BAILEY HUTCHISON, A U.S.  
SENATOR FROM THE STATE OF TEXAS**

Senator HUTCHISON. Thank you so much, Mr. Chairman. I have a written statement which I will not read, but I would like to submit for the record.

The CHAIRMAN. Without objection, we will put it in the record.

Senator HUTCHISON. I want to say personally how much I appreciate your expeditious hearing of this bill. The Interstate Stalking Punishment and Prevention Act of 1996 passed the House of Representatives unanimously last week. The fact that you have had this expedited hearing, I hope, means that we can vote this bill out of committee on an expedited basis and go to the floor with it because I think it is something that is very bipartisan and that I hope the President would sign very quickly.

Basically, what we do is expand on the domestic violence legislation that was passed a year or so ago by expanding the definition of "victim" from "offenders, spouse or intimate partner" to simply "victim." This means that whether a person has a relationship with a stalker or not is not really relevant. The relevancy is that the person is a victim of stalking.

This is a crime that was not very well understood just a few years ago. It was very difficult to get police to intervene in a stalk-

ing situation because it was hard to define the crime. Now, we know that we can see a pattern where stalking very easily can turn into real violence, and the fear that goes along with the stalking just adds to the debilitation of the victim.

So I think now that we do understand it, and I think that Congress is now willing to act, means that we can also speak to some of the issues that have not yet been covered, like the fact that a victim is a victim regardless of whether there is a relationship with the stalker. In fact, most stalkers do not have a relationship to the victim.

This legislation will make it a felony to cross a State line with the intent to injure or harass or stalk a victim. This means not that we will federalize the crime of stalking, but that if there is a restraining order in one State, it can then be enforced by Federal law. It means that the FBI will be able to use its resources to track a stalker from one State to another. We have found in research that many times a victim would have to move to another State in order to get away from the stalker that has been following or harassing him or her. Mostly, it is women, but from time to time, of course, there are men and we want to protect all of our citizens.

The penalties are stiffened in this bill. The penalties become 5 years for interstate for stalking, 10 years if serious bodily injury occurs or if there is a dangerous weapon used during the stalking episode, 20 years if there is permanent disfigurement or life-threatening injury, and life if death results from interstate stalking.

So those are the basics of the bill. It is very clean-cut and simple. It amends the Domestic Violence Act. It gives us more tools to protect people that have been very hard to protect and victims who have suffered in the past because they didn't have the protection.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you, Senator. We will certainly look at that bill and see what we can do to move it as quickly as we can. We share your concerns in this area and, as you know, we have tried to resolve these problems before and we still haven't quite fine-tuned it as well as perhaps you have here. So we will certainly commit to try and do what we can on it and we appreciate your appearing before the committee today.

Senator HUTCHISON. Let me just add, Mr. Chairman, that when I was in the State legislature over 20 years ago, I had a very difficult time passing a bill for the fair treatment of victims of rape, and now I find that we have such a better understanding and I want to compliment you for doing what you are doing. I want to compliment Congress for dealing with this issue. The environment is so much better now than it has ever been and I thank you for your courtesies today.

The CHAIRMAN. Thank you.

Are there any questions?

Senator KYL. No.

The CHAIRMAN. Thank you for being here, Senator Hutchison.

Senator HUTCHISON. Thank you.

[The prepared statement of Senator Hutchison follows:]

## PREPARED STATEMENT OF KAY BAILEY HUTCHISON

Mr. Chairman and members of the Committee, I introduced legislation last week to strengthen the protections our society offers to stalking victims—those individuals whose stories we so often hear only after they end in tragedy. This legislation passed the House by unanimous vote, and I urge my Senate colleagues to give it unanimous support too.

My bill would make it a felony for a stalker to cross state lines with the intention of injuring or harassing the victim. It would make it a felony to place a stalking victim in reasonable fear of death or serious bodily injury in violation of a protective order by such travel. And it extends that protection of law to members of a victim's immediate family as well.

Freedom from fear is one of the most cherished advantages we are supposed to enjoy in our country, but stalking victims have been robbed of that freedom.

Their victimization is made worse currently, restraining orders against stalkers issued in one state cannot be enforced in another state. If the victim leaves the state—to work, to travel, to escape—they lose their protection. Many times victims are told to put some distance between themselves and their stalker; perhaps they are even counseled to move far away.

Under such circumstances, stalking victims must go through the time-consuming process of obtaining another restraining order in a different jurisdiction. We all know the wheels of justice grind slowly. Time is what many stalking victims don't have—in such situations, time may be the difference between life and death.

The stories are not unique. They happen all over the country. We all remember the terror that Joy Silverman and her daughter endured for months before Chief Judge Sol Wachtler of New York plead guilty to threatening to kidnap Mrs. Silverman's teen-age daughter. There are countless of other stories.

The Interstate Stalking Punishment and Prevention Act will give stalking victims what they desperately need—freedom. It will protect victims regardless of where they go. Victims will no longer be trapped in their own states in order to benefit from the shelter of law. In addition, this bill allows the resources of the FBI to be applied against interstate stalkers—to prevent the intimidation of victims, or their coming to actual harm.

Just as importantly, this legislation goes beyond last year's domestic violence legislation by expanding the definition of a stalking victim from "offender's spouse or intimate partner" to simply "victim." Although there are not concise estimates regarding the crime of stalking and many incidents go unreported, one study estimates that there are upwards of 200,000 stalkers in the United States. Stalkers are not only the spouses or intimate partners of a victim. Many people are stalked by someone other than a spouse or intimate partner—often someone they know only slightly or don't know at all. Stalkers can be obsessed fans, divorced or separated spouses, ex-lovers, rejected suitors, neighbors, co-workers, classmates, gang members, former employees, as well as complete strangers. In fact, federal research demonstrates that women are dramatically more likely to be assaulted by strangers than by their husbands. Common sense tells us they need protection as much as those stalked by a spouse or romantic partner. This provision alone would double the protection we now can provide stalking victims.

Mr. Chairman, I want to make it clear to my colleagues that the intent of this legislation is not to federalize the crime of stalking. Although the bill expands protection to victims who live or work on federal property: military bases, post offices, national parks, and other locations, stalking is and will remain a state crime, subject to state jurisdiction and sanction. But under the bill I introduced, if a stalker crosses state lines, then federal resources can be brought to bear to ensure the stalker is caught and stopped—the same protection we provided last year for victims of domestic violence.

This bill sends an unmistakable message. Its penalty provisions are stiff. We will be putting predators on notice that if they are convicted of crossing state lines to stalk a victim, they risk: five years in prison; ten years if their victim comes to serious harm or if a dangerous weapon is used; twenty years if stalking results in permanent disfigurement or life-threatening injury; life in prison if their victim dies.

Mr. Chairman, this is the message we should be sending to offenders, whether they are victimizing women, children, the elderly or anyone, you will go to jail, you will pay the price for violating the law.

Mr. Chairman and members of the Committee, this bill bridges the gap between law enforcement authorities in different states. It will allow us to stop stalkers who might otherwise duck under the net when they cross state lines, doing great damage to their victims.

Mr. Chairman, as I stated earlier, this legislation received the unanimous support of the House. I hope that you and my colleagues on the committee will act expeditiously to send this bill to the President. If our society is serious about stopping the intimidation and actual injury that result from stalking in countless communities every day, we will enact this law.

The CHAIRMAN. At this point, I have to say I am always extremely pleased to welcome the Attorney General of the United States to the committee and we are very honored to have you here with us. General Reno, your Department has such a pivotal role in enforcing provisions of the Violence Against Women Act that I think it is important that you be here and I very much appreciate your attendance and that you have come here this morning to be with us.

I look forward to hearing from you about what the Department has done thus far in implementing and enforcing the act. I think it is very important that we hear from you and I think it is important for you to realize that we really take this very seriously and we want to make sure we can do everything we can. I know Senator Biden and I, both, as authors of the act—he more than I, but nevertheless both of us take tremendous interest in this.

So we will turn the time over to you at this point.

**STATEMENT OF HON. JANET RENO, ATTORNEY GENERAL, U.S.  
DEPARTMENT OF JUSTICE, WASHINGTON, DC**

Attorney General RENO. Thank you very much, Mr. Chairman, Senator Biden, Senator Wellstone, Senator Kyl. It is always a pleasure to testify before this committee and I have truly appreciated the opportunity to work on so many matters of mutual concern with you in a collegial and thoughtful way. I thank you for this opportunity to discuss the Violence Against Women Act.

Thanks to your leadership and then Chairman Biden's leadership, the Congress and President Clinton enacted the Violence Against Women Act as part of the historic 1994 Crime Act. Its passage, I think, was truly a turning point in the national effort to break the cycle of domestic violence and sexual assault. I think it was a milestone in the efforts of so many.

The President and the administration are committed to working with you to carry out the mandate of the act in the same spirit of cooperation, consultation and partnership with which it was crafted. I am very happy that with bipartisan support demonstrated by Congress, and in this committee particularly, when it passed this law that Congress has now determined to fully fund it for 1996. That bipartisanship is a mirror of the partnerships that the act is fostering across the country.

I know from my experiences in south Florida how important it is for police and prosecutors to work together with community leaders in fashioning a comprehensive and coordinated response to the problem of domestic violence. The entire Department, and particularly the Violence Against Women Office and its able Director, Bonnie Campbell, who is here with me today, are pursuing every means possible to carry on the important efforts established by this act.

Through the assistance of the Violence Against Women Act, Federal, State, and local leaders are banding together to make a real difference in the lives of women and families across this country.

They are coming together because of one very simple truth. We are never going to end violence on the streets of this Nation until we end it in our homes. The cycle of violence that begins in the home is felt in every American community and every institution, in our schools, more recently in our workplace, our hospital wards. Perhaps it is seen most harshly in the histories of our prison populations.

Study after study, including a recent report from the American Psychological Association, has shown that children who are abused and who witness violence at home are substantially more likely to commit violent acts themselves. As the report points out, violence is a learned behavior and one of the best classrooms for violence is in the home.

Nothing has given us more of a direct pulse on this problem than the National Domestic Violence Hotline. In its first 2 months, the hotline—1-800-799-SAFE—received almost 15,000 calls. Nearly half of these calls were from victims of domestic violence, many of whom did not know where to go to for help.

Certainly, we have a great challenge before us, and here is how the act is making a difference. The act provides for grants to States. We call these grants the STOP grants. It stands for services, training, officers and prosecutors. They are about effective collaboration, with Federal dollars being used to encourage new partnerships and innovative programs, while each State retains flexibility to meet its own special needs and designs a plan based on its needs and resources.

In fiscal year 1995, Congress appropriated \$26 million for the STOP grants program. We have gotten these funds out to States swiftly and efficiently, and we will move just as quickly with other grant programs that Congress has funded, including \$7 million for abused women and children in rural America and \$28 million in funding to encourage mandatory arrest policies for the primary aggressor in domestic abuse cases.

We have already begun to see the results of these grants. These grants are now going for training for law enforcement officers and prosecutors. They are being used to create and expand specialized units of police and prosecutors. They are providing for the development of more effective protocols for the handling of these cases. They are creating or expanding databases so we know about protective orders and other information that is so critical to enforcement, and they are being used to enlarge and strengthen and in many instances create much needed victim services programs.

In Utah, Mr. Chairman, the STOP grant funding is being used to support 18 new domestic violence and sexual assault advocates across the State. One of the advocates will be working in the new women's shelter being built in the south end of Salt Lake City Valley. These advocates can be so critical. From my experience in Miami, when you have someone who is trained on the issues of domestic violence and who understands and can reach out with sensitivity and understanding, it can make such a difference in the person's willingness to participate, to come forward and to take steps to end the cycle of violence.

In Delaware, Senator Biden, STOP grants funds are being used by the Wilmington Police Department to hire a civilian victim serv-

ice outreach worker to help victims secure protection orders and to follow the victim through the prosecution phase of their case. This is so critically important because I have seen situations where victims didn't know where to go. Through the hotline and through other efforts such as this, I think we can make a big difference in outreach.

The initial funding for 1995 was only a down payment. Thanks to recent passage of the Department's budget for fiscal year 1996, we are moving forward to rapidly provide the States and tribal governments with \$130 million in 1996 STOP grant funding. I am happy to announce that application packages will be mailed within the next few days. In addition to the Violence Against Women grants, the Department will soon announce the award of grants under the COPS/Domestic Violence Initiative so that communities can utilize the proven techniques of community policing to combat domestic violence where it starts.

Resources are only part of the story. The act also provides for tough law enforcement. The Federal penalties of the interstate domestic violence and harassment provisions of the act have been used to great effect when State and local prosecutors, working with Federal prosecutors, believe it is in the best interest of justice that the case be tried in Federal court. Batterers must not slip through the cracks in the criminal justice system with the same ease with which they have slipped across State lines.

More than a dozen cases have been brought successfully in districts throughout the country. For example, in the Northern District of California, the United States prosecuted Ricky Steele, who severely beat his girlfriend in the State of Oregon and then forced her to drive with him to Las Vegas. While driving through California, a witness saw the girlfriend try to escape and called 911. The highway patrol made the arrest. Both States consulted Federal officials and we prosecuted Steele in Federal court under the act. Steele was sentenced to 87 months in prison. We will continue to forge these prosecutorial partnerships with State officials.

Tough and effective law enforcement does not just mean punishment, but it also means preventing these crimes from happening in the first place. Mr. Chairman, the Justice Department is working with the States to ensure that protection orders are given full faith and credit by law enforcement and by courts throughout the country.

Protection orders issued by a court directing a batterer to stay away from a victim of domestic violence or sexual assault can do much to prevent violence or the recurrence of violence, but a protection is not worth the paper it is written on if it is not enforced, and it is not enforced if the police officer in one State doesn't have a copy of the protection order that might have been entered in the other State. That is why the act helps States to improve their criminal history databases to include records of protection orders.

The Department has also devised an aggressive strategy to implement the act's full faith and credit provision so that we move toward the day when every State will have a single protection order that every police officer and every court will recognize and enforce.

As part of the Crime Act, Congress and the President enacted the Jacob Wetterling Act. This act, named for a young lad who was abducted in Minnesota, requires a sex offender registry in each State and permits notice to the community. This is an effort by Congress and the administration to prevent sexual assault against women and children.

Congress last week took several steps to strengthen this Jacob Wetterling Act in passing the community notification requirement of what is called Megan's Law which now will mandate notification to the community. The President strongly supports this law and will soon sign it into law. Parents and members of the community should have the information they need to provide greater protection for their children.

As we work to break the cycle of violence, it is essential that the rights of victims are protected and enhanced. As a result of the act, victims of Federal domestic violence and sexual assault crimes have several significant rights, such as mandatory restitution and the right to address the court at the time of sentencing. All U.S. attorneys have been instructed on these new provisions.

In addition, the Immigration and Naturalization Service recently published final regulations establishing self-petitioning procedures for immigrant women married to abusive spouses who are U.S. citizens or lawful permanent residents. Abusive spouses can no longer hold their alien spouses captive with threats of deportation.

We are continually seeking new ideas and new collaborations to turn back domestic violence. With this in mind, the Secretary of the Department of Health and Human Services, Donna Shalala, and I formed an advisory council on Violence Against Women. This council is helping us to explore new public and private partnerships that can demonstrate that the cooperative model for dealing with violence against women can produce tangible results.

Since the passage of the Violence Against Women Act, we have had many months of coordination, cooperation and progress. The Federal Government's leadership and resources have helped to plant the seeds, but the Federal Government does not have all the answers. Prosecutors and police officers across America and State and local agencies are on the front line, and we cannot and should not be coming in communities telling them what to do because oftentimes they know the situation best.

But we can provide resources and guidance, technical expertise and information on the kinds of programs that can be effective, and assist States in enhancing what works for them and for their communities. The States have brought new energy and new focus to the problem of domestic violence and sexual assault. We are their partners in this historic effort to stem the spread of domestic violence and sexual assault.

Across the country, we are seeing activities that were not under way 2 years ago or that existed but needed more financial and technical support. These activities range from the new specialized prosecution and law enforcement units to expanded services for previously underserved women. We have a long way to go, but we are closer to the goal of reducing, if not eliminating violence against women, thanks to you, to Senator Biden, and to so many who have worked so hard in this effort.

I thank you for this opportunity to appear.

The CHAIRMAN. Well, thank you, General. We appreciate it.

Before we begin questioning, I would like to turn to our ranking leader on the committee, who is the prime author of this legislation and with whom I have worked very closely on it, for your opening statement, if we can, Joe.

Senator BIDEN. I will ask unanimous consent that my entire statement be placed in the record and make an abbreviated version of it.

Also I would like to include statements of Senators Grassley and Simpson.

The CHAIRMAN. Without objection.

[The prepared statements of Senators Biden, Grassley, and Simpson follow:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM  
THE STATE OF DELAWARE

I commend Senator Hatch for convening this important hearing on the implementation of the Violence Against Women Act. Of all the legislation I've ever written, this one—the Violence Against Women Act—has been my first priority and my proudest accomplishment.

The reason I worked so hard for this law is because I believe that, for too long, we turned our backs on the victims of family violence. For too long, we treated violence against women as a second-class crime—somehow tamer when it happened in the home, somehow easier to excuse when the woman knew her attacker, somehow less serious when a woman was too scared to call the police.

In 1994, we took an historic step in the right direction when we passed the Violence Against Women Act.

We made a commitment to the women and children of this country. We said: We will no longer look the other way—the violence you suffer will no longer be yours alone. Help is on the way.

No one in this room underestimated the tragic toll of family violence—you have all been busy fighting to prevent future violence and help the women and children who survive.

In passing the Violence Against Women Act, the Congress of the United States joined the fight in a major way—both symbolically by stating loud and clear that this violence is unacceptable,

And practically by changing our law and by committing \$1.6 billion over 6 years to police, prosecutors, judges and women—to crack down on abusers and offer needed support to victims every step of the way.

The act, let me remind my colleagues, has four basic goals: To make our streets and homes safer for women; to make the criminal justice system more responsive to women; to start changing attitudes—beginning with our kids—about violence against women; and to extend to women the equal protection of our Nation's laws.

When we passed the Violence Against Women Act—the Senate, the House, and the President—we all agreed that Federal dollars should be committed to further these goals. Specifically, we authorized funding to:

Hire more police and prosecutors specially trained and devoted to combating family violence;

Train police, prosecutors and judges in the ways of family violence—so they can better understand and respond to the problem;

Implement tougher arrest policies, including mandatory arrest for anyone who violates a protection order—so that the burden of seeking an arrest does not fall on the women who may fear further violence;

Expand and improve victim-service programs and provide specially-trained family violence court advocates; and

Fund rape crisis centers and open more battered women shelters, among other purposes.

As we will hear from Attorney General Janet Reno, in the past year and a half, these goals are being carried out—the Violence Against Women Act has already been put into action.

As many of you may already know, the first conviction and sentencing under the act took place last year in West Virginia.

Christopher Bailey, who severely beat his wife Sonja over the course of six days, moving from their home in West-Virginia to Kentucky, where he finally delivered her to a hospital. She remains in a coma; last May, he was convicted under a new provision in the Violence Against Women Act and for kidnapping, and was sentenced to serve the rest of his days in prison.

That conviction, and others that have followed under the Violence Against Women Act, send a clear message all across our land: violence against women will not be tolerated—it will be punished, and it will be punished severely.

In addition to making arrests, winning convictions and securing tough sentences, Federal dollars are helping coalitions of police, prosecutors, judges and victim service organizations, in States and communities all across the county, work together to offer women the information and practical resources they need.

In speaking about resources, I would especially like to thank my colleague Senator Specter. Because of his staunch support and unwavering commitment to fully funding shelter grants, there will be a \$15 million increase nationwide for Battered Women Shelters this year. That's enough new funding for shelter for 60,000 battered women and their children.

In addition, women now have access to a hotline—what amounts to a life-line for women who do not know where to go to get out of an abusive relationship. Since the hotline went into effect on February 21st, hotline staff have responded to more than 13,000 calls. Nearly half of these calls (44%) were from victims of family violence.

But as important a role as the Federal Government can play, given the magnitude of the problem of family violence, Government simply cannot do it alone. If we are to mount the fight we need, we must have a partnership between Government—and the medical, business, and legal communities. The witnesses we will hear from today provide some of the best examples that the necessary commitment is being made.

The medical profession is key because, after all, the first place a battered woman may go after being abused is to the hospital emergency room.

Coordinated services must be provided to a battered woman when she is most vulnerable, physically *and* emotionally.

We also need health care professionals to become better equipped to identify the signs of family violence and to offer effective and compassionate treatment.

The business community is critical because women make up half of the American workforce today. Many, many of these women—women who walk through company doors every morning—are hit, abused or beaten by their husbands or boyfriends.

Put yourself in her place—a battered woman may not know where to turn for help in the community. She's scared. She's stunned. She's embarrassed. She may even be blaming herself for that gash on her cheek or that bruise across her chest.

She may not go to a shelter. But she's going to work. For this reason, intervention at the workplace may be the answer in many instances to ending the cycle of domestic violence.

My friend from Delaware, Debbie Jaden of Dupont, knows this reality all too well. Debbie has worked for Dupont for 22 years, where she is the point person for helping employees who have been the victims of family violence. She receives the urgent call from an employee who is being abused, harassed, or stalked and she helps that person get help.

Lastly, having a knowledgeable, compassionate, and committed lawyer is essential for a battered woman to be able to protect herself and her children from further abuse and to ensure that she is aware of any legal recourse she may have against her abuser.

Finally, Mr. Chairman, I would like to emphasize the importance of all of us staying the course and keeping our commitment to fight family violence and sexual assault.

As you may recall, unfortunately, during the appropriations battle last year, the Senate Appropriations Subcommittee recommended cutting \$100 million from the Justice Department funding to combat violence against women.

On the Senate floor last fall, I offered an amendment to restore \$100 million in cuts. Fortunately, you and my colleagues recognized that we could not abandon our commitment to fight violence against women and children.

The amendment to restore the \$100 million cuts passed the Senate unanimously and led to the 1996 budget signed last month, which provides virtually full funding for the Violence Against Women Act.

As we consider the pending budget legislation and appropriations for the 1997 fiscal year, we must not let our commitment to fighting violence against women waiver one bit. The women and children of America are counting on us.

Thank You.

PREPARED STATEMENT OF SENATOR ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Thank you, Mr. Chairman. You are doing a marvelous job here today in raising the visibility level of this extremely important issue. As every one of us here is aware, violent crimes committed against women are a serious problem in this country. In 1994, over 102,000 forcible rapes were reported, and 4,700 women were murdered.

Crimes against women are distinctive, as well, in that very often they are committed by a person known to the victim. Of the female murder victims in 1994, 1,350 were murdered by either husband or boyfriends. In fact, women are 6 times more likely than men to experience violence committed by someone close to them.

That is why we passed the violence against women act two years ago. Even more importantly, some of the initiatives that were begun by caring and involved individuals and local governments even before Congress took action seem to be working. The number of forcible rapes in 1994 decreased by almost 4 percent from 1993, and the number of female murder victims also decreased by 10 percent during that period.

To assist in these efforts, some remarkable programs have been instituted through the Violence Against Women Act, including the S\*T\*O\*P grants and the national domestic violence hotline. The hotline in particular has already been a "life-line" to thousands of women in abusive situations. In the two months following its inception on February 21 of this year, hotline counselors responded to almost 14,000 calls.

Our efforts in this area have just begun, and I am looking forward to hearing from these energetic and informed individuals who will be testifying today on the federal, state and local partnerships that have developed to address the problem of violence against women. I hope you will also feel free to tell us where we can "fine tune" the Violence Against Women Act and other legislation to be even more effective in this important work.

---

PREPARED STATEMENT OF SENATOR CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

I would like to correct a comment made by the distinguished Ranking Member Senator Biden. During the course of questioning a witness, Senator Biden suggested that I had opposed funds for the training of judges. This is not true. When the full Senate considered H.R. 2076, the Commerce-State-Justice Appropriations bill, together with Senator Hatch and Senator Gramm, I engaged in a floor colloquy regarding the authority of federal courts to spend funds on so-called "bias" studies. Some courts had concluded such studies by the time we were considering H.R. 2076, and a number of federal judges and academics had roundly criticized the way in which the "bias" studies had been conducted. In fact, the United States Court of Appeals for the D.C. Circuit actually voted to reject the "bias" study prepared in their circuit because it was so deeply flawed in design and execution. In order to get to the bottom of this controversy, I commissioned a non-partisan General Accounting Office report on the methodological validity of the "bias" studies that had been conducted. The GAO report concluded that the "bias" studies were methodological flawed, confirming the sentiments expressed by some judges and academics. In other words, the "bias" studies were unreliable and just can't serve as the basis for policy judgments on how to improve the functioning of the federal judiciary.

What could have been a useful exercise—determining whether women or minorities are subject some sort of systematic discrimination—was turned into a costly and politically-motivated effort with no practical value. I believe that this lost opportunity was unfortunate, and with my colleagues I made clear that the restoration of full funding for the VAWA—which I supported and voted for—did not include funding for "bias" studies.

At no time during the floor colloquy did any of us so much as even refer to funding for the education of judges. Speaking for myself, I would support such a program. So, the suggestion that I had ever opposed funding for judicial education is simply false.

Senator BIDEN. I thank the Chair.

General, I remember when this started. I remember reading the FBI statistics on violence and talking about them with my then staff member, a fellow named Mark Gitenstein, and I was amazed. I thought violence was an equal opportunity employer. I thought it

was affecting everyone the same. In the decade of the 1970's, violence against young men between 18 and 30 actually dropped, and violent acts against women went up over 50 percent. I couldn't quite understand that, so we started holding hearings.

Quite frankly, it took 5 years to pass this legislation from the time I wrote it, and the objections were the Federal Government shouldn't be involved in it; that violence against women was not a Federal problem. There were constitutional issues raised by a previous Justice Department. We were told that the civil rights cause of action worried everyone, including the civil rights community at the time. There was concern raised by some women's groups that it would reprioritize their priorities and this wasn't the top priority. Passing the Violence Against Women Act took a long time.

The reason I bother to mention this is it didn't take you long. I must say for the record that in my 23 years in the Senate I have never seen any major piece of legislation implemented as rapidly, as effectively, and as thoroughly as the Violence Against Women Act has.

I give you credit for making the choice of picking Bonnie Campbell. We don't often give plaudits to administration officials who come before us or people who are viewed by the public at large as bureaucratic. But Bonnie Campbell, the former attorney general of the State of Iowa, has taken the Violence Against Women Act and made it her cause. Because of her efforts, the act is working. There are results already.

I would also like to publicly thank Chairman Hatch again. The reason why the funding has stayed intact is because of his efforts; this guy took on his party, took a lot of grief for doing it, as did Senator Specter. He's the reason why the amendment I offered to restore all the funding passed. The amendment passed even though we were told we were going to lose.

If I had just been the one leading the Democrats on this, we probably would have lost and would not have restored the funding. When Senator Hatch came to me to tell me we should introduce an amendment restoring full funding and cosponsored the amendment, I guess it didn't make him popular in some quarters, but the fact of the matter is he was so effective that the person who voted to delete the funding in the appropriations committee asked to cosponsor the amendment restoring the funding. Now, that hasn't happened very often in my time here, and there is a simple reason.

I look out and I see some of the advocates in the audience out there. It is because you got the word out. It is because this is one program none of these guys are going to fool around with. No Senator is going to take on the Violence Against Women Act.

The other point I would like to make is that it seems to me that your point is well taken about local involvement. Let me tell you why Bonnie Campbell is such an incredible asset. She not only comes in and dispenses funds and talks about it, she actually sits down with people like me and any Senator who would be willing to do this. For example, we got together every single person who works administratively in the court system in the State of Delaware, from the intake officer who sits at the desk where that metal detector is to the chief justice of the Supreme Court of the State of Delaware, and we had several conferences where the simple

proposition was put forward that the time that a woman who is battered is going to step forward and maybe act to end her imprisonment is the moment the doctor has her on a table in the hospital or the moment she walks through the gate of the courtroom. But, if a court official, for example, does not understand violence against women and sits the battered woman next to the person who battered her, while she's waiting to go inside the court room, she will not go forward.

This is not rocket science. This does not require a Ph.D. to figure out; it doesn't require any degree. Bonnie Campbell understand this, and she's able to get things done. Thanks to her efforts, the medical society of the State of Delaware is changing the procedures in every major hospital in my State. Now, when you walk into a hospital in my State, doctors are trained to identify abuse; they can determine that it is not a door jam that caused a black eye, broken shoulder, or crushed rib, as many women say it is, but physical abuse.

The hospitals now have an entire support system—an intake worker, a case worker, a volunteer who can tell a battered woman where the nearest shelter is, a lawyer who can get a stay-away order, a particular person to call. The best thing I think you can do General is for your office to get out in the field more—and let other jurisdictions know that there are programs and methodologies out there that work and that the community can put in place, at little or no cost, which can fundamentally change women's lives.

In conclusion, let me suggest that the one thing I would like to see us work together on, as we always have on all of this, is the hotline and attorney referrals. We not only funded the hotline, but now when a woman calls, she is directed to a person or organization in her area where she can get help. But we should do more. We should ask the American Bar Association and all legal organizations, as I have done in my State, to give the names of specific lawyers, with their home numbers and their office numbers, who are willing to take on pro bono cases for women who call the hotline. In my view, it is a moral obligation of the legal community, of which I am a member, to respond to such a request.

Thus, for example, when a woman calls the hotline, the hotline will be able to direct her to, not only the locality where she can get help, but an attorney's name, her phone number, and whether the attorney will take the case pro bono if the caller can't afford a lawyer.

What I am finding, General, is that organizations are willing to do their part to fight violence against women. A comment from our statewide newspaper says, "Fight against abuse shows results in Delaware. Federal funds have brought action and hope among victims." Quoting from the highest ranking police officer in the State of Delaware, the article goes on to say: "Those who work with Delaware's domestic violence find that they are getting much more cooperation. We are expanding the kinds of programs in the State to teach our cops," et cetera, et cetera. Then it goes on. A woman named Reese who heads up the Coalition Against Domestic Violence says, "In the last year or so, I have noticed that law enforcement, court personnel and others have come to our aid. They have

become extremely helpful and they are proactive." People want to be proactive, but they have to be shown the way.

I have taken more time Mr. Chairman so I will not ask questions until the end. Let me just say, however, that Bonnie Campbell is the single best thing that has happened in the field of violence against women since I have been here, and I am not just saying it because she is a friend. I mean it, I mean it, I mean it. She goes into these communities and gives them practical strategies to do what they want to do, and with the funding that Arlen Specter has made sure we continue to have, there will be 60,000 additional shelters this year. With the money that the Chairman has weighed in on his side to make sure we have, the Justice Department Violence Against Women Programs will receive virtually full funding.

My only concern is that because when the House cut the trust fund money by 18 percent, funding for the Violence Against Women Act will be cut. We should restore all of the money to the trust fund.

I thank the Chair. I will not ask my questions when my turn comes and I will wait until the end.

The CHAIRMAN. Thank you, Senator Biden. I also want to welcome Director Bonnie Campbell with us. We are honored that you would come and sit in on this hearing today.

Senator Kyl, I am going to defer to Senator Abraham rather than start asking questions myself because he has to help manage on the floor. So, with your permission, I will just turn to Senator Abraham who has asked me to give him this opportunity.

Senator ABRAHAM. Thank you very much, Mr. Chairman. I welcome the Attorney General and apologize. We are going to the budget today on the floor and I have to move down there as soon as I finish.

I would like to just start by saying that I applaud the efforts of Chairman Hatch and others who have worked in this area and have, I think, accomplished a lot, and certainly to you as well. I have sort of felt, and a lot of my constituents have indicated that a lot of women who are the victims of violence feel that they are victimized twice over, first by the criminal act itself, and then, as is too often the case, the legal system in its effort to prosecute somebody who perpetrates such acts. Too often the effort to prosecute turns into a situation where the victim becomes the victim again. Somehow, the system turns against the person who has been victimized and treats the defendant oftentimes better than the victim herself.

To try to address this, Senator Kyl, who I am sure will be talking about this a little bit himself, has introduced a bill which I am co-sponsoring, which is the Victim Rights and Domestic Violence Prevention Act. I think it is a very good piece of legislation because it tries to address this second victimization issue. The bill does a number of things, but there are a couple that I would just like to get your opinion about as we contemplate that legislation.

First, it would prohibit lawyers from engaging in any action or course of conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person; in short, to sort of be predatory in a way that is not otherwise de-

signed to help the legal system. I am wondering what your thoughts are about trying to move in that direction.

There is another portion of the legislation which would amend the Federal Rules of Evidence to permit the victim to put in pertinent character evidence of the defendant if the defendant puts in evidence challenging the character of the victim. I would like to know what your thoughts are about moving that way.

Attorney General RENO. We are reviewing that proposed legislation now because we share your concern that the victim not be twice victimized. I recall when I first started prosecuting in Dade County, first of all, many of the judges thought domestic violence wasn't a crime. The police officers weren't terribly sympathetic. It was difficult for me to find prosecutors who understood how important it was to pursue these cases.

We developed evidence. We developed facts and figures that showed how critical the interruption of this cycle of violence was and we began to build a domestic intervention unit in the office that had prosecutors and advocates such as you have now given States an opportunity to provide that worked with the victims from the very beginning, told them what to expect in the system, told them how to handle themselves on the witness stand, spend Saturdays with them before a trial began walking with them into the courtroom, putting them on the witness stand, telling them what might come up.

These were prosecutors who were trained in what to do about harassing lawyers and how to deal with it, how to argue the case. You can see the results. You can see that woman walk out of the courtroom no longer a victim for the second time, but saying, I made a difference, I contributed to something, the jury believed me and justice has been done.

So it is terribly important that we develop that capacity and we are in the process of reviewing the proposed legislation now and we will be making our comments.

Senator ABRAHAM. When do you think we will hear?

Attorney General RENO. We are trying to move on that as expeditiously as possible.

Senator ABRAHAM. Another part of the bill would also forbid attorneys from offering evidence the attorney knows to be false or attempting to discredit evidence the attorney knows to be true in these kinds of cases. Will you be attempting to address each element of this in your—

Attorney General RENO. We will address each element, sir.

Senator ABRAHAM. OK, because I think a lot of us feel it is important legislation and I think it would be great if we could move forward in as bipartisan a fashion as I think we already have on the committee to address it.

I can't resist the temptation with you here today to get on to a topic that has been of interest to this committee, and particularly to several of us on the committee, for the last couple of months, which is immigration. While this is a little bit afield from the specifics of the hearing today, I have to ask you a couple of questions because it reflects on some problems I am hearing about from my constituents.

A number of us have tried to address the problem of criminal aliens and the problems at the border, and during the debate and discussion about immigration I know that on a very bipartisan basis we tried to address some of these problems here in the committee and then later on the floor of the Senate. I, among other things, on numerous occasions defended and I think advocated in a positive way some of the actions that the Justice Department has been taking to try to increase the number of criminal aliens who are deported. I compliment the Department for trying to increase that number, which has been very low.

But I am concerned and I have been hearing a lot of criticism back in my State about recent developments, or at least recent articles which have indicated that the crackdown is not going as maybe it should be and, in particular, the recent news stories from California which indicate that the U.S. attorney in Los Angeles, in the Southern District of California, Mr. Burson, has quietly adopted a policy to essentially allow people who are suspected of drug trafficking to be just simply sent back without arrest or prosecution in either Federal or State court—sent back to Mexico, back across the border.

I am wondering—we are reading about it and hearing about it—is there any validity to these contentions that my constituents, at least, find to be very objectionable because we also have a border and we think we do a pretty good job cracking down up there?

The CHAIRMAN. Could I, General, since he has gotten into that, just add one other thing? The story said that they released a man who had brought in 37,000 quaalude pills and that they have a policy to not prosecute if a person has less than 125 pounds of marijuana, and that some people have been arrested twice who have brought drugs in and are still sent back without prosecution. I mean, those are facts—since you have raised it, those are facts that worry me, too, and I am wondering if there is a policy.

Attorney General RENO. Here is what I think has occurred. I have visited with State and local law enforcement in San Diego. I have heard reports from them. Mr. Burson is the U.S. attorney in San Diego and he has formed a great partnership with them and with other U.S. attorneys further down the border. He has taken some of the most effective action, I think, possible in terms of developing procedures with the Border Patrol to control the border, but then, working with the local district attorney to determine who can prosecute the case most effectively and where it should go.

If it is a drug case involving a complex organization, they try to prosecute it in Federal court, but they have a clear understanding with the local prosecutor that the other cases will be prosecuted in State court. That is the experience that I had in Miami. I would tell the Federal prosecutor, look, I can handle the smaller cases in volume better than you can; you have the tools to handle the bigger cases. We made sure all the cases were prosecuted. As I understand it, that is what is happening in San Diego and I can verify that for you.

What I think happens is if the case comes in and you cannot prove the case, if the person is a criminal alien he is still trying to get that person deported rather than just release him back to the streets. So I think what you are seeing when you hear that

somebody has not been prosecuted who brought in marijuana—it is a matter of the case cannot be proved either in the State court or the Federal court.

But I can assure you that our policy is to provide comprehensive prosecution practices with State and local officials so that no one escapes justice. That means that we have to screen the cases, make sure there is evidence sufficient to prosecute, and if the evidence is insufficient, if witnesses are missing, then he takes steps, if it is an alien, to get him sent back across the border.

Senator ABRAHAM. But there isn't a policy, as the Los Angeles times has reported, that first-time drug smugglers, if they are from Mexico or are smuggling less than 125 pounds of marijuana, are automatically deported? That is not the policy out there?

Attorney General RENO. Not to my knowledge, and we will confirm that with you.

Senator ABRAHAM. That kind of troubled me when I read it.

Attorney General RENO. It would trouble me. My understanding is that he has a clear understanding with State officials that these cases are being prosecuted. They have increased the number of trafficking cases, but where evidence is insufficient and they cannot proceed with the prosecution, they are still taking steps.

When I talk to the police chiefs, talk to the representatives from the sheriff's office, and talk to other local law enforcement in the area, they tell me that the working relationship with the Federal prosecutor and Mr. Burson's efforts have contributed significantly to the reduction of crime in the San Diego area. I just have a great respect for what he has done.

Senator ABRAHAM. Well, I think, you know, I would be very interested in knowing if there is that policy, and also if part of the problem—

Attorney General RENO. Well, there is not that policy.

Senator ABRAHAM. If the problem also is related to jail space or anything else, I think, you know, I would like to try to address it specifically.

The CHAIRMAN. Senator, your time is up.

Senator ABRAHAM. Thank you.

The CHAIRMAN. Since we are on that subject, I just want to mention a few things because if you don't know, I don't know who does. This article is startling to some of us. It says, "Government figures show that more than 1,000 smuggling suspects have been processed this way since 1994 after seizures by the U.S. Customs Service and Border Patrol." Then it says, "The Government's exclusion policy has caused frustration among some Customs inspectors who are making increasing numbers of seizures. After 2 Mexican women with 32 pounds of methamphetamine and 24 pounds of marijuana were sent back across the border, one inspector wrote in an August 13, 1995, report, quote, 'Lack of enforcement is not because inspectors aren't trying, it is because of the policy coming from upstairs,'" unquote.

Then it says—I am just reading at random. I will get copies of these articles to you. "Officials say the U.S. Customs Service is operating under guidelines limiting any prosecution, including misdemeanors, to cases involving 125 pounds of marijuana or more." Then, finally, just one more: "U.S. Customs Service records re-

viewed by the Times show that some smugglers have been caught two or more times, even in the same week, yet still were not jailed or prosecuted. In addition, no action was taken against a number of suspected smugglers captured with more than 125 pounds of marijuana. One 58-year-old U.S. citizen, according to seizure records, was arrested 3 times this year at the border—in January with 53 pounds of marijuana, in February with 51 pounds, and this month with 41 pounds. Although he had a criminal history that stretched back 4 decades and included an alien smuggling charge, he was not prosecuted for the first 2 seizures, according to the law enforcement source.”

There are other quotes that are pretty interesting. I would like you, General, to look into that. I know you don't overview the Customs Department.

Attorney General RENO. And, as you know, we shouldn't—as my father said, don't believe everything you read in the paper. [Laughs.]

The CHAIRMAN. Well, I don't. That is why we are asking you, but let me just say this. I would like to have you respond in writing to us. I wrote you a letter asking for a response on this and I would like you to check and get the administration to check with Customs because if they have a policy, that is not right. As Senator Abraham pointed out, if it is a lack of funding or money or something we can do up here, we want to be helpful to you. If this is true, it is awful. I can't believe it is true, but—

Attorney General RENO. I am telling you what we have found from the U.S. attorney in the Southern District of California that every provable drug case is being prosecuted either by the U.S. attorney or by the local district attorney in San Diego, and we will confirm that for you.

The CHAIRMAN. Well, here is what the Customs agent said. He says, quote, “Generally, prosecution is deferred if the amount is below 125 pounds or if the defendant is a Mexican citizen or if, in the opinion of the prosecutor, it is not a strong case,” said Jeff Casey, Customs Deputy Special Agent in Charge in San Diego.” So it does put some credibility to the article. I would just like to know and like you to check it out and get back to us, and if that is a problem, we ought to solve it.

Senator FEINSTEIN. Mr. Chairman?

The CHAIRMAN. Senator Feinstein, you are next anyway, so why don't you go ahead?

Senator FEINSTEIN. Just to speak on this matter, which I was not going to bring up today, as the Attorney General well knows, I have written several letters to the Justice Department on the subject of narcotics. However, for the edification of the Senator from Michigan and yourself, Mr. Chairman, this prosecutor is a strong prosecutor.

The CHAIRMAN. I hope so.

Senator FEINSTEIN. I know him, I know his reputation in the community, and I know his record. He is tough and he is strong. He is a good prosecutor.

In the letter that I signed yesterday to the Attorney General, I asked for two things. One of them was the actual threshold level for prosecution of different forms of narcotics, and the second was

to make her aware of the fact that the sheriff of Los Angeles County has a brand new jail that he cannot open because of lack of staff. I can't say the county would, but the county may well be willing to lease that space to the Federal Government and the opportunity for the Federal Government to run it, bearing in mind the shortage of prison space in this area. But I just want to say that since this specific prosecutor has come up that he is very well regarded by the community and I would like the record to reflect that.

On the subject of the issue before us, I wanted to thank the Chair and Senator Biden for both the hearing and the bill which obviously, I think, on all counts is working very, very well. Senator Kyl—and I know he should be speaking and, in a sense, he probably should go first—has presented a bill which I have been the lead sponsor on this side on, and Senator Abraham spoke about it.

I think I would speak for most women who have been caught up in the system of violence. The post-arrest system is skewed against the victim. The court system to a great extent is skewed against the victim. Senator Kyl and I, both in a constitutional amendment to try to give victims some rights and in this bill, really attempt to balance that system.

For example, in felony cases peremptory challenges vary. The defense has 10 peremptory challenges and the prosecution 6. Our bill would level these at 6 each. Presently, in prosecution and defense in capital cases, it is equal, 20 each. In misdemeanor cases, it is equal, 3 each. But in felony cases, the system is skewed and this bill would aim to undo that skewing. I think that is a very valid and important point.

Second, the bill would provide that if a victim is attacked in court—and very often, as I have watched these cases, there is an attack on the victim and yet the prosecutor cannot respond in kind. As I understand the bill we are offering, this would change that. If the victim is attacked, the prosecutor could then bring up prior record, instances of character defect, and present those to the jury. The third thing that I think is most important is that the victim be able to be present in the courtroom and have an opportunity to be there and to even make comments on the subject of the sentence.

I think people have no idea of how a woman feels when she is the victim of one of these crimes, how overwhelming the system is, and how the attacks on her really retard her ability to even cope or even feel that the system speaks for her, that she has got an equal chance. So it isn't just preventing this from happening, although that is a big thing, particularly in a State where we have 250,000 of these offenses a year against women, and they are not going down. They have increased 5 percent from 1993 to 1994.

I know Denise Brown, in a celebrated case, is here today and will speak somewhat to that, but in that case the victim did not live. In the cases where the victim lives, the recourse, the way the system reaches out to the victim, is non-existence, and that is a real problem in the law enforcement portions of a case in the court.

So I would just like to ask you, General—and as know, I so respect what you are doing—that you take a good look at this because unless we are able to even those scales of justice, we don't come close to making it a fair day for a woman in a court of law.

Attorney General RENO. We will certainly do that, Senator, and it is so important that we wait not just until the courtroom. We can be so much more effective if we have officers who are trained and sympathetic when they respond to a scene. A sensitive officer on the scene, a victim's advocate as a teammate with that officer on the scene, can make such a difference in giving that victim the feeling that they can respond, that they can cope with this trauma, that they can make a difference. Then if the police officer and the prosecutor are used to working together, if the prosecutor knows the ins and outs that are used in these domestic violence cases, we can really make such a difference.

So we will be working with you and analyzing the proposal, and we are going to continue with the resources that you have given us to work with the States to develop that team effort that I think is critical from the moment the incident occurs.

Senator FEINSTEIN. The other point I wanted to quickly make is the restraining order which you mentioned, which is very often a big part of these cases. I cannot tell you how many women I have spoken with who have said that the only value of the restraining order really ended up inciting the spouse or the boyfriend or whoever it might be. So I have come very much to question the value of restraining orders. I have even had to get one myself and the only value was, when it was violated, the individual who happened to have been on parole could have been picked up, or was, and was put back in prison. But, you know, one could be killed while waiting for that to happen.

Attorney General RENO. We used to call them peace bonds, and as a prosecutor early on I was skeptical of their use because the police officer would just treat it as a peace bond. If it was issued in one county and she moved to another county, he didn't know about the peace bond; he wasn't interested in responding to domestic violence cases. He just wrote it off as a domestic, so I was skeptical, too.

But if we can develop a system where there is one protection order that can be used by all the States where, if it is entered in one State and the person moves to the other State, or if it is entered in Los Angeles County and the person moves to San Diego County and we can keep track of it by a computerized record—soon, I think most police agencies in this country will have computers in the cars or immediately available, where they can pull up that protection. They will have been trained on how important it is to respond when that guy is first seen in the block when he was told to stay away, stay a mile away.

We can do so much if we link the data and build on the data base and develop the lines of communication that contribute the information to sensitive people in the system, who have been trained to deal with this, so don't give up on it.

Senator FEINSTEIN. Is there any evidence or any information on how many women that are killed as a product of domestic violence have restraining orders?

Attorney General RENO. Let me check on that for you and I will let you know.

Senator FEINSTEIN. That would be interesting to know. Thank you very much.

Mr. Chairman, I have a statement I would like to enter into the record.

The CHAIRMAN. It will be entered into the record.  
[The prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT OF SENATOR DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

INTRODUCTION

Mr. Chairman, I want to commend you for convening this hearing about an issue which perhaps more than any other we will consider as public servants most directly affects the lives of millions of women.

At this moment, in a place hundreds or thousands of miles from this brightly lit hearing room with its cameras and microphones transmitting across the nation what we say and do here, a woman is being physically beaten or psychologically abused in stark, silent anonymity. She is someone's wife or mother or sister or daughter.

Her silent plight is why we are here today: to let that woman know that she is not alone. We are here to let her know that she *can* stand up to domestic abuse and seek refuge from her abuser from a justice system that *does* care.

But, in another sense, she is not alone. Sadly, there are thousands of women who suffer the terrible physical and emotional effects of domestic violence in silent anonymity every day all across this nation.

Mr. Chairman, it is for those women that we must join together to say loud and clear that violence against women has no place in our society.

THE VIOLENCE AGAINST WOMEN ACT

Two years ago, under the leadership of Senator Biden and other members of this Committee, Congress acknowledged that action must be taken to stop domestic violence when it passed the Violence Against Women Act as part of the President's Crime Bill.

The Violence Against Women Act is designed to, among other things, provide funding for: local programs for victims' services; battered women's shelters; rape education and community prevention programs; a national family violence hotline; and increased security in public places.

I strongly believe that this landmark legislation will go a long way toward reducing domestic abuse and helping its victims recover from their ordeals.

Yet, much more needs to be done to protect the rights of the victims of domestic violence and to stop this heinous crime.

Let us not underestimate the magnitude of this problem:

According to the National Coalition of Physicians Against Family Violence, domestic violence strikes one in four families in the United States;

The FBI has reported that a woman is beaten every 18 seconds in the United States; and

The Senate Judiciary Committee reported in 1992 that three to four million women are battered each year.

In my own state, the Attorney General has reported that there were 251,233 domestic violence-related calls for assistance from law enforcement last year. Of those cases, 155,944 calls involved a perpetrator attacking his victim with a "personal weapon"—such as his hands or feet.

Mr. Chairman, we cannot lose sight of the fact that hidden within all of these numbers and lost in all these facts are individual women whose lives were ended or altered forever by domestic abuse.

Very briefly, I would like to tell my colleagues and all who are listening about one such young woman: Brenda Suzanne Summers.

It was late in the afternoon of March 22, 1995 when Brenda Summers and a friend noticed that the car they were driving in Fullerton, California was being followed. "That's just my husband," she told her friend. "Why don't you pull over?" Her friend complied with this innocuous request and pulled the car into the parking lot of a local restaurant.

Moments later, Brenda Summers approached her husband, who had been driving a car he knew his wife would not recognize, and was repeatedly stabbed by him in the throat, face and side. She died at the scene before police could arrive.

Sadly, this was not the first time Brenda Summers had been physically assaulted by her husband, just the last. "It's a classic case of domestic violence," said the prosecutor in her murder case.

According to court documents, the attack was the culmination of a pattern of spousal abuse that began in 1992. In fact, Brenda Summers had secured a restraining order against her husband after his conviction for misdemeanor assault resulting from an attack in which he had thrown his wife into a shower door, knocking her unconscious, and burned her feet with a curling iron.

#### THE VICTIMS RIGHTS AND DOMESTIC VIOLENCE PREVENTION ACT

Clearly, domestic violence touches too many women and it must be stopped before more women like Brenda Summers suffer its tragic effects.

Domestic violence must be stopped by making the court system more "user-friendly" to the victims of this crime and those who inflict it must be more severely punished. I have cosponsored with Senators Kyl and DeWine legislation designed to accomplish those two important goals.

The "Victims Rights and Domestic Violence Prevention Act" will make the court system more "user-friendly" in several ways:

First, it protects the right of victims to an impartial jury by equalizing the number of peremptory challenges afforded to the defense and the prosecution in jury selection.

Second, this bill provides that if a defendant in a domestic abuse case presents negative evidence about the victim's character, the victim's defense lawyer can present character evidence concerning the defendant. Too many women who take their abusers to court must suffer the double indignity of having their own characters attacked. It's time to level the playing field.

Third, it extends the right of victims to address the court concerning the sentence to all criminal cases.

Fourth, the bill establishes higher standards of professional conduct for lawyers in Federal cases to protect victims and other witnesses from abuse, and to promote the effective search for the truth.

Finally, and I believe most importantly, this bill makes restitution for the victim mandatory in all cases under the Federal criminal code. To ensure that restitution matches the crime, the court will determine the amount of restitution based on the full amount of a victim's losses and not the offender's economic status.

I also strongly believe that swift, sure action must be taken to stop domestic violence, and that penalties must be increased for those who commit this heinous crime. That's why I strongly support the death penalty for fatal domestic violence offenses. This bill includes a provision to authorize capital punishment, under Federal interstate domestic violence offenses, for cases in which the offender murders the victim.

That's tough punishment for perpetrators who think domestic violence is something that goes on behind closed doors, where it's O.K. for them to beat their wives, or girlfriends, or mothers or sisters because it's their prerogative. Well, domestic violence is no one's prerogative and this bill provides tough punishment for criminals who deserve it.

#### CONCLUSION

Mr. Chairman, right now too many women fear for their safety and too many women suffer physically and emotionally from domestic violence.

This hearing is about helping the victims of violence against women and seeking ways to prevent more women from suffering their fate. I look forward to the testimony of each witness and, once again, I thank the Chairman for convening this important hearing.

Thank you, Mr. Chairman.

Senator WELLSTONE. Could I ask a clarification in 10 seconds? I am not on the committee and I will only make it a 10-second question.

We had an amendment which was passed to this bill that said that if you have a restraining order against you, you are not allowed to have a gun. Do you know whether that is being implemented or how it is being implemented?

Attorney General RENO. Yes. Let me get you that information.

Senator WELLSTONE. I know my colleague from Delaware will remember that amendment that we introduced and it was passed as part of the bill and I am just—I thank you for your indulgence.

Attorney General RENO. We have developed guidelines construing the issues, the terminology. The Department of Justice is currently developing these guidelines for application to certain exemptions, and there have been four prosecutions under the firearms disability provision. More than half the States have some form of protection order files that can be accessed by law enforcement agents on behalf of firearms dealers, which also helps.

The FBI is working to establish a national criminal information service that could provide this information to firearms dealers in terms of people coming in so that they can check to see whether there is a protection order available. So I think we are making progress, and there have been four prosecutions.

Senator KYL. Attorney General Reno, Senator Hatch had to step out for a moment. He suggested that we simply proceed without him, and therefore it is my opportunity to talk to you next.

I will resist the opportunity to ask you to assign more border agents to the town of Douglas, AZ, where we need them very, very much, and instead move on to the subject of this hearing.

Attorney General RENO. Let me just—

Senator BIDEN. How about the Canadian border? We are hearing that the Canadian border is a problem.

Attorney General RENO. I have got enough problems. [Laughter.]

I am very focused on the whole Arizona border, particularly Douglas. I get weekly reports on it and we are very carefully making—we are looking at all the information to make sure that we allocate the new classes as they come out of the academy to the difficult areas. But I am personally watching Douglas like a hawk.

Senator KYL. I know you are. If we can also keep some of the temporary assignees there until the permanent people can get there, it would sure help.

I really wanted to turn, though, to the subject of this hearing and to compliment you, as everyone else has done, for your commitment to this issue long before you were Attorney General of the United States and since you, of course, have that responsibility.

We have really talked about two of what I think are the three major aspects of the problem here, and therefore I am going to turn to the third, but I would define them as follows. First, Senator Feinstein and you have just talked about what happens in the very first moments after a crime has been committed and when the State is first involved.

Fortunately, we have at both the Federal and State level gone a long way now toward recognizing the importance of assisting the victim from that very first moment, and probably there is nothing more important both for the victim and also ultimately for justice in our system than that assistance that is now being provided to victims from the very first time that there is any involvement with the police through the assistance given to the individual as the case progresses.

The second aspect is legislative. We have already done legislation in the area which you are helping to implement, and there is more on the way, as Senator Abraham and Senator Feinstein have both noted. The legislative things deal with court rules, with procedures, trying to even the balance in the court, like the rule on peremptory challenges. No one can explain why the State and the defendant

have a different number of peremptory challenges. It may be a small matter, but it is illustrative of the imbalance in the criminal justice system.

Then the third area is the area I would like to focus on a little bit, and that is the area of fundamental rights. This is why Senator Feinstein and I and Representative Hyde in the House, along with many cosponsors, have introduced a constitutional amendment which would provide a few, but very important basic rights to victims of crime.

People have said, why now, and I think the answer is really threefold. One, when the Founding Fathers wrote the Constitution, I don't think they could have predicted that we would be having 43 million victims of crime a year, 11 million victims of serious crimes. Second, I don't think they could have predicted the degree to which the system has gotten out of balance, where we have extended, significant rights to defendants but have not extended those same rights to victims, or similar rights to victims.

We do that in our society because we have such a strong feeling that innocent people should not suffer. With regard to those who are accused of crime, we say frequently we are willing to have nine guilty people go free so that one innocent person is not convicted, and that very humane point of view has worked its way into our system in a very strong way to protect defendants' rights.

But we haven't seemed to provide the same degree of concern to the victims of crime. They, too, are very innocent and society hasn't been able to protect them, and some of the most fundamental rights are therefore denied to the victims of crime that are, in fact, given to people who are accused of crime; for example, as Senator Feinstein noted, the very basic right to simply be informed of, to be present at, and to be heard in proceedings in court where the defendant is given those same rights, or in other kinds of judicial hearings, such as parole board hearings and the like.

There is a third reason I think there is a need to do this now and it has to do with the very general concept of the coarsening of our society, which I think we can help to alleviate through the recognition of these fundamental rights of victims of crime.

I want to get your comments on this, both your reaction today, if you would like to give us a reaction, but also very much your thoughtful analysis of this and response to our proposal. Some people have said, well, why not do this by statute, and indeed we have done much of it by statute in both States and at the Federal level, but I don't think we would respond to protecting the defendant's rights that way. These are fundamental rights, and given the fact that there are sometimes conflicts between what the victim's needs are and the defendant's right and that the Constitution is the supreme law of the land, the defendant is always going to prevail in that conflict.

It doesn't seem to me to do an injustice to suggest that sometimes you do have competing Federal constitutional rights, such as the right of a free press and the right of due process of the defendant, and courts frequently grapple with those issues. Here, we are suggesting that there are a few, but again very fundamental rights of the victim that in some senses rise to the same level as the defendant's rights and need to be considered at that same level.

Well, my time is up. I would, however, appreciate your general reaction to this, and obviously we will await your thorough analysis of it so that we can use that because we do intend to move this forward as rapidly as we can.

Attorney General RENO. I, recognizing that, have formed a working group and we will try to be as responsive as possible, quickly and thoroughly. One of the first things that I did, becoming the chief prosecutor in Dade County, was to try to be available to victims if they had a complaint and they would come into my office and talk about the double victimization—these were men and women—and what the system had done to them. They didn't understand it, they didn't understand what was happening. They had been made to sit in the hall. They didn't know what was going on, and then they were told they could go home, that the case had been thrown out.

So I, early on, developed a victim witness coordination unit to try—I just increased caseloads and put some of the money into victim witness services because I thought it was so important. It is one of the most critical aspects of any prosecutor's office and we are committed to doing everything we can in the U.S. attorneys' offices to doing the same thing, giving them the right to be heard, the right to be present, the right to talk at sentencing, and to know what is going on.

What is important in all of this as we analyze the proposed amendment is that we also have to remember the resources because it is so important when you talk about people and enforcing this law that we have the resources necessary to make that difference. There are some State court systems that are very limited in their resources. They have prosecutors with 400 cases at any one time. They can't afford victim witness services that are so critical, and so we need to look at the whole picture.

It is my hope that some of these STOP grant moneys can be used at least in the area of violence against women to provide those needed services in States throughout the country. But we will respond to you just as soon as possible, Senator.

Senator KYL. I appreciate that. I certainly agree with your emphasis on the resources. We consider this all, I think, fundamental, and therefore we need to find the resources rather than use the difficulty of finding resources as an excuse. I certainly think that we can follow your example, as you outlined it, and we are well aware of it.

Attorney General RENO. Let me point out to you, if I may, just speaking for my brethren in the State court system, if we had the best system possible, if we had every right provided by the act fully enforced in every State, you would still have a problem in many States because with those prosecutors come also judges with tremendous caseloads. They will set 20 cases on the calendar, knowing that many will plead out, but then one may not, so the case will be continued. It will be continued again, and that victim who wanted closure is going to be frustrated. We have got to give serious consideration to how we fund the justice systems of this country so that true justice can be done for all concerned.

Senator KYL. I think you will find all of us on this panel as very strong advocates of precisely that point of view, and thank you very much. We will look forward to your analysis.

The CHAIRMAN. Thank you.

Senator Kennedy.

Senator KENNEDY. Thank you very much, Mr. Chairman. I want to thank you very much for holding these hearings on the overview of violence against women to find out how these programs are working and what can be done to make them more effective. Very often, we don't do that as well as we should and I think the comments that we have heard today and the testimony will be very valuable to us.

I want to welcome the General here and thank her for all her continued good work for our country. I want to mention to you, General, we have in the last panel a law firm, Mintz, Levin, in Boston—and Mr. Novack will be testifying; he is a partner—that I think really exemplifies what a law firm can do in this area. Maybe you would just look through it. They have had extraordinary outreach and counseling in their firm. They have given space for the National Network to End Domestic Violence. They have helped them to get on America Online. They have developed a manual for lawyers. It is just useful when all of us are looking for not only where we are going in terms of the public, but also what responsible law firms and others can do, and I think that those law firms should be encouraged.

I would like to just mention a couple of points here this morning, because I know that is all we have time for, and that is to focus your attention on the hotline. I know that is out of HHS. They have received over 13,000 calls. Ellen Fischer, who is the director of the hotline, has informed me that they are gathering a wealth of information about violence against women in rural areas, the impact of substance abuse on domestic violence, the nexus between domestic violence and homelessness, and local law enforcement's response to domestic violence.

That kind of information, I would think, would be of use and value to the Department of Justice as it is working through its strategies and I just reference that so that your people might be able to review that material. In our view of it, it seemed to have a lot of information that could be helpful.

The Violence Against Women Act contains protections for immigrant victims of domestic violence, as you are familiar, but these protections are meaningless if the victims can't get help. Yet, the Congress has repeatedly passed legislation which severely restricts immigrants' access to basic public benefits, including services needed by victims of domestic violence.

While it is appropriate to limit immigrants' use of public benefits programs, I believe Congress has gone too far, whether it is welfare or the immigration bill, on restrictions on legal services. Last week, we witnessed the tragic consequences of the new, excessive restrictions on assistance when Mirabella Battista, a Cuban immigrant, was brutally gunned down by her abusive husband outside a county courthouse in Riverside, CA. She was on her way to a hearing to gain legal custody of their son.

The week before her death, this woman had sought the help of legal services agencies because she was afraid her abusive husband would kill her. She wanted protection, but there was nothing the agency could do because under the 1996 Legal Services Corporation appropriations bill, the agency could not even use private funds to help her, since she was not yet a permanent resident. She was in the protected parole position, as is given to Cubans before there are adjustments of status.

What was the result? Her husband killed her. The courthouse deputies killed her husband. Her young son is left an orphan. Steps which could have been taken to protect the woman from her abuser were not taken because Congress denied her access to the agencies which could help her. So this is just one example of what happens when Congress passes legislation that goes too far, I believe, whether it is help and assistance for legal services programs, youth crime prevention programs, or others.

I am just wondering if you would make a general comment about your own kinds of concerns about the Congress casting a net too wide in terms of restricting immigrants' access to programs that are related to public safety and public good. Many of these are at risk. I would be interested in your response.

Attorney General RENO. I would agree, Senator, because when you deprive people of access to public safety programs and public health programs, you are only exacerbating the problem. The person who doesn't get the medical care is only going to become a more difficult problem to treat down the line. The person who doesn't get advice as to the right way to go is only going to produce either further trauma, tragedy, or more people in jail. As you know, I am a great advocate of prevention and whenever we can, it seems to me we take the commonsense, simple first steps to avoid the much more costly problems down the road.

Senator KENNEDY. Well, I appreciate the response. The real challenge in dealing with illegals is to get to what the Barbara Jordan Commission and the Hesburgh Commission pointed out as the magnet, and that is jobs, rather than focusing on women who can be exploited because of uncertainty about their current condition in this country and have to stay in an abusive relationship because of their fear of being immediately deported. Those women who are battered and are abused and where their children are abused are going to be deported before they are ever able to testify about abusive home conditions.

So I think it is an easy cliché to gather up statistics or numbers, but when you look behind what is happening in terms of one area of abusive relationships, it seems to me that we ought to give some attention to that as well.

Attorney General RENO. Senator, I can tell you firsthand I have been at community meetings when a young teenager has come up to me and said, I need to get my mother some help; my father is beating her; she is worried, if she comes forward, she is going to be deported; I can't get her to do anything; please help me. That was my first exposure to it, and I look forward to working with all concerned to make sure that we have the opportunity to suspend deportation in those situations to ensure justice.

Senator KENNEDY. Well, I would hope a limited humanitarian way of trying to deal with these matters—we might not be able to solve all of those, but these are going to be some of the matters we are going to have in the conference and I think some of us would welcome the opportunity to work with you on this.

The CHAIRMAN. Senator, your time is up.

Senator KENNEDY. I thank the Chair.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. I guess this act passed unanimously, so every one of us can take some credit for it.

Senator BIDEN. Welcome, Chuck. [Laughter.]

Senator GRASSLEY. It isn't so often I agree with you folks over there.

I also had an opportunity to coauthor a letter to the Appropriations Committee for full funding for it. Even in tight fiscal times, I think this is an example of where we have ample evidence of the situation out there and that we need to give full force and effect to the spirit of the law, as well. It would be a shame to have this law on the books and not have it adequately enforced.

I think, also, that your Department needs to be given credit for the initiatives that you have put out for making this successful and helping fulfill a real need out there to tackle this problem at the Federal level. I think that the Justice Department deserves considerable credit particularly in the effort to ensure that all States respect and enforce protection orders issued by the courts of any State. This has been very important and deserves mention.

I would like to ask you if you, Attorney General Reno, regard the efforts to require States to respect and enforce foreign protection orders—do you believe that any additional legislation is necessary to ensure that States have quick access to reliable information about protection orders issued in an out-of-State jurisdiction?

Attorney General RENO. Here is what we are trying to do, Senator, because it is vitally important to protect our Federal system that we are able to do this because as I mentioned before you came in, it is so frustrating if a lady lives in Ohio and then moves back home because her husband has been violent, moves back home to Kentucky, and has a protection order in Ohio which is not recognized in Kentucky.

We need to develop a system where one State recognizes the other State's protection order, but that won't help if the local police officer can't immediately have that protection order available. So Kentucky has developed what it calls the LINK system that will provide for a communications system that makes these protection orders available to police officers both in rural and more urban areas in Kentucky.

Importantly, though, we are working with various groups to analyze the best policies, practices and procedures, and through the Battered Spouse Project we are trying to analyze just what needs to be done. I don't think at this point we are prepared to suggest that new legislation is necessary, but as we work through the complicated efforts, it will be important that we work closely with the committee to advise you of any changes that might be necessary.

Senator GRASSLEY. Well, are you finding situations where courts in one State decide that the due process procedures in some other

State are not good enough, so that protection orders are not being enforced?

Attorney General RENO. We are finding situations where there is no—there are a variety of reasons. They don't know about the order. The order isn't certified; it didn't meet basic requirements. I think that as the act has passed, as I understand it, it would address all those issues. What we need to do is to develop the mechanism for how one State can verify the order in another State, and I think if we work through these issues, we can come up with a system that will be very satisfactory. Part of it is just developing the mechanics.

Senator GRASSLEY. Mr. Chairman, I want to reserve the rest of my time to add to my second round.

The CHAIRMAN. I don't know that we are going to have a second round, but we will turn to Senator Biden now.

Senator BIDEN. Thank you, Mr. Chairman. General, as you have stated, when we wrote the act, we contemplated the problems associated with enforcing protection. Indeed, for 2 years, the former Justice Department opposed our effort to federalize protection orders and make them enforceable across State lines, but the key is the *Lardner* case. The *Lardner* case was an example in Massachusetts where a young woman already had an order in the State. The judge in question had the young man in custody, but because the judge was unaware that there was a protection order in place, the judge did not lock the fellow up for already violating an order. It resulted in the tragic death of George Lardner's daughter.

The reason I mention that is, because we had testimony on that specific case before our committee. In response, we put in the act money to update the NCIC so that misdemeanors could be put on the NCIC Act as misdemeanors. Some States are stepping forward and coming up with their share of funds to bring their systems on line as well.

Our objective is to enable courts of competent jurisdiction, that have someone before them who is seeking a stay-away order or alleging a violation of one to literally pull up on a computer screen information to determine whether or not there is an order in Iowa for this person in Delaware that was issued, or wherever, so that they can lock them up.

Second, I also want to point out that most people don't know what a gold mine this legislation is; We had testimony years ago when we first wrote this law from a family court judge in Quincy, MA. The judge got it right, when he testified and said, "look, what I found out is this isn't about sex, this is about power, and if a stay-away order is issued and there is a violation, what we do is we lock the sucker up."

He got all the judges in his jurisdiction to agree to lockup anyone who came before them, who violated a stay-away order, no matter how innocuous the violation.

If the woman who has a stay-away order sees the person she fears in a supermarket, what he is really saying to her is, I can get you any time. What I am about to say is going to sound strange, but it is like the horse head in the bed in "The Godfather." When the woman sees the man who she thinks could kill her, it strikes fear into her heart.

When Bonnie travels she points this out to the local communities so that judges understand that a violation of a stay-away order means you go to jail, no ifs, ands, or buts. If you violate the order even by accident, you go to jail. Guess what happened as a result of the judges efforts in Quincy, MA? Protection orders are not being violated in Quincy, MA, like they are in other jurisdictions.

The third point I would like to make is that things have changed, a lot because of this act and by letting jurisdictions know what is available out there with regard to restraining orders. In the crime bill, cops get money for developing proarrest policies. You all voted for it, but most people don't remember it. Yet, it is very important.

In order to get money, cops have to initiate a program where they show that in a matter involving domestic violence or a man versus a woman, the woman need not swear out a complaint. You can arrest on information. If I have said it once, I have said it 500 times. If Orrin Hatch and I walked out on the corner and got into a fight, a cop is going to arrest us both and is not going to ask whether or not either one of us wants to swear out a warrant. But, God forbid, if a man walked out of here with one of the women on this committee and smacked her, a cop would walk up and say, would you like to swear out a warrant, Senator Feinstein? Why is that? There is no reason for that. So, now, in order to get money—the reason why things are changing is, under the crime bill, they have got to have a pro-arrest policy.

The last point I would make is that the combination of the pro-arrest policy, stay-way orders, and the NCIC are very, very important elements, which leads me to my only question—the budget. As you know, General, we are in a position where the House Republican resolution provides only \$4.1 billion, a cut of \$900 million or 18 percent, from the trust fund. That means that we are going to have less money if that cut prevails.

This is not only a problem for the budget resolution. Unfortunately, both the House and Senate budget resolutions make major cuts in nontrust fund portions of the administration of justice account that pays for the entire Justice Department—FBI, DEA, prisons, everything. They cut the courts. The President's request for the entire Justice Department is \$18.5 billion, the House \$18 billion, the Senate \$16.7 billion.

My concern is unless the Congress says—to steal a phrase from my friend from Iowa—if we mean this, if we mean we care about fighting crime, we should fund it, we should fund it. My question to you is will you fight for total restoration of all the funds, not just the violence against women funds, that are proposed to be cut by the resolutions?

Attorney General RENO. We are going to work with everybody concerned to do everything possible to—

Senator BIDEN. Half of them want to cut you. Work with us who want to get it back.

Attorney General RENO. What I discovered when I work with them is I sometimes win.

Senator BIDEN. Well, General, I hope you are right, but does work with translate to you are going to hold fast for full funding?

Attorney General RENO. On violence against—

Senator BIDEN. No, no. We will get funding for Violence Against Women Act Programs. They are afraid to take us on on that. I mean the rest of the Justice Department funding.

Attorney General RENO. The whole Justice Department budget? Senator BIDEN. Yes.

Attorney General RENO. Yes.

Senator BIDEN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Biden.

We will turn to Senator Specter at this time.

Senator SPECTER. Thank you very much, Mr. Chairman. At the outset, I thank my colleague, Senator Biden, for his kind references to the funding which we had secured in the Appropriations Subcommittee on Health and Human Services, and there has been a real effort made in the appropriations process, since Senator Grassley has concurred in it to come as close as we can to full funding of programs under the Violence Against Women Act.

Madam Attorney General, do you think that there ought to be any expansion of Federal jurisdiction for Federal prosecutions involving cases of violence against women?

Attorney General RENO. At this point, Senator, I have not been advised of any particular problem that exists as we have implemented the Violence Against Women Act, but we will be working with everybody concerned through our laboratory project in Kentucky looking at the whole issue with respect to full faith and credit to see whether there are any additional provisions that we can recommend.

Senator SPECTER. Well, I raise the question because there is an enormous difference between a prosecution in a Federal court and a prosecution in a State court in terms of emphasis and deterrent effect. There is obvious concern that we not overly federalize crimes, and the Congress, I think, may have been doing a little bit of that. Violence against women is traditionally subject to State prosecution, but I know as a district attorney in a State court it is very hard to get the kind of impetus and drive.

There are aspects of the legislation which cover interstate matters, but I would like you to give some consideration to whether there might be some increase in Federal jurisdiction perhaps on multiple offenders, if somebody is a chronic offender perhaps in the career criminal category, to see if there is some appropriate line where we might use the force and effect of the Federal courts to be just a little tougher.

Attorney General RENO. That is *deja vu*. It seems to me it is now 15 years ago that you and I talked about it in the same way and you raised the issue first with respect to armed career criminals and the fact that many of them moved across State lines and that they reflected a nationwide problem. We will certainly review that.

What I will point out to you, though, is I have seen the legacy you left in Philadelphia where the local district attorney and the U.S. attorney work together in a very effective way, where decisions are made based on what is in the best interest of the community and crime and according to principles of federalism. I will be checking with prosecutors around the country to see what we might do in this area and certainly explore it.

Senator SPECTER. Well, I appreciate your reference, Attorney General Reno. When you were district attorney of Dade County, I came to Dade County, as to many other places, talking about the armed career criminal prosecution to give extra weapons to State prosecutors by having some cases brought in the Federal court to give them greater leverage.

When I was DA, we had many career criminals and it was very hard to bring them to trial and get adequate sentencing, but if there was the possibility of a life sentence in the Federal court, that gave quite a bit of leverage to induce guilty pleas. The thought crosses my mind that there may be some habitual offenders in violence against women where, in a narrow cut of jurisdiction, some Federal authority might be very useful.

Attorney General RENO. We will certainly explore that, sir.

Senator SPECTER. Attorney General Reno, let me broach another subject which Senator Grassley may take up in a second round, if there is a second round, and I had deferred to him initially because he intends to have a hearing in his subcommittee of Judiciary on the issue involving the search warrant against a man named James Moore and U.S. Attorney Janet Napolitano in Arizona.

The question that I have on that matter is, as I understand the facts, there was an arrangement with the postal inspectors and the Department of Justice nationwide, and the information is sketchy as to precisely what the scope of allegations as to James Moore were, whether they involved abuse of male children or whether the matter was on the obscene films and maybe making films with minor children.

The question that I have for you is what supervision is there from main Justice on issues like search warrants in a high-profile matter like the *Moore* case where there is an arrangement between main Justice and the postal inspectors?

Attorney General RENO. What we try to do is develop a good partnership with U.S. attorneys so that they are aware of the circumstances in their community, the law in their jurisdiction, the practices of their courts, and work closely with main Justice. We try to ensure full coordination on investigations that are nationwide in scope.

Senator SPECTER. Do you know if U.S. Attorney Napolitano consulted with main Justice in the matter involving James Moore?

Attorney General RENO. I don't know whether she talked directly to main Justice before this issue was resolved or not. My understanding is that there had been some conversation, but the exact chronology, I am not sure. I do not want to go into the facts of the case. It is still pending and I would not want to do anything that would interfere with the prosecution of the case, but this whole area is something that we obviously consider to be a high priority.

We have pursued it as vigorously as possible both with respect to Operation Special Delivery that the postal inspectors are undertaking that has been so comprehensive and has resulted in some significant indictments, as well as the FBI's innocent image investigation. We are going to continue to try to work with the U.S. attorneys to ensure full coordination.

Senator SPECTER. Well, I appreciate the sensitivity and agree with you as to the sensitivity on a pending matter, and that is why

I limit my inquiry to the kind of supervision main Justice gives. When you have the issue of a search warrant, obviously it is at a much lesser standard than a judgment to prosecute where the U.S. attorney has discretion, and the U.S. attorney has to have discretion on the full range of responsibilities. But to authorize the issuance of a search warrant and the kind of probable cause necessary for that step, as you and I know, having been district attorneys, is a much lesser standard than the quantum of evidence necessary to proceed with a prosecution.

So it raises the question in my mind as to the standards which are applicable and the kind of supervision that comes out of main Justice, and these are complicated matters and I can see that a United States attorney could well use the experience that is accumulated in main Justice. I know this is going to be pursued perhaps in another hearing, and perhaps Senator Grassley will amplify it, but I just wanted to raise that with you.

Attorney General RENO. Thank you, Senator.

Senator GRASSLEY. Mr. Chairman, could I reclaim my one minute?

The CHAIRMAN. Sure.

Senator GRASSLEY. I don't think I am prepared to ask questions either, and I am not asking you a question. I just want to make a point that fits in with this, and this would be the questions that I have about this and they have been asked in a letter to you and I should wait until you respond to that. You have sent one response and I have sent a letter back to you.

But I do have serious questions that need answers and it is on a number of different cases, not just on the one in Phoenix, and I would hope that you will be forthcoming in providing witnesses and information for us on that. I just would ask you to do that.

Attorney General RENO. Well, we will work with you, sir, but we will not want to do anything that would jeopardize any pending prosecution or investigation.

Senator GRASSLEY. Well, absolutely, and let us make very clear on that point, then, that we consider child pornography and this sort of activity that has been described so terrible that there isn't anybody up here on the Hill, on this committee especially, who is going to do anything to interfere with any prosecution. We want to make sure that that happens. On the other hand, there are other concerns of ours that don't involve immediate prosecution, as well, that we would ask some questions about.

Attorney General RENO. Very good, sir.

The CHAIRMAN. Thank you, Senator.

Senator Wellstone is not a member of the committee, but he has been sitting through this hearing. Senator, if you have some questions, I will give you a few minutes to—

Senator WELLSTONE. Thank you, Mr. Chairman. That is very kind of you. I actually will be brief. I am not a member of the committee, but as you know, for my wife, Sheila, and I, this has become like it is for, I think, most of the members of the committee. It has become personal. We have had a chance to visit with many families that have gone through this.

Mr. Chairman, I will be very brief. First of all, I thought, if it is OK, in the spirit of this hearing, I will just mention the hotline

number. I did it on the floor for several weeks, and it is 1-800-799-SAFE. Second of all, just to thank my colleagues, Democrats and Republicans alike, and to thank the General and to thank Bonnie Campbell for her fine work.

An article Friday in the Brainerd Daily Dispatch—"In the end, justice system could not protect Suzanne Aiken." Mr. Chairman, my wife, Sheila, had met her a short time before and Suzanne said to Sheila, if my husband—if he finds me, he is going to kill me. On Thursday morning, at 7:30, even with the tightest security, she was going to work and somehow he got into the trunk of her car and then he pushed open the back seat. He just pushed out of the trunk to the back seat, and she got out and she ran and she ran to a school bus with little children.

Sheila is here and I don't know how many children there were, a lot of children in the bus, and the bus driver, seeing her husband with this gun, of course, was afraid to let her on the school bus. And in front of 20 or 30 children, he killed her; he shot her several times, then he kicked her after she lay there dead. Then, as the authorities were about to apprehend him, he took his own life near Agency Bay, in Leech Lake, in Minnesota. This was less than a week ago that this happened in our State. I don't need to tell the panel and some of the panelists that are here what this is all about, but I just wanted to bring this into sharp focus.

Mr. Chairman, let me just make one final point, which is I want to thank you for your fine work and I appreciate your opening comments. We are not going to stop—and the General said this as well—we are not going to stop this violence in the communities unless we stop it in the homes. You were so right when you said it is not just women or men, it is also children. It really is the families.

I have talked to so many attorneys and judges who have told me, Senator, if you want to know how some of these kids at age 13, 14, can commit such brutal crimes, and we are not excusing those crimes, just look at the files, just look at what they have seen in their own families, just look at what has happened to them. So this absolutely has to be a priority.

Since I may not be able to stay and you have been kind enough, even though I am not on the committee, to give me a few minutes, I just want to mention that among the many fine panelists we have today will be Bev Dusso, executive director of the Harriet Tubman Center, and I am really proud that she is here.

I think my State has really taken a lead in this area. We have got a lot of very exciting models and what Bev Dusso has done at the Harriet Tubman center is quite amazing. She has really, Mr. Chairman, reached out into the community in very creative ways, and when women come in and families come in, Bev and the center have provided just the kind of support that I think we envisioned in this legislation.

So if I am not here when Bev gets a chance to testify, I want to introduce her to the committee and I want to thank the committee for the opportunity to let me sit in. As I said, for our office—I mean, Sheila has been my teacher and people in Minnesota have been her teacher. In our office this is the top priority and I very

much appreciate the bipartisan way in which we have worked together.

The CHAIRMAN. Well, thank you, Senator. We appreciate having you here.

General, I have reserved my questions to the last. I will just ask a couple of questions. One is the 1994 act also enacted—and as a trial lawyer, I am kind of interested in what happened—it enacted general rules of admissibility in Federal sexual assaults and child molestation cases for evidence if the defendant has committed other similar offenses. As you know, Senator Dole put this provision in the bill and it was part of his effort to facilitate the effective prosecution of habitual sex offenders.

Now, the rules for sexual offense cases went into effect on July 10, 1995. If you can, can you tell us in how many cases Federal prosecutors have sought the admission of evidence under these new rules and perhaps even give us some examples, if you have any?

Attorney General RENO. I don't have any examples and I don't have the numbers, but all the U.S. attorneys were instructed about the new evidentiary rules. Convictions after trial or guilty pleas have been obtained in a number of cases following the court's admission of evidence pursuant to the new rules, and what I would like to do is see if we can give you specific numbers so I don't engage in generalizations.

The CHAIRMAN. Well, I would appreciate that. One thing that does concern me is that there seems to me to have been a small number of cases prosecuted under the bill so far. Of course, it has only been 1 year, but still you have had 15,000 calls. Now, is this a function of just the need to get geared up or are there other reasons?

Attorney General RENO. What I have done with respect to the whole antiviolenace initiative of the Department of Justice is to say, first off, violence is one of our top priorities—violence on the streets, in terrorist situations. That has to be our top priority. We have got to work with local prosecutors because, as Senator Specter pointed out, they are on the front line across this country.

It is important that we look at each case and determine where it can best be handled and what I have asked each U.S. attorney to do, and what the National District Attorneys Association president tells me, has been unparalleled cooperation. They have met with the local prosecutors. They have come to an understanding of how cases should be handled.

Now, in some instances cases are given shortshrift in State court because they don't have enough prison cells. We are addressing that, again, through the leadership of Congress and the President as part of the Crime Act with the money for new prisons so we can have truth in sentencing in the State prison systems, as we do in the Federal system.

Local prosecutors are doing so many creative and inventive things in terms of developing very effective prosecution techniques, and I think from my conversations most recently with Mike Barnes and Newman Flanagan of the National District Attorneys Association that is working well, so that cases are being handled in State court, the prosecutor thinking that it was in the best interest of the community.

Those cases that involve cases that cut across State lines where there is a jurisdictional problem or an investigatory problem that dictates that it should be handled in Federal court, they are, and I feel very comfortable with that, but I continually check. Through the president and the representatives of the NDAA, I try to see local prosecutors when I go into the jurisdiction to make sure, not just on violence against women, but on all issues, we are really cooperating with them.

The CHAIRMAN. We appreciate that. The record I have is that there have been four prosecutions thus far. Am I wrong on that, or are there more? There have been more than that?

Department of Justice staff member. About a dozen.

The CHAIRMAN. There have been about a dozen?

Department of Justice Staff Member. About a dozen.

The CHAIRMAN. OK. Well, if you could get that information, I think it would be good to get that information so that we up here understand how well it is working and how much we can do and whether we need to fine-tune this bill because both Senator Biden and I and others are very proud of this bill and we think that it is long overdue, the enforcement of it.

We appreciate you, General, and we appreciate your taking time. We know it is always a pain to come up here to Capitol Hill, but we appreciate the time that you spend with us.

Attorney General RENO. I am going to make an admission.

The CHAIRMAN. OK.

Attorney General RENO. I don't like to come up. [Laughter.]

Senator BIDEN. Surprise, surprise, surprise.

Attorney General RENO. But I will tell you it is useful because I come through the process of preparing for these hearings and I have got my list, and we will go back and at our 8:30 a.m. meetings and our 9 a.m. meetings we will follow up on some things.

The CHAIRMAN. Well, it is important that we overview the Department.

Attorney General RENO. And then when I come up and you all are so gracious to me, I realize it is not all that bad.

The CHAIRMAN. Well, thank you. Well, I can see that I am failing in my job, is all I can say. [Laughter.]

Let me just say that we appreciate the cooperation, and even though sometimes questions are tough they are asked for very important oversight reasons. We want to thank you and Ms. Bonnie Campbell for being with us today. We appreciate your being here. Thanks so much.

Attorney General RENO. Thank you.

Senator BIDEN. General, when Senator Kyl compliments you and an act and your enforcement of it and you call that a tough day, you have been in town much too long. [Laughter.]

Attorney General RENO. I didn't call it a tough day today.

Senator BIDEN. No. I know you didn't.

Attorney General RENO. I will wait until the next one.

Senator BIDEN. Mr. Chairman, I would like to acknowledge Sheila Wellstone, who has really helped get this Act passed. When we were having trouble getting people to move, as you know, you and I, she went out and got folks out in the field, women's groups

across the country to support the act. I just want to publicly acknowledge the significant help and assistance she has provided.

The CHAIRMAN. Well, I didn't notice that Sheila was here.

Senator BIDEN. I don't know where she is sitting, but I heard her referenced.

The CHAIRMAN. Sheila, you have to stand up so we can all see you.

[Ms. Wellstone stood.]

The CHAIRMAN. OK.

Senator BIDEN. Thank you, Sheila. Thank you.

Attorney General RENO. I would also point out, Mr. Chairman, that Sheila has served on the advisory committee that was formed by the Secretary of Health and Human Services and she has made a wonderful contribution.

The CHAIRMAN. Well, great. We want to express gratitude for that.

Thank you for being here, General, and thank you, Director Campbell. We appreciate you being here.

Senator BIDEN. Thank you, General.

[The prepared statement of Attorney General Reno follows:]

#### PREPARED STATEMENT OF ATTORNEY GENERAL JANET RENO

Good morning Chairman Hatch, Senator Biden, members of the Committee. It is always a pleasure to testify before this committee, and I thank you for the opportunity to join you this morning to discuss the Violence Against Women Act (VAWA).

#### INTRODUCTION

Study after study, including a recent report from the American Psychological Association, have shown that children who are abused and who witness violence at home are substantially more likely to commit violent acts themselves. We are never going to end the violence on America's streets unless we first end it in our homes.

The cycle of violence that begins in the home is felt in every American community and in every institution, in our schools, our workplaces, and our hospital wards. The scars that are left from growing up in an abusive home remain for years after an incident may have occurred.

The immediate past President of the American Medical Association, Bob McAfee, recently called family violence a major public health threat. We already know that it is a major public safety threat. Police departments in America's smaller cities point to domestic violence as their number one criminal concern, requiring more attention than even drugs or gangs.

The Congress and President Clinton recognized that our country was not providing an adequate response to these crimes when you enacted VAWA as part of the historic 1994 Crime Act. The passage of VAWA was a turning point in our national response to the problems of domestic violence and sexual assault, a milestone in the effort to break the cycle of violence.

I am very happy that the bi-partisan support demonstrated by Congress when it passed this law continues to be strong, as evidenced by the decision of Congress to fully fund the President's budget request for 1996.

By combining tough federal penalties with substantial resources to the states and our communities, this legislation has already had an enormous impact on women and families across the country.

Just consider, before the Violence Against Women Act, if a state wanted to train its law enforcement officials on how to respond to domestic violence calls or wanted to provide services and advocates to victims of crime, they lacked crucial resources.

Today, we have already provided states and territories with \$26 million, and will provide \$130 million in fiscal year 1996, providing states with a greater ability to train their law enforcement officers, hire more prosecutors and provide assistance to victims of violence.

Before the Violence Against Women Act, many states required victims of sexual assault to pay the costs of their own rape exams.

Today, the STOP violence Against Women grant program makes it a prerequisite that states relieve victims of the burden of covering this expense.

Before the Violence Against Women Act, a batterer who brutally beat his partner and then drove her across state lines to leave her at a hospital, would likely escape prosecution because of jurisdictional problems.

Today, these batterers are prosecuted, convicted, and sent to jail for years because of the newly created federal crime of interstate domestic violence.

And before the passage of the Jacob Wetterling Act, a provision intimately linked to our efforts to fight domestic violence and sexual assault, a sex offender released from prison could move into many neighborhoods without any notice to law enforcement and community members.

Today, states are developing systems so that these sex offenders are required to register with state law enforcement and communities, giving police, families, and care providers the information they need to feel safe and secure.

#### ADMINISTRATION PRIORITIES

The President and the Administration are committed to fighting violence against women and carrying out the mandate of VAWA in the same spirit of cooperation, consultation and partnership with which it was crafted. In fighting violence against women, the Department has identified several priorities: (1) the quick and efficient awarding of VAWA grant funds to states; (2) the vigorous federal prosecution of domestic violence and sexual assault offenders under VAWA; (3) the implementation of VAWA's full faith and credit provision; (4) the encouragement of states to establish sex offender registration systems under the Jacob Wetterling Act; (5) the enhancement of victim's rights; and (6) the development of new and innovative public/private partnerships.

The Violence Against Women Act is working because it has provided a catalyst for states and communities to come together, and develop multi-faceted, interdisciplinary approaches to these crimes.

I know from my own experiences in South Florida how effective a coordinated and cooperative approach can be, when police are working with doctors, when shelters are in touch with officers on the front lines, and when churches and community leaders speak out in a unified voice against violence against women. That kind of cooperation can and does make a difference. Much work remains to be done, but we are very pleased with the progress that is being made and very proud of the collaborative efforts that are currently underway.

A little over a year ago, former Iowa Attorney General Bonnie Campbell joined the Justice Department as Director of our Violence Against Women office. She has worked tirelessly to get the message out and to make certain that VAWA is working for the men and women on the frontlines in the effort to combat violence against women. Director Campbell does this by reaching out to victims, advocates, police, judges, and prosecutors to learn about their concerns, their ideas—about what works and what does not. As a former prosecutor who, for a time, was herself victimized by a stalker, Director Campbell has brought a unique perspective to our efforts. She has done a tremendous job at seeing that we meet our obligations to move forward in our implementation efforts. And Director Campbell is here with me today.

#### THE PROBLEM

Nothing tells us more about the need for the VAWA than the number of calls to the National Domestic Violence Hotline. On February 21, 1996, the President announced the opening of this National Hotline funded under the Act. In its first months, the hotline received almost 15,000 calls. Nearly half of these calls were from victims of domestic violence—many of whom did not know where to go for help; others complained they could not get help from local law enforcement. Fifteen percent were calls from concerned friends or family members, and about 10% were from advocates and service providers.

The most recent statistics from the Department's Bureau of Justice Statistics show just how serious the problem is:

In 1993 and 1994, women age 12 or older annually sustained almost 5 million violent victimizations;

About 60% of all violence against women was perpetrated by offenders the victim knew; about 15% of violence against women was committed by their relatives, and 30% by someone well-known to the victim;

Nearly a third of the women who experienced violence at the hands of an intimate were victimized again during the same year;

By 1992 and 1993 numbers, women attacked by a lone offender were nearly six times as likely as men to be victimized by an intimate;

During 1992 and 1993, women annually reported to interviewers about 500,000 rapes and sexual assaults. Friends or acquaintances of the victims committed over half of these rapes or sexual assaults.

In 1994, female victims of rape or sexual assault stated that in only about a third of the incidents of rape was the crime reported to the police, regardless of the victim's relationship to the offender.

One of the most startling facts that emerges from these new figures is the extent of violence and sexual assault committed by people the victim knows—and trusts—relatives, friends, spouses, partners.

These are the stark challenges that face the nation: and here is how the Violence Against Women Act can and is making a difference.

#### FEDERAL FUNDS TO THE FRONT LINES

In fiscal year 1995, Congress appropriated \$26 million for the STOP Grants program, which stands for Services, Training, Officers and Prosecutors.

The Department worked to distribute these funds as quickly and efficiently as possible. Less than two months after the final rules for the program were published in the FEDERAL REGISTER, 53 states and territories had received their \$426,000 in grant funding. The Department also delivered \$1 million in STOP funding to 14 Indian tribes, with grants of \$75,000 each.

The STOP Grants are about partnership and effective collaboration. Every state filed a plan detailing the collaboration it envisions among police, prosecutors and victim advocates. In this way, the federal dollars are used to encourage new partnerships and innovative programs, while each state retains the flexibility to meet its own special needs.

We have already begun to see results. Fifteen states have either made all of their subgrants and several others have begun the process. States have made nearly 200 subgrants to develop or strengthen existing victims services programs. Forty other subgrants are being used to train police and prosecutors, and others are being used to create and support specialized police and prosecution units that will focus on the problems of domestic violence and sexual assault.

In Utah, STOP Grant funding is being used to support 18 new domestic violence and sexual assault advocates across the state. One of those advocates will be working in the new women's shelter being built in the South End of Salt Lake City Valley, a shelter that upon completion will double the number of beds available for battered women in the Salt Lake City area.

In Delaware, STOP Grant funds are being used by the Wilmington Police Department to hire a civilian victim service outreach worker to help victims secure protection orders and to follow the victim through the prosecution phase of their case.

In Reno, Nevada, STOP Grant funding was used to organize a training session attended by more than 550 city, county, state and federal law enforcement officers from agencies throughout the state. It seems so simple, yet this kind of training had never been done before.

In Massachusetts, the Administrative Office of the Trial Court is using its funding to help more women understand how the criminal justice system can help them. They are creating a domestic violence video tape explaining in English and 3 other languages, how to obtain a restraining order.

In Iowa, STOP grant funds are being used to hire three advocates to assist victims in 11 rural counties that have never had advocates before.

The initial funding for 1995 was only a down-payment. Thanks to recent passage of the Department's budget for fiscal year 1996, we are moving forward rapidly to provide the states with \$130 million in 1996 STOP Grant funding. We are committed to getting this funding to the states as quickly as possible so that they can build on the important initiatives that began last year. I am happy to announce that the application packets for the states will be mailed within the next few days.

We will move just as quickly with the other grant programs that Congress has funded, including \$7 million for abused women and children in rural America, who because of their location far from urban shelters and services, are often at special risk. Application kits for these grants are nearly complete and should be available within the month.

We will also be distributing \$28 million in funding to encourage mandatory arrest policies for the primary aggressor in domestic abuse cases. Too often, a batterer is left at home with his victim because the victim has refused to press charges. This should never be the case.

In addition to the VAWA grants, the Department will soon announce the award of grants under the COPS/Domestic Violence initiative. These grants were developed in response to the real needs expressed by law enforcement officers, many of whom report that domestic violence incidents are the most dangerous and difficult encounters they experience on the job. The response to this program by police departments has been overwhelming—over 700 agencies have applied for assistance. Police departments, working in partnership with victim advocates and others in their community, will receive funding to develop domestic violence programs that utilize the proven techniques of community policing.

#### FEDERAL FUNDS TO FIGHT VIOLENCE AGAINST WOMEN IN INDIAN COUNTRY

Each of the grant programs in VAWA is available not only to states and territories, but tribal governments. We have seen that the problem of domestic violence and sexual assault in Indian country is extreme. The Rosebut Sioux tribe in South Dakota, with a population of 18,000, makes approximately 1,700 domestic abuse arrests per month. In the Salt River Pima Maricopa Indian Community in Arizona, where the population is 5,000, the tribal police receive approximately 400 domestic violence calls per quarter. Yet, this tribe has no domestic violence code and more than 90% of these cases are dismissed.

The federal government has a responsibility to meet head on the needs of Indian country. While 14 tribes received \$1 million under STOP last year, we expect to provide \$5 million to as many 56 new tribal governments under STOP in FY 96. In addition, a number of tribal governments will be recipients of COPS domestic violence grants.

#### PROSECUTIONS

Resources are only part of the story. The Violence Against Women Act is also about tough law enforcement.

The interstate domestic violence and harassment provisions of VAWA have been used to great effect, when state and local prosecutors believe it is in the best interest of justice that the case be tried in federal court. We have used these provisions to insure that batterers did not slip through the cracks in the criminal justice system with the same ease that they slipped across state lines.

The Violence Against Women Act authorizes severe federal penalties for abusers who travel interstate with the intent to injure, harass, or intimidate an intimate or with the intent to violate a protection order. More than a dozen cases have been brought successfully in districts throughout the country, due in no small measure to unprecedented cooperation between state and federal law enforcement:

For example:

*U.S. v. Ricky Steele*, Northern District of California. In this case, the United States prosecuted Ricky Steele, who severely beat his girlfriend in the state of Oregon and then forced her to drive with him to Las Vegas. While driving through California, a witness saw the girlfriend try to escape and called 911. California Highway Patrol made the arrest.

California state prosecutors were worried about their ability to prosecute Steele successfully, as there was no clear assault in California. Local law enforcement in Oregon indicated that Steele was not likely to get more than a year in prison if found guilty under its state law for the assaults.

Both states consulted federal officials and we prosecuted Steele in federal court under the Violence Against Women Act crime of interstate domestic violence. Steele was sentenced to 87 months in prison.

*U.S. v. Derek Page*, Southern District of Ohio. A weightlifter in Columbus, Ohio, severely beat his former girlfriend, stabbing her with the claw end of a hammer several times, breaking her femur bone, punching her with his fists until her eyes were shut, and injuring her feet so that she could not walk. After this beating, he took his victim 150 miles to a hospital in Pennsylvania.

With the victim, medical witnesses and evidence in Pennsylvania, local prosecutors in Ohio faced difficult evidentiary problems in pursuing prosecution. In Pennsylvania, local prosecutors could not proceed because no criminal conduct had occurred in that state. Local law enforcement turned to federal prosecutors in the Southern District of Ohio, who prosecuted the case and obtained a conviction.

Page has been held in custody without bond since his arrest seven months ago and is awaiting sentencing.

We will continue to forge these prosecutorial partnerships with state officials.

## FULL FAITH AND CREDIT

Tough and effective law enforcement does not just mean punishment, but it also means preventing these crimes from happening in the first place. Mr. Chairman, the Justice Department is working with the states to ensure that protection orders are given full faith and credit by law enforcement agencies and courts throughout the country. Protection orders issued by a court directing a batterer to stay away from a victim of domestic violence or sexual assault can do much to prevent violence or the recurrence of violence.

But, a protection order is not worth the paper it is printed on if it is not enforced.

A police officer in one state needs to know that the protection order issued in another state is valid in his or her jurisdiction. To this end, the Justice Department is helping states to improve their criminal history databases to include records of protection orders.

I have seen a computerized protection order file system, the Kentucky LINK (Law Information Network of Kentucky) System, and I know that it works. In Kentucky, the terms and conditions of protection orders are available to local police on the street, to case workers and to the courts. Moreover, the protection order file has allowed more accurate background checks that have kept guns out of the hands of more than 300 abusive spouses who were restricted from owning hand guns.

To be truly effective, protection orders issued in one state must be enforced in every other state. That was recognized in VAWA's Full Faith and Credit provision. People move easily across state lines. A victim with a protection order in one state must not have to experience violence in another state to receive protection there.

The Department had devised an aggressive strategy to implement the full faith and credit provision. We are funding a pilot project in Kentucky to test interstate and intrastate verification systems for street level enforcement of protection orders. We have also entered into a cooperative agreement with the Battered Women's Justice Project to create a resource clearinghouse and models on how states are implementing full faith and credit.

The Battered Women's Justice Project will work with Kentucky, as well as with state judges, to develop possible models for standardized forms, policies and mechanisms to assist courts, legislatures, police and advocates in implementing this provision. With their efforts, we are moving toward the day when every state may have a single protection order that every police officer and every court will recognize and enforce.

## JACOB WETTERLING ACT

While not a part of the Violence Against Women Act, the Jacob Wetterling Act is also an effort by Congress and the Administration to prevent sexual assault against women and children. The Wetterling Act encourages states to create registration systems for those convicted of sexual abuse or child molestation. The Department issued final Wetterling Act guidelines and is working closely with the states to help them develop sex offender registration systems that comply with the Act.

Mr. Chairman, Congress last week took several steps to strengthen the Jacob Wetterling Act in passing the community notification requirement of Megan's Law. The President supports Megan's law and will soon sign it into law. Parents and members of the community should have the information they need to provide greater protection for their children.

## VICTIMS' RIGHTS

As we work to break the cycle of violence, it is essential that the rights of victims are protected and enhanced. As a result of VAWA, victims of domestic violence and sexual assault crimes have gained several significant rights. Among them are mandatory restitution and the right to address the court at the time of sentencing. All of our U.S. Attorneys have been instructed on these new provisions.

In addition, VAWA protects battered immigrant women and children. The Immigration and Naturalization Service recently published final regulations establishing self-petitioning procedures for immigrant women married to abusive spouses who are U.S. citizens or lawful permanent residents. Abusive spouses can no longer hold their alien spouses captive with threat of deportation.

## ADVISORY COUNCIL

Mr. Chairman, this committee knows how important it is that the federal government be a partner with states and communities in the effort to combat sexual as-

sault and domestic violence. We cannot and should not be coming into communities telling local police and prosecutors what to do. But we can provide resources and guidance and information on the kind of programs that can be effective. That is what we have tried to do in the last year.

With this idea of partnership in mind, Health and Human Resources Secretary Donna Shalala and I formed an Advisory Council on Violence Against Women in July of 1995 and have met twice with the 47 members, and a third meeting is planned for this summer. Leaders in their respective fields, they come from law enforcement and health care, business and government, religious organizations and universities, media and sports. With their assistance and know-how, we are exploring new public and private partnerships that can demonstrate that the cooperative model for dealing with violence against women can produce tangible results.

At the recommendation of the Advisory Council, President Clinton directed all federal agencies to begin an Employee Awareness Campaign to address the effects of domestic violence in the workplace. The Justice Department has prepared a resource booklet for employees and we hosted an information fair for our employees. Other departments are establishing similar programs.

#### CONCLUSION

Since the passage of the Violence Against Women Act, we have had many months of coordination, cooperation and progress. The federal government's leadership and resources have helped to plant the seeds.

But the federal government does not have all the answers. States have brought new energy and local focus to the problems of domestic violence and sexual assault. We are working together as partners in this historic effort to stem the spread of domestic violence and sexual assault.

In every area of the country we are seeing activities that were not underway two years ago, activities ranging from new specialized prosecution and law enforcement units to expanded services for previously underserved women. Prosecutors have new tools and victims have enhanced protection. We have a long way to go, but we are closer to the goal of reducing, if not eliminating, violence against women.

Mr. Chairman, thank you. I am happy to answer any questions.

The CHAIRMAN. We are fortunate to have two persons here who have been active, one in her own State and the other across the Nation, in working at the grassroots level to combat violence against women. First, we will hear from Denise Brown. I just want to personally thank you for being here with us today and for making the effort. I know it is a difficult one. I understand that you flew all night from California to be with us, so it means a lot to me personally. I just want you to know that.

Ms. BROWN. Can you see my red eyes?

The CHAIRMAN. Well, we are happy to have your views, let me tell you, and I really want to thank you for your efforts that you are expending across this country to help us to understand this, and personally for your commitment to this issue.

Ms. Dusso is our second witness, and I want to personally thank you for being here as well. I think it is a wonderful thing for you to be here. You are the executive director of the Harriet Tubman Center in Minneapolis. You come with a great deal of experience in working at the community level to help victims of violence, and so we are very grateful to have you here. So we have a national leader and one who is making it work on the local level, and we think that is important.

So we will turn to you, Ms. Brown, and we will take your testimony at this time.

**PANEL CONSISTING OF DENISE BROWN, NICOLE BROWN SIMPSON CHARITABLE FOUNDATION, DANA POINT, CA; AND BEVERLY C. DUSSO, EXECUTIVE DIRECTOR, HARRIET TUBMAN CENTER, INC., MINNEAPOLIS, MN**

**STATEMENT OF DENISE BROWN**

Ms. BROWN. Thank you, Senator Hatch, for inviting me here today. I am here under unfortunate circumstances. From a tremendous tragedy in my family, I found out about domestic violence. I know that at the beginning of all this, in those first few awful days, I was the first one to say that I did not think that Nicole was a battered woman. Well, it is because I didn't realize, I didn't know. I didn't know what domestic violence was. I didn't understand it.

I didn't know that one human being had to control another human being, that the verbal, emotional, and psychological abuse, the put-downs—you are stupid, you are ugly, you are worthless, you are fat, you are no good—is all a part of domestic violence, the chipping away at one's self-esteem that escalates into physical violence—the pushing, the kicking, the hitting, the throwing against walls. If victims are lucky enough to survive all this abuse, then there is the honeymoon phase, the "oh, baby, this will never happen again," the gifts, the flowers, the "I'm sorries," and all the excuses.

In the horror of all this and trying to understand, I went to a shelter in Laguna Beach, CA, and I asked them for help. They educated me, and in educating myself about domestic violence I came to the realization that Nicole was a typical battered woman. Nicole has shined a very bright light on all of this. She has focused the whole world's attention on domestic violence. You know, the saddest part of all for me is that it took my sister's life to bring this to the forefront.

My mission here today is to tell you how important it is to become aware and educated about domestic violence so that a tragedy like this does not touch your family. In this last year as I crisscrossed this country, I was saddened to meet women and children who were running for their lives. I have visited prisons and seen the faces of batterers. I have visited victims in prisons who thought the only way out was to kill their abusers. They were once someone's cherished little girl and little boy. The only way we can stop the cycle of violence is to all work together so that we can offer each child a life and future without violence.

What I have learned from this journey that has taken me to over 75 cities across 25 States is the ordinary citizen—the teachers, the doctors, the nurses, the lawmakers, the judges, the police—need to work together. If one part of this is missing, someone can lose their life. The ordinary citizen needs to call or write to their legislators and let them know their concerns on the issue of domestic violence.

The legislators need to have an open dialog with domestic violence coalitions and individual grassroots advocates, like Ann O'Dell of the STOP program in San Diego, Tammy Bruce of the Women's Progress Alliance in Los Angeles, and Kevin Curley of MESA, a batterers program from St. Paul, who can give them invaluable firsthand knowledge to help them write the necessary

laws that enable law enforcement to protect the victims and to arrest the perpetrators.

Ultimately, getting to know the grassroots advocates for women across the country, education about violence against women and local community action to stop domestic violence only work when they have funding, or when they are funded. Legislation, no matter how noble the intent, will never do any good unless we have the passion of the advocates at the local level to put those ideas to work.

The judges need to be educated on the complex dynamics involved in domestic violence cases. This could have avoided the all too common tragic death of a young woman in New York City whose abuser was set free by Judge Dukman, only to stalk and kill her. Despite the growing body of evidence that domestic violence is harmful to children, some trial judges have disregarded domestic violence in making custody decisions, evident in the horrifying incident in Riverside, CA, where an abuser was able to use a custody law in family court to force the mother and child out of hiding. This abuser then murdered his wife in front of their child at the family court building and then was shot by sheriff's deputies. I hope that these two examples will help you understand the importance of funding State and Federal judges training programs, which so far have received no appropriations.

I was also introduced to a program from Bradley Memorial Hospital in Chattanooga, TN, where they have domestic violence training for doctors and nurses so that they can properly recognize and treat or intervene for the victim who has come in too many times for unexplained accidents and injuries. The emergency technicians all wear buttons that open the door for victims to ask questions.

Teachers can implement the kindergarten through sixth grade program called Hands Are Not for Hitting. Children need to learn the good things to use their hands for and to take a pledge that hands are not for hitting and my hand will not commit violence. Children who are violent themselves are four times more likely to have come from a violent home. This program will enable us to stop the cycle of violence early.

What all of this shows is that this is not just a woman's issue. Everyone is affected—women, children and men—and that is what I have been saying from the very beginning throughout my travels from State to State, city to city, that we must as individuals take a stand for what is right. We need the good men to stand up and say that domestic violence is not acceptable and that we are not going to put up with it. We must recognize that domestic violence is at the root of most crimes being committed today.

Most of all, to Senator Biden who had the foresight 6 years ago, before anyone in this country cared or even heard of domestic violence, to have begun creating the Violence Against Women Act—many lives can be saved by the passage and funding of the Violence Against Women Act. What it shows us is that our system does work, but what it needs is for every individual to be involved.

In the dark of the night, I look to one face that gives me courage and gives me strength, and that is Nicole, but there are so many courageous people who have anonymously been committed to the fight against domestic violence that we can all look to. There are

two good men here who have made a tremendous contribution to our country by their tireless efforts in the coauthoring, the passage, and the funding of the Violence Against Women Act, and I would personally thank and commend Senator Hatch and Senator Biden for setting a standard for us all.

Thank you very much and thank you for listening to me.

The CHAIRMAN. Well, thank you. We appreciate having your testimony.

Ms. Dusso, we will turn to you.

#### STATEMENT OF BEVERLY C. DUSSO

Ms. DUSSO. Thank you. On behalf of the Harriet Tubman Center and the families and communities we serve, I would like to submit the following statement of support of this very important act and cover three areas; first, how the Violence Against Women Act funds do mean critical new thinking and services and partnerships, and I hope that the Tubman Center is one of them; second, the really positive effects of the tough new penalties assuring families necessary Federal protection; and, third, the importance of the act as a model for leading, and perhaps more importantly leveraging new community responses in ending family violence.

You know the statistics. You have got wonderful people to give them to you. I won't cover them again, but families of every ethnicity, age, and income level are victimized by violence in the home. In the past, we in this society have allowed the myths about family violence and our woefully limited awareness about this issue to foster or allow a sense of denial and ambivalence throughout all echelons of our society.

A growing recognition of the insidious effects of abuse on the entire family well beyond the partners and the children has sparked new thinking and initiatives from educators, police, legal professionals, members of the medical community, faith leaders and every kind of service organization.

When the Violence Against Women Act funds became available through the Minnesota Department of Corrections, Harriet Tubman proposed a new partnership to address the needs, interestingly enough, of immigrant women victimized by family violence. We know we must begin to paint outside the lines of service where we have been in the past. This collaboration will provide education, prevention and intervention services to victims residing in one of the largest public housing facilities in the city of Minneapolis housing 5 to 6,000 immigrant women and kids.

You may recognize this building. It was the one that was most familiar through the Mary Tyler Moore series. So if you can bring that back to your minds, you know exactly where I am talking about.

The horrors these families face are well beyond typical language and economic barriers. They have the added threats and retaliation and retribution that can be brought to bear through their deportation or losing their children or abandonment. Often, they are held back from completing the immigration process by threats and/or physical violence. These fears and real and create formidable barriers. Imagine if you couldn't speak English, had no emotional sup-

port from family or friends, and therefore were completely cut off from basic services.

This new collaborative effort between Harriet Tubman and Brian Coyle Community Centers will fund door-to-door education at the Riverside Plaza housing complex. This means one-to-one intervention at the door and advocacy services to those immigrant women, as well as perhaps weekly support groups that they can continue on in striving to new levels of freedom.

Equally important as serving the women themselves, we will train the staff, apartment security and management in understanding family violence in order to head off the potential evictions or citations frequently resulting when landlords do not understand the dynamics of abuse. Housing, you see, is another system where exceptional barriers to safe family housing is present.

The second area is the effect of the act's tough new penalties assuring families necessary Federal protection. Clearly, each and every part of this landmark legislation beyond funding is crucial if we are to eradicate family violence. Arrest policies in family violence cases, civil rights protections, and the training of law enforcement and judicial professionals will improve safeguards. That is the only way we can close the loop.

I am going to skip forward in part of this statement because I think it is important to tell you a specific story that locks all of this together. Tubman Center is more than the picture I hope you received in the brochure that I just had handed out. We have offices in all of the high schools, the courts, several hospitals and clinics, and the homeless shelter in Minneapolis. It is indeed the hospital program where this incident was initiated, a program which, by the way, I am proud to say we have been in the business of handling since 1977 as advocates with the medical team there.

Last year, a woman came to us from Chicago. She and her child were being chased by her husband. She was badly beaten, very badly beaten, and that is why she went directly to the county hospital with our advocate. The danger was so great after they had listened to the story that the advocates called the police and brought them directly to the hospital, and they also decided there was such significant danger that they could not bring this woman and child to our shelter, to our main crisis facility.

Beyond her being brought to the hospital, they decided to make preparations to leave Minnesota. She received her medications, was provided significant and complete information by the police. She also gave complete information to the police. The advocates got her new clothes, wigs, luggage, and carriers for the baby. Because of a very special partnership which I think is key to this story with Northwest Airlines, we also made all of the preparations to get her a flight out of Minnesota directly, which they do for us routinely in that city. She was delivered to the team of airport security that now are well informed before the victim and the family ever get there so that they are protected immediately when they get into the environment of the airport itself.

This might sound like it is going to be a nice ending. We made arrangements with the United Way security and support systems in Dallas, TX, as well as a shelter that was ready to receive her on the other end, and she got on that airplane. It wasn't a happy

ending because that interstate information and enforcement part of the act were not law.

The abuser, when he discovered that she was no longer in Minneapolis, went back to Chicago and shot her mother and her sister, and her mother died. If, on the other hand, the police had been able to pick him up—they knew where he was; they had him in the hospital—that would never have happened. As in the African proverb, expanded, if you will, it takes a huge, educated, cooperative village to protect a child and a victim. It takes all of us.

I would like to say one more thing just because I work under the auspices of an extraordinary American hero of freedom, Harriet Tubman. Her motto was "keep going." I would recommend that motto to you. Contemporaries of hers also said she made the weak strong, the strong dedicated, and the dedicated invincible. With this new beginning, we can, with you, and must, as well.

I will conclude my remarks at this time and I would welcome any of your questions. Thank you.

[The prepared statement of Ms. Dusso follows:]

PREPARED STATEMENT OF BEVERLY C. DUSSO

On behalf of Harriet Tubman Center, and the families and communities we serve, I submit the following statement in support of the Violence Against Women Act. I would like to address three areas: 1) how the Violence Against Women Act funds mean critical new thinking and services and partnerships, 2) the positive effects of tough new penalties assuring families necessary federal protection; and 3) the importance of the Violence Against Women Act as a model for leading a new community response to ending family violence.

Family violence causes more injuries to women than car accidents, robberies, and sexual assaults combined. Recent statistics from the U.S. Department of Justice indicates the following:

More than half of this country's women and children experience violence in the home at least once in their lives,

Over 1 million women a year are victims of violence perpetrated by an intimate partner,

Over half of the family violence crime results in injuries to the victim; female victims are more likely to sustain injuries at the hands of intimate partners than strangers.

Families of every ethnicity, age, and income level are victimized by violence in the home. In the past, we in this society have allowed the myths about family violence and our woefully limited awareness about the issue, to foster a sense of denial and ambivalence throughout all echelons of our communities. A growing recognition of the insidious effects of abuse on entire families—well beyond the partners and children—has sparked response from educators, police, legal professionals, members of the medical community, and every kind of service provider.

Minnesota's funds will be distributed through our Department of Corrections. Harriet Tubman Center is proposing a new partnership with the Brian Coyle Community Center to address the needs of immigrant women, victimized by family violence. The collaboration will provide education, prevention, and intervention services to victims residing in one of the largest public housing facilities in the City of Minneapolis—housing 5,000 to 6,000 immigrant women. Services to them and their families are necessarily limited. The horror is that these families face threats of retaliation and retribution from the abuser, including being deported, losing their children, even beyond the typical language and economic barriers.

Immigrant women face their partner's threats to abandon them, or they are left for other women. Often they are held back from the immigration process through threats of actual violence. These fears are real and create formidable barriers for immigrant women trying to end violence in their own home. Imagine if you could not speak English and had no emotional support from a network of family or friends. Basic service can be completely cut off. Others may avoid even seeking assistance fearing her partner may be deported, and knowing that her relatives in their homeland are dependent upon income generated by the abusive partner.

This new collaborative between the Harriet Tubman and Brian Coyle Community Centers will fund door-to-door education activities at the Riverside Plaza Housing

Complex. This means one-to-one intervention and advocacy services to the immigrant women plus a weekly support group off-site. As important—we will train staff, apartment security, and management about family violence in order to head off potential evictions and/or citations frequently resulting when “landlords” do not understand the dynamics of this issue. Without the VAWA funds, this program must be postponed indefinitely.

The second key piece is the positive effects of the Act's tough new penalties assuring families necessary federal protections. Clearly, each and every part of this landmark legislation, beyond funding, is crucial if we are to eradicate family violence from our communities. Arrest policies in family violence cases, civil rights protections for victims, law enforcement and judicial professional training finally will improve protections for victims. In the interest of time, I would like to mention only one example related to interstate enforcement to show the importance of the various new provisions.

Sometimes the only sensible thing for a family to do is flee not only their home, but their state. Harriet Tubman Center often provides shelter to women and children from out-of-state, or serves them through one of our several offices in schools, the courts, hospitals, or clinics. Two provisions have been needed desperately. They are the creation of new federal criminal penalties for anyone traveling across state lines with the intent to injure a spouse or intimate partner, or with the intent to violate an order of protection. This act requires all states to enforce orders for protection regardless of where the order is issued. Now victims have more legal redress and support, and they do not have to undertake the filing again—saving lives, time, and tax dollars! By strengthening the federal penalties for those perpetrators following their partners, joint state and local enforcement can add significantly to the family's safety.

Finally, the Violence Against Women Act is critical because it is a mode to encourage the community to respond to family violence. Through the adoption of this initiative, the United State Congress and President Clinton have set a national standard or value—violence in the home or on the streets of our community, will not be tolerated. This national commitment, this law, leverages new initiatives around this nation, and encourages every citizen in our community to be a stakeholder to end violence. Corporations, foundations, religious and civic organizations and individuals look to you, the leaders of our country. Through this Act you demonstrate your leadership. Through your funding, initiatives can be leveraged that were impossible before. Your support helps define that we are each, individually responsible for a violence-free nation.

A great American hero of freedom, Harriet Tubman had as her motto: “Keep Going!” I would recommend her motto to you. They also said, “She made the weak, strong—the strong, dedicated—and the dedicated, invincible.” We can be, too with this new beginning.

I respectfully conclude my remarks at this time. My great thanks for the opportunity to address you and the passage of the Violence Against Women Act. I would be happy to answer any questions you may have.

The CHAIRMAN. Thank you so much.

Senator SPECTER has a comment he would like to make.

Senator SPECTER. Thank you, Mr. Chairman. I just wanted to compliment you and Senator Biden for holding these hearings, and thank Ms. Brown and Ms. Dusso for coming in. I especially want to thank Ms. Brown because she appeared before the Appropriations Subcommittee on Health and Human Services and gave very powerful testimony and was very helpful to us in getting the kind of funding which we did for protecting women against violence.

I am sorry that I cannot stay any longer. The schedules around here are extraordinary. Christopher Reeve is in town today trying to get funding for research on spinal problems, with the thought that if we can do research, we can save very, very substantial money on hospitalization. So I hope you will excuse me.

Thank you.

The CHAIRMAN. We sure will, and we appreciate your being here and we appreciate all the hard work you have done on this bill.

Let me just ask both of you—I just have one question and then I will turn to Senator Biden. First of all, I want to tell you how

much we appreciate both of you coming long distances to be here with us. We really do appreciate it.

From your work and your experiences, how would you go about seeking better coordination of our bill with the local level people, and do you feel that there has been significant progress made in recent years in the effort to combat violence against women? I work fairly closely with our violence against women shelters in Utah and help to raise funds for them, but I have to tell you I would like to have your best opinions on these two things.

Ms. BROWN. In my travels over the last year-and-a-half, I have noticed a tremendous increase in the mandatory arrest policies that are being implemented in different States, and more and more are being implemented which I think is absolutely wonderful. I think that in order for everyone to work together, I think people have to realize what is going on in other States, and that is one of the downfalls, that is one of the problems, is that people don't communicate with each other.

For instance, in Chattanooga, TN, with the hospital, I mean they have this wonderful program that they are doing and then in Nashville, TN, they don't know about it, you know. So I think there has got to be better communication across our country.

I think that women's lives are more important than just having State-to-State laws because they are so different. I was in a few States that had absolutely no laws for domestic violence, and then I go to other States that have got very extreme laws for domestic violence. I think women's and children's lives are a little bit more important and I think that they should be on a Federal level and that they should cover the whole State. I think that is one thing that we could possibly do.

The CHAIRMAN. Thank you. Ms. Dusso.

Ms. DUSSO. I think that the issue of sharing is clearly the issue here, and I think it needs to go well beyond what the current service providers are doing. There are two pieces, I think. One is that every single individual has to begin to understand that unless they take personal responsibility for the violence in this Nation, unless they begin to attack it and address it every single time they see something, it is not going to happen.

The second thing is that, as you well know, we have all created a system and a series of different kinds of bureaucracies. Whether they are educational or medical or judicial, the fact of the matter is that they exist and they were born long before anybody, and particularly you all, were paying such wonderful attention to this issue. They evolved and have barriers throughout them, barriers that people are wedded to as if it was their own blood line.

Indeed, those are the things that have to be somehow put on the table. We have to name these elephants. We have to open our eyes and see both ends of it and say it is okay to give up some historic kinds of beliefs in order to come together on something that may stop much more than violence in the home, but violence, period. So it is truly the systems change issue, I think, that is key.

I would also say it is terrific to see so many men on this committee—women have had to carry the burden for so long in this field, and we really think that unless the entire community is talking about it, half the community alone can't address it. So one key

issue is men talking to men. Women will believe us in a way that maybe nobody else will. Men talking to one another may, in fact, have the stamp of imprimatur to bring on change.

The CHAIRMAN. Well, thank you.

We will turn to Senator Biden.

Senator BIDEN. Ms. Dusso, I think the last point you made is exactly right. Originally, I never received so much hate mail and criticism—I mean this sincerely; I am not joking. When I started those hearings, the mail I most often got that was virulent was from men because of what I was saying about the Violence Against Women Act and what our responsibilities are, and also from some very fundamentalist churches who strongly opposed the Act. The churches did not condone violence against women, but they did not think the Federal Government should be involved.

That is starting to recede and I would like to suggest something to you that I have done in my State and one of the things that I think we might do. I might say, and it is the same with the chairman, I make my violence against women speech most often to male audiences, to chambers of commerce. Once men figure out what this is about, most men become ashamed, mortified, outraged and sickened when they learn the facts.

If I could do any one thing, I would like every single State legislator, male and female, to come to your shelter or to the shelters in my State or the ones that Denise has seen and just talk to the women there, just talk to them.

Let them see the fear on the faces of these women and have the women explain the very practical, day-to-day problems they have of getting around. One of the things I would like to suggest is to form a coalition—for the four of us, and others, to take this show on the road, to spread the word about violence against women and what the Act can do to stop it.

Ms. BROWN. Do you want to come with me?

Senator BIDEN. We should go speak to the AMA Convention, the hospital convention, the ABA Convention, every one of the major organizations. The people who know, violence against women are the cops because we have been doing that with the cops.

I think once the hospitals find out that they can do what they did in my State and did in your State and it in no way impinges on their freedom and there is no Federal mandate involved, that they will act. A similar thing happened in Delaware. We had a conference in Delaware where I invited 250 business leaders and they discussed for an entire day how business can get involved in addressing the problem of violence against women. The DuPont Company, the Hercules Corporation is now following up as a consequence of that conference.

The reason why it is so important for businesses to understand is because women have to show up for work and hospitals have to understand because that is where women are when they get battered. Courts also have to understand, which leads me to the next point. But first Denise I want to thank you very much for the nice compliment, and I want to compliment you for your relentless effort in this area.

As you well know, the original bill that Senator Hatch and I co-sponsored and passed did provide funds for training judges. Now,

when we reinstated the \$75 million that had been cut in the violence against women legislation, what we were unable to do because we had such strong opposition was to put the funding in for training for judges because it was also attached to a proposal to conduct gender bias studies. That sent up the red flag again with all the antifeminists.

Ms. BROWN. Yes.

The CHAIRMAN. Now, I would like to suggest to you that we should be talking about whether or not we should split that. A lot of the women's groups in America don't want us to give up funding for gender bias studies, and with good reason. I support both, by the way; that is why I wrote it in the bill. Senator Grassley and Senator Gramm strongly opposed the funding for the training of the judges, in part, because it got attached to the gender bias study. I assume that is the rationale. Maybe we could send you to speak to Senator Grassley and others to talk about that.

Ms. BROWN. Absolutely.

Senator BIDEN. I would like you to consider whether or not we keep them together or we split them. States can now educate judges, if they wish to.

Ms. BROWN. I think that is very important.

Senator BIDEN. But we don't give them the money, as we did originally, to do it. It is \$1.3 million that we cut out, so I would like you to think about that, if you would.

Ms. BROWN. Absolutely. Your one remark about having men involved, just going back to where you just started, as I have been traveling I have gotten more response lately from men coming forward and saying, Denise, keep doing what you are doing, we are behind you one hundred percent and we are appalled by what is going on here. So it is working and men are getting more involved. I am having more men at the speaking engagements that I speak to.

I have spoken to State bar associations. There are individuals across our country who would love to have training or, like the third- and fourth-year law students, go and do pro bono work for domestic violence shelters, which is another issue as well. There are a lot of great things that are happening.

There is one thing that I usually say and my girlfriend and I discussed before. Would you like to have an ear, nose and throat doctor operate on your heart? Well, no, you wouldn't. So would you want a judge trying a domestic violence case when he knows absolutely nothing about it? I mean, that is what is happening, is they are getting a slap on the wrist and they are walking free and women are being killed. That is what is so important about this. So, yes, I would be more than happy to go and speak to these Senators about the reality of death.

Senator BIDEN. Mr. Chairman, with our indulgence, if I could have 60 seconds more and ask Ms. Dusso a question?

The CHAIRMAN. Sure.

Senator BIDEN. The Harriet Tubman philosophy is slightly different than other shelters. Most shelters try to locate in places where people aren't going to know about them. They are basically kept private. You have a very different philosophy and I would like you to take a moment to explain it to us.

By the way, I would note parenthetically that the key word you used today, in my view, was "leverage." This legislation was never intended to do the work for all the States. It allows you, though, and Denise and other advocates to go out and leverage the Federal dollars in ways to get the States to step up to the ball.

My staff, headed by two women on my staff, did a 50-State study to determine whether or not we had a constitutional rationale to pass this legislation. We found that in the 50 States, the way in which gender cases were handled varies widely.

For example, in my own State of Delaware you could be convicted of first-degree rape if you were a stranger. First-degree rape carries a much more serious penalty to it. You could do the exact same thing to a woman that would qualify for first-degree rape, but if you were a significant other you could not be tried for first-degree rape, only second-degree rape. That disparity exists throughout the Nation; that is why we need a Federal standard.

But my question to you is why do you have such a visible and outwardly open philosophy relative to your shelters? Explain that to us for a second.

Ms. DUSSO. When we realized that we had to replace the building that we were in, we did a very serious look at what we thought the vision and the mission and the philosophy were, or needed to be, I should say, rather than looking at it from the perspective of the 1970's when the first shelter was built in the United States—in fact, it was in St. Paul—but in the 1990's when the world has changed, security has changed, thinking has changed.

Beliefs are beginning to change, and we decided that there was at least the possibility that by hiding women, we were hiding the problem and perhaps even throwing shame upon those that had finally made a very difficult decision to leave. So when we realized we had to build a new building and had a wonderful gift from Honeywell, another partner, I might add, that has their national headquarters in our city, and we would have a custom-designed security system—as we say, if you are coming over, please smile; you will be on tape for 30 days, regardless of how you get in. We knew that we could look at this differently; we could try to.

It gave us two opportunities. One thing it did was allow us to involve tons of people. This \$6 million center, not shelter, not transitional housing, not school, but center, is actually half government dollars of a variety of sorts and half private dollars, so it was a complete partnership there.

It was our neighborhood that said they wanted us to come in, and I will tell you that building has never been defaced. It is very prominent. Everybody knows—

Senator BIDEN. It is very attractive, too.

Ms. DUSSO. Yes, we think so. We had a superb architect do it and some extraordinary artists working on the inside of it.

The whole issue was to say this issue isn't private anymore. The entire community is welcomed in. When it is completely done, there will be forum space and all kinds of room for everyone to get involved.

Senator BIDEN. I am well over my time, but security is a key, though, correct?

Ms. DUSSO. Security is a key.

Senator BIDEN. Absent the ability to have security, the philosophy may not be as workable.

Ms. DUSSO. You need the security, but you, I think, gain actually in the security because of the neighborhood and the community backing.

Senator BIDEN. I see. I thank you very much.

Ms. DUSSO. Thank you.

Senator BIDEN. Thank you, Senator, for allowing me to go over. The CHAIRMAN. Thank you, Senator.

Senator FEINSTEIN.

Senator FEINSTEIN. Thank you very much, Mr. Chairman, and let me join in thanking both of you for not only being here, but the good work that you do. Let me express a couple of my concerns and see how you can respond to them, and then I wanted to ask Denise a couple of personal questions, if she would be willing to answer them.

We have created a very violent culture. We have also created, in a sense—well, we haven't created it, but women are unable to break away from their relationships and society is unable to protect them. Yet, the violence of our culture seems to be growing by leaps and bounds every day. What is interesting to me is from the time violence against women really became known—and I don't think it is just the fact that it is more known now. I really believe there are many more offenses, many more murders than there used to be.

Having said all of that, I think one of things we have to address ourselves to is not only the nuts and bolts, but the culture and how to change the culture around, and also how to let doctors and families understand the danger signals and be able to do something about it.

I have gone home the last few nights thinking that this hearing was going to happen and I just began to blip around the television channels. I saw some brutal shows with respect to the culture of violence and how people solve their problems in many of these things. Violence begets violence. There is just no other way of, I think, looking at it.

Let me ask you, Denise—and if you don't want to answer these, don't do it.

Ms. BROWN. OK.

Senator FEINSTEIN. Let me ask a couple of things. Did Nicole at any point contemplate or have a restraining order?

Ms. BROWN. You know what? I don't know. I don't know if she ever had a restraining order.

Senator FEINSTEIN. Let me ask another question. You inferred—and I tried to listen carefully to what you were saying—that she didn't talk to you about it, but she did talk to her family about some of the problems she was having, did she not?

Ms. BROWN. You know what, Senator Feinstein? I would love to be able to possibly have like a different kind of a conversation in not such a public way because we are still in the civil case.

Senator FEINSTEIN. All right, OK.

Ms. BROWN. I mean, we can talk about this and we discuss this at some later date.

Senator FEINSTEIN. Well, this had a point because I was reading the medical testimony that is going to be at the next panel and what I was really trying to establish was how do we recognize the first symptoms, how do we recognize that there is a psychopathology? If we are not able to, A, treat the psychopathology or, B, break the chain of it or enable the woman early enough to break away from it, she is not going to have a chance.

Ms. BROWN. That is why I think it is real important to educate the children. There are programs that can be implemented in school systems all across our country. The children who are in violent homes—it is a learned behavior, violence, and that is all they learn and that is all they know. If we implement school programs, they will learn the other side that hands are for hugging, hands are for holding, hands are for a great pat on the back, hands are for playing an instrument, hands are for good things, as opposed to hands—you know, hands are not for hitting, and that is something that children need to learn.

I think that education and awareness is a key factor because since I didn't realize about domestic violence and I didn't know what it was, when I went to a shelter and they educated me, gave me fact sheets, gave me books to read, learning about domestic violence was a shock to me, learning that somebody had to control another individual. I didn't realize that something like this existed. I thought that, you know, communication between two people and having a respectful relationship is what a key to a relationship was. I didn't know that people had to put each other down in order to gain that control.

So I think it is real important for everyone in this whole country to learn about domestic violence, to learn about the cycle of violence, and I think that if we implement these types of programs, we can get everyone educated and people will know that, hey, I don't have to put up with this, I don't need this in my life; you should respect me and I will respect you.

Senator FEINSTEIN. Could I ask Ms. Dusso a question? I didn't know about your center and I was very interested to learn about it. Of the women that you have dealt with, what proportion of them would you say have been able to successfully—or let me say the men that are part of these women's lives, how many of them have been able to successfully break that chain?

Ms. DUSSO. You have asked the sort of quintessential question and one that is tremendously difficult to answer. We know that because it is learned behavior, it is certainly possible to unlearn it. There is a huge amount of interest now and effort into getting to the abuser. As a matter of fact, yesterday before I got on the plane, I went up to the women that are currently in the shelter and said, if you could tell the Senators anything, what would you tell them? And they said, make them arrest them; if they violate the order, make them take them to jail right then; make them do it the first time and make them be educated.

Then a woman stood up and said, which very, very much shocked me, and make us be educated, too, because she said, we are going to take responsibility; we are not going to hide from the police; if we know that the system will do their part, we will give the evidence, we will do our part. I said, you know, that could be making

battered women's lives much harder, and they said, no, no, we will take responsibility; we want it to stop, we want it to stop.

But I have to add one thing that is very difficult, but very important for you to know. We most frequently hear from families of color that the value of keeping the family together is as or more important, often, than the abuse. Their families have been split up so many different ways—violence and poverty and the long list—but it is very difficult for us to be able to serve both of these ends, and we have to be able to serve them and so does the judicial community.

Senator FEINSTEIN. The reason I asked the question is let us say I have known two dozen cases, which is probably pretty accurate. I have never known one where the cycle has been broken. I have only known when the woman has been able to successfully break the cycle because what I found when I asked would the man get counseling, it was always half-hearted, the response, and generally ultimately negatively.

Therefore, the conclusion I have come to—and I could be wrong; that is why I am asking it—is that if a woman is being beaten by her loved one and she says, look, you have got to get counseling—if he refuses, I would tell him, leave.

Ms. DUSSO. We would say the same thing, but the next step is to have the courts, to have the doctors and hospitals, et cetera, say, but you must—we are going to mandate you to get educated, because there is no hope, if you only throw a perpetrator in jail, that they are going to have an attitude change. They have to get the information. They have to be forced to see and address their own stuff, and other men doing it can be successful. We have seen that even in our own school program. We have men on staff working in the schools to work with those young men and it does work.

Senator FEINSTEIN. Denise, you wanted to say something?

Ms. BROWN. Yes, I would like to say something about that. There is a program in Minnesota and it is called MESA, and the man's name is Kevin Curley. Kevin Curley has over a 50-percent success rate in his batterers program. It is an anger management program. It is court-mandated.

Senator FEINSTEIN. What is anger management?

Ms. BROWN. It is controlling your anger so you don't explode and hit your spouse. It is anger control management. There are time-outs like you have with children where you say, hey, listen, I need to go away for 5 minutes and I need to regroup so that I don't hit you.

The program is absolutely wonderful. I have met a couple of the batterers that were in the program. I have also met one of the batterers' wives. The batterer started getting better and started getting healthier, and the woman was staying at the same level. Well, she wanted him to come back, because that was all the attention that she was getting, until she realized, OK, I need help, too. But there is success in these programs.

Senator FEINSTEIN. Is this a counseling program or residential?

Ms. BROWN. They are mandated court programs, batterers programs, but now my other concern about the batterers programs is that they are court-mandated. If somebody wants to volunteer to go into these programs, they can't, and I think that is a big mis-

take because I know that there are a lot of victims out there that say, listen, my husband and I have been married for 40 years and all of a sudden, you know, because of the death of someone, he has gotten violent, he has gotten angry, and he would love to go into a program, but there are none available. So I think a voluntary program would be absolutely essential.

The funding for these batterers programs is absolutely essential because what happens is if these guys don't get this help that is necessary, they will go on to the next victim and next victim and the next victim, and the cycle will never be broken and it will never stop. So I think it is very essential that we not only think about the battered women's shelters and the education for the children and the judges and the lawyers and the lawmakers, but also think about the batterers programs because that is where really the root of the problem lies because the majority of the batterers are males.

Senator FEINSTEIN. Thank you.

Ms. BROWN. Thanks.

The CHAIRMAN. Senator Biden has a couple more questions and then I need to move to the next panel. I have got to say this has been a very good—

Ms. BROWN. We have so much to say.

The CHAIRMAN. Yes, you do. This really is a great panel.

Ms. BROWN. Thank you.

The CHAIRMAN. We would like you to submit more in writing to us, if you will, because we need to be educated, too.

Ms. BROWN. OK.

Senator BIDEN. Thank you, Mr. Chairman. We, in 1994, took the act and wrote a manual entitled "Turning the Act Into Action: Violence Against Women," and I highly recommend it and the reason I do is not because we wrote it, this committee, but because it lays out a couple of things.

We had extensive testimony. I held a series of hearings where we heard from psychiatrists and psychologists who specialize in this area, and two of the things that they pointed out that I think we have to be cognizant of are that this behavior starts very early on but could end very early on if women were educated about it.

For example, the thing that always gets me in trouble is when I say no man has a right to touch a woman for any reason without her permission, period. The guy who grabs his wife in the shopping mall and squeezes her wrist is the beginning of the guy who ends up battering.

Ms. BROWN. Absolutely.

Senator BIDEN. There have been many studies, but one study done in Rhode Island illustrates how much education among men and women is needed. This study, sponsored by the Domestic Violence Coalition in the mid-1980's, covered every junior high school student in the State. It was a survey of the 7th, 8th and 9th grades. Let me just tell you quickly what it said.

It said that 80 percent of the students said a man had a right to force his wife to have sex against her consent—80 percent, girls and boys. Twenty-five percent of the boys and 20 percent of the girls said a man could force a woman to have sex if he had spent

\$10 or more on a date with her—one out of every five young girls believe this.

I think what the women's organizations don't pay enough attention to is not just that the young men are doing this, but that we condition young women to conclude that there is some obligatory responsibility related to the expenditure of dollars or the signing of a marriage license.

The third thing I would point out is we authorized \$205 million over 5 years to provide education regarding rape and family violence. In order to get this money, colleges are now required to have a program about date rape the first semester when kids come in. We are going to fund it although it hasn't been funded yet. Next year is the first year for funding and it is a real big deal.

So not only do we have to go out and deal with programs like MESA, but, I would respectfully suggest, we also have to teach our children and teach our young women. Mothers and fathers have to teach them that no man has a right under any circumstance, at any time, for any reason, without their consent, to touch them, period.

Ms. BROWN. Everyone needs to become educated.

Senator BIDEN. So the thing to keep in mind is 20 percent of the young women, 20 percent of the 7th, 8th, and 9th graders have obviously been enculturated to the point that they believe that if a man spent \$10 on a date and wanted to have sex and the woman refused, that the man was entitled to claim his right. This is an 800-year-old problem in our Western culture. Women used to be chattels. We still think, we still act, we still respond to some degree on the grounds that there is some problem.

I will end by pointing out to my colleagues that Senator Bayh and I introduced a bill 15 years ago—I guess it is more than that now; it is almost 18 years ago—and it finally passed. The Senator was on the committee and supported this. For the first time we made it a Federal crime, where there was Federal jurisdiction, if a man raped his wife. Up to that point, there was no crime. A man could not rape his wife.

I will not mention the Senator's name because he was a lovable person; I think he just misunderstood and I think part of it was generational. As we were passing the Act in the final moments, we had one of these executive sessions off the floor of the Senate as the session was about to end. One Senator who is no longer here was opposed to the Act and, in frustration, in a crowded room, which is now the minority leader's conference room there—press in there, everybody shoulder to shoulder—as Senator Eastland was putting the Act through, this particular Senator, pounded his hand and he said, "My friend from Delaware, the young Senator from Delaware, just doesn't understand sometimes, sometimes, a husband has to use force with his wife to have sex." He said this on the record. Now, we all laugh at that, but it is still part of the culture.

I suggest that it may be useful, since the chairman is so dedicated to this, that we hear some additional testimony at another hearing from the leading psychiatrists and psychologists in the Nation as to why this happens. I think we will find that part of it is that we enculturate our young people to think that there are cer-

tain circumstances where force is not totally inappropriate, when it in all cases is inappropriate.

I thank you, Mr. Chairman, for your indulgence in allowing me a second round of comments.

The CHAIRMAN. Thank you, Senator Biden. I also think it is very important that we educate our judges in this country.

Senator BIDEN. Yes.

The CHAIRMAN. I have to tell you I just was reading a newspaper account of a judge who rejected a woman's request for a restraining order against her ex-husband who she said had raped her. So he rejects the restraining order while the woman burst into tears and ran from the courtroom, and he had her slapped in jail for a day. I mean, this is the kind of stuff that just shouldn't go on.

I know a case where a very sensitive and beautiful and wonderful woman who loved her children and did everything she could for her children right in this area—highly educated, highly successful, but because she worked and supported the family—the husband didn't work at this time, or part of the time—supported the family, took care of everything, got up early in the morning, fed the children, dressed them, sent them to school, took them to school, took them to various classes, picked them up after school, read stories to them before they went to bed. The husband was incompetent to handle the kids when he was home without a job, and a woman judge in this area gave the children to the husband. It is the most outrageous case I have seen in all my time in law. The guy had battered the woman and there were a number of other factors that would just turn your stomach, and yet the judge turns around and gives these children to the husband.

Now, I have a lot of problems with these things. I think we are going to have to educate our judges, too. Federal court judges are not very used to handling domestic cases, and I have to say that I think State and local judges sometimes get pretty jaundiced after hearing a lot of these cases after a while and in some cases are not as serious about them as they should be or are not as compassionate as they should be and want to get them in and out of the courtroom as fast as they can.

I think there are many causes why people in our society are becoming so brutal and so unthinking and so uncaring, and I think it comes from the breakdown of the family, the breakdown of religious belief, the lack of public virtue. Our country wouldn't last for 10 minutes if it wasn't for public virtue, but it is breaking down. The whole drug culture where our kids today believe that smoking cigarettes is more harmful than smoking marijuana—that says it all.

I just want to personally express my gratitude to both of you and others who are helping you. I really see the work that you do, Ms. Dusso, in Utah and elsewhere by people who dedicate their lives to helping women and children who are in these situations, as you have done. I really, really admire you and those people who do these types of things, some of whom are Ph.D.'s who could go out and make a lot more money elsewhere, but who are dedicated to helping their fellow citizens.

Denise, this is the second time you have been before the committee, as I recall, and I want to compliment you. I think you really

are making an impact. You are going all over the country. You are a terrific human being as far as I know, and I really admire you.

Ms. BROWN. Thank you.

The CHAIRMAN. I want you to know that you have support here and we hope that you will keep it up because you are having an impact. The more people get educated on how bad it is out there sometimes and how really bad some women have it, and children, I think the better off we are all going to be.

So we are grateful to both of you for coming. We are grateful for the sacrifices you have made and I think this hearing is much better because of you. So with that, we will let you both go.

Ms. BROWN. Thank you very much for your time. Thank you.

The CHAIRMAN. Thank you so much.

Senator BIDEN. Mr. Chairman, I am, supposed to be with the President at a memorial for a slain police officer that starts at noon. But I have a friend here from Delaware, Debbie Tjaden, of DuPont, who knows about the problem of violence against women all too well. She has worked for DuPont for 24 years and she is the point person for helping employees deal with this. I want to apologize to Debbie in advance. I will only hear the beginning of the testimony and I will have to leave, but I want to publicly thank her for the work she and her company are doing.

The CHAIRMAN. I have to say I am pressed for time, too, but let us go to our final panel this morning. We appreciate it, Senator Biden, and I know you have to go to that; you can represent both of us.

We have tried to draw from a cross-section of the professional communities, all of whom have a role to play in combating violence against women. First, I want to welcome Dr. Nelson from my own home State of Utah. Dr. Nelson is an obstetrician/gynecologist who practices in Salt Lake City and is here with us representing the American Medical Association.

Second, we will hear from Kenneth Novack. Mr. Novack, a partner in a major law firm, practices corporate, finance and securities law. That resume does not sound very relevant to the issue of domestic violence, but as it turns out it is. He is here today to talk about his firm's pro bono program, and I think his work will offer an example to other law firms across this country as to how much of a contribution they could make to combating violence against women.

Third, we will hear from Deborah Tjaden, from DuPont. She will share with us what a major employer in the United States is doing to help combat violence against women, and hopefully give other employers some ideas on how they might take a more proactive role.

Finally, I would like to welcome Kathryn Rodgers, executive director of the NOW Legal Defense and Education Fund. Ms. Rodgers, you and I do not necessarily agree on every issue—I only say that to protect you—but on the matter of violence against women, we have found a great deal of common ground, and I think on a lot of other matters, too, if the truth is known. You may not want it known, but if the truth is known, we work together on a lot of things. I know your organization has been very active in this area, and I personally appreciate it, over the years, and you worked hard

to pass this law and now you are turning to its provisions as a help to try and resolve these problems. So I look forward to hearing your views this afternoon on how the law is working.

Now, I am pressed for time. If you can summarize, I would appreciate it because I was supposed to be at a meeting at 12:30. Dr. Nelson, we will start with you and go right across the table, and we will end with you two excellent women leaders who I think can give a great deal to us, as can the men here.

**PANEL CONSISTING OF JOHN C. NELSON, MEMBER, BOARD OF TRUSTEES, AMERICAN MEDICAL ASSOCIATION, SALT LAKE CITY, UT; KENNETH J. NOVACK, MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, BOSTON, MA; DEBORAH E. TJADEN, DuPONT de NEMOURS AND COMPANY, WILMINGTON, DE; AND KATHRYN J. RODGERS, EXECUTIVE DIRECTOR, NOW LEGAL DEFENSE AND EDUCATION FUND, NEW YORK, NY**

#### **STATEMENT OF JOHN C. NELSON**

Dr. NELSON. Thank you, Mr. Chairman. I am John C. Nelson, M.D., a physician, a practicing obstetrician and gynecologist, from Salt Lake City. I serve also as the deputy director of the Utah Department of Health, but today I represent the American Medical Association, where I am a member of the Board of Trustees. I bring you greetings and the help, I hope, of 300,000 physicians, residents and student physicians, as well as the millions of patients we serve, and speak on their behalf as well.

I am not going to talk anything about the statistics, except to say, Mr. Chairman, that they are underreported. The statistics are bad, but the real truth is they are much worse. I would like to focus in a totally different direction than the testimony you have heard before. I would quote from Dr. George Lundberg, the esteemed editor of JAMA, and Dr. C. Everett Koop, the former Surgeon General, to state simply, "Violence is a public health emergency."

The American Medical Association salutes the dedicated professionals in law enforcement, the legal system, the judicial system, and all the others who render significant public service in investigating, prosecuting and incarcerating the perpetrators of violence. Mr. Chairman, the physicians of America stand ready, willing, able and desirous of helping and caring about and for the victims of domestic violence.

Public health, Mr. Chairman, uses the idea of surveillance; epidemiology, study and biostatistical analysis to try to determine what trends are. Individual physicians, clinicians, look for the unusual patient, the person who presents many times for vague complaints or who goes to several doctors or who has complaints that don't just quite fit. We make most of our diagnoses by the history, 85 percent, 10 percent by the physical examination, and only 5 percent by the lab. Therefore, we have to be able to ask the questions and have the ability to understand what the answers to those questions are.

In my own personal practice of ob and gyn, it is my habit to ask every patient, every visit, some question which allows her to share

with me her victimization. Over the last 2 to 2.5 years, over 100 of my patients have shared their victimization with me. I don't believe my practice is unusual.

Particularly at risk is the high-risk group of pregnancy because those people who are pregnant are more likely abused, and those who are abused are more likely pregnant. We need to look carefully at unusual circumstances when the same patient sees the same physician over and over.

Some things the American Medical Association has done, I think, need to be entered into the record. With your permission, I will give you these documents. What I have here—there are some theme journals about violence, particularly JAMA. There is also a compendium of several articles from JAMA, peer-reviewed. There is a Report Card on Violence issued last year which—

The CHAIRMAN. You will leave all this with us?

Dr. NELSON. Yes, sir; I will leave this with you.

The CHAIRMAN. I appreciate it.

Dr. NELSON. The Report Card on Violence will be issued again in June. We gave America a D last year on the way we respond to violence by objective criteria. There are also 6 impressive guidelines, well documented and thoroughly researched, on diagnosis and treatment of several of the issues. While these are written primarily for physicians, they are great educational tools for all of us.

There is a guidebook here, also, written by the American Medical Association which we are using as a manual for training. The AMA, in conjunction with the American Bar Association, has gone around and will continue to go around to a series of five national conferences on the issue of violence. The first one was held in California in March, and 350 people came. The next one will be this fall in the Chicago area.

The physicians of America have drawn together in a group called the Coalition of Physicians Against Family Violence, some 8,000. Any physician, member of the AMA or not, may write and, for free, receive all of these guidelines to help him or her in their practice. Not least is the American Medical Association Alliance, a volunteer organization of our spouses, which has got a program called SAVE, which stands for Stop America's Violence Everywhere. Over 600 programs in local communities are underway because of these tremendous, tireless volunteers.

In conclusion, Mr. Chairman, I would simply say domestic violence is a public health epidemic, an emergency, and the forgotten element, the area that needs help, the area that wants to be of help is the health care community, particularly the physicians of this country. Please consider the health professionals of this country a resource. Please consider the American Medical Association a resource. Let us study, let us involve our members, let us help. We know we can, Mr. Chairman. We must.

Thank you very much.

The CHAIRMAN. Thank you, doctor. I have known you for many years and I really personally appreciate your leadership. I know the AMA appreciates your leadership, too, as you have become one of the top leaders in the whole American Medical Association. So we are very grateful that you have taken the time to be here.

[The prepared statement of Dr. Nelson follows.]

## PREPARED STATEMENT OF JOHN C. NELSON

Chairman Hatch and Members of the Committee: My name is John C. Nelson, MD. I am a practicing obstetrician and gynecologist from Salt Lake City, Utah, and a member of the American Medical Association's (AMA) Board of Trustees. On behalf of the 300,000 physician and medical student members of the AMA, and the millions of patients we serve, I want to thank you for this opportunity to testify before the Senate Judiciary Committee regarding the epidemic of physical and sexual violence against women. We applaud the Committee's interest in seeking solutions to this costly, deadly, and preventable public health emergency.

Stemming the tide of domestic violence has been and continues to be a major priority of the AMA. As part of its Campaign Against Violence, last year the AMA released its first "Report Card on Violence in America," which assesses the pervasiveness of violence in our culture. Unfortunately, our nation received poor to failing grades in all areas of combating violence, including family violence, sexual assault, and public violence. In the area of family violence, which includes domestic violence, the nation received the discouraging mark of "D."

## DOMESTIC VIOLENCE AS A PUBLIC HEALTH ISSUE

The gravity of the issue of domestic violence and its related health care effects and costs cannot be overemphasized. Every day, physicians across the country treat a disturbing number of patients, mostly women, who are injured by their domestic partners. Conservative studies indicate that two million women in the United States are victims of domestic violence annually. While no one knows the true incidence because domestic violence so often goes unreported to authorities, experts believe the actual occurrence of domestic violence is probably twice as great. Women in the United States are at greater risk of being victimized through assault, battery, rape, or homicide by a current or former male partner than by all other assailants combined. The FBI has estimated that more than a third of the women murdered in the United States are killed by their husbands or boyfriends. Studies also indicate that child abuse has been reported to occur in 33% to 54% of families where adult domestic violence occurs. Finally, the economic losses due to domestic violence are staggering—the AMA estimates that domestic violence costs America between 5 and 10 billion dollars a year.

The AMA has been at the forefront of efforts to identify domestic violence as a public health problem rather than simply a matter for the criminal justice system. Violence as a public health issue received national attention in 1992 in an editorial entitled "Violence in America: A Public Health Emergency" published in the *Journal of the American Medical Association (JAMA)* co-authored by former Surgeon General Dr. C. Everett Koop and *JAMA* editor Dr. George D. Lundberg. The authors stated then that: "Regarding violence in our society as purely a sociologic matter, or one of law enforcement, has led to unmitigated failure. It is time to test whether violence can be amenable to medical/public health interventions." While physicians fully support and assist in police and prosecutorial efforts to combat domestic violence, the AMA believes that a comprehensive public health approach is also necessary which, unlike the criminal justice approach, emphasizes prevention. The public health approach consists of health-event surveillance, epidemiologic analysis, and intervention design and evaluation, all focused on a single, clear outcome—the prevention of a particular illness or injury. Although this approach was originally developed to combat infectious diseases, it has been successfully applied to many causes of premature death.

A good example of the potential of the public health approach is the campaign against drunk driving. Drunk driving accidents were once considered an intractable problem in our society, but public health officials discovered that driving behavior could slowly be changed through coordinated education efforts. In 1989, public health officials, educators, and legislators developed and popularized the campaign of the "designated driver" to reduce drunk driving and by 1992, the number of deaths from drunk driving had fallen 25%, and the number has continued to fall since. The AMA strongly believes that domestic violence prevention should become as familiar a public health message as current campaigns on drunk driving, teenage pregnancy, smoking, substance abuse, and AIDS.

Americans must learn to treat domestic violence as a preventable public health problem rather than something that is inevitable and over which individuals have no control. Although domestic violence is not a disease in the "classic" sense, its impact on personal and public health is clearly as profound as that of many physiologic ills. Whatever definition we use, domestic violence has unquestionably become a problem of enormous proportion in our society. The AMA believes physicians have an important role, and indeed a responsibility, to intervene wherever violence is

causing physical and emotional injuries to our patients. Because physicians see firsthand the results of domestic violence on a daily basis, it is extremely important that they are trained to identify the characteristics of domestic violence in the patients they care for.

#### CHARACTERISTICS OF DOMESTIC VIOLENCE

Domestic violence is characterized as a pattern of coercive behaviors that is perpetrated by someone who is or was involved in an intimate relationship with the victim. This behavior may include repeated battering and injury, psychological abuse, sexual assault, progressive social isolation, deprivation and intimidation. In addition, a woman's independence may be compromised by her partner's need to dominate her and control many aspects of her life: he may restrict her access to food, clothing, money, friends, transportation, health care, social services or employment. Although some women are successful in escaping a violent relationship after the first assault, most abuse is recurrent and escalates in both frequency and severity. Almost half of husbands who beat their wives do so three or more times a year.

Common types of injuries resulting from domestic violence include: contusions, abrasions, and minor lacerations, as well as fractures or sprains; injuries to the head, neck, chest, breasts, and abdomen; multiple sites of injuries; and repeated or chronic injuries. One recent study indicated that up to one-quarter of pregnant women may be physically abused. Victims of domestic violence often provide implausible explanations of how an injury occurred and delay in seeking medical care. The stress of domestic violence may also cause psychiatric problems including depression, suicide attempts or gestures, feelings of isolation and inability to cope, post-traumatic stress reactions, and alcohol or drug abuse.

A battered woman is often reluctant to seek help due to fear that disclosure will jeopardize her or her children's safety. The abuser may provide financial support for her and her children. A woman may even believe she deserves the abuse or may rationalize violent behavior as primarily caused by drug or alcohol abuse. Her partner may not always be abusive and she may stay in the relationship hoping that he will change and the situation will improve. Other factors inhibiting women from reporting abuse include the private nature of the event, the perceived stigma associated with being abused, and the belief that no purpose will be served in reporting it.

#### PHYSICIANS' ROLE IN ADDRESSING DOMESTIC VIOLENCE

Because a physician is often the first nonfamily member to whom an abused woman turns for help, he or she has a unique opportunity and responsibility to intervene. One survey indicated that more than 85% of Americans felt that they could tell a physician if they themselves had been a victim or a perpetrator of family violence—slightly more than were willing to tell their priest, pastor, or rabbi, and considerably more than those willing to tell a police officer. More than half of respondents in the survey felt that physicians could offer some help in controlling or reducing the amount of family violence.

While prevention is the goal in a public health approach to domestic violence, a medical encounter may provide the earliest opportunity to stop the cycle of violence before more serious injuries occur and intervention begins by gathering information. The AMA believes domestic violence and its medical and psychiatric injuries are sufficiently prevalent to justify routine screening of all women patients, especially those in emergency, surgical, primary care, pediatric, prenatal, and mental health settings. Because the experience of abuse is so degrading and humiliating, a woman may be reluctant to bring up the subject of abuse on her own. However, many women will discuss it when asked simple, open, direct questions in a nonjudgmental way and in a confidential setting.

Once abuse is recognized, the physician's first concern must be for the safety of the woman and her children. After assessing the situation, plans for the woman's safety should be discussed before she leaves the physician's office. Optimal care for the woman in an abusive relationship requires the physician to have a working knowledge of community resources that can provide safety, advocacy, and support. If the patient feels it is safe to do so, the physician should provide her with written information on legal options, legal counseling and crisis intervention services, shelters, and other community resources. Even if a woman is not ready to leave the relationship or take other action, the physician's recognition and validation of her situation is important. Silence, disregard, or disinterest convey tacit approval or acceptance of domestic violence. In contrast, recognition, acknowledgment, and concern confirm the seriousness of the problem and the need to solve it.

Thorough, well-documented medical records are essential for preventing further abuse and also provide concrete evidence of violence and abuse which may be crucial to the outcome of any future legal proceeding. Unfortunately, some women are reluctant to have their physicians document this abuse in their patient files because major insurance companies across the country have denied life, health, disability, and other insurance coverage to victims of domestic violence based on the assertion that the battered victim's medical condition, regardless of its cause, makes the person a bad risk. The AMA is extremely pleased that the insurance reform bill, H.R. 3103, passed by the Senate by 100 to 0 vote, would prohibit this type of insurance discrimination against victims of domestic violence and abuse. Although 18 states already prohibit insurance discrimination against victims of domestic violence and abuse, the AMA believes Federal legislation is necessary to prohibit such discrimination nationwide.

#### AMA COMMITMENT TO REDUCE VIOLENCE IN AMERICA

The AMA is well acknowledged as a national leader in its efforts to identify family violence as a severe public health problem. Beginning in 1991, the AMA initiated a Campaign Against Family Violence to alert the health care community to the widespread prevalence of violence against women, child physical and sexual abuse, and elder abuse. Since then the AMA has sponsored semi-annual meetings of a National Advisory Council on Family Violence in order to share information about family violence initiatives. The Advisory Council consists of representatives from some 30 national medical specialty societies and several collaborating members, such as the American Bar Association (ABA), that work on the Campaign.

The AMA has also made diagnosis and prevention of family violence a focus of its physician education efforts. In order for physicians to be effective in combating violence, they must have both the information needed to make an accurate diagnosis and a range of treatment alternatives for victims of abuse. To fulfill this need, the AMA has developed six widely acclaimed diagnostic and treatment guidelines for the major areas of family violence: domestic violence; child physical abuse and neglect; child sexual abuse; elder abuse and neglect; mental health effects of family violence; and sexual assault. We are also developing a seventh guidebook for physicians on the issue of media violence and its effects on children which is due out this fall. The AMA has termed this "virtual violence"—violence which is experienced through television, music, film, video, computer and cyberspace programming—which we believe directly contributes to the problem of actual violence in our society.

In addition, the AMA has invited every physician in this country to join the Coalition of Physicians Against Family Violence, a nationwide network of practicing physicians who share treatment information and resources. Each new member receives a poster, a set of protocols, and each of the six AMA diagnostic and treatment guidelines. The Coalition remains open to all physicians who wish to participate. The AMA has also been a strong proponent of incorporating family violence prevention into the curricula of medical schools and 85% of schools now report having such programs.

In 1994, the AMA cosponsored the "National Conference on Family Violence: Health and Justice" in Washington, DC. The major recommendation emerging from the Conference was to encourage the local creation and implementation of multidisciplinary coordinated responses in as many communities as possible. To that end, the AMA developed *Family Violence: Building a Coordinated Community Response, a Guide for Communities*. This book describes the building blocks (assessment, program evaluation, fund-raising, team administration, etc.) required for developing and operating such local community councils or teams, and contains regionally specific material on model programs and legislation.

These guides are also intended as the training manuals for a series of five regional conferences planned for 1996 through 1998 to be held jointly with the ABA. The conferences are designed for multidisciplinary teams from local communities to provide them with information and tools to enhance the coordination of intervention and treatment in the community. The first conference was held this March in California with approximately 350 participants representing 33 local teams from California, Nevada, Arizona, and New Mexico. The next conference will be held in Oak Brook, Illinois, October–November 1, 1996, for communities in Illinois, Michigan, Indiana, Wisconsin, Minnesota, Iowa, and Missouri.

Finally, the AMA Alliance—a nationwide volunteer organization of physician spouses—has been an active participant and leader in family violence prevention. Last year alone, more than 600 programs were sponsored and produced by the Alliance across the United States, including innovative efforts such as coloring books

to show preschool and elementary school children they can choose a nonviolent alternative. In addition, the Alliance's new national program, SAVE, Stop America's Violence Everywhere, will further expand its efforts. SAVE is a multiyear commitment to channel voluntary efforts toward addressing specific community violence prevention initiatives.

The CHAIRMAN. Mr. Novack, we will turn to you.

#### STATEMENT OF KENNETH J. NOVACK

Mr. NOVACK. Thank you, Mr. Chairman. I am pleased to be here at your invitation to describe the efforts of our firm to combat domestic violence against women and children. I hope my testimony will be useful to the committee and that our example will encourage other law firms to join with us in this important effort.

For over 60 years, we have strived to create and maintain a workplace of diversity and tolerance, and to serve the community as well as our clients. In 1990, at the initiative of two first-year associates, our firm created the Mintz Levin Domestic Violence Project to provide free legal representation to victims of domestic violence. In 1994, we decided to intensify our community service efforts and to focus them principally in the area of domestic violence. We have focused these efforts in three ways.

Our first focus is on our own employees. We have worked hard to give all of our employees access to the support they need to free themselves from abusive situations. Among other things, we provide legal assistance, including assistance from another law firm with which we have a reciprocal arrangement in order to preserve total confidentiality. We train our human resources managers to recognize and respond to domestic violence situations, and we maintain a speaker's bureau to provide seminars to increase employee awareness among men, as well as women.

As a result of our efforts, we believe our employees feel free to come forward for assistance and that they do so on a regular basis. We plan to leverage our efforts by offering free advice to our clients to assist them in developing their own programs based on our experience. We have also endeavored to create opportunities for broad-based participation by all of our employees in our external domestic violence projects. Among other things, we actively encourage them to work with shelters, advocacy groups and other grass-roots organizations on paid firm time.

On the State and local level, our domestic violence project remains a key component of our efforts. We provide special training for professionals both in our firm and for other firms in Boston and Washington. We have obtained restraining orders for over 100 clients. We assist them in enforcing these orders and we refer them to others for housing, counseling and other services. We also handle appellate matters, which are very important to the interpretation and enforcement of domestic violence legislation. In addition, we have worked with the Massachusetts Coalition of Battered Women Service Groups to enact legislation which protects victims of domestic violence.

We have learned that our opportunities to serve are not limited to litigation or government affairs. Corporate, real estate and environmental lawyers have assisted shelters in acquiring and converting property, as well as organizational, governance and business planning projects.

One of our important local activities is our participation in the Polaroid CEO Challenge. We have partnered with the Elizabeth Stone House, an alternative mental health and battered women's shelter, and as part of that program we have provided mentoring for children, an internship program in our production department for women trying to develop employment skills, and many other non-legal support activities. We recently ran a silent auction and talent show through which our employees raised funds for a new roof for the shelter.

On a national level, we are particularly happy about our partnership with the National Network to End Domestic Violence. The National Network, as you know, played a key role in the enactment of the Violence Against Women Act, and I would like to congratulate you, Senator Hatch, Senator Biden and this committee for the leadership role which you played in the enactment of that statute.

In addition to our acting as pro bono counsel to the National Network, our efforts, as Senator Kennedy indicated, have included providing space in our Washington office, as well as administrative and other support. We do make cash and in-kind contributions. We particularly like to make contributions in the area of strategic planning, business development and computer technology, and we often provide funds to these organizations so that they can retain consultants to help them with organizational, development, fundraising and other projects.

Perhaps our most important contribution has been to use our experience and relationships to open doors and to create alliances. One current example is our working with the Massachusetts Coalition and our client, America OnLine, to create an online area devoted to domestic violence matters within AOL's new Digital City Boston, a local edition. The area is scheduled to be launched next month and we hope that it will be a precursor to a national network on AOL devoted to domestic violence issues.

We have learned a lot from battered women and their advocates about what they need and how we and others can help. We have also learned how to bring together diverse groups and help them work together in this vitally important and complex area. As a firm, we are committed to the proposition that lawyers and law firms can play an important role in the ongoing battle against domestic violence, and we look forward to continuing our efforts in this area and we hope that many other law firms will join us.

The CHAIRMAN. Thank you, Mr. Novack. I think it is a commendable thing your law firm is doing and a lot more ought to get involved, and we really appreciate your testimony.

Mr. NOVACK. Thank you, Senator.

[The prepared statement of Mr. Novack follows:]

PREPARED STATEMENT OF KENNETH J. NOVACK

Mr. Chairman and members of the Judiciary Committee, my name is Kenneth J. Novack of the law firm Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., with offices in Boston and Washington, D.C. As a member of the Firm's Executive Committee, previous President and CEO, and Chairman of the Mintz Levin Community Service Program, I am pleased to be here today to provide testimony regarding the commitment of one law firm to make a significant and continuing difference in the fight against domestic violence.

## BACKGROUND

Mintz Levin has strived for over 60 years to create and maintain a workplace of diversity and tolerance, and to serve the community as well as our clients.

In 1990, at the initiative of two first-year associates, the Firm created the Mintz Levin Domestic Violence Project to provide free legal representation of victims of domestic violence. In 1994, the Firm decided to expand and focus its community service commitment, and we chose the area of domestic violence as the principal focus of all our future community service. We hired a full-time Director of Community Service and established a Community Service Fund to complement our domestic violence pro bono practice and to encourage Firm-wide participation.

## DOMESTIC VIOLENCE INITIATIVES

Mintz Levin chose a three-pronged approach for our efforts against domestic violence: public policy issues on a national level; state and local efforts; and an internal focus within the Firm.

**Internal Focus.** As the foundation of our domestic violence initiatives, we began at home by working to give all our employees access to the support needed to free themselves from abusive situations. Mintz Levin provides its employees with free legal assistance including, when necessary, helping them to obtain restraining orders. Each new employee is given an information packet including a resource card entitled "Where to Get Help if Domestic Violence is a Problem," which identifies three Mintz Levin attorneys and one attorney from another law firm who will provide free and confidential assistance. In addition, a booklet entitled "Domestic Violence: The Facts" is provided to each employee and lists local resources. Our Human Resources Department has developed a policy for managing family violence situations, and all management staff have been trained to recognize and respond to such situations. A speaker's bureau provides regularly scheduled seminars to increase employee awareness. We have also offered Model Mugging safety-defense classes in both our Boston and Washington offices. As a result of our efforts, our employees feel free to come forward for assistance and do so on a regular basis.

Mintz Levin also creates opportunities for broad-based participation by our employees in community service activities. A Domestic Violence Task Force, consisting of attorneys, senior professionals and other employees, regularly reviews and advises with respect to the Firm's public policy and program development initiatives. A Community Service Advisory Committee, consisting primarily of administrative and support staff, initiates volunteer projects and Firm-wide events on behalf of local domestic violence organizations. The Firm encourages interested employees to assist shelters, advocacy groups and other organizations on Firm time.

**State and Local Efforts.** The second component of Mintz Levin's violence initiative consists of continuing efforts at the state and local levels, enabling us to utilize our skills as legal advocates and to identify opportunities for new, innovative projects in the Greater Boston and Washington, D.C. communities. Our attorneys and senior professionals are active in a wide variety of service and planning committees, and our Domestic Violence Project continues to provide pro bono legal representation to victims of domestic violence. The Project is staffed by specially trained Mintz Levin attorneys, paralegal and project analysts, who have been accepting restraining order cases from Greater Boston Legal Services since July 1990. To date, participants in the Project have been successful in obtaining protective orders, vacate orders, and temporary custody and support orders for over 100 clients. Project attorney also assist clients in the enforcement of such orders. The Project provides clients with social services referrals for their non-legal needs, such as housing and counseling. In Washington, we have also represented battered women in court and sponsored city-wide training sessions to encourage other attorneys to do the same.

Through our Domestic Violence Project, Mintz Levin attorneys have also represented battered women in appellate matters before the Massachusetts Supreme Judicial Court and have filed briefs *amici curiae* in both federal and state courts. Such appellate work is essential to the interpretation and enforcement of laws intended to protect victims of domestic violence. Law firms, especially large ones like Mintz Levin, are uniquely situated to muster the legal resources necessary to undertake such appellate cases.

In addition to pro bono client service, Project participants work with the Massachusetts Coalition of Battered Women Service Groups toward the enactment of legislation that will afford greater protection to victims of domestic violence. As a result of these efforts, the Project was instrumental in securing the passage in December 1990 of the Act of Further Protect Abused Persons, which substantially strengthened the Massachusetts Abuse Prevention statute. In December 1993, the Project worked with the Massachusetts Coalition of Battered Women Service Groups

for the passage of legislation that directs judges to consider evidence of past or present domestic violence in custody and visitation proceedings. More recently, Project members worked to further the enactment of the Massachusetts Weapons Bill, which take guns, ammunition and other weapons out of the hands of batterers.

Our experience has demonstrated that the opportunities to serve are not limited to the fields of litigation or government relations. Mintz Levin's real estate and environmental law professionals have provided pro bono legal services to non-profit corporations which have built shelters for the victims of domestic violence and transitional housing for homeless women and their families. In 1986, the Firm began its representation of the Elizabeth Stone House, an alternative mental health and battered women's shelter, with the acquisition of two buildings and the conversion of them into a battered women's shelter and a transitional housing program.

In 1993, the Firm represented the Asian Task Force Against Domestic Violence in its efforts to build a 12-bed emergency shelter for battered women and their children. This shelter was the first shelter for Asian women in New England. In the past year, more than 170 women have used the Asian Shelter, and the shelter has received 1,000 calls for help and another 4,000 calls seeking information. It is an especially important facility for Asian women since it provides a hot line and counselling in a number of Asian languages, and language barriers have often prevented Asian women from seeking help at traditional shelters. Attorneys from the Firm have served on the Boards of Directors of both the Elizabeth Stone House and the Asian Task Force Against Domestic Violence.

The issues of homelessness and substance abuse are intertwined with that of domestic violence. Therefore, the Firm's real estate and environmental law attorneys have given their time to help the Women's Institute for Housing and Economic Development develop two transitional programs for women, one for women recovering from substance abuse and one for homeless women and their families.

In Massachusetts, we work closely with the Massachusetts Coalition of Battered Women Service Groups, helping them obtain funds for shelters and to develop programs that provide assistance to battered women and their children. We act as advisors to district attorneys, to the Governor's office and to legislators on the issue of domestic violence. We have worked with the Massachusetts Coalition of Battered Women Service Groups toward the enactment of legislation to help prevent placing children at risk from batterers, by creating a rebuttable presumption that a parent who engages in a "pattern" or "serious incidence" of abuse against his or her partner should not be awarded sole or joint custody over their children. Our efforts extend to helping the Massachusetts Coalition of Battered Women Service groups obtain funding for their member shelters, including by bringing together committed advocates and legislators who keep the issue of funding active in the agenda of the Massachusetts legislature.

In 1990, the Project received an award from the Young Lawyers Division of the Boston Bar Association; and in 1992, the Project received an award from the Women's Bar Association for its work on behalf of victims of domestic violence. In 1994, the Rose Foundation presented an award to Mintz Levin for its efforts in the area of domestic violence. We are encouraged by these recognitions of our work to hope that other firms will join us in helping battered women and children.

Our Community Service Program also includes non-legal direct service work. As part of the Polaroid CEO Challenge, we have partnered with the Elizabeth Stone House, building on our long-standing commitment to that organization. The CEO Challenge encourages business leaders to end domestic violence by partnering with a battered women's shelter, providing support and advocacy. Our partnership with the Elizabeth Stone House has to date included a mentoring program for children, an internship program in our production department for women seeking new job skills, a children's holiday party, and a very successful effort to raise money to provide a new roof. Mintz Levin also worked with the Massachusetts Office of Victim Assistance, by helping to craft and implement "safe plan", a program that provides women with protection and assistance through each step of their escape from violence. And we have provided support services to Peace At Home, one of the first organizations to define domestic violence as a human rights issue.

National Level. On a national level, we are proud to be affiliated with the National Network to End Domestic Violence. As you know, The National Network was instrumental in the drafting of the Violence Against Women Act, and working for its passage and funding. The Violence Against Women Act is historic legislation, and I applaud your championship, Senator Hatch, of the issue of violence against women and children. Our efforts on behalf of the National Network have included our serving as pro bono legal counsel, as well as providing office space and administrative support, and organizational development, as well as writing amicus briefs re-

garding the confidentiality of records of battered women and rape crisis service providers.

Other national efforts include Mintz Levin's participation in the newly organized National Workplace Resource Center, where we serve as Co-chair of the Corporate Social Responsibility Sub-committee, and as liaison to the American Bar Association's Commission on Domestic Violence.

**Charitable Contributions.** Our initiatives include financial contributions, which we make through our Community Service Fund, as well as in-kind contributions. Mintz Levin in-kind contributions include donations of clothing, furniture, office supplies, graphic design, printing and training events. We have identified a continuing need of grassroots organizations for assistance in strategic planning, business development and computer technology. We consider the funding of an organizational development consultant to be an excellent form of in-kind contribution. For example, when the Same Sex Domestic Violence Coalition applied to our Community Service Fund, we suggested a contribution of a day-long strategic planning session with a consultant of their choice. The group accepted and, six weeks after their planning session, we received an invitation to a community forum which they had identified as the first step in their strategic plan. The community forum inspired an active group of forty organizations and committed individuals who are now working together to develop services for victims of same sex domestic violence.

#### LESSONS LEARNED

**The Power of Networking.** Mintz Levin draws upon the knowledge and commitment of approximately 600 employees, including over 225 attorneys and senior professionals. As a large law firm, we have experience with the justice system, connections to the corporate community, extensive state and federal government relations capabilities, and a remarkable ability to make a difference. I believe the greatest service that Mintz Levin has offered in its six-year-old domestic violence initiative has been to open doors which have traditionally been shut to battered women and children and their advocates, and to make the introductions necessary for diverse leaders with very different backgrounds to form new partnerships.

I would like to mention a few examples. One of our goals has been that resources for battered women and their children be easily accessible, and that domestic violence advocates and service organizations be able to communicate with each other across the country. We encouraged our client America Online ("AOL"), which operates the country's largest consumer online service, to consider a domestic violence area within its new Digital City Boston. AOL responded enthusiastically. At my request, the Mintz Levin Director of Community Service brought together representatives from AOL and local domestic violence activities to design and implement a domestic violence area. The Massachusetts Coalition of Battered Women Service Groups is now partnering with AOL, and involved advocates are receiving the training and software necessary to maintain the area. A representative from the Public Educational Technical Assistance Project of the National Resource Center on Domestic Violence, funded by the Centers for Disease Control, is involved to ensure coordination with other emerging domestic violence online networks. The area is scheduled to open in June, and I hope it will be a precursor to a national online network.

We have been pleased, and occasionally surprised, by the interest of others in supporting our efforts. As part of our fund raising efforts to provide a new roof for the Elizabeth Stone House, we received a donation of roofing materials from a Firm client, and donations from several vendors for a silent auction. I have recently agreed to serve as Co-chair for a Men's Advisory Committee for the Massachusetts Coalition of Battered Women Service Groups, which I hope will encourage other businessmen to become personally involved in working to end domestic violence.

Mintz Levin was also instrumental in the establishment of the Jane Doe Safety Fund. Through our corporate clients, we were able to bring together corporations, foundations and other funds to provide guidance and financial assistance to members of the domestic violence community who wanted to establish a fund to educate the public about domestic violence and to support battered women's shelters. The Jane Doe Safety Fund is now in its fifth year of existence.

Mintz Levin plans to continue its public efforts in the area of domestic violence on both a state and national level, including our partnerships with the National Network and the Elizabeth Stone House, as well as our own Firm-based education and prevention programs. The broad-based involvement and enthusiasm of our employees reinforces and deepens our commitment to the issue. We will also continue to use our access and relationships to encourage and foster new public/private part-

nerships. Building a network of like-minded law firms across the country is one of our goals for the coming year.

**Economic Security.** Economic security is listed as the number one reason battered women go back to their abusers. It would be wrong to separate artificially the problem of domestic violence from the issues of free legal services, social services and child support programs. Battered women need more support, not less, to end abusive relationships.

**Learnig from Others.** Our initiatives in domestic violence, and our partnerships with the National Network, the Elizabeth Stone House, and other service organizations, have taught us that in addition to having a lot to offer, we have a lot to learn. From battered women and their advocates we can learn what is needed next to end domestic violence and how and when our resources and skills can best help. The passage and funding of the Violence Against Women Act has already created, and will continue to create, opportunities for unlikely partnerships. Domestic violence advocates, law firms, corporations, government agencies and the judicial system each have their own perspectives on the problem of domestic violence, and we all may be a bit parochial in our approaches. Building new models of collaboration is both challenging and rewarding. Our new partnerships require building new bridges. We must learn to work respectfully with people and organizations with very different histories, different measures of success, and sometimes even histories as adversaries. As we create new models of cooperation, we must also recognize that it will take time, patience, goodwill and even humor to go the distance.

#### CONCLUSION

Chairman Hatch and Members of the Senate Judiciary Committee I offer my congratulations, and thanks for your leadership in the passage of the Violence Against Women Act. I also thank you for the opportunity to speak to you today. It is my belief that lawyers and law firms are in a unique position to become innovative partners in the implementation of the Act. My colleagues and I look forward to working with others in the legal profession to make a significant contribution to the fight against domestic violence.

The CHAIRMAN. Ms. Tjaden, we will turn to you. Let us look at the corporate world.

#### STATEMENT OF DEBORAH E. TJADEN

Ms. TJADEN. Let us do it.

The CHAIRMAN. OK.

Ms. TJADEN. Good morning, Senators, and thank you for the opportunity to participate in today's hearing. To aid your understanding of DuPont's commitment to prevent all types of aberrant behavior in the workplace, and more specifically to prevent violence against women, I would like to briefly explain our work.

Let us begin with the fact that DuPont, with more than 70,000 employees in the United States alone, is a microcosm of society and of corporate America. We have instances of the same kinds of problems that affect society as a whole. What distinguishes us, we believe, are the creative approaches we have taken to meet these challenges.

Since the early 1980's, I have been the chairperson of DuPont's Substance Abuse Committee, and unfortunately this committee has had a great deal of experience in dealing with violence, since the result of alcohol and drug abuse is often violence. Therefore, it seemed a logical progression that I also became chair of DuPont's Corporate Threat Management Committee. This committee is one of three processes operating concurrently used by DuPont to support its strong commitment to safety and a safe work environment.

The three processes are the Corporate Threat Management Response Team, the Employee Assistance Program and the confidential employee hotline. I will elaborate on each shortly. Our proc-

esses are predicated on the philosophy that employees' personal safety, dignity and ability to perform their jobs effectively without distraction or interference are of prime concern to DuPont. A comfortable working environment is essential to the well-being of our employees and it has been a longstanding policy within the company that harassment of any type will not be tolerated.

We reinforce our philosophy with a zero-tolerance policy statement that says it is the policy of the company that conduct creating an intimidating, hostile, offensive, or threatening working environment through unwelcome words, actions, or physical contact will not be tolerated. Those violating this practice may be subject to disciplinary action up to and including discharge.

Typically, we deal with five types of potential violence in the workplace—random criminal violence, worker violence, domestic violence and stalking, and toxic working environment. I would like to describe the three processes we use to combat these five elements.

First, the Corporate Threat Management Response Team has established policies and procedures to promote a safe workplace for all persons working for the company by providing a holistic approach guided by multidisciplinary expertise. This committee is comprised of myself, a labor law attorney, and corporate security. When we become involved in a situation, we immediately involve a human resources professional, an employee assistance professional at the plant site or office location, as well as line management. Our team then provides consultation and response in a way that promotes early identification, intervention and response in acute and potential situations. We are available 24 hours a day, 7 days a week, and our goals are to reduce the frequency, seriousness, and impact on employees and the company of any potentially violent situation.

The second process, our Employee Assistance Program, is unique in that it is staffed internally by mental health professionals that are also certified addiction counselors. They provide confidential assessments, referral to treatment and followup to our employees. They also act as resources for management when they encounter performance or behavior issues that may be predictive of a problem.

At times, information of a threatening nature is revealed during the assessment or treatment process. If it is determined at any point that a true threat exists, the EAP will share this information with appropriate personnel to forewarn potential victims and the Threat Management Team. The employee assistance professionals also act as resources for management responsible for developing employees and monitoring their performance. This is done through observation of changes in behavior and the emergence of personal, family, alcohol and drug problems. Management's pivotal role allows them to encourage employees to take the first steps in using EAP to address these problems through early identification and intervention.

The third process, the confidential employee hotline, was originally put in place as part of our personal safety program. Today, it serves as a non-threatening avenue of support for all employees, providing advice and counseling concerning battering, rape crisis,

all forms of harassment, and other related issues and concerns. It also is staffed 7 days a week, 24 hours a day.

When a call is received, an operator will put the caller in touch with a volunteer trained in crisis intervention. The volunteer can advise the caller about the local availability of medical, psychological, and rape crisis assistance programs, and can also advise the caller about options and available support systems. Individuals calling the hotline may choose to remain anonymous and need not disclose their location or organizational affiliation. Hotline volunteers will work with the caller to understand the issue or concern and will help to develop strategies for dealing with them.

In conclusion, let me say that none of our programs could have succeeded without the commitment of our leadership who have walked their talk. Many situations involving harassment, threats or violence require solutions that are outside of the typical corporate comfort zone and don't fit neatly into our routine practices and procedures. By honoring the commitment and conviction of the consultants working on issues involving all levels of violence, we have achieved success through teamwork and innovation, and it hasn't been easy.

Situations involving any level of threat up to and including actual violence touch the lives of many people. Our purpose is to prevent any incident from impacting our employees and our workplace. However, we are realists and we recognize that much of what we deal with occurs outside of our normal business day. Nevertheless, we are held accountable by our leadership and OSHA's general duty clause to prevent situations from entering our office buildings and plant facilities.

I can't emphasize enough the tremendous costs these aberrant behaviors can exact on business. People who are fearful can't concentrate on their jobs and are therefore more apt to be safety risks to themselves and others. Their families are impacted by threats of violence and children are often victims as well. Coworkers fear for their safety and that of the actual plant facility.

We are charged with preventing incidents and must juggle the many aspects of each case and its individual facts with great care by paying attention to every detail and not dropping the ball. We must protect our employees and our corporate assets without overstepping the individual's right to privacy.

However, there is a payback. In this process of dealing with domestic violence, occasionally we have the opportunity to turn lives around through healthy intervention by our employee assistance professionals and their network of community resources. Whether an incident involves a threat of violence or alcohol and drug abuse, corporate security may have the opportunity to take a violent offender off the streets by working with local law enforcement. Most importantly, however, we have the opportunity to stop the cycle of violence if we can intervene and prevent today's children who will be the next generation of our workforce from carrying these behaviors into their lives.

Finally, it is essential to increase public awareness of the extent and many costs associated with violence against women and violence more broadly in our society. None of our processes could have succeeded without the committed efforts of community resources.

We work closely with local law enforcement, battered women's shelters, and rape and family crisis centers, to name a few. Their partnerships are absolutely essential for successful management of violence of all types, and the violence against women law which you and Senator Biden championed clearly provides necessary resources.

Thank you, Senator, for the opportunity for DuPont to participate today and for turning your attention to this vitally important issue.

The CHAIRMAN. Thank you for being here. We appreciate that excellent testimony.

[The prepared statement of Ms. Tjaden follows:]

PREPARED STATEMENT OF DEBORAH E. TJADEN

Good morning Senators, and thank you for the opportunity to participate in today's hearing.

In the early 1980s, DuPont developed several programs aimed at preventing any behaviors that negatively impacted our employees and their working environments. Among them are: The Personal Safety Program, A Right to Dignity, Sexual Harassment, Rape Prevention, and A Matter of Respect. These programs were among the first such comprehensive approaches taken by corporate America to address workplace environment issues, and as a result, they received considerable public attention and recognition.

One such award was presented to DuPont by the National Victim Center. In accepting the award, Jack Krol, DuPont's Chief Executive Officer, issued a challenge to the audience. He asked each person to "consider how they—personally and professionally—might do something meaningful to help cut into the incidence of crime—to honor its victims—and to help them move to survivor status".

That challenge is part of our culture at DuPont and is part of our leadership criteria, measuring whether or not "we walk our talk", by living up the standards and principles.

To aid your understanding of DuPont's commitment to prevent all types of aberrant behavior in the workplace and more specifically, to prevent violence against women, I would like to briefly explain our work. Let's begin with the fact that DuPont, with more than 70,000 employees in the United States, is a microcosm of society, and of corporate America. We have instances of the same kinds of problems that affect society as a whole. What distinguishes us, we believe, are the creative approaches we have taken to meet these challenges.

Since the late 1980s I have been the Chairperson of DuPont's Substance Abuse Committee. Unfortunately, this committee has a great deal of experience in dealing with violence—since the result of alcohol and drug abuse is often violence. Therefore it seemed a logical progression that I also became chair of DuPont's Corporate Threat Management Committee. This committee is one of three processes, operating concurrently, used by DuPont to support its strong commitment to safety and a safe work environment. The three are: the Corporate Threat Management Response Team, the Employee Assistance Program, and the Confidential Employee Hotline. I'll elaborate on each of these processes shortly.

Our processes are predicated on the philosophy that "employees' personal safety, dignity and ability to perform their jobs effectively without distractions or interference, are of prime concern to DuPont. A comfortable working environment is essential to the well-being of our employees, and it has been a long-standing policy within the company that harassment of any type will not be tolerated."

We reinforce this philosophy with a zero tolerance policy statement that says: "It is the policy within the Company that conduct creating an intimidating, hostile, offensive, or threatening working environment through unwelcome words, actions, or physical contact will not be tolerated. Those violating this practice may be subject to disciplinary action up to and including discharge."

Typically we deal with five types of potential violence in the workplace. They are: (1) Random Criminal Violence committed by a perpetrator unknown to the victim, (2) Worker Violence committed by a perpetrator who works at the Company, (3) Domestic Violence committed by a perpetrator who is a family member or significant other, (4) Stalking, and (5) Toxic Work Environments.

### *1st Process: The Corporate Threat Management Response Team*

The Corporate Threat Management Response Team has established policies and procedures to promote a safe workplace for all persons working for the Company by providing a holistic approach, guided by multidisciplinary expertise. This committee is comprised of myself, a Labor Law attorney, the Corporate Security. When we become involved in a situation, we immediately involve the Human Resources Professional and Employee Assistance Professional at the plant site or office, as well as line management. Our team then provides consultation and response in a way that promotes early identification, intervention and response in acute and potential situations. The Response Team is available 24 hours a day, 7 days a week. Our goals are to reduce the frequency, seriousness, and impact on employees and the Company, of any potentially violent situation.

### *2d Process: The Employee Assistance Program*

Our Employee Assistance Program is unique in that it is staffed internally by mental health professionals that are also certified substance abuse professionals. They provide confidential assessments, referrals to treatment, and follow-up to our employees. They also act as resources for management when they encounter performance or behavior issues that may be predictive of a problem. At times, information of a threatening nature is revealed during the assessment and/or treatment process. If it is determined at any point that a true threat exists, the EAP will share this information with appropriate personnel to forewarn potential victims and the Threat Management Team.

The Employee Assistance professionals also act as resources for management, responsible for developing employees and monitoring their performance. This is done through observation of changes in behavior and the emergence of personal, family, or drug and alcohol problems. Management's pivotal role allows them to encourage employees to take the first steps in using the EAP to address these problems through early identification and intervention.

### *3rd Process: The Confidential Employee Hotline*

The Confidential Employee Hotline was originally put in place as part of the Personal Safety Program. Today, it serves as a non-threatening avenue of support for all employees, providing advice and counsel concerning battering, rape crisis, all forms of harassment (sexual, racial, etc.) and other related issues and concerns. It is staffed 24 hours a day, 7 days a week. When a call is received, an operator will put the caller in touch with a volunteer trained in crisis intervention. The volunteer can advise the caller about the local availability of medical, psychological and rape crisis assistance programs, and can advise callers about options and available support systems. Individuals calling the Hotline may choose to remain anonymous and need not disclose their location or organizational affiliation. Hotline volunteers will work with the caller to understand the issue or concern, and will help to develop strategies for dealing with them. Should they so desire, callers may also ask for assistance in bringing their concern or situation to the attention of management.

In conclusion, let me say that none of our programs could have succeeded without the commitment of our leadership, who have "walked their talk". Many situations involving harassment, threats, or violence require solutions that are outside of the typical corporate comfort zone and don't fit neatly into our routine practices and procedures. By honoring the commitment and conviction of the consultants working on issues involving all levels of violence, we have achieved success through teamwork and innovation. It hasn't been easy. Situations involving any level of threat, up to and including actual violence, touch the lives of many people. Our purpose is to prevent any incidents from impacting our employees and our workplace. We are realists and recognize that much of what we deal with occurs outside of our normal business day. Nevertheless, we are held accountable by our leadership and OSHA's general duty clause to prevent situations from entering our office buildings and plant facilities. I can't emphasize enough the tremendous costs these aberrant behaviors can exact on business. People who are fearful can't concentrate on their jobs and, therefore, may pose a safety risk to themselves or others. Their families are impacted by threats of violence—and children are too often victims, as well. And co-workers fear for their safety and that of the actual plant facility. We are charged with preventing incidents and must juggle the many aspects of each case and its individual facts with great care, by paying attention to every detail and not dropping the ball. We must protect our employees and our Corporate assets without overstepping an individual's right to privacy.

However, there is a pay-back. In the process of dealing with domestic violence, occasionally we have the opportunity to turn lives around through healthy interven-

tion by our Employee Assistance Professionals and their network of community resources. Whether the incident involves the threat of violence or alcohol and drug abuse, Corporate Security may have the opportunity to take a violent offender off the streets by working with local law enforcement. Most importantly, however, we have the opportunity to stop the cycle of domestic violence if we can intervene and prevent today's children, who will be the next generation of our workforce, from carrying these behaviors into their lives.

Finally, it's essential to increase public awareness of the extent and many costs associated with violence against women . . . and violence more broadly in our society. None of our processes could have succeeded without the committed efforts of community resources. We work closely with local law enforcement, battered women's shelters, rape and family counseling services, to name a few. These partnerships are absolutely essential for successful management of violence of all types . . . and the Violence Against Women Law which Senator Biden championed clearly provides necessary resources.

Thank you for this opportunity for DuPont to participate today . . . and for turning your attention to this vitally important issue.

The CHAIRMAN. Ms. Rodgers, we will turn to you.

### STATEMENT OF KATHRYN J. RODGERS

Ms. RODGERS. Good afternoon. I want to thank the committee and you, Senator, for holding these oversight hearings, and I especially welcome the opportunity personally to salute you and Senator Biden for your leadership in passing this act. I would also like to say that I am unhappy to acknowledge all the issues that we agree on and, like Attorney General Reno, I am always willing to talk on those issues that maybe we don't agree on.

The CHAIRMAN. So am I. I notice that Pat Reuss is here today, and she does a terrific job in this area.

Ms. RODGERS. She does a fabulous job. Thank you.

The CHAIRMAN. I just personally believe that she is one of the most effective women leaders in the country, and so we are happy to have you sitting there, Pat, but we are going to listen to Ms. Rodgers now.

Ms. RODGERS. That is one thing I agree with you on.

The CHAIRMAN. OK.

Ms. RODGERS. I would also like to express our appreciation to Congress and to the administration for their successes to date in implementing the act.

So we come here today to praise you, but I also come to remind you that the Violence Against Women Act is just a small, albeit very significant step toward eradicating the ongoing epidemic of violence. If we mean what we say, that we all stand together in this effort, we must fully fund and fully enforce this law, and we must forge private and public partnerships to further advance our goals, so our work has just begun.

The NOW Legal Defense and Education Fund is the country's oldest national legal advocacy organization which is committed to protecting women's rights, and trying to eradicate violence against women has been at the top of our agenda since our inception 26 years ago. Today, we chair the National Task Force on Violence Against Women, which is a broad-based coalition of almost 1,700 organizations and individuals across the land who are dedicated to ending violence against women.

So the first thing that we would urge you to do is to redouble your efforts when the 1997 budget comes before you. We appreciate very much what we have heard today about the promise of full

funding in 1997, but you must be constantly vigilant, especially since the 1996 funds are just now coming through and because we know that there has been some talk about full funding at 1996 levels. In fact, in 1996, it was \$8 million under the original goals of the 1994 act.

There are two programs, in particular, I would like to point out that were not funded at all, and they may not take very much money and they have been alluded to earlier in these hearings. One is the Department of Justice's Judicial Education and Training Program, and the other is a campus study of sexual assault.

Our organization has a 16-year-old project on national judicial education. Our experience shows that judges do value this education and training and that it has a tremendous positive impact in helping the courts to deal with these very complex, sensitive, and controversial issues.

As for college campuses, there is no easy solution, and I can tell you that from my own 14 years of personal experience as both a vice president for student services and as general counsel at Barnard College. What is needed to address this problem is extensive educational and preventive programs to address our society's broad acceptance of excessive alcohol use and sexual violence among college-age youth. This problem is not one that can be solved by colleges and universities acting alone. As Senator Biden's study in Delaware showed, this problem begins long before these young men and women reach college. This committee could do a real service by conducting full hearings on these complex issues.

In addition to full funding for the Violence Against Women Act, we ask that you monitor its implementation and continue ongoing education efforts to publicize its provisions. For example, the act directed States to consult with resident experts on domestic violence and sexual assault when developing their plans for STOP grants. We ask that you ensure that these State innovations remain true to the act's design and purpose.

We commend the leaders of the committee for their recent letter to the Department of Justice asking them to collect and annually publish data on sexual violence. We need current and accurate statistics to help stem the epidemic's tide.

Finally, we face challenges and elusive solutions to this epidemic and we must continue our legislative initiatives to close the gaps that the Violence Against Women Act could not cover. Some individual pieces of new legislation are already in the works and they have been mentioned earlier, but we still have many other issues to address, such as elder violence or violence against the disabled, in which women are the lion's share of the victims.

In closing, I really must speak to the recently released report, "Prisoners of Abuse," issued by Jody Raphael of the Taylor Institute of Chicago. I have a copy here and would like to submit that with our testimony. That study finds that between 50 and 85 percent of over 4 million women receiving AFDC have recently experienced or are currently victims of physical and emotional violence at the hands of the adult men in their lives. At either end of that range, it is a shocking statistic.

Senators Specter, Wellstone, Murray, Kennedy, and many more are circulating a resolution asking that the Senate consider the

tragic circumstances that these women face before you enact any further welfare legislation. The NOW Legal Defense and Education Fund is determined to ensure that the safety net is there for women who flee violence and that women and the children living with them who are living in poverty have a real chance to work their way up and out of that poverty. Our work to stop violence includes all women, regardless of their economic situation, and we hope that you agree and will join us by sponsoring the resolution.

So we must continue our work. We cannot flag in our efforts even for an instant. I remind you that what we are really about here is the rather daunting task of creating a sea change in our cultural norms in this country, norms that go back not just hundreds of years, but thousands of years, and we must be prepared to be in it for the long haul. The NOW Legal Defense and Education Fund promises to be there and we are confident you will be, too.

I would just ask that the committee allow me to extend my written remarks before you close the hearing record. Thank you very much.

The CHAIRMAN. Without objection, we will put your complete remarks in the record.

[The prepared statement of Ms. Rodgers follows:]

PREPARED STATEMENT OF KATHRYN J. RODGERS

Good morning. I am Kathy Rodgers, Executive Director of the NOW Legal Defense and Education Fund (NOW LDEF). I want to thank the Committee for holding these oversight hearings. I especially welcome this opportunity to salute Senators Biden and Hatch personally for their leadership in passing the Violence Against Women Act of 1994 (VAWA). Congress and the Administration are to be commended for their successes to date in their efforts at implementing the Act.

NOW LDEF is this country's oldest national legal advocacy organization committed to protecting women's rights. We were founded as a separate entity by members of the National Organization for Women over 26 years ago. Working to end violence against women in all its forms has been part of our mission from the beginning. Today, we chair the National Task Force on Violence Against Women, a broad-based coalition of almost 1,700 organizations and individuals all across this land that are dedicated to ending violence against women.

We cannot remind ourselves too often of what it is we are doing here. With the passage of the Violence Against Women Act, it is now the United States of America's national policy that violence against women simply will not be tolerated—no matter what form it takes, no matter where it happens, no matter who commits it, whether a stranger, a husband, a father, a friend. We are engaged in the daunting task of effecting a sea change in our culture, reversing norms that reach back hundreds, indeed thousands, of years.

While we can be justly proud of the successes to date in implementing VAWA, we must not forget that VAWA is just a small—albeit significant—step toward eradicating the ongoing epidemic of violence—battering, sexual abuse and rape—that women and children face every day of their lives. If we mean what we say, that we all stand together in this effort to stop gender-based violence, then we must not only fully fund and fully enforce this law, but it is imperative that we begin forging new private and public partnerships to craft new and better solutions. Our work has just begun.

First, we must make a good beginning. Full funding for all of VAWA's crucial programs and services is the foundation of our effort. Unfortunately, we are already behind the goals set in 1994.

Congress originally authorized \$1.6 billion over 6 years to go to work directly in our communities, through both established and innovative programs seeking to end violence in homes, at work, in the schools and in the streets. This funding supports programs in local police departments and prosecutors' offices to improve the law enforcement response to violence against women. It aids battered women's shelters, rape crisis centers, and other victims' services organizations that provide shelter, counseling, legal assistance, and many other tools a woman needs to escape or recover from violence. It also supports capital improvements to make our public trans-

portation systems and parks more safe, as well as vital research and educational programs, designed to stop violence early, and over the long term.

This year, Congress fully funded many of the authorized programs, appropriating \$175 million for programs under the auspices of the Department of Justice, and \$53 million for the Department of Health and Human Services. We commend the many members from both sides of the aisle who supported and voted for full funding of these initiatives. But, due to the extensive and unusual budget debate, those vital resources are only now beginning to reach the communities that need them.

Several important initiatives were not fully supported, particularly Department of Health and Human Services' programs. The final bill included approximately \$8 million less than Congress envisioned in 1994. VAWA's funding for rape prevention and education programs, funding to reduce sexual abuse of youth, and funding for community programs on domestic violence, which represented only a small percent of what is truly needed, took significant cuts. Further, several relatively inexpensive and absolutely vital programs, such as judicial education and training, and a campus study of sexual assault, went completely unfunded in the Justice Department budget. When our newspapers report almost daily the ongoing failings of the judicial system to understand and respond to rape and sexual assault and when front-page stories and recent surveys tell us that crime and personal safety are top fears of our college students, we are radically remiss if we do not redouble, rather than reduce, our efforts.

These programs are crucial. VAWA's judicial education programs include funding for model programs for state court judges, and research and training for the federal judiciary to combat the rampant gender bias Congress recognized when it passed the VAWA. NOW LDEF has a 16-year-old project on National Judicial Education; Lynn Hecht Schafran, the project's director has received many national awards for her work. Our experience shows that judges want judicial education and training and that it does have a positive impact in making the courts better able to deal with these sensitive and controversial issues. VAWA provides the tools to expand these efforts, but without funding, they remain useless.

As for college campuses, there is no easy solution—and I know that from 14 years of personal experience as both vice president for student services and general counsel at Barnard College prior to joining NOW LDEF. It is true that schools fear bad publicity if they must report rapes and assaults. But it is also true that the current reporting requirements do not give us the information we need. That is in large part because the women who suffer violence do not report it, because they do not trust either the criminal justice system or campus disciplinary proceedings. And they are right on both counts.

Many activists urge victims of rape and assault to bypass available campus procedures and go directly to the police to file criminal charges. But the criminal system cannot give her what she needs. Most are still ill-equipped to handle such cases effectively and sympathetically. Moreover, the criminal system has no authority to remove the accused student from the victim's dormitory, classes or the campus, pending judicial proceedings. And when college authorities attempt to take action the accused will not participate, and will assert—quite appropriately—Fifth Amendment rights.

On the other hand, campus disciplinary proceedings can provide interim protections the criminal system cannot, but they also can be equally humiliating, and in the end ineffective, if campus personnel are not knowledgeable about the issues.

What is needed to address this problem are educational and preventive programs to address the campus culture that condones excessive alcohol use and sexual violence, as well as anti-crime solutions. This committee could do a real service by conducting in-depth hearings on these complex issues rather than deferring to superficial and ineffective regulations.

But even full funding of VAWA is not enough. We also urge administrative agencies distributing these vital resources to remain true to Congress' goals in authorizing the programs. Congress took pains to ensure that funds would be directed to the groups in each state that have the experience and expertise in working with battered women and rape survivors. It required states to consult with these resident experts on domestic violence and sexual assault, as well as members of the law enforcement community and local prosecutors, in developing their STOP grant plans. VAWA's STOP grants (Services, Training, Officers, Prosecutors) funds go to states to develop and strengthen law enforcement and prosecution strategies and victim services.<sup>1</sup> While the grants allow each state to address local needs and issues cre-

<sup>1</sup> U.S.C. § 2002.

atively, watchful federal oversight of these state innovations is needed to ensure that states conform to VAWA's design and purpose.

Agencies also can exercise leadership by collecting statistics on the prevalence of violence against women. We commend the redesigned survey produced in 1995 by the Bureau of Labor Statistics, documenting that women suffer over one million brutal assaults, rapes and murders annually at the hands of intimate partners.<sup>2</sup> We also commend the leaders of this Committee for their recent letter to the Department of Justice asking them to review the manner in which they collect the data on sexual violence to ensure that the statistics are as accurate as possible. Many victims are hesitant to answer truthfully when their children or abuser are within earshot.<sup>3</sup> We strongly urge the Department of Justice to follow up on your request that they publish their data collected about violence against women in a yearly report. Current and accurate statistics are critical to our shared national education campaign to end violence against women in all forms.

It is also critical that all departments in the administration be made aware of the importance of including domestic violence in all its manifestations in designing programs on violence. We were shocked and surprised to learn that the Occupational Health and Safety Administration had proposed new regulations that would require employers to track and report incidents of violence in the workplace committed by strangers, but not violence committed by an intimate (*i.e.*, domestic violence). We hope OSHA will rethink that glaring omission.

We also ask that you carefully monitor VAWA's important legal innovations. In addition to directing federal resources for community responses to violence, the Violence Against Women Act features important legal innovations, including new federal crimes for interstate domestic violence,<sup>4</sup> full faith and credit requirements,<sup>5</sup> improvements to the Federal Rules of Evidence,<sup>6</sup> safer immigration procedures for battered immigrant women,<sup>7</sup> and a civil rights remedy for gender-based hate crimes.<sup>8</sup>

VAWA's criminal provisions ensure that when domestic violence crosses state lines, an abuser will not elude punishment because of gaps in state criminal law enforcement. Recognizing that violence against women is a national problem, and that batterers and stalkers frequently cross state lines in committing crimes against women, these new federal felonies punish individuals who cross state lines to commit a crime of violence against an intimate partner, or who cross state lines and violate an order of protection. United States Attorneys have filed the first indictments and prosecutions under the Act, and have secured some convictions. For example, a defendant was convicted in West Virginia for a brutal assault. During the commission of that crime, he beat his wife into a coma, and drove her across state lines for five days. In the Eastern District of New York, a defendant has been indicted for multistate campaign of threats and harassment in violation of a restraining order. These cases represent a beginning, but the laws can be even more widely used to stop interstate gender-based violence.

State legal systems and policy departments still are determining how to implement VAWA's full faith and credit provision that requires all states to honor other states' protective orders. To lessen confusion and difficulties with local law enforcement, some states are passing their own laws stating that they give full faith and credit to others states' protective orders. The Maryland legislature just recently passed such a law. All states should be urged to adopt and enforce model procedures and practices.

The civil rights provision in VAWA recognizes gender-based violence for what it is: a deprivation of a person's civil rights. This private civil remedy is vital because, as Congress documented through four years of hearings and deliberation, state criminal justice systems have failed to provide remedies to women who are victims

<sup>2</sup>Bureau of Justice Statistics. "Violence Against Women: Estimates from the Redesignated Study (1995)."

<sup>3</sup>As additional examples, we understand that survey interviewers question some interviewees in front of family members, which can discourage candid responses. In addition, the survey asks directly whether the interviewee has been the victim of rape, without defining the crime of rape and sexual assault. Since the interviewee may not understand all of the behavior that meets the legal definition of rape or sexual assault, this question can lead to inaccurate results. Experts on survey methodology may have additional suggestions to improve the accuracy of survey results.

<sup>4</sup>18 U.S.C. §§ 2261, 2262.

<sup>5</sup>18 U.S.C. § 2265.

<sup>6</sup>Fed. R. Evid. 412, 413, 414, 415.

<sup>7</sup>8 U.S.C. § 1154(a)(1)(A)(iii).

<sup>8</sup>42 U.S.C. § 13981.

of felonious domestic violence and sexual assault.<sup>9</sup> Pervasive forms of gender bias in the courts, police departments and prosecutors' offices often reflect and reinforce deep-rooted myths blaming the victims. Women who are raped are perceived as having "asked" for it by their conduct or dress. Battered women are at fault for staying with an abuser. Despite the staggering numbers of gender-based crimes committed against women every year, many states' criminal justice systems have lagged behind in prosecuting and punishing the perpetrators. The civil rights remedy permits women a critical and uniform avenue of redress, regardless of the state in which they live.

We are now seeing the first cases filed under the civil rights remedy, most notably *Doe v. Doe* in the District of Connecticut and *Brzonkala v. Virginia Polytechnical Institute* in the Western District of Virginia. In both those cases, the defendants have challenged Congress' constitutional authority to enact the legislation. I commend the Department of Justice for intervening in both cases at the early stages to support the civil rights remedy's constitutionality. NOW LDEF also maintains that Congress had that authority and is participating in those cases as lead *amicus*, bringing together numerous organizations that are joining us in urging the courts to uphold the statute. We hope that more women will be encouraged to pursue justice under this new law as these cases go forward.

VAWA also included an important provision addressing battered immigrant women. The Immigration and Naturalization Service just recently promulgated regulations to implement VAWA's protections, but certain parts of the regulations, as well as a lack of training among the INS adjudicators, continue to pose barriers for these women. Also, the pending immigration legislation contains provisions that will defeat VAWA's goal of reducing battered immigrant women's fears that reporting abuse will increase the risk of deportation if they report abuse, and creates a class of abusers immune from criminal prosecution. Moreover, anti-terrorism legislation passed last month makes women who unlawfully enter the U.S. ineligible for VAWA protections. At the same time, new federal law prohibits Legal Services Corporation attorneys from assisting women like "Mariella," a Cuban parolee who was shot in the face by her abuser while waiting in line outside a courthouse in Southern California. She and her son, who witnessed the killing, had been turned away when they asked Legal Services for help in obtaining a civil protection order. Mariella was only a month away from obtaining lawful permanent residency.

Despite VAWA's comprehensive approach to the array of issues relating to violence against women, we still face challenges and elusive solutions to this epidemic. Individual pieces of new legislation already are in the works dealing with violence and insurance coverage, protocols for teaching health care professionals about domestic violence, programs to help battered women in public housing keep their addresses confidential and tax credits for businesses that invest in keeping their workplaces safe from domestic violence. Only last week the Senate voted on crime provisions addressing stalking and sentencing for second offenses of rape and took beginning steps to protect battered women from insurance discrimination in the pending health insurance reform bill. But we still have many other issues to address—such as elder violence or violence against the disabled—in which women are the lion's share of the victims. Similarly, we still have no national hotline specifically for rape and sexual assault victims who need special advice for finding help in the criminal justice system, and immigrant women facing violence need our additional help and protection.

In closing, I must speak of the recently released report, "Prisoners of Abuse," prepared by Jody Raphael of the Taylor Institute in Chicago. When you read it, you will be astonished by the stories of violence, assault, betrayal, fear and pain in the lives of the women and children who rely on our federal public welfare programs for their survival. The study finds that between 50 and 85% of the over 4 million women receiving AFDC have recently experienced or are currently victims of physical and emotional violence at the hands of the adult men in their lives. At either end of the range, it is a shocking statistic.

Senators Specter, Wellstone, Murray, Kennedy and many more are circulating a resolution asking that the Senate consider the tragic circumstances that these women face before you enact any further welfare legislation. NOW LDEF is determined to ensure that the safety net is there for women who flee violence and that women and children living in poverty have a chance to work their way up and out of that poverty. NOW LDEF's work to stop violence includes all women, regardless

<sup>9</sup>See, e.g., S. Rep. No. 138, 103rd Cong., 2nd Sess. 55 (1993), quoting Cass R. Sunstein, Professor of Law at University of Chicago ("the criminal justice system is not providing [to women] equal protection of the laws in the classic sense.")

of their economic situation and we hope that you agree and will join us by co-sponsoring the resolution.

Finally, a new federal law is just the first step in a comprehensive strategy to end violence against women and their families. It is not enough for VAWA to be fully funded by Congress, enforced by the Department of Justice, implemented throughout the federal agencies and properly interpreted by the courts. The promise that VAWA represents can only be realized through massive education, a process in its infancy today. Too many people still do not know that Congress recognized that the epidemic of violence against women plagues our country and deprives women of equal protections of the laws, that they have a federally-protected right to be free from gender-based violence, and that new services such as the National Hotline exist to direct them to safety. We cannot rest until every local law enforcement officer knows that she can and should enforce another state's protective order, until every prosecutor understands the importance of punishing perpetrators of gender-based violence, until the United States Attorney in every judicial district effectively enforces VAWA's new federal crimes, until judges see sexual battering, abuse and assault as the hate crimes that they are, not so-called domestic disputes or ill-fated romantic encounters that can be ignored no matter how violent they are.

We must continue—we cannot flag in our efforts, even for an instant—until women and children are safe from the gender-based violence that is directed against them in their homes, at their jobs and schools and in the streets of our communities. NOW, LDEF and the National Task Force on Violence Against Women promise to help.

Thank you.

The CHAIRMAN. I just want to tell you all that I appreciate every witness who has appeared here today. I think we have had an excellent hearing. This panel has answered a lot of my questions.

Let me just conclude by noting that we have been contacted by many interest groups who are interested in this issue and in this hearing. Unfortunately, time limited the number of witnesses that we could have. There were so many that we could have called, but I am going to have the committee keep the record open to receive written responses and written statements from the record from any interested parties until the end of next week.

I know we have already received some very serious and well-thought-out statements for the record and they will certainly be included, and we will keep this open at least up through Wednesday of next week. So those who are interested should get us as much information as you can because, after all, that is the way we get educated on these things. If it hadn't been for you good leaders, I don't think Senator Biden and I would have been as educated as we are. We still are learning, as you can easily see, but we are going to try and keep this ball rolling in the proper direction, in the right way, with the right funding, and do the things that really need and deserve to be done. To that degree, you have all played a very important role in helping us to be educated and also to keep this ball rolling. So I want to thank each and every one of you.

With that, we will adjourn the committee until further notice.

[Whereupon, at 1:13 p.m., the committee was adjourned.]

## APPENDIX

---

PROPOSED LEGISLATION

---

H

104TH CONGRESS  
2D SESSION

# S. 1729

To amend title 18, United States Code, with respect to stalking.

---

IN THE SENATE OF THE UNITED STATES

MAY 7, 1996

Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend title 18, United States Code, with respect to stalking.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Interstate Stalking  
5 Punishment and Prevention Act of 1996".

6 **SEC. 2. PUNISHMENT OF INTERSTATE STALKING.**

7 (a) **IN GENERAL.**—Title 18, United States Code, is  
8 amended by inserting after section 2261 the following:

1 **“§ 2261A. Interstate stalking**

2 “Whoever travels across a State line or within the  
3 special maritime and territorial jurisdiction of the United  
4 States with the intent to injure or harass another person,  
5 and in the course of, or as a result of, such travel places  
6 that person in reasonable fear of the death of, or serious  
7 bodily injury to, that person or a member of that person’s  
8 immediate family (as defined in section 115) shall be pun-  
9 ished as provided in section 2261.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 2261(b) of title 18, United States  
12 Code, is amended by inserting “or section 2261A”  
13 after “this section”.

14 (2) Sections 2261(b) and 2262(b) of title 18,  
15 United States Code, are each amended by striking  
16 “offender’s spouse or intimate partner” each place it  
17 appears and inserting “victim”.

18 (3) The chapter heading for chapter 110A of  
19 title 18, United States Code, is amended by insert-  
20 ing “**AND STALKING**” after “**VIOLENCE**”.

21 (c) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 110A of title 18, United States  
23 Code, is amended by inserting after the item relating to  
24 section 2261 the following new item:

“2261A. Interstate stalking.”.

---

 ADDITIONAL SUBMISSIONS FOR THE RECORD
 

---

 PENNSYLVANIA COALITION AGAINST RAPE,  
 May 13, 1996.

 Hon. ARLEN SPECTER,  
 U.S. Senate, Hart Senate Building,  
 Washington, DC.

DEAR SENATOR SPECTER: With the successful passage of the Violence Against Women Act (VAWA) came several forums on the legislation and issues pertaining to violence against women. Yet it seems that every roundtable discussion about VAWA has excluded the issue of sexual violence.

Sexual assault is violence. Discussions about VAWA and violence against women must not and cannot exclude sexual violence, its causes, effects, response and resolution. While we are encouraged that domestic violence has come into the forefront of the country's social issues, the sudden notoriety of domestic violence appears to have eclipsed the issue of sexual violence and assault.

I urge the Senate Judiciary Committee members—as well as all officials who play a role in VAWA funding and issues—to commit to discussions about sexual violence in any and all VAWA forums. Please recognize that sexual assault is violence against women. Please enter this letter into the record of the Senate oversight hearings on VAWA.

It distresses me that neither the Pennsylvania Coalition Against Rape (PCAR) nor any other sexual violence victim advocacy organization was asked to participate in the Senate Judiciary Committee oversight hearings on VAWA. I urge you to seek our involvement in the future. Please recognize and remember our expertise and commitment in any advisory panels.

Throughout the federal budget process, funding levels for VAWA have changed many times. We ask that, at a minimum, funding for VAWA be restored in full to its original allocation under the federal crime bill. In addition, there are remaining needs which we hope will be addressed when the funding is restored: Training on sexual violence issues for state and federal judges, funding for sexual assault awareness campaigns, particularly campaigns devoted to child survivors issues, and funding for campus sexual assault awareness programs.

Discussions about VAWA funding and issues need to be inclusive. Though sexual assault and battering are both violent offenses, the issues are still clearly separate and cannot be lumped together. Victims of sexual violence experience different psychological reactions and emotional and physical traumas.

In fiscal year 1994-95, more than 32,000 people sought services at Pennsylvania rape crisis centers. Of this number, approximately 11,000 were adult victims/survivors; 8,425 were child victims and the rest were significant others, spouses or family members of victims of sexual violence.

Every minute in the United States, there are 1.3 forcible rapes of adult women; 78 women are forcibly raped every hour. One out of every eight adult women has been the victim of forcible rape. Approximately 86% of all sexual assaults of adult women are perpetrated by persons known to the victim. (Statistics from National Victim Center, 1992)

The epidemic of sexual violence against women in America is real. Let us remember to continue to count the victims who come forward and never to forget the ones who cannot.

Sincerely,

DELILAH RUMBURG,  
 Executive Director.

---

 PREPARED STATEMENT OF THE COALITION OF LABOR UNION WOMEN

## VIOLENCE AGAINST WOMEN ACT OVERSIGHT HEARING

The Coalition of Labor Union Women (CLUW) submits these comments on the Violence Against Women Act on behalf of the 20,000 trade unionists who have joined together in CLUW to support the rights and well-being of working women.

Violence against women is the number one cause of injury to adult women. Over three million women are battered every year, many fatally. Nearly 4,000 women die each year as the result of domestic violence. Violence against women has effects far beyond its direct impact on the victims. Friends and family members, especially the children of the victims suffer as well. Children who live in homes where their moth-

er is battered are also at risk of being battered. Even if they are not battered, children who see their mother get hit are likely to suffer stress-related physical ailments and have higher rates of alcohol and drug abuse and juvenile delinquency.

The wider society pays a price for violence, as well. Addressing violence against women demands resources from all parts of the criminal justice system, thereby making these resources unavailable to fight other types of criminal activity. Violence-related physical injuries are finally being recognized as a significant public health problem.

One of the main reasons that CLUW has made violence against women a key issue is that many victims are also employees. Going to work may be the only contact a domestic violence victim has with the outside world. Yet at work her performance and attendance may be affected by domestic violence. Moreover, her situation has the potential to threaten her, as well as her co-workers, on the job. Women are disproportionately killed and injured at work by relatives and people they know. Husbands, boyfriends and ex-partners commit 15 percent of all workplace homicides against women.

CLUW believes it is essential that unions and employers work together to develop strategies to support and assist employees who are victims of violence through such things as appropriate leave and transfer policies, effective employee assistance programs, and legal service benefits. Unions and employers also have an important role to play in disseminating information about the issue, how to assist and support victims and where help is available in the community.

Therefore, CLUW applauds the Senators and Representatives from both parties who, by supporting the Violence Against Women Act with nearly full funding, recognize that a national strategy is necessary to make a significant impact on the epidemic level of violence against women in American.

The VAWA is already having an effect. The national hotline is up and running. This means that referral to services in their own communities is available to women in all 50 states just by calling a toll-free number. The first criminal cases using the new federal criminal provisions aimed at stopping batterers from following their victims from state to state have already been prosecuted.

The money recently appropriated will enable shelters to serve more victims, will provide more training for police and prosecutors and more public education.

CLUW also commends President Clinton for establishing the Violence Against Women Office in the Department of Justice and for creating the Advisory Council on Violence Against Women under the auspices of the Departments of Justice and Health and Human Services. Creating these bodies clearly demonstrates the President's commitment to making the fight against gender-based violence a high priority.

CLUW is hopeful that the Advisory Council, which is bringing together leaders in entertainment, government, sports, the religious community, business and labor, will devise some innovative strategies that can be implemented in workplaces and communities all across the nation.

The Violence Against Women Act is a vital piece of legislation. The Coalition of Labor Union Women proudly supports it and offers to play an active role in the grassroots, sister-to-sister effort to stop violence against women.

---

PREPARED STATEMENT OF GAIL BURNS-SMITH, NATIONAL ALLIANCE OF SEXUAL ASSAULT COALITIONS

Mr. Chairman and members of the Senate Committee on the Judiciary:

I am pleased to submit this written statement on behalf of the National Alliance of Sexual Assault Coalitions, an advocacy group consisting of state sexual assault coalitions from throughout the United States. We are pleased that you and the committee are committed to ensuring that ending violence against women remains a national priority.

Sexual assault, as you know, continues to be a major, national public health and criminal justice issue. Despite our efforts, 78 women are sexually assaulted every hour in the U.S., and 1 out of every 4 girls and boys below the age of 18 continue to be sexually abused, usually by someone they know and trust. The Violence Against Women portions of the Omnibus Crime Bill have begun to address this problem, but it is critical that those efforts not stop. We need to ensure that these new efforts are continued, fully funded, evaluated, and expanded to meet areas not addressed in the initial legislation.

Sexual assault coalitions and local community-based rape crisis centers have just been to see the funding available through the Department of Justice S.T.O.P. grants and look forward to the release of funding for rape prevention and education and

hotline services through the Preventive Health and Health Services-Block Grant. We are pleased that the S.T.O.P. grants have been fully funded. We strongly urge this committee to continue its support of full funding for all Violence Against Women Act programs, and to prioritize funding for sexual assault programs in this upcoming budget. Your continued backing and oversight will help to ensure that these dollars are distributed to local rape crisis centers as soon as possible.

We would also ask that congressional efforts to distribute funds through block grants not undermine your intent that this money be used for rape prevention and education and the support of rape hotlines. Currently, rape crisis centers receive a small amount of the PHHS Block Grant (\$7 million). This money remains critical to our mutual efforts to end sexual violence, and is the only federal money specifically earmarked for rape crisis centers' hotlines. The Crime Bill allocation of \$28.542 million should be utilized as enhancement dollars. We would encourage Congress to ensure that the original funding be maintained and not be subjected to potential supplantation.

Additionally, since there are no other "similar nonprofit, nongovernmental entities" that provide rape crisis hotline services, accompaniment and victim advocacy, along with rape prevention and education, we urge this committee to eliminate that language in the current law. Clarification of congressional intent will be helpful to states as they begin to disburse these funds.

Violence Against Women spans a continuum from sexual abuse including sexual harassment, to domestic violence to sexual assault and murder. Sexual assault and rape victims continue to be invisible to most members of our society. Although we have documented the large numbers of women who are assaulted every hour of every day, our society still has a tendency to blame these victims for this vicious crime and to fail to recognize the widespread epidemic of sexual violence in the United States. We have not yet come to terms with one of the major causes of substance abuse in women: sexual abuse; we have not yet come to terms with the large number of pregnant teens whose first "sexual experience" was rape or incest; we have not yet come to terms with the underlying cause of much of women's Post Traumatic Stress Disorder diagnoses: sexual abuse.

You have the opportunity to change that by prioritizing sexual violence as a major public health and criminal justice issue. Sexual assault must be given the same national attention that you have brought to domestic violence.

Please help us ensure that there are hotlines available to sexual assault victims no matter where they live: in a sprawling urban area or a small rural community; that there is a counselor/advocate available to accompany a rape victim to a local hospital in the middle of the night; to provide support groups and one on one counseling so that a woman can rebuild her new life after such a vicious crime.

Help us to promote training of judges and attorneys so that they themselves understand the reality of this crime. Support our efforts to train medical providers, work with police departments and local community groups. Help us to spread public awareness about this crime through media campaigns, and continue to help us provide prevention and risk reduction information to children from day-care through college.

This committee has provided leadership on ending violence against women. We ask that you continue that commitment. Please help society's most vulnerable crime victims. They are counting on you.

Thank you.

---

#### PREPARED STATEMENT OF NATIONAL NETWORK ON BEHALF OF BATTERED IMMIGRANT WOMEN

In response to the VAWA oversight hearing held May 15, 1996, we submit comment on the provisions of the Violence Against Women Act which protect battered immigrant women and children (VAWA). These provisions of VAWA take great strides to assure that perpetrators of domestic violence upon immigrant women and children will not remain immune from prosecution by controlling of their victims' immigration status. However, these important protections are being dismantled by recently enacted legislation and threatened by the pending immigration bills which are going to conference. We hope that these comments will be helpful in understanding the accomplishments of VAWA as well as the threats to its continued effectiveness in protecting battered immigrant women and children.

The Violence Against Women Act contains two forms of relief that allow battered immigrant women to flee marriages without risking deportation: "self-petitioning" for permanent residency or applying for suspension of deportation. The suspension provisions have been in effect since September 13, 1994 and are currently governed

by the Executive Office of Immigration Review. While the Immigration and Naturalization Service has been accepting self-petitions since January 1995, adjudications were held in abeyance until the interim regulations were announced March 26, 1996.

These important provisions will go a long way toward protecting immigrant women whose batterers attempt to use their immigrant statute as a means of inflicting physical, mental, emotional, and economic abuse on them and their children. While VAWA did not include all of the abuse prevention provisions we had hoped for, it is an important step toward ensuring that battered immigrant women and children will be able to obtain legal immigrant status without having to depend on the cooperation of their citizen and resident batterers.

#### I. VAWA REGULATIONS

The Immigration and Naturalization Service recently promulgated interim final regulations implementing the "self-petitioning" provisions of the Violence Against Women Act. Overall, the regulations reflect a growing understanding of the dynamics of domestic violence on the part of policy setters at the Service. These regulations demonstrate a commitment to assuring that our immigration laws can no longer be used as a tool to control victims and perpetuate violence.

Today, women who had been afraid to report abuse and cooperate with prosecutors can now seek help without fear of deportation.

Despite the significant strides these regulations have made to help abuse immigrant women and children, we are unfortunately concerned that training on domestic violence has not reached all Service examiners and adjudicators. While some districts have worked hard to assure that battered immigrants have access to the protections, Congress intended, others thwart abuse victims attempts to seek protection through failure to comply with these interim regulations. Some adjudicators require participation of the abuser where not legally required, unnecessary and inappropriate, and some trail attorneys minimize and disparage the violence against battered women. We hope that thorough training will soon remedy these problems and that the intent of Congress and of the Service to protect abused women and children from being further victimized by our immigration laws will be carried forth. To be effective, this training must be developed and implemented in consultation with experts on domestic violence perpetrated against immigrants. We strongly recommend that the Violence Against Women Office be asked to assist the Immigration and Naturalization Service in planning the training and identifying domestic violence advocates who can serve as consultants and members of the training faculty.

Advocates on behalf of battered immigrant women and children are currently submitting comments on the VAWA regulations. Of greatest concern have been: (1) the excessively burdensome evidentiary requirements on good moral character required for eligibility of VAWA; (2) the difficulty in accessing work authorization needed so that women will have the economic self-sufficiency to successfully leave her abuser; (3) the strict documentary requirements demanded from women whose abusers often control needed papers and information and who often flee violent relationships under exigent circumstances; (4) the ability of the abuser to recapture control over the victim's immigration status by changing his own immigration status; and (5) the definition of battering, which although well-defined by Service policy setters in the introductory preamble, does not provide guidance to Service examiners in the actual regulatory and a total lack of guidance on the type of evidence that could be presented to provide extreme cruelty either in the regulations or the preamble.

Overall, we are excited that the regulations have been issued and that they generally demonstrate an empathy to the dynamics of domestic violence. We hope that with training of Service examiners and appropriate timely responses to the comments of domestic violence advocates on the interim regulations, the self-petitioning provisions will effectively allow battered women and children to safely leave violent relationships.

#### II. THE DISMANTLING OF VAWA BY EXISTING LEGISLATION

##### A. Terrorism Bill

While the Service is acting to implement the immigrant provisions of the Violence Against Women Act, legislation has passed to rob hundreds of women of the protections VAWA was intended to provided. The problems lie in a provision of the Anti-Terrorism bill that was passed out of Congress and signed by the President late last month. Within this anti-terrorism bill was a provision that made anyone who entered the United States without inspection (entered unlawfully) ineligible for a deportation hearing before an immigration judge. This provision means that a battered woman or child who entered without inspection would not have an opportunity

to explain her VAWA claim to an immigration judge. Under this provision, a woman could be battered and subject to extreme cruelty, married to U.S. citizen for many years, be of good moral characters, could demonstrate that her deportation would cause extreme hardship to herself and her children and still be excluded from the United States without the opportunity to bring a suspension of deportation case.

The Anti-Terrorism legislation strips a battered immigrant women of eligibility for VAWA suspension of deportation, the very relief of created just a year and a half ago by the Violence Against Women Act to protect abused women from deportation and to prevent obstruction of criminal proceedings against abusers.

Unless these provisions of the Anti-Terrorism legislation are superseded, much of Congress' work to pass VAWA protections for battered immigrant women and children will have been in vain.

### *B. Legal Services*

As Sen. Kennedy described, this month an immigrant woman ("Ms. B—") was killed by her abuser outside a California courthouse. She had fled California with her child to escape increasingly severe violence; her abuser filed parental kidnapping charges against her. Planning to return to California for the hearing, she and her employer tried to arrange legal representation through the local legal services agency. Ms. B—had come to the US from Cuba two years ago on a inner tube raft to try to recover her son, who have been taken from her by her abuser in retaliation for criminal abuse charges she had pressed against him. Because of lengthy INS processing procedures, she had not yet received her lawful permanent residency, but had been scheduled for her residency interview next month, June 1996. Unfortunately, only a two weeks prior to Ms. B—murder, Congress' restrictions on legal services' ability to serve persons who are not lawful permanent residents or US citizens went into effect, making Ms. B ineligible for legal assistance.

Turned away from legal services, Ms. B—had to rely on the help of a pro bono attorney. The pro bono attorney overbooked with numerous other cases could not meet with Ms. B—until the morning of the hearing. Ms. B—went to the courthouse that Tuesday morning with her nine-year old son to meet her pro bono attorney. Shortly after she arrived, the abuser appeared, tore her son out of her arms, kissed him and set him aside. He then took out a weapon and shot her in the face. She died before her body hit the ground. Moments later, courthouse deputy came around the corner and shot the abuser. In those few minutes the boy became an orphan before his own eyes. The volunteer attorney arrived fifteen minutes later.

If Ms. B—had been eligible for legal services, the legal service attorney could have met with her the day before the hearing to assess the danger posed by her abuser. The legal service attorney would have made arrangements for Ms. B—'s safety with the District Attorney's office. Because federal law prohibited the legal service agency from assisting Ms. B—, no arrangement could be made for her safety.

VAWA has done much to prevent the immigration laws from becoming a tool of control wielded by abusive US citizen and lawful permanent resident spouses. However, laws can only be effective in providing protection if battered immigrant women have access to those laws. Without assistance from attorney's the relief created by VAWA is, for most, merely illusory. Complex provisions of VAWA require the expertise of attorneys to decipher, without which many VAWA self-petitions cannot be properly presented. Protection of the courts through civil protection orders often cannot be successfully obtained by pro se immigrant applicants. The restrictions on immigrant's legal services must not bar access to protection orders, family court relief, and immigration protections for needy abuse victims. Therefore, unless the restrictions on Legal Service Corporation assistance to battered immigrant women and children are lifetime, the protections intended by VAWA cannot be effective.

### III. THE THREAT TO VAWA BY PENDING LEGISLATION

In addition to the laws recently enacted that dismantle VAWA protection for battered immigrant women and abused children, the pending legislation further threatens VAWA relief.

The House and Senate bills prohibit those who have been unlawfully present in the United States or who have entered the United States without inspection from receiving lawful permanent residency. These provision reconstruct the pre-VAWA bar to lawful permanent residency for battered immigrant women and children and takes away their ability to self-petition. These bills have found another way to harm abuse victims. The obstacle to reporting abuse and seeking assistance removed through VAWA is rebuilt in these bills and will again trap women in violent relationships. Once immigrant women lose the protections VAWA intended to create for them, abusers will again be able to hold their immigration status against them. The House bill contains a narrow exception for a limited number of battered women, and

a grandfather clause for women presently in the United States, but over time, these exceptions will not offer protection to many battered immigrant women married to US citizen and lawful permanent resident who will again be at the mercy of their abusers and in the same position as they were before the passage of VAWA. The barriers to admissibility for battered immigrant women and abused immigrant children must be removed from the House and Senate bills in order to preserve the significant protections Congress offered abuse victims in passing VAWA's historic legislation.

Just as the House and Senate's inadmissibility provision threaten the self-petitioning relief created by VAWA, S. 1665, the Senate's legal immigration bill, jeopardizes the other form of VAWA relief, suspension of deportation. Effectively similar to the Anti-Terrorism legislation, S. 1665 makes anyone who has entered the United States without inspection ineligible for suspension of deportation, including the special type of suspension of deportation created for battered immigrant women under the Violence Against Women Act. Should Congress decide to remedy the Anti-Terrorism bills barriers to suspension of deportation through the pending immigration bill, it should also remedy the provisions of the pending immigration bill that do similar harm to abuse victims.

Another issue concerning the effectiveness of VAWA has to do with assuring that abuse victims who short departure from the U.S. were "brief, casual and innocent" can still obtain VAWA suspension of deportation. The law, as currently written because of drafting omission, makes abused women who have had brief, casual and innocent absences from the United States ineligible for suspension of deportation under VAWA. We have heard of cases from around the country where abusers have deceived their victims into leaving the US or where abusers have removed their victims from the US. We propose that the Attorney General have the discretion forgive brief innocent and casual absences from the United States of battered women and children applying for VAWA suspension of deportation.<sup>1</sup> Without this discretion, abusers will be able to recapture control of their victim's immigration status by deception or by force, thereby undermining VAWA relief.

A final issue affecting the effectiveness of VAWA is "Adjustment of Status." The immigration laws had once required that persons who entered the United States without inspection and were granted an immigrant visa (their includes those immigrant visas granted to abused women and children who applied for immigrant status under Violence Against Women Act) to leave the United States to obtain that immigrant visa from a US consulate abroad. The law has since changed in allow persons who entered without inspection the ability to adjust status within the United States, provided they pay a penalty of \$680. House legislation has raised that amount to \$2500. This puts battered immigrant women in an impossible situation, particularly when many may not be authorized to work. To leave the United States means that they lose US civil court and criminal justice protections. They will be forced to risk their lives to go where their batterer or their batterer's family can stalk, harass, and continue to abuse them to obtain their permanent residency, if they cannot earn the money to pay the penalty. Yet, many women are not able to afford the penalty. We have proposed that the Attorney General have the discretion to waive the penalty in the case of battered women when her safety or the safety of her children would be promoted by such a waiver. This protects battered women from being effectively "priced out" of VAWA protection and physical safety.

#### IV. CONCLUSION

VAWA has made it possible to many women and children to seek help for the violence in their lives. The Service has reported that two to four hundred women and children have applied for relief under VAWA. Without the ability to self-petition, these women would remain trapped in violent relationships; perhaps destined to become one of the 1500 women murdered each year by an intimate partner. Their children would certainly grow up with serious emotional trauma and a significantly increased likelihood of being either abusers or victims of abuse.

We urge Congress not to become complacent with the work already accomplished. In just the past year and a half since the passage of the Violence Against Women Act, significant legislative changes have greatly diminished access to the relief created by VAWA. Pending legislation will further decrease the ability of VAWA to protect battered immigrant women and children. Please make sure that the accomplishments of this vital and historic legislation not be lost in the current immigration restriction furor. Protect women and children who are victims of abuse an en-

<sup>1</sup>Currently some immigrant judges are offering this option to abuse victims and others are not. All other suspension applicants may obtain such a waiver.

**courage the punishment of abusers by repealing the provisions of the Anti-Terrorism bill that bar access to VAWA protection and ensure that any immigrant bill passed will preserve VAWA protection for battered immigrant women and abused immigrant children.**

## Report of the Presidential Task Force on Violence and the Family Executive Summary

The American Psychological Association's Presidential Task Force on Violence and the Family was convened to bring psychological research and clinical experience to bear on the troubling problem of violence in the family and to make recommendations for solutions. The task force faced a formidable challenge: Although considerable work has been done in areas such as child abuse, partner abuse, dating violence, elder abuse, and adult survivors of childhood abuse, only recently have the disparate forms of abuse that occur in the home been considered as part of a unified field of study with important crosscurrents and linkages. Furthermore, because standard definitions of key terms have not been adopted, communication across disciplines has been difficult, and much confusion has arisen when researchers and journalists attempt to draw conclusions by comparing studies in which different definitions are used. The task force defined family violence and abuse as including a range of physical, sexual, and emotional maltreatment by one family member against another; according to this definition, the term family includes a variety of relationships beyond those of blood or marriage, in recognition that similar dynamics of abuse may occur in these relationships.

Approaching the forms of family violence as a unified field of study underscores the common dynamic at the heart of them: the perpetrator's misuse of power, control, and authority. Because of this common dynamic, the odds rise that when one form of abuse occurs in the family, another form also is present—or may occur in the future unless helpful interventions take place. Unfortunately, all indications are that family violence and abuse are significantly underreported at all levels of

society. Especially likely to go unreported is abuse of women and children of color and of others outside the majority culture. Social and economic barriers and inequities, especially those that affect African Americans and other ethnic minorities, have significant effects on the rates of interpersonal violence, yet those same barriers lead to fear of reporting and limit access to help.

No specific profiles exist of those who perpetrate family violence, because, like their victims, they are a heterogeneous group. No one can say exactly why one person in a family may turn to violence while another in the same family does not, but the research suggests that a constellation of risk and resiliency factors influences the complex phenomena of family violence. Risk factors include specific sociocultural and interpersonal influences and factors such as alcohol and other drug abuse and a history of previous violence. Some people exposed to risk factors are resilient, however; and because of their psychological hardness, they appear to be less vulnerable to the effects of violence.

Societal attitudes and practices regarding violence also have an influence on the risk of family violence. The presence of guns in the home increases the risk that a homicide will occur, and viewing violence in the media significantly affects attitudes and behaviors about violence. Research has shown that heavy viewing of violence on TV by children increases aggressive behaviors, and those behaviors persist into adulthood.

Society, in turn, reaps the terrible fruit of family violence. Violence in the home may well be the learning ground for later violence in other social settings and in other interper-

## ► Executive Summary

sonal relationships. For the victim and the family, violence and abuse may lead to destructive long-term psychological and physical consequences. Beyond the family, violence has serious economic and social consequences in society.

### Adult Victims

Violence against adult family members may occur at any stage of family life, but it can be thought of broadly as occurring within four contexts: in dating relationships, during marriage or partnership, after separation, and against elders in the family. Violence that begins when a couple is dating is likely to continue and to escalate when the couple lives together or marries.

Battering is a pattern of physical, sexual, or psychological abuse in intimate relationships. Men batter women far more frequently than women batter men. Boys who witness or experience violence in their own homes as children are at major risk for becoming batterers. Alcohol use, especially binge and chronic use, is strongly associated with battering and its more serious aftermath, but it does not cause the violence. Both victims and perpetrators underreport their use of nonprescription drugs.

Many people believe that a battered woman should leave a relationship with a man who batters her, but the violence does not necessarily stop when the relationship is terminated. Couples are particularly vulnerable during periods of separation and divorce. The risk of serious or lethal violence may actually increase after separation. When a marriage ends in divorce, the legal system may become a symbolic battleground where the batterer continues to abuse.

Women who have been battered exhibit a range of measurable psychological effects.

They generally resist their batterers in some way, but a variety of obstacles impede their attempts to avoid or escape the violence.

In addition to the pattern of physical, sexual, and psychological violence, elder abuse also includes emotional or psychological abuse or neglect, or financial and material exploitation of an older person by someone who has a special relationship with the elder. The abuse may take place in the older person's own home or in the home of a caregiver. Elder abuse is significantly underreported, and little information is available to suggest how culture and ethnicity affect the likelihood of elder abuse or to describe the characteristics of perpetrators and victims. The majority of perpetrators of elder abuse are family members, usually adult children, but standard reporting systems do not reveal the extent of battering among elderly couples. Women are most often the caregivers for elderly persons and are reported most as perpetrators of abuse; however, when cases of neglect are removed from the statistics, men are the most frequent perpetrators of physical abuse against elders.

### Child Victims

Tragically, child victims are vulnerable both to abuse within their families and to the failures of the systems intended to protect them. Historically, children have been regarded as the property and responsibility solely of their parents; this philosophy, however, places children of abusive parents in considerable danger. Public agencies and professionals have been given the authority to act to protect children, but because of resource scarcity and procedural issues, child protection agencies are not always able to intervene swiftly and decisively, much less to provide treatment or

prevention programs to end the child abuse and maltreatment.

Child abuse occurs across all segments of the population, but affluent middle-class abusers may be less likely to be the subject of formal abuse reports. Although poverty may be the most significant risk factor for children, other factors also seem to put children at risk, too. These factors include family structure, being unwanted, resembling someone the parent dislikes, and having physical or behavioral traits that are different or that make the child especially difficult to care for. Parents are more likely to maltreat their children when the parents abuse alcohol and drugs, or when they have been sexually abused as children. Abused children may show a variety of initial and long-term psychological, emotional, and cognitive effects, but not every child demonstrates serious long-term effects. Children who are exposed to parental violence, even if they themselves are not the targets of this violence, have reactions similar to those of children exposed to other forms of child maltreatment.

When abused children are not given appropriate treatment for the effects of abuse, the lifetime cost to society per abused child is very high. For example, adult survivors of child abuse make up a large percentage of adults who seek psychotherapy and other mental health treatment. These survivors may demonstrate significant long-term effects of the trauma, especially if they received no helpful interventions at the time of the abuse. In their adult relationships, frequently survivors of child abuse are battered by their partners and exploited by other adults in positions of trust. Resolving the symptoms in adult survivors of child abuse may require treatment that deals with the original trauma as well as its aftereffects.

#### Intervention and Treatment for Victims

To mitigate both the individual and societal effects of family violence, appropriate treatment must be widely available.

Intervention and treatment efforts must be customized to meet the complex needs of many individuals who are victims of family violence. Psychologists have developed new models for intervention and treatment for each kind of violence and for families in which multiple forms of abuse and trauma occur. Recent treatment techniques emphasize the strengths that victims have developed to cope with abuse and maltreatment.

Families with the greatest need often do not have access to high-quality treatment services by professionals trained to understand the effects of violence. In addition, people who have been severely traumatized through childhood abuse may need inpatient or long-term outpatient psychotherapy, which may not be available because of financial limitations.

Interventions for battered women often have been designed by community-based battered women shelters and advocacy groups, sometimes with the collaboration of psychologists. Initially a place of safety and support, shelters for battered women now often serve as the locus for a network of legal, psychoeducational, and social services for the woman and, increasingly, for her children as well.

Much more must be done to safeguard the welfare of abused children, both in the immediate aftermath of a report of child abuse and for the long term. The most common intervention for abused children is to remove them from their homes and place them in other environments and, eventually, foster care. This is not always a useful strategy and often may not even be safe, because children may be at

## ► Executive Summary

risk for abuse by adults and by other children while living in foster homes. Promising alternative approaches include the placement of a helpful person in the child's own home.

Specialized interventions for victims of elder abuse or neglect are based on the principle of invoking the least restrictive alternative in determining environmental and legal protections. The problem of elder abuse is complex, however, and new forms of intervention are needed to respond to elder abuse as a part of the continuum of violence within a family.

### Treatment for Perpetrators

Treatment of those who perpetrate family violence is essential, not only to end current violent behavior but to prevent future violence by the abuser. A variety of methods are used to assess and treat perpetrators of family violence, depending on the clinician's theoretical orientation. Researchers have not yet concluded that any approach is significantly more effective than others, assuming equivalent training of the providers and a comprehensive treatment strategy. Most treatment programs include some type of cognitive-behavioral psychotherapy techniques, although the specifics vary with the types of abuse for which the perpetrator is being treated. Treatment must address the perpetrator's use of power and control as well as attitudes and perceptions that support acts of violence.

### Legal Issues

Most victims of family violence will have some contact with the legal system that is not well designed to handle such cases. In addition, inequities in the application of the law, racial and class bias, and inadequate investigations have harmed rather than helped many families. The low priority given to funding for implementation of child protection laws results in a legal system that frequently fails to

work. Many battered women find themselves in dangerous positions because the courts often do not give credence or sufficient weight to a history of partner abuse in making decisions about child custody and visitation. Racial bias often influences the court's decision about whether to order treatment or to imprison offenders.

Abuse at the point of and after separation is so serious that courts must pay attention to ways of keeping battered women safer. Researchers indicate that the use of mediation is not appropriate when family violence is an issue. Child custody and visitation decisions must be made with full knowledge of the previous family violence and potential for continued danger, whether or not the child has been physically harmed. Most lawyers, judges, and others in the justice system are not trained in the psychology of family violence and abuse.

### Future Directions

Because family violence has been a discrete area of study for a relatively short time, there are still gaps in the knowledge about ways to prevent family violence. There is general agreement that prevention efforts are needed to address the societal conditions that contribute to family violence, and intervention and treatment efforts must take place in every community if family violence is going to be reduced or eliminated.

Psychology has a key role to play in building the community-based coalitions that can prevent and treat family violence. The best way to promote violence-free families is to stop the development of abusive behavior, especially in boys and men; to strengthen and empower potential victims to resist or avoid victimization; and to change the environment that promotes the use of violence. □