

WOMEN AND VIOLENCE

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

LEGISLATION TO REDUCE THE GROWING PROBLEM OF VIOLENT CRIME
AGAINST WOMEN

AUGUST 29 AND DECEMBER 11, 1990

Part 2

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WOMEN AND VIOLENCE

WEDNESDAY, AUGUST 29, 1990

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

The committee met, pursuant to notice, at 10:09 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., chairman of the committee, presiding.

OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. The hearing will come to order.

Let me explain, before we begin, to our witnesses—and I thank them all for being willing to come to discuss this important subject—how we proceed. To those of us who do this every day, day in and day out, it seems like an orderly procedure. But to any one of the witnesses, it may come across as a very arcane procedure, so let me explain it very briefly for our witnesses.

First of all, I will shortly make an opening statement explaining the purpose of the hearing, my purpose in holding this hearing, and speak very briefly to and about the witnesses that will be here to testify today. Then what we will do is I will ask our first witness to come forward and ask her if she has an opening statement.

I want to make it clear to all our witnesses, particularly to Ms. Snow, who is our first witness, that this is not anything that is so imposing and formal. I have tried, but this room is not big enough. I have tried to set it up so that we have a table on the other side of this bench where I am sitting—the same height, the same level as the witnesses that are before us—because it looks like this is a court of law and someone is sitting up here and looking down on you.

It is difficult when you have never come before a committee, and the camera is there, testifying, and testifying about a very, very, very tragic incident or incidences in your life where you have been victimized. It surely is not the intention of this chairman to, in any way, put you in a position or any witness in a position—in attempting to help us here decide what we can, if anything, do to deal with this horrible problem of violence against women in America—to put you in a position that is either uncomfortable or a position that makes it difficult for you.

So as much as you can—and it may not seem possible to you at this moment—this is intended to be a conversation. This is not intended to be an interrogation. I say that to all the witnesses who will come before us today.

Again, I apologize—for those of you who have never testified before—for the imposing specter of the television cameras up on a platform, and me sitting here, the great seal behind us, as if somehow you are in a court of law. That is not what this is today, nor is it intended to be, nor will it be.

Let me begin by suggesting that, unfortunately, today's headlines dramatize just how vulnerable young women are as they return to campuses in America. And, I might add, a young man who appears to have been an incidental victim, but nonetheless a tragic victim, at the University of Florida last weekend.

Three 18-year-old freshmen were brutally murdered and possibly raped. And by Tuesday, two more bodies had been found. It should not take such a grisly and horrifying incident for us to act. We already know that young women are disproportionately victimized by violent crime. And we already know that rape is the one major crime for which these young women are at the greatest risk on college campuses.

This is our second hearing on the Violence Against Women Act of 1990, a bill that I introduced in June. Our first hearing led to an overwhelming outpouring of support. Quite frankly, far beyond what I anticipated.

In the 2 months since the introduction of the bill, 20 Democratic and Republican Senators have cosponsored this legislation. Earlier this month, Representative Barbara Boxer from California introduced the companion bill in the House with 38 original cosponsors.

We received hundreds of letters and telephone calls of support from people all over the country, from organizations large and small, liberal and conservative, from mothers and daughters, fathers and brothers, from rape crisis centers, battered women shelters, and from far, far too many survivors of crime, who write to ask what they can do to assure that this bill will pass and pass swiftly. Newspaper editorials have applauded the initiative and prominent figures all across the country have asked to be counted as supporters.

Along with that outpouring of support have come a number of constructive suggestions for how the legislation can be improved, for when I first introduced the legislation I asked our first panel of witnesses and all the various groups and individuals who have written for their advice on how it could be improved.

Consequently, when Congress reconvenes in 2 weeks, I will respond to those suggestions by introducing a new and even more comprehensive version of the Violence Against Women Act. I will talk more about these changes in a few minutes but, among the suggestions I received, one particularly led me to convene today's hearings.

A young rape survivor wrote me and asked the committee to move its focus beyond stranger rape, which was the predominant subject of the first hearing, to also study the epidemic of acquaintance rape plaguing this country. As she put it, focusing on stranger rape presents the appearance that "acquaintance rape, while much more common, is not as tragic, cruel, or important."

Today we are here to debunk that myth: The myth that real rape only happens when a man jumps out of the bushes or an alley and attacks an unsuspecting victim. In fact, rape by someone the victim

knows, usually referred to as "acquaintance rape", is real rape. It is just as tragic, and has just as serious consequences. It is far, far, far more common than maybe even those who think they know the subject may know.

Any rape is tragic, cruel and important, but acquaintance is, in some ways, more cruel precisely because the victim knows and may trust her attacker. In some ways, acquaintance rape may be more tragic because we as a society already possess the tools that can be used to prevent it.

Chief among these tools is the need to change attitudes, change attitudes in America. For example, in one study of junior high school students, one-fourth of the boys reported that a man was entitled to force sex on a woman if he had spent \$10 on her. Let me read that again. A man is entitled to force sex on a woman if he "spent \$10 on her." That is an incredibly tragic commentary. What may be sadder still is that nearly one-fifth of the junior high school girls agreed with that statement.

The subject of acquaintance rape and other forms of violence against young women are particularly on our minds now because in the next few days and the last few days nearly 2 million women will be returning to college and university campuses. Rape is the one major crime for which these women are at the greatest risk on campus. That is right—more college women will be raped this school year than will be struck by any other major crime.

Mothers and fathers, sisters and brothers, and of course, young women themselves have the right to expect that "back to school" will not be "back to sexual assault."

The problem of acquaintance rape is not limited to colleges, either. As the statistics will sadly show, one-half million high school girls have been or will be raped by a date or acquaintance. We must do something to change that.

At today's hearings we will hear from young women themselves: From two young survivors of acquaintance rape and a student leader fighting to prevent date and acquaintance rape. They will tell us that there is much that can be done, and what they think must be done to correct the problem.

We are also honored to have with us today two nationally prominent experts in this field who will be discussing this issue with us. Ms. Warshaw is the author of the foremost book published on acquaintance rape and the attitudes that lead to it, entitled "I Never Called It Rape." And Dr. Koss has studied the incidents and prevalence of rape more extensively than any other social scientist in this country. Today, she will present to the committee new findings from a study she has just completed in this field.

These new findings, to be presented today, coupled with new data that the committee is releasing today, paint a terrible picture, particularly with respect to acquaintance rape and violence against young women. Consider a few of these facts that we have learned. They sound almost unbelievable to me, as I read them again for the 20th time:

One out of every four college women will have been attacked by a rapist before they graduate, and one in seven will have been raped. Less than 5 percent of these women will report these rapes to the police. Rape remains the least reported of all major crimes.

Half of these women will tell no one with whom they are acquainted about the incident. The average age of a rape victim in this country is 18.5 years old. That is the average.

Most of us have no sense, no sense at all, of how enormous the problem is. How could we? Dr. Koss will tell us today the actually number of college women raped is more than 14 times the number reported by official government statistics. Indeed, while studies suggest that about 1,275 women were raped at America's three largest universities last year, only three rapes—only three—were reported to the police.

The cost to individual victims of these rapes is extremely high. It may not only cost her her confidence and trust, but it may also cost her her very education. Rape is a leading cause of freshmen women dropping out of school altogether.

It is time to take on this national outrage, and it is time to deal with it and make people aware of it. That is what this bill—violence against women—has attempted to do.

Let me turn to my bill now, because in addition to the several provisions already in the bill to combat acquaintance rape and violence against young women, I am announcing today that among the new provisions of the revised bill I will introduce next month will be "an eightfold increase in funding for rape education and prevention," starting early in school so that young boys and girls get the message before it is too late.

Second, new Federal aid going directly to rape crisis centers, which of course serve both younger and older survivors, but seem of particular importance to younger women who have been raped. Third, the first ever Federal program for rape education on college campuses. Fourth, a new law that requires colleges and universities to tell rape survivors about the outcome of any disciplinary proceeding initiated against their attackers.

In conclusion, I want to thank all the witnesses that are here today for being willing to appear, and I look forward to their help and further input as to how we can improve even this more improved piece of legislation.

Again, as I said, I want to make it clear to our first two witnesses that this is not a courtroom. This is a place where I just want you, for the record, to tell your story so that it can begin to have some impact upon how we in this country begin to respond to a problem we have not responded to for much, much too long.

Our first two witnesses are Ms. Shunk, who is a 25-year-old paralegal in a Philadelphia law firm. She was raped by an acquaintance during her freshman year at a small college in western Pennsylvania. Two years later, after transferring to an inner-city school in Philadelphia, she was raped by a stranger outside her dormitory.

Nicole Snow is a 21-year-old college graduate who was raped by a date when she was 15 years old in high school as a student in Connecticut. Ms. Snow first spoke about this rape while at the University of Pennsylvania. This fall she joins an accounting firm in New York City.

Would you two ladies please come forward? Ms. Snow, if you would sit there, and Ms. Shunk, if you would sit there. Again, as I told you, if you do not believe it, that you should be at ease here. That is a little bit like saying, as I was telling Ms. Snow, like when

I went in for the operation, the doctors saying do not worry Senator, there is no problem here. Then again, he was not laying on the table, and I am not at the witness chair. But I promise you, this is not only meant to be, it will not be anything but friendly.

Ms. Shunk, why do you not begin, first? If you have an opening statement, we would be delighted to hear it.

**STATEMENT OF CHRISTINE SHUNK, COATESVILLE, PA; AND
NICOLE SNOW, NEW CANAAN, CT**

Ms. SHUNK. Good morning. My name is Christine Shunk. I am a victim of rape twice, and I have to tell you, I am terrified, so please be patient with me.

I would like to thank Senator Biden for allowing me to speak, because as a victim, speaking out like this gives me back some of the control that I lost to two rapists. As I told you, I am scared. I am scared to be up here speaking to you, and I am also scared by statistics that say that violence against women is a rising threat to women of all ages and in all walks of life.

As I said, I have already been raped twice and have survived, but I do not know how I would survive a third assault mentally. You see, being raped is like having your whole world turned upside down. You suddenly lose control over your body and self-esteem. You have no power. It does not matter where you are, you cannot escape.

You could be in your bed asleep, like those girls in Florida. You could be walking home from church in broad daylight. You could be on a date with someone you know, trust, and have absolutely no reason to fear. The physical assault does not last long compared to the disgust, guilt, hatred, and fear that you carry around with you as a victim for the rest of your life.

My first rape occurred in January 1984, at the beginning of the second semester of my freshman year at St. Francis College in Loretto, PA. I aspired to be a journalist or perhaps a lawyer and I was studying English. I had taken classes on campus the summer before, in order to get used to some of my surroundings, meet some of the students and staff, and get an edge on my competition.

I met some really great people that summer and made some good friends. That January my high school sweetheart and I were on the verge of breaking up and I was upset. I had just gotten off the phone with him that Friday night, and decided to attend the weekly fraternity party to cheer myself up. Of course, once I got there, I did not feel like partying and I decided I wanted to leave early.

One of the friends I had met that summer, Ray, said he would walk me back to my dorm, which was on the other side of campus. I was relieved. I felt very lucky to have Ray walk me back. Being a rather large wrestler made Ray very good protection.

Ray asked me if I minded stopping by his dorm room to get his jacket first, which I did not feel was an unreasonable request. Usually kids do not wear jackets to frat parties for fear that they get lost or stolen, and Ray's dorm was right next to fraternity row. Besides, I had known Ray 7 months, was good friends with his girlfriend, and thought he was a pretty nice guy.

When we got to his room, he literally grabbed me, ripped my clothes off, and forced me on to his bed. Then he raped me. I tried to scream, but of course everyone was at the party and no one heard me. Afterward he asked me if I was afraid of him and why I wanted to leave. I ran out of his room crying and ran the whole way back to my dorm, right into the showers.

I did not even know I had been raped until a friend of mine who was in the bathroom asked me what was wrong. I told her what happened and she told me that even though I knew and was friends with Ray, his violent act against me was indeed rape.

I stayed in my dorm room for a solid week, skipping classes and meals. Finally, some friends of mine convinced me to see the school counselor. I did. She basically told me to keep my grades up so that I could transfer schools. I had been running into Ray on campus and he had been threatening and taunting me. I told the counselor all of this and she never asked me his full name and never explained to me that I had the right to pursue this any further, or even to press charges against him.

I followed her advice, kept my grades up, and transferred to La-Salle University in Philadelphia. Then I began a long bout with anorexia and bulimia caused by my frustration, confusion, and anger at not being able to control my life.

I later found out that Ray became a resident assistant at the school and raped at least three other girls that I know of. No charges were ever pressed against him.

Two years later, on November 13, 1986, I was raped again, this time by a man who abducted me in front of a school-owned apartment complex and forced me at knife point into the parking lot of the same complex. All of this occurred across the street from a guard that was supposed to be posted 24 hours, and on property that was supposed to be patrolled every 20 minutes. The assault itself took at least 20 minutes and I did not see any security guards before or after, until the Philadelphia police arrived.

I spent most of my time during final exams that year in the police station looking at mug shots. When I returned to school, my hands bandaged to cover knife wounds, one of the teachers asked me if I was embarrassed to be back. I flunked classes and consequently spent another year trying to graduate.

Rape is a violent act that can affect a person in a negative way for the rest of their life. But an assault by a date or an acquaintance can bring with it an extra load of guilt and doubt on your abilities to make correct decisions. For me, it was easier to deal with the second rape than the first, because it was a case of being in the wrong place at the wrong time. With Ray, though, I made a conscious decision to go with him and therefore I felt that everything that happened was my fault.

I think the most feasible action the Federal Government could take would be to educate people that rape is still rape, even if the victim knows and is on a date with the rapist.

Universities and colleges, where date and acquaintance rape is so prevalent, must be held accountable for the lack of security and support systems for the victims. Also, in this day of budget cut-backs and increased military spending to fund our efforts in the Middle East, you must also remember to keep the home fires burn-

ing by continuing to fund the wonderful rape crisis centers found throughout the United States.

I volunteered as a rape crisis counselor for a year for Women Organizers Against Rape in Philadelphia and for a year at the Montgomery County Rape Crisis Center in Montgomery County, MD. I am here to tell you that those programs work. Where else can a victim reach somebody for help any time day or night? The centers also provide support for friends and family of victims, and a wealth of information for anyone who cares.

Rape has been a part of our society since its beginning and it is doubtful that we will ever be completely rid of it. What we need is the best support system in the world for victims of violent crime. Thank you.

[The prepared statement of Ms. Shunk follows:]

TESTIMONY OF CHRISTINE D. SHUNK
TO THE SENATE JUDICIARY COMMITTEE
AUGUST 29, 1990

First, I would like to thank Senator Biden and his fellow Committee members for allowing me the opportunity to speak to them today. As a victim, speaking out like this gives me back some of the control I lost to a rapist.

Second, I am scared. Not only am I scared to be standing up here speaking to you today, but I am also scared by statistics that say that violence against women is a rising threat to women of all ages and in all walks of life. I have already been raped twice, and have survived. I do not know how I would survive a third assault, mentally. You see, being raped is like having your whole world turned upside down. You suddenly lose control over your body and self-esteem. You have no power. It does not matter where you are -- you can not escape. You can be in your bed asleep; you can be walking home from Church services in broad daylight; you can be on a date with someone you know, trust and have absolutely no reason to fear. The physical assault does not last long compared to the disgust, guilt, hatred and fear that you carry around with you as a victim for the rest of your life.

My first rape occurred in January, 1984, at the beginning of the second semester of my Freshman year at St. Francis College in Loretto, Pennsylvania. I aspired to be a journalist, or perhaps a lawyer, and was studying English. I had taken classes on campus the summer before, in order to get use to my new surroundings, meet some of the students and staff, and get an edge on my competition. I met some really great people that summer, and made some good friends. That January, my high school sweetheart and I were on the verge of breaking up, and I was upset. I had just gotten off the phone with him that Friday night, and decided to attend the weekly fraternity party to cheer myself up. Of course, once I got there, I wasn't much in the mood to party, and decided I wanted to leave early. One of the friends I had made that summer, Ray, said he would walk me back to my dorm, which was on the other side of campus. I was relieved -- I felt very lucky to have Ray walk me home. Being a rather large wrestler made Ray very good protection. Ray asked me if I minded stopping by his dorm room to get his jacket first, which I did not feel was an unreasonable request. Usually, kids do not wear jackets to frat parties for fear that they get lost or stolen, and Ray's dorm was right next to fraternity row. Besides, I had known Ray seven months, was good friends with his girlfriend, and thought he was a pretty nice guy. When we got to his room, he literally grabbed me, ripped my clothes off and forced me onto his bed. Then he raped me. I tried to scream, but of course, everyone was at the party and no one heard me. Afterwards, he asked me if I was afraid of him and why I wanted to leave. I ran out of his room crying, and ran the whole

way back to my dorm, right into the showers." I did not even know I had been raped until a friend of mine, who was in the bathroom, asked me what was wrong. She told me that even though I knew and was friends with Ray, his violent act against me was called "rape".

I stayed in my dorm room for a solid week, skipping classes and meals. Finally, some friends of mine convinced me to see the school counselor. I did, and she basically told me to keep my grades up so that I could transfer schools. I had been running into Ray on campus, and he had been threatening and taunting me. I told the counselor all of this, but she never asked me his full name and never explained to me that I had the right to pursue this any farther, or even to press charges against Ray. So, I followed her advice, kept my grades up and transferred to La Salle University in Philadelphia. Then I began a long bout with Anorexia and Bulimia, caused by my frustration, confusion and anger at not being able to control my life.

Two years later, on November 13, 1986, I was raped again. This time by a man who abducted me off the street in front of a school-owned apartment complex, and forced me at knife-point into the parking lot of this same complex. All of this occurred across the street from a guard that was supposed to be posted 24 hours, and on property that was supposed to be patrolled every 20 minutes. Well, the assault itself took at least 20 minutes, and I did not see any security guards before or after, until the Philadelphia Police showed up. I spent most of my time during final exams that year in the Police Station looking at mug shots. When I returned to school, my hands bandaged to cover knife wounds, one of my teachers asked me if I was embarrassed to be back. I flunked classes, and consequently spent another year trying to graduate.

Rape is a violent act that can effect a person in a negative way for the rest of their life; but an assault by a date or acquaintance can bring with it an extra load of guilt and doubt in your abilities to make correct decisions. For me, it was "easier" to deal with the second rape than the first, because it was a case of being in the wrong place at the wrong time. With Ray though, I made a conscious decision to go with him, and therefore, I felt that everything that happened was my fault.

I think that the most feasible action the Federal Government could take would be to educate people that rape is still rape, even if the victim knows and is on a date with the rapist. Universities and Colleges, where date and acquaintance rape is so prevalent, must be held accountable for the lack of security and support systems for the victims. Also, in this day of budget cut-backs and increased military spending to fund our efforts in the Middle East, you must also remember to keep the home fires burning by continuing to fund the wonderful rape crisis centers found throughout the United States. I volunteered as a Rape Crisis Counselor for a year for Women Organized Against Rape (WOAR) in Philadelphia, and for a year at the Montgomery County Rape Crisis Center in Montgomery County, Maryland, and I'm here to tell you that those programs

work! Where else can a victim reach somebody for help anytime of day or night? The centers also provide support for family and friends of victims, and a wealth of information for anyone who cares. Rape has been a part of our society since its' beginning, and it's doubtful that we will ever be completely rid of it. What we need is the best support system in the world for victims of violent crime.

Thank you.

The CHAIRMAN. Thank you, Nicole.

STATEMENT OF NICOLE SNOW

Ms. SNOW. Good morning.

The CHAIRMAN. You are not scared, are you?

Ms. SNOW. Yes, I am scared, too. And thanks.

My name is Nicole Snow. I am 21 years old and I am here to speak to you today as a survivor of acquaintance rape.

When I first heard there might be a chance for me to speak to you here today, my heart jumped, kind of like it is jumping right now. I knew it would be tough, but it was my opportunity, my real-life opportunity, to reach the people who can really make a difference. Then I thought why? Why do I want to do this now? Why do I want to put myself through this now? Just as I am bringing to a close a wonderful summer, just as I have graduated from the University of Pennsylvania and I am ready to start a new career and move into Manhattan, I wondered why.

But it did not take long for the answer to come up within me. The truth is, it is not like dredging up an old pain or agony. That pain and agony has become a part of me, a part that I have worked through for 2½ years now. And sharing it with you will hopefully help you to understand it.

The summer before my junior year at New Canaan High School in Connecticut, I was dating what I thought would be my hero, my dream. But that dream was quickly shattered. A month after our first date, we went on our summer outing one Saturday with lots of friends. On that day, he changed my life forever. He brutally raped me.

How do I even begin to explain what I went through? It is not the gory details that you need to hear, but the suffering, the loss of self-respect, feeling control, and the incredible self-blame that you often cannot hear from survivors.

As my final 2 years of high school passed before me, I felt no emotions behind the happy-go-lucky striver that I appeared to be. But the effect of what happened to me 3 years before, began to hit me when I was in college. No longer could I keep under lock and key all of the pain that I had kept.

So as memories started invading my everyday life, as brutal flashbacks kept me from concentrating on my school work, and as nightmares interrupted my every night of sleep, I began to realize how desperately I needed support. The problem was, I had gotten a message from society. A message that said it must have been my fault. There was no known support system available to me then. I was silenced. Silenced because it was not safe for me to come forward.

Who would understand? Who would believe that Mr. All-American could do anything like that to me? I certainly never thought I could be raped, and certainly not by somebody I trusted. So I pretended it did not happen. I wore long sleeves and high necks for 2 weeks in the summer to cover the bruises. I cleaned away the blood and stored the whole experience deep in my self-conscious. I denied that it ever happened.

I continued my life, robotically striving, socially, academically, and athletically. But inside there was a young girl crying inside.

It took 3½ years for me to get the courage and I was lucky enough to be offered the therapy that I needed. She taught me that I was not alone and there were hundreds of thousands of other women who had been raped by people they know and trust. And most importantly, I learned that it was not my fault.

But where was the education when I needed it? Where was the education before, when I needed the warnings? And where was it after, when I needed the validation of my experience? Where were the laws that should have been teaching us, as young children, that rape is a crime. Forcing someone to have sex against their will is a crime. Where were the teachers and parents that could have been sending out the message loud and clear that rape happens, acquaintance rape happens, and why did not I know that it was not my fault?

The answers are not all that difficult and the solutions are palpable. It has to come from the top. It has to come from you. And Senator Joseph Biden's bill is the first step. We on college campuses are making a difference. We are setting up organizations such as Students Together Against Acquaintance Rape at Penn, which are reaching massive numbers of students in college through peer education.

And it is helping. I know. I spent my senior year as a STAAR educator. I know that we are not only preventing and teaching, but we are reaching out to the survivors who need to know we are there for them. This bill is exactly the first step we need to support all the work that counselors, victim support services, rape crisis centers, and educators are trying to do to combat this painful reality.

All of these are creating a safer environment. But I have to tell you, it is not safe for survivors to come forward. We are the ones who can help the most. We are the ones who can reach other survivors. I can offer my personal example for why it is not safe.

I decided, after many fears and doubts, that I would accept an offer to speak as a survivor on a special report on acquaintance rape on TV in Philadelphia. I finally got the courage up to give up my anonymity, to come forward and to try to tell other survivors that it is not their fault and that they deserve the help.

Again, I tried later this spring to speak out at a Take Back the Night rally against campus violence. Again, my message was to give hope to survivors, to tell them that I know how devastating it is, but I know they can do it. One would hope that these messages are not too threatening. I was not accusing anyone, but certainly there were a few scared men on our campus who found reason to silence me.

They lashed back with nightly phone threats. It can happen again, Nicole. You can be raped again, you know. It surfaced face to face, too, on campus, in the center of campus.

So I know I have the ability to reach the survivors by speaking out. When I do so, I have to deal with the negative reactions of those who are uneducated and vindictive. But this bill, thanks to Senator Biden and his incredibly supportive committee, can help me. It can help all survivors know that their country stands behind

them, and that equally important, it can send a message to society as a whole, that acquaintance rape happens, it is intolerable, and support will be available for those survivors who come forward.

I realize that many of you may not know what it is like to be a survivor, just as I am sure you do not know how important it is and how much it means to me to be here today, to have this opportunity, and I thank you for listening. I thank you for giving survivors the gift of knowing that you believe in us. That is why I am here today.

You have the power to make a big difference. You have the power to make it less frightening for survivors and you have the power to make it a lot more frightening for rapists.

Thank you.

[The prepared statement of Ms. Snow follows:]

STATEMENT

Nicole Snow

Good morning, my name is Nicole Snow. I am 21 years old and I am here today to speak to you as a survivor of acquaintance rape. When I first heard there might be a chance for me to testify here today, my heart jumped. I knew it would be tough but here is my opportunity, my real life opportunity to reach the people who can make a difference.

I have to admit, when the idea settled in my head for awhile, I thought to myself, why would I want to put myself through that now? Why now would I want to dredge up all of the pain and agony again, just as I am bringing to a close a wonderful summer, after having just graduated from the University of Pennsylvania? Why stir it all up again now as I am making an exciting move into Manhattan and starting a new career with Arthur Andersen Consulting? And it did not take long to hear the answer; the truth is, it is not dredging up anything. It is taking what has become a very real part of me, a part that I have been working through for two and a half years, and sharing it with you, to help you understand.

The summer before my junior year at New Canaan High School in Connecticut, I was dating a guy who I thought was my dream. I thought he was a popular, caring, wonderful football player

and he seemed crazy about me. My dream was quickly shattered. A month after our first date, we went on a summer outing one saturday with all of our friends. On that day, he changed my life forever by brutally raping me.

How do I even begin to explain what I went through. It is not the gory details that you need to hear to understand, it is the suffering, the loss of feeling any control, the incredible self-blame, and the disruption of a survivor's life that can't often be heard.

As my final high school years passed before me, I felt little emotion behind the "happy-go-lucky" facade that I lived my life by. But the effects of what happened to me three years before, started to kick in when I was in college. No longer could I keep under lock and key the pain that I had been too terrified to tell anyone about. I couldn't do it on my own any longer. So as memories started invading my everyday life, as brutal flashbacks kept me from concentrating on my schoolwork, and a nightmares interrupted my every night of sleep, I began to realize how desperately I needed support.

The problem was the message I had gotten from our society years before that had told me it must have been my fault. There was no known support system for me. I was a 15 year old girl, frightened to tell anyone...silenced. I was silenced

because it just wasn't safe for me to come forward. Who would understand? Who would believe that "Mr. All-American" could do anything like that to me? I certainly never would have believed I would be raped, and certainly not by someone I trusted.

So, I pretended that it didn't happen. I wore long sleeves and high necks for two weeks in the summer to cover the bruises. I cleaned away the blood and I stored the whole experience deep in my subconscious and denied that it had ever happened. I continued my life robotically, striving socially, academically, and athletically -- but inside there was a crying young girl.

It took three and a half years until I got the courage to seek therapy. I was lucky enough to have the money and access to someone who could tell me all that I had never heard before. I learned that I was not alone, that hundreds of thousands of other women are raped by people they know and trust. And most importantly, I learned that it was not my fault.

But where was the education before I was raped, when I needed the warnings, and after, when I needed the validation of my experience? Where were the laws that should be teaching us at an early age that forcing someone to have sex against her

will is wrong -- that it is a crime? Where were the teachers and parents who could have been sending out the message loud and clear that rape happens, acquaintance rape happens, and is punishable? And why didn't I know, as I do now, that it was not my fault?

The answers aren't all that difficult, and the solutions are palpable -- it has to come from the top. It has to come from our government's acknowledgement, protection through laws, and support. And Senator Joseph Biden's bill is the first step. We, on college campuses, are making a difference. We are setting up organizations such as Students Together Against Acquaintance Rape (STAAR) at Penn, which are reaching massive numbers of students in college through peer education. It is helping. I know, having spent my senior year as a STAAR educator, that we are not only preventing and teaching but we are reaching out to those survivors who haven't yet felt safe enough to get help. But we need your help. this bill is exactly the kind of first step we need to support all of the work counselors, victim support services, rape crisis centers -- educators are trying to combat this painful reality of our society. All of these are creating a safer environment for survivors to come forward, despite their desperately low funding, as well as heal more quickly. But we have got to get the message out to survivors that they are not alone, and the community just is not safe enough for those of us who have the

most influence of all to reach them; those of us who have been raped also.

For example, I decided after many fears and doubts, that I was going to accept and offer to speak as a survivor on a special report on acquaintance rape on the local news in Philadelphia this last winter. It was the opportunity I dreamed for to reach other survivors that I knew were out there. I finally had the courage to give up my anonymity, to speak out to those survivors who needed to hear another survivor say it is not their fault that they were raped and that they deserve the help. Later this year I spoke out again at a "Take Back the Night" rally against campus violence. Again, my message was to give hope to the survivors amongst the hundreds of shocked faces in the crowd. To survivors, my message was "I know how devastating it has been, but you can do it!" One would hope that these messages would not threaten anyone, and could be seen as a purely positive one. Unfortunately, it was found by a few scared men on campus as reason to silence me. They lashed back with nightly phone threats, "It can happen again, Nicole, back off bitch or else..." and it surfaced face to face as intimidation in the center of campus too.

I have the ability to reach survivors by speaking out. When I do so, I have to deal with the negative reactions of those who are uneducated and vindictive. But this bill, thanks

to Senator Biden and his incredibly supportive committee, can help me. It can help all survivors know that their country stands behind them. And equally important, it can send the message to society as a whole that acquaintance rape happens, it is intolerable, and support will be available to those survivors. And that is why I am here today.

You have the power to make a big difference by making it a little less frightening for survivors and a lot more frightening for rapists. I realize that many of you will never know how it feels exactly to be a survivor or how much it means to me to be here today, but I thank you for listening and I thank you for giving survivors the gift of knowing how much you believe in us.

The CHAIRMAN. It really is kind of sick that you two lovely people have to be here telling us that, at the time, you felt any sense of guilt. It is sick that, Nicole, you were—on a campus that I know well because my son is a senior there—met with anything but applause and accolades for what you are doing.

I think that it is real important for one basic message to go out, and for everybody to understand it. There is no circumstance ever, ever, ever, ever—no circumstance ever where a man has a right, for any reason, to use force on a woman. Never, never. Whether he is a husband, a date, an acquaintance, no matter what.

If I, by my words, taunt someone and they hit me, it is not a defense. If I were to walk out of this place and walk into the most downtrodden neighborhood in Washington, DC, as I said before, and wave a \$1,000 bill as I walk through the neighborhood and someone stole it and was caught, in court they could not say, "well, they enticed me to steal the \$1,000 bill."

And yet we, in this society, condition young women to think that if they move their eyes the wrong way, if they nod at the wrong time, if they decide to be affectionate but say stop, that somehow once they start they lose all control, whatever it is, even to look at a man and smile.

I think the saddest thing and the most important thing that both of you have said here, and I want you to speak about it a little more if you are willing—and I understand if you are not—is that each of you said something that I hope the whole damn country listens to. You said after having been victimized and brutalized that you had a sense of guilt. Why, in God's name, should you have any sense of guilt? No matter what you did.

Second, the comment made to you after being raped at knife point, when back in class, "Do you feel embarrassed to be back?" A woman stopped me outside the St. Patrick's Church where I go to 5 o'clock mass sometimes in Wilmington, DE, and said to me that she really appreciated what we were doing but could I help her daughter who had been raped 2 years earlier.

Someone had broken into her apartment in the university complex, raped her at knife point. She was hysterical and was found in a corner. They had to break the door down to get in to get to her. The police officer asked her if she had had an orgasm.

The person who asked you whether or not you feel embarrassed, the person who stops you in Locust Walk and says something about what you are doing, the police officer who would ask such a question, they are the people who should be in jail.

Tell me, why did you feel, Christine, any sense of guilt? Why do you think?

Ms. SHUNK. I think it is not the way my parents brought me up, but the way society is. The statistics, if you look at them, not only do men feel that if they spend \$10 on a woman, they should be allowed to have whatever they want from them, but women probably feel the same way. Young girls in high school feel that if this man just took me out and spent money on me, took me to dinner, took me to a movie, and he wants to do that then I have to, because he spent money on me. I read that and I believe that that is the way that people feel.

When something like this happens and you go through the feelings that any rape victim does, the first feeling you are going to have is guilt because society looks down on it and thinks it is acceptable that if a man spends money or whatever, if a man wants his way, then the woman, the weaker sex, has to go along with it. But you feel so horrible and you feel why did I do that? That is the first response. It is not the male, it is the woman.

The CHAIRMAN. Did you feel people were less likely to believe you because it was someone you knew?

Ms. SHUNK. Yes. Especially when I went to the school counselor and tried to get this load off my chest and tell her the truth, and her response was—I mean, I do not know if she believed me. She told me get your grades up and transfer. She did not go into it. She did not want to know details. She did not want to know his name. She did not want to know anything about it.

All she said to me was keep your grades up so you can get out of here, and do not stir up any trouble, basically.

The CHAIRMAN. So you could escape. So you could get out.

Ms. SHUNK. Yes.

The CHAIRMAN. That is just wonderful.

Nicole, how about you? You were younger. You were 15 years old at the time?

Ms. SNOW. Yes. I think it is kind of interesting that the man who was sitting up here just walked out of the room. I realize that people have busy schedules but when I was thinking of the answer to this question, I was thinking how did I get this message that I did it, it was my fault? I could not have possibly tried hard enough, no matter how much I struggled.

I think a big huge part of it was the media. I am not blaming it all on the media, whether it reflects society's values or not or creates them. The fact is that plastered all over the media, it is the woman's fault, she was wearing a short, lace skirt. She was flaunting it.

It has got to start with the media, to start respecting women, and realizing that no matter what you do not ask to be raped.

The CHAIRMAN. Say that again. No matter what, no matter what, no woman asks to be raped. Never. Right?

Ms. SNOW. Right.

The CHAIRMAN. Say it again, so everybody hears it, because people do not seem to get that message.

Ms. SNOW. No matter what, no woman asks to be raped. No matter what, women will feel that it is their fault, at least at first, or at some point down the road, because that is what we are told and we are not told young enough that it is not our fault. That is where it can start.

What was wrong with my judgment? In the case of acquaintance rape, it is different. There is an added sense of guilt because what was wrong with my judgment that I allowed myself to be in a position with a person that I know that could turn into something terrible like that?

The CHAIRMAN. One of the responsibilities of my job, at least one of the things I pride myself on, is to make sure that what I do is done dispassionately, done from the perspective of my intellect and not my emotions. But I must confess to you, that those two aspects

get confused when this subject comes up. I, too, have been criticized—to be blunt with you—a lot of people across the country have written. But I also have gotten a fair number of comments about how could I possibly say that a woman never, by merely her physical appearance, her actions, is inviting a sexual assault or sexual abuse?

What we are not talking about here, we are not even mentioning, and it should go on record, is the thousands and thousands of women who were never raped but are fondled against their will, who are sexually assaulted against their will, who have their person violated in any way against their will.

Let me ask you, how did you feel, Christine? I do not want to put words in your mouth. Do you think you would have been more or less prepared—not that anyone is ever prepared to deal with rape—but did it make a difference that you were a freshman in college and feeling particularly vulnerable? I know as a freshman in college, I think all freshmen, male and female, they feel somewhat overcome in the beginning. I mean it is a daunting experience we have all been through.

Would it make a difference, in terms of your ability to handle it and deal with it and express your outrage, if it had happened years later? Is there any relationship between that period of vulnerability and your silence?

Ms. SHUNK. I am not sure. I do not know that it would be any easier to handle if it had happened years later. But when you are a freshman in college I think there is an added danger because you are suddenly thrust into an environment with a group of people that you have just met for the first time, but are often isolated from your friends from home and your family in a different area, and you are trying to strike out on your own for the first time in your life.

You want to trust these people because you are there by yourself and you are inclined to make friends quickly and to trust them as if you have known them all your lives. Where as your friends from high school, you know them and their family. Not that that can make a difference in a date rape situation, but I think when you are a freshman in college, there is that added element, that you are just inclined to be a little bit more trusting because you are alone.

The CHAIRMAN. You said in your statement, and when speaking to my staff, that after this event you went back to your dormitory and I think your phrase was you took a shower.

Ms. SHUNK. Yes.

The CHAIRMAN. You told a girlfriend what had happened and you did not even realize "you had been raped."

Ms. SHUNK. No, I did not. I mean, that is not the word that came to my mind. I did not know what to name it. I just had all the same feelings that any victim of rape has, but I did not know that it was rape.

The CHAIRMAN. Did you ever consider reporting the attack to the police?

Ms. SHUNK. Not that one. Like I said, I really did not know how to deal with it that first week. Then, when my friends convinced me to go to a school counselor, I kind of went in with the attitude,

I am going to tell this woman and she is going to tell me what to do, because I did not know what my rights were. I did not even know I had rights at that point.

So I expected this woman to say OK, this is what we do. This is against the law, we get his name, we go to the police and then we go from there. No, that is not what she told me to do. She told me to transfer.

The CHAIRMAN. Quite frankly, when it was suggested to me by some victims as well as professionals that I should put into the legislation the requirement that the university, if it happens on a university campus, advise a woman of her rights, my first instinct—to be honest with you, thinking I knew a lot about this subject—was why would you put that in the law? Why would you even consider having to put that in the law? But then I started to get all the facts and statistics from my staff and found out that your circumstance is not an exception.

Ms. SHUNK. Even in my second rape, I still did not know. That was my senior year of college. I do not know if I would have gone to the police if—at that point I was so hysterical, my friends called the police. I did not even know what was going on. If they had not called the police, I do not know what I would have done.

Even then, the police were unfriendly. They thought I staged the whole thing. I mean, I had knife wounds on my body. My underwear was gone and they said that I made the whole thing up and staged everything and made me take a lie detector test, where they asked me some rather probing questions about my sexual past, which I now know have no right being asked of me.

The CHAIRMAN. Tell me, Nicole, are you still involved with your project that you started on the University of Pennsylvania campus?

Ms. SNOW. Students Together Against Acquaintance Rape?

The CHAIRMAN. Yes.

Ms. SNOW. It is a student education group and having just graduated, technically I am not an educator anymore. I am still in contact with STAAAR often. That is how I was contacted to be here today. I plan on helping with the training program in October. So indirectly, yes, I am and I plan on continuing my work.

The CHAIRMAN. Most of the victims of rape with whom I have spoken, and it is amazing to me how many victims there are in my home State who literally stop me, literally stop me in the street now. I mean, I am not exaggerating. I was at an event called Farm and Field Day which the University Extension Service sets up every year with the farmers in the county that has the highest agricultural production. They set it up in a place called "the Grove."

Two of the women involved with the university, responsible for setting up what the university is making available to farmers to make their life a little bit easier and help increase productivity, were going through all this about agriculture and production, the yields that were coming in from the corn, et cetera. I am walking away and one of the women says, "By the way, I want to thank you and would you stop by and meet with some of us."

I thought she wanted me to meet with some of "us" about agriculture. I said, "What would you like to talk about?" She said, "There is a group of 11 of us who are rape victims and we would

really appreciate it if you would come and just sit with us and let us talk to you, let us tell you.”

Which leads me to my last question. Everyone with whom I have spoken to seems to—I do not want to overgeneralize, I speak only to those who have spoken to me and witnesses who have come before this committee. There seems to be something important about your being able to talk about this issue. The requirement, the internal requirement, to want to talk about it. Why is that important? Tell us, and tell the committee, why it is important for you to be here.

We did not go out and dragoon you. This was not something we searched around the country to see if we could find two bright young women who were going to come in and tell us their problem. That was not what we had to do; there are many who wanted to come and testify.

Why is it important for you to testify? As frightened as you were to come here. Do you know?

Ms. SNOW. Yes.

The CHAIRMAN. Tell me, Nicole. Why?

Ms. SNOW. It is all linked in to the feeling that nobody really understands what it feels like. Even after you find out there, vague images who may have been through the same thing, it is hard to understand that you are not alone. When you get those thoughts going in your mind, all you can think is it is only me and it must have been my fault.

I guess I have one message and I know the people who have reached me the most have been other survivors who have had the courage to come forward, and that is that when you see somebody having worked through it and who has been there and can rise above it, it can get you out of the worst period of feeling desperate, feeling like you will never get through this, and feeling like it is not worth the effort to work through it.

So my being here is for many reasons, but my main reason is to let survivors know that there are others of us and that it is not their fault.

Ms. SHUNK. Nicole's reasons and also control. When you are raped, that is a major element of your life that is being taken away from you and it will affect you for the rest of your life. So to get some control back because, even though I was raped, I am not avoiding it, I am dealing with it and speaking out like this, even though it is frightening, it also helps to diffuse some of the fear I feel every time I walk down the street by myself or if I am home alone.

And also because after I was raped, mainly the second time because LaSalle is a small school and like I said, I had bandages so everybody knew that I was the rape victim, I had so many girls come up to me and tell me that—I had a few come up and say that they were in the same situation as I, snatched off the street and raped in an alley. But many of them, most of them, were date rapes at fraternity parties or whatever, but they had not realized they were raped.

My speaking out made them realize that they were going through what I was going through. Just to be able to come up to me and tell me that helped them to deal with it a little bit. So

doing this, if I can reach just one more victim and help them along the path of dealing with it, then that is great.

The CHAIRMAN. You used the word several times, "control." That is a word that is always used when I—I do not pretend to be an expert—I talk to survivors. I am talking about a universe of maybe 20 women who have, either through this process and/or literally come to me in Delaware, who have told me that they were victims and who either wanted to thank me or encourage me to do something or who say we should add something or who ask why I did not do this or that or whatever.

And a lot of people, I do not want to say all, but a majority, use the word "control" and the need to regain control. Can you tell me a little bit more about what you mean by your being here. How does that, in any way, help you regain control?

Ms. SHUNK. In one instance, I made a decision to leave a party early and had a friend walk me home, and he forced me to have sex with him. In the other instance, I am walking down the street, going to visit friends of mine, and this guy forces me off the street at knife point and forces me to have sex with him.

I lost control. I could not walk down the street. I could not walk home from a party. Coming here makes me feel—I made the decision to be here. Nobody forced me to be here. Even though this is hard, to speak out and tell my experience, and maybe I will be ridiculed by people but other people will be grateful that I am here and I made the decision to be here.

The CHAIRMAN. I am grateful you are here, and anyone with a brain in their head or with any sense of morality would not ridicule your being here. I do not know why, to the extent that it exists, Nicole, on your campus or any other campus, that there is no morally sound man who has anything to fear from this becoming clearly understood, that under no circumstances does a woman invite, or no circumstance is a woman saying I want something to happen against my will, whatever it is, if it requires any physical invasion, from grabbing you by the wrist to raping you.

I really think the message you both come to deliver, that is victims are not to blame. Victims are not to blame. Say that a million times and the country should understand that. Victims are not to blame for being abused. It is an interesting phenomenon.

Not too long ago, I guess it must be close to 8 years ago now—my wife will get mad for saying this, but she was going to graduate school about 40 minutes from our home, and she would go to the school in the evening because she is a schoolteacher and she would take a graduate course one night a week.

There was, at that time, a concern because there was a rapist in the area or general vicinity of where we live, in the greater metropolitan area, who was pulling women off the road late at night, pretending to be a police officer, and/or stopping to assist women whose cars had broken down, flat tires, that kind of thing.

So I remember going out one night, my wife is a very bright woman, very independent, and saying to her, "Look, if you get a flat tire, do not stop. Just ride on that tire until the rubber comes off. Literally. I mean this sincerely." I was not joking. Do not stop.

She got angry with me. It took me a moment to figure out why in the devil was she angry with me. The anger was that she had to

rationaly conclude, for her own safety's sake, that she would have to take a course of action against her interest, against the interest of the automobile, against her financial interest just because she was a woman.

Then I compounded the mistake by saying I do not care if you get a ticket. Park the automobile as close to the building as you can get it. I almost got a punch in the nose for saying that because she knew it was in her interest to do that, but the frustration and anger that she would have to contemplate doing that just because she was a woman, lost control.

That is another message I think should get across. I was talking to a woman last night who called from one of the major women's magazines to interview me. I do not honestly recall whether she said it or I said it, but we at the very end talked about the movie "Deliverance." I can remember how every man in America that I am aware of who saw that movie was repulsed, absolutely repulsed by the rape of one of the men and the fairly graphic depiction of that rape of one of the men on that canoe trip down that river. They were repulsed.

I think every man, every time they think of rape, they should think of that. And then get some notion of how a woman must feel when her control of her life is totally taken from her.

You both regained control of your life. You are helping a lot of people, doing what you did. I admire your courage, and I mean that sincerely. I admire your courage in coming here. I know it is not an easy thing. Not only do the vast majority of women and men in America applaud what you are doing, hopefully by the time you have daughters your age, the overwhelming sentiment in America will be that all that \$10 spent on someone entitles you to is to spend another \$10. Nothing else.

Anything you both want to say, either one of you want to say, before you close? I welcome anything you might want to say. You do not have to, but if you have anything to close, otherwise we will move on.

Ms. SNOW. I just have one other thing to say, and that has to do with the support that is out there for survivors, that it is vitally important, but not to forget that we need to start passing laws that are going to legally stop this, rather than just support after it has happened. Stop it before it happens.

The CHAIRMAN. Are you thinking of the laws relating to educating young children in school about what is admissible, appropriate, and reasonable, and laws requiring those in authority and institutions where these things happen, not only to be supportive but to inform the young woman of what rights she has, and advice and the direction she should go? Are they the kind of things you mean?

Ms. SNOW. Yes.

The CHAIRMAN. Again, I cannot thank you enough. I truly, truly appreciate your being here. This is not going to change with the passage of the so-called Biden legislation. It is not going to change. But what may bring change is the legislation coupled with us making it clear that, as a society, we have changed our attitude about victims and we have changed our attitude about what is and is not appropriate.

One of the things that is not appropriate is this: No one, male or female, just because they are able to impose greater physical force, is entitled to do anything to anyone else because of that predominance of force. Period. Period. You are a big help.

Hopefully, we will be able to, over time, change attitudes. That is what it is all about. I thank you both very, very much and good luck to you both. Thanks for coming.

Our next panel is a very distinguished panel of experts who spend a great deal of their time and professional life studying this issue. First is Dr. Mary Koss. She is a nationally known psychologist who has studied rape more extensively, as I said, than any other scientist in this country. Her pioneering nationwide campus study is the most widely cited study on date and acquaintance rape. She is currently a professor in the department of psychiatry at the University of Arizona Medical School. Today, Dr. Koss will present her latest findings on the incidence and prevalence of rape in this country.

Our second witness is Ms. Robin Warshaw. Ms. Warshaw is the author of the foremost book on acquaintance rape, entitled "I Never Called It Rape." She has spoken and widely written on this topic and is herself a survivor of acquaintance rape.

Our third witness is Ms. Erica Strohl. She is a senior at the University of Pennsylvania and she has led the fight to promote student rape prevention on campus by starting "Students Together Against Acquaintance Rape," a program which is now considered a model for the Nation.

I welcome you all. Why do you not begin in the order in which you have been called. Doctor, if you would begin, I would appreciate it.

STATEMENT OF DR. MARY P. KOSS, PROFESSOR, DEPARTMENT OF PSYCHIATRY, UNIVERSITY OF ARIZONA MEDICAL SCHOOL, TUCSON, AZ; ROBIN WARSHAW, AUTHOR, PENNSAUKEN, NJ; AND ERICA STROHL, STUDENTS TOGETHER AGAINST ACQUAINTANCE RAPE, PHILADELPHIA, PA

Ms. Koss. Good morning, Mr. Chairman, and thank you very much for this opportunity to present testimony on the topic of sexual violence against women.

My name is Mary Koss and I am a professor of psychiatry and psychology at the University of Arizona College of Medicine. I am presenting this testimony on behalf of the American Psychological Association.

The focus of my—

The CHAIRMAN. Could you tell us who the American Psychological Association is?

Ms. Koss. It is the largest national group representing psychologists in the United States and it has over 100,000 members.

The CHAIRMAN. Thank you.

Ms. Koss. The focus of my presentation will be on the extent to which American women are affected by sexual violence, particularly rape. My oral testimony will summarize my written testimony which describes in considerable detail the data on the extent of rape in the United States that are currently available and in par-

ticular highlights the shortcomings of Federal data collection in this area.

I request that my full testimony be included in the hearing record.

The CHAIRMAN. Without objection, your entire testimony will be placed in the record.

Ms. Koss. The National Crime Survey or NCS is conducted annually and involves more than 100,000 respondents. But typically only 100 cases of rape and attempted rape are identified from that large group. The NCS estimated rape rate for 1987 is 1.3 women per 1,000, but even the compilers of the NCS admit that this rate is far too low.

Nevertheless, over the years they have routinely characterized rape as "the rarest of NCS-measured violent offenses" and "relatively rare" compared to other violent crimes such as robbery or assault.

This assessment of rape as an infrequent crime is contradicted by a large body of research which indicates that substantial numbers of rapes are occurring that the NCS fails to detect. This research includes two of my own studies which I would like to briefly review.

The first study involved the national sample of more than 6,000 students at 32 colleges and universities. In the year prior to the survey, 1 in every 20 women experienced an attempted or completed rape using the same definition of rape that is employed in the NCS. This figure is more than 15 times higher than the rape estimates for women age 16 to 19 years old derived from the NCS in the same year the data were collected.

Four out of five college student rape victims knew the man who raped them and over half were raped by a date. In comparison, NCS data paint a picture of rape in which over half of all crimes involve total strangers to the victim.

A second study focused on more than 2,000 ethnically and educationally diverse adult working women in Cleveland, OH. In the year prior to the survey 1 woman in 55 experienced an attempted rape or a completed rape. Again, this rate is 15 times higher than NCS estimates for the year in which the data were collected. And as in my earlier study, 8 out of 10 women knew their offender.

The tremendous disparity between these research findings and NCS data suggests that rape is substantially underreported in the NCS. There are at least six major problems with NCS methods that reduce the likelihood of full disclosure of rapes. Number 1, NCS interviews are not conducted in privacy and a woman may be reluctant to acknowledge a rape when other family members who do not know about the incident are present, particularly if the perpetrator of the rape is among those who are present. Among the working women I studied, 4 of 10 rapes was committed by a husband, boyfriend, or relative.

Number 2, NCS interviewers are not provided with special training to handle sensitive issues, nor are they matched for ethnicity or gender. This is very likely to inhibit disclosure when the interviewer is male and particularly so when the respondent is from an ethnic group whose mores dictate that women should not speak to men about sexual matters.

Number 3, the context in which the questions are posed. A crime survey makes it likely that only those rapes that meet common stereotypes of rape, in other words total strangers jumping out of bushes, will be reported. Among the college women rape victims I studied, only a quarter defined the rape they experienced as a crime.

The CHAIRMAN. One quarter of those who said——

Ms. KOSS. One-quarter of those who were actually raped realized that the term "rape" fit their experience.

The CHAIRMAN. That it was a crime. What happened to them, the person who did what they did to them, had committed a crime?

Ms. KOSS. Right.

The CHAIRMAN. Only one in four thought that?

Ms. KOSS. Right.

The CHAIRMAN. My daughter is not going to have any doubt.

Ms. KOSS. The screening item for rape in the NCS is vague and highly unlikely to elicit reporting. Most of the NCS crime screening questions are very concrete. For example, "Were you knifed, shot at, or attacked with some other weapon by anyone at all during the last 6 months?" In contrast, respondents are not asked directly about rape. Rather a rape screening item is used which reads "Did someone try to attack you in some other way?"

In the words of the compilers of the NCS:

Each victim defines rape for herself. No one in the survey is ever asked directly if she has been raped. The response must come voluntarily in response to a series of questions about bodily harm.

Such laxity is very uncharacteristic of the approach the NCS uses to measure the other major crimes.

The CHAIRMAN. Can you give me an example?

Ms. KOSS. Yes. "Were you knifed, shot, or attacked with some weapon by anyone at all?"

The fifth problem is that the Uniform Crime Report definition of rape that serves as the foundation of the NCS is totally inadequate for measuring the extent of rape in the United States today. The UCR definition of rape is carnal knowledge of a female forcibly and against her will. This definition excludes statutory rapes, rapes where the offender was the legal or common-law spouse of the victim, rapes involving forms of penetration other than penile-vaginal intercourse, and rapes without actual force where the offender took advantage of a victim incapacitated by drugs, mental illness or mental retardation.

This traditional definition of rape is inconsistent with State statutes and Federal law. In my research, including these other forms of rape, doubles rape prevalence estimates.

The last problem in the NCS is the exclusion is——

The CHAIRMAN. I am sorry, Doctor, but you are giving a lot of information and I want to make sure I understand it. When you add in statutory rape, rape while intoxicated, rape of someone mentally incapacitated, or what was the fourth category?

Ms. KOSS. Or oral or anal sodomy.

The CHAIRMAN. When you include that with what is traditionally characterized as rape, the number of people who have been raped doubles?

Ms. Koss. Doubles.

The last problem in the NCS is the exclusion of series victimizations from the calculation of victimization rates. These are repeated victimizations that are similar and identical in nature so that the victim cannot recall accurately how many episodes happened and what the exact characteristics of each one were.

Intimate violence is the second leading cause of series victimizations and yet the elimination of them from the calculation of victimization rates exaggerates the extent to which rape appears to be perpetrated by strangers and by people of a different race from the victim. Experts have called the NCS exclusion of series victimizations indefensible.

In 1985, then director of the Bureau of Justice Statistics Steven R. Schlesinger stated "Rape is a brutal and terrifying crime. It is especially important that our understanding of this crime be based on reliable information." However, the sophistication of the methods used to measure the extent of rape in the NCS are inferior to the methods used for other crimes and despite extensive criticism have not been changed since 1979.

I strongly urge this committee to take action to ensure that NCS methodology for measuring the extent of rape be targeted for redesign within the immediate future. It is the consensus of major researchers in the field that NCS data create a false picture of rape. It creates a picture of rape as an infrequent crime and thus blunts societal concern about the extent to which women are victimized.

Although the rapist is the cause of rape, it should not be forgotten that incidence numbers stand for victims. Victims who have been traumatized and violated. Many victim advocates feel that current policy already focuses too exclusively on the perpetrators of violence. As an example, the 1985 closing of the National Center for the Prevention and Control of Rape reflects a lack of concern for victims.

What is needed is a commitment of funds to increase our understanding of the processes by which victimization creates its impact, methods of most assault counseling which can reduce the negative psychological effects of sexual violence, and educational programs in the schools that can contribute to a reduction in the likelihood of intimate violence.

I appreciate this opportunity to present testimony to the committee and I will be pleased to answer any questions you might have. [The prepared statement of Ms. Koss follows:]



**American
Psychological
Association**

Advancing psychology and science, a profession, and as a means of promoting human welfare

TESTIMONY OF

Mary P. Koss, Ph.D.
University of Arizona

on behalf of

THE AMERICAN PSYCHOLOGICAL ASSOCIATION

before the

SENATE JUDICIARY COMMITTEE

on the subject of

Rape Incidence: A Review and Assessment of the Data

August 29, 1990

The Honorable Joseph R. Biden, Chair

Mr. Chairman and members of the Committee, my name is Mary Koss and I am a Professor of Psychology and Psychiatry at the University of Arizona Medical School. I am pleased to appear on behalf of the American Psychological Association which is the largest scientific and professional organization representing psychology in the United States. I am here today to discuss the issue of sexual violence against women. The focus of my presentation today will be on the extent to which American women are affected by sexual violence, particularly rape.

All the information from which generalizations about the extent of rape can be made depend on information given by victims themselves (Hindelang & Davis, 1977). Unfortunately, there are many reasons why rape victims cannot or will not reveal victimization by rape. Even in contemporary society a rape victim often fears that she will not be believed, that she will be viewed as a precipitant or even an actual participant in the crime. Additional hesitancy over public exposure can be traced to acceptance of traditional views of raped women as "damaged goods" that have lost their value. Thus, when a woman acknowledges her status as a victim, some degree of devaluation and stigmatization inevitably is incurred. As a result of these influences, there is considerable motivation to avoid identification with the role of "rape victim." The desire to withhold information about victimization is quite common. In one reverse records check, only 54% of acquaintance rape victims known to police would admit to an interviewer that they had been raped (Curtis, 1976). The compelling forces that actively oppose self-disclosure of victimization must be overcome in any data collection effort that purports to describe the scope of rape. The focus of these remarks is the quality of available estimates of the incidence of rape. The central thesis is that the estimates derived from the National Crime Survey [NCS] are far too low (e.g., Bureau of Justice Statistics [BJS], 1989.) Independent investigations have consistently suggested a far higher incidence of rape than is revealed by federal statistics. It will be demonstrated that the NCS rape measurement methods undermine full disclosure of victimization and have been widely criticized by experts.

Definition of Terms

The traditional offense of common law rape is defined as "carnal knowledge of a female forcibly and against her will (Bienen, 1981, p. 174). Carnal knowledge means penile-vaginal penetration only; other sexual offenses are excluded. This is the definition of rape adopted by the Federal Bureau of Investigation [FBI] for purposes of compiling the Uniform Crime Reports (FBI, 1989, p. 15). The UCR definition of rape is also extended to the NCS with the exception that "homosexual rape" is also included (BJS, 1989, p 127). However, the compilers have not considered that the carnal knowledge definition cannot be extended to male victims; to do so would require a change in the allowable forms of penetration and would have implications for female as well as male victims. In recent years reform laws have been passed by many states (Searles & Berger, 1987). Often, reforms have replaced the

word "rape" with other terms such as "sexual assault," "sexual battery," or "criminal sexual conduct." Here the word "rape" is retained to refer to the most heavily sanctioned form of sexual assault. In reform statutes rape is defined as nonconsensual sexual penetration of an adolescent or adult obtained by physical force, by threat of bodily harm, or when the victim is incapable of giving consent by virtue of mental illness, mental retardation, or intoxication. Included are attempts to commit rape by force or threat of bodily harm (Searles & Berger, 1987). Reform statutes define sexual penetration as "sexual intercourse, cunnilingus, fellation, anal intercourse, or any other intrusion, however slight, of any part of a person's body, but emission of semen is not required." (Mich. Stat. Ann., 1980).

The concept of incidence is borrowed from the field of epidemiology. This term, which has a precise meaning in relation to disease, is now routinely applied to mental health and crime phenomena. Incidence refers to the number of new cases that appear within a specified time frame (Kleinbaum, Kupper, and Morgenstern, 1982). When applied to crime data, incidence refers to the number of separate criminal incidents that occurred during a fixed period of time--often a one year period. Incidence is often expressed as a victimization rate, which is obtained by dividing the number of incidents that occurred in the time period by the number of persons in the population. The rate is then set to a standard population base, often 1,000 people.

Not addressed in the material that follows is the large literature on rape prevalence, which refers to the percentage of persons who have been victimized by rape during their entire lifetime. These studies are not included because they do not allow a direct comparison with federal data sources, which are expressed as incidence figures. Additionally, extensive reviews of the prevalence research are available elsewhere (Best, Kilpatrick, Kramer, & McNeill-Harkins, in press; Koss, 1987).

Federal Data on Rape Incidence

The two federal sources of rape incidence data are the UCR (Uniform Crime Reports; FBI, 1989), and the NCS (National Crime Survey; BJS, 1989).

Uniform Crime Reports

Statistics on crimes reported to local authorities have been compiled by the FBI for the past five decades. The UCR summarize several violent index offenses that include criminal homicide, forcible rape, aggravated assault, and robbery. Only women can be the victims of forcible rape according to the UCR definition. Included in the rape rate are attempts to rape where no penetration took place. Excluded are sexual offenses other than penile-vaginal penetration, statutory rapes without force, rapes where the offender was the legal or common-law spouse of the victim, and non-

forcible rapes of incapacitated victims. In 1988 a total of 92,486 reported crimes qualified as rapes (FBI, 1989). This figure translated into a victimization rate of 73 per 100,000 female Americans.

Approximately 82% of the rapes reported in 1988 were completed by force, the remainder were attempts. Rape accounted for 6% of the total violent crime volume. The UCR previously did not provide any additional information on the indexed crimes such as the location of the offense or the relationship of victim and offender. However, a conversion to incident-based crime reporting is in progress among the states that will significantly increase the range of data that are available in the future. In the 40 year period from 1933 to 1973, the reported rape rate increased 557% (Hindelang & Davis, 1977). Whether these increases reflect a growing tendency to report crime or a true increase in the underlying number of rapes is a subject of considerable debate and cannot be resolved with existing data. It is widely accepted that the reported rapes represent only the tip of the iceberg and the compilers of the UCR have cautioned, "Even with the advent of rape crisis centers and an improved awareness by police in dealing with rape victims, forcible rape is still recognized as one of the most underreported of all index crimes. Victim's fear of their assailants and their embarrassment over the incidents are just two factors which can affect their decisions to contact law enforcement" (FBI, 1982, p. 14).

National Crime Survey

Because it is widely understood that not all crimes that occur are reported to the police, the President's Commission on Law Enforcement and Administration of Justice issued a contract in 1966 to conduct the first nationwide, household-based crime victimization survey. The successor of this survey is the NCS (BJS, 1986). The NCS data are obtained from a panel design, which means that respondents are interviewed multiple times. Once selected as a NCS household, a given housing unit remains in the sample for three years with interviews occurring every six months. During each contact, respondents are asked to indicate only those criminal victimizations that have occurred since the last interview, which serves to "bound" or delineate the recall period. Responses from the initial interview are not included in the annual crime victimization estimates. These estimates are based on respondents' recall of events since last speaking with the interviewer. The first and fifth contact with the housing unit is in person; all other interviews are conducted by telephone. The 15th NCS report was based on findings from a survey of a representative sample of approximately 100,000 inhabitants over age 11 living in 59,000 housing units in the U.S. (BJS, 1989). These participants included 96% of the eligible households. Respondents are asked only about victimizations that they have personally experienced. Exceptions are 12-13 year olds, incapacitated individuals, and persons absent from the household during the

entire reference period. In these cases an adult member of the household serves as a proxy respondent.

In successive versions of the NCS, the methodology for questioning about rape experiences has been changed. In part, these revisions were stimulated by the fact that early versions of the survey resulted in only 15 rapes being reported among 10,000 households (Hindelang & Davis, 1977). However, the revisions have not resulted in dramatic increases in the number of rapes reported to NCS interviewers. To obtain the 1,000 cases needed for a 1985 descriptive profile of rape, it was necessary to aggregate all the incidents of rape and attempted rape that were reported in every NCS interview across the decade from 1973 to 1984 (BJS, 1985). In spite of this low rate of detection of rape cases, the present approach to measuring rape has been unchanged since 1979.

The estimated rape victimization in NCS data is 1.3 per 1,000 women and girls and 0.1 per 1,000 men and boys in 1987 (BJS, 1989). Rape represents just 3% of the violent crimes reported in the NCS (BJS, 1985). Of the 140,900 rapes that were projected to have occurred in 1987, less than half were completed, the majority were attempts. All the perpetrators were male and half of them (53%) were strangers to the victim. Comparison of UCR and NCS estimated victimization rates for rape reveals that compared to a 10% increase in the UCR rape rate since 1984 (FBI, 1989), the NCS rate was unchanged (1.3/1,000 in 1985, 1.2/1,000 in 1986, and 1.3/1,000 in 1987; BJS, 1987, 1988, 1989). As I will discuss in the next section, these rates are much lower than those found in other surveys.

Independent Epidemiologic Research

Rape incidence also has been estimated in a small number of specialized studies carried out under federal contracts including research that has focused on adolescents (Ageton, 1983), college women (Koss, Gidycz, & Wisniewski, 1987), and adult women (Koss, Koss, & Woodruff, 1990; Russell, 1982). In the material that follows each of these studies will be described briefly.

Russell (1982) conducted a pioneering study in 1978 that involved interviews with a random sample of 930 women residents of San Francisco. Detailed interviews were administered in respondents' homes by a trained female interviewer. Whenever possible race and ethnicity were matched. There were 38 questions about sexual assault, only one of which used the word rape. Of the 930 women, 44% reported at least one completed or attempted rape in their lifetime. In the 12 months prior to the survey 25 rapes and attempts occurred among respondents that met the UCR definition, which resulted in an estimated incidence rate of 2,688 per 100,000 women. This figure is 7 times higher than the NCS estimate for San Francisco during the same year (Russell, 1984). In contrast to the picture painted by NCS data of that era, when

two-thirds of rapists were strangers, in Russell's data only 11% of the rapes and attempted rapes were perpetrated by strangers, whereas 62% were perpetrated by male relatives, current or former husbands, boyfriends, and lovers. The remainder were perpetrated by acquaintances with whom the respondent was not romantically involved (Russell, 1984).

Ageton (1983) inserted questions about sexual assault into the National Youth Study. Boys were questioned about their perpetration of assault and girls were questioned about victimization. The nationwide sample of 1,725 adolescents aged 11-17 years were interviewed yearly for five years. Sexual assault was defined in this study, "to include all forced sexual behavior involving contact with the sexual parts of the body. Attempted sexual assaults were counted." (Ageton, 1983, p. 11). Only two questions were used to operationalize this definition of sexual assault. They included the following: "How many times in the last year have you been sexually attacked or raped or an attempt made to do so?" and "How many times in the last year have you been pressured or pushed by someone such as a date or friend to do more sexually than you wanted to." (1983, p. 12). The latter item was intended to reflect date rape, but the responses to this item were later discounted when it was found that 75% of the girls responded yes to it. In hindsight, Ageton herself identified several problems with her approach including the vagueness of the date rape item, and the assumption inherent in the second screening item that girls who have had an experience that would legally qualify as rape will conceptualize their experience as a "sexual attack or rape". Nevertheless, Ageton developed estimated rape victimization rates for adolescent girls by extracting incidents involving violent force and/or the use of a weapon. The estimates obtained were 9.2 per 1000 for 1978, 6.8 per 1,000 for 1979, and 12.7 per 1,000 for 1980. These are much higher than the rates reported in the NCS girls aged 13-19 for the years 1978 and 1979, which were 3.5 and 4.2 respectively.

Koss and colleagues (Koss, Gidycz, & Wisniewski, 1987) administered 10 sexual victimization screening questions to a nationwide sample of 3,187 women college students at 32 colleges and universities selected to represent the higher education enrollment in the United States. There were 6 questions pertaining to rape that described various behavioral-specific scenarios but did not use the word rape. Typical items included the following: "Have you had sexual intercourse with a man when you didn't want to because he used some degree of force such as twisting your arm or holding you down to make you cooperate? or "Have you had other sexual acts with a man such as oral or anal intercourse or penetration with objects when you did not want to because he used some degree of force...or threatened to harm you to make you cooperate?" A total of 15% of women respondents answered yes to one or more of the items that described rape, and an additional 12% endorsed items about attempted rape. Those who had answered yes

were then asked to indicate how many times the experience had happened. In a 12-month period 76 per 1,000 college women experienced one or more attempted or completed rapes defined according to the UCR definition (The use of state reform definitions of rape doubled the incidence figure to 166 per 1,000 women).

It can be instructive to compare these incidence rates to NCS figures for the year in which that data were collected (1985). However, a direct comparison with the NCS must be viewed with caution because there are several threats to the validity of this undertaking. The first limitation involves differences in the populations from which the data were obtained. Whereas the NCS involves a representative sample of all U.S. households, the present sample was restricted to college students who have a higher education level than the norm. Reporting of crime victimization is known to be affected by education. Although it reasonable to assume that less educated persons might be subject to more victimizations, the reverse is often found on crime surveys and is explained by a phenomena known as "differential productivity" (Sudman & Bradburn, 1974). This term refers to differences among subjects in willingness to adopt a productive role during an interview. College educated respondents recall more crimes than others, particularly in the category of assaultive violence (Skogan, 1981). This tendency of educated and test-wise respondents to evidence greater productivity in interviews is suspected of masking the suspected negative association between social position and victimization.

There is also an important methodological difference between the survey of college students and the NCS that could affect the validity of the comparisons. The NCS is a panel study in which respondents are recontacted multiple times and the recall period is limited to a 6 month period bounded by the respondents' previous contact with the interviewer. In the present study respondents were contacted only once and asked to recall incidents of rape in their lifetime and were asked subsequently to specify the number of victimizations that occurred in the previous year. A phenomena known as "telescoping" may occur under these circumstances. Telescoping refers to the tendency for respondents to incorrectly place a victimization experience in time. Experiences may be recalled as having happened closer to the present than they actually did (forward telescoping), or further away from the present than they actually did (backward telescoping). Forward telescoping is considered to be the most serious problem in crime reporting (Sparks, 1982). Comparisons of NCS data have revealed that single, retrospective reports of victimization produce rates that are about one-third higher than time-bounded recall.

As the incidence data on college students were obtained from unbounded recall, they were reduced by one-third to adjust for forward telescoping. The adjustment lowered the estimate of rape

incidence among college women from 76 per 1,000 using the UCR definition to 50 per 1,000. This rate is between 10 and 15 times larger than the 1985 NCS estimates for women aged 16-19 years (4.3/1,000) and 20-24 years (3.4/1,000). Many people have trouble believing that this level of assault could exist without coming to the attention of police or institutional authorities. However, less than 5% of college student rape victims stated that they had reported their assault to the police; almost half told no one at all. Responses to follow-up questions revealed that 95% of the rapes involved one offender and 84% of them involved an offender known to the victim. In 57% of the rapes, the perpetrator was a date (Koss, 1988).

To generalize these results to a broader population base, a second study focused on more than 2,291 adult working women in Cleveland, Ohio (Koss, Koss, & Woodruff, in press; Koss, Woodruff, & Koss, 1990). A mailed survey was sent to over 5,000 women and a 45% response rate was obtained. Whereas the college women averaged 21 years old, these working women averaged 36 years old. A total of 5 questions were used to screen for rape and attempted rape, which were defined according to Ohio rape statutes (Ohio Revised Code for Rape, 1988). A typical item is the following: "Has a man made you have sex by using force or threatening to harm you? When we use the work sex we mean a man putting his penis in your vagina even if he didn't ejaculate (come)." Almost 1 in 3 women (27.5%) had been victimized by rape or attempted rape since their 14th birthday. The incidence of rape in a 12-month period was 28 per 1,000 women based on the UCR definition. Even after reducing this rate to allow for telescoping, it is still 15 times larger than NCS estimates for the year 1986, which were 1.2 per 1,000 for women collapsed across all ages (BJS, 1988). Many of these assaults occurred in intimate contexts. Specifically 39% of the rapes were perpetrated by husbands, partners, or relatives of the victim. Only 17% of the rapes were perpetrated by total strangers.

Features of NCS Rape Measurement that Undermine Disclosure

The compilers of the NCS concede that their estimates of rape are too low: "It is almost certain that the national estimate of 1.5 million rapes and rape attempts for 1973-1982 understates the total number that occurred during that period. The exact amount of the understatement is impossible to ascertain" (BJS, 1985, p. 2). Many experts who work closely with rape believe the NCS estimates of rape are so low because features of NCS methodology undermine the self-disclosure of relevant incidents (Kilpatrick, Best, Veronen, Amick, Villeponteaux, & Ruff, 1985; Koss, 1989; Russell, 1984). Crime victimization data such as the NCS are known to be "extraordinarily fragile, overly dependent upon subtle variations" in the methods used to gather them (Skogan, 1981, p. 11). There are at least 6 problems with the NCS handling of rape that could lead to a failure to detect relevant incidents.

Conditions of the Interview

The first problem involves the conditions under which the interviews are conducted. The compilers of the NCS acknowledge that, "...violence or attempted violence involving family members or close friends is underreported in the NCS...because some victims do not consider such events crimes or are reluctant to implicate family members or relatives, who in some instances may be present during the interview" (emphasis added, BJS, 1984, p. 10). Police files contain approximately three and a half times more acquaintance violence than is revealed in the household interviews (Skogan, 1981). Nevertheless, accepted NCS wisdom is that stranger rape is the most common form of rape. "A woman is twice as likely to be attacked by a stranger as by someone she knows" (BJS, 1985, p. 2). The conclusion that stranger rapes are more common is premature in the absence of empirical comparisons of the rates of self-disclosure between data collection with and without other family members present.

Characteristics of Interviewers

The second problem involves the interviewers that are used, who do not have any special training to handle sensitive issues, and are not matched along gender or ethnic lines. Sparks (1982) has observed that, "...both questionnaire design and interviewing procedures could drastically affect the amount of victimization mentioned by survey respondents" (emphasis added, p. 46). Furthermore, studies conducted as part of the NCS data collection effort have suggested that interviewer effects are most substantial for sensitive topics, particularly rapes, intrafamilial disputes, and public brawling (Baily, Moore, & Bailar, 1978). To the extent that rape is viewed as stigmatizing, many people are unlikely to disclose it to a stranger of the opposite sex. This methodology is especially detrimental among several major ethnic groups whose mores dictate that women do not speak to men about sexual matters.

The Rape Screening Question

The third problem is the text of the single question that is used to screen for rape. Most of the NCS crime screening questions are behavioral-concrete and are written to specify the types of experiences that can qualify as a particular crime. An example is the following typical item: "Were you knifed, shot at, or attacked with some other weapon by anyone at all during the last six months?" (BJS, 1989, p. 100). The screening question designed to alert the interviewer to a possible rape is, "Did someone try to attack you in some other way?" (BJS, 1989, p. 100) emphasis added). It is very risky in a nationwide sample in which some persons can be expected to be non-native speakers of English to employ a screening question that relies on nuance. Even those untrained in survey methodology will be surprised at the BJS explanation for their approach to screening for rape, which is the following: "In the National Crime Survey, each victim defines rape for herself...no one in the survey is ever asked directly if she has been raped. This response must come voluntarily in reply to a

series of questions on bodily harm" (BJS, 1985, p. 2). How can the compilers of the NCS insure that they have properly applied the UCR definition of rape if each respondent makes up his or her own definition for rape? This loose approach to the definition of a central concept is not seen in the remainder of the NCS, where screening questions clearly specify in concrete language the intended crime respondents might have experienced.

Even if the respondent replies affirmatively to the screening item, the follow-up items are also vague and do not specifically mention rape either. The follow-up questions are the following: How were you threatened? How did the person attack you? Among the choices that the interviewer can check on the basis of the participant's reply are the following: "verbal threat of rape" and "raped" (BJS, 1989, p. 104). However, respondents are not told that rape is to be considered as a form of attack for NCS purposes. It has been known since the inception of the NCS that the average person does not know the meaning of criminal justice terms such as burglary, larceny, robbery, and rape. Yet, the NCS uses the word "rape" as a response alternative without providing either interviewers or respondents with a definition. It is not surprising that the NCS approach to screening for rape has been described as "not straightforward" (Block & Block, 1984, p. 146). and has been widely criticized as below the standards set by the other components of the NCS (Kilpatrick, et al., 1985; Koss, 1987; 1989).

Context of Questioning

The fourth problem is the context of questioning. The NCS is clearly presented to the respondent as a survey of crimes that have been personally experienced. If a woman does not consider her unwanted, forced sexual experience to be a crime, she is unlikely to report it to the NCS interviewer. There are reasons to believe that circumstances exist under which a person could be raped and not define the act as a crime. Empirical studies have revealed the existence of a rape supportive belief system in western industrialized countries (Burt, 1980; Feild, 1978; Weis & Borges, 1973). One component of the rape supportive belief system is rape myths, which are widely accepted false beliefs about rape such as the following: "Rapists are mentally-deranged strangers," "You cannot rape an unwilling woman," and "You cannot be raped by someone you know." Assaults that go against the stereotypes of "real rape" (Estrich, 1987) often are not seen as rape, even by the victim. "Because crime by its nature involves imputed motives and the imposition of definitions upon events by observers, differences in what respondents remember or think interviewers are asking may greatly affect the apparent victimization rate..." (Skogan, 1981, p. 10). Among college women who had an experience that met legal requirements for rape, only a quarter labeled their experience as rape (Koss, 1988). Another quarter thought their experience was some kind of crime, but not rape. The remaining half did not think their experience qualified as any type of crime. Where questioning

about rape occurs in a crime context, relatively fewer acquaintance rapes are recalled. Instead, a larger proportion of the incidents recalled involve stranger rapes that meet common stereotypes.

The NCS provides multiple items to screen for the various forms of physical assault. Similar treatment should be accorded to rape. Respondents must be queried about the variety of guises under which rape can occur. Specifically, women need to be asked about unwanted sex that occurred with a stranger or with someone they knew, was forced or involved only verbal threats of harm, was not forceful but occurred when incapacitated, entailed penile-vaginal intercourse or other forms of penetration--even if ejaculation did not occur--, or was an attempt to rape characterized by a man getting on top of the respondent and trying to insert his penis when it was unwanted but penetration did not occur. The current NCS practice of using a single screening question for rape is inadequate. A single item cannot contain enough information to cue respondents adequately for recall of the range of experiences that qualify as rape under law.

The Definition of Rape

The fifth problem is the UCR definition of rape that serves as the foundation of the NCS. This definition of rape is, "carnal knowledge of a female forcibly and against her will (FBI, 1989, p. 15). Excluded from this definition are rapes where the offender was the legal or common law spouse of the victim, rapes involving forms of penetration other than penile-vaginal intercourse, and rapes without actual force where the offender took advantage of a victim incapacitated by drugs, mental illness, or mental retardation. This traditional definition of rape is too narrow and is inconsistent with state statutes and federal rape law. Presently, the extent to which any standard definition is being applied cannot be ascertained. The loose approach to screening for rape in the NCS (wherein the respondent is given no definition of the term nor any concrete examples of behaviors that could constitute rape) casts doubt on the extent to which the reported numbers can be viewed as representing any stipulated definition of rape.

Handling of Repeated Assaults

A final problem with the NCS approach to rape is the handling of "series victimizations." The NCS uses this term to refer to three or more repeated victimizations that are similar or identical in nature where respondents are unable to identify separately the details of each act or to recount accurately the total number of such acts. Almost all series victimizations involve assaultive violence and intimate violence is second only to occupationally-related violence, such as experienced by police officers, in accounting for series incidents (Dodge & Lentzer, 1978). Series crimes presently are excluded from the calculation of victimization rates in the NCS. The elimination of series incidents distorts the picture that is painted of rape.

For example, because acquaintance rape is more likely than stranger rape to involve multiple incidents, elimination of series incidents exaggerates the extent to which rape is a problem attributable to strangers. And, because people who are acquainted are likely to be the same race, the elimination of series incidents exaggerates the incidence of interracial rape. The treatment of series incidents has been described by a noted crime expert as "indefensible" (Skogan, 1981, p. 31).

Policy Implications

In March of 1985, then director of the Bureau of Justice Statistics Steven R. Schlesinger stated, "Rape is a brutal and terrifying crime. It is especially important that our understanding of this crime is based on reliable information" (BJS, 1985, p. 1). It is indeed unfortunate that even with the benefits of the elegant and expensive survey technology employed in the NCS an accurate picture of rape fails to emerge from the NCS. Rather than being revealed, the true incidence of rape is covered up by these data. As a document on the vulnerability to victimization experienced by women, the NCS does a disservice to American women (Kilpatrick et al., 1985; Koss, Gidycz, & Wisniewski, 1987; Koss, 1989; Russell, 1984.)

The measurement of rape has remained unchanged in the NCS since 1979. That the methods have remained unchanged suggests that those responsible for the survey do not accord a high priority to the measurement of rape. It is possible that the compilers of the NCS fear that any detailed questioning about rape would be potentially offensive to some respondents and might cause them to terminate their participation. However, no field trials have been conducted to address this supposition. The dollars spent to collect the NCS data on rape are, in effect, a waste of federal funds. This compromised data creates a false picture of rape as an infrequent crime and, as a result, blunts societal concern about the extent to which American women are victimized. Those responsible for oversight of the NCS must ensure that the methodology for measuring the extent of rape be redesigned within the immediate future. Future efforts to measure rape in the NCS could be improved by the creation of an interdisciplinary advisory panel that would encourage input from those who specialize in research on rape epidemiology and those familiar with the crime victimization survey methodology. The first step in facing the reality of rape is to take the blinders off our official data collection activities.

A discussion of rape incidence would not be complete without consideration of the policy implications. It would be a mistake to fix attention on getting more and better numbers, if in so doing attention is drawn away from what is already known about rape. What we already know is that all existing studies document levels of rape that far exceed NCS estimates and that reflect levels of

sexual violence that must be addressed. A second mistake is to lose sight of the meaning of the numbers. The numbers stand for women who have been violated and traumatized. Many researchers feel that current policy already focuses too exclusively on the perpetrators of violence as reflected in money spent on law enforcement, incarceration, and research on the causes of crime. Relatively few funds sponsor services for the victims of these crimes. Victims who are acquainted with their offenders are for the most part excluded from crime compensation funds. Most treatment programs for victims of sexual violence are provided by poorly-funded grassroots agencies. Few research dollars are directed at research on the processes by which victimization creates long-lasting impacts, methods of counseling that can reduce the aftereffects of violence, and preventive educational programs that can lower the likelihood of intimate violence. Steps such as the closing of the National Center for the Prevention and Control of Rape in 1985 are inconsistent with a commitment to the needs of victims. Because it will likely be a long time before violence in our society is significantly reduced, resources must be directed equitably: both to curtail the violence against women and to help the victims of violence.

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The CHAIRMAN. Thank you very much, Doctor. I have a number of questions, but I would like to hear from the other witnesses first, and then maybe we could ask questions of the panel.

Ms. Warshaw, thank you for being here and I am anxious to hear what you have to say.

STATEMENT OF ROBIN WARSHAW

Ms. WARSHAW. Thank you. I am Robin Warshaw, and I am the author of a book, "I Never Called It Rape." Dr. Koss was the technical editor of that book and her work has been very helpful in breeding my work.

I appreciate the opportunity to speak with you about the most prevalent rape crime happening to women today, acquaintance rape. For too long, as has been said here already, rapes between men and women who know each other have been a hidden phenomenon, largely because these rapes do not fit our society's idea of what rape really is.

That myth imagines rape as the act of a crazed stranger, usually envisioned as an African-American, Latino, or other minority group member who jumps out at his intended victim on a darkened street, holds a gun to her head, and then rapes her. While rapes fitting that profile certainly do occur, most rapes happen very differently. Consider these more typical rape cases, all of which took place just recently.

A female U.S. Navy officer is raped aboard ship by a fellow officer. A New Jersey woman accepts a ride home from a man she knows who then rapes her when he stops at his house on a pre-tense. At Syracuse University, three first year female students are raped by upperclassmen in the first month of school. In one weekend at the University of Missouri, two women are raped in two separate incidents at fraternity houses. Six suburban teenage boys gang rape a 13-year-old girl who had been drinking with them.

In fact, although women are conditioned from childhood to worry about the rapist lurking in the bushes, they are actually four times more likely to be raped by a man they know than by a stranger. That rapist may be a friend, a classmate, a coworker, a neighbor, someone the woman met at church, through a business association, or at a party. He may be a first time date, a steady boyfriend, or former sexual partner.

If the woman is African-American and middle class, her rapist will most likely be African-American and middle class. If she is white and working class, her rapist will most likely be white and working class.

In doing research for my book, I met women who were raped in adolescence by other teens, high school students raped by their supervisors at fast food restaurants and shopping mall stores, college women raped by popular campus athletes, young working women raped by friends and neighbors, married women raped by their husband's buddies, divorced women raped by men with whom they shared coaching duties for their children's sports teams, and older women raped by men they met at adult education courses.

Although these rapes are more common among women than left-handedness, heart attacks or alcoholism, they still go unacknow-

ledged by a society that believes men are justified under certain circumstances in forcing sex from women they know. One recent case in Chicago points up that fact. A woman was raped by a stranger during rush hour in a train station stairwell. When she called for help from commuters who passed by, she was ignored. Those commuters later told police they did not get involved because they thought the man and woman in the stairwell knew each other.

Many women who are sexually assaulted by acquaintances or dates cannot put the name rape on what has happened to them, even though their experiences fit legal definitions of rape. I know this all too well, not just because of my journalistic work. I was raped by a man I knew when I was 20. It took several years before I understood that what had happened to me was really rape.

Even for those women who can call it rape immediately, few report their assaults to police. Many women expect to be blamed for what happened and have their own actions questioned. Because of that, they tell no one at all, not even a good friend or relative. That silence also keeps them from seeking psychological counseling or other support help.

The aftereffects of acquaintance rape may be severe. In addition to the physical violation of the rape, women may suffer other physical injuries. They worry about pregnancy and contracting sexually transmitted diseases, including AIDS. Emotionally, they may experience fear, guilt, anger, depression, humiliation, self-blame. They may have trouble sleeping and eating, begin to fail in school, or lose the ability to concentrate at work. Some consider suicide.

Many women are left with a fear not just of strange men, but of all the men they know. Among teenagers, the frequency of acquaintance rape and date rape means that for many women rape is their first experience with sexual intercourse. Psychological experts are only beginning to research the consequences of that awful fact.

The acceptance of acquaintance rape is deeply rooted in our system of social beliefs about rape and assumptions about sex roles. Education beginning with young children and continuing through college is the best preventative. Such education needs to stress the absolute right of anyone, female or male, to say no to sexual activity at any time. But it must also challenge the socialization that leads many boys and men to view women as smaller, less important creatures than themselves, and attitude that underlies the justifications for rape.

There are only a few good rape awareness programs functioning today at a handful of colleges. Those programs are continuously threatened by budget cuts and lack of support from administrators that do not want to acknowledge that rape is a reality at all college campuses.

I would like to interject here that the University of Florida at Gainesville cancelled its sexual assault recovery service this summer, deciding that there was no need for it.

High school and junior high school administrators are even more determined to ignore the problem. Education needs to continue beyond school walls. Public awareness campaigns will help sensitive police, prosecutors, judges, and juries. Counselors, teachers,

psychologists can also benefit from learning the truth about acquaintance rape.

I will never forget the Veterans' Administration psychiatrist who was my seatmate on an airline flight while I was doing research for my book. When he heard what my subject was he said, "Do you not really think that in most cases it is not rape, the woman just changes her mind afterward?" This man was a psychiatrist.

The criminal courts still offer little solace. Even when police and prosecutors believe the woman, they know that many jurors and judges continue to blame the victim, not the rapist, for what happened, or to view the rape as a lesser crime than rape by a stranger. Because of those biases, many women decide not to report acquaintance rapes and date rapes at all. In some jurisdictions, though, women are now pursuing civil suits in addition to or instead of criminal charges.

Acquaintance rape needs to be taken seriously by the courts. More stringent penalties and increased restitution will help many raped women feel the legal system has not abandoned them. In addition, extending civil rights protection to all felony crimes motivated by gender will help underscore the Federal Government's determination to end violence against women from all sources, even those with familiar faces.

The greatest fear of acquaintance rape survivors, and they are survivors, is not being believed. By supporting this legislation, you will be saying to millions of American women that their Government believes them. That will be a powerful force in helping to change society's attitudes.

Thank you.

[The prepared statement of Ms. Warshaw follows:]

Testimony of Robin Warshaw

Author of I NEVER CALLED IT RAPE:
The Ms. Report on Recognizing, Fighting and
Surviving Date and Acquaintance Rape
(Harper & Row, 1988)

August 29, 1990

I appreciate the opportunity to speak with you about the most prevalent rape crime happening to women today -- acquaintance rape.

For too long, rapes between men and women who know each other have been a hidden phenomenon, largely because these rapes don't fit our society's idea of what rape really is. That myth imagines rape as the act of a crazed stranger, usually envisioned as an African-American, Latino or other minority-group member, who jumps out at his intended victim on a darkened street, holds a gun to her head and then rapes her.

While rapes fitting that profile certainly do occur, most rapes happen very differently. Consider these more typical rape cases, all of which took place just recently: a female U.S. Navy officer is raped aboard ship by a fellow officer; a New Jersey woman accepts a ride home from a man she knows, who then rapes her when he stops at his house on a pretense; at Syracuse University, three first-year female students are raped by upperclassmen in the first month of classes; in one weekend at the University of Missouri, two

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women are raped in two separate incidents at fraternity houses; six suburban teenage boys gang-rape a 13-year-old girl who had been drinking with them.

In fact, although women are conditioned from childhood to worry about the rapist lurking in the bushes, they are actually four times more likely to be raped by a man they know than by a stranger. That rapist (and sometimes rapists) may be a friend or a friend of a friend, a classmate, a co-worker, a neighbor, someone the woman met at church, through a business association or at a party. He also may be a first-time date, a steady boyfriend or former sexual partner. If the woman is African-American and middle-class, her rapist will most likely be African-American and middle-class. If she is white and working-class, her rapist will most likely be white and working-class.

In doing research for my book on acquaintance rape, I met women who were raped in adolescence by other teens, high school students raped by their supervisors at fast-food restaurants and shopping-mall stores, college women raped by popular campus athletes and fraternity members, young working women raped by friends and neighbors, married women raped by their husbands' buddies, divorced women raped by men with whom they shared coaching duties for their children's sports teams and older women, raped by men they met at adult-education courses.

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At least one in four women has experienced acquaintance rape or date rape. And although these rapes are more common among women than left-handedness, heart attacks or alcoholism, they still go unacknowledged by a society that believes men are justified, under certain circumstances, in forcing sex from women they know. Indeed, one recent case in Chicago points up that fact. A woman was raped -- by a stranger -- during rush hour in a train station stairwell. When she called for help from commuters who passed by, she was ignored. Those commuters later told police they didn't get involved because they thought the man and woman in the stairwell knew each other.

Even more chilling were the results of a Rhode Island survey of sixth- to ninth-graders. Most of the boys and nearly half of the girls said they thought it was okay for a man to force intercourse on a woman if the two had been dating for more than six months. Moreover, one-fourth of the boys and nearly one-fifth of the girls felt a man was entitled to force sex from any woman he had spent ten dollars or more on.

Because of this kind of social conditioning and misguided notion of what rape is, many women who are sexually assaulted by acquaintances or dates cannot put the name "rape" on what has happened to them even though their experiences fit legal definitions of rape. I know this all

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too well, not just because of my journalistic work. I was raped by a man I knew when I was 20. It took several years before I understood that what had happened to me was really rape.

Even for those women who can call it rape immediately, as few as only five percent report their assaults to police. Many women expect to be blamed for what happened and have their own actions questioned. Because of that, they tell no one at all, not even a good friend or relative. That silence also keeps them from seeking psychological counseling or other support help.

How Acquaintance Rape Affects Women

It is wrong to assume that women raped by acquaintances are less traumatized than those raped by strangers. Indeed, the opposite may be true. An Urban Institute study shows that, for up to three years after their rapes, acquaintance-rape victims feel less recovered than do women who were raped by strangers.

The aftereffects of acquaintance rape may be severe. In addition to the violation of the rape, women may suffer physical injuries for which they are often reluctant to receive treatment. They worry about pregnancy and contracting sexually transmitted diseases including AIDS.

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Emotionally, they may have a wide range of reactions: fear, guilt, anger, depression, humiliation, self-blame. They may have trouble sleeping and eating, begin to fail in school or lose the ability to concentrate at work. Some become fearful of leaving the house. Some consider suicide.

Many women are left with a fear not just of strange men, but of all the men they know. Not surprisingly, some develop sex-related problems. The husbands of married women or the partners of those in steady relationships may doubt their claims of rape by a mutual friend. That doubt, coupled with other stresses the woman is undergoing as a result of the rape, may lead to divorce or the ending of the relationship.

Among teenagers and young adults, the frequency of acquaintance rape and date rape means that, for many women, rape is their first experience with sexual intercourse. Psychological experts are only beginning to research the consequences of that awful fact.

Prevention

The acceptance of acquaintance rape is deeply rooted in our system of social beliefs about rape and assumptions about sex roles. Education, beginning with young children and continuing through college, is the best preventative.

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Such education needs to focus on sexual rights and responsibilities, stressing the absolute right of anyone -- female or male -- to say "no" to sexual activity at any time. It must challenge the socialization that leads many boys and men to view women as smaller, less important, creatures than themselves, an attitude that underlies the justifications for forcing sex from women against their will. Education must also define acquaintance rape as real rape, punishable by law, and examine the ways both women and men can prevent it. Girls and women need to learn how to recognize when a situation with an acquaintance or date is progressing toward rape and what positive actions to take to successfully defend themselves.

Despite recent interest, there are only a few good acquaintance-rape awareness programs functioning today, at a handful of colleges. Those programs are continuously threatened by budget cuts and lack of support from administrators who don't want to acknowledge that rape is a reality at all college campuses. And if university officials are reluctant to examine the problem of their students raping each other, high-school and junior-high school administrators are even more determined to ignore it. Although those younger pupils frequently experience acquaintance rape -- or commit it -- they have even less information and support available to them than do many college students.

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Education needs to continue beyond school walls in order to change the attitudes that continue to foster this epidemic of rape among friends. Public-awareness campaigns will help sensitize police, prosecutors, judges and juries and encourage more women to report these crimes. Other professionals -- counselors, teachers, psychologists -- can benefit as well from learning the truth about acquaintance rape. I'll never forget the Veterans Administration psychiatrist who was my seatmate on an airline flight while I was doing research for my book. When he heard what my subject was, he said, "Don't you really think that in most cases it's not rape -- the woman just changes her mind afterwards?"

Indeed, greater public awareness will be important for everyone who knows four women or more, because among those four is probably a victim of acquaintance rape.

Judicial Help

For many women raped by men they know, the criminal courts still offer little solace. Even when police and prosecutors believe the woman, they know that many jurors and judges still hold common biases about acquaintance rape. Those biases continue to blame the victim, not the rapist, for what happened or to view the rape as a "lesser" crime than

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rape by a stranger. Because of those biases, many women decide not to report acquaintance rapes and date rapes at all. In some jurisdictions, though, women are now pursuing civil suits in addition to, or instead of, criminal charges.

Acquaintance rape needs to be taken seriously by the courts. More stringent penalties and increased restitution will help many raped women feel the legal system has not abandoned them. In addition, extending civil rights protection to all felony crimes motivated by gender will help underscore the federal government's determination to end violence against women from all sources, even those with familiar faces.

Conclusion

The greatest fear of acquaintance-rape survivors -- and they are survivors -- is not being believed. By supporting this legislation, you will be saying to millions of American women that their government believes them. That will be a powerful force in helping to change society's attitudes.

Thank you.

The CHAIRMAN. Thank you very much. Ms. Strohl.

STATEMENT OF ERICA STROHL

Ms. STROHL. My name is Erica Strohl. I am from Minneapolis, MN, and I will be a senior at the University of Pennsylvania this fall. In 3 days, actually.

I would like to thank Senator Biden's office for inviting me to be here today. I come as cofounder of STAAR, Students Together Against Acquaintance Rape, which is an organization dedicated to educating students on the issue of acquaintance rape at the University of Pennsylvania.

Amid the college greens, the football stadiums, the great brick libraries, and the social scenes of college campuses across America is a very serious and pervasive problem of acquaintance rape. From the ivy-covered halls of the elite eastern schools across the great sweeping campus of the midwestern State systems to the magnolia-lined walks of southern universities, acquaintance rape is destroying the lives of women students.

This crime does not begin or end on college campuses. It is painfully frequent in high schools, both public and private, and among working women in offices, farms, and factories.

At the University of Pennsylvania, an Ivy League school of 8,000 undergraduates, acquaintance rape occurs perhaps once each weekend, possibly more. While to most this number will seem frighteningly, if not unimaginably high, I believe it holds true for most institutions of higher learning. Unlike many schools, Penn is fortunate to have an excellent women's center which offers advocacy and counseling to both women and men who are survivors of sexual assault.

This job in itself is overwhelming and leaves little time for education or prevention. To fill this need STAAR was founded in January 1989.

Although STAAR is mainly an educational group, educators often act as advocates to individuals by taking calls at home or talking through the reporting process with individual students. The need is so great that STAAR educators are sometimes approached on campus or in classrooms by people they do not even know and asked for help.

Mainly STAAR educators present workshops in coed teams in dormitories, fraternities, and sororities. STAAR is supported by a coalition of student groups, including feminist and Greek organizations. Our day-to-day operations are run through Penn Student House Services with professional advising from the office of health education.

During its first year STAAR presented 55 workshops in various areas reaching over 1,000 students. Peer education works because we are not administrators or professionals but we do know about college life and other peers tend to trust us and believe some of what we have to say.

For me the reality of acquaintance rape hit home midway through my first year at Penn when a friend of mine was raped in a fraternity. She fit the stereotype. She was 18, at college. She was

trying really hard to fit in and make friends and she had also drunk more than she could handle that night.

As her friends, we also fit the stereotype. We asked her why she went upstairs. We did not want to believe that these guys that we went to class with and who we knew could be rapists. We did not tell her it was not her fault and we really did not say anything at all, because we did not know what to say.

Susan, not her real name, was also a victim of beaching that night, or ledging as it is called at some schools. Basically beaching entails bringing a woman into a room where other brothers are already waiting on an outside balcony or ledge unbeknownst to the victim. After the woman is undressed and perhaps engaging in sexual intercourse, the other brothers walk into the room to frighten and embarrass her.

Needless to say, this is horribly demeaning and compounds the psychological damage of rape. In Susan's case, she survived a year-and-a-half of harassment by the brothers who beached her. They sat in front of her fraternity yelling "I saw you naked" whenever she walked by. If you have ever been to Penn's campus, you cannot go anyplace without walking by the fraternity row. That is where the library is, that is where the college green is. You really have to work hard to avoid the fraternities.

Nothing has ever happened to them. They are going on with their life. I see them all the time and look at them with disgust. They think what they did was just funny.

Susan, on the other hand, has been permanently scarred. She says now that we do not know what she was like before and we only know the Susan of after the rape and the beaching. She has left Penn.

I think I know there are hundreds of stories of Susan's. I personally know 45 women who have been acquaintance raped at Penn or while they were in high school.

When people try to speak out about rape, there is a great deal of resistance. Many educators receive harassing phone calls. As Nicole said, people call at home. The other cofounder and I are also stopped and harassed on Locust Walk and made comments to and get crank calls, that kind of stuff.

The universities, and our university included, are reluctant to respond firmly and quickly to the problem for fear that their reputations will be tarnished. I do not know if this is worse at Ivy League schools. It seems to be as bad at the University of Minnesota as it is at the University of Pennsylvania. Invariably people respond to the problem by saying not our school, not our boys, they come from good families.

People still want to believe that rape is committed by men of color who jump out of alleys with lead pipes in west Philadelphia.

The problem of acquaintance rape is further compounded on college campuses because alcohol abuse is prevalent and peer pressure for men to be sexually active is so strong that I believe it is sometimes difficult to hear the word "no" clearly.

Unfortunately, STAAR is one of the few educational acquaintance groups in the country, though we are currently speaking with other schools trying to set up like programs.

For a change to occur, universities must first acknowledge that a problem exists and convey to the student body that the crime will not be condoned or covered up. When a rape occurs, survivors must have access to counseling and the choice of pressing charges. These services must work equally well when the perpetrator is a star quarterback or the best economics professor or the son of a trustee.

The role of education is to let people know what acquaintance rape is and to also know that it is a crime. Survivors need to know that what happened to them was illegal as well as awful. When the information is available, I believe there will be fewer rapes because some women will be able to see the situation coming and get out. Education also raises men's awareness and makes it likely that they will recognize and stop inappropriate action within their peer groups as well as not participate in the action themselves.

All universities should have rape prevention education as it is likely the most common crime committed on university campuses.

Once a rape occurs, it is often difficult to strike a balance between protecting the accused until proven guilty and protecting the victim from further violence. For instance, victims of acquaintance rape must often face their assailant in the classroom, in the library, or in the dormitories. This makes it exceedingly hard to study, much less succeed in the classroom and, as other people said, it causes a lot of women to leave school. When universities refuse to deal with the problem they are, in effect, denying equal educational opportunities, I believe.

No matter how much education is done, we cannot compete with 18 years of socialization. Education about respect and equality must begin in elementary school and it is not just the responsibility of teachers and the government, but also of parents. The climate of violence against women is overwhelming and growing worse all the time. Statistics for all types of violence against women are rising and people still refuse to acknowledge that it might happen to their daughter, their sister, their friend, or themselves.

There must be a concentrated effort to send a message that this violence is not acceptable and that perpetrators will be punished and survivors supported. Once the environment is safer, more women will report crimes of sexual violence.

Most universities have little or no resources to deal with this wide-scale crisis. When you are a first year incoming student, you are warned about pickpockets and mugging and racism and alcohol abuse and I believe we deserve to know about rape as well.

Thank you.

[The prepared statement of Ms. Strohl follows:]

GOOD MORNING, MY NAME IS ERICA STROHL, I AM FROM MINNEAPOLIS, MINNESOTA AND I WILL BE A SENIOR AT THE UNIVERSITY OF PENNSYLVANIA IN PHILADELPHIA THIS FALL. I'D LIKE TO THANK SEN. BIDEN'S OFFICE FOR INVITING ME TO BE HERE TODAY. I COME AS A CO-FOUNDER OF STAAR (STUDENTS TOGETHER AGAINST ACQUAINTANCE RAPE) WHICH IS AN ORGANIZATION DEDICATED TO EDUCATING STUDENTS ON THE ISSUE OF ACQUAINTANCE RAPE AT THE UNIVERSITY OF PENNSYLVANIA.

AMID THE COLLEGE GREENS, THE FOOTBALL STADIUMS, THE GREAT BRICK LIBRARIES, AND THE SOCIAL SCENES OF COLLEGE CAMPUSES ACROSS AMERICA IS THE VERY SERIOUS AND PERVERSIVE PROBLEM OF ACQUAINTANCE RAPE. FROM THE IVY COVERED HALLS OF THE ELITE EASTERN SCHOOLS, ACROSS THE GREAT SWEEPING CAMPUSES OF THE MIDWESTERN STATE SYSTEMS TO CYPRUS-LINED WALKS OF SOUTHERN UNIVERSITIES, ACQUAINTANCE RAPE IS DESTROYING THE LIVES OF WOMEN STUDENTS. THIS CRIME DOES NOT BEGIN OR END ON COLLEGE CAMPUSES, IT IS PAINFULLY FREQUENT IN HIGH SCHOOLS, BOTH PUBLIC AND PRIVATE, AND AMONG WORKING WOMEN IN OFFICES, FARMS, AND FACTORIES.

AT THE UNIVERSITY OF PENNSYLVANIA, AN IVY LEAGUE SCHOOL OF 8000 UNDERGRADUATES, ACQUAINTANCE RAPE OCCURS PERHAPS ONCE EACH WEEKEND, POSSIBLY MORE. WHILE TO MOST, THIS NUMBER WILL SEEM FRIGHTENINGLY, IF NOT UNIMAGINABLY HIGH, I BELIEVE IT HOLDS TRUE FOR MOST INSTITUTIONS OF HIGHER LEARNING. UNLIKE MANY SCHOOLS, PENN IS FORTUNATE TO HAVE AN EXCELLENT WOMEN'S CENTER WHICH OFFERS ADVOCACY AND COUNSELING TO STUDENTS WHO ARE SURVIVORS OF SEXUAL ASSAULT. THIS JOB IN ITSELF IS OVERWHELMING, AND LEAVES LITTLE TIME FOR EDUCATION OR PREVENTION.

ALTHOUGH STAAR IS MAINLY AN EDUCATIONAL GROUP, EDUCATORS OFTEN ACT AS ADVOCATES TO INDIVIDUALS BY TAKING CALLS AT HOME OR GOING THROUGH THE REPORTING PROCESS WITH STUDENTS. THE NEED IS SO GREAT THAT STAAR EDUCATORS ARE SOMETIMES APPROACHED ON CAMPUS OR IN CLASSES BY PEOPLE THEY DO NOT KNOW, AND ASKED FOR HELP. MAINLY, HOWEVER, STAAR EDUCATORS PRESENT WORKSHOPS IN CO-ED TEAMS AT DORMITORIES, FRATERNITIES, AND SORORITIES. STAAR IS SUPPORTED BY A COALITION OF STUDENT GROUPS INCLUDING FEMINIST AND GREEK ORGANIZATIONS. OUR DAY TO DAY OPERATIONS ARE RUN THROUGH PENN'S STUDENT HEALTH SERVICES WITH PROFESSIONAL ADVISING FROM THE DIRECTOR OF HEALTH EDUCATION. DURING ITS FIRST YEAR STAAR PRESENTED 55 WORKSHOPS REACHING OVER 1000 STUDENTS. PEER EDUCATION WORKS BECAUSE STUDENTS TRUST OTHER STUDENTS. STAAR EDUCATORS ARE NOT PROFESSIONALS OR ADMINISTRATORS, AND WE DO KNOW WHAT COLLEGE LIFE IS ALL ABOUT.

THE REALITY OF ACQUAINTANCE RAPE HIT HOME FOR ME MIDWAY THROUGH MY FIRST YEAR AT PENN, WHEN A FRIEND OF MINE WAS RAPED IN A FRATERNITY. SHE FIT THE STEREOTYPE - SHE WAS 18, AT COLLEGE, TRYING TO FIT IN, AND SHE HAD DRUNK MORE THAN

SHE COULD HANDLE THAT NIGHT. AS HER FRIENDS, WE TOO FIT THE STEREOTYPE - WE ASKED HER WHY SHE WENT UPSTAIRS. WE DIDN'T BELIEVE THAT THESE GUYS WHO WE KNEW COULD ACTUALLY BE RAPEISTS. WE DIDN'T TELL HER IT WASN'T HER FAULT OR THAT THERE WAS HELP AVAILABLE. IN FACT, WE DIDN'T SAY MUCH AT ALL. SUSAN (NOT HER REAL NAME) WAS ALSO A VICTIM OF BEACHING THAT NIGHT, OR LEDGING AS IT IS CALLED AT SOME SCHOOLS. BASICALLY, BEACHING ENTAILS BRINGING A WOMAN TO A ROOM WHERE OTHER BROTHERS ARE ALREADY WAITING ON AN OUTSIDE BALCONY OR LEDGE UNBEKNOWNST TO THE VICTIM. AFTER THE WOMAN IS UNDERESSED AND PERHAPS ENGAGING IN SEXUAL INTERCOURSE, THE OTHER BROTHERS WALK INTO THE ROOM TO FRIGHTEN AND EMBARRASS HER. NEEDLESS TO SAY THIS HORRIBLY DEMEANING AND COMPOUNDS THE PSYCHOLOGICAL DAMAGE OF RAPE. IN SUSAN'S CASE SHE SURVIVED A YEAR AND A HALF OF HARASSMENT BY THE BROTHERS WHO "BEACHED" HER. THEY SAT IN FRONT OF THEIR FRATERNITY YELLING, "I SAW YOU NAKED" WHEN SHE EVER SHE WALKED BY. NOTHING EVER HAPPENED TO THEM, THEY THINK IT WAS JUST A FUNNY JOKE. SUSAN, ON THE OTHER HAND, HAS BEEN PERMANENTLY SCARRED, AND SHE FORCED TO LEAVE PENN. THERE ARE HUNDREDS OF STORIES LIKE SUSAN'S, I PERSONALLY KNOW 45 WOMAN WHO HAVE BEEN ACQUAINTANCE RAPED AT PENN, OR IN HIGH SCHOOL.

WHEN PEOPLE TRY TO SPEAK OUT ABOUT RAPE, THERE IS A GREAT DEAL OF RESISTANCE. MANY EDUCATORS RECEIVE HARASSING PHONE CALLS. ONE STAAR EDUCATOR WHO PUBLICLY DISCLOSED THAT SHE WAS A SURVIVOR, RECEIVED CALLS WARNING HER THAT THE RAPE COULD HAPPEN AGAIN. UNIVERSITIES ARE RELUCTANT TO RESPOND FIRMLY AND QUICKLY TO THE PROBLEM FOR FEAR THAT THEIR REPUTATIONS WILL BE TARNISHED. INVARIABLY PEOPLE RESPOND TO THE PROBLEM BY SAYING NOT OUR SCHOOL, NOT OUR BOYS - THEY COME FROM GOOD FAMILIES. THE PROBLEM OF ACQUAINTANCE RAPE IS FURTHER COMPOUNDED ON COLLEGE CAMPUSES BECAUSE ALCOHOL ABUSE IS PREVALENT AND PEER PRESSURE FOR MEN TO BE SEXUALLY ACTIVE IS SO STRONG THAT THEY DO NOT HEAR THE WORD "NO" CLEARLY.

UNFORTUNATELY, STAAR IS ONE OF THE FEW ACQUAINTANCE RAPE EDUCATIONAL GROUPS IN THE COUNTRY. FOR CHANGE TO OCCUR, UNIVERSITIES MUST FIRST ACKNOWLEDGE THAT A PROBLEM EXISTS AND CONVEY TO THE STUDENT BODY THAT THE CRIME WILL NOT BE CONDONED OR COVERED UP. WHEN A RAPE, OCCURS SURVIVORS MUST HAVE ACCESS TO COUNSELING AND THE CHOICE OF PRESSING CHARGES. THESE SERVICES MUST WORK EQUALLY WELL WHEN THE PERPETRATOR IS THE STAR QUARTERBACK OR THE BEST ECONOMICS PROFESSOR, OR THE SON OF A TRUSTEE. IT BECOMES DIFFICULT TO STRIKE A BALANCE BETWEEN PROTECTING THE ACCUSED UNTIL PROVEN GUILTY, AND PROTECTING THE VICTIM FROM FURTHER VIOLENCE. FOR INSTANCE, VICTIMS OF ACQUAINTANCE RAPE MUST OFTEN FACE THEIR ASSAILANT IN THE CLASSROOM OR AT THE DORMITORY, THEREBY FURTHER DISRUPTING THEIR LIVES.

BEING A RAPE SURVIVOR MAKES IT DIFFICULT TO STUDY MUCH LESS SUCCEED IN THE CLASSROOM. WHEN UNIVERSITIES REFUSE TO

DEAL WITH THE PROBLEM, THEY ARE IN EFFECT DENYING WOMEN ACCESS TO EDUCATIONAL OPPORTUNITIES. NO MATTER HOW MUCH EDUCATION IS DONE, WE CANNOT COMPETE WITH 18 YEARS OF SOCIALIZATION. THE PRESENT CLIMATE FOR WOMEN IN THIS COUNTRY CONSTITUTES A WAR. STATISTICS FOR TYPES OF VIOLENCE AGAINST WOMEN ARE RISING. [REDACTED]

[REDACTED] THE WAY THE WAR IS BEING FIGHTEN. THERE MUST BE A CONCENTRATED EFFORT TO SEND A MESSAGE THAT THIS VIOLENCE IS NOT ACCEPTABLE AND THAT PERPETRATORS WILL BE PUNISHED AND SURVIVORS SUPPORTED. I THINK THAT INCLUDING CRIMES AGAINST WOMEN IN THE HATE CRIMES STATISTICS BILL WOULD BE A STEP IN THE RIGHT DIRECTION.

THANK YOU.

The CHAIRMAN. Thank you very much. I have a number of questions, and many for you, Doctor, as a psychologist and many—actually for all of you. But let me begin with you, Ms. Strohl. You said something that I also hear but really is not talked about very much: The peer pressure on men, young men, to engage in sexual activity. You also indicated that—all of you have indicated that drugs and alcohol end up putting women in circumstances where it is easier for them to become victims, where they are more at risk.

How much in your—not as an expert, but as a practitioner in school out there—would you talk to me a little bit about how many of the date rapes that you think occur, based upon anecdotal information you have of your classmates, women on campus coming to you, are committed by a man or a boy—because some of them are merely boys and still as dangerous—on campus who are themselves under the influence?

Ms. STROHL. I think that the statistics that Dr. Koss and Ms. Warshaw used said, I believe, about 75 to 80 percent of acquaintance rape involve alcohol or drugs. I think that that definitely holds true in my—

The CHAIRMAN. Involve alcohol or drugs in that the rapist is under—

Ms. STROHL. Either or both.

Ms. WARSHAW. Seventy five percent of the rapists and 55 percent of the women were drinking or taking drugs in Dr. Koss' college study.

The CHAIRMAN. But is that your anecdotal experience?

Ms. STROHL. Yes, I think on our campus many of the acquaintance rapes that we hear about in the women's center happen at fraternity parties where the alcohol is very free-flowing and you certainly do not need to be 21 to get as much to drink as you want. I think that it also happens in bars. Bars and fraternities on a lot of campuses tend to be the social scene where you go to meet your friends, where you go to meet guys or girls or whatever.

Also speaking about the peer pressure for men to be sexually active, it really seems like what is bad in high school becomes worse in college. That if you are not sexually active there is something wrong with you. Some people lie about it, which is probably less worse than what often happens. I think people, young men so desperately want to be able to go back to their dormitory or their fraternity and talk about something that they take advantage of someone or force someone to have sex. That is definitely what happened to my friend, Susan, because the entire fraternity—the ones that did not watch knew about it.

The CHAIRMAN. When your organization at Penn—and I compliment you for your initiative and organizational skill, beyond your concern. I mean, you have evidenced some genuine organizational skill. Some who participate with you are men; is that not correct?

Ms. STROHL. As educators?

The CHAIRMAN. As educators. Now explain—when you say “educators,” let's make it clear. Somebody reading the record may think we are talking about college campuses and by “educators,” we mean professors on the campus. You do not mean that. You call “educators” women and men who are there to, in effect, be vehicles

for counseling, even though it is not official counseling like they get at the student center. Explain what you mean by educator.

Ms. STROHL. We have an actual workshop that we give in dormitories, fraternities, and sororities. And all the educators are trained, and I think that they do a great job.

The CHAIRMAN. Educators are students?

Ms. STROHL. Right, they are undergraduates. They apply by coming into the office and making out an application.

The CHAIRMAN. Saying they want to help with this problem.

Ms. STROHL. Right, that is all. We do not ask for any prior experience. They do not have to be psych majors, or want to be lawyers or whatever, just that they care. And we have the whole spectrum of types of people.

The CHAIRMAN. Now what percentage of the educators, as you call them, on campus are men?

Ms. STROHL. We had 18 educators last year, and we had 5 men and 13 women.

The CHAIRMAN. Now when you sit down, as I expect you do, you educators will compare experiences with one another, not merely in the workshop that you put on to get them ready to be educators, but I would assume that you would exchange experiences. And I assume that you also have discussions with one another, formal and informal, about what makes you want to do this. I assume that you will go from wherever the real meeting that you have had, the official meeting you have had, to go to Smokey—or go anywhere off campus to sit down and talk while you are having a cup of coffee or having a late dinner.

What do the men who participate with you as educators talk about it? What is their motivation for being involved? What do they say?

Ms. STROHL. There are only five of them so it is easy to say overwhelmingly that most of them have experience with a friend, or a girlfriend, or a sister being raped. And they have kind of been through the system and seen how it does not work. As men, they are with other men and women and hear people restate the myths and what-not.

The CHAIRMAN. What do they talk about when they talk about how they think men feel? I am sure you must—not you, particularly, but “you” in an editorial sense—must say, what makes a guy do that? Or what makes you think that? Again, I realize this is anecdotal, but I am very interested in what your experience is.

Ms. STROHL. What makes a perpetrator a perpetrator?

The CHAIRMAN. Yes. In other words, you are sitting there having a cup of coffee with one of the educators who happens to be a man. What are some of the kinds of things he says? What are their un-schooled—because they are not psychiatrists, they are not psychologists, they are not professionals—what do they say about what makes their fraternity brothers, their classmates, their teammates do what they obviously think is being done because they are involved in a program to stop it from being done? It is a tough question, I realize.

Ms. STROHL. It is hard to say, but I think in a lot of ways there is a sense of privilege among people on campus. Athletes—I was a recruited athlete myself and I know that you get a lot of perks and

you get the idea that you do not have to do things that other people do. You get special dorms and special food. I think that with the athletes that gives them that they—there is a different set of rules for athletes. If they get into trouble, they are going to get out of it. As when their grades are low, sometimes they get out of it. If they get in this kind of trouble, they are going to get out of it.

I think it is true with the fraternities too that there is kind of a group sense that if one person screws up the group will cover up for them.

The CHAIRMAN. Let me ask another question. Do you think that your efforts to educate students on your campus, do you think that it has heightened the fear of acquaintance rape on the part of women students there? Or do you think it has had the effect of empowering women on your campus to have more confidence about dealing with the prospect of acquaintance rape—not the aftermath of acquaintance rape.

Ms. STROHL. I think both. In our workshops we go over kinds of small-prevention tips that we think can help people stay out of situations. Obviously it does not always work. I think that is has emboldened women because reporting went up 200 percent this year at Penn. And it was not because there were more rapes occurring, we know that. I think we definitely have a raised awareness on campus. The administration has been pushed to do some things. The trustees are starting to listen. So I think it is making a safer environment for women as shown by the increased reporting.

As far as being more afraid of acquaintance rape, I hope not, but I think in a lot of ways probably it is hard—in 4 days we are going to be speaking to all the first-year incoming students and we are going to be talking about rape. That is a pretty scary thing to hear about, if you have not heard about it before, in your first 3 days of school. I know I was pretty nervous when I came to Penn. I am not from a big city and I was very nervous to hear, watch out for muggings, watch out for holdups. I went right out and took a self-defense course.

We hope that it does not—we always say in our workshops, take these messages with you and be aware and trust your gut feelings. But we are also not telling you not to trust anyone you meet. I mean, that is what first year at college is about; making friends and meeting people. So we do not want to do it both ways.

The CHAIRMAN. Doctor, Ms. Strohl indicated that reporting is up not because rape is up, acquaintance rape is up, but because people are becoming more aware and reporting more. The statistics that—and Disraeli once said, there are three kinds of lies: "Lies, damned lies, and statistics"—that statistics are up not because the problem of violence against women is up. And I want to make it clear—although today the focus is on rape and acquaintance rape, in particular—the legislation speaks to all violence against women, all violence. It is not merely or only rape, whether it is acquaintance rape or the classic notion of rape of someone jumping out of the bushes, I think you said, Ms. Warshaw, with a pipe in their hand.

But as we focus on this issue, this specific issue of acquaintance rape, let me ask this: Is the reason why the numbers in the survey over the last several years, even the numbers in the NCS survey, have gone up because of increased reporting? Or is there an actual

incidence of greater violence in America against women? Are women literally in more danger today than they were 15 years ago? Or is it that they are in the same danger, but they are just more willing to acknowledge that they have been victimized?

Ms. Koss. The National Crime Survey is the Federal vehicle by which we are supposed to be able to keep track of the true rate of crime because it goes to people's houses and interviews them in their homes. So therefore, we find out about all the crimes that occurred, not just the ones people went to the police about. But my feeling is that the National Crime Survey approach to measuring rape is so compromised that we do not have the data to answer your question that we should have.

The CHAIRMAN. If I could interject—as opposed to being able to measure whether or not burglaries 15 years ago are higher or lower than burglaries in 1990.

Ms. Koss. Exactly.

The CHAIRMAN. So that with regard to rape we do not have, in your view, any genuine baseline against which to measure the actual incidence.

Ms. Koss. Right. The actual rate of rape has not gone up substantially since 1979 according to NCS data. But my view is that the approach to measuring rape is so vague and flawed that I am not willing to put much faith in the data.

The CHAIRMAN. Now, Doctor, are you the exception among your peers and colleagues, fellow psychiatrists, and psychologists? When you present your findings to your colleagues and the organization which you are representing today do they go, "There goes Mary Koss again?" Or do you have a number of your colleagues who, the majority of your colleagues who say, "Yes, that is basically right.?"

Ms. Koss. The only time I have heard these numbers described as being off the wall was at the National Institute of Justice.

The CHAIRMAN. But not among fellow psychiatrists and psychologists. These numbers are startling. If you look at the chance of a women being raped in a year, the Uniform Crime Report says 1 in 1,100; the National Crime Survey says 1 in 833, and that comes from the Bureau of Justice Statistics; and your survey says 1 in 55. That is absolutely mind-boggling, the difference.

Ms. Koss. Yes. And although the experts argue about the relative level—you know, is it 10 times greater or is it 15 times greater—there is virtually no disagreement among experts that the rate of rape victimization is grossly underreported in the NCS.

The CHAIRMAN. One of the things that I plan on doing in future hearings after this legislation is passed—because I do not see this going away, I do not view this as passing legislation and moving on—is to do what has never been done, to the best of my knowledge, and have a series of indepth hearings among psychiatrists and psychologists trying to educate us as to why society thinks the way it does. What is it that motivates people to act the way they apparently are acting?

Along those lines, can you speak for a moment about whether or not Ms. Strohl's observation of male peer pressure is real? I am not talking about what is justified. There are things that are excusable and things that are explicable but not excusable. I am looking at what is explicable.

Is there male peer pressure, in a society where sex roles are changing, that complicates this circumstance? Or is it just the same old thing under a different set of relationships? I have heard people say that the emerging and changing sexual roles between women and men in the 1990's compared to the 1960's has cast doubt, confusion, and frustration among men who were used to a different circumstance or were taught that there was a different circumstance, and that it erupts in violence. I do not mean just rape now. I mean it erupts in violence. Tell me about that. What about the male side of this?

Ms. Koss. I think the problem with this line of discussion is what you alluded to earlier, it is going to take a whole hearing to sort it out because there is not a simple answer as to why men rape. There is actually an answer on about three different levels.

On the level of the general society, we have a society where men and women have unequal power. This unequal power relationship is maintained legislatively in some cases.

On the next lower level we have what is taught to our young people by the family, by other institutions in our society such as the schools about what is the right way to behave.

Then you have the level of the relationship, the scripts that young men and women learn about dating. In order to have an organized society you have got to have sort of mutually agreed upon rules about who asks out, and who plans where you are going to go, and who pays and so forth. We socialize young men and women to go into a dating situation with a set of conflicting expectations.

The man expects to make the decisions and then he expects that he will get something in return. And the woman, if she has been a lucky young woman to grow up in a home where her father was the protector of the family, expects that she will set the limits and the man will respect her limits. It is outside of her experience that there are men who exist who would harm or take advantage of women.

Then you have to go to the individual level to understand what is it about—I mean, all men grow up in the same society, why is it only some men rape. At that point you have to talk about individual experiences with sexual abuse or family violence that can set the preconditions for this behavior, and you can talk about the current situations that may release or give permission to behave in certain ways.

I think it is at this level that social environments like fraternities come into play. That for people who already have these propensities, an environment that humiliates or demeans women, or views women as sexual objects and glorifies scoring and a quantitative point of view about sexuality, for the vulnerable person can encourage rape.

The CHAIRMAN. Ms. Warshaw, let me ask you. In your book you say right at the outset that acquaintance rape "can be avoided." The key you say lies in knowledge. Now is there anything that you believe is important for us to do at a Federal level that can help accommodate your expectation that it can be avoided?

Ms. WARSHAW. I think that principally all assistance that can be given to help underwrite—and I know that that is a shaky word—but underwrite education that begins at a very early stage in

schools and does not wait until college to try to deal with these kinds of problems could be very helpful because it gives a sort of bigger than the institution statement that acquaintance rape will not be tolerated. That it is real rape. That the Government is interested in sending a message about that just as the Government is interested in sending a message about alcohol abuse and driving drunk and so many other societal problems.

I think that what happens or what tends to happen is that at the younger stages, elementary schools, junior high schools, high schools, their administrators really shy away from dealing with this subject at all. This is something they do not want to get into at all. They are worried about how parents will react. On a university level, the university administrators are terrified of this subject because they are afraid that it is going to send out a scary message to prospective students and their parents as well as current students and their parents.

I mentioned the situation at the University of Florida in Gainesville because I have known for a long time the director of the sexual assault recovery services there. I have known how hard she works. She had one of the premier programs in the country. She had not only counselors but she set up peer counseling, workshop leaders very similar to the Penn program, as well as a special group of fraternity and sorority members who worked only with fraternity and sorority members. It is a very large campus. They have 34,000 undergraduates. And yet, she has been opposed by the administration year after year with resistance for funding the program, and was officially told this year that the program was being disbanded.

I have no idea what is happening now because I have been unable to reach her, but my guess is that the university is now scrambling, looking to say to parents, we are doing something about this. We are worried about this. This is how much universities act. They react in a crisis situation. And when the crisis ends, when everyone goes back to class, when the parents go home, a year later the programs lose their funding, they are disbanded. In some ways, it is just the issue of the month.

As long as that situation continues, as long as people can say, well, did we not deal with that in 1984, having the Government get involved by supporting increased education and supporting increased awareness will send a message to all of those administrators who would really rather look the other way.

The CHAIRMAN. Now when you say increased education in grade school and prior to, well before college, are you talking about the need for there to be explanations as to what constitutes rape in grade school? Are you talking about the need to educate—

Ms. WARSHAW. I am talking about on a much more basic level. We need to be dealing with our children about their perceptions about sex roles. The study that you cited from Rhode Island which was young adolescents and junior high school, they have gotten those ideas about what is permissible for men to do to women, those ideas have come to them fully formed from somewhere. They did not make them up on the schoolyard. They, by osmosis, got them at home, and by watching TV, and by listening to other kids, and by seeing what is accepted and what is not accepted.

So we really need to start at a very basic level for children to understand the equality of the sexes and sexual rights and responsibilities. I think it can be done in an unscary way, the same way that in recent years educators have been trying to deal with young children to make them more aware so they can protect themselves for possible assault or abuse. Again, here it has always been more popular to talk about the dirty old guy in the raincoat in the schoolyard than to talk about what Dad is doing at home. That has always been the resistance at the very young school level.

But I think the important thing about education comes back to talking about whether the statistics are increasing or not. Simply, for the women who I interviewed in my book, the stories that most of them told me were very harrowing of rapes, very real rapes. And each time a woman would finish telling me her story I would ask her, if a stranger had done this to you, at what point would you have known what was happening was leading to rape? Nearly every one of them said, as soon as this happened, as soon as that happened.

We are so conditioned from the time we are little girls to be wary of strange men. You know, if he somehow invades your space in a way that is inappropriate, if he does not listen to you when you say do not do this, I do not want this. But simply because the man has a familiar face, simply because he may have been somebody you were attracted to, somebody you wanted to be with, or was somebody you trusted as a friend or a coworker or some other capacity, women are unable to recognize that the situation is developing toward rape.

So from my viewpoint a very important component is education because by naming it, by recognizing it, by giving it validity, women can know that their situation is leading toward rape.

The CHAIRMAN. Doctor, there has been discussion today and earlier about the negative psychological effects on women who are victims of acquaintance rape. There has also been testimony that a number of women who were victims of acquaintance rape, including your own testimony, did not categorize it as a crime, did not categorize it as rape. I would like you to speak with us for a moment about the negative psychological impacts on a woman who is forced to have intercourse or oral sex and after it is over knows full well she did not want it, it was forced on her, but does not think it a crime.

What are the psychological impacts—I know it is hard to generalize. You understand what I am trying to reach for here. How does that impact upon a woman differently than a woman who right from the get-go says, "What is happening to me no one has a right to do. This is a crime. This man should be imprisoned for doing what he is doing to me." Is there a difference in terms of the—

Ms. Koss. It does not seem to make a difference in terms of the psychological symptoms you experience or the amount of pain you go through. Because even when a woman does not realize it is rape she realizes it was a terrible experience—one of her worst life experiences—and she struggles for a label that is bad enough to describe what it is. So they will say sexual assault or serious sexual miscommunication. So I am trying to give the feeling that they do

not realize it is a crime, but that is not to say that they fail to see it as a really negative experience.

The CHAIRMAN. A terrible thing.

Ms. Koss. The main thing that is affected by whether you see it as rape or not whether you report to the police, because people are very unlikely to go to the police if they do not think a crime happened to them.

The CHAIRMAN. The reason I bother to say that—I think it is important for the record—I do not want people to be left with the impression that there is any inconsistency between a woman concluding that what happened to me is not a crime and also concluding that what happened to me is a horrible experience that has had a psychological impact on me, both at the moment and potentially in the future—unless there is some intervening counseling or intervening assistance after what has occurred.

At the nomination hearing of the person who is responsible for maintaining the Government figures in July I questioned the current nominee for the directorship of the Bureau of Justice Statistics about their figures on rape. He acknowledged that the Bureau is aware that rape is underreported in their figures and told me that the Bureau has developed new questions to be asked about rape in their National Crime Survey. However, the new questions are going to be “phased in over a 3-year period and administered only to a specific portion of those interviewed.”

Is there any methodological rationale for that that you are aware of? Does it make any sense to phase it in?

Ms. Koss. I have to tell you I am not that privy to the inner workings of the National Crime Survey, but I have noticed in their materials they have a tendency to phase in changes in that way. I think that their thinking is they want to try to get a handle on how much the new technique is going to change the figures, so they want to try to maintain some figures that are collected using the old methods so that they can make this direct comparison.

That is about the only rationale I can think of for wanting to do it that way. I, of course, am very impatient with anything that is going to continue this flow of compromised data.

The CHAIRMAN. How important is it, Doctor, in your view that the extent of the problem of acquaintance rape be made known to the country at large? And what impact does it have if they become aware of it and convinced of it?

Ms. Koss. Well, I think that there are a lot of competing priorities for our attention and about the only way, as human beings, we can make some private decisions about what things are important is by our ideas of how many ideas are affected by it. I think it is extremely important that the true scope of rape be put before the American public.

The CHAIRMAN. You indicated before, you listed, I believe, six or so errors in the methodology used to acquire accurate statistics. One of them was that the interviews were not done in private. Let me ask you, to what extent does, in your experience, the refusal to report and/or acknowledge to anyone that a rape has occurred in acquaintance rape, as we have been referring to it, how much of that refusal to report is caused by the fear that the current boy-

friend, lover, or husband would react in a way that would cause serious problem? How often does that come up in your experience?

Ms. Koss. If you look into the history of rape laws, you discover that rape laws were initially established to protect the value of lost property, the father's lost property. So we have to deal with the history about rape, in which a raped woman is traditionally viewed as being damaged goods that have lost their value.

That means that when you publicly come forward and say I am a rape victim, it is inevitable that some degree of devaluation and stigmatization will be incurred in the minds of some people. So this creates a strong motivation on the part of a raped woman to keep her experience to herself, unless a lot of effort is directed at overcoming her reluctance.

The CHAIRMAN. Are there any studies available that would speak to the specific relationship between refusal to report—whether it is acquaintance rape or any form of rape—and the victim's concern that the present lover, who is not the one who committed the rape, the husband who is not the rapist, or the father who was not the rapist, would fear that any one of those persons would change their attitude, relationship or concern about the victim?

Ms. Koss. I think there is one study that I could make you aware of. It is an old one, from 1976, and it was done as part of the National Crime Survey effort, where they took a group of women who were known to be acquaintance rape victims because they had reported the acquaintance rape to the police. Then they sent National Crime Survey interviewers into the home and learned that only about half of the rapes that had been reported to the police were revealed in that in-home interview situation. So it indirectly speaks to the motivation that people have in that home environment with other people around to keep this to themselves.

The report of this article has a quotation where they actually confronted one of the respondents and said why did you not say something about this? The woman responded my mother was sitting there and I have never told mother about this.

The CHAIRMAN. I have many more questions, but I have trespassed on your time a great deal already. Let me again emphasize several things.

This legislation is intended to be much broader than the very serious problem of acquaintance rape. You said it better than I have, Ms. Warshaw, when you indicated that by making it a civil rights violation, any violence against a women in society, that my intention is to reflect what society holds to be important and what is not important.

When we make something a civil rights violation, in the atmosphere and circumstance of today, we say that this is something we think is very, very important. So part of what I am attempting to do is to raise the consciousness of society—to the extent that can be done by a legislative body with the help of a President—about what I consider to be an incredibly serious problem.

In addition, there are in this legislation specific initiatives including everything from better lighting in high crime areas and in parking garages and bus stops all the way through to increased enhanced penalties for those who are found guilty of violating a woman.

I do truly appreciate your willingness to come today and particularly your study, Doctor, indicating the extent of the problem. Part of what I think we are going to have to do is to begin to educate society about the real definition of rape.

When I initiated this process, my aim was to correct the notion that there is ever a circumstance where it is acceptable to put a woman in a position by exercising physical pressure or force upon her against her will regardless of what it is. No one, because they have more physical power, is entitled for any reason to exert that power over another individual merely because they have the power. That is what has generated all of this.

Dr. Koss, your suggested broadened definition of rape—which, by your own admission, would double the number of rapes committed in this country—would double them—seems to be moving along that line, more than does a traditional definition of rape. Is that correct, or am I reading too much into what you said? I am not looking for you to agree with me, I am looking for you to enlighten me.

Ms. Koss. I think it is consistent with what I said, to the extent I understand what you are saying.

The CHAIRMAN. Good answer. Why do you not, as we close this hearing, give us once again your definition of what constitutes rape.

Ms. Koss. The definition of rape that I have used in all my work is that it is oral, anal or vaginal penetration or penetration by objects of a woman against consent through the use of force, threat of bodily harm, or when the woman is incapacitated.

The CHAIRMAN. Thank you. I think your definition is the correct one.

Would any of you like to make any closing comment or ask me any questions?

[No response.]

The CHAIRMAN. Again, I thank you all very, very much. I hope that you will continue to be available for advice and input and help in trying to move this legislation along. We need to bring this topic into plain, open view to all, because I really do not think that most men in society believe and understand the extent of acquaintance rape and I pray to God, and I believe, they do not condone it. Maybe that is wishful thinking on my part, but I really believe it. Hopefully we are working on a minority, rather than a significant minority or a majority, of the male population. I believe we are, but we will see.

Again, thank you very, very much. This hearing is adjourned.

[Whereupon, at 12:21, the hearing was adjourned, subject to the call of the Chair.]

[Additional material supplied for the record follows:]

**What is a woman's chance of
being raped in her lifetime?**

Over All: 1 in 5

By an Acquaintance: 1 in 6

SOURCE: Koss, Woodruff, and Koss, 1990

What is a woman's chance of being raped in a year?

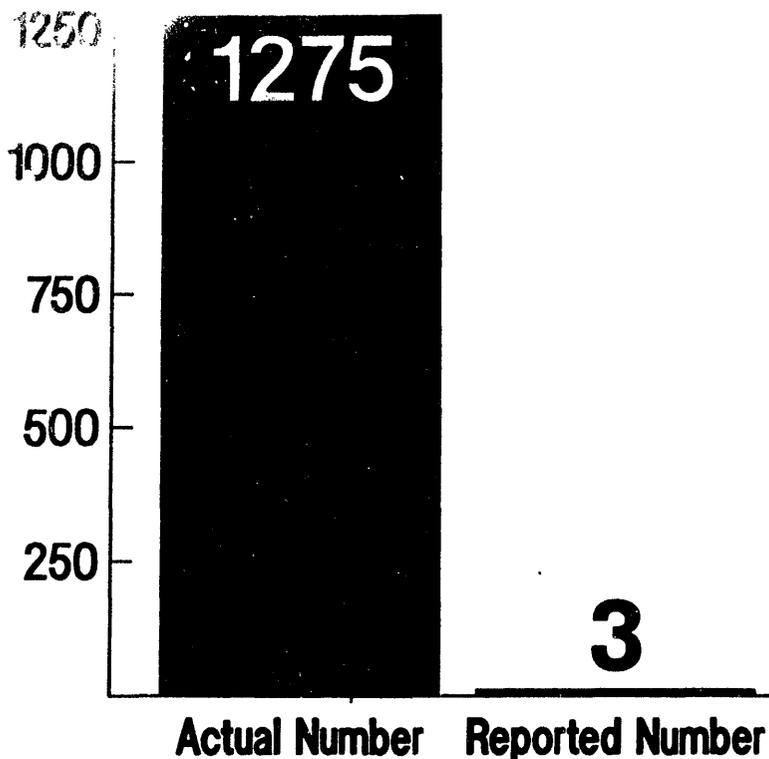
Uniform Crime Reports: 1 in 1100 *

National Crime Survey: 1 in 833 **

Koss, Woodruff, and Koss: 1 in 55

SOURCES: * Federal Bureau of Investigation. ** Bureau of Justice Statistics

Number of Rapes on America's Three Largest College Campuses in 1989*



****1 in 7 of the women now in college have been raped***

Source: 1989 Uniform Crime Reports; Koss, Woodruff, and Koss, 1990

STATISTICS ON SEXUAL VIOLENCE AGAINST WOMEN

(Source: Koss, Woodruff, & Koss -- A Criminological Study)
(Released August 29, 1990)

Prevalence of Rape

- 1 in 5 adult women will be raped at some point in their lives.
- 1 in 3.5 adult women will be attacked by a rapist.
- 1 in 7 of the women now in college have been raped.
- 1 in 4 of the women now in college have been attacked by a rapist.

Prevalence of Acquaintance Rape

- More than half of college rape victims are attacked by dates.
- More than 4 out of 5 rape victims know their attackers.

Immediate Physical Consequences of Rape

- 1 in 15 rape victims contracts a sexually transmitted disease as a result of being raped.
- 1 in 15 rape victims becomes pregnant as a result of being raped.

Reporting of Rape

Rape remains the most under-reported of all major crimes: only 7% of all rapes are reported to police. (By comparison, the reporting rate for robbery is 53%; assault, 46%; and burglary, 52%.)

- Less than 5% of college women report incidences of rape to the police.
- More than half of raped college women tell no one of their victimization.

Incidence of Rape

The number of women raped in 1986 is 15 times higher than officially reported in the National Crime Survey.

The number of college women raped in 1986 is 14 times higher than officially reported in the National Crime Survey.

The definition of "rape" employed in these statistics is the one formulated by the FBI for its Uniform Crime Report which is the narrowest official definition.

**TEN FACTS ABOUT
VIOLENCE AGAINST YOUNG WOMEN**

- * Although campus studies suggest that 1,275 women were raped at America's 3 largest universities in 1989, only 3 of those rapes were reported to police.
- * 1 out of every 7 women currently attending college has been raped.
- * 486,000 of the girls now attending high school will have been raped before they graduate.
- * The average age of a rape victim is 18 1/2 years old.
- * Young women aged 16 to 19 are the most likely to be raped.
- * 57% of college rape victims are attacked by dates.
- * Girls raped before age 18 are least likely to report to police about their victimization.
- * Girls aged 12 to 15 are the most likely to be raped by strangers.
- * Rape victims aged 12 to 19 are the least likely to receive hospital care.
- * Since 1974, the rate of assaults against young women (20 to 24) has jumped 48%. For men of the same age group, it has decreased 12%.

Compiled by the majority staff of the Senate Judiciary Committee (August 29, 1990)

TEN FACTS ABOUT VIOLENCE AGAINST WOMEN

- Of the American women alive today, 25 million either have been, or will be, raped at least once during their lives.
- Last year, the number of women abused by their husbands was greater than the number of women who got married.
- In 1950, police caught 83% of all rapists; in 1988, police caught only 53% of them.
- Nearly 50% of abusive husbands batter their wives when they are pregnant, making them 4 times more likely to bear infants of low birth weight.
- Of all those arrested for major crimes -- murder, rape, robbery, assault, burglary, larceny theft, motor vehicle theft, and arson -- rapists are the most likely to escape conviction.
- If every woman victimized by domestic violence last year were to join hands in a line, the string of people would span from New York to Los Angeles and back again.
- More than half of all homeless women are on the street because they are fleeing domestic violence.
- More than 40% of college women who have been raped say that they expect to be raped again.
- There were more women "wounded" by rapists last year than marines wounded by the enemy in all of World War II.
- There are nearly three times as many animal shelters in the United States as there are battered women's shelters.

Compiled by the majority staff of the Senate Judiciary Committee (August 29, 1990)


INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

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BILL CASSTEVENS, SECRETARY-TREASURER

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September 10, 1990

The Honorable Joseph R. Biden, Jr.
 Chairman, Committee on the Judiciary
 United States Senate
 Washington, D. C. 20510

Dear Mr. Chairman:

This statement is being submitted by the International Union, UAW in connection with the hearing conducted by the Senate Judiciary Committee on June 20, 1990 concerning the proposed Violence Against Women Act of 1990 (S. 2754). We would appreciate it if you would include this statement as part of the hearing record.

The UAW strongly supports S. 2754. We commend you, Mr. Chairman, for introducing and holding hearings on this important legislation.

Violence and crimes directed against women, both on the streets and in homes, are a serious and growing problem in the United States. The threat of violence has made many women understandably afraid to walk our streets or use public transportation. In addition, all too often effective measures are not available to help women who are the victims of spousal abuse.

The legislation which you have introduced, Mr. Chairman, would represent an important first step toward addressing these problems. It would strengthen federal penalties for violent crimes against women. It would also provide grants to states and local government agencies to enhance law enforcement and prosecution and to make capital improvements in public transportation to help prevent violent crimes against women. Finally, the legislation would encourage state and local governments to treat spousal violence as a serious crime and would provide increased funding for shelters for battered women.

Mr. Chairman, the UAW wholeheartedly supports the provisions of S. 2754. Taken together, these measures would make an important contribution to combatting the problems associated with violent crimes against women. We urge the Judiciary Committee and the entire Senate to give prompt and favorable consideration to this important legislation.

Your consideration of our views on this legislation will be appreciated. Thank you.

Sincerely,

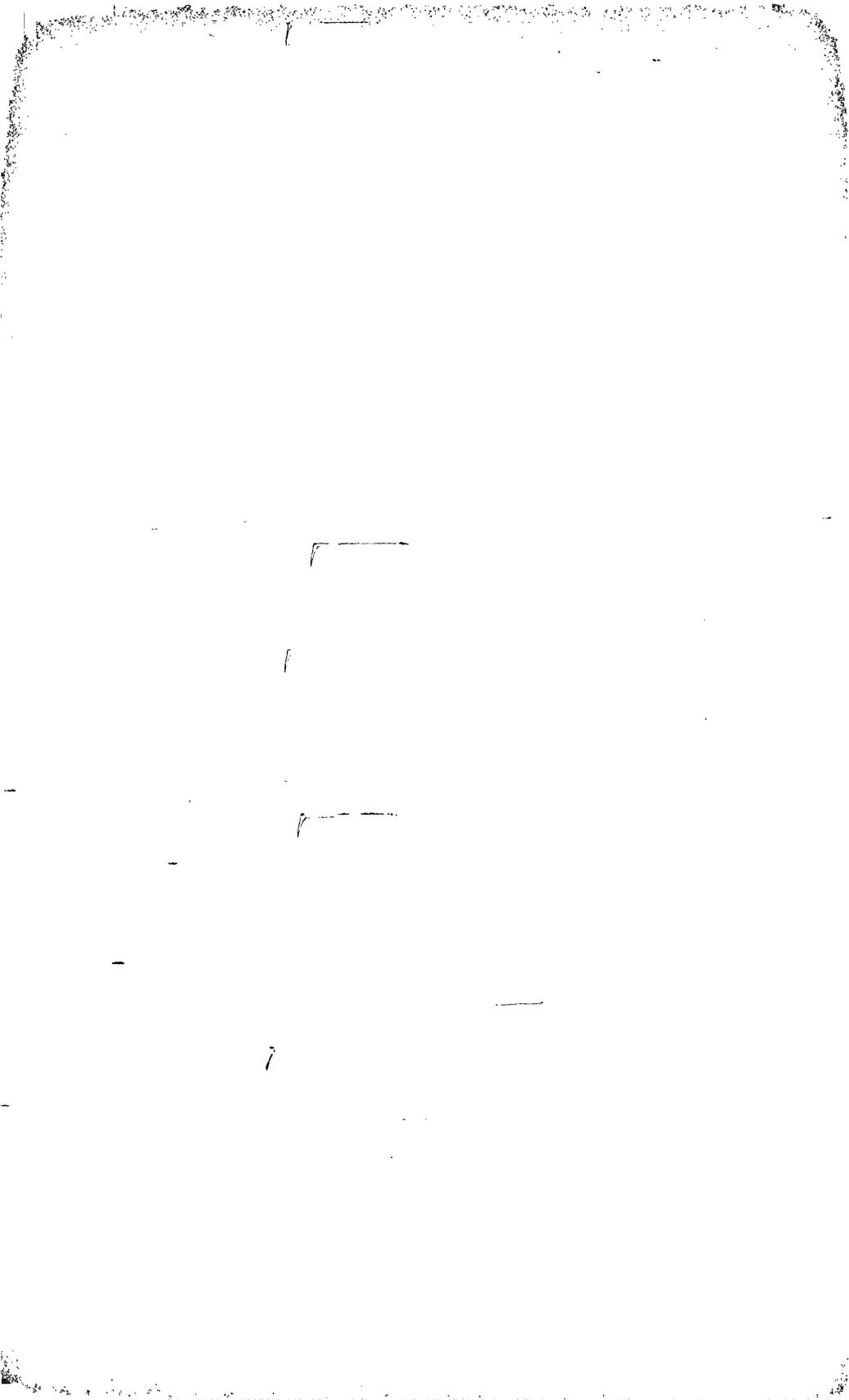
Odessa Komer

Odessa Komer
UAW Vice President
and Director, Women's Department

Dick Warden

Dick Warden
Legislative Director

DM:njk
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cc: Members, Committee on the Judiciary



VIOLENCE AGAINST WOMEN: DOMESTIC VIOLENCE

TUESDAY, DECEMBER 11, 1990

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

The Committee met, pursuant to notice, at 10:16 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden, chairman of the committee, presiding.

Present: Senators Biden and Thurmond.

OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. The Committee will come to order.

I apologize to the witnesses and to everyone else for getting a late start today. Some have wondered why, during this postelection year while the Senate is out of session, I have continued to hold hearings.

The reason I should state at the outset is this: I am deeply committed to the ideas embodied in the legislation that was introduced last year and hope very early in this next Congress, the 102d Congress, to get off to a running to start to have this issue litigated, if you will, before the Congress and the American people, in the hope that the legislation I have introduced would become law.

This is our third hearing on the Violence Against Women Act of 1990, a bill introduced last session which, as I indicated, I plan to introduce in the next Congress.

Today's hearing will focus on a different aspect of the epidemic of violence against women, the violence that far too many women suffer in their homes and far too many Americans fail to take cognizance of.

At this time of year, it is particularly crucial for us to focus on domestic violence. The holidays are fast approaching, a time of harmony and joy for most families, but as we gather at the hearth and the home to celebrate, we should remember that in many families, too many families, the holidays will not be a time of peace and togetherness but, instead, will be a time of violence and abuse.

While domestic violence is always tragic, it is never more so than during the holiday season. In hundreds of thousands of families, the extra pressure of holiday contributes to increased violence against spouses and children.

Consider what I believe to be a startling fact: Based on statistics that we are going to be releasing today—and I really had doubts, quite frankly, about mentioning any of this, because in the holiday

season we should be talking about things that are upbeat and happy, and I literally had a protracted discussion with my staff as to whether or not I should even mention what I am about to mention—but I think it is important that it be done, on balance.

During this holiday season, in the next 6 weeks between Thanksgiving and New Years, about 450,000 women will be violently abused in their homes. For these women, the Christmas hope of a “Silent Night” is their greatest holiday wish. And if the extent of this violence—that no one wants to talk about at this season—if the extent of it should shock Americans, I guess it is probably useful in mentioning it.

The witnesses today will explain domestic violence from a personal perspective, and from a perspective of professionals who have studied the issue.

Domestic violence—when I speak to people about it other than in this hearing room, and when I was out speaking to my constituency this past 6 months off and on—a lot of people still put domestic violence in the category of pushing and shoving. They think of it basically in those terms. They think of it as the occasional exasperated back-of-the-hand, if you will, and they do not like it. They think that is bad but, quite frankly, that is not really the domestic violence that we are talking about here.

One-third of all spouse abuses cases would be categorized as felony assaults if, in fact, they were brought to trial. And figures that we are releasing today show that about 30 percent of all the women who seek treatment in hospital emergency rooms for any reason, for any reason at all, are there because they are the victims of wife beating. And most tragically, every week between now and Christmas, about 30 women will be killed by their spouses—the crisis of domestic violence taken to its worst extreme.

Overall, the toll on women’s lives and health is devastating. Simply put, battering is the single largest cause of injury to women in the United States.

Moreover, as I said, at this time of year, when our sympathies are so acutely moved by the plight of the homeless, we should keep this in mind: Half of all homeless women, one-half of all the women you will see in the streets during this cold December, are there because they are fleeing spouses who have abused them.

Of course, abused women are not the only victims of domestic violence, either during the holidays or during the year round. I want to make it clear, this is not merely a holiday phenomenon. Domestic violence destroys children, even as it is destroying their mothers.

Experts say, and will say today, that children who witness abuse of their mothers suffer in many of the same ways and have many of the same symptoms as kids who are physically or sexually abused themselves. And children in homes where their mothers are abused are 1,500 percent more likely to be abused than the national average. And sometimes, spouse abuse and child abuse are as one: Nearly 50 percent of abusive husbands batter their wives even while they are pregnant, making those women four times more likely to bear infants with low birth weight, a leading cause of infant mortality.

Finally, as we think about what the holidays mean to our families, let us consider this harsh fact: The figures we are releasing today show that, during the holiday season, about twice as many women will be beaten by spouses as will get married.

For too long, our society has looked the other way at this nightmare. It is shameful, but true, that our legal system condoned violence against women for hundreds of years. Even now, for example, right here in Washington, DC, an abusive spouse is arrested in less than 15 percent of the cases where his victim is bleeding from an open wound. We cannot afford to wait any longer to treat domestic violence as something other than what it is, a serious crime.

These are the reasons why I wrote the Violence Against Women Act of 1990 and why I will continue to press for its enactment next year.

Our bill is an ambitious undertaking. It is the first attempt to comprehensively address violent crimes against women. I will not go through all of the bill's significant provisions now, for there are too many to describe, but I want to briefly outline the major provisions of the bill that deal with our focus today, domestic violence.

First, the bill makes it a Federal crime for an abuser to cross a State line to continue abuse, thereby combatting a difficult law enforcement problem that often straddles jurisdictions.

Second, it protects women who flee across State lines to elude their abusers, by making a protective stay-away order issued in one State valid in every State. Today, a woman must often show that her spouse abused her in a particular State to be protected in that particular State.

Third, the bill offers incentives to States that arrest spouse abusers and enacts measures to encourage prosecution of those attackers.

Fourth, it triples funding for battered women's shelters. Right now, America has three times as many animal shelters as shelters for abused women.

Finally, the bill adopts a variety of improvements to the existing Federal family violence and prevention programs that were drafted by Senator Coats of the Labor Committee.

None of these provisions, either alone or together, will solve the crisis that confronts us. However, they are a start, and our witnesses today will help us explore how these measures can be improved and what more must be done to arrest this epidemic of abuse.

Before I call the first witness, I wish to place Senator Thurmond's statement in the record.

[The aforementioned follows:]

STATEMENT BY SENATOR STROM THURMOND (R-S.C.) BEFORE THE SENATE JUDICIARY COMMITTEE, REFERENCE HEARING ON VIOLENCE AGAINST WOMEN - DOMESTIC VIOLENCE, 226 SENATE DIRKSEN OFFICE BUILDING. WEDNESDAY, DECEMBER 11, 1990, 10 A.M.

MR. CHAIRMAN:

Today, we will hear testimony regarding a very important matter - violence against women. Specifically, this hearing will focus on a crisis facing more women every day - domestic violence. Our Nation is facing a violent crime epidemic. The number of violent crimes have continued to rise to the point where, now, there is a violent crime committed every 19 seconds. Unfortunately, women account for a significant number of our Nation's victims. According to the Department of Justice, there were over 94,000 forcible rapes reported in 1989. That translates into one rape every six minutes. In addition, women accounted for over 4,400 murder victims in 1989. I find that an astounding figure.

Much of the violence which women victims sustain occurs at home. Every day, American women face the threat of assault within their own home. Independent studies conclude that over 1 million women a year seek medical assistance as a result of injuries sustained by their spouses or other partners.

Mr. Chairman, it is clear that domestic violence is a leading national crime and health problem. Many States have taken significant steps in recent years to address this situation. In addition, several States have enacted legislation to encourage the arrest of spouse abusers. Most States have provided women with the tool of civil protection orders and

have worked to establish shelters for battered women. Unfortunately, despite these steps, domestic violence still persists.

Although the problem of addressing domestic violence has traditionally rested with the States, the Federal government may provide incentives to encourage the States to make domestic violence a law enforcement priority. In fact, the Judiciary Committee recently reported the "Violence Against Women Act of 1990" which responds to the widespread problem of violence against women. I support this legislative effort. Part of this legislation encourages the States to adopt comprehensive reform measures and provides additional funding for battered women shelters.

Mr. Chairman, this hearing will focus on the unique problems domestic violence poses. Legislative proposals to help remedy the situation will be discussed. Any legislation which seeks to address this persistent problem certainly merits thorough, serious consideration by this Committee. The witnesses we will hear from today will provide us with testimony which should prove valuable in our efforts to address this serious problem.

For these reasons, I look forward to today's testimony.

The CHAIRMAN. I am pleased to announce today that we have on our first panel two very well-spoken and deeply involved survivors. The first is Charlotte Fedders, a prominent speaker on domestic violence and the author of "Shattered Dreams," an account of how she survived the abuse of her husband, a prominent Washington attorney and former Chief of Enforcement of the Securities and Exchange Commission.

And our second witness is Tracy Motuzick, formerly Tracy Truman, a survivor of severe physical abuse by her husband and neglect by the system. Police ignored her repeated pleas for help, leaving her unprotected from a brutal attempt on her life. She fought and won an unprecedented lawsuit challenging the failure to protect women in domestic violence cases.

So, I would like to call those two women forward at this time, if I may, and ask them to please join us. I welcome you both. I know you both are aware of how the committee works.

Ms. Fedders, I invite you to make any opening statement that you would like.

Did I pronounce the name Motuzick correctly?

Ms. MOTUZICK. Yes, but it wasn't Truman, it is Thurman.

The CHAIRMAN. Thurman, I beg your pardon. I beg your pardon. Then I would invite you, as well, to make an opening statement and then we will go to questions.

Ms. Fedders.

A PANEL CONSISTING OF CHARLOTTE FEDDERS AND TRACY MOTUZICK (FORMERLY TRACY THURMAN)

Ms. FEDDERS. Thank you, Senator Biden.

I have mixed emotions, being here today, for, on the one hand, I am pleased to share some of my feelings on violence in the home, which we must realize is violence against women and their children, and we must keep in mind that "woman abuse is child abuse."

On the other hand, I truly am appalled that, in this just of all countries, we still have the problems of domestic violence. I ask where have our leaders been over the past several centuries, because violence against women is not a new problem, but it seems that only in the past several years is domestic violence finally being realized to be the crime that it has always been. We must make no mistake about it, domestic violence is a crime, it is not just a "family matter."

Five years ago, when my life as a victim of violence in my home became public, people seemed so surprised that a man of my former husband's prominence could be guilty of physically and emotionally abusing his wife and children. There were those who felt I must have "done something" to deserve the 17 years of black eyes, bruises, a broken ear drum, and, yes, also being beaten while I was pregnant with one of my six children. Also, they felt that perhaps I had done something to deserve the endless hours of belittlement and criticism that became a pattern of rigid threatening control from the early days of our relationship. I will be honest, I certainly wanted the same myself, for guilt was constantly reinforced by my husband.

I wonder why people look for reason to justify violence in the home. I think perhaps for some it is incomprehensible that a wife and child is not safe in their home. Unfortunately for others, the problem hits too close to home and many men still feel that his home is his castle, where he is the ruler and all who live under him should obey, or else.

Let me stress the fact that no one human being has the right to physically or emotionally control or abuse another. This is a basic fact that, as a nation, we must accept. Tracy does not have the right to slap the man who just took her parking place; you do not have the right to physically assault the teenager who overcooked your Egg McMuffin; I do not have the right to strike my children, and my husband did not have the right to abuse me.

I find myself in a funny situation these days, because I am no longer the old person who felt that she was the cause of distress and pain in her marriage. Fortunately, I have been able to become a more emotionally stable person who has learned too much about the crimes of domestic violence, too much, I say, because of the facts that Senator Biden just read, some of them are on the wall.

Every 15 seconds, a man beats his wife or his girlfriend. Many of these beatings are life-threatening, many of them unfortunately are fatal, but yet he says he loves this woman and he thinks he is justified for his behavior.

Domestic violence occurs in all economic, cultural, racial, and religious groups. There is not a typical woman to be abused. My husband and I were upper middle class, professional moral people. The risk factor for me becoming abused was the fact that I was born a female.

Years after my husband and I separated, I learned that unfortunately ours was not an isolated violent relationship. But only recently have I found how much damage it does do to the children. I was staggered when I read the figure that the Senator read, about 1,500 percent higher children are apt to be beaten in their home or seriously neglected. But you must realize that this is also neglect from the father and also the mother, because it is a learned type of behavior.

Since his violence is learned, boys who have witnessed the violence are 10 times more likely to batter their female partners as adults. Eight percent of those in prison grew up in violent homes. I have five sons, and when I read this figure, I was staggered; 63 percent of youths between the ages of 11 and 20 who murder kill the man who is beating their mother.

It seems simplistic to say that we must do something and do it now, but we have to. We cannot wait another year or two. The law hopefully will be very important to this country. Violence in the home is a crime that is destroying our country and the world. In this time of holiday spirit and, hopefully, peace, we must remember that world peace begins at home.

I really do not have the answers, but I have some thoughts. We need laws. Obviously, you feel the same way. But these laws have to be tough and they have to be enforced. The man cannot be allowed to violate a restraining order or batter even only once, without serious consequences. He must be held accountable for his

crime, even if it happens in the privacy of his home, because it is, after all, her home and a home should be a safe place.

We must educate. My third-grader brought home a piece of paper the other day which made me realize that he is being educated about his civil rights, and I as a parent—and I think parents have to do this—I exercised the fact that these civil rights begin in the home.

So, we have to play catchup within the existing system. Our law enforcement officers, medical, mental health, legal profession, social workers, teachers, politicians and, most especially, judges must learn the dynamics of family violence and be held accountable for their actions and their decisions. Judges must learn to issue decisions that will assist the former victims of domestic violence to survive and eventually thrive.

I turned to the judicial system for help, especially financial, and was cruelly disappointed. I was a lucky one, because I had the ability to tell my story and people did read it and watch it on television and I received financial compensation, but not everyone is this lucky.

My salary now as a nurse is inadequate for the family of my size. My ex-husband's earnings, on the other hand, are approximately 10 times greater than mine. He, as many others, was not held accountable for his violence by the court system.

Victims of domestic violence cannot be further traumatized by the very system that should be helping them. Many married women like me, especially if she has children, is financially dependent on her husband. Indeed, it is usually the way he insists the marriage must be. Yet, when a woman leaves her abuser, she is at least 50 percent likely that her standard of living will drop below the poverty line, just because she wanted to save her life.

At present, our judicial system can be manipulated by these abusive men, and as long as this is possible, the women and children who deserve so much better will continue to be victimized and traumatized, not only by their abuser, who often is given custody of the children and basically let off the hook financially and legally, but also by the system that should be offering relief.

Education and accountability are the two key factors, in my mind, in ridding our country of domestic violence.

In closing, I want to read you very quickly the rights of a battered woman that I feel we should all keep in mind:

I have the right not to be abused. I have the right to anger over past beatings. I have the right to choose to change the situation. I have the right to freedom from fear of abuse. I have the right to request and expect assistance from police and social agencies. I have the right to share my feelings and not be isolated from others. I have the right to want a better role model of communication for my children. I have the right to leave the battering environment. I have the right to privacy. I have the right to express my own thoughts and feelings. I have the right to develop my individual talents and abilities. I have the right to legally prosecute the abusing person. I have the right to be me.

Senator, as a former victim, as a mother and as a woman, I thank you for your time and your sincere interest.

[The prepared statement of Ms. Fedders follows:]

TESTIMONY OF CHARLOTTE FEDDERS

SENATE JUDICIARY COMMITTEE

December 11, 1990

VIOLENCE AGAINST WOMEN

Thank you Senator Biden and members of the Senate Judiciary Committee for inviting me to this hearing. I have mixed emotions today. On one hand I am pleased to be here to share some of my feelings on violence in the home - violence against women (women and their children, for we must not forget that "woman abuse IS child abuse"). Yet on the other hand, I am appalled that in this wonderful and just of all countries - the United States of America - the problem of domestic violence still exists. Where have our leaders been for the past several centuries? This violence against women is not a new problem, but it seems only in the past several years is domestic violence finally being viewed as the CRIME it has always been. Make no mistake about it, domestic violence is a crime, not a "family matter."

Five years ago when my life as a victim of violence in my home became public, people seemed so surprised that a man of my former husband's prominence could be guilty of physically or emotionally abusing his wife and children. There were those who felt I must have "done something" to deserve 17 years of black eyes, bruises, a broken ear drum, being beaten while pregnant with one of my 6 sons, and the other endless hours of emotional

belittlement and criticism that became a pattern of rigid threatening control from the very early days of our relationship. I certainly wondered the same myself, for my guilt was constantly re-enforced by my husband who I adored and wanted so to please.

Why do people look for a reason to justify this violence in the home? Maybe for many it is incomprehensible that a wife and child is not safe in their own home. Unfortunately for others, the problem hits too close to home. Too many men still feel that his home IS his castle and he is the ruler and all who live under his roof should obey - or else.

Let me stress the FACT that NO ONE HUMAN BEING HAS THE RIGHT TO PHYSICALLY OR EMOTIONALLY CONTROL AND ABUSE ANOTHER! This is a premise that we, as a nation, must accept as basic. She doesn't have the right to slap the man who just took her parking place, you don't have the right to shove or ridicule the teenager who overcooked your Egg McMuffin, I don't have the right to strike my children and my husband did not have the right to batter me.

I find myself in a funny position these days. Gone is the "old" younger Charlotte Fedders who was convinced that she was the cause of the distress and pain in her marriage. In her place is an emotionally stalle older Charlotte who has learned too much about crimes against women. "Too much" I say, because the figures are staggering. Many of us know that every 15

seconds a woman is beaten by her husband or boyfriend, but do you realize that this means in over 30 million couples a man will inflict emotional and physical - at times life-threatening and fatal - violence upon the woman he loves? AND he will think he is justified in his behavior.

Domestic violence occurs in all economic, cultural, racial and religious groups. There is not a "typical" woman who is abused. My husband and I were both upper middle-class, professional, moral people. The risk factor for me becoming a battered woman was simply that I was born female.

Years after my husband and I separated, I learned that unfortunately ours was not an isolated violent relationship. Battering is the single cause of injury to women - exceeding rape, mugging and auto accidents combined. But only recently have I found out that children in homes where domestic violence occurs are physically abused or seriously neglected at the rate of 1500% higher than the national average for the general population. These children are abused by their fathers AND their mothers, the mothers who have learned the behavior from their abusers. Since this violence IS learned, boys who have witnessed this violence are 10 times more likely to batter their female partners as adults. 80% of those in prison grew up in violent homes and 63% of youths between the ages of 11 to 20 who murder, kill the man who abused their mother.

We must DO something and do it NOW. We cannot wait another year or two. Violence in the home is an abhorrant crime that is destroying our country and the world. We must remember at all times that WORLD PEACE BEGINS AT HOME!

I don't have the answers, but I do have some thoughts and suggestions. We need laws - obviously you feel the same way, or we would not be here. These laws must be tough and they need to be enforced. A man cannot be allowed to violate a restraining order or batter - even "only" once - without serious consequences. He must be held accountable for his crime, even if it happened in "the privacy of his home". It is, after all, HER home also and a "home" should be a safe place.

We must educate. My third grade son Peter brought home the attached the other day and I cried because I realized that he IS being taught his civil rights and as his parent I emphasized these civil rights exist also in his home. Education of the young is vital, but we must play "catch up" within the existing system. Law enforcement officers, medical, mental health and legal professionals, social workers, teachers, politicians and most especially judges must learn the dynamics of family violence (see attached "wheel") and be held accountable for their actions and their decisions.

Judges must learn to issue decisions that will assist the former victims to survive and eventually thrive. I turned to the

judicial system for help - especially financial - and was cruelly disappointed. I was lucky since I had the good fortune to be able to tell my story - a story of millions of others - that people read in book form and watched on television, and for which I received financial compensation. But the Shattered Dreams money has been used to fill the financial void of what I earn versus what the Fedders family needs to exist, and my salary as a nurse is inadequate for a family the size and SIZE of mine. (I gave birth to giants - but, may I add, gentle ones. For that I am thankful and proud). My ex-husband's earning potential is still far greater - approximately 10 times greater than mine. He, as are so many others, was not held accountable for his violence by the court system. This should not be. Victims of domestic violence cannot be further traumatized by the very system that should be helping them. It is a fact that, like me, many a married woman, especially if she has children, is financially dependent on her husband. Indeed it is usually the way HE insists the marriage must be. Yet when this woman leaves her abuser, she has at least a 50% chance that her standard of living will drop below the poverty line. At present, our justice system can be manipulated by these abusive men. As long as this is possible, the women and children who deserve so much better will continue to be victimized and traumatized by not only their abuser (who will often be given custody of the children and basically "let off the hook" legally and financially) but also by the very system which should be offering relief.

Education and accountability are two key factors in ridding our country of domestic violence.

In closing - and it has been difficult to speak for such a short time - I want to read you the Rights of a Battered Woman.

I have the right not to be abused.

I have the right to anger over past beatings.

I have the right to choose to change the situation

I have the right to freedom from fear of abuse.

I have the right to request and expect assistance from police
and social agencies.

I have the right to share my feelings and not be
isolated from others.

I have the right to want a better role model of communication
for my children.

I have the right to leave the battering environment.

I have the right to privacy.

I have the right to express my own thoughts and feelings.

I have the right to develop my individual talents
and abilities.

I have the right to legally prosecute the abusing person.

I have the right to be and I have the right to be me.

As a former victim, as a mother and as a woman, thank you for
your time and your interest.

Our Civil Rights

I HAVE A RIGHT TO BE HAPPY AND TO BE TREATED WITH COMPASSION IN THIS ROOM:

THIS MEANS THAT NO ONE

WILL LAUGH AT ME OR

HURT MY FEELINGS.



I HAVE A RIGHT TO BE MYSELF IN THIS ROOM.

THIS MEANS THAT NO ONE WILL TREAT ME UNFAIRLY BECAUSE I AM

BLACK OR WHITE,

FAT OR THIN,

TALL OR SHORT,

BOY OR GIRL.



I HAVE A RIGHT TO BE SAFE IN THIS ROOM:

THIS MEANS THAT NO ONE WILL

HIT ME,

KICK ME,

PUSH ME,

PINCH ME,

OR HURT ME.



I HAVE A RIGHT TO HEAR AND BE HEARD IN THIS ROOM:

THIS MEANS THAT NO ONE WILL

YELL,

SCREAM,

SHOUT

OR MAKE LOUD NOISES.



I HAVE A RIGHT TO LEARN ABOUT MYSELF IN THIS ROOM

THIS MEANS THAT I WILL BE

FREE TO EXPRESS MY FEELINGS

AND OPINIONS WITHOUT BEING



The CHAIRMAN. Thank you for being willing to come today, and I will have some questions in a moment.

Tracy.

STATEMENT OF TRACY MOTUZICK

Ms. MOTUZICK. Hi. My name is Tracy Motuzick, formerly Tracy Thurman. I live in Torrington, CT. I was the victim of abuse for many years, and in 1983 my husband stabbed me 13 times and broke my neck while the police were on the scene. I nearly died and I am permanently paralyzed, and physically and mentally scarred for life.

I called the police many times the year before this incident and they took him away several times without arresting him. My husband continually threatened me. I was afraid and kept close by people. I lived in terror and went nowhere alone. The abuse I had endured over the years taught me to take his threats seriously.

Buck was finally arrested when he put his fist through my car windshield. He was given probation and told to leave the State and stop harassing me. But during this time, he came back to Torrington and got a job in a local diner and on more than one occasion he called and threatened me, and when I called the police they said they could not find him. I felt as though they were not taking me seriously, because I had no bruises. In fact, one officer told me that they would not arrest him unless they witnessed the assault.

I had a restraining order in effect and the police could not find it. They said someone must have misfiled it. All the records of my having called before did not matter.

In June 1983, I called the police when he showed up at the house I was living in. He called me from the yard and I talked to him, trying to stall him until the police arrived. I could only stall him for 15 minutes. The police had not arrived, but he was going to come up and I was afraid that he would hurt or scare my son, so I went into the yard.

I knew the police would be coming and maybe they would then feel that they could arrest him. I would even put up with a punch in front of them, if they needed that to arrest him. I stalled him for 5 more minutes until the police arrived. When he saw they had arrived, he reached in his back pocket and grabbed a knife, so I ran around to the back of the house. He reached me and stabbed me 13 times.

When the police did arrive and get the knife from him, they turned their backs on him and he was able to further do more damage by coming over to me and breaking my neck, stepping on my head and breaking my neck. I lost all feeling. He ran upstairs and grabbed our little boy and carried him downstairs and said, "I killed your f-ing mother."

My son and I will always be affected by what has happened to us. But this was preventable. If the police had taken my calls seriously, if they had enforced the restraining order, if they had arrested him when he called and threatened me, he might have gotten the message.

A battered woman should be able to call the police, especially where there is a record of abuse and have the abuser arrested.

Children need to see that violence against women, even someone in their family is wrong and will be punished.

For many reasons, battered women often do not call the police. When they do, they are calling because they need protection. My case involved the Torrington police, but it could happen anywhere. There needs to be consistent response to domestic violence by police. Restraining orders need to be taken seriously and violations of them responded to quickly.

All my actions showed how afraid I was of him and the many calls to police showed how frequently he threatened me. I did not have bruises in the year I was away from him, but I was afraid of him as if I were still being beaten daily. I did not feel protected or safe. The police minimized my calls, waiting for bruises, and then told me that because we were married and a child was involved, there was little they could do.

Many battered women die from their abuse. The others live in fear. Battered women need to be taken seriously. Proper police response can prevent what happened to me from happening to someone else.

Thank you.

[The prepared statement of Ms. Motuzick follows:]

TESTIMONY BEFORE SENATE JUDICIARY COMMITTEE
December 11, 1990

Hi, my name is Tracy Motuzick, formerly Tracy Thurman. I live in Torrington, Connecticut. I was the victim of abuse for many years, and in 1983 my husband stabbed me 13 times and broke my neck while the police were on the scene. I nearly died and am permanently paralyzed.

I called the police many times the year before this incident and they took him away several times without arresting him. My husband continually threatened me. I was afraid and kept close by people. I lived in terror and went nowhere alone. The abuse I had endured over the years taught me to take his threats seriously.

Buck was finally arrested when he put his fist through my car windshield. He was given probation and told to leave the state and stop harrassing me. But during this time, he came back to Torrington and got a job in a local diner and on more than one occasion, he called and threatened me and when I called the police they said they couldn't find him. I felt as though they weren't taking me seriously because I had no bruises. In fact, one officer told me that they couldn't arrest him unless they witnessed the assault.

I had a restraining order in effect and the police couldn't find it. They said someone must have misfiled it. All the records of my having called before didn't matter.

In ~~June~~, 1983 I called police when he showed up at the house I was living in. He called me from the yard and I

talked to him trying to stall him until the police arrived. I could only stall him for 15 minutes. The police had not arrived but he was going to come up and I was afraid that he would hurt or scare my son so I went into the yard. I knew the police would be coming and maybe they would see him harassing me or threatening me and could then feel they could arrest him. I would even put up with a punch in front of them if they needed that to arrest him. I stalled him for five more minutes until the police arrived. When he saw them he reached in his pocket and grabbed a knife so I ran around toward the back of the house. He reached me and stabbed me 13 times. When the police did arrive and get the knife from him. They turned their backs on him and he jumped on my neck breaking it. I lost all feeling. He ran upstairs and grabbed my little boy and carried him downstairs and said "I killed your f.... mother."

My son and I will always be affected by what happened to us. But this was preventable. If the police had taken my calls seriously. If they had enforced the restraining order, if they had arrested him when he called and threatened me, he might have gotten the message. A battered woman should be able to call the police, especially where there is a record of abuse, and have the abuser arrested. Children need to see that violence against anyone, even someone in their family is wrong and will be punished.

For many reasons, battered women often don't call the police. When they do, they are calling because they need

protection. My case involved the Torrington police, but it could happen anywhere. There needs to be consistent response to domestic violence by police. Restraining orders need to be taken seriously and violations of them responded to quickly.

All my actions showed how afraid I was of him and the many calls to police showed how frequently he threatened me. I did not have bruises in the year I was away from him, but I was as afraid of him as if I were still being beaten daily. I didn't feel protected or safe. The police minimized my calls waiting for bruises and then told me that because we were married and a child was involved, there was little they could do.

Many battered women die from their abuse. The others live in fear. Battered women need to be taken seriously. Proper police response can prevent what happened to me from happening to someone else.

The CHAIRMAN. Thank you. I admire your ability to share with this committee and with the country what you went through. I was about to say I know—I do not know, I can only guess how painful that is. God willing, it will be for a good purpose.

Let me ask you a couple of questions, if I can. Ms. Fedders, you characterized your situation as that of an upper middle-income, well-educated, ostensibly successful, socially accepted, and probably in some quarters even envied circumstance.

I am going to ask you some difficult questions. I think I know the answers to some of them, but I think it is important that they be on the record. None of the questions I am asking are hostile, but they are difficult, and if there is anything you do not want to answer, you just say, hey, you know, just nod and I will go on. Okay?

Ms. FEDDERS. Okay.

The CHAIRMAN. You put your finger on a problem in society at the very outset. You said for thousands of years or hundreds of years this has been allowed to take place. You again, in addition to characterizing your personal circumstance, you and your husband's personal circumstance in society, you also characterized the system a little bit.

Now, in order to help me develop an answer to the question of why this has been allowed to go on, let me ask you why did you allow it to go on?

Ms. FEDDERS. That is a question that most battered women are asked. I have been told by experts that the question should be asked really what prevented me from leaving.

The CHAIRMAN. Well, that is the answer I hoped you would give me, but go on and explain that. I think it is important on the record that it be explained in some detail, because a lot of people think, a lot of men I suspect sit and think—I hope and I believe, good honorable men who have never battered, and who would never think of battering—sit there and say, "Well my goodness, why wouldn't so-and-so just leave," thinking that that woman is in a position relative to her marriage that he is relative to his marriage.

Ms. FEDDERS. Right.

The CHAIRMAN. Thinking that he knows that if he were being battered, he would leave. He has got a \$30,000, \$40,000, \$50,000, \$60,000, \$80,000, \$100,000 job, he can leave and have some autonomy and independence. And I think many men just assume that, well, "I would leave, why wouldn't that woman leave?" And so would you, for the record, go into a little bit of detail on why it went on for so long?

Ms. FEDDERS. Well, I think I have learned that my case is fairly common, what happened to me. In my life, the emotional control and the emotional battering took place subtly, but over the first couple of years of our relationship and into the marriage, that by the time he hit me the first time—and I was never as physically harmed nearly as much as Tracy was, and my first episode was a broken ear drum, one slap to the face and he broke my ear drum.

I did not leave, because the emotional pattern was already set up, I did not really have any tools left to feel that, one, I deserved any better, or, two, that it was not my fault. As the years went

on—and the time to make a change is that very first time, but the reason people do not is because—my feeling is, and I think the experts back me up—by the time you are physically assaulted, the first time you are already so controlled by him that you really do not have, as I said, the tools to get up and leave.

It does not come from just out of the blue. This is not an equal partnership, where all of a sudden one day he just loses it and slaps you. It has built up, the pressure has built up, the control has built up, and by the time you are hit, your self-esteem is shot, you think it is your fault, and you do not make a change.

If you do not make a change the first time, which I did not, then the next time it is more acceptable and the next time it can be worse. Usually it does get worse, and in my case children came along. In my case, my skills as a nurse were more antiquated and I did not feel I could support myself financially, and he reinforced that. He reinforced that I would be penniless.

The CHAIRMAN. Did you share your plight in the early going of your marriage with anyone else, and if you did, what was their reaction?

Ms. FEDDERS. I did early on. You have to remember, this was in the late sixties, so things have changed. They have not changed enough, but they have changed.

I did mostly with my family and close friends, and it was like "get out," which is the proper advice, but not understanding what we now know about the dynamics of family violence, I do not think anyone realized the emotional hold that he already had on me and my lack of feeling that I had any ability, lack of self-esteem, if you want to use that, and so I did nothing. It is really hard to explain. The people now understand it are the people who have unfortunately had—

The CHAIRMAN. No, I do not think it is nearly as hard to explain as you think it is.

Ms. FEDDERS. Well, you have an open mind.

The CHAIRMAN. No, I really do not. Maybe I have learned more about the issue than I ever thought I would, or would need to, but I do not really think so. I think people understand what you are saying a little bit more than you think, and I think that—I do not mean the batterers understand it—but I think there is a vast reservoir of people, women and men as well, out there who understand it, maybe not in the depth that, clearly, you understand it. But they have a sense of what you are saying, and I think that is important. Now, I am not an expert. I have spent a lot of time trying to learn as much as I can. I think I am relatively well-informed, but like that old joke, "I might not know much about art, but I know what I like," you know, well, I have begun to form some opinions myself over the years of listening to the experts and reading and listening to witnesses. I really think we tend to underestimate the ability of the American people and men to understand what you are saying, and that is why I think it is important to say it more.

I think the tendency is—in witnesses we have had before us who are in your circumstance and people in whom I have sought counsel, battered women and "the experts"—I think there is a predisposition to think that it is so difficult to understand, "no one will, so

therefore I won't try to explain it," and, therefore, we never get this thing out in the open. Maybe at conferences among experts you do, but the general public does not watch them on C-Span.

So, that is the reason why I am pursuing this subject, not merely to delve into your personal situation, because from what I have read and been told to me, yours is not an exception. Yours is more the rule than the exception of those who are battered.

Now, I want to pursue one more point along this line with you. I think one of the reasons why we have been late in coming to this subject as a Nation, at least with the intensity I hope we will now come to it, are multi-fold. Two of them I think—and the experts will testify and will correct me, chastise me and/or enlighten me about whether I am right or wrong in what I am about to say—are this. One has been, in my view, a very clear notion in the minds of most people of what a family unit is and how private, sacrosanct and beyond the purview of government it should be, because they are worried about government, and sectors of society still do.

One of the criticisms of my legislation is that I am delving into family matters too much and that government should stay out of that—a laudable concern, I think. I mean it is a genuine concern, one that I think we should cross in this case.

The second is that I think there has been the notion, all along throughout our English jurisprudential system, that women were chattels and they were owned by their husbands and the marriage bond gave men certain rights and, although that has been civilized slightly or significantly over the past 500 years, there is still that leftover notion—the cliché is that wives use sex as a weapon and men use force as a weapon in the marriage relationship. I do not think we have come to grips with either of those two things, the sanctity of the family and when that is breached, and, two, this notion of what is appropriate and inappropriate behavior.

I share your view: It is never appropriate, under any circumstances, for any reason, no matter what, other than pure self-defense—which is rare—for a man ever to raise his hand under any circumstances to a woman or for anyone more powerful, woman or man, to raise a hand, period. I think there is still in society a notion that somehow it is, under certain circumstances, not totally inappropriate.

Now, here is my question, after that long prelude: At what point did you realize that what your husband was doing was not only inappropriate, but criminal?

Ms. FEDDERS. Inappropriate at one point and criminal at a later point. Actually, about 16 years into the marriage, I had a very low point in my life, where I was truly losing my sanity and I wanted my children to have a better role model and a better mother. I did not want anyone else to raise my children.

When I hit that point, I went into therapy. Very shortly after getting into therapy, I found out that it was inappropriate behavior, under any circumstances. I went to a very wise therapist who was not an expert on abuse, but fortunately very down-to-earth and just shared this basic feeling that no one person has the right to hurt another, but she did not really tell me that it was a crime.

Actually, about a year later, when I was down in these hallowed halls, all of a sudden someone said something about it being a

crime, and it never occurred to me that what had happened to me in my own home was a crime, so that was after I was separated and on the way to being divorced, that I realized I had been the victim of a crime.

The CHAIRMAN. Ms. Motuzick, let me ask you, yours was a very different circumstance and you made the break—for reasons I would like you to explain in a moment, earlier in the process—but when did you realize what your husband did to you was a crime? Was there any point in your mind where you said, "Hey, I not only have a right to be protected because he may really hurt me but, this man, what he is doing to me is no different than if a stranger walked in off the street and did that to me, it's a crime"? Did you ever—

Ms. MOTUZICK. When I lived out of State with him, I was aware of it. I was abused more when I lived out of State with him, and then there came a time when I left him and came here and we tried to—he came here also and we tried to make the marriage work here. He was from an abusive family, and I thought maybe him seeing the other side of how this is not the way it should be, that he would learn from that, but he did not. He was very angry at the closeness that my family had, compared to his family, and the only reason why I never had him arrested when we were in Virginia was I was always afraid that if they had just taken him away for that night and he had gotten out, that he would have been released and then he would have killed me for having him arrested. He had always threatened me if I had ever called the police on him, that he would kill me.

The CHAIRMAN. That was really the second question I had. Every young boy growing up is faced with the circumstance where, relative to other little boys and not so little boys and bigger boys, they are put in a situation of confrontation—whether it is in the school yard or whether it is riding their bicycles or whatever—where they have to make a decision about whether they are going to have a fight with this other boy. I do not say it is right, but it happens.

Here is my question. A lot of times, the reason why some little boys do not fight back against the bigger boy is not because they do not think they can give almost as well as they can take, but because they are a little worried that if they ever hit that big guy in the face, he will really get mad and then he will really beat me up.

Is there any of that kind of thinking among battered women? You, as a battered wife, did you ever say to yourself for example: If I ever tell the police that he just hit me or just blackened my eye or bloodied my nose and I get him arrested, the system is not going to take care of it very well and he is going to come back, and then he is really going to hurt me." Was that part of your thinking?

Ms. MOTUZICK. Yes, and I also at the time was carrying a child—he was abusive when I was carrying our child and I feared for his safety. The reason for me not fighting back was because every time I did, he became more abusive. Then for 9 months he cornered me into where I was so afraid to even fight back, that once I did deliver our son and he became abusive, I was always trying to protect my son from getting any of the abuse from him.

The CHAIRMAN. Where is your husband now?

Ms. MOTUZICK. He is in Somers State Prison.

The CHAIRMAN. For how long?

Ms. MOTUZICK. He will be getting out next year.

The CHAIRMAN. Are you concerned?

Ms. MOTUZICK. Yes. Many people ask why I stay in the same town that the crime has happened, but because of what I experienced with him, I know no matter where I go, he is going to find me and I feel as though the safest place for me is in the town the police department now know who they are dealing with and what they are dealing with.

At the time of the 8-months separation, I had neighbors that were so supportive. They would call me and tell me that they had seen him walking down the street, they made me aware of his presence and I feel as though now they are not going to want to have to deal with—I think now knowing what they are dealing with and the training that they have had now since this has happened to me, I do not see them having any excuse that they did not realize what was going on. They know now what they are dealing with.

The CHAIRMAN. Was there any order attendant to, that went along with the sentencing that put him in jail, that said that when he gets out of jail, he cannot come anywhere near you?

Ms. MOTUZICK. No. He is on 5-years probation. From my understanding, the probation is in Torrington. Why that is, my lawyer now is trying to fight that, because—

The CHAIRMAN. The probation is in the town—

Ms. MOTUZICK. It is in the town that it happened, because the crime happened in that town. They are going to allow him, rather than have him go to Virginia from where he is from, they are going to allow him to come back to Torrington.

The CHAIRMAN. Another enlightened idea.

Ms. MOTUZICK. Whether or not I am going to be able to fight that from now until that time that he is released, we are working on that right now.

The CHAIRMAN. And how long was his sentence?

Ms. MOTUZICK. 14 years.

The CHAIRMAN. And how many years has he been in prison?

Ms. MOTUZICK. Seven, 8 years this June.

The CHAIRMAN. Have you heard from him at all?

Ms. MOTUZICK. Somehow, he found out my post office box and he had made—they interviewed him after the movie that aired about my story and he had said how he is not going to no longer come after me. I know by what I have dealt with from him, that is not true, he is just saying that, because he has told—I fear most of all that him being in prison this long, it has only made him more of an animal and more angry and that anger is going to come out on me.

The CHAIRMAN. Was he sentenced by a Connecticut court?

Ms. MOTUZICK. Yes.

The CHAIRMAN. Ms. Fedders, let me ask you one last question. Separate and apart from the issue of whether or not your self-esteem was so diminished that you could not, you did not have the tools, to use your phrase, to deal with the problem, once you concluded that you were able to leave—you had the wherewithal, the tools to deal with the problem—what was your view as to whether

or not people would believe your story? Did friends you had, neighbors you had, acquaintances you had, believe your story?

Ms. FEDDERS. My friends and acquaintances always believed my story. I never told everybody everything, but I never suffered from that. I worried that a judge would believe my story. You know, I was very well supported by my family and friends.

The CHAIRMAN. How old is your oldest boy?

Ms. FEDDERS. Almost 22.

The CHAIRMAN. And your youngest?

Ms. FEDDERS. Nine.

The CHAIRMAN. The same with me, 22 and 9.

Ms. FEDDERS. What were we thinking of?

The CHAIRMAN. I will tell you, it is all worth it, though.

Ms. FEDDERS. Yes, it is.

The CHAIRMAN. Except last night I took the 9-year-old to see *The New Kids on the Block*.

Ms. FEDDERS. You probably should have a girl, because my 9-year-old boy would not go.

The CHAIRMAN. You are lucky. I still cannot hear very well. If you think I am kidding, I am not.

[Laughter.]

My daughter had an interesting observation. She said, "Oh, it will be okay, daddy, we can go," she said. I said, "Why will it be okay, what do you mean?" She said, "Oh, there will be no boys there, they don't like the *New Kids on the Block*."

Ms. FEDDERS. No, they do not.

The CHAIRMAN. This is another boy who—well, I will not get into that, at any rate. Is there anything either of you would like to say, before we close out at this moment? Is there anything you would like to add? Because I would like to add my thanks to both of you.

Ms. MOTUZICK. I want to thank you for giving me the opportunity to come and speak.

The CHAIRMAN. You have not done this often? Obviously, you have not been before Senate panels often, but have you spoken out often?

Ms. MOTUZICK. Yes, I was on 20/20, *Forty-Eight Hours*, I have done news interviews on the news and stuff.

The CHAIRMAN. Well, you do it with great aplomb. I compliment you on being able to recount for us what happened to you in the effort to help prevent future occurrences. And you do it well.

Ms. MOTUZICK. Thank you.

The CHAIRMAN. Thank you very much.

Ms. Fedders, you ask why we are only now beginning to face up to it—there are a whole lot of reasons why—but one of the things that is helping us face up to it is you and others like you, who are willing to speak out and make the case.

Ms. FEDDERS. Thank you for your interest.

The CHAIRMAN. Thank you both very, very much.

Ms. FEDDERS. Thank you.

Ms. MOTUZICK. Thank you.

The CHAIRMAN. We have three experts: Dr. Angela Browne, Dr. Browne is one of the Nation's leading experts on domestic violence and a prominent author in the field and a founding editor of the journal *Violence and Victims*. She is a social psychologist and has

studied extensively the rate and impact of domestic violence on both women and children, and has conducted special studies with regard to the connection between domestic violence and homicide. She is currently a professor on the law and psychiatry faculty at the Department of Psychiatry at the University of Massachusetts Medical School.

Our second expert is Sarah Buel. She prosecutes domestic violence cases and is herself a survivor of abuse. Hers is a true success story, from an abused wife and welfare mother to Harvard Law School and a leading advocate against abuse. She is a founder of Harvard's Battered Women's Advocacy Project and Children and Family Right's Project. Ms. Buel now prosecutes spouse abusers in Middlesex, MA.

Our third expert is Susan Kelly-Dreiss. She is Executive Director of the Pennsylvania Coalition Against Domestic Violence, one of the leading groups fighting domestic violence at the State level. Ms. Kelly-Dreiss recently conducted a study on the needs of the Nation's battered women's shelters.

Would you all come forward. Ms. Kelly-Dreiss, Ms. Buel, and Dr. Browne. I welcome you all and thank you all. I know there is a great deal for all of you to be doing at this time of the year other than making your way to Washington to testify, but I truly appreciate your being here.

If we could, with opening statements, if you have one, start with Dr. Browne and then Ms. Buel and then Ms. Kelly-Dreiss.

A PANEL CONSISTING OF ANGELA BROWNE, PROFESSOR, DEPARTMENT OF PSYCHIATRY, UNIVERSITY OF MASSACHUSETTS; SARAH M. BUEL, ASSISTANT DISTRICT ATTORNEY, STATE OF MASSACHUSETTS, AND SUPERVISOR, HARVARD LAW SCHOOL BATTERED WOMEN'S ADVOCACY PROJECT; AND SUSAN KELLY-DREISS, EXECUTIVE DIRECTOR, PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE

Dr. BROWNE. Thank you for the invitation to be here, Senator. In considering domestic violence in the United States, what I would like to take my time to stress is it must be recognized that this is not a special interest topic, but a national problem of serious proportions.

In nationally representative surveys, some of which you have alluded to today, approximately one-quarter of U.S. couples report at least one incident of physical aggression occurring between them in that current relationship.

Although, as you have mentioned, our image of domestic violence tends to be that of relatively minor assaults or squabbles, all too often, in fact, over one-third of these assaults are serious actions such as punching, kicking, choking, beating up, threatening with or using a knife or a gun.

I want to further note that such surveys, these figures are underestimates that we are discussing today. For example, these surveys tend to under-represent everybody without telephones, if it is a telephone survey, those who do not speak English, they are very poor, everyone who is homeless at that time, everyone who is in jail or prison or a mental hospital or a regular hospital at that

time, and many other groups of people. So, when we talk about these estimates, we are talking about minimum estimates.

Further, they are based only on those respondents who are willing to report, even anonymously, acts of violence that they have perpetrated or that they have experienced to an unknown interviewer. For example, clinical and grass roots knowledge about severely assaulted women would suggest that they would be fearful of reporting the extent of their partner's violence against them, even if they were willing to be talking to a stranger about their personal lives.

However, back to minimum estimates, even these minimum estimates from national surveys mean that at least 2 million women are severely assaulted now on an aggravated assault level in any average 12-month period in the United States. As these are low estimates, researchers in the field agree that a more accurate national estimate would be at least 4 million women assaulted by male partners in an average 12-month period in this country.

Although some reports from national surveys recently indicate equal participation rates—and I think this is important to clarify—for women and men in partner assaults. Participation rates simply mean that women and men, according to these national surveys, are about equally likely to have perpetrated one act at least one time on the list, and the list reads something like slap, shove, push, hit, punch, kick, beat up, on up to choke, threaten, use knife or gun.

So, when you hear statements that say, as you do——

The CHAIRMAN. Excuse me, doctor, is that initiate?

Dr. BROWNE. Right, that they would initiate or perpetrate. When you hear statements, as you do now, that say women are about as violent as men in couple relationships, it is not correct, and what they mean is women are about as likely to perpetrate one or those things, starting with slap, shove, push, as men.

However, if you talk about offending rates, in other words, how often somebody does something, does an act, there are three parts to remember. Men perpetrate many more of these aggressive actions toward their female partners than do women toward their male partners. Second——

The CHAIRMAN. I hate to interrupt you here.

Dr. BROWNE. No, do.

The CHAIRMAN. On that point, is the reason for that, in your opinion, that they are not as physically capable of it? In other words, would women, were they as strong, be as likely to physically continue acts of violence against their spouse? I mean is this something that relates purely to force, you know, the array of forces here? Is this something purely a consequence of one having more physical power than the other?

Dr. BROWNE. I think not. For example, in this country, with the extreme availability of guns, women are technically as able to pull most triggers as men are able to pull those triggers. It is not a strength issue, and yet women do not. Women do not perpetrate the kinds of violence that are physically possible for them to the extent men do.

The CHAIRMAN. How do you explain—I am truly seeking information, I do not know the answer, obviously—how does one explain

women being as likely to at least one time initiate a violent act, whether it is a push, shove, slap, or a .38 caliber weapon? Whatever it is, how does one explain that threshold propensity being as high as it is for a man, then?

Dr. BROWNE. Part of that is the violent act part. That is incorrect, technically. Part of this is reporting, I think. Women are better reporters of things they do than men are. Men who are violent toward women partners tend to under-report or not report it at all. Women are much more accurate, "well, yes, I shoved him once or I did do this once." Men perpetrate many more acts, but they also perpetrate the vast majority of the more severe acts.

The CHAIRMAN. I have no doubt. I am just trying to get at this—one of the things that I have had the most difficulty trying to get a handle on is not the widely varying statistical data that is out there, not the type of activity that takes place, not the tentativeness of the law enforcement community, but this: just why, why does it occur? Is there something in the chromosomes, you know, of men versus women, or is it a consequence of physical dominance, or is it? That is what I am trying to get at.

I am not sure that it solves any of the legislative concerns I have, but I think it does go to trying to figure out why this is on the upsurge, as well. Is it merely better reporting? Is it a consequence of societal changes taking place for the better—we are bringing more women to the fore to say, hey, this is happening and stop?

It is important to try to figure out why this is occurring, and I am not sure—

Dr. BROWNE. Do you mean why the increases are occurring, Senator, or—

The CHAIRMAN. It seems to me it is all somehow related. If we knew—I was startled to hear the, startled is the wrong word—surprised to hear of the study that you referred to, where women reported that there is at least one incident where they were aggressive, physically aggressive relative to their male counterpart, their male husband or lover. That surprised me that it would be as high for the incidents reported of a single incident, initial act, for a man in a similar relationship. That surprised me. The figures go like this relative to men, and with women they stay right about where they were, a little higher or a little lower. I do not know, to tell you the truth, but with men it just escalates.

Now, I wonder why that escalation. Why, if a woman has an equal propensity to take a dish, a broom, the back of her hand or whatever when angry, to use against her spouse, why is it that that occurs essentially only once and does not occur repeatedly? Is it because, as they say in military terms, the correlation of forces, is it because the man says, "The next time I will beat the living devil out of you," and she knows he can? Or is it because she gathers in her resolve and says that was wrong of me to do, I do not know why I did that, I will not do it again? Am I making any sense at all?

Dr. BROWNE. Yes. I think a part of what you are struggling with, a better explanation is probably self-defense. These studies, although they sometimes discuss self-defense, really do not measure it in any fashion. They do not measure it. There is no context for these numbers.

For instance, Tracy eloquently shared with us, if she did anything which would be fighting back that is in defense in response to aggression, it only got worse. So, we do not know, for example, what proportion of this are women responding to assaults that came first.

The CHAIRMAN. Okay.

Dr. BROWNE. Second, if they do respond in defense, the outcome of that may be so much more frightening that they may never try to defend themselves again.

The CHAIRMAN. I assumed, and obviously incorrectly, that the study to which you referred had nothing to do with self-defense, that it had to do with initiation.

Dr. BROWNE. It is just names of actions and whether or not you did them, and they do not put it in context.

The CHAIRMAN. I have got you.

Dr. BROWNE. That is a good point to raise, because it needs to be clarified.

The CHAIRMAN. I am glad you clarified it. Thank you.

Dr. BROWNE. Obviously, if men perpetrate more actions, more severe actions, the common sense outcome for one part for women is injuries. Women are much more severely injured, much more likely to be injured. Most of the injuries that occur between partners the women sustains and are injured severely.

The other piece of this that is important in the national picture—and, again, this goes to seeing domestic violence as something, a domestic animal that is something that has been tamed and is no longer wild or dangerous. We see domestic violence in this same context.

Physical outcomes of assaults that are lethal are again quite different for women than for men. Homicide figures for the United States show that, for example, in the years from 1976 through 1987, that is a 12-year period, the deaths of 38,648 persons where one partner kills another partner, so the result of couple assaults were almost 39,000 deaths in that 12-year period. Of those victims, 61 percent of the victims overall were women; 39 percent of the victims were men. Now, that figure includes boyfriend-girlfriend, married, common law married, ex-married. Those are the categories in that figure.

For white couples, the difference is a bit more marked, 70 percent of victims were women for white couples, 30 percent of victims were men. Again, the differences there and, in addition to that difference, you have the issue of self-defense.

The other studies of homicide—supplementary homicide report figures do not tell us about history of this couple— but other studies of homicide, based on court records and investigations, show that a substantial proportion of homicides in which a woman kills a male partner is in response to the partner's aggression and threat, so it is a very wide disparity.

Of more concern is that this has not improved over the last 12 years, and in some ways it has become worse, even though we have begun to talk about the problem, to address it with State-based legislation, to develop resources for women.

For example, in looking at all homicides between partners for the years of 1976 through 1984, a colleague Kirk Williams and I, in

a National Institute of Justice funded study, found a very sharp decrease in the numbers of women killing male partners in that time period, over a 25 percent decline. That decrease in homicides toward male partners began in 1979. That is about the time where nationally almost all States had domestic violence laws on the books, they were beginning to be implemented in some fashion, most States had resources for abused women, targeted for abused women.

We looked then by State and we found that, in fact, if you look at States that have more domestic violence laws and resources like shelters, crisis lines, legal aid for abused women, you have lower levels of homicide rate of a woman killing a male partner, of total homicides rates, and it is associated with that decrease.

Well, the other side of the coin is not so reassuring, and that is that you do not see a similarly sharp decrease in the numbers of men killing female partners, and there was no correlation between State domestic violence legislation or the presence of resources meant to protect women and men killing their female partners.

The CHAIRMAN. That does not surprise you, though, does it?

Dr. BROWNE. Well, it goes against my hopes, but it does not surprise me. Arrest is a necessary piece, and I am glad to see in the legislation we should treat this as a criminal offense, obviously. However, something like arrest is not a solution. It is a piece, and one of my concerns is that we have not developed anything around that that addresses men. We try to shelter women, and as Tracy has eloquently shared with us, by the time someone gets there, it might be too late. Even if they do get there, they maybe do not intervene. It is not enough to say here, you can have a protection order, we will arrest him and take him away for a few years and let him back out. There must be a larger context.

In this country, just to conclude, women in the United States—and some of this has been said—are more at risk to be assaulted and injured, to be raped or to be murdered by their own male partners, current or ex, than by all other categories of persons combined. Over half of the women in the United States who are murdered are killed by a male partner.

These finds at the extreme end of the domestic violence continuum, lethal outcomes from partner assault, and the estimates and knowledge of the incidents and the severity of violence against women by male partners underscores the critical necessity of protections provided, as they are now, by State-based legislation and intervention efforts.

I should mention regarding shelters, that the strongest association in the State-by-State analysis with women killing male partners less was the presence of shelters, not that all those women used them, the presence, some option there.

However, the continuing magnitude and the severity of this problem, the fact—which is not in my prepared opening—that one of the greatest increases in homicides by men toward partners is non-married couples dating or living together, but not considered common law.

I am concerned that the legislation leaves a little window of discretion there. You talk about spouses, people in marriage-like common law relationships, and then saying other things covered.

Well, the other things covered is the sharpest area of increase in homicide, for example, right now in the United States. Again, over 12 years with legislation, with shelters, we are not addressing unmarried homicide.

These show a dire need, I believe, for support to the States and for action from the Federal level. In this society that values family, freedom and safety from harm, the fact that women remain so at risk in their own homes from their own partners is completely unacceptable.

It is also not a part of my prepared comments, but at some point in discussion I would like to speak to the issue of leaving.

The CHAIRMAN. Beg pardon?

Dr. BROWNE. Of why women do not leave, that question.

Thank you.

[The prepared statement of Dr. Browne follows:]

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Testimony - United States Senate
 Committee on the Judiciary
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**ASSAULTS BETWEEN INTIMATE PARTNERS IN THE UNITED STATES:
 INCIDENCE, PREVALENCE, AND PROPORTIONAL RISK FOR WOMEN AND MEN**

In considering domestic violence in the United States (i.e., violence between men and women in couple relationships), it is important to recognize that this is not a "special interest" topic but a national problem of serious proportions. In nationally representative surveys, approximately one-quarter of United States couples report at least one incident of physical aggression occurring between them during the course of their relationship (e.g., Straus et al., 1980; Straus & Gelles, 1990). During the year of 1985, at least one out of every eight husbands carried out one or more violent acts against his wife (Straus & Gelles, 1990). And, although the common stereotype of "domestic violence" tends to be that of relatively minor assaults and squabbles, over one-third of domestic assaults involve severe actions, such as punching, kicking, choking, beating up, and threatening with or using a gun or a knife. During the most recent survey year (1985), 12 percent of American women were assaulted by a male partner; more than three out of every one hundred women were severely attacked (National Family Violence Resurvey, Straus & Gelles, 1990).

Before proceeding, it should be noted that figures based on these surveys are marked under-estimates. Such surveys do not include those in our population without telephones, those who do not speak English fluently, the very poor, and all individuals who are homeless, institutionalized, hospitalized, or incarcerated in jails or prisons at the time the survey is conducted. Further, survey estimates are based on only those respondents who are willing to report, even anonymously, acts of violence that they have perpetrated or experienced to an unknown interviewer. For example, clinical and grass-roots knowledge about severely assaulted women suggests that they would be fearful of reporting the extent of their partners' violence against them, even if they were willing to talk to a stranger about their personal lives.

However, even these minimum estimates indicate that at least 2 million women in the United States are **severely assaulted** (e.g., on an aggravated assault level) by a male partner during an average 12 month period. Researchers in the field agree that a more accurate national estimate would be a figure of 4 million women severely assaulted by male partners annually, and an estimate of 40 percent of adult couples having experienced at least one aggressive incident in their current relationship.

Although some reports from national surveys (e.g., Straus & Gelles, 1990; Straus, Gelles, & Steinmetz, 1980) report a finding of nearly equal participation rates for women and men in partner assault--i.e., that about as many women as men are reported to have perpetrated at least one of the behaviors listed (threw something, slap, shove, push, hit, etc.) at least once in their relationship, several points of clarification should be noted. First, these surveys contain no information about the context of the aggressive acts they itemize; thus there is no specific measure of whether actions are undertaken in self-defense or in response to prior aggression or threat by the partner. Second, the same surveys find that both the frequency and the types of aggression perpetrated by men in partner relationships differ significantly from the actions perpetrated by women:

(a) Men perpetrate more aggressive actions against their female partners than women against their male partners. Straus has noted, "when an assault by a husband occurs it is not usually an isolated instance. In fact, it tends to be a recurrent feature of the relationship" (1990, p. 83);

(b) Men perpetrate more of the more severe actions, such as punch, kick, choke, hit with an object, beat up, and threaten with or use a knife or a gun (Straus et al., 1980; Straus & Gelles, 1990); and

(c) Men are more likely to perpetrate multiple aggressive actions against a female partner during a particular assaultive incident than are women against male partners (Straus et al., 1980).

In combination with the greater physical strength of the average man compared to the average woman--and therefore the differing potential for injury and intimidation when being punched, kicked, or "beat up" by a man versus a woman, these factors lead to quite different outcomes for women and men in partner relationships. For example, women are much more likely to be injured by their male partners than men are by women partners (Stets & Straus, 1990). Men also account for the vast majority of sexual assaults occurring in partner relationships (Russell, 1982; Finkelhor & Yllo, 1983). A National Institute of Mental Health-funded study (based on urban area hospitals) estimated that 21

percent of all women using emergency surgical services had been injured in a domestic violence incident; that one half of all injuries presented by women to emergency surgical services occurred in the context of partner abuse; and that over one-half of all rapes to women over the age of thirty had been perpetrated by an intimate partner (Stark et al., 1981). Medically, women abused by male partners also tend to sustain multiple injuries to multiple sites of the body; an injury pattern not seen in men assaulted by female partners.

Homicide figures for the United States further demonstrate the severity of this nation's domestic violence problem, as well as the differential risks in partner relationships for women and men. During the twelve year period from 1976 through 1987, the deaths of approximately 38,648 individuals age 16 and over were one partner killing another. (This figure includes all criminal homicides perpetrated by a married, common-law, ex-married, or dating partner; cases of negligent manslaughter and justifiable homicide are excluded.) Of these deaths, 61 percent of the victims were women killed by male partners and 39 percent were men killed by female partners. For white couples, the gender difference is more marked: 70 percent of the victims were women, and 30 percent were men (Browne & Williams, 1990). In the United States, women are more likely to be killed by their male partners than by all other categories of persons combined. For example, over half of all women murdered in the U.S. are killed by their current or ex- male partners (Browne & Williams, 1989).

Supplementary Homicide Report figures do not give us information on the prior history of specific couples; thus, no estimates are available on the numbers of partner homicides that involve a history of physical assault and threat prior to the lethal incident. However, city and county studies of criminal homicide have demonstrated that, in addition to committing fewer partner homicides than men, a significant proportion of partner homicides by women are in response to their partners' aggression and threat (e.g., Wilbanks, 1983; Wolfgang, 1967). And some associations can be drawn. Analysis of national trends in partner homicide from 1976 through 1984 for a National Institute of Justice-funded project revealed a sharp decline--in fact, over a 25 percent decrease--in the numbers of women killing male partners during this period (Browne & Williams, 1989). This decline began in 1979, at about the time that domestic violence legislation and extra-legal resources for abused women were becoming established in most of the 50 states (e.g., Kalmuss & Straus, 1983; Lerman, 1980). Further investigation revealed that those states having more domestic violence legislation and extra-legal resources for abused women (e.g., funding for shelters, crisis lines, legal aid, etc.) had lower rates of total homicides by women against their male partners; and that the presence of these resources was associated with the decrease in female-perpetrated partner homicide from 1979 through 1984.

Given other research establishing the link between male aggression and the perpetration of partner homicides by women, it seems probable that the availability of resources to allow women to escape or be protected from a partner's violence has acted to offset at least a portion of those homicides that occur in desperation and self defense. Unfortunately, however, the steep decline in homicides by women against male partners was not matched by a similar decline in partner homicides by men. As victim figures for the 1980s indicate, women are still at extreme risk of lethal injury from their male partners.

In sum, women in the United States are more likely to be assaulted and injured, raped, or killed by a male partner than by any other type of assailant (Finkelhor & Yllo, 1983; Langan & Innes, 1986; Lentzner & DeBerry, 1980; Russell, 1982; Browne & Williams, 1989). Yet, although these are women's areas of greatest risk from interpersonal violence, until the mid-1970s, women received little legal protection from this type of abuse (Browne & Williams, 1989). Assaults against wives were considered misdemeanors in most states, even when the same actions would have been charged as a felony if perpetrated against a stranger or an acquaintance instead of a wife. In most jurisdictions, police were not empowered to arrest on a misdemeanor charge unless they had witnessed a part of the action; and virtually no other legal recourse was available (U.S. Commission on Civil Rights, 1978, 1982). Orders of protection could typically not be obtained on an emergency basis and often carried no provisions for enforcement or penalties for violation. Marital rape exemptions excluded the sexual assault of women by their husbands from criminal statutes. And, until the mid-1970s, women who eventually killed their mates in protection of themselves or a child found the traditional plea of self-defense unavailable for their case (Browne, 1987).

Only since the mid-1970s have legal and extralegal resources become available to threatened or assaulted wives (Schechter, 1982; Lerman & Livingston, 1983). Findings at the extreme end of the domestic violence continuum--i.e., lethal outcomes of assaults between partners, as well as estimates of the incidence and severity of violence against women in couple relationships, underscore the critical importance of protections provided by state-based intervention efforts and legislation. Yet the continuing magnitude and severity of the problem indicates that much more intensive and far-reaching efforts are urgently needed at a national level. In this society that values family, freedom, and safety from harm, the fact that women remain so at risk in their own homes from their own partners is completely unacceptable.

Thank you.

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The CHAIRMAN. Thank you.

Before we move on to Ms. Buel, let me make a comment. Each of these hearings that I have conducted, and when I have spoken on the subject from the floor of the Senate—I did not think it necessary to repeat it today—but I want to make it clear; I do not believe—and I am glad you brought it out, doctor—that passage of this legislation will solve the problem.

When asked by the press why I was pushing this so hard over the last year and will continue to, I said: The single most important thing—and I would like you all to speak to this at some point, whether you think I am correct or not—the single most important thing that I can do is to keep this in the naked public eye as long and as clearly as possible, because only when attitudes begin to change is anything else going to change.

Only when we begin to value women in society more than they are now valued, only when we begin to change our attitudes about what is appropriate and inappropriate, only when young boys being raised are told that there is no circumstance in which violence is appropriate, only then, I think, are we ever going to really solve the problem.

In the meantime, we deal with a lot of other crimes, and this is a crime. We can try to protect people a little better, we can try to put people in circumstances where they cannot commit the crime again in any near term, but we are not going to fundamentally change it.

So, I want to make it clear, I do not think that this legislation is going to “solve the problem.” I, quite frankly, do not think government can solve the problem, and I am not at all surprised that the existence of shelters has had no impact, essentially, on the abuser. And I am not at all surprised that it has had impact on the abused. In one case, it is an option that someone has, short of going down and buying that gun at the pawn shop and coming home and killing their abusing husband. And, in the other case, it has no impact, hardly, except if the husband gets to the point of concluding that he will only stop abuse if she really does leave, and, therefore, she now knows she could leave.

Beyond that, I do not know what impact it is going to have on the abused and on the abuser. But I would like to come back to that, because I do want you to talk a little bit about what makes people, what makes women stay in the relationship and, to the extent you can shed some light, what makes men in those circumstances abusers, as well.

Ms. Buel.

STATEMENT OF SARAH M. BUEL

Ms. BUEL. Thank you. Good morning and thank you very much for inviting me here to speak.

I am particularly in the mood to talk about domestic violence today, because I spent about half the night at Boston City Hospital with a woman who had been stabbed seven times. I spent about 3 years working with her, attempting to protect her. She has done everything the system has asked her to do. Unfortunately, we as her criminal justice system completely failed to protect her.

I was not even surprised when her 12-year-old son told me that, as much as he loves his father, he is going to kill him, he is going to kill him the first chance he gets. I was not surprised, because we know, as Ms. Fedders testified, that 63 percent of the young males between the ages of 11 and 20 who are doing time for homicide have killed their mother's batterer, and I suggest that this is because we as their community—

The CHAIRMAN. What percentage? I am sorry.

Ms. BUEL. Sixty three percent.

The CHAIRMAN. Sixty three percent. That is not just in the Federal system, that is nationwide?

Ms. BUEL. That is nationwide.

The CHAIRMAN. Of all young men between the ages of?

Ms. BUEL. Eleven and twenty.

The CHAIRMAN. Eleven and twenty, who are in prison for homicide, two-thirds of them are there because they killed their mother's abuser?

Ms. BUEL. They have killed their mother's abuser, whether it is their father, stepfather, boyfriend, and I suggest this is because they have taken on the role that, we as their family, their community, their courts and criminal justice system have completely failed to do, and that is to protect themselves and to protect their mothers.

I am also particularly in the mood to talk about domestic violence, because I feel like finally somebody is listening. I cannot tell you how important this bill is. You may not say that it is not going to solve all of the problems about domestic violence, but it is a giant leap forward and it is desperately needed. It will make my job as a prosecutor 10 times easier on a lot of different fronts.

I am also particularly in the mood to talk about domestic violence, because your bill is action oriented. It is not simply the rhetoric that we have been fed for the last 14 years that I have been doing this work. We do not need any more study committees on domestic violence. We have experts like Dr. Angela Browne, who has written numerous books and articles. We do not need more street lights to combat domestic violence. We need money coming into our States to insist that police and prosecutors and judges be trained, and we need money to insist that States enact as part of their abuse protection orders a number of provisions.

As a prosecutor, your bill is a gift. It will greatly, greatly assist me in doing my job. It first gives the message to prosecutors, to my D.A., who is my boss, that I should not have to take a vacation day to come here and testify. I should not have to take a vacation day last week when we were doing police chiefs training.

The CHAIRMAN. You have to take a vacation day to come here?

Ms. BUEL. That is right. I make \$21,000 a year and I turned down those corporate law jobs of \$70,000 a year, because nobody should have to live through what I went through.

The CHAIRMAN. I want to say that again for everyone to hear this and everybody back home. You had to take a vacation day.

Ms. BUEL. I will probably lose my job now. You do not want me to say it any more. [Laughter.]

I do like my job. I do have a lot of hope that we are going to be able to apply for your funding and get it and change the way do-

mestic violence is dealt with in Massachusetts. But I do think that it is not dealt with seriously. They still insist that a lot of my caseload is drug and other kinds of crime, which are very serious and I think are extremely related to domestic violence.

But the message has not hit home that domestic violence is serious violent crime, and that until and unless we treat it as such, we will continue to see its rate spiral.

You also give a mechanism for prosecutors to pull in victim advocacy organizations and to hire the victim advocates that we need to work directly with battered women. Many of us stayed for so long, because we simply did not know about any of the options.

When I first left, the police would tell me that I should really just make sure I did not make my husband mad, and the judges would tell me that it was my job to keep the family together, and I could not find a prosecutor that would listen to me, because this was just a domestic squabble, but that was even years down the line.

In the beginning, I stayed because he said he was sorry always and because I realized that I was socialized to be the tolerant and patient one. We see this when we look at statistics about alcoholics: Ninety percent of the men who are married to alcoholic women leave them, 88 percent of the women who are married to alcoholic men stay with them. We are taught that is our job.

The CHAIRMAN. Say that again. Repeat that statistic again.

Ms. BUEL. That 90 percent of men who are married to alcoholic women leave them, but 88 percent of the women who are married to alcoholic men stay with them. We are taught that is our job, to be nurturing and caring and loving, to "stand by our man." I was raised with that song. That was one of my father's favorites and I believed it deeply.

It is also part of being a decent partner in a relationship, you want to give it every chance you possibly can. But you look at the statistics from the National Center on Disease Control Violence Epidemiology Unit, the women are in nine times more danger in their own homes than they are on the street.

When I was growing up in the city, we always had to go some place with your brother or your sister or your friend, somebody had to be with you. Nobody said to me, you need to be careful who you marry, you need to be careful who you take home with you. We do not talk to our sons and daughters about the dangers in their own home, and we have a responsibility to do that.

This is a particularly important bill, because it addresses the training issues, and I would encourage that a mandatory component of those be on multicultural and antiracism issues. I am constantly hearing from police and D.A.'s and judges, whenever the defendant is of color, that somehow that is relevant to the abuse. But we learned during my time in Seattle that the abuse, as others have testified, cuts across all race and class lines.

The CHAIRMAN. Why would they say it is relevant to the abuse?

Ms. BUEL. I think because of the denial and because of the desire to distance themselves from the abuser, that if they can say this is part of the Latino culture or this is something that foreigners do, because he is from Iran, that this is how this man behaves, and I can point out nine Italians and nine Irish, nine people from our

community who they view as their children, their friends, their family, and they do not want to see them in the same context.

As a formerly battered woman, this bill is a tremendous gift, because it first of all funds shelters. When I left, there were no shelters. There was simply no place to go. One of the things that we do—

The CHAIRMAN. Where did you go?

Ms. BUEL. I went back to my abuser over and over and over again.

The CHAIRMAN. Ultimately, where did you go?

Ms. BUEL. Ultimately, I fled New York City and went to New Hampshire, and I was able to stay with my mother for a short time. Most people are not able to do that, and I could not stay with her very long, for a lot of reasons.

One of the other reasons that many of us stay is simply fear. We understand that the time when battered women are at the greatest risk is when you leave, and I am particularly interested in a portion of your bill that addresses crossing State lines. As I said, I left New York and went to a small rural town in New Hampshire, where I thought I would be safe.

One of the memories that is most clear in my mind is being in a laundromat on a Saturday morning and believing that I was safe. I could go out alone with my son and do the laundry.

The CHAIRMAN. How old was your son at the time?

Ms. BUEL. He was 2, and he was running around over on one side and there were a number of people over by the cash registers, and I saw my ex-husband come in the door and I could not believe, first of all, the tenacity to hunt me down. I still had bruises on the side of my face and I yelled over to the people at the counter, "You need to call the police." And he said, "No, no, this is my wife, we just had a little fight, I've just come to pick her up," and nobody moved. I said, "No, this is the person who beat me up, you need to call the police." And he said, "No, this is my wife, I've just come to pick her up and I'm taking her home and we're going to talk this out," and nobody moved.

I thought, as long as I live, I want to remember what that feels like, to be terrified for my life and nobody will even pick up the phone and call the police. Nobody wants to hear another story about a battered woman, nobody wants to deal with our issues or the issues of our children.

The CHAIRMAN. Let me ask you a question. As a prosecutor, do you believe, had you said, "Somebody has to call the police," and this man who was your husband did not say anything, just came toward you, do you think they would have called anyway? My experience is they do not. I have had to jump into more circumstances like that personally—

Ms. BUEL. I think it depends on the community.

The CHAIRMAN [continuing]. And then I hear people call radio stations and complain that I endangered my life by grabbing two muggers who were beating up a woman or whatever. Seriously, do you think it would have been different?

Ms. BUEL. I think it depends very much on the community. What I saw in Seattle, where they have a mandatory arrest law, when

the police have probable cause to believe an assault has occurred, they must arrest, whether or not a restraining order exists.

But you see the community begin to rally around and identify this as a serious crime, that they will call the police more frequently when they hear a neighbor being assaulted, because they believe that there will be repercussions, that the batterer will be held responsible, that they will not be pulled into the limelight, and that is another gift of this bill, to empower people in the community who do want to step forward and do want to say something and see some changes.

As an advocate for battered women and abused children, this bill is also a gift, because it also gives us the opportunity to require that States come up to par in a number of different areas and, in particular, with protection orders. I want to urge you to state that any State that does receive this money has to include a mechanism for battered women to obtain child support. The No. 1 reason that many of us went back over and over and over again is you simply have no money.

One of the exercises that I do with the police and D.A.'s and judges in training is to have them all take out their wallet and put it on the table in front of them, and I require they take out all their cash and currency, their credit cards and checks. I say, OK, we are here in Washington, DC, we need to get out of the immediate area. Battered women can never stay in a shelter in the city in which they live; it is just too dangerous. I will give you \$20 and a bus ticket to Baltimore, and when you get there you need to find a battered women's shelter.

The problem is we turn away five battered women for every two that we shelter, and we turn away eight children, so there is not any room for you there. So you try finding a homeless shelter, but 95 percent of them do not accept children, so you try going to welfare and getting some assistance, but they will not help you, because you do not have a legitimate street address in that city. Even if they do, you have to wait 30 days to get a check, so it is not of any help in the immediate sense.

So, you try finding a sympathetic landlord, but nobody will rent to you because you do not have a source of income in that city. By that time, the batterer has found you, he has tracked you down, and he is going to kill you if you do not come home, or else he has got a box of chocolates and a bouquet of flowers and he is sorry and it will never happen again.

Well, you have spent the \$20 on Pampers and Burger King and getting back and forth to all these agencies, so you do not have any recourse, and I ask you how long do you stay away. You cannot live on the street with your children. The Department of Social Services will take them away. They will charge you with failure to protect. They will charge you with not providing for your children.

Then we ask why did you stay? I am offended at the question. The question needs to be why do we as a society tolerate such extraordinary levels of abuse against women.

I want to close with a quote from somebody who knew a lot about violence and nonviolence. It was the Reverend Dr. Martin Luther King, Jr., in his 1963 letter from Birmingham jail, who said we in this generation must not only repent for the vitriolic words

and actions of the bad people, but for the appalling silence, for the appalling silence of the good people.

I implore you not to be silent about the domestic violence that is surrounding us.

Thank you.

[The prepared statement of Ms. Buel follows:]

Testimony Before the United States senate
Committee on the Judiciary

December 11, 1990

by
Sarah M. Buel, Assistant District Attorney, Massachusetts; and
Supervisor, Harvard Law School Battered Women's Advocacy Project

Thank-you, Senator Biden and members of the Judiciary Committee, for inviting me to speak today. I have tremendous hope that your "VIOLENCE AGAINST WOMEN ACT OF 1990" will become law and greatly assist victims of domestic violence and sexual assault. As you requested, I will speak first regarding my experiences, then address specific recommendations.

I. MY EXPERIENCES

Fourteen years ago I was a battered woman on welfare. My case is not remarkable because I graduated with honors from Harvard Law School last June, but rather because I am a product of the Battered Women's Movement: my survival is due to the people who have devoted their lives to empowering and making safe the abused women in their communities. Your bill is crucial because it will pull police and prosecutors into the business of protecting battered women and their children, and working with shelters to coordinate more effective interventions.

I was also blessed with an amazing mother, who raised seven children by herself, and instilled in us the love and spirituality which are the basis of my vision of hope. I have spent the last 14 years working with battered women and their children in an effort to spare other victims what my son and I have endured as a result of the failure of the courts and police in five different states. I am a deeply religious woman and believe that my life was spared, and blessed with so many opportunities, so that I could join the efforts to compel EFFECTIVE intervention in family violence cases.

I left a violent marriage at a time when there were no shelters, I could find no police or courts who seemed at all interested in the safety of my son and me. While we now have about 1200 battered women's shelters across this country, there are over 3200 animal protection shelters. No matter how much you love animals, it seems to me our priorities are a little skewed when we have THREE TIMES THE NUMBER OF SHELTERS FOR HOMELESS ANIMALS, THAN FOR HOMELESS, ABUSED WOMEN AND THEIR CHILDREN. It seems to me our priorities are a little skewed when we see that the City of Boston spends more on its zoo than the entire Commonwealth of Massachusetts spends for battered women. We turn 5 battered women and 8 children for every 2 we shelter.

I left several times before I was able to stay away. At first I returned because he promised it would never happen again. Then I returned because he came after me and there was nothing

else I could do. I would get a job, but after child care costs, I only had \$30. left for food, rent, medicine, clothes, etc. You just can't do it financially. On AFDC you do not get enough in any state to pay the rent, let alone eat.¹ I couldn't watch my son go without for what I thought was my fault to begin with. I thought it was up to me to figure out how to stop the abuse: that all other women knew some secret about how to keep their husbands from hurting them.

It was hard enough to get the original child support order, but no court will enforce it. From a man who lives at home with his parents, drives his father's car and has a steady job, the court only ordered \$150. per month. My son is now 15 and I am grateful, he is immersed in sports, but the child consumes the refrigerator on a daily basis with his father not contributing one dime. I am not alone in my battle to obtain child support. One ten year study of court ordered child support documented that only 38% of the husbands paid the full amount within the first year, and after ten years only 13% were paying and fully 70% paid nothing at all.² The Dept. of Health and Human Services calculates that negligent fathers defrauded their children out of \$4 BILLION in legally owed child support payments.³

Ultimately safety nets made it possible for me to leave, and then to get off welfare. First, there was the CETA program (they found me a job as a paralegal at New Hampshire Legal Assistance). Second, the Dept. of Welfare OFFERED me child care assistance, which made it possible for me to become self-sufficient. Third, Legal Services helped me obtain restraining orders and learn about my rights, so that I could then teach them to others.

II. RECOMMENDATIONS

A. PROVIDE MONIES FOR POLICE & PROSECUTORS TO ESTABLISH DOMESTIC VIOLENCE UNITS.

1. BNA found that domestic violence costs American business \$3 - \$5 BILLION per year in lost wages and productivity. If even a fraction of that is targeted at effective intervention, substantial savings will result.
2. Require that such units include formerly battered women as

¹ Only Alaska provides AFDC benefits above the federal poverty line (\$7,730. for 2 people per year). 35 states pay less than \$4,000. per year, and three states actually lowered their AFDC payments for 1990.

² M.J. Fields, "Wife Beating: Government Intervention Policies and Practices," U.S. Commission on Civil Rights, Battered Women: Issues of Public Policy, at 272-273 (1978).

³ P. O'Brien, "Non-Support Reform Due," The Denver Post, September 4, 1983, p. 23.

advocates and prosecutors, and REQUIRE that all such units work closely with the battered women's shelters and advocacy programs in their communities.

- B. REQUIRE THAT STATES RECEIVING FUNDING INCLUDE IN THEIR ABUSE PREVENTION LAWS THE MECHANISM FOR BATTERED WOMEN TO OBTAIN CHILD SUPPORT.
1. This would save both the state and federal government a substantial sum in AFDC allocations.
 2. Require that failure to pay child support constitutes violation of the protective order, with commensurate criminal sanctions. Many battered women are forced to return to their abuse for economic reasons.
- C. PROHIBIT MEDIATION IN DOMESTIC VIOLENCE CASES. It has proven extremely dangerous for battered women and their children because it 1. fails to hold the abuser accountable for the abuse; 2. creates a power imbalance wherein the victim often feels as I did, that she must give up adequate child support, safe visitation scheme, equitable division of property, etc. for the illusion of safety; and 3. fails to resolve the disputes because the violence has tainted all issues.
- D. REQUIRE THAT IF MUTUAL RESTRAINING ORDERS ARE ISSUED, THAT THERE MUST BE FINDINGS THAT BOTH PARTIES ACTED AS AGGRESSORS AND NEITHER ACTED IN SELF-DEFENSE.
- E. REQUIRE THAT STATES PROVIDE EXPEDITED HEARINGS FOR DOMESTIC VIOLENCE CASES. In some states battered women wait up to 4 months for court action. Every Abuse Prevention Law should require that domestic violence cases be heard on the day they are requested and on a priority basis.
- F. REQUIRE THAT PROTECTIVE ORDERS MAY BE IN EFFECT FOR UP TO THREE YEARS. This is also included in "Family Violence: Improving Court Practice, Recommendations from The National Council of Juvenile and Family Court Judges" (1990).
- G. EACH STATE SHOULD GIVE VICTIMS OF FAMILY VIOLENCE PRIORITY ELIGIBILITY FOR SUBSIDIZED PUBLIC AND PRIVATE HOUSING. Governor Cuomo estimated in 1986 that battered women constitute 40% of the homeless families in shelters. Since many judges will not issue vacate orders and our shelters are perpetually full, we must provide a mechanism for shelter.
- H. REQUIRE THAT ALL POLICE AND COURT PERSONNEL WHO HAVE ANY CONTACT WITH THE VICTIMS RECEIVE COMPREHENSIVE FAMILY VIOLENCE TRAINING.
1. Such training must include materials on:
 - a. Successful court and police programs around the country, e.g. San Francisco, Duluth, Seattle, Newport News, VA., Quincy and Framingham, MA.
 - b. THE CORRELATION BETWEEN DOMESTIC VIOLENCE AND BOTH CHILD ABUSE AND JUVENILE DELINQUENCY. Boston City Hospital

found a 60% correlation between abused children and battered women.⁴ Pregnant women are at particular risk as the March of Dimes reports that more babies are now born with birth defects as a result of the mother being battered during pregnancy, than from the combination of all the diseases for which we immunize pregnant women.

The National Commission for the Prevention of Infant Mortality documents that we spend over \$2 Billion per year keeping low birth-weight babies alive during their first year of life, and that battered pregnant women have a 25% greater likelihood of having low birth-weight babies.

Dept. of Youth Services studies in 9 states document that children need only witness their mother's abuse to take on violent and delinquent behavior. The 1985 Mass. DYS Study documented that children growing up in violent homes had a 6 times greater likelihood of attempting suicide, a 74% greater chance of committing crimes against the person, were 24 times as likely to have committed sexual assault crimes, and a 50% higher chance of abusing drugs and/or alcohol. These children are in pain and they are self-medicating and acting out as a plea for our help.

Children often take it upon themselves to make their homes safe for themselves and their mothers. 63% OF THE YOUNG MALES BETWEEN THE AGES OF 11 & 20, WHO ARE DOING TIME FOR HOMICIDE, KILLED THEIR MOTHER'S BATTERER.⁵ These young males are taking the role that we, as their families, communities, courts, law enforcement and government, have failed to do: protect these children and their mothers from the batterer.

- c. Communities of Color: multi-cultural and anti-racism information must be made an integral part of this work.
- d. Background Dynamics of Family Violence: the obstacles to battered women leaving, lethality and injury rates, the incidence of battered women in prison, cross cultural and socio-economic incidence, common characteristics of batterers and what constitutes effective treatment, etc.
- e. How police and prosecutors must charge batterers for all the crimes committed, then prosecute them:
E.G. DISTURBING THE PEACE, DISORDERLY PERSON, THREATS, INTIMIDATION OF A WITNESS, ASSAULT, ASSAULT & BATTERY, ASSAULT & BATTERY WITH A DANGEROUS WEAPON, MALICIOUS

⁴ L. McKibben, E. Devos, and E. Newberger, "Victimization of Mothers of Abused Children: A Controlled Study," 84 Pediatrics 531 (1989).

⁵ H. Ackerman, The War Against Women: Overcoming Female Abuse 2 (Hazelden Foundation, 1985).

DESTRUCTION OF PROPERTY, VIOLATION OF PROTECTIVE ORDER.

- f. HOW PROSECUTORS CAN GO FORWARD IN CASES WITHOUT THE VICTIM: Prosecutors in Duluth, Los Angeles and other jurisdictions are using witnesses, police observations, photographs and other evidence to hold batterers criminally responsible for their violence.
2. Such trainings must be held at least twice a year.
 3. Formerly battered women and experienced advocates must be involved in the planning and delivery of such training.
- I. PROSECUTORS OFFICES SHOULD ESTABLISH=PROTOCOLS FOR DETERMINING MULTI-VICTIM ASSESSMENTS WITHIN FAMILIES.
If the abused child presents in a case, the prosecutor should interview the mother (with the assistance of a trained victim advocate) to determine if she needs a restraining order. When a battered woman presents, the children should be assessed for safety as well.
 - J. REQUIRE THAT ALL POLICE AND PROSECUTORS OFFICES HAVE WRITTEN POLICIES DETAILING THEIR RESPONSE PROCEDURES.
 - K. REQUIRE THAT POLICE AND PROSECUTORS WORK WITH OTHER AGENCIES TO PUBLICIZE THE AVAILABILITY OF LEGAL PROTECTIONS FOR BATTERED WOMEN AND THEIR CHILDREN. Even a small brochure or card can make a big difference: most victims simply have no idea to whom they can turn and what their rights are.
 - L. INCLUDE IN ANY PLAN, THE COORDINATION OF AGENCY EFFORTS TO HOLD JUDGES ACCOUNTABLE IN FAMILY VIOLENCE CASES.
 - M. REQUIRE INCIDENT-BASED REPORTING BY POLICE, WHETHER OR NOT AN ARREST IS MADE.
 - N. REQUIRE THAT EFFECTIVE BATTERER'S TREATMENT IS PART OF THE ABUSER'S PROBATIONARY CONDITIONS.
 - O. RECOMMEND THAT POLICE AND PROSECUTORS ESTABLISH AND PARTICIPATE IN FAMILY VIOLENCE COORDINATING COUNCILS, TO FACILITATE COOPERATION AMONG ALL AGENCIES SERVING VICTIMS OF ABUSE.
 - P. THE FUNDING FOR SHELTERS SHOULD BE DISPENSED TO THE STATE COALITIONS FOR DISPURSEMENT. THEY WILL MOST EFFICIENTLY DISTRIBUTE THE MONIES AMONG SHELTERS AND ADVOCACY PROGRMS, AND WILL BEST BE ABLE TO DETERMINE WHETHER PROPORTIONATE OR OTHER STANDARDS SHOULD BE USED IN DISPURING THE FUNDS.

The CHAIRMAN. Thank you very much.
Ms. Kelly-Dreiss, please.

STATEMENT OF SUSAN KELLY-DREISS

Ms. KELLY-DREISS. Good morning, Senator Biden and Senator Thurmond. It is a pleasure to be here this morning, and I am pleased to be here representing the Pennsylvania Coalition Against Domestic Violence.

The CHAIRMAN. We are pleased to have you.

Ms. KELLY-DREISS. Thank you.

This coalition was the first in the United States, and during the past 14 years it has grown from 9 programs to the present number of 57 programs. Last year, those 57 programs served over 74,000 battered women and children.

We have talked about the lethality of domestic violence, and it is very difficult for us in our State to actually track that. Oftentimes, criminal justice systems really do not keep the statistics that you need.

What we started to do last year was, through a clipping service, keep a record of the number of homicides that we could document, and I have brought to you today two different books. One is the clippings of the homicides in that 12-month period, 74 women, and—

The CHAIRMAN. This is in the State of Pennsylvania, or nationally?

Ms. KELLY-DREISS. It is in the State of Pennsylvania, 72 women and 40 children, and also clippings of all the other related domestic violence crimes. We had never done this before, and we became overwhelmed at what was being missed, what was not being reported. So, I think sometimes we have statistics, but I do believe they are just the tip of the iceberg. What victims need are many things. One of the things that is most helpful to them are having shelters and a safe place to go.

You had talked earlier about keeping this issue in the public eye. I think for the last few years, it has really been an important role that domestic violence programs have played, in terms of not just providing immediate shelter, counseling, and advocacy services, but also doing social change work, including public education and training of the police.

What is happening in domestic violence programs, however, is that we are getting overwhelmed with the number of increases in requests for services. What we have in the testimony is a chart which shows you that, since those nine programs have developed, there has been a 600-percent increase in the cases that we have served, but unfortunately it is not nearly enough. There are not enough shelters, there is not enough rooms in the shelters that we have. Last year, we turned away over 9,000 women, because we could not shelter them.

The CHAIRMAN. Excuse me, 9,000 women who came to you and said, "I'm being battered, I have no place to go, I can't go back home"—9,000 of those women were turned away?

Ms. KELLY-DREISS. That is correct. What happened with them is that they were asked if they could make some kind of a safety

plan, do you have a mother, a sister who you could spend a few days with, and as soon as we have an opening in the shelter we will call you and bring you in, but the count was 9,000 women.

The CHAIRMAN. Of those 9,000 women, how many of them eventually—a day, two, a week, a month later—were able to or did come into your system?

Ms. KELLY-DREISS. I do not have exact statistics, but my guess is about less than one-half. Oftentimes, they will make plans and then stay in the location for safety reasons.

Last year, we conducted a needs assessment survey in every county—we have 67 counties in Pennsylvania—just to see at this stage, 10 years later, what still are the needs. What we realized was that there is a huge gap in services, because of funding. We estimate a need of \$11.8 million more just in one State.

We discovered that the need for more shelter space is critical: 25 of the 67 counties in Pennsylvania have no shelter facilities. Most of them are rural counties, where women have to travel over 100 miles just to reach the closest shelter. One program responded about a woman who had spent 2 days under her porch, because she did not have transportation in her rural area to get to a shelter.

In Philadelphia, which is the largest urban center in Pennsylvania, three women are turned away for every one that is sheltered. Many shelters—

The CHAIRMAN. Permanently are turned away?

Ms. KELLY-DREISS. Not permanently turned away, but we need to start collecting on what happens to them.

The CHAIRMAN. I am in no way belittling the point that Ms. Buel made that the time of most urgency is immediately upon leaving. I am in no way belittling that, but I just want to—one of the criticisms I get of my interest and effort in this area is that I am not hard-nosed enough to determine—to ask for statistical evidence, the supporting evidence to sustain the assertions that are made.

When you say 9,000 are turned away or 2 out of 3 are turned away, it leads everyone to believe that they are forever—you know, no room in the inn, so long—gone. There is a difference between whether they got aid a day later or 2 days later or whether you checked and saw to it that they made alternative arrangements, and you followed through to see if they were there with their sister or their mother. There is a difference, so that is why I am asking these questions.

Ms. KELLY-DREISS. Well, I think that is a very good point. I think that there is the effort to make safety plans. The other thing that happens is that, even though the women may not get into a shelter, there are other services from that program that they receive.

For example, they can receive legal advocacy services that helps them to file a protection from abuse order. That may not always work quickly, but it is a step in the right direction.

In terms of some of the other needs that we uncovered, many of the shelters do not have 24-hour coverage, because of staffing. Even though we have a huge amount of volunteer support, last year over 300,000 hours were logged in by volunteers. Those volunteers still require training and maintenance, which costs.

Many programs cannot afford to pay medical insurance benefits, and some can only afford wages that qualify their full-time employ-

ees for medical assistance. Twenty-seven programs out of the 67 have no legal advocate. The fundraising efforts that are going on now are the same that those of us who started shelters, the same kind of fundraising efforts. We are still having bake sales, we run bingo games when we can, and we sell hoagies to keep the doors open.

The information in this needs assessment comes from a State that is considered to have adequate funding, compared to other States.

The CHAIRMAN. We may have to, for the record, for those people from Wyoming or other places, explain what hoagies are later on. [Laughter.]

We can go back to that. It is a sandwich. For the record, it is a sandwich.

Ms. KELLY-DREISS. It is nothing scary.

One of the things that is alarming, when you compare Pennsylvania to other States, we have the third highest level of funding in the United States, so I am often alarmed when I think that we have problems, we are turning away 9,000 women each year. I cannot imagine what is going on in Wyoming.

One of the things that we have done for this testimony is look at examples of cost comparisons to other human services in Pennsylvania, and I think it puts it in some perspective about how poor we are.

When we provide shelter for \$25 a day and we look around at all other kinds of services that are residential, costing in the case of drug and alcohol the average of \$265 a day, in comparison with inpatient mental health facilities, \$250 a day, we really are the poor sisters here.

In addition to doing a needs assessment in Pennsylvania, we have also attempted to do a needs assessment in the United States, by sending out a needs assessment survey to every State coalition, and in Delaware to the Commission for Women. The funding in most States is at a maintenance level, at best, and in some States shelters are closing and staffs are being laid off.

For example, in Connecticut, they are cutting domestic violence programs funding by 20 percent. In Texas, services are available in only one-half of the 254 counties. New Hampshire and Vermont are experiencing layoffs at this present time.

The needs identified nationally were fairly consistent. Funding is needed to maintain programs, to operate shelters, to purchase and renovate shelters, to hire adequate staff, to provide adequate training for law enforcement.

Based upon available information about the additional funding needed, we can say at this point that nearly \$300 million is needed, in order to provide an adequate base for domestic violence services nationally.

In looking at the sources for funding for domestic violence, the largest share currently is borne by the States, with some States utilizing a marriage license fee. Local and private sector sources of funds have contributed almost or in some cases more than the State's allocation. In Pennsylvania, for example, local funding represents 43 percent of total funding, State funding represents 32 percent.

We brought a chart with us which looks at the Pennsylvania funding breakdown in regard to what is needed, and with the family violence moneys equaling 3 percent of the total funding in Pennsylvania, we still need an increase overall of 22 percent in family violence moneys to bring us up not with expanding services or building new shelters, but just in being able to keep up with the demand.

In closing, I would like to thank you again, members of the committee, for giving their attention to the issue of domestic violence. We applaud your efforts in this regard and we offer our support to your vital legislation.

May I also say, as members of the Judiciary Committee, that you are in a unique position to make a difference in the lives of millions of women and children. We urge you to use the power that you have to do whatever is necessary to end violence against women.

Thank you.

[The prepared statement of Ms. Kelly-Dreiss follows:]

TESTIMONY OF

THE PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE

SENATE JUDICIARY COMMITTEE

HEARING ON SENATE BILL 2754
VIOLENCE AGAINST WOMEN

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Good Morning, Chairman Biden and members of the Committee. Thank you for the opportunity to speak with you today about one of the most critical issues facing this country today - domestic violence.

I am Susan Kelly-Dreiss, a founding member and Executive Director of the Pennsylvania Coalition Against Domestic Violence, a statewide network of domestic violence programs dedicated to providing protection, advocacy and counseling to victims of domestic violence in all of Pennsylvania's 67 counties.

The Pennsylvania Coalition Against Domestic Violence (PCADV) was founded in 1976 as the first state coalition of its kind in the United States. During the past 14 years, this Coalition has grown from nine (9) community-based domestic violence programs to a current membership of fifty-seven (57) programs. Last year member programs provided wide-ranging services to over 74,000 domestic violence victims and their children. I am proud to say that our Coalition members have worked together through the years to develop and define effective, comprehensive services and strong, legal protections for hundreds of thousands of victims of domestic violence in the Commonwealth of Pennsylvania.

For the past 10 years the PCADV has served as the statewide administrator of federal and state funds for domestic violence services through a contract with the Pennsylvania Department of Public Welfare. The Coalition functions as the advocacy arm for member programs at the state level, initiating legislation and developing public policy.

The PCADV also advocates for domestic violence victims at the national level and is recognized throughout the country as a leader in the movement to end violence against women and children.

The purpose of my testimony today is to focus on the magnitude and scope of domestic violence in this country; to address the needs of individuals whose lives are shattered by this violence; and to draw attention to the crisis in funding for services to adequately protect these individuals and to support them as they embark on lives free of fear and violence.

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is a crime which occurs with alarming frequency and with much more brutality than our society realizes or chooses to acknowledge. Because research demonstrates that the overwhelming majority (95 percent) of adult victims of domestic violence are women (Dobash & Dobash, 1979; Browne, 1987), and because more than 99 percent of all victims seeking the services offered by PCADV are women, this testimony will specifically focus on battered women and their children.

Simply stated, domestic violence is forceful, controlling behavior that coerces a woman to do what the abuser wants without regard to her rights, her body or her health. Battering is a pattern of behavior that includes the use or threat of violence for the purpose of gaining power and control over the victim. Abuse includes physical, psychological, sexual or economic violence inflicted upon another person.

Victims of domestic violence suffer a particular agony and experience an essential loss as the result of being abused by someone they love and in the one place on earth where they should feel safe and secure - in their own home. Domestic violence creates a home that is unsafe, threatens the lives of individuals and destroys families.

WHO ARE THE VICTIMS?

The public holds many myths about battered women - they are poor, they are women of color, they are uneducated, they are on welfare, they deserve to be beaten and they even like it. However, contrary to common misperceptions, domestic violence is not confined to any one socioeconomic, ethnic, religious, racial or age group. Victims come from a wide spectrum of life experiences and backgrounds. Women can be beaten in any neighborhood and in any town. Battered women are factory workers, nurses, lawyers, homemakers, police officers and college students. They are grandmothers and they are teenagers. Battered women are like all other women; they are not psychologically impaired, nor do they suffer from personality disorders.

Their behavior does not distinguish them from other women. They cannot be identified by particular demographics. The only consistent risk marker for women being battered is their gender - the simple fact that they are women. And let me emphatically state that no woman deserves to be beaten and we in Pennsylvania have never encountered a woman who "likes" to be battered.

All of us tend to try and figure out something about these battered women that makes them different from us. This is a very normal mechanism which helps us live in a scary world, because if an abused woman is just like me, responding like me and doing what I would, then I could be a battered woman tomorrow. It is much safer to pin labels and believe the myths, yet the sad truth is that everyone knows a battered woman and any one of the women in this room today could be a victim of this devastating violence.

WHO ARE THE PERPETRATORS?

The public also hold many myths about batterers - that they too, are poor, men of color, uneducated, addicted to drugs or alcohol, out of control or mentally ill. Like battered women, these abusers are not easy identifiable. Abusers are farmers, computer experts, car salesmen, university professors, ministers, truck drivers, psychiatrists, police officers and house painters. They reflect the full range of demographic measures; they are not likely to suffer from severe mental disorders. (Saunders and Browne, 1990) They do not meet the criteria for psychopathology. (Hamberger and Hastings, 1986) Batterers are not out of control. Indeed, they choose the victim, time, place, violent tactic and severity of assault when committing domestic violence. The batterer assumes that: he is entitled to control his partner; he is a moral person, even if he uses violence against his partner; he will get what he wants through his use of violence and he will not suffer adverse, physical, legal, economic or personal consequences that outweigh the benefits achieved by the violence.

The use of drugs or alcohol is often used as an excuse for the violence; however, studies show that there is no-causal relationship. Addicted men batter regardless of whether they are drunk or high, sober or clean. There does, however, appear to be a correlation between addiction and more severe

battering incidents. (Roberts, 1988) Studies do indicate that men who batter seem more likely to have witnessed their fathers beating their mothers and to have been abused during childhood than men who do not use violence and terrorism in intimate relationships. (Hotelling and Sugarman, 1986; Saunders, 1988)

HOW PREVALENT IS DOMESTIC VIOLENCE?

The FBI estimates that a woman is beaten by her partner every 15 seconds in this country. One out of every six women will be a victim of domestic violence during her lifetime. (Gelles, Steinmetz and Straus, 1980) In Pennsylvania, alone, we estimate that 800,000 women are assaulted in their own homes each year. Nationally, women who are battered number in the millions. Two national studies concluded that there is regular and repeated violence between spouses in one out of every four marriages and that at least one incident of domestic violence occurs in 50 percent of all marriages. (Gelles, Steinmetz and Straus, 1980)

HOW SERIOUS IS DOMESTIC VIOLENCE ?

Research has identified battering as the single major cause of injury to women in this country, more significant than auto accidents, rapes and muggings combined. Former Surgeon General, C. Everett Koop, called domestic violence one of the major public health problems in American society today, as much a public health issue as smallpox, and syphilis were for his predecessors in the last two centuries. The health implications of all these statistics is staggering. Battering accounts for 20 percent of all medical visits by women and 30 percent of all emergency room visits. (Flitcraft and Stark, 1985). The risk of injury to battered women increases dramatically during pregnancy; recent studies indicate that 25 to 45 percent of women who are battered are battered during pregnancy. (Flitcraft and Stark, 1985)

Woman battering is also associated with being a major risk factor for becoming homeless, (Philadelphia Health Management Corp, 1989; PA Coalition on Homelessness & Institute on Policy Studies of Temple

University, 1989) as well as child abuse, rape, female drug and alcohol abuse and women's suicide attempts. (Flitcraft and Stark, 1985).

Homelessness - Data in a new, detailed study of families in Philadelphia shelters provides insights on why families are homeless. It is a long list of factors leading to homelessness and one that is headed by a high incidence of family violence. Virtually all of the families studied in the shelters were headed by women and 43 percent said that the one reason they had sought shelter was that they were beaten by men. (Philadelphia Health Management Corporation, November 1989) The study confirms the findings of an earlier statewide study in which one out of three homeless individuals identified domestic violence as the personal cause for their homelessness and homeless shelter providers identified domestic violence as a significant force in the homeless population. (PA Coalition on Homelessness in PA & Institute on Policy Studies of Temple University, January 1989) Despite the realities of these studies society is still inclined to treat homelessness and its relationship with domestic violence as an invisible issue. However these families are not invisible, we see them again and again as they are recycled through the shelter system disappearing from one shelter and reappearing days, weeks or months later in another shelter. (Moore, Philadelphia Health Management Corp., 1990)

Child Abuse - Research shows that battering is the most common context in which child occurs and that men, not women, typically commit serious child abuse. Child abuse often appears after a pattern of battering of the mother has been established. For families in which the mother is battered, the father is three times more likely to be the child's abuser than in families of non-battered mothers. (Flitcraft and Stark, 1988) The most serious cases of child abuse resulting in emergency room treatment, are merely extensions of the battering rampages launched against the child's mother, with 70 percent of the serious injuries to children and 80 percent of the fatal injuries to children inflicted by men. Many of the children who witness the battering of their mothers demonstrate significant behavioral and emotional problems, including psychosomatic disorders, stuttering, anxiety and fears, sleep disruption, excessive crying and school problems. (Hilberman and Munson, 1978) Ninety percent of abused boys and 75 percent of boys who witness

battering have demonstrable behavioral problems. (Jaffe, 1986) One chilling statistic reveals that 63 percent of boys between the ages of 11 and 20 who commit homicide, kill a man who was abusing their mothers. (The War Against Women: Overcoming Female Abuse, 1985)

Rape - Battering is also highly correlated with rape. Two medical studies concluded that among rape victims over age 30, 58 percent were battered women, that is to say, they were raped in the context of an on-going abusive relationship. (Flitcraft and Stark) Rape and battering cannot be thought of as distinct events, one committed by strangers, the other by husbands, but rather as part of a continuum of sex power crimes to which women are exposed in intimate relationships.

Drug & Alcohol Abuse - For those battered women who turn to alcohol or drugs, the disproportionate use occurs most often after the onset of abuse. Many of these women report that consumption helped manage fear and anxiety, alleviated pain, enabled them to resist the batterers' control over their lives and in some cases, their usage was coerced by the batterer.

Mental Health - Battered women also may suffer a range of psycho-social problems, not because they are sick, but because they are battered. Alarmingly, battering precipitates one out of four suicide attempts by women. A three year study released just this month by the National Task Force on Women and Depression, organized by the American Psychological Association, found that for many women, depression may be the result of post-traumatic stress syndrome or even undiagnosed head trauma from battering. The study concluded that women truly are more depressed than men primarily due to their experience of being female in our contemporary culture.

In summary, violence impacts not only on individual families but on all of society. Domestic violence intertwines with many of the social problems facing America today. As we look to address these problems it is critical to acknowledge that often the violence comes first.

HOW LETHAL IS DOMESTIC VIOLENCE?

One woman or child is murdered every three days in Pennsylvania. These are victims who experienced the ultimate violation and betrayal, who suffered and died at the hands of someone they loved. During the last twelve months the PCADV undertook the grim task of tallying the numbers of women and children in our state who lost their lives as a consequence of domestic violence. We were able to compile these homicide statistics by contracting with a clipping service for one year's worth of newspaper articles detailing serious and fatal domestic violence incidents which were reported in newspapers throughout the state. Since we had never used such a service before, we weren't quite sure what to expect. We budgeted for several dozen clippings per month, but the clippings instead poured in by the hundreds each month and we found ourselves drowning in a sea of terror and tragedy.

Each week, each and every envelope, brought stories of death and devastation: of families torn apart; of children orphaned; of women shot, stabbed and strangled; bludgeoned, burned and butchered. These stories chronicled the scope and magnitude of domestic violence in Pennsylvania; of what is happening in the small towns and big cities, from corner to corner, all across the state. And then there were the photographs - the photos of body bags, of houses cordoned off by yellow police tape, of grief-stricken relatives. But it was the pictures of the victims - the wide eyed children and the smiling mothers - the snapshots taken during happier times that were the most haunting. It doesn't get any easier to read those clips and look at those photos; it doesn't diminish the shock, the anger or the sadness, that 72 women and 40 children were added to our death toll this past year.

And regrettably what is happening in Pennsylvania is happening across the country; national data collected by the FBI indicate that more than four thousand women lose their lives each year as a result of battering. Women are most at risk of being murdered by someone they know, in their own homes; 9 out of 10 murdered women are murdered by men, 4 out of 5 are murdered at home, and 3 out of 4 are murdered by husbands or lovers, almost none are killed by strangers. (Jones, 1980)

Women are most likely to be murdered when attempting to leave or after they have left an abusive relationship. (Sonkin et al, 1985; Browne, 1987) Almost one-quarter of the women killed by their male partners in one study in Philadelphia and Chicago were separated or divorced from the men who killed them; 28.6% of the women were attempting to end the relationship when they were killed. (Casanave and Zahn, 1986) We can see that battered women are not safe once they separate from the batterer and in fact, batterers may escalate the violence in order to coerce a battered women into reconciliation or to retaliate for the perceived rejection. Up to 75% of domestic assaults reported to law enforcement agencies were inflicted after separation of the couples. (U.S. Dept. of Justice, 1983)

Because leaving may be dangerous does not mean the the battered woman should stay. Although leaving may pose additional hazards, at least in the short run, the research data and our experience demonstrate that ultimately a battered women can best achieve safety and freedom apart from the batterer. Therefore, one of the most critical functions of domestic violence programs is providing safety for the victim and her children when she attempts to escape the violence.

WHAT ARE THE NEEDS OF VICTIMS?

For most victims of domestic violence, it is no simple matter to seek an end to the violence in their lives. The most compelling and urgent need for victims who do begin the process of escaping this violence is to know that they will be safe; that they are not alone; that help is available; that there are people they can talk to, turn to; that there are shelters they can hide in and laws which can protect them.

Often the first link to information and help is through domestic violence hotlines. Therefore, victims need access to 24-hour telephone hotlines which can put them in touch with trained staff or volunteers who can offer crisis intervention counseling and provide information and help in arranging transportation to a shelter.

These victims also need access to the safety and refuge of a battered women's shelter - a place where they can take the time, in a safe and supportive environment, to make choices about their lives and take the steps necessary to follow through on these choices. Battered women need shelters which are open and accessible 24-hours a day, 365 days a year.

Once battered women reach safety, they need information about the options available to stay free from the violence. They need support and encouragement as they consider and make choices. Through this process battered women are able to rediscover their inner strengths and abilities.

Unfortunately, because of limited resources, PA's shelters can offer only a 30-day stay to battered women - a very short period of time in which she is expected to turn her life around, make choices about her future and take the steps necessary to carry them out. Try to imagine arranging new schools for children, securing affordable and safe housing, finding a job or the training required for a job, waiting in long lines at the welfare office for temporary assistance, starting child custody proceedings, comforting and taking care of frightened and confused children, obtaining legal assistance for an order of protection, doing chores at the shelter, participating in groups and individual counseling sessions and then moving on - all in 30 days, all during a time of tremendous emotional upheaval!

For a battered woman seeking help, leaving is a process of testing the waters, seeing if she can get the support and resources for making it on her own, seeing how the children do without him, trying to get used to living in poverty since that is what separation means for most women, and gathering her resolve and her courage to withstand her batterer's almost certain harassment, if not physical attack. (Campbell, 1990) The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him. Therefore, it is incredibly important that battered women obtain support awards in protection orders and are referred to battered women's programs where they can learn about other economic supports, job training and employment opportunities

Battered women need access to and the assistance of other local community resources or social services agencies as they make decisions and take the steps that are necessary to establish lives that are safe and free of violence. Those community resources and agencies may include: the public assistance office; mental health services; children's services; legal services; school systems; employment and job training programs; medical care; public housing; drug and alcohol treatment providers and others. Battered women because of circumstance often are without any income of their own or access to their spouses income. Yet, many of these systems do not or have only recently begun to view victims of domestic violence as homeless, low income or eligible for their services and are often not cognizant of the critical needs of battered women. Again these women need the advocacy efforts of domestic violence programs which can help them navigate through these often bureaucratic systems.

Many victims of domestic violence are unaware of the legal protections available to them under the law. Many others are hesitant to seek out these protections because they are fearful of retaliation by the abuser or are intimidated by the criminal justice system which often treats them with insensitivity, indifference and hostility. For these reasons, battered women need the services of legal advocates who can assist them with filing for protection from abuse orders, provide accompaniment to court proceedings and advocacy within the criminal justice system to ensure effective response for victims. Legal advocates also are needed to oversee implementation of domestic violence legislation and training of law enforcement and court officers about domestic violence and their responsibilities under the law.

Children of battered women who have witnessed violence at home or who have been abused themselves have special needs that require counseling and activities which encourage expression of feelings, teach positive and non-violent ways to cope and restore self confidence, trust and self esteem. These children need advocates to respond to their needs, provide emotional support, assist in the transition to a new school, to help them understand and work through the trauma that they have experienced in their lives on a daily basis and to help them understand that the abuse between their

parents was not their fault, nor the fault of their mother. Unless intervention occurs in the lives of these children, they may never learn that violence in a relationship is not normal and is not healthy.

WHAT DO DOMESTIC VIOLENCE SHELTERS AND PROGRAMS NEED?

Domestic violence shelters and programs provide a lifeline to safety for victims of domestic violence and their children. Such programs have mainly been developed through the efforts and commitment of battered women and local community groups in response to a gap in existing community services.

Before the 1970's there were no shelter and advocacy services specifically designed for victims of domestic violence. It has only been during the past twenty years that community groups have responded to the needs of battered women by establishing over 1,200 domestic violence programs throughout the country. These are private, non-profit programs where volunteers supplement the typically small complement of paid staff.

In the early stages of development, domestic violence programs usually are limited to hotline and counseling/advocacy services. When and if adequate funding can be identified, a shelter is established. At this point staffing needs become critical in order to operate a "round-the-clock" emergency center that is open 365 days a year.

In addition to operating the hotline and shelter, program staff conducts other activities, including:

Children's Programs; Individual and Group Counseling;
Transportation; Court Accompaniment; Legal Advocacy;
Information and Referral for Medical Care; Housing; Public
Assistance; Job Training; and Other Community Services.

These services are available to shelter residents as well as to victims of domestic violence who are not residing at the shelter.

In order to effect the changes that stops violence in the home and prevent further occurrences of abuse, domestic violence programming must go beyond the provision of direct services. As domestic violence programs have grown it has become more clear that they are not "band-aid" services; rather they have incorporated long term social change goals including the following:

Public Education

Prevention

Education and Advocacy

Training

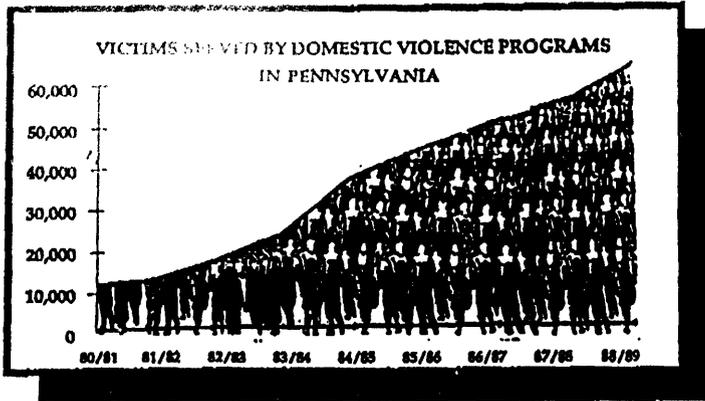
Outreach to target populations, such as Rural, Cultural and Differently-Abled.

Domestic violence programs have provided leadership within local communities by coordinating the effort of community agencies to focus on domestic violence. Coordinated city and regional efforts and criminal justice task forces have been created in many areas. The role of battered women's advocates is essential in guiding the process of community response. By representing the battered woman's experience, advocates have been able to initiate problem-solving processes to improve specific agencies and systems response to domestic violence.

This comprehensive approach to assisting victims of domestic violence - combining direct services and social change activities - WORKS.

According to research published in 1983 by L. H. Bowker, domestic violence services are considered by battered women to be the most effective of all the services they contacted. And because domestic violence programs are effective, the requests for assistance are increasing dramatically. Requests from battered women, from battered women's families, from the police, community organizations, and the public increase daily.

INCREASE IN DEMAND

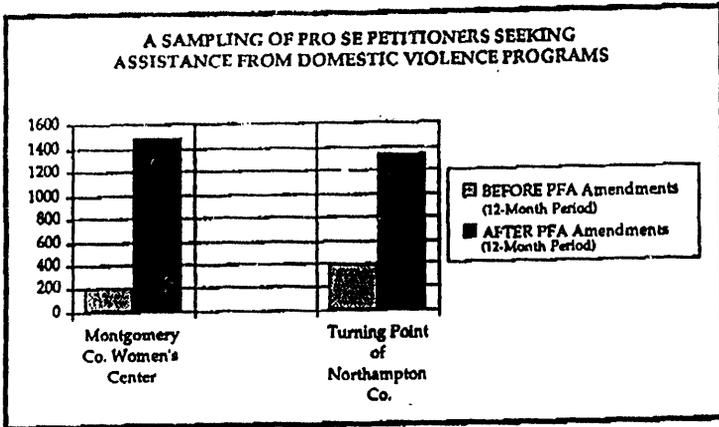


In the first year that domestic violence statistics were collected in Pennsylvania (1980) the number of victims receiving assistance from domestic violence programs totaled 11,328. Last year (1989/90) the number assisted totaled 74,699. This 600% increase is not unique to our state, but the norm across the United States. When word goes out into the community that a shelter is open to house battered women and their children, that shelter quickly becomes filled to capacity. Unfortunately, there is still not enough room in shelters or enough shelters to meet the need. In Pennsylvania we had to turn away over 9,000 women last year because shelters were filled.

New legislation in many states throughout the country has created an overwhelming increase in the need for domestic violence services. Statutes pertaining to pro-arrest policies for law enforcement or protection from abuse civil remedies typically mandate or recommend that law enforcement refer victims to domestic violence programs. Additionally, the growing trend of pro se litigation for battered women has placed additional requirements on legal advocates in domestic violence programs to educate victims on filing procedures and court processes.

In June 1988, the Pennsylvania Protection From Abuse Act was amended to enable victims to file pro se protection orders. As a result of this change in

the law, many domestic programs reported startling increases, ranging from 100% to over 700%, in requests for filing for protection orders. The following chart provides a sampling of the increases.



Although Pennsylvania's Protection from Abuse Law is one of the most comprehensive in this country, its effectiveness can only be measured in the context in which it is utilized. The law does not work if protection orders cannot be obtained and battered women cannot access the courts. The information and education provided by legal advocates is critical in ensuring that victims obtain all of the legal protections to which they are entitled under the law.

Extraordinary energy has been committed to the goal of improving the criminal justice system's response to victims of domestic violence. The courage of individuals, such as Tracey Thurman and others who have spoken here today and countless advocates throughout the United States, has been effective in bringing changes in police practice and in court response. But much, much more needs to happen. We are convinced that responsive change in the criminal justice system will continue to require the input, the assistance, and the monitoring of battered women advocates. It is, therefore, critical to include this advocacy component in the plan for criminal justice initiatives.

FUNDING NEEDS

During the time that domestic violence programs have been establishing new services, and responding to demands, the availability of funding has been so tenuous that most struggle day-to-day just to stay open.

Last year PCADV conducted an assessment Survey in all 67 of the counties of our state to determine what was needed to provide adequate services for victims of violence. We found that our state was 11.8 million dollars short of a funding base. We found that the local programs were drowning efforts to save others.

- The need for more shelters is critical. Twenty-five of the 67 counties in Pennsylvania lack shelter facilities. These are all rural counties where a woman must travel over 100 miles to reach the safety of a shelter - OR - remain in a life threatening situation because she has no transportation. A program reported that one battered woman, with no shelter, hid under the porch of her home for two days, in order to escape abuse.

In Philadelphia the largest city in the state with a population of nearly 2 million, there is no shelter to serve the needs of battered women. Consequently women are turned away for every one that is sheltered. It is always filled to capacity and maintains an unending wait list.

- Many shelters do not have staff coverage. None have adequate staffing. And while primarily relying on volunteers - domestic violence programs in Philadelphia logged over 300,000 hours of volunteers last year - and maintaining volunteers requires extensive resources and significant costs.
- Staff turnover is a problem. Statewide, programs are experiencing a 100 to 300 percent turnover in staff annually.

- Some programs cannot afford to pay medical insurance benefits and some can only afford wages that qualify full time employees for public assistance benefits.
- Thirty programs out of fifty-seven cannot afford staff to run children's programs.
- Twenty-seven programs have no legal advocate and ten programs only have a part-time legal advocate.
- Programs describe their fundraising efforts as labor intensive. Programs still hold bake sales, run bingo games, and sell hoagies to keep the doors open. One rural program that is operating a shelter has 22 different funding streams for a total budget of \$190,000. The time spent on separate reports, audits, and fundraising efforts equals a full time position.
- Available funding cannot keep pace with the rapidly rising costs of program operations. For example, shelter utility costs are increasing dramatically. One shelter keeps a box of old sweaters on hand for residents and staff because they simply cannot afford to turn up the thermostat beyond 62°.

The information contained in this Needs Assessment comes out of a state which is considered to have better-than-average funding for domestic violence services. In fact, Pennsylvania has the third highest funding base for domestic violence services in the country.

Yet when domestic violence services are compared with other human services, the funding shortfall is even more evident. The following comparison demonstrate the disparity:

1. The average cost for one day of shelter, including food in a domestic violence program \$25.49 per day
2. The average cost of one day of inpatient rehabilitation in a drug and alcohol program \$265 per day
3. The average cost of one day of inpatient services for mental health facilities \$250 to \$750 per day
4. The average cost of one day of Children & Youth Residential Group Home Rates \$50 to \$129 per day

STATUS OF DOMESTIC VIOLENCE PROGRAMS NATIONWIDE

During the past two months, PCADV has attempted to do a national Needs Assessment Survey in order to identify funding needs. A survey form was mailed out to state domestic violence coalitions in 49 states and to the Commission for Women in Delaware. The results to date have been alarming.

The funding in most states is at a maintenance level at best and in some states shelters are closing and domestic violence shelter workers are being laid off. For example: Connecticut is cutting its domestic violence programs by 20 percent. In Texas domestic violence programs are threatened with budget cuts due to that states budget crisis; this in a state where services are available in only one-half of its 254 counties. New Hampshire and Vermont are experienceing shelter staff lay offs.

In this survey the needs that were identified were fairly consistent from state to state. Funding is needed to maintain programs, to operate shelters, to purchase and renovate shelters, to hire adequate staff, to provide training to law enforcement, and to provide transportation.

Because information was not available from some states (to date), we chose to extrapolate the funding needs information that was available and look at funding based upon each state's population base. According to this methodology, the additional funding for domestic violence services is approximately \$300,000,000. This does not consider the expansion of existing services or the establishment of programs.

In looking at sources of funding for domestic violence services, the largest share is provided by the states, with states utilizing fees on the marriage license. Local and private sector sources have contributed almost or, in some cases, more than the state's portion. In Pennsylvania, for example, local funding represents 43% of program funding, state funding represents 32%.

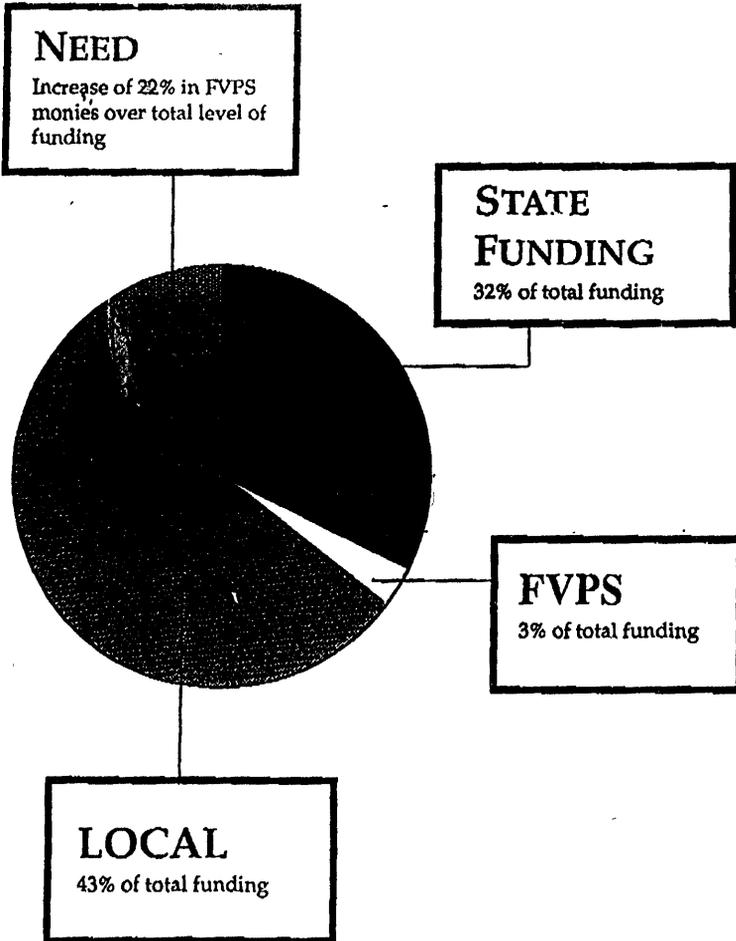
When we look at the total funding for domestic violence services in Pennsylvania, we can see that there is a funding gap equal to 22% of the total need, a gap of 6 million dollars. The chart on the next page illustrates the breakdown in funding and the need for an increase in Federal Family Violence Prevention and Service funding.

It is our hope that the federal government will join with the local and state sector in becoming more of an equal partner in supporting lifesaving services for victims of domestic violence.

In closing, I would like to again thank Senator Biden and members of the Judiciary Committee for giving attention to the issue of domestic violence today. We applaud your advance of SB 2754 and we offer our support of this vital legislation.

May I also say that as members of the Judiciary Committee, you are in a unique position to make a difference in the lives of millions of women and children in this country. We urge you to use your power to take whatever steps are necessary to end Violence Against Women.

PENNSYLVANIA FUNDING BREAKDOWN



The CHAIRMAN. Thank you very much.

Since I have had the opportunity to ask a number of questions already, and I do have others, and Senator Thurmond had to attend other meetings and has just now arrived, I would yield to Senator Thurmond for any statement and/or questions that he would like to ask.

Senator THURMOND. Thank you very much, Mr. Chairman

Mr. Chairman, to save time, I ask unanimous consent that my opening statement follow yours in the record.

The CHAIRMAN. Without objection.

Senator THURMOND. I just want to call attention to three or four statements I have in this opening statement. First there is a violent crime committed in this country every 19 seconds. Does that sound like a civilized nation?

It is astounding, these figures. There were 94,000 forcible rapes in 1989. That translates into one every 6 minutes. Does that sound like a civilized nation?

Over 1 million women a year seek medical assistance as a result of injuries sustained by their spouses or other partners. It is just hard to believe, these figures.

What is happening in this country? We did not have this kind of crime years ago. I realize that drugs have come in now, but even that would not account, it seems to me, for that great increase. It is just outrageous.

I read some years ago, if I can repeat it, that a man who would put his hands on a woman, except in an act of kindness, is a wretch to whom it would be close flattery to name a coward. That's exactly the way I feel. Anything we can do to help women, we have got to do it.

Now, I will not take time, but I am just going to ask you one question each, and I have two other questions apiece, if you will answer those for the record, to save time.

I want to congratulate our able chairman, Senator Biden, for holding this hearing. He has introduced a bill. I voted for it and there are a few provisions there about civil rights, and if we can get that straightened up, I will be glad to join you as a sponsor, Joe, on that bill.

Dr. Browne, as an expert on domestic violence, you have studied the factors which contribute to this serious problem. From your experience, what are some of the underlying reasons why men abuse their spouses, and what, if anything, can be done in this area?

Dr. BROWNE. Senator, when you think about individual men who abuse spouses, one of the things that research consistently shows is that the vast majority of those men witnessed some kind of violence in their homes as they were growing up, so that is a consistent finding, that men who abuse their partners as adults witnessed some kind of violence, maybe were abused themselves, but at least witnessed violence in their homes as they were growing up, and there are many lessons—

Senator THURMOND. Do you have statistics on that?

Dr. BROWNE. Yes. Yes, that comes from national studies, as well as more localized studies.

There are many lessons that a little boy might learn. He might learn that the big person who imposes their will is the safe person,

for example, is least likely to become a victim. He might learn that to be violent means that your needs are attended to immediately, that your wishes are taken quite seriously.

But he might also be missing another side of the coin, and that is how you might do it right. He might not learn ways to express anger or fear or hurt or a feeling of insecurity that are not violent. So, that on an individual level is one thing we know about the vast majority of men who assault female partners.

We also know—and this goes toward a societal——

Senator THURMOND. If you would excuse me just a moment. On that particular theory, in other words, the family abused them in some way, abused these husbands when they were young, is that it?

Dr. BROWNE. Possibly abused the man as a child when he was young, but even more importantly, that as a child he witnessed abuse between others in the family, particularly between adults. In other words, he learns ways that men relate to women.

Senator THURMOND. Either was abused or witnessed abuse in the family?

Dr. BROWNE. That is correct, Senator.

Another piece that we know about——

Senator THURMOND. Now, what can we do about that?

Dr. BROWNE. Well, arrest is too late a level. It is important, but it is too late to start. We need to start back with families, with interventions, for example, in school programs, we could have interventions built in that would address both issues of how you do relate, things that are unacceptable, as children get older what is criminal, as adults do not always realize that it is not legal for a man to beat his wife. Children certainly do not realize that that behavior is illegal. It is behavior they witness, it may be behavior they adopt.

When we have women who are abused, we need to recognize, as has been talked about earlier at this hearing, that the children in that household are also at risk. They are at risk to be abused themselves by the woman's abuser, but they are at risk because they are watching abuse, and particularly for boy children they are watching abuse and if there is not a positive influence to guide them in how to do that differently, they are more at risk at being abusive themselves as adults, then if they had not had that experience.

Senator THURMOND. Let me ask you this: On that point, would it be helpful if the schools gave a course in domestic relations, to offset what happens in the homes?

Dr. BROWNE. I think it would be helpful if such a course was offered in schools. It might be that people with expertise in this area from outside of the school system could be incorporated to offer it, but that would be very helpful.

Senator THURMOND. Excuse me. Go ahead.

Ms. BUEL. Men also have abused women in the society, because they can. Up until the mid-1970's, as I am sure you are aware, a man assaulting his wife in most jurisdictions was charged as a misdemeanor, rather than a criminal assault, even if the same actions against a stranger and acquaintance would have been considered a felony or a criminal action. In those jurisdictions, of course, police were not empowered to arrest until the mid-1970's, when legisla-

tion began to change for a misdemeanor assault. Marital rape was a specific exemption in every State, and for women who take the defense of themselves or their children into their own hands, the self-defense plea was not afforded to those cases until about 1974. The first major case was Iben Tomas here in Washington, DC.

So, for a woman who was experiencing assault, seeing her children at risk, she could press charges. However, when you did that, there were such things as the infamous stitch rule in some jurisdictions where you had to have some sort of major injury to show that something had really happened to you. Of those cases that actually went into a trial process, only about 4 percent resulted in convictions, and almost none resulted in sentences. There were some deferred sentencing options, but not punishments.

So, until the mid-1970's, in effect, the criminal justice system offered protections to the offender, not to the victim, and this society has supported, and I believe in many practical ways still supports, the use of violence as a conflict resolution method.

Family violence, as we have discussed, particularly domestic violence, is still seen, I believe, in many ways as fairly trivial, as maybe a fringe issue or a special needs issue, rather than a national problem of epidemic proportions, sometimes seen as comical. We still have a context in which, until we have hearings like this, until it comes to a new level nationally, we still do not treat it as serious, as life-threatening to millions and millions of women and, therefore, to their children.

Senator THURMOND. Thank you very much.

Ms. BUEL. I understand that you were abused, were you?

Ms. BUEL. I was, yes.

Senator THURMOND. You are now a prosecutor?

Ms. BUEL. I am.

Senator THURMOND. I want to commend you for your spunk and will to keep on and keeping on—

Ms. BUEL. I could not have done it without the battered women's movement.

Senator THURMOND. What is that?

Ms. BUEL. I say I am a product of the battered women's movement in this country. I could not have escaped and I could not have had the empowerment and the support to go to school 7 years at night undergraduate and then the support to go to law school without them, and the funding for their shelters is crucial to empower other battered women to achieve their dreams.

Senator THURMOND. Well, I am proud of you, the way you have not let it get you down, and that you continued.

Mr. BUEL. Thank you, Senator.

Senator THURMOND. Now, as a prosecutor of domestic violence cases and as a former victim of abuse, you are in the unique position of being able to experience the problem which faces the criminal justice system in fighting domestic violence from both ends. From your experience, what are the main obstacles which law enforcement and prosecutors face in trying to arrest and punish abusers, and how do these obstacles relate, if at all, to the dissatisfaction with the criminal justice system expressed by many of today's witnesses?

Ms. BUEL. Well, there is about an 8-hour police training that we do in response to that question, and I will try to put it in a nutshell. I think there are some jurisdictions around the country that have set up an integrated response to domestic violence that really shed light on and gives us an answer to your question.

When we look at Duluth, Minnesota or Seattle, Washington or San Francisco, areas where the police, the prosecutors, probation officers, the judges, where everybody is working together with the shelters, with the victim advocacy organizations, so that they are all treating it as serious violent crime.

We need everybody involved, everybody has a role, we need the police to arrest, they have to understand that they need to look not only to the assault and battery, we need to train them to also look for malicious destruction of property, for intimidation of a witness, which we charge in drug crimes all the time. If you tamper with a witness in a drug case, automatically the police will arrest. And somehow going to the house and threatening the woman, "I am going to kill you if you go to court on me," is never charged as an added offense. Police need to be trained to do this. District attorneys need to be trained that if the police officer does not have it written on the face sheet of the complaint, that we go upstairs and ask the clerk to issue it, for us to take the onus off the victim. There is no way, if you have not gone to law school or you have not been trained in this, that they have the expertise.

Battered women need access to our court system and they simply do not have it at this point, and that means that it falls on us, as the police, as the D.A.'s, and as the judges, to do that.

We desperately need training for our judges. Many police do the right thing and arrest. As a prosecutor, I can carry that case right through, I can convince the victim to go forward, that it is actually safer for her, and to have the judge give a slap on the wrist or let him walk out the door, because he thinks that this is—in 99 percent of the cases in my State, it is a he, although I will not say that for some of the women judges, they have not been much better, which is a real disappointment—it tells us that everybody needs the training, needs the education, needs to understand what is going on for the victim and for the children.

Police certainly need to understand, as well as victims and offenders, that the women are twice as likely to be reassaulted if they do not arrest. We all had this myth that "somehow I was not going to ask them to arrest, because I thought he would beat me up worse if I did." It was wonderful see the Minneapolis and other studies that have documented you are twice as likely to not be reassaulted.

I think sanctions are an extremely important part of this whole picture. There has to be some sanction for the offender. The FBI tells us one out of every two women in this country will be in a violent relationship in their lifetime, not because 50 percent of all men are abusers, but because there are no sanctions or treatment programs that effectively intervene.

Programs such as Seattle, San Francisco, Quincy, Massachusetts, that have as part of the treatment program offenders have to go into some kind of program, and again if it is charged as a crime,

they need to be on probation and violations of that probation need to be treated as additional crimes.

Senator THURMOND. Thank you very much.

Ms. Kelly-Dreiss, were you Kelly before you were married and—

Ms. KELLY-DREISS. That is correct, I was a Kelly first.

Senator THURMOND. As director of Pennsylvania's Coalition Against Domestic Violence, you are in a position where you can determine the needs of Pennsylvania women's shelters. In your prepared statement, you note that Pennsylvania has one of the most comprehensive protection and abuse laws in the country. How many institutes do they have to protect women?

Ms. KELLY-DREISS. How many shelters?

Senator THURMOND. Shelters.

Ms. KELLY-DREISS. Well, we have 57 programs, but we only have 48 shelters, so that there are many counties, especially in the rural part of Pennsylvania, where there is no shelter.

In terms of the Protection From Abuse Act, what we find happening is that it is a very comprehensive law, it has provided for victims to access the court as their own litigator. However, our counselor advocates are really necessary to enable the women to do that. What we have learned out of this is, even though we have a comprehensive law, unless women victims are educated to use that law, it really does not help.

So, we have really seen assistance in helping them gaining information and knowing how the court processes work, how the procedures work, how to actually file for a protection order. That has been a very important part of our advocacy, in making that law work.

Senator THURMOND. Thank you.

Generally, matters of this kind would be handled by the States and local communities. Senator Biden has introduced a Federal bill on this subject and it is one of such vital importance. Is it your feeling that this ought to be a responsibility of the States only, or do you feel that the Federal Government ought to come into the field? And if they should come into the field, what should they do, provide money to the States, or should they pass a strict Federal law on the subject, then you would have laws at both State and Federal levels? Have you thought about that, or what is your thinking on that subject?

Ms. KELLY-DREISS. Well, I think there are two parts to this: One has to do with the funding needs, and the other with some of the laws that are needed. In terms of the funding needs, I really believe that, at this point, many of the States are doing the lion's share of this funding. Whenever we break down and look at what funding is available, the local level is doing a huge amount, in our State nearly 55 percent is from local funding. The State is doing an almost equal amount. We have a 3-percent Federal amount from the Family Violence Prevention and Services Act.

Where we would need the partnership here is from the Federal Government. We really need that leadership in this issue, because at this point I think that many of the States, not Pennsylvania in particular, but there are many other States in the country who absolutely need that kind of assistance to have programs.

Senator THURMOND. You need direction from the Federal Government?

Ms. KELLY-DREISS. I think we need funding from the Federal Government, I think we need some direction, in terms of where those funds go.

Senator THURMOND. And funding?

Ms. KELLY-DREISS. And funding.

Senator THURMOND. Direction and funding?

Ms. KELLY-DREISS. Yes.

Senator THURMOND. Now, do you feel these people should be tried in the Federal courts or the State courts, these offenders?

Ms. KELLY-DREISS. I think that, in terms of the Biden bill that addresses interstate enforcement of the Protection From Abuse Act, I would assume that it would have to be tried in the Federal courts, because it would be an interstate situation. I am not an attorney, so perhaps Sarah would want to address this.

Senator THURMOND. I remember back during prohibition days, sometimes they would try them in both Federal court and the State courts, and I was just wondering what you had in mind.

The CHAIRMAN. And I might add that, he is the only one here that could remember it. [Laughter.]

Senator THURMOND. Well it is good to have somebody remember it.

The CHAIRMAN. You are darned right it is. God bless you. [Laughter.]

Senator THURMOND. Now, as I understand, there are several things here you have advocated. One is you think the sentences should be stiffer. I believe you advocated that, Ms. Browne, did you?

Ms. BROWNE. I agree with that.

Senator THURMOND. Have stiffer sentences when these men abuse women, give them a stiff enough sentence so that the public can see that if others commit such acts, they are really going to get in trouble, too. Is that your thinking, all three of you?

Ms. Buel.

Ms. BUEL. Well, I think there do have to be serious sanctions. At this point, we would be happy if this was treated the same as if the batterer had assaulted my 94-year-old grandmother on Main Street. It is the problem that the standard is so different, there does not seem to be an awareness of the equal protection clause of the Constitution, that the assault is the same when it is in the home as on Main Street. It is just not treated that way in a vast majority of our courts. We are not even asking for something enhanced, even though women in their homes are in far more danger than a stranger assaulted on the street.

Senator THURMOND. In other words, you feel that they are not given the stiff sentences when violence occurs in the home as they are out of the home?

Ms. BUEL. Exactly.

Senator THURMOND. And it should be the same level of punishment, is that correct?

Ms. BUEL. I can try two cases back-to-back. If it is a stranger assault, I have no trouble getting the maximum, absolutely none. I get the married couple in there and the judge wants to talk about,

"Now, are you sure you don't want to go to marriage counseling, and how can you do this after 30 years," and just complete denial about her danger.

I am terrified for her life, and the judge wants to talk about this illusion of mom, pop, bud, sis, and dog Spot, we have to preserve, but it is not preserved, because he is going to kill her sooner or later, or he is going to assault her so badly that he is doing felony time. You do not do him any favor to let it slide.

Senator THURMOND. Another point is, since they do not get the instruction in the home about these matters or not sufficiently, I believe one of you stated that it would be helpful if the school would give a course on family relations, domestic relations, or whatever you want to call it. Do you think that would be helpful?

Ms. BUEL. I think it is a wonderful idea. We have started going into our elementary and high schools, as we can, and in every single case in the high schools we are talking to young women who are already in violent relationships. The community education component of this bill is absolutely wonderful.

We still see thousands and thousands of battered women, and the majority that do not know that this is a crime, who do not know that there are resources out there, that part of my job is their safety. They think if they are assaulted on Main Street, it is my job to prosecute the offender. But if they are assaulted in their home, they somehow do not know who to reach out to, and we have got to get that information out. I agree with Dr. Browne, it has got to start in elementary school.

Senator THURMOND. Mr. Chairman, I have come up with an idea that they approve. Did you hear that?

The CHAIRMAN. Beg pardon?

Senator THURMOND. I have come up with an idea that they approve.

The CHAIRMAN. You have come up with a lot of ideas a lot of us approve of.

Senator THURMOND. That the schools have responsibility here to give a course in the protections of family relations.

The CHAIRMAN. I think that is a great idea and I am delighted that you came up with it. -

Senator THURMOND. I just think maybe we might consider something in our legislation along that line.

The CHAIRMAN. That is a good idea.

Senator THURMOND. I want to thank you ladies. You have all made very impressive statements and any way we can help, we certainly want to do it. If there is anything that gets away with me is just to see a man batter women. The only other thing that compares to it is to see a father seduce their daughters. That is another thing that gets away with me, is for the male members of the family to take advantage of the females. Have you had much experience in that line?

Ms. KELLY-DREISS. We often find that when the mother and children come into the shelters, the cause for her coming in is the battering, but in talking to the daughters, we often find that there has been incest in that family, and we try to work with the victim, the mother, but also with the daughters.

Senator THURMOND. I was a judge and I remember I had two cases, one in Greenville County, where a man made his own daughter pregnant. I just simply gave him the maximum. In Pickens County, I had another case where a man forced his daughter to live with him for 4 or 5 years and she finally shot him and killed him, because that was the only way she could get away from him. In that case, I directed a verdict, it did not even go to the jury.

I am just sick and tired of seeing these women battered and children abused like they are, and anything we can do we ought to do it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

I might add that, unrelated directly to the legislation but related to the intensity the Senator from South Carolina feels about this issue, he had his 88th birthday just a couple of days ago, and we all, even Democrats like me, were sporting buttons that said, "Thurmond in '96," and he just got reelected.

Senator THURMOND. That is pretty good, coming from a Democrat, is it not? My good friend.

The CHAIRMAN. I have a feeling that the Senator has not only served a lot longer than I have, but he will be serving long after I have, as well.

I want to note, before we get serious again—and I have some questions—I note that the press, Strom, is making a real effort at impartiality these days. It is the first time I have ever seen a cameraman wear a referee shirt. I am delighted that things are getting under control here after a while. [Laughter.]

With that very brief interlude in an attempt at humor, let me get back to the serious subject for a few more minutes. I apologize for trespassing on your time for so long, but I would like to ask some questions, the answers to which I think I know, but ones that are often asked.

Again, as I said, I feel part of the function of this committee, as Ms. Buel said, is the public awareness piece, is to make people understand how broad, deep, complicated, and difficult the problem is.

For example, of all the things said here, what people watching this will go away with, I believe, like a dose of cold water on them, was your comment about asking everyone to take out their wallets. Take away all the testimony about what statistics show and what studies show and how people are empowered or not empowered, you made it real clear to a lot of people today, "What do you do?" Take out your wallet, give me your wallet, I will give you \$20 and bus fare, and now you leave, and see how far anybody goes. That is a graphic illustration of how limited the options are of women, even when shelters exist, even when they exist and are available, because you are making a radical change in your life and the life of your children.

One of the questions that I would like to pursue is this issue that is often asked, is: Does the violence, doctor, escalate? Is there a relationship—and I would like all three of you to comment on this, from your individual personal perspectives—does the violence escalate from the first time the man abuses his spouse and/or lover, or whatever relationship he is living with that woman in, however you would characterize it, does it escalate? If first it is a shove and

it is not stopped, is there anything to indicate that the next time it will be a shove and a slap, and the next time a punch? Or is the person who is the one who is likely to physically abuse in the most graphic way, punching, beating up, strangling, short of killing a woman, is that person likely to do that at the outset? Or is there a relationship, in terms of tolerance and severity, tolerance meaning the woman, for all the reasons you have cited, not being able to leave the relationship? Is there a relationship, do we know?

Dr. BROWNE. Well, there are two questions there, I think. One is, does it escalate. There are many different patterns, so you could always find the exceptions, but most typically there are isolated appearing incidents of violence at the first, and often a woman will think—and these often occur around issues of jealousy or discussions of terminating, separating from the relationship—and often a woman will think, well, if I reassure him or if I make more of a commitment or we strengthen the relationship in some fashion, then this will be OK, this will be better.

Unfortunately, when you look at relationships in which violence has recurred, the onset of recurring violence that happens and happens again is typically at or just after a point of major commitment. So, if a woman thinks, well, I will make this commitment and he will feel like I am really his now, unfortunately, given major commitment, a man who abuses gets worse, not better, and over time an aggressive behavior is a hard behavior to keep in a box, whether you are being aggressive toward strangers or toward your intimates. It is a very difficult behavior for you to manage, even if you meant to manage it. It is like beating a path through tall grass, you know, you beat a path a little ways and you can walk that far next time and just push the grass down ahead of you.

Over time, what we find is that incidents typically either happen more frequently and get somewhat worse, or if they do not happen more frequently, they have an erratic pattern, they can get much more severe suddenly. The piece that goes with this is threat. For the woman, from her perspective, the knowledge that someone who supposedly loves her, with whom she lays down to sleep, with whom she may have children, someone she is supposed to live with and trust, can knowingly do her harm and then knowingly do it again, becomes in itself a very frightening realization, that this person did me harm, the harm was evident after, and yet he is doing it again and again and again. That is a vital part of the escalation, a willingness to do harm.

The CHAIRMAN. You have answered a very important question, but I am asking a slightly different one. I am not attempting to arrive at any conclusion from the information you may impart to me, so I am not trying to lead the witness here. I am not trying to in any way box you in, either. I understand—and you have made it even clearer—the difficult position the woman is in.

I am not really asking as it relates to her difficult position. I am just asking as a point of fact, whatever repetition of violence occurs, is it usually associated with a greater amount of force, or is it the same amount of force? Is the man who slaps his wife and perforates her eardrum or ruptures her eardrum, is he likely the next time he is engaged in violence or anger or aggression, is he going to slap again, or is there a pattern where that person is more

likely this time to close their fist and punch? Or is the man who punches or twists his wife's arm behind her back, is he the next time more likely to break her wrist?

Is there any pattern of aggression? In other words, if we are trying to figure out how to deal with those persons who are likely to end up not only abused, but end up in a box, end up dead, is there any correlation, have there been any studies of those who ultimately kill their wives, were they extremely physically abusive in the first instance, or did a pattern develop where the violence got worse and worse and worse, or is there no pattern? Is it totally a matter of who the individual is and there is no way to make a projection?

Dr. BROWNE. It is usually associated with a greater degree of force over time, or with more actions. The first time might be a slap or a push or a punch, and then over time you would have more actions at a given incident.

There have not been good studies of men who killed their wives and what happened prior. We do know that, prior to those homicides, there was a pattern of escalating assault and threat, but—

The CHAIRMAN. Escalating in frequency?

Dr. BROWNE. Escalating in frequency and usually in severity prior to the homicide. However, what we know most about men who kill their wives is that it is often related to their perception that she was abandoning them, either leaving them because she did not want to be battered, discussions of separation, and that seems to trigger extremely severe incidents.

So, when Tracy was sharing with us a separation, that is a time where we know that incidents can go from being sort of severe or fairly severe to very, very life-threatening.

The CHAIRMAN. Are there any studies that indicate what rationale, right or wrong, what rationale is offered by the abuser?

Dr. BROWNE. Yes.

The CHAIRMAN. You indicated earlier, you made two observations, that the extreme violence literally comes at the time of termination, quite often, or at the time when there is jealousy. Are there any studies that indicate that abusing men abuse x percent of the time, because they are in jealous rages, because they just want pure total dominance, if dinner is not on the table, bang, or because there are arguments about money or * * *? The reason I ask this is the accepted conventional wisdom that the reason why these rates of violence are up during holiday times is because there is more depression or men are more frustrated by their inability to provide for their children and their families at those times. There is a perception that there is a direct relationship between unemployment and abuse of women. There is a perception—and it goes on and on and on.

So, if there are any studies that indicate why it occurs, from the perspective of the men—none of it is acceptable, none of it is right—but we would be better able to tailor programs or to tailor initiatives to try to deal with prevention of that abuse when it occurs. Are there any such studies that categorize the rationale offered?

Dr. BROWNE. There are studies that categorize the rationale offered, and across the studies the consistent finding is that men give

as their motivation or their rationale something to do with power and control of the woman, that they see attempts at autonomy or independence by the woman as a lessening of their power and control, as bad or as threatening and possession, whatever form that takes. It is the woman is theirs, this extreme jealousy often comes off of that sort of a base, they will not let her do anything without them, they cut her off from others, she is my woman and I will say what happens. So, those are consistent findings across all kinds of studies, it is power and control and possession.

As far as stress theories and economic theories, he is out of work and there is more. He is having a hard time making a living. There have been correlations reported that would support those sorts of theories.

The thing to remember about that is time at risk, that if he is out of work and he is around the house, she is simply physically at risk from him more hours of the 24 hours of the day, and that men often, when they are being abusive, maybe they are also abusing substances like alcohol, their behaviors often cause them to fall down the economic or job success ladder. So, to just say, well, he does not have a job right now or he has lost a job, therefore, he is battering, sometimes has it backwards. Sometimes his behaviors are such that he is not showing up at work, he is telling people where they can go at work, he is being aggressive at work as well, so that is often a spurious assumption.

The CHAIRMAN. I think one of the reasons why we do not get this issue up to the profile it should be is because this is one area where everyone assumes they do not need an expert to tell them why it occurs. Everyone assumes this is human nature, and everyone knows certain things about human nature. Anyone who has ever had a child knows the temptation to give the child the back of your hand or to be abusive in hollering at the child or just to holler at the child and that there is a direct correlation, without any studies, between that temptation and what kind of day you had, between whether or not you came home—not that you have ever done it—but that you came home and lost the case you should have won, whether you lost the election, whether or not you were treated unfairly by your colleagues, whether or not you got off the bus and somebody, you know, the car goes by and splashes water on you. There are certain things that we know as truisms, they are universal, and affect all people—I find it hard to believe those same truisms do not extend to the marital relationship—that we are making even more complicated sometimes than they are.

Dr. BROWNE. I am sure they do, but you would assume that other people in other countries have stresses of some sort or another, I mean just have the daily life stresses that you are suggesting, and yet in our country our family homicide rate is higher, for example, than the total homicide rates for whole countries like Germany or Denmark.

The CHAIRMAN. But that is the case across the board in our country.

Dr. BROWNE. That is right. So, to use violence is a choice or a response, and unfortunately in this country we are the leaders in some of these areas.

The CHAIRMAN. The point I am trying to get at here or I am trying to understand is that, on the one hand, all of us here want to make sure the public knows how bad this problem is, so we can begin to address it better than we have. So far, so good. But the tendency we all have, in order to try to get attention for any problem we wish to solve, is to somehow distinguish it from all other problems that exist—to say the homicide rate is up here for spouses, much higher, as you point out, than the total homicide rate in other countries on a per capita basis.

At the same time, the homicide rate for everyone in America is up. It is not in that sense distinguishable. And if it is not distinguishable in that sense, then we have a problem that may relate to our culture, that cannot be solved and maybe should not be addressed by only attempting to deal with it piece-by-piece—the spousal piece of it or the abuse by men of women, or that particular part of the problem, whatever it is.

I think we have got to get, in order to make the case I want to make, we have got to get much more coldblooded, clear thinking, and analytical about why this occurs. That is why I keep pushing this issue as to what makes people do what they are doing. Is there anything different that makes the same man—are there studies showing the incidents of violence of a man against a woman and that same man's actions versus society, are there correlations? Is there a correlation between those—for example, the question no one wants to ask, I am going to ask it to you—is there any discrepancy, based on background, any type of background?

Ms. BUEL. I think the key factor in background is one of the things Dr. Browne had pointed out, that the batterer's treatment experts in our area tell us the single highest predictor of whether or not a man was a batterer—

The CHAIRMAN. Whether they were battered?

Ms. BUEL. No, is whether or not he saw his father beat his mother, and that is where we also—

The CHAIRMAN. Now, after that, is there anything else? We all agree on that and the legislation speaks to that, and I have a child abuse act that I am very proud to have written that passed last time around that deals explicitly with that.

Ms. BUEL. But I think there are other connections.

The CHAIRMAN. But after that, is there anything else, any other connection?

Ms. BUEL. There are other connections, when you talk about problems with drugs in our society—I had my month made a couple of months ago when Sgt. Bill Johnston, who heads our community disorders unit of the Boston Police Department, called and he said, "Do you know what? Family violence is the root of the problems in this city, because in every single case where I have got a violent juvenile offender, a gang member, I can trace that child back to their home, and either that mother needs a restraining order or she has already got one."

Our Department of Youth Services in Massachusetts conducted a study in—

The CHAIRMAN. Say that again? That is really an interesting statement and profound, if it is true.

Ms. BUEL. I saw the same thing in juvenile court.

The CHAIRMAN. Repeat the statement.

Ms. BUEL. Virtually every case of violent juvenile offenders and gang members, kids involved with drugs, the kid who is going to stick you up on the block for your wallet, either the mother needed a restraining order or had one outstanding.

The CHAIRMAN. In other words, the mother was being beaten by a boyfriend and/or husband?

Ms. BUEL. She is at risk, and one of the things that we recommend—and it is in my written testimony, so I did not mention it—is some kind of multivictim assessment that police and D.A.'s need to be doing. If the mother presents to the D.A.'s office, you need to find out if the children are safe, what is going on with them. If the child presents to the D.A.'s office, you need to find out what is going on with the mother.

We looked through our DOIS study and the thing was done in nine other States and we found that children do not need to be physically abused to take on a delinquent behavior. Simply witnessing their mother's abuse, they had 7 times higher incidence of attempting suicide, 24 times greater likelihood of committing sexual assault crimes, 76 percent greater likelihood of committing crimes against the person, and greater than 50 percent likelihood of abusing drugs or alcohol.

It is not enough for us to say to these children, "Just say no to drugs." They are in pain at the tremendous hypocrisy that they see around them. It is not okay for grandma to get assaulted on main street, it is okay for mom and me to get beaten up at home.

The CHAIRMAN. I do not disagree with you at all. Now, one of the things in testimony we have had is that the likelihood of children abusing drugs is exponentially higher merely if they come from a divorced family—nothing else, no abuse, nothing else—just merely if there is a separation or divorce in the family.

Is there anything, any clues that can lead us, if I can continue your metaphor—you said beating down the path, you know, the high grass—I mean is there any place we can follow the path in the high grass, so we can learn more about where to head them off at the pass?

One is clearly, if we are able to very early on, find the children who are witnessing and/or being abused, we can do a lot to affect society's prospects for greater civility and women's prospects for greater civility. We know that. What else do we know beyond that? Is there anything else we know?

Ms. BUEL. I think some of the good news is, from our area, the battering treatment experts are telling us that about 96 percent of the men they treat are not crazy, are not mentally ill, and that is good news. These are, rather, men who believe that when they do not get their own way, it is okay to be violent to get what they want, and that is what we need to change.

We look at Duluth, MN, who reported a 47 percent reduction in the number of repeat offenses, simply by arrest. The message to the batterer that they have to choose another option, and they do it, because they do not want to get arrested.

The CHAIRMAN. Let me be more specific: Is there any distinction, based on education? Is there less likelihood of men with Ph.D.'s committing acts of aggression than men with a second-grade educa-

tion? Is there any study to indicate whether that is right, wrong, or indifferent? I am not proposing it, I just want to know. I am trying to get at——

Dr. BROWNE. It is going to be confusing. The national study shows that the least likely group, I believe, I am just quoting from memory, to be abusive are men with about 8th to 10th grade educations, and it got higher up through midcollege and then went down again into higher levels of education.

The CHAIRMAN. Any reasons offered for that?

Dr. BROWNE. No. That is why I said it would be confusing.

The CHAIRMAN. No, it is not confusing.

Dr. BROWNE. It maybe sounds redundant, but in part, to go back to this legislation that you have proposed, I think that is an important national step, because I believe that at this stage we have to make a more clear, a louder statement that this is criminal, that in this country this is not accepted, nor will it be tolerated, in fact.

The CHAIRMAN. I agree with you.

Dr. BROWNE. That I think will begin to make——

The CHAIRMAN. That is why, by the way, I made it a civil rights offense, in addition.

Dr. BROWNE. I think that is excellent.

The CHAIRMAN. I believe a society, in fact, demonstrates that which it values most by the sanctions applied when that which it values most is somehow violated, and if you—People tell me, "Well, you know, Charlie works in the office and Mary works in the office and, boy, I value them both the same, but I pay Charlie twice as much as Mary." Obviously, you do not value them both the same. There is a direct correlation between what you are paid in our system and your worth and, at a minimum, a direct correlation in that unit and direct correlation about what other people perceive to be your value.

It is the same way with the values that we want to protect.

If we say this is an important value to protect and there are no sanctions for trampling on that value, then obviously we really do not think it is that important. The ultimate sanction, beyond a prison term, that can be applied in this society is to say that you violated the civil rights of someone else. That is why the legislation creates a civil rights violation, not because someone was going to go to jail any more. People think, "Gee, violate civil rights, that means I go to jail." It has nothing to do with going to jail. It goes to the point you made.

It seems to me that maybe what I am searching for is an answer that no one has. Let me shift a little bit and be anecdotal for a moment. Half of the people who have testified have made references to how they were raised. Ms. Buel said her father loved the song "Stand By My Man," or whatever the name of it is.

In my house, being raised with a sister and three brothers, there was absolute—it was a nuclear sanction, if under any circumstances, for any reason, no matter how justified, even self-defense—if you ever touched our sister, literally, not figuratively, literally. My sister, who is my best friend, my campaign manager, my confidante, grew up with absolute impunity in our household.

Ms. BUEL. She was a blessed woman.

The CHAIRMAN. And I have the bruises to prove it. [Laughter.]

I mean that sincerely. I am not exaggerating when I say that. An interesting question, though: My wife and I, we have two grown sons who understand that rule well. They also understand that rule relative to one another. But we have a daughter who is 9, and it seems important to me, and my wife thinks it is important, that she be told and educated about what she should expect and accept as reasonable behavior.

Ms. BUEL. And just to be told that you have the right to set limits, that nobody has the right to hit you.

The CHAIRMAN. Beyond that, just to make it clear—so my question is this: How important is it to educate women?

Ms. BUEL. It has to be both.

The CHAIRMAN. I understand. Obviously, everything has to be both. When we talk about the drug problem, you and I both know the problem well, it has to be treatment, it has to be rehabilitation, it has to be education, it has to be sanctions, it has to be it all, we know that, but not everything in society ends up being everything.

I do not want you all to be so defensive. Compartmentalize this a little bit with me, if you can. All by itself, how important a fact—it is clear that we have to educate men and boys as to the limits of their responsibility, what the limits of their use of force under any circumstance is, and the whole notion of possessiveness—but how about women themselves, to protect themselves?

Dr. BROWNE. I think it is very important to educate women, as young girls, first of all to educate them what is okay and what is not okay and what, in fact, is illegal and what you might do then at any age, starting as young girls.

The second piece says that once we educate them, there has to be something really there that responds when something happens to them and they report it, there needs to be a response out there—

The CHAIRMAN. There is no question about that.

Dr. BROWNE. I think it is very important to do that.

The CHAIRMAN. I think the women's movement has done a phenomenal service, because I think one of the reasons why we are here today is not because of the existence of shelters, or all of a sudden my waking up to this. It is because of the women's movement standing up and saying, "Whoa, wait a minute."

They made women of my wife's generation say, hey, that is not how—stand by my man—that is not how this thing works, it is stand by one another. It is not "stand by my man," it is "I Am Woman." I think that has had more to do with the increased reporting, with the increased willingness of women to begin to take this on, to feel that there should be, even if there are not, other alternatives, to not feel the sense of guilt that, "Gee, maybe it was me, maybe when he hit me I should not have looked at Charlie that way, maybe I should have the dinner on the table, maybe I should * * *." Most women—I should not say most, a significantly larger percentage of women today—I think, doctor, do not ask themselves that question any more. I may be wrong about it, and that is really my question, has that made a difference?

Dr. BROWNE. I think when it happens to them, as Charlotte Fedders said, that is one of the first things that they feel and think. However, I do think that we are changing the perception in society,

so they are more likely now to run into another person or read something and say, oh, look, it was not me.

My strong reaction, when I listened to Charlotte talk about leaving, in response to your question, however, is the other side of the attitude, that we have not progressed very far on, and that is, for example, because we still always ask why did she not just leave, it is what I call the "so damn bad question," if it was so damn bad, why did you not leave.

The fact that we ask that question shows that our society's thinking is just not very advanced yet on this topic. First of all, it assumes—and we know that is erroneous—that leaving is absolutely going to end the violence, and we have seen that is not necessarily true. But in the more—

The CHAIRMAN. Let me stop you there. In your judgment, if the leaving did occur—which I believe it cannot, for the reasons you stated and Ms. Buel has stated and others have stated, as a practical matter it cannot occur—but if it did, the fact is that much of the violence would stop, would it not? You do not have—the percentage of men who are the abusers out there, in the world of abusers, the percent who go as far as they did with our first witness—are not the majority of those cases, are they?

Dr. BROWNE. The women who leave, about 50 percent, according to studies that have looked at this, of women who leave, are further harassed and threatened and assaulted on at least minor levels, and so—

The CHAIRMAN. I am not suggesting it is so, I just want to again get the gradations here of what we are talking about.

Dr. BROWNE [continuing]. But it can be a time of exceedingly high risk, it is almost one or the other. The woman leaving successfully is going to be left there.

The CHAIRMAN. You see, the reason I ask this is not just because of intellectual curiosity. There are few things I can do, as a Senator, and if I could convince Governors to be more responsible. By the way, it is kind of interesting, Governors always come down here and tell us to cut the budget, and then you all come and tell us that the Federal Government should do what the States fully have the ability to do. They do not need the Federal Government to do it. They do not need the Federal Government to do it. We are the ones that have the trillion-dollar deficit that they keep telling us to balance and cut.

But because it is not being done by them, just like the reason why I always say I had the disagreements with my friend on civil rights. Because civil rights was not being done by them, they all had the power to do it, they just did not do it, so we had to do it and we should, if no one is doing it. Obviously, I do not have a problem with that.

But it is interesting to me—you have to go out and kind of take a look at this issue based on the limited ability that I have as a Senator. If it could be shown that by providing for a significantly increased number of shelters and better services related to those shelters, and if it could be shown that—and I do not know if it can be shown, that is why I am asking, this is truly an inquiry—if it could be shown that by beginning at age 2, telling young girls that there is no circumstance under which any man has a right to touch

that, husband or otherwise, if that could be inculcated in the culture—if those two things could happen—I could legislate something that could go a long way to drastically reducing abuse in this country.

Because I have got to sit here and figure what are the things that can be done. Obviously, it would even be better if I could somehow, as a legislator, convince the President to sign on with the Congress and make a law that somehow changed men's attitudes, that is the best of all things, right?

Ms. BUEL. But their attitudes do not even have to change. You are going to change their behavior, and that is what I am so excited about in this.

The CHAIRMAN. I hope you are right, but I am not nearly as optimistic as you are about the prospects of my changing male behavior. I have found that in every other area of law enforcement, I have not had—and I have been, along with Senator Thurmond, it is not an exaggeration to say, the principal author and architect of every major crime bill since probably 1978. I do not want to overstate it—

Ms. BUEL. But that is why this should be so exciting. Domestic violence, homicide, and assaults are the most easily preventable. If we look at Kansas City, the police tell us, in 85 percent of the cases, they went to the house at least five times before a homicide occurred there between the partners. We know what is going on there.

We look at Duluth and Seattle, we look at areas that have reduced by 50 percent the number of repeat incidents. That is better success than I can get on any kind of drug case, any kind of other crime problem. That is why this legislation is so crucial. You can do that.

The CHAIRMAN. Well, I am sure in hell going to try to do that, but I have become somewhat pessimistic over the years about the direct relationship between imposition of a sanction and a change in conduct. I would like to tell you that I was confident of that, and I would like to tell you the track record in other areas that demonstrated that. There is no question that the statistics you cite are correct, they relate directly to the part of the legislation that has less to do with the sanction and more to do with the requirement of arrest. That is a sanction, but less to do with the actual criminal serving of time, because that correlation does not exist, I suspect, in your studies.

Ms. BUEL. That I do not know, but I think you have hit on so many pieces in this legislation, by making child support available so that she can leave, so that if she needs to get to another State, crossing State lines—

The CHAIRMAN. I agree. I agree, but that relates less to sanctions. That does not modify behavior in the same way that I am talking about changing attitudes of men. We had a hearing—I am sorry to go on so long with this, but this is really important to me. I know it is important to you, but it is important to me to understand it more.

Ms. BUEL. It is fine with me. I will stay all day.

The CHAIRMAN. But I am taking a lot of your time. The first hearing, one of the witnesses, the woman said, "Senator, do you

know where the phrase, rule of thumb, comes from?" I was embarrassed, after learning where it came from, I was embarrassed to acknowledge that I didn't know. I said some measurement device of some kind. She looked at me and said, "Yes, that's right." She said back in the early days of English jurisprudence, when a woman was a chattel, it was understood that a husband could beat his wife. But even they concluded that at some point too much was enough, I mean you had to stop, and so the rule of thumb came down: if the rod with which you beat your wife was no bigger than the circumference of your thumb, you are all right, and if it was bigger, it was a crime.

Now, obviously, that is part of the attitude we have to continue to deal with in society, and we know how damn hard it has been to get from there to even here. So I am delighted with the idea of continuing to do everything I can, and I am pledged to and I will and I have, to impact upon male attitudes and to affect their behavior relative to the use of force against women.

So, as they used to say in the sixties to our generation, which we never believed for a moment, "Trust me." Let us argue in the alternative here, as good lawyers. Assume for a moment that I am committed to that course of action. In addition to that, are there other things that may have a quicker payoff, while we are working out what I think we all acknowledge is a relatively long-term proposition—whether by long-term, we mean 5 years, 10 years, one generation, two generations.

What I have been startled by and impressed by is how quickly, on other matters, the women's movement has been able to positively change the attitude of women about other things—about deciding they can be lawyers if they want to be. I went up to look at Syracuse Law School, where I graduated from, to speak. My son is applying to law school, one of which is Syracuse. He is graduating from Penn, God willing, this June. And we looked at the composite of my class, and he kind of looked funny and I thought he was just looking at how funny I looked in the picture.

One of the observations was, "Gee, no women," and then look 4 years later, not 24 years later, at the composite of the class of 1972, about a quarter are women, and then look just 8 years later and 50 percent are women. Now, that is a significant change in one little area.

Now, I am wondering whether or not we should be initiating programs, as the Senator said, in school that not only initiate programs for young men, but for young women, not because they are at fault for anything, but to empower them, to be dealing with these problems and to let them know what their rights are.

Ms. KELLY-DREISS. One of the areas that we have not talked about is the need to talk to young women and men who are of dating age, and that is an area that we really see these patterns of thousands of years coming out in the 14- and the 15-year-old as they start to form a relationship. I think it is real important that we have programs designed for that age group.

The CHAIRMAN. I was startled—I have used the word three times today; this has been an incredible learning experience for me—by that Rhode Island study—I am trying to figure out which study it was, it was a study done in Rhode Island of junior high school chil-

dren—and they asked the question: “If a man spends \$10 on a woman on a date, is he entitled to force sex, not have sex, but force sex if she is unwilling?”

I was dumbfounded at the percentage of the young men that said—25 percent of the young men said—“Yes, he is entitled.” That is awful, but we have to start to deal with that. Then they asked the young women, and 20 percent of the young women said “Yes, that is right.”

Now, if that study is correct, the ability to radically transform attitudes lies much more likely in the 20 percent than the 25 percent, even though we must change the 25 percent. I do not want anyone to read this as “Biden is in any way blaming women.” I am not at all. I want my daughter to know that nobody, nobody, nobody, nobody under any circumstance has a right to put his hand or anything else on her person, without her invitation, under any circumstances whatsoever.

It dumbfounded me, if the study is correct, that 1 in 5 junior high school girls said that if a man spends \$10 on a woman, he all of a sudden purchases certain rights, not the least of which is to have sex with her, even if she does not want to.

Enough of me talking. That is the reason I am asking the question, and you all seem extremely defensive about answering the question, as if, if you acknowledge that somehow we should deal with that, as well, that Biden and the rest of these guys up here are going to say, well, men do not have any responsibility—

Ms. BUEL. No, we are all agreeing with you. I just wanted to be sure that you were not just saying—very often, in my court, I say I would like to be able to order this woman into counseling, but they do not want to order the guy into counseling.

The CHAIRMAN. It is not like that at all.

Ms. BUEL. We understand you are not saying that. I did not mean at all to imply that. I just want to be sure—

Dr. BROWNE. I agree with that, also. When you say is there something we can do that is quicker than 4 or 5 years, I am sure—

The CHAIRMAN. Not instead of.

Dr. BROWNE. Right, but I am convinced that where we have to start is with children, adolescents and dating adolescents, and that in some of that training we need to separate boys and girls, so that we can talk to girls about here is what is OK, here is what is not, absolutely not OK, here is what you might do then.

I also agree with Susan that we must talk to young dating couples, because we are getting increases in violence there and certainly in homicide, and maybe part of it is because, when we target things, we tend to target it toward married and adults, all the efforts that we have done now, there is not very much for a dating couple, and the other age group that is missed is when they are not in school. There are a lot of people who are late high school and college age and we really do not speak to them yet, either. But we have to start with the children. We cannot just let them grow up and then try to intervene at that point.

Senator THURMOND. That is the key to it, is starting with the children.

Dr. BROWNE. That is the key, yes.

Senator THURMOND. A lot of it is going to have to be done in the schools.

Ms. BUEL. I would just make one quick recommendation. I know you are so good at tying things to highway money. We are now told that if we want our highway money, we need to take away the licenses of convicted drug offenders, which I agree with entirely, but I would like to tie three things to highway money, because the States seem to listen.

First is that battered women need access to the courts and there has to be some mechanism. Just as criminal defendants have a right to counsel, battered women need to have a right to counsel, and that every State should have a provision for child support.

The CHAIRMAN. Let me ask you, why do battered women not have a right to counsel?

Ms. BUEL. It is simply not any place. In Massachusetts, our gender bias study just documented that 70 percent of the men who attempt to get custody of their children in Massachusetts do so successfully, simply because of their greater access to counsel.

The CHAIRMAN. What percentage of that in custody cases does that account for?

Ms. BUEL. Oh, I am sure the majority, they are talking about divorce and custody, but over half of those are batterers, are men who have a record of abusing their wives and/or their children, but they get custody, because she simply does not know how to play the filing game and the notice game and all of that.

Finally, to have some provision for impounding the address of the victim, she is in extraordinary danger when he knows how to get to her, and that would be pretty easy to do with immediate legislation, just to tack it onto the highway safety bill.

The CHAIRMAN. Well, you may be right and that may be one of the ways to go.

I am not going to take any more of your time now, but as you can tell, I have got a lot more questions. What I would like to do is at least have your permission to be able to get on the telephone with each of you over the next several weeks for an hour or so apiece and just go through some of these questions, because a lot of this drama is being played out in a society that is radically changed.

We talk about teaching values, when over a period of a child's life, from age 1 day to, I believe it is, 16 years old, 8 out of 10 of those children will have spent 2 years in a single-family household. It is a staggering amount. It is incredible. At some point in time, there are only 20 or maybe 30 percent of the children in America who are born into a household and go through their entire adolescence or from childhood through adolescence and into young adulthood with the same mother and father in the same household, never having been separated. It is alarmingly low, whatever the number is, and for the record I will dig it up, to make sure that we have an accurate number in the record.

But it is not 50 percent, it is not 60 percent, it is not 90 percent. Ozzie and Harriet are not around. And, as you said, Ms. Buel, you know, mom, dad, dog Spot, sister Jane, and brother Dick, they do not all live in the same house any more. We end up saying things that don't make a lot of sense. We say we are going to teach

values—that is what we are going to do in the family—but there is no family, in many cases, to teach values.

Now, maybe that means mom gets all the responsibility for teaching the values, or maybe we come up with a new system where we conclude that you do not need to be in a single-family unit to teach values. Maybe you have mom and dad separated and they are still able to teach values a different way than it used to be taught at the supper table when everybody sat down and talked about the events of the day. You know, maybe it is different. Maybe it is better. Maybe it is worse, but it is a lot more complicated now, it seems to me, than it was before.

The drug problem, we did not even get into. But I would like to know at some point the correlation between the incidence of drug abuse and/or the battering taking place at the time the spouse and/or lover is under the influence of drugs. It is an interesting issue.

One of the reasons people forget—and this is something I have done a great deal of work on, the drug problem, over the last 15 years. I think I have read—at any rate, I will not exaggerate it—a significant portion of the major studies done on the drug abuse problem and the history of drug abuse in this Nation. It is interesting and most people forget, prohibition started because of battered women.

That was the reason initially for prohibition: hubby was coming home from the gin mill after work and slapping mom around, and so they said we are going to stop it, and women started to call for an amendment to the Constitution, saying, “No more.” And one of the three principal reasons offered was battered women and children. It is interesting. When that amendment was in place, the number of cases of battered women and children dropped off a cliff, went right off the edge. There was a radical change—at least in the reporting—a radical change, which leads some to think that maybe past is prolog.

Maybe all the studies—and I have got none of them, yet, and I invite anyone listening who has them—any expert out there to tell me if there is a direct correlation between incidence of abuse and being under the influence. Now, that may not be the reason why the abuse took place, that may be just the trigger that unleashes the animal, whatever the reason. That would be an interesting thing to know.

You can tell me, Ms. Buel, up in your jurisdiction, how many people at the time of arrest for any crime are under the influence.

Ms. BUEL. At least half.

The CHAIRMAN. It is probably 68, 70 percent, could be as high as 80 percent, but can we tell that for—

Senator THURMOND. Is that alcohol or drugs?

The CHAIRMAN. Both.

Ms. BUEL. It is really both, and we are certainly seeing an increase in the drugs, but we are also seeing an increase in the combination, people being under the influence of both.

Senator THURMOND. How is it divided, what percent alcohol and what percent drugs?

Ms. BUEL. It is hard to tell, because I think we get more arrests for drugs than for alcohol, unless it is drunk driving, but it is hard to tell off the top of my head.

The CHAIRMAN. There are so many polyabusers today. There is hardly anybody who is a single abuser today, very few people. Is that not right, doctor? At least all of the drug experts that have testified, all the statistics show overwhelmingly there is hardly any resistance to changing the substance when one is not available, and they end up being polyabusers.

The point is, again, what correlation is there? We have obviously a different family situation. I will not make a moral judgment of whether it is good, bad or indifferent. It is different. We have a drug problem that is different than it was 20 years ago. We have an empowerment change that inclines women to report more than existed before, there is no question about that, across the board inclined to report more. That is one of the reasons for the statistics being up.

We have all these changes, but at least in this Congress, we have very little hard data and very few sound hearings going into any depth on the correlation, if any, among those changes and what is a logical planned course of action that can deal with it, other than what we all agree with. Everyone agrees we should teach different values, we should change societal attitudes, we should love one another more, et cetera. We all know that. I sign onto that one, sign it and we will have that proclamation and sign it, and then let us try, after we sign it, then let us try to figure out how in hell we are going to do any of it.

I am not being critical, I am expressing my frustration—not with any of the witnesses. I am very proud of the legislation, I worked very hard on it, I have tried very hard to do all I could. My frustration is that I believe we could do so much more, if we had harder data, if we had more information, if we had more facts and the correlation of those facts.

We could do so much more than that legislation is going to be able to do, because I will tell you: I do not know of any problem facing this society that it rivals in its intensity, in its abhorrence, and in its increasing threat than the problem of violence against women, so-called domestic violence, date rape, stranger rape, mental and physical abuse.

Nothing I can think of—and by the way, that is not just a typical middle-class guy raised in an environment that you would expect to have those kinds of values. Probably the guy you most worry about, Ms. Buel, comes in and says, "I will tell you what, anybody who touches a woman should"—that is the likely guy that is the most possessive guy, too, I suspect.

Ms. BUEL. I don't know, some of them are pretty open in court about—

The CHAIRMAN. Yes, but the interesting thing is it is not because of any of those reasons. It is just a naked fact of life. The numbers are staggering. They are going up. We have no clear indication as to why. Is it demographics? Is it because the crime rate now has increased, the number of people between 18 and 22? Is it because of the breakdown of the traditional nuclear family? Is it because of drugs? Is it because of greater reporting?

Senator THURMOND. Is it because of alcohol?

The CHAIRMAN. When I say drugs, I mean alcohol. It seems to me that until we know what it is, I can sit up here and try my best and take a scatter gun approach or even a rifle shot and I might be wrong and I might not be wrong. We just do not know enough and it is my commitment to you that I am going to know a whole hell of a lot more about it over the next couple of years, because something has to be done.

I am proud of what I am attempting to do, I am proud of the bill, it will do something, but a lot more, a whole lot more needs to be done.

You have been gracious, as I said. Since I have talked so darned much at the end of this, as you can tell, I feel relatively strongly about this issue. I want to know more than I already know. I would invite any of you to make any closing statement—that sounds very formal—say anything before you leave, I would welcome anything you have to say, including criticism of anything I have just said.

Ms. BUEL. I just want to thank you for having us, and I think you should not underestimate how powerful this bill is and what a giant leap forward it is. I really have tremendous optimism, even after 14 years of working in this field, but I think this is exactly what we need.

The CHAIRMAN. Thank you.

Ms. KELLY-DREISS. I would certainly agree, and I thank you for that leadership. We are really trying to change something that has happened for thousands and thousands of years. I know at times there is that feeling of pessimism, but quite actually, we have seen changes in the last 20 years that really lead me to believe that there is optimism to hold onto, and I think this bill to us in the field is one of those things we have to hold onto.

Dr. BROWNE. I started this work when I was 30. I am 42 now, almost 43. When I started I thought, well, I will work on this just maybe the rest of my lifetime, and I hope that in 20 or so years we can begin to really see changes.

So, I agree that on many levels we have seen remarkably widespread changes in 10 years, 15 years. I agree that the bill is an important next step. I understand the pessimism, but I think it is an important next step. You have included more than just sanctions, and I am pessimistic about sanctions also. I share that pessimism.

You have many more civil rights pieces that are very important. I would suggest that you think about children and that education piece. I think if you add that, you will have covered something that is not there now that is probably the most vital. It is a beginning point, as opposed to a band-aid coming back.

The CHAIRMAN. I appreciate that. I want to make it clear, I am not pessimistic. I am frustrated, because I feel like the person who has seized the keys to the kingdom right there, and I know there is a key lying around on the floor in front of that safe somewhere. If I could just find the keys, I might not only be able to make things better, but make some drastic changes to make things better.

I just feel like if we had more data, we could begin to target parts of this effort. I have learned one thing after 18 years, not as much as this fellow has learned by almost twice that time up here, and that is that if you have the information and, from this perspec-

tive, if you can marshal it and target it, you have the best prospect for making a most significant move forward. It is a frustration, it is not a pessimism. We will find it.

Senator THURMOND. I want to thank all of the witnesses who came here today. I think you are very courageous to do it and I do hope that your appearance here will result in a lot of action that will protect women.

The CHAIRMAN. Thank you, Senator.

Before concluding the hearing, at this point I have a statement from Senator Grassley on this legislation which, without objection, will be made a part of the record.

[The prepared statement of Senator Grassley follows:]

Chuck Grassley
STATEMENT OF SENATOR CHARLES E. GRASSLEY
DECEMBER 11, 1990
VIOLENCE AGAINST WOMEN ACT

THANK YOU MR. CHAIRMAN.

TODAY MARKS THE 4TH HEARING ON THE VIOLENCE AGAINST WOMEN ACT. TODAY ALSO MARKS THE THIRD HEARING, OF FOUR, THAT HAVE BEEN HELD DURING A RECESS PERIOD WHEN MOST MEMBERS OF THIS COMMITTEE AND THE SENATE ARE IN THEIR HOME STATES.

THE V.A.W.A. IS IMPORTANT LEGISLATION THAT DESERVES AND NEEDS CAREFUL CONSIDERATION. AFTER ALL, THIS BILL WOULD:

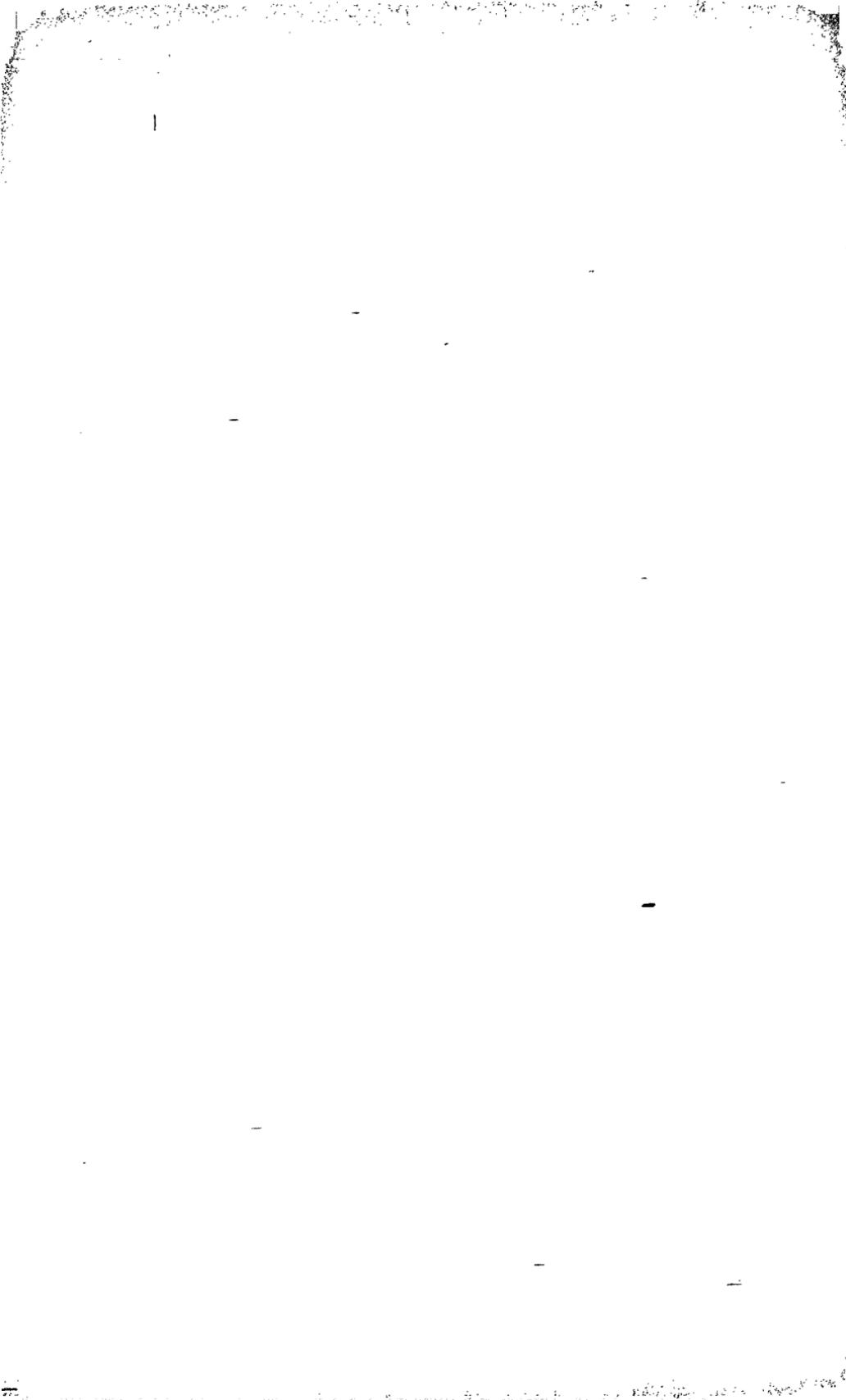
AMEND THE FEDERAL RULES OF EVIDENCE;
CREATE A NATIONAL COMMISSION;
AUTHORIZE THE GRANTING OF ONE-HALF BILLION DOLLARS;
ESTABLISH A NEW FEDERAL CIVIL RIGHTS STATUTE; AND
SET MANDATORY SENTENCES FOR SEX CRIMES.

IT IS MY HOPE THAT THIS COMMITTEE WILL CONTINUE TO SERIOUSLY EXAMINE THESE ISSUES AND I LOOK FORWARD TO ADDRESSING THIS IMPORTANT LEGISLATION IN THE 102ND CONGRESS.

THANK YOU.

The CHAIRMAN. I thank all of you. This hearing, the third of many, is adjourned.

[Whereupon, at 1:16 p.m., the committee was adjourned.]



A P P E N D I X

Calendar No. 1007

101ST CONGRESS
2D SESSION

S. 2754

[Report No. 101-545]

To combat violence and crimes against women on the streets and in homes.

IN THE SENATE OF THE UNITED STATES

JUNE 19 (legislative day, JUNE 11), 1990

Mr. BIDEN (for himself, Mr. COHEN, Mr. WILSON, Mr. DECONCINI, Mr. METZENBAUM, Mr. INOUE, Mr. LEVIN, Mr. BOREN, Mr. BURDICK, Mr. MCCONNELL, Mr. AKAKA, Ms. MIKULSKI, Mr. PELL, Mr. HARKIN, Mr. SIMON, Mr. ADAMS, Mr. RIEGLE, Mr. LIEBERMAN, Mr. EXON, Mr. CRANSTON, Mr. PACKWOOD, Mr. SHELBY, Mr. KERRY, Mr. REID, Mr. SARBANES, Mr. FOWLER, and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 19 (legislative day, OCTOBER 2), 1990

Reported by Mr. BIDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To combat violence and crimes against women on the streets
and in homes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Violence Against Women
3 Act of 1990".

4 SEC. 2. TABLE OF CONTENTS.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

Subtitle A—Federal Penalties for Sex Crimes

Sec. 111. Repeat offenders.

Sec. 112. Federal penalties.

Sec. 113. Mandatory restitution for sex crimes.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes
Against Women

Sec. 121. Grants to combat violent crimes against women.

Subtitle C—Safety for Women in Public Transit

Sec. 131. Grants for capital improvements to prevent crime in public transportation.

Subtitle D—National Commission on Violent Crime Against Women

Sec. 141. Establishment.

Sec. 142. Duties of commission.

Sec. 143. Membership.

Sec. 144. Reports.

Sec. 145. Executive director and staff.

Sec. 146. Powers of commission.

Sec. 147. Authorizations of appropriations.

Sec. 148. Termination.

TITLE II—SAFE HOMES FOR WOMEN

Sec. 201. Short title.

Subtitle A—Interstate Enforcement

Sec. 211. Interstate enforcement.

Subtitle B—Arrest in Spousal Abuse Cases

Sec. 221. States or localities that discriminate against arrest in cases of family violence.

Sec. 222. Encouraging arrest policies.

Subtitle C—Funding for Shelters

Sec. 231. Authorization.

Subtitle D—Judicial Training

1 (b) **TABLE OF SECTIONS.**—The table of sections for
2 chapter 109A of title 18, United States Code, is amended by
3 adding at the end thereof the following:

“2247. Repeat offenders.”

4 **SEC. 112. FEDERAL PENALTIES.**

5 (a) **AGGRAVATED SEXUAL ASSAULT.**—Pursuant to its
6 authority under section 904(p) of title 28, United States
7 Code, the United States Sentencing Commission shall pro-
8 mulgate guidelines or amend existing guidelines to provide
9 that a defendant convicted of an offense under section 2241
10 of title 18, United States Code, shall receive a term of im-
11 prisonment of no less than 18 years.

12 (b) **SEXUAL ASSAULT.**—Pursuant to its authority under
13 section 904(p) of title 28, United States Code, the United
14 States Sentencing Commission shall promulgate guidelines or
15 amend existing guidelines to provide that a defendant con-
16 victed of an offense under section 2242 of title 18, United
17 States Code, shall receive a term of imprisonment of no less
18 than 12 years.

19 (c) **ABUSIVE SEXUAL CONTACT.**—

20 (1) Pursuant to its authority under section 904(p)
21 of title 28, United States Code, the United States Sen-
22 tencing Commission shall promulgate guidelines or
23 amend existing guidelines to provide that a defendant
24 convicted of an offense under section 2244(a)(1) of title

1 18, United States Code, shall receive a term of imprisonment of no less than 6 years.

3 (2) Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that a defendant convicted of an offense under section 2244(a)(2) of title 18, United States Code, shall receive a term of imprisonment of no less than 3 years.

10 **SEC. 112. MANDATORY RESTITUTION FOR SEX CRIMES.**

11 (a) **IN GENERAL.**—Chapter 100A of title 18, United States Code, is amended by adding at the end thereof the following:

14 **“§ 2248. Mandatory restitution**

15 “(a) Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

19 “(b)(1) The order of restitution under this section shall direct that—

21 “(A) the defendant pay to the victim the full amount of the victim’s losses as determined by the court, pursuant to paragraph (3); and

24 “(B) the United States Attorney enforce the restitution order by all available and reasonable means.

6

1 “(9) For purposes of this subsection, the term ‘full
2 amount of the victim’s losses’ includes any costs incurred by
3 the victim for—

4 “(A) medical services relating to physical, psychi-
5 atric, or psychological care;

6 “(B) physical and occupational therapy or reha-
7 bilitation;

8 “(C) any income lost by the victim as a proximate
9 result of the offense; and

10 “(D) any other losses suffered by the victim as a
11 proximate result of the offense.

12 “(9) Restitution orders under this section are manda-
13 tory. A court may not decline to issue an order under this
14 section because of—

15 “(A) the economic circumstances of the defendant;
16 or

17 “(B) the fact that a victim has, or is entitled to,
18 receive compensation for his or her injuries from the
19 proceeds of insurance.

20 “(4)(A) Notwithstanding the terms of paragraph (9), the
21 court may take into account the economic circumstances of
22 the defendant in determining the manner in which and the
23 schedule according to which the restitution is to be paid.

24 “(B) For purposes of this paragraph, the term ‘economic
25 circumstances’ includes—

1 “(i) the financial resources and other assets of the
2 defendant;

3 “(ii) projected earnings and other income of the
4 offender; and

5 “(iii) any financial obligations of the offender, in-
6 cluding obligations to dependents.

7 “(C) An order under this section may direct the defend-
8 ant to make a single lump-sum payment, partial payment at
9 specified intervals, or payment in the form of serviced ren-
10 dered to persons or organizations.

11 “(D) In the event that the victim has recovered for any
12 amount of loss through the proceeds of insurance or any
13 other source, the order of restitution shall provide that resti-
14 tution be paid to the person who provided the compensation,
15 but that restitution shall be paid to the victim before any
16 restitution is paid to any other provider of compensation.

17 “(5) Any amount paid to a victim under this section
18 shall be set off against any amount later recovered as com-
19 pensatory damages by the victim in—

20 “(A) any Federal civil proceeding; and

21 “(B) any State civil proceeding, to the extent pro-
22 vided by the law of the State.

23 “(e) For purposes of this section, the term ‘victim’ in-
24 cludes any person who has suffered direct physical, emotion-

1 at, or pecuniary harm as result of a commission of a crime
2 under this chapter, including—

3 “(1) in the case of a victim who is under 18 years
4 of age, incompetent or incapacitated, the legal guard-
5 ian of the victim or the victim's estate, another family
6 member, or any other person designated by the court,
7 and

8 “(2) in the case of a victim who is deceased, the
9 representative of the victim's estate.”

10 (b) **TABLE OF SECTIONS.**—The table of sections for
11 chapter 100A of title 18, United States Code, is amended by
12 adding at the end thereof the following:

“2148. Mandatory restitution.”

13 **Subtitle B—Law Enforcement and**
14 **Prosecution Grants to Reduce Vio-**
15 **lent Crimes Against Women**

16 **SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
17 **WOMEN.**

18 (a) **IN GENERAL.**—Title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
20 amended by—

21 (1) redesignating part N as part O;

22 (2) redesignating section 1401 as section 1501;

23 and

24 (3) adding after part M the following:

1 partments and prosecutors' offices to increase reporting
2 and reduce attrition rates for cases involving violent
3 crimes against women.

4 **"Subpart 1—High Intensity Crime Area Grants**

5 **"SEC. 1411. GENERAL PURPOSE.**

6 **"(a) The Director of the Bureau of Justice Assistance**
7 **(hereafter in this part referred to as the 'Director') shall make**
8 **grants to areas of 'high intensity crime' against women.**

9 **"(b) For purposes of this part, a 'high intensity crime**
10 **area' means an area with one of the 40 highest rates of vio-**
11 **lent crimes against women, as determined by the Bureau of**
12 **Justice Statistics pursuant to section 1412.**

13 **"SEC. 1412. GRANT DETERMINATION.**

14 **"(a) COMPUTATION.—Within 45 days after the date of**
15 **enactment of this part, the Bureau of Justice Statistics shall**
16 **compile a list of 40 areas with the highest rates of violent**
17 **crimes against women based on the combined female victim-**
18 **ization rate per population for assault, sexual assault (includ-**
19 **ing, but not limited to, rape) murder, robbery, and kidnap-**
20 **ping.**

21 **"(b) PUBLICATION.—After compiling the list set forth**
22 **in subsection (a), the Bureau of Justice Statistics shall**
23 **convey it to the Director who shall publish it in the Federal**
24 **Register.**

1 “(c) ENTITLEMENT.—Upon satisfying the terms of sub-
2 section (d), any high intensity crime area shall be entitled to
3 a grant under this subpart upon certification by the chief ex-
4 ecutive officer of the governmental entities responsible for
5 law enforcement and prosecution of criminal offenses within
6 the area that the funds shall be used to reduce the rate of
7 violence against women, and for one or more of the purposes
8 outlined in section 1401. In the case of funds to be used for
9 purposes outlined in section 1411 (b)(2), (b)(3), and (b)(4),
10 entitlement is contingent upon certification that programs
11 will coordinate activities with, and include participation of,
12 victim advocacy groups.

13 “(d) APPLICATION REQUIREMENTS.—The application
14 requirements provided in section 513 of this title shall apply
15 to grants made under this subpart.

16 “(e) DISBURSEMENT.—No later than 60 days after the
17 receipt of an application under this subpart, the Director
18 shall either disburse the appropriate sums provided for under
19 this subpart or shall inform the applicant why the application
20 does not conform to the terms of section 513 of this title.

21 “(f) GRANTEE REPORTING.—Upon completion of the
22 grant period under this subpart, the grantee shall file a per-
23 formance report with the Director explaining the activities
24 carried out together with an assessment of the effectiveness
25 of those activities in achieving the purposes of this part. The

1 Director shall suspend funding for an approved application if
2 an applicant fails to submit such an annual performance
3 report.

4 "Subpart 2—Other Grants to States to Combat Violent
5 Crimes Against Women

6 "SEC. 1421. GENERAL GRANTS TO STATES.

7 "(a) GENERAL GRANTS.—The Director is authorized to
8 make grants to States, for the use by States and units of local
9 government in the States, for the purposes outlined in section
10 1411, and to reduce the rate of violent crimes against
11 women.

12 "(b) AMOUNTS.—The amounts of grants under subsec-
13 tion (a) shall be—

14 "(1) \$800,000 to each State; and

15 "(2) that portion of the then remaining available
16 money to each State that results from a distribution
17 among the States on the basis of each State's popula-
18 tion in relation to the population of all States.

19 "(c) ENTITLEMENT.—Upon satisfying the terms of sub-
20 section (d), any State shall be entitled to funds provided
21 under this part upon certification that the funds shall be used
22 to reduce the rate of violent crimes against women and for
23 one or more of the purposes outlined in section 1411.

1 “(d) APPLICATION REQUIREMENTS.—The application
2 requirements provided in section 512 of this title shall apply
3 to grants made under this subpart.

4 “(e) DISBURSEMENT.—No later than 60 days after the
5 receipt of an application under this subpart, the Director
6 shall either disburse the appropriate sums provided for under
7 this subpart or shall inform the applicant why the application
8 does not conform to the terms of section 512 of this title or
9 this section.

10 “(f) GRANTEE REPORTING.—Upon completion of the
11 grant period under this subpart, the grantee shall file a per-
12 formance report with the Director explaining the activities
13 carried out together with an assessment of the effectiveness
14 of those activities in achieving the purposes of this subpart.
15 The Director shall suspend funding for an approved applica-
16 tion if an applicant fails to submit such an annual perform-
17 ance report.

18 “Subpart 2—General Terms and Conditions

19 “SEC. 1431. GENERAL TERMS AND CONDITIONS.

20 “(a) NONMONETARY ASSISTANCE.—In addition to the
21 assistance provided under subparts 1 or 2, the Director may
22 direct any Federal agency, with or without reimbursement,
23 to use its authorities and the resources granted to it under
24 Federal law (including personnel, equipment, supplies, facili-

1 ties, and managerial, technical, and advisory services) in sup-
2 port of State and local assistance efforts.

3 **"(b) BUREAU REPORTING.**—No later than 180 days
4 after the end of each fiscal year for which grants are made
5 under this part, the Director shall submit to the Judiciary
6 Committees of the House and the Senate a report that in-
7 cludes, for each high intensity crime area (as provided in sub-
8 part 1) and for each State (as provided in subpart 2)—

9 **"(1)** the amount of grants made under this part,
10 and

11 **"(2)** a summary of the purposes for which those
12 grants were provided and an evaluation of their
13 progress.

14 **"(c) REGULATIONS.**—No later than 45 days after the
15 date of enactment of this part, the Director shall publish pro-
16 posed regulations implementing this part. No later than 120
17 days after such date, the Director shall publish final regula-
18 tions implementing this part.

19 **"(d) AUTHORIZATION OF APPROPRIATIONS.**—There
20 are authorized to be appropriated for each fiscal year 1991,
21 1992, and 1993, \$200,000,000 to carry out the purposes of
22 subpart 1, and \$100,000,000 to carry out the purposes of
23 subpart 2."

1 **Subtitle C—Safety for Women in**
2 **Public Transit**

3 **SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT**
4 **CRIME IN PUBLIC TRANSPORTATION.**

5 Section 24 of the Urban Mass Transportation Act of
6 1964 is amended to read as follows:

7 **“GRANTS TO PREVENT CRIME IN PUBLIC**
8 **TRANSPORTATION**

9 **“SEC. 24. (a) GENERAL PURPOSE.—**From funds au-
10 thORIZED under section 21, and not to exceed \$10,000,000,
11 the Secretary shall make capital grants for the prevention of
12 crime and to increase security in existing and future public
13 transportation systems. None of the provisions of this Act
14 may be construed to prohibit the financing of projects under
15 this section where law enforcement responsibilities are vested
16 in a local public body other than the grant applicant.

17 **“(b) GRANTS FOR LIGHTING, CAMERA SURVEIL-**
18 **LANCE, AND SECURITY PHONES.—**

19 **“(1) From the sums authorized for expenditure**
20 **under this section for crime prevention, the Secretary**
21 **is authorized to make grants and loans to States and**
22 **local public bodies or agencies for the purpose of in-**
23 **creasing the safety of public transportation by—**

1 “(A) increasing lighting within or adjacent to
2 public transportation systems, including bus stops,
3 subway stations, parking lots, or garages;

4 “(B) increasing camera surveillance of areas
5 within and adjacent to public transportation sys-
6 tems, including bus stops, subway stations, park-
7 ing lots, or garages;

8 “(C) providing emergency phone lines to
9 contact law enforcement or security personnel in
10 areas within or adjacent to public transportation
11 systems, including bus stops, subway stations,
12 parking lots, or garages; or

13 “(D) any other project intended to increase
14 the security and safety of existing or planned
15 public transportation systems.

16 “(2) From the sums authorized under this section,
17 at least 75 percent shall be expended on projects of the
18 type described in subsection (b)(1) (A) and (B).

19 “(e) REPORTING.—All grants under this section are
20 contingent upon the filing of a report with the Secretary and
21 the Department of Justice, Office of Victims of Crime, show-
22 ing crime rates in or adjacent to public transportation before,
23 and for a 1-year period after, the capital improvement. Sta-
24 tistics shall be broken down by type of crime, sex, and race of
25 the victim and perpetrator.

1 “(d) **INCREASED FEDERAL SHARE.**—Notwithstanding
2 any other provision of this Act, the Federal share under this
3 section for each capital improvement project which enhances
4 the safety and security of public transportation systems and
5 which is not required by law (including any other provision of
6 this chapter) shall be 90 percent of the net project cost of
7 such project.

8 “(e) **SPECIAL GRANTS FOR PROJECTS TO STUDY IN-**
9 **CREASING SECURITY FOR WOMEN.**—From the sums author-
10 ized under this section, the Secretary shall provide grants
11 and loans for the purpose of studying ways to reduce violent
12 crimes against women in public transit through better design
13 or operation of public transit systems.

14 “(f) **GENERAL REQUIREMENTS.**—All grants or loans
15 provided under this section shall be subject to all the terms,
16 conditions, requirements, and provisions applicable to grants
17 and loans made under section 2(a).”

18 **Subtitle D—National Commission on**
19 **Violent Crime Against Women**

20 **SEC. 141. ESTABLISHMENT.**

21 There is established a commission to be known as the
22 **National Commission on Violent Crime Against Women**
23 (hereinafter referred to as the Commission):

1 **SEC. 142. DUTIES OF COMMISSION.**

2 (a) **GENERAL PURPOSE OF THE COMMISSION.**—The
3 Commission shall carry out activities for the purposes of pro-
4 moting a national consensus on violent crime against women,
5 and for making recommendations for how to reduce violent
6 crime against women.

7 (b) **FUNCTIONS.**—The Commission shall perform the
8 following functions—

9 (1) evaluate the adequacy of, and make recom-
10 mendations regarding, current law enforcement efforts
11 at the Federal and State levels to reduce the rate of
12 violent crimes against women;

13 (2) evaluate the adequacy of, and make recom-
14 mendations regarding, the responsiveness of State
15 prosecutors and State courts to violent crimes against
16 women;

17 (3) evaluate the adequacy of, and make recom-
18 mendations regarding, the role of the Federal Govern-
19 ment in reducing violent crimes against women;

20 (4) evaluate the adequacy of, and make recom-
21 mendations regarding, the dissemination of information
22 that is essential to the prevention of violent crimes
23 against women;

24 (5) evaluate the adequacy of, and make recom-
25 mendations regarding, data collection and other avail-

19

1 able statistical means to evaluate the extent of violent
2 crimes against women.

3 **SEC. 143. MEMBERSHIP.**

4 (a) **NUMBER AND APPOINTMENT.—**

5 (1) **APPOINTMENT.—**The Commission shall be
6 composed of 15 members as follows:

7 (A) Five members shall be appointed by the
8 President—

9 (i) three of whom shall be—

10 (I) the Attorney General;

11 (II) the Secretary of Health and
12 Human Services;

13 (III) the Director of the Federal
14 Bureau of Investigation;

15 who shall be nonvoting members, except that
16 in the case of a tie vote by the Commission,
17 the Attorney General shall be a voting
18 member; and

19 (ii) two of whom shall be selected from
20 the general public on the basis of such indi-
21 viduals being specially qualified to serve on
22 the Commission by reason of their education,
23 training, or experience.

24 (B) Five members shall be appointed by the
25 Speaker of the House of Representatives on the

1 joint recommendation of the Majority and Minority
2 Leaders of the House of Representatives.

3 (C) Five members shall be appointed by the
4 President pro tempore of the Senate on the joint
5 recommendation of the Majority and Minority
6 Leaders of the Senate.

7 (2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments under subparagraphs
8 (B) and (C) of paragraph (1), the Majority and Minority
9 Leaders of the House of Representatives and the
10 Senate shall duly consider the recommendations of the
11 Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in title 18 of
12 the United States Code.

13 (3) REQUIREMENTS OF APPOINTMENTS.—The
14 Majority and Minority Leaders of the Senate and the
15 House of Representatives shall—

16 (A) select individuals who are specially qualified to serve on the Commission by reason of their
17 education, training, or experience; and

18 (B) engage in consultations for the purpose
19 of ensuring that the expertise of the ten members
20 appointed by the Speaker of the House of Representatives and the President pro tempore of the
21 Senate shall provide as much of a balance as possible

1 sible and, to the greatest extent possible, cover
2 the fields of law enforcement, prosecution, judicial
3 administration, legal expertise, and victim advoca-
4 cy.

5 (4) **TERM OF MEMBERS.**—Members of the Com-
6 mission (other than members appointed under para-
7 graph (1)(A)(i)) shall serve for the life of the Commis-
8 sion.

9 (5) **VACANCY.**—A vacancy on the Commission
10 shall be filled in the manner in which the original ap-
11 pointment was made.

12 (b) **CHAIRMAN.**—Not later than 15 days after the mem-
13 bers of the Commission are appointed, such members shall
14 select a Chairman from among the members of the Commis-
15 sion.

16 (c) **QUORUM.**—Seven members of the Commission shall
17 constitute a quorum, but a lesser number may be authorized
18 by the Commission to conduct the hearings.

19 (d) **MEETINGS.**—The Commission shall hold its first
20 meeting on a date specified by the Chairman, but such date
21 shall not be later than 60 days after the date of the enact-
22 ment of this Act. After the initial meeting, the Commission
23 shall meet at the call of the Chairman or a majority of its
24 members, but shall meet at least six times.

1 (e) **PAY.**—Members of the Commission who are officers
2 or employees or elected officials of a government entity shall
3 receive no additional compensation by reason of their service
4 on the Commission.

5 (f) **PER DIEM.**—While away from their homes or regu-
6 lar places of business in the performance of duties for the
7 Commission, members of the Commission shall be allowed
8 travel expenses, including per diem in lieu of subsistence, at
9 rates authorized for employees of agencies under sections
10 5702 and 5703 of title 5, United States Code.

11 (g) **DEADLINE FOR APPOINTMENT.**—Not later than 45
12 days after the date of the enactment of this Act, the members
13 of the Commission shall be appointed.

14 **SEC. 144. REPORTS.**

15 (a) **IN GENERAL.**—Not later than 1 year after the date
16 on which the Commission is fully constituted under section
17 142, the Commission shall prepare and submit a final report
18 to the President and to the appropriate committees of Con-
19 gress.

20 (b) **CONTENTS.**—The final report submitted under para-
21 graph (1) shall contain a detailed statement of the activities
22 of the Commission and of the findings and conclusions of the
23 Commission, including such recommendations for legislation
24 and administrative action as the Commission considers appro-
25 priate.

1 **SEC. 145. EXECUTIVE DIRECTOR AND STAFF.**

2 (a) **EXECUTIVE DIRECTOR.—**

3 (1) **APPOINTMENT.—**The Commission shall have
4 an Executive Director who shall be appointed by the
5 Chairman, with the approval of the Commission, not
6 later than 30 days after the Chairman is selected.

7 (2) **COMPENSATION.—**The Executive Director
8 shall be compensated at a rate not to exceed the maxi-
9 mum rate of the basic pay payable under GS-18 of the
10 General Schedule as contained in title 5, United States
11 Code.

12 (b) **STAFF.—**With the approval of the Commission, the
13 Executive Director may appoint and fix the compensation of
14 such additional personnel as the Executive Director considers
15 necessary to carry out the duties of the Commission.

16 (c) **APPLICABILITY OF CIVIL SERVICE LAWS.—**The
17 Executive Director and the additional personnel of the Com-
18 mission appointed under subsection (b) may be appointed
19 without regard to the provisions of title 5, United States
20 Code, governing appointments in the competitive service, and
21 may be paid without regard to the provisions of chapter 51
22 and subchapter III of chapter 53 of such title relating to
23 classification and General Schedule pay rates.

24 (d) **CONSULTANTS.—**Subject to such rules as may be
25 prescribed by the Commission, the Executive Director may
26 procure temporary or intermittent services under section

1 §100(b) of title 5, United States Code, at rates for individuals
2 not to exceed \$200 per day.

3 **SEC. 146. POWERS OF COMMISSION.**

4 (a) **HEARINGS.**—For the purpose of carrying out this
5 subtitle, the Commission may conduct such hearings, sit and
6 act at such times and places, take such testimony, and re-
7 ceive such evidence, as the Commission considers appropri-
8 ate. The Commission may administer oaths before the Com-
9 mission.

10 (b) **DELEGATION.**—Any member or employee of the
11 Commission may, if authorized by the Commission, take any
12 action that the Commission is authorized to take under this
13 subtitle.

14 (c) **ACCESS TO INFORMATION.**—The Commission may
15 secure directly from any executive department or agency
16 such information as may be necessary to enable the Commis-
17 sion to carry out this subtitle, except to the extent that the
18 department or agency is expressly prohibited by law from
19 furnishing such information. On the request of the Chairman
20 of the Commission, the head of such a department or agency
21 shall furnish nonprohibited information to the Commission.

22 (d) **MAILS.**—The Commission may use the United
23 States mails in the same manner and under the same condi-
24 tions as other departments and agencies of the United States.

1 **SEC. 147. AUTHORIZATIONS OF APPROPRIATIONS.**

2 There is authorized to be appropriated for fiscal year
3 1991, \$500,000 to carry out the purposes of this subtitle.

4 **SEC. 148. TERMINATION.**

5 The Commission shall cease to exist 90 days after the
6 date on which its final report is submitted under section 144.
7 The President may extend the life of the Commission for a
8 period of not to exceed one year.

9 **TITLE II—SAFE HOMES FOR**
10 **WOMEN**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the "Safe Homes for Women
13 Act of 1990".

14 **Subtitle A—Interstate Enforcement**15 **SEC. 211. INTERSTATE ENFORCEMENT.**

16 (a) **IN GENERAL.**—Part 1 of title 18, United States
17 Code, is amended by inserting after chapter 110 the follow-
18 ing:

19 **"Chapter 110A—Violence Against Spouses**

"Sec. 2261. Traveling to commit spousal abuse.

"Sec. 2262. Interstate violation of protection orders.

"Sec. 2263. Restitution.

"Sec. 2264. Full faith and credit given to protection orders.

"Sec. 2265. Definitions for chapter.

20 **"§ 2261. Traveling to commit spousal abuse**

21 **"(a) Any person who travels or causes another (includ-**
22 **ing the intended victim) to travel in interstate commerce;**

1 with the intent to injure his or her spouse and who either
2 during the course of any such travel or thereafter, violates a
3 law of any State concerning domestic or family violence,
4 shall be fined not more than \$1,000 or imprisoned for not
5 more than one year, or both, in addition to any fine or term
6 of imprisonment provided under State law. If no fine or term
7 of imprisonment is provided for under the law of the State or
8 territory where the injury occurs, then a person violating this
9 section shall be fined not more than \$1000 or imprisoned for
10 not more than 1 year.

11 “(b) For purposes of subsection (a), a law concerning
12 domestic or family violence includes laws specifically related
13 to domestic or family violence as well as State laws on bat-
14 tery, assault, sexual assault, unlawful imprisonment, kidnap-
15 ping, unlawful entry, damage to property, and theft, where
16 the victim is the spouse of the offender.

17 **“§ 2262. Interstate violation of protection orders**

18 “(a) Any person who travels or causes another (includ-
19 ing the intended victim) to travel in interstate commerce,
20 with the intent to violate a valid protection order issued by a
21 State, and a violation results, shall be fined not more than
22 \$1,000, and imprisoned not more than 6 months, or both.

23 “(b) Any person who travels or causes another (includ-
24 ing the intended victim) to travel in interstate commerce,
25 with the intent to violate a valid protection order that has

1 previously been violated, and a further violation results, shall
2 be fined not more than \$2,000, and imprisoned not more than
3 1 year but not less than 3 months, or both.

4 “(e) Any person who travels or causes another (includ-
5 ing the intended victim) to travel in interstate commerce,
6 with the intent to violate a valid protection order that has
7 previously been violated, and serious bodily injury results,
8 shall be fined not more than \$5000, and imprisoned not more
9 than 5 years but not less than 6 months, or both.

10 **“§ 2263. Restitution**

11 “(a) In addition to any fine or term of imprisonment
12 provided under this chapter, and notwithstanding the terms
13 of section 2663 of this title, the court shall order restitution
14 to the victim of an offense under this chapter.

15 “(b)(1) The order of restitution under this section shall
16 direct that—

17 “(A) the defendant pay to the victim the full
18 amount of the victim’s losses as determined by the
19 court, pursuant to subsection (2); and

20 “(B) the United States Attorney enforce the resti-
21 tution order by all available and reasonable means.

22 “(2) For purposes of this subsection, the term ‘full
23 amount of the victim’s losses’ includes any costs incurred by
24 the victim for—

1 “(A) medical services relating to physical, psychi-
2 atric, or psychological care;

3 “(B) physical and occupational therapy or reha-
4 bilitation; and

5 “(C) any income lost by the victim as a proximate
6 result of the offense; and

7 “(D) any other losses suffered by the victim as a
8 proximate result of the offense.

9 “(3) Restitution orders under this section are mandato-
10 ry. A court may not decline to issue an order under this
11 section because of—

12 “(A) the economic circumstances of the defendant;
13 or

14 “(B) the fact that victim has, or is entitled to, re-
15 ceive compensation for his or her injuries from the pro-
16 ceeds of insurance.

17 “(4)(A) Notwithstanding the terms of paragraph (3), the
18 court may take into account the economic circumstances of
19 the defendant in determining the manner in which and the
20 schedule according to which the restitution is to be paid, in-
21 cluding—

22 “(i) the financial resources and other assets of the
23 defendant;

24 “(ii) projected earnings and other income of the
25 offender; and

1 “(iii) any financial obligations of the offender, in-
2 cluding obligations to dependents.

3 “(B) An order under this section may direct the defend-
4 ant to make a single lump-sum payment, partial payment at
5 specified intervals, or payment in the form of services ren-
6 dered to persons or organizations.

7 “(C) In the event that the victim has recovered for any
8 amount of loss through the proceeds of insurance or any
9 other source, the order of restitution shall provide that resti-
10 tution be paid to the person who provided the compensation,
11 but that restitution shall be paid to the victim before any
12 restitution is paid to any other provider of compensation.

13 “(5) Any amount paid to a victim under this section
14 shall be set off against any amount later recovered as com-
15 pensatory damages by the victim in—

16 “(A) any Federal civil proceeding; and

17 “(B) any State civil proceeding, to the extent pro-
18 vided by the law of the State.

19 “(e) For purposes of this section, the term ‘victim’ in-
20 cludes any person who has suffered direct physical, emotion-
21 al, or pecuniary harm as a result of a commission of a crime
22 under this chapter, including—

23 “(1) in the case of a victim who is under 18 years
24 of age, incompetent or incapacitated, the legal guardi-
25 an of the victim or the victim’s estate, another family

1 member, or any other person designated by the court;
2 and

3 “(2) in the case of a victim who is deceased, the
4 representatives of the victim’s estate.”

5 **“§ 2264. Full faith and credit given to protection orders**

6 “(a) Any protection order issued consistent with the
7 terms of subsection (b) by the court of one State (the issuing
8 State) shall be accorded full faith and credit by the court of
9 another State (the enforcing State) and enforced as if it were
10 the order of the enforcing State.

11 “(b) A protection order made by a State is consistent
12 with the provisions of this section only if—

13 “(1) such court has jurisdiction under the law of
14 such State; and

15 “(2) before the order is issued, reasonable notice
16 and opportunity to be heard is given to the person
17 against whom the order is sought, provided that, in the
18 case of ex parte orders, it shall be sufficient if provi-
19 sion is made in the order for notice and opportunity to
20 be heard as soon as possible after the order is issued,
21 consistent with due process.

22 **“§ 2265. Definitions for chapter**

23 **“As used in this chapter—**

24 “(1) The term ‘spouse’ includes a present or
25 former spouse and any other person defined as a

1 spouse under, or otherwise protected under, the domes-
2 tic or family violence laws of a State;

3 “(2) The term ‘protection order’ includes any in-
4 junction issued for the purpose of preventing acts of
5 one spouse against another, including temporary and
6 final orders issued by civil and criminal courts, whether
7 obtained by filing an independent action or as a pen-
8 dente lite order in another proceeding; and

9 “(3) The term ‘State’ includes a State of the
10 United States, the District of Columbia, and any com-
11 monwealth, territory, or possession of the United
12 States.”.

13 (b) TABLE OF CHAPTERS.—The table of chapters for
14 part 1 of title 18, United States Code, is amended by insert-
15 ing after the item for chapter 110 the following:

“110A. Violence against spouses 2261.”.

16 **Subtitle B—Arrest in Spousal Abuse**
17 **Cases**

18 **SEC. 221. STATES OR LOCALITIES THAT DISCRIMINATE**
19 **AGAINST ARREST IN CASES OF FAMILY VIO-**
20 **LENCE.**

21 (a) FAMILY VIOLENCE PREVENTION AND SERVICES.—
22 Section 303(a)(2) of the Family Violence Prevention and
23 Services Act (42 U.S.C. 10402(a)(2)) is amended by adding
24 at the end thereof the following:

1 "No State or locality shall be entitled to a grant under this
 2 title if, as a matter of policy or law, it discriminates against
 3 victims of family violence by prohibiting or discouraging the
 4 arrest of persons committing family violence. Any application
 5 for a grant pursuant to this section must certify that the con-
 6 ditions of this paragraph are met, attaching copies of the rel-
 7 evant policy or laws. Proof that a State or locality permits
 8 warrantless misdemeanor arrests based on probable cause in
 9 domestic violence situations is sufficient, but not necessary,
 10 to make the showing required by this section that the State
 11 or locality does not discriminate against victims of family vio-
 12 lence."

13 (b) VICTIMS OF CRIME ACT OF 1984.—(1) Section
 14 1404(a)(2) of the Victims of Crime Act of 1984 (42 U.S.C.
 15 10602(a)(2)) is amended by—

16 (A) striking "and" after the semicolon in subpara-
 17 graph (B);

18 (B) striking the period at the end of subparagraph

19 (C) and inserting "; and"; and

20 (C) adding at the end thereof the following:

21 "(D) certify that the State does not discriminate
 22 against victims of family violence, as a matter of policy
 23 or law, by discouraging or prohibiting the arrest of per-
 24 sons committing violence against spouses or other
 25 family members.

1 Proof that a State or locality permits warrantless misde-
2 meanor arrests based on probable cause in domestic violence
3 situations is sufficient, but not necessary, to make the show-
4 ing required by this section that the State or locality does not
5 discriminate against victims of family violence.”

6 (2) The amendments made by this subsection shall take
7 effect one year after the date of enactment of this Act.

8 **SEC. 222. ENCOURAGING ARREST POLICIES.**

9 The Family Violence Prevention and Services Act is
10 amended by adding after section 211 the following:

11 **“SEC. 212. ENCOURAGING ARREST POLICIES.**

12 **“(a) PURPOSE.—**To encourage States and localities to
13 treat spousal violence as a serious violation of criminal law,
14 the Secretary is authorized to make grants to eligible States,
15 municipalities, or local government entities for the following
16 purposes:

17 **“(1) to centralize police enforcement of laws**
18 **against spousal or family violence, and tracking of**
19 **cases involving spousal or family violence;**

20 **“(2) to centralize and coordinate prosecution of**
21 **cases involving spousal or family violence in one group**
22 **or unit of prosecutors; and**

23 **“(3) to centralize judicial responsibility for cases**
24 **involving spousal or family violence in one court or**
25 **group of judges.**

1 “(b) **ELIGIBILITY.**—(1) **Eligible grantees are those**
2 **States, municipalities or other local government entities**
3 **that—**

4 “(A) **demonstrate, through arrest statistics, that**
5 **their laws or policies have been effective in significant-**
6 **ly increasing the number of arrests made of spouse**
7 **abusers; and**

8 “(B) **certify that their laws or official policies—**

9 “(i) **mandate arrest of spouse abusers based**
10 **on probable cause that violence has been commit-**
11 **ted or mandate arrest of spouses violating the**
12 **terms of a valid and outstanding protection order**
13 **for the benefit of one spouse from another spouse;**
14 **or**

15 “(ii) **permit warrantless misdemeanor arrests**
16 **of spouse abusers and encourage the use of that**
17 **authority.**

18 “(2) **For purposes of this section, the term ‘protection**
19 **order’ includes any injunction issued for the purpose of pro-**
20 **venting acts of one spouse against another, including tempo-**
21 **rary and final orders issued by civil and criminal courts,**
22 **whether obtained by filing an independent action or as a pen-**
23 **dente lite order in another proceeding.**

1 “(3) The eligibility requirements provided in this section
2 shall take effect one year after the date of enactment of this
3 section.

4 “(c) DELEGATION AND AUTHORIZATION.—The Secre-
5 tary shall delegate to the Attorney General of the United
6 States the Secretary’s responsibilities for carrying out this
7 section and shall transfer to the Attorney General from funds
8 appropriated under section 311 not in excess of \$25,000,000
9 for each fiscal year to be used for the purpose of making
10 grants under this section.

11 “(d) APPLICATION.—An eligible grantee shall submit
12 an application to the Secretary. Such application shall—

13 “(1) contain a certification by the chief executive
14 officer of the State, municipality, or local government
15 entity that the conditions of subsection (b) are met;

16 “(2) describe the entity’s plans to centralize or in-
17 crease coordination in police departments, prosecutors’
18 offices, or the courts for cases of spousal or family vio-
19 lence;

20 “(3) identify the agency or office or groups of
21 agencies or offices responsible for carrying out the pro-
22 gram; and

23 “(4) identify goals to be met by the planned in-
24 crease in centralization and coordination.

1 “(e) **PRIORITY.**—In awarding grants under this section,
2 the Secretary shall give priority to a grantee that—

3 “(1) does not currently provide for centralized
4 handling of cases involving spousal or family violence
5 in any one of the areas listed in this subsection—
6 police, prosecutors, and courts; and

7 “(2) demonstrates a commitment to strong en-
8 forcement of laws, and prosecution of cases, involving
9 spousal or family violence.

10 “(f) **REPORTING.**—Each grantee receiving funds under
11 this section shall submit a report to the Secretary evaluating
12 the effectiveness of the plan described in subsection (d)(2) and
13 containing such additional information as the Secretary may
14 prescribe.

15 “(g) **REGULATIONS.**—No later than 45 days after the
16 date of enactment of this section, the Secretary shall publish
17 proposed regulations implementing this section. No later than
18 120 days after such date, the Secretary shall publish final
19 regulations implementing this section.”.

20 **Subtitle C—Funding for Shelters**

21 **SEC. 331. AUTHORIZATION.**

22 Section 310 of the Family Violence Prevention and
23 Services Act (42 U.S.C. 10400) is amended to read as fol-
24 lows:

1 **"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) There are authorized to be appropriated to carry
3 out the provisions of this title, \$75,000,000 for each of the
4 fiscal years 1991, 1992 and 1993.

5 “(b) Of the sums appropriated under subsection (a) of
6 this section for any fiscal year, not less than 60 percent shall
7 be used by the Secretary for making grants under section
8 308.”.

9 **Subtitle D—Judicial Training**10 **SEC. 341. TRAINING PROGRAMS FOR JUDGES.**

11 The Family Violence Prevention and Services Act is
12 amended by adding at the end thereof the following:

13 **"SEC. 314. TRAINING PROGRAMS FOR JUDGES.**

14 “(a) From the sums authorized under this title, the At-
15 torney General shall provide \$200,000 to the State Justice
16 Institute for the purpose of developing model programs to be
17 used by the States in training judges in the laws of the States
18 on spousal abuse and family violence.

19 “(b) In implementing this section, the Attorney General
20 shall direct that the State Justice Institute insure that the
21 model program is developed in conjunction with, and with
22 comments from, law enforcement officials, victim advocates,
23 recognized legal experts, and prosecutors.”.

24 **TITLE III—CIVIL RIGHTS**25 **SEC. 301. CIVIL RIGHTS.**

26 (a) **FINDINGS.**—The Congress finds that—

1 (1) crimes motivated by the victim's gender con-
2 stitute bias crimes in violation of the victim's right to
3 equal protection of the laws, equal privileges and im-
4 munities under the laws, and in violation of the vic-
5 tim's right to be free from discrimination on the basis
6 of gender;

7 (2) current law provides a civil rights remedy for
8 gender crimes committed in the workplace, but not on
9 the street or in the home;

10 (3) State and Federal criminal laws do not ade-
11 quately protect against the bias element of gender
12 crimes, which separates these crimes from acts of
13 random violence, nor do they adequately provide vic-
14 tims the opportunity to vindicate their interests.

15 (b) RIGHTS, PRIVILEGES AND IMMUNITIES.—All per-
16 sons within the United States shall have the same rights,
17 privileges and immunities in every State as is enjoyed by all
18 other persons to be free from crimes of violence motivated by
19 the victim's gender, as defined in subsection (d).

20 (c) CAUSE OF ACTION.—Any person, including a
21 person who acts under color of any statute, ordinance, regu-
22 lation, custom, or usage of any State, who deprives another
23 of the rights, privileges or immunities secured by the Consti-
24 tution and laws as enumerated in subsection (b) shall be liable

1 to the party injured, in an action for the recovery of compen-
 2 satory and punitive damages.

3 (d) DEFINITION.—For purposes of this section, a
 4 “crime of violence motivated by the victim’s gender” means
 5 any rape, sexual assault, or abusive sexual contact motivated
 6 by gender-based animus.

7 SECTION 1. SHORT TITLE.

8 *This Act may be cited as the “Violence Against Women*
 9 *Act of 1990”.*

10 SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

Subtitle A—Federal Penalties for Sex Crimes

Sec. 111. Repeat offenders.

Sec. 112. Federal penalties.

Sec. 113. Mandatory restitution for sex crimes.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent
 Crimes Against Women

Sec. 121. Grants to combat violent crimes against women.

Subtitle C—Safety for Women in Public Transit and Public Parks

*Sec. 131. Grants for capital improvements to prevent crime in public transporta-
 tion.*

Sec. 132. Grants for capital improvements to prevent crime in national parks.

Sec. 133. Grants for capital improvements to prevent crime in public parks.

Subtitle D—National Commission on Violent Crime Against Women

Sec. 141. Establishment.

Sec. 142. Duties of commission.

Sec. 143. Membership.

Sec. 144. Reports.

Sec. 145. Executive Director and staff.

Sec. 146. Powers of commission.

Sec. 147. Authorization of appropriations.

Sec. 148. Termination.

Subtitle E—New Evidentiary Rules

- Sec. 151. Sexual history in all criminal cases.*
- Sec. 152. Sexual history in civil cases.*
- Sec. 153. Amendments to rape shield law.*
- Sec. 154. Evidence of clothing.*

Subtitle F—Assistance to Victims of Sexual Assault

- Sec. 161. Education and prevention grants to reduce sexual assaults against women.*
- Sec. 162. Rape exam payments.*

TITLE II—SAFE HOMES FOR WOMEN

- Sec. 201. Short title.*

Subtitle A—Interstate Enforcement

- Sec. 211. Interstate enforcement.*

Subtitle B—Arrest in Spousal Abuse Cases

- Sec. 221. Encouraging arrest policies.*

Subtitle C—Funding for Shelters

- Sec. 231. Authorization.*

Subtitle D—Family Violence Prevention and Services Act Amendments

- Sec. 241. Expansion of purpose.*
- Sec. 242. Expansion of State demonstration grant program.*
- Sec. 243. Grants for public information campaigns.*
- Sec. 244. State commissions on domestic violence.*
- Sec. 245. Indian tribes.*
- Sec. 246. Funding limitations.*
- Sec. 247. Grants to entities other than States; local share.*
- Sec. 248. Shelter and related assistance.*
- Sec. 249. Law enforcement training and technical assistance grants.*
- Sec. 250. Report on recordkeeping.*
- Sec. 251. Model State leadership incentive grants for domestic violence intervention.*
- Sec. 252. Funding for technical assistance centers.*

TITLE III—CIVIL RIGHTS

- Sec. 301. Civil rights.*

TITLE IV—SAFE CAMPUSES FOR WOMEN

- Sec. 401. Short title.*
- Sec. 402. Findings.*
- Sec. 403. Grants for campus rape education.*
- Sec. 404. Disclosure of disciplinary proceedings in sex assault cases on campus.*

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1990

- Sec. 501. Short title.*

1 *ing to aggravated sexual abuse, sexual abuse, or abusive*
2 *sexual contact, is punishable by a term of imprisonment up*
3 *to twice that otherwise provided in the guidelines, or up to*
4 *twice the fine authorized in the guidelines, or both.”.*

5 (b) *TABLE OF SECTIONS.—The table of sections for*
6 *chapter 109A of title 18, United States Code, is amended by*
7 *adding at the end thereof the following:*

“2247. Repeat offenders.”.

8 **SEC. 112. FEDERAL PENALTIES.**

9 (a) **AGGRAVATED SEXUAL ASSAULT.**—*Pursuant to its*
10 *authority under section 994(p) of title 28, United States*
11 *Code, the United States Sentencing Commission shall pro-*
12 *mulgate guidelines or amend existing guidelines to provide*
13 *that a defendant convicted of an offense under section 2241 of*
14 *title 18, United States Code, shall receive a term of impris-*
15 *onment of no less than 18 years.*

16 (b) **SEXUAL ASSAULT.**—*Pursuant to its authority*
17 *under section 994(p) of title 28, United States Code, the*
18 *United States Sentencing Commission shall promulgate*
19 *guidelines or amend existing guidelines to provide that a de-*
20 *fendant convicted of an offense under section 2242 of title 18,*
21 *United States Code, shall receive a term of imprisonment of*
22 *no less than 12 years.*

23 (c) **STATUTORY RAPE.**—

1 (1) Section 2243(a) of title 18, United States
2 Code, is amended by striking "5 years" and inserting
3 "10 years".

4 (2) Section 2243(b) of title 18, United States
5 Code, is amended by striking "one year," and insert-
6 ing "two years,".

7 (3) Section 2244(a)(3) of title 18, United States
8 Code, is amended by striking "two years," and insert-
9 ing "four years,".

10 (4) Section 2244(a)(4) of title 18, United States
11 Code, is amended by striking "six months," and in-
12 serting "one year,".

13 (5) Pursuant to its authority under section 994(p)
14 of title 28, United States Code, the United States
15 Sentencing Commission shall promulgate guidelines or
16 amend existing guidelines to incorporate the increase
17 in maximum penalties provided by this section for sec-
18 tions 2243(a), 2243(b), 2244(a)(3), and 2244(a)(4) of
19 title 18, United States Code.

20 **SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.**

21 (a) *IN GENERAL.*—Chapter 109A of title 18, United
22 States Code, is amended by adding at the end thereof the
23 following:

1 *“§ 2248. Mandatory restitution*

2 *“(a) IN GENERAL.—Notwithstanding the terms of sec-*
3 *tion 3663 of this title, and in addition to any other civil or*
4 *criminal penalty authorized by law, the court shall order res-*
5 *titution for any offense under this chapter.*

6 *“(b) SCOPE AND NATURE OF ORDER.—(1) The order*
7 *of restitution under this section shall direct that—*

8 *“(A) the defendant pay to the victim the full*
9 *amount of the victim’s losses as determined by the*
10 *court, pursuant to paragraph (3); and*

11 *“(B) the United States Attorney enforce the resti-*
12 *tution order by all available and reasonable means.*

13 *“(2) For purposes of this subsection, the term ‘full*
14 *amount of the victim’s losses’ includes any costs incurred by*
15 *the victim for—*

16 *“(A) medical services relating to physical, psychi-*
17 *atric, or psychological care;*

18 *“(B) physical and occupational therapy or reha-*
19 *ilitation;*

20 *“(C) any income lost by the victim as a proxi-*
21 *mate result of the offense;*

22 *“(D) attorneys’ fees; and*

23 *“(E) any other losses suffered by the victim as a*
24 *proximate result of the offense.*

1 “(3) Restitution orders under this section are mandato-
2 ry. A court may not decline to issue an order under this
3 section because of—

4 “(A) the economic circumstances of the defendant;
5 or

6 “(B) the fact that a victim has, or is entitled to,
7 receive compensation for his or her injuries from the
8 proceeds of insurance or any other source.

9 “(4)(A) Notwithstanding the terms of paragraph (3), the
10 court may take into account the economic circumstances of
11 the defendant in determining the manner in which and the
12 schedule according to which the restitution is to be paid.

13 “(B) For purposes of this paragraph, the term ‘economic
14 circumstances’ includes—

15 “(i) the financial resources and other assets of the
16 defendant;

17 “(ii) projected earnings, earning capacity, and
18 other income of the defendant; and

19 “(iii) any financial obligations of the defendant,
20 including obligations to dependents.

21 “(C) An order under this section may direct the defend-
22 ant to make a single lump-sum payment or partial payments
23 at specified intervals. The order shall also provide that the
24 defendant’s restitutionary obligation takes priority over any
25 criminal fine ordered.

1 “(D) In the event that the victim has recovered for any
2 amount of loss through the proceeds of insurance or any other
3 source, the order of restitution shall provide that restitution
4 be paid to the person who provided the compensation, but that
5 restitution shall be paid to the victim before any restitution is
6 paid to any other provider of compensation.

7 “(5) Any amount paid to a victim under this section
8 shall be set off against any amount later recovered as com-
9 pensatory damages by the victim from the defendant in—

10 “(A) any Federal civil proceeding; and

11 “(B) any State civil proceeding, to the extent pro-
12 vided by the law of the State.

13 “(c) PROOF OF CLAIM.—(1) Within 60 days after con-
14 viction and, in any event, no later than 10 days prior to
15 sentencing, the United States Attorney (or his delegee), after
16 consulting with the victim, shall prepare and file an affidavit
17 with the court listing the amounts subject to restitution under
18 this section. The affidavit shall be signed by the United
19 States Attorney (or his delegee) and the victim. Should the
20 victim object to any of the information included in the affida-
21 vit, the United States Attorney (or his delegee) shall advise
22 the victim that the victim may file a separate affidavit.

23 (2) If no objection is raised by the defendant, the
24 amounts attested to in the affidavit filed pursuant to subsec-
25 tion (1) shall be entered in the court's restitution order. If

1 objection is raised, the court may require the victim or the
2 United States Attorney (or his delegee) to submit further affi-
3 davits or other supporting documents, demonstrating the vic-
4 tim's losses.

5 (3) If the court concludes, after reviewing the supporting
6 documentation and considering the defendant's objections,
7 that there is a substantial reason for doubting the authentici-
8 ty or veracity of the records submitted, the court may require
9 additional documentation or hear testimony on those ques-
10 tions. Any records filed, or testimony heard, pursuant to this
11 section, shall be in camera in the judge's chambers. Notwith-
12 standing any other provision of law, this section does not
13 entitle the defendant to discovery of the contents of, or related
14 to, any supporting documentation, including medical, psy-
15 chological, or psychiatric records.

16 "(d) DEFINITIONS.—For purposes of this section, the
17 term 'victim' includes any person who has suffered direct
18 physical, emotional, or pecuniary harm as a result of a com-
19 mission of a crime under this chapter, including—

20 "(1) in the case of a victim who is under 18 years
21 of age, incompetent or incapacitated, the legal guardian
22 of the victim or the victim's estate, another family
23 member, or any other person designated by the court;
24 and

1 *focus efforts on those areas with the highest rates of violent*
2 *crimes against women.*

3 “(b) *PURPOSES FOR WHICH GRANTS MAY BE*
4 *USED.—Grants under this part shall provide additional per-*
5 *sonnel, equipment, training, technical assistance, and infor-*
6 *mation systems for the more widespread apprehension, pros-*
7 *ecution, and adjudication of persons committing violent*
8 *crimes against women and specifically, for the purposes of—*

9 “(1) *training law enforcement officers and pros-*
10 *ecutors to more effectively identify and respond to vio-*
11 *lent crimes against women, including the crimes of*
12 *sexual assault and domestic violence;*

13 “(2) *developing, training, or expanding units of*
14 *law enforcement officers and prosecutors specifically*
15 *targeting violent crimes against women, including the*
16 *crimes of sexual assault and domestic violence;*

17 “(3) *developing and implementing police and*
18 *prosecution policies, protocols, or orders specifically de-*
19 *voted to identifying and responding to violent crimes*
20 *against women including the crimes of sexual assault*
21 *and domestic violence;*

22 “(4) *developing, installing, or expanding data col-*
23 *lection systems, including computerized systems, link-*
24 *ing police, prosecutors, and courts for the purpose of*
25 *identifying and tracking arrests, prosecutions, and con-*

1 *victions for the crimes of sexual assault and domestic*
2 *violence; and*

3 *“(5) developing, enlarging, or strengthening*
4 *victim services programs working with, connected to, or*
5 *within police departments, courts, prosecutors’ offices*
6 *or hospitals to increase reporting and reduce attrition*
7 *rates for cases involving violent crimes against women,*
8 *including the crimes of sexual assault and domestic*
9 *violence.*

10 *“(c) GRANTS FOR MULTIPLE USES.—Grants under*
11 *this part must be used for at least 3 of the 5 purposes listed in*
12 *subsection (b).*

13 *“Subpart 1—High Intensity Crime Area Grants*

14 *“SEC. 1411. HIGH INTENSITY GRANTS.*

15 *“(a) IN GENERAL.—The Director of the Bureau of*
16 *Justice Assistance (hereafter in this part referred to as the*
17 *‘Director’) shall make grants to areas of ‘high intensity*
18 *crime’ against women.*

19 *“(b) DEFINITION.—For purposes of this part, a ‘high*
20 *intensity crime area’ means an area with one of the 40 high-*
21 *est rates of violent crimes against women, as determined by*
22 *the Bureau of Justice Statistics pursuant to section 1412.*

23 *“SEC. 1412. HIGH INTENSITY GRANT APPLICATION.*

24 *“(a) COMPUTATION.—Within 45 days after the date of*
25 *enactment of this part, the Bureau of Justice Statistics shall*

1 *compile a list of 40 areas with the highest rates of violent*
2 *crimes against women based on the combined female victim-*
3 *ization rate per population for assault, sexual assault (in-*
4 *cluding, but not limited to, rape), murder, robbery, and*
5 *kidnapping.*

6 “(b) *USE OF DATA.*—*In developing the list required by*
7 *subsection (a), the Bureau of Justice Statistics may rely*
8 *on—*

9 “(1) *existing data for reported crimes collected by*
10 *States, municipalities or statistical metropolitan areas;*
11 *and*

12 “(2) *existing data for reported crimes collected by*
13 *the Federal Bureau of Investigation, including data*
14 *from those entities already complying with the Nation-*
15 *al Incident Based Reporting System.*

16 “(c) *PUBLICATION.*—*After compiling the list set forth*
17 *in subsection (a), the Bureau of Justice Statistics shall*
18 *convey it to the Director who shall publish it in the Federal*
19 *Register.*

20 “(d) *QUALIFICATION.*—*Upon satisfying the terms of*
21 *subsection (e), any high intensity crime area shall be quali-*
22 *fied for a grant under this subpart upon application by the*
23 *chief executive officer of the governmental entities responsible*
24 *for law enforcement and prosecution of criminal offenses*
25 *within the area and certification that—*

1 “(1) the funds shall be used to reduce the rate of
2 violent crimes against women, and for at least 3 of the
3 purposes outlined in section 1401(b);

4 “(2) grantees and subgrantees shall develop a
5 plan for implementation, and otherwise consult and co-
6 ordinate program grants, with nongovernmental non-
7 profit victim services programs; and

8 “(3) at least 24 percent of the amount granted
9 shall be allocated to each of the following three areas:
10 prosecution, law enforcement, and victim services.

11 “(e) *APPLICATION REQUIREMENTS.*—The application
12 requirements provided in section 513 of this title shall apply
13 to grants made under this subpart. In addition, each applica-
14 tion must provide the certifications required by subsection
15 (c), including a description of the nongovernmental nonprofit
16 victim services programs to be consulted or assisted.

17 “(f) *DISBURSEMENT.*—

18 “(1) No later than 60 days after the receipt of an
19 application under this subpart, the Director shall either
20 disburse the appropriate sums provided for under this
21 subpart or shall inform the applicant why the applica-
22 tion does not conform to the terms of section 513 of
23 this title or to the requirements of this section.

1 “(2) *In disbursing monies under this subpart, the*
2 *Director shall ensure, to the extent practicable, that*
3 *grantees—*

4 “(A) *equitably distribute funds on a geo-*
5 *graphic basis;*

6 “(B) *determine the amount of subgrants*
7 *based on the population to be served; and*

8 “(C) *give priority to areas with the greatest*
9 *showing of need.*

10 “(g) *GRANTEE REPORTING.—Upon completion of the*
11 *grant period under this subpart, the grantee shall file a per-*
12 *formance report with the Director explaining the activities*
13 *carried out together with an assessment of the effectiveness of*
14 *those activities in achieving the purposes of this part. The*
15 *Director shall suspend funding for an approved application if*
16 *an applicant fails to submit an annual performance report.*

17 “*Subpart 2—Other Grants to States to Combat Violent*
18 *Crimes Against Women*

19 “*SEC. 1421. GENERAL GRANTS TO STATES.*

20 “(a) *GENERAL GRANTS.—The Director is authorized*
21 *to make grants to States, for use by States, units of local*
22 *government in the States, and nonprofit nongovernmental*
23 *victim services programs in the States, for the purposes out-*
24 *lined in section 1401(b), and to reduce the rate of violent*
25 *crimes against women.*

1 “(b) *AMOUNTS.*—From amounts appropriated, the
2 amount of grants under subsection (a) shall be—

3 “(1) \$500,000 to each State; and

4 “(2) that portion of the then remaining available
5 money to each State that results from a distribution
6 among the States on the basis of each State’s popula-
7 tion in relation to the population of all States.

8 “(c) *QUALIFICATION.*—Upon satisfying the terms of
9 subsection (d), any State shall be qualified for funds provid-
10 ed under this part upon certification that—

11 “(1) the funds shall be used to reduce the rate of
12 violent crimes against women and for at least 3 of the
13 purposes outlined in section 1401(b);

14 “(2) grantees and subgrantees shall develop a
15 plan for implementation, and otherwise consult and co-
16 ordinate, with nonprofit nongovernmental victim serv-
17 ices programs;

18 “(3) at least 25 percent of the amount granted
19 shall be allocated to each of the following three areas:
20 prosecution, law enforcement, and victim services.

21 “(d) *APPLICATION REQUIREMENTS.*—The application
22 requirements provided in section 513 of this title shall apply
23 to grants made under this subpart. In addition, each applica-
24 tion shall include the certifications required by subsection

1 (c), including a description of nonprofit nongovernmental
2 victim services programs to be consulted or assisted.

3 “(e) *DISBURSEMENT.*—(1) No later than 60 days after
4 the receipt of an application under this subpart, the Director
5 shall either disburse the appropriate sums provided for under
6 this subpart or shall inform the applicant why the application
7 does not conform to the terms of section 513 of this title or to
8 the requirements of this section.

9 “(2) In disbursing monies under this subpart, the Di-
10 rector shall issue regulations to ensure that States will—

11 “(A) equitably distribute monies on a geographic
12 basis including nonurban and rural areas, and giving
13 priority to localities with populations under 200,000;

14 “(B) determine the amount of subgrants based on
15 the population to be served; and

16 “(C) give priority to areas with the greatest show-
17 ing of need.

18 “(f) *GRANTEE REPORTING.*—Upon completion of the
19 grant period under this subpart, the State grantee shall file a
20 performance report with the Director explaining the activities
21 carried out together with an assessment of the effectiveness of
22 those activities in achieving the purposes of this subpart. The
23 Director shall suspend funding for an approved application if
24 an applicant fails to submit an annual performance report.

1 “(g) *ELIGIBILITY OF STATES.*—No State or other
2 grantee is entitled to funds under title I of the Violence
3 Against Women Act of 1990 unless the State incurs the full
4 cost of forensic medical exams for victims of sexual assault.
5 A State does not incur the medical cost of forensic medical
6 exams if it chooses to reimburse the victim after the fact
7 unless the reimbursement program waives any minimum loss
8 or deductible requirement, provides victim reimbursement
9 within a reasonable time (90 days), permits applications for
10 reimbursement within one year from the date of the exam,
11 and provides information to all subjects of forensic medical
12 exams about how to obtain reimbursement.”.

13 “(h) *TESTING CERTAIN SEX OFFENDERS FOR*
14 *HUMAN IMMUNODEFICIENCY VIRUS.*—(1) For any fiscal
15 year beginning more than 2 years after the exclusive date of
16 this subsection—

17 “(A) 90 percent of the funds allocated under sub-
18 section (a), without regard to this subsection, to a State
19 described in paragraph (2) shall be distributed by the
20 Director to such State; and

21 “(B) 10 percent of such amount shall be allocated
22 equally among States that are not affected by the oper-
23 ation of subparagraph (A).

24 “(2) Paragraph (1)(A) refers to a State that does not
25 have in effect, and does not enforce, in such fiscal year, a law

1 *that requires the State at the request of the victim of a sexual*
2 *act—*

3 “(A) to administer, to the defendant convicted
4 under State law of such sexual act, a test to detect in
5 such defendant the presence of the etiologic agent for
6 acquired immune deficiency syndrome;

7 “(B) to disclose the results of such test to such de-
8 fendant and to the victim of such sexual act; and

9 “(C) to provide to the victim of such sexual act
10 counseling regarding HIV disease, HIV testing, in ac-
11 cordance with applicable law, and referral for appro-
12 priate health care and support services.

13 “(3) For purposes of this subsection—

14 “(A) the term ‘convicted’ includes adjudicated
15 under juvenile proceedings; and

16 “(B) the term ‘sexual act’ has the meaning given
17 such term in subparagraph (A) or (B) of section
18 2245(1) of title 18, United States Code.

19 “Subpart 3—General Terms and Conditions

20 “SEC. 1431. GENERAL DEFINITIONS.

21 “*As used in this part—*

22 “(1) the term ‘victim services program’ means any
23 public or private nonprofit program that assists vic-
24 tims, including (A) nongovernmental nonprofit organi-
25 zations such as rape crisis centers or battered women’s

1 shelters, and (B) victim/witness programs within gov-
2 ernmental entities;

3 “(2) the term ‘sexual assault’ includes not only
4 assaults committed by offenders who are strangers to
5 the victim but also assaults committed by offenders who
6 are known or related by blood or marriage to the
7 victim; and

8 “(3) the term ‘domestic violence’ includes felony
9 and misdemeanor offenses committed by a present or
10 former spouse of the victim, a person with whom the
11 victim shares a child in common, a person who is co-
12 habitating with or has cohabitated with the victim as a
13 spouse, or any other person defined as a spouse of the
14 victim under the domestic or family violence laws of
15 the jurisdiction receiving grant monies.

16 **“SEC. 1432. GENERAL TERMS AND CONDITIONS.**

17 “(a) **NONMONETARY ASSISTANCE.**—In addition to the
18 assistance provided under subparts 1 or 2, the Director may
19 direct any Federal agency, with or without reimbursement, to
20 use its authorities and the resources granted to it under Fed-
21 eral law (including personnel, equipment, supplies, facilities,
22 and managerial, technical, and advisory services) in support
23 of State and local assistance efforts.

24 “(b) **BUREAU REPORTING.**—No later than 180 days
25 after the end of each fiscal year for which grants are made

1 *under this part, the Director shall submit to the Judiciary*
2 *Committees of the House and the Senate a report that in-*
3 *cludes, for each high intensity crime area (as provided in*
4 *subpart 1) and for each State (as provided in subpart 2)—*

5 “(1) *the amount of grants made under this part;*

6 “(2) *a summary of the purposes for which those*
7 *grants were provided and an evaluation of their*
8 *progress; and*

9 “(3) *a copy of each grantee report filed pursuant*
10 *to sections 1412(f) and 1421(f).*

11 “(c) *REGULATIONS.—No later than 45 days after the*
12 *date of enactment of this part, the Director shall publish pro-*
13 *posed regulations implementing this part. No later than 120*
14 *days after such date, the Director shall publish final regula-*
15 *tions implementing this part.*

16 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
17 *are authorized to be appropriated for each fiscal year 1991,*
18 *1992, and 1993, \$200,000,000 to carry out the purposes of*
19 *subpart 1, and \$100,000,000 to carry out the purposes of*
20 *subpart 2.”.*

1 ***Subtitle C—Safety for Women in Public***
2 ***Transit and Public Parks***

3 ***SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT***
4 ***CRIME IN PUBLIC TRANSPORTATION.***

5 *Section 24 of the Urban Mass Transportation Act of*
6 *1964 is amended to read as follows:*

7 ***“GRANTS TO PREVENT CRIME IN PUBLIC***
8 ***TRANSPORTATION***

9 ***“SEC. 24. (a) GENERAL PURPOSE.—From funds au-***
10 ***thorized under section 21, and not to exceed \$10,000,000, the***
11 ***Secretary shall make capital grants for the prevention of***
12 ***crime and to increase security in existing and future public***
13 ***transportation systems. None of the provisions of this Act***
14 ***may be construed to prohibit the financing of projects under***
15 ***this section where law enforcement responsibilities are vested***
16 ***in a local public body other than the grant applicant.***

17 ***“(b) GRANTS FOR LIGHTING, CAMERA SURVEIL-***
18 ***LANCE, AND SECURITY PHONES.—***

19 ***“(1) From the sums authorized for expenditure***
20 ***under this section for crime prevention, the Secretary***
21 ***is authorized to make grants and loans to States and***
22 ***local public bodies or agencies for the purpose of in-***
23 ***creasing the safety of public transportation by—***

1 “(A) increasing lighting within or adjacent
2 to public transportation systems, including bus
3 stops, subway stations, parking lots, or garages;

4 “(B) increasing camera surveillance of areas
5 within and adjacent to public transportation sys-
6 tems, including bus stops, subway stations, park-
7 ing lots, or garages;

8 “(C) providing emergency phone lines to
9 contact law enforcement or security personnel in
10 areas within or adjacent to public transportation
11 systems, including bus stops, subway stations,
12 parking lots, or garages; or

13 “(D) any other project intended to increase
14 the security and safety of existing or planned
15 public transportation systems.

16 “(2) From the sums authorized under this section,
17 at least 75 percent shall be expended on projects of the
18 type described in subsection (b)(1) (A) and (B).

19 “(c) **REPORTING.**—All grants under this section are
20 contingent upon the filing of a report with the Secretary and
21 the Department of Justice, Office of Victims of Crime, show-
22 ing crime rates in or adjacent to public transportation before,
23 and for a 1-year period after, the capital improvement. Sta-
24 tistics shall be broken down by type of crime, sex, race, and
25 relationship of victim to the offender.

1 “(d) *INCREASED FEDERAL SHARE.*—Notwithstand-
2 *ing any other provision of this Act, the Federal share under*
3 *this section for each capital improvement project which en-*
4 *hances the safety and security of public transportation sys-*
5 *tems and which is not required by law (including any other*
6 *provision of this chapter) shall be 90 percent of the net project*
7 *cost of such project.*

8 “(e) *SPECIAL GRANTS FOR PROJECTS TO STUDY IN-*
9 *CREASING SECURITY FOR WOMEN.*—From the sums au-
10 *thorized under this section, the Secretary shall provide grants*
11 *and loans for the purpose of studying ways to reduce violent*
12 *crimes against women in public transit through better design*
13 *or operation of public transit systems.*

14 “(f) *GENERAL REQUIREMENTS.*—All grants or loans
15 *provided under this section shall be subject to all the terms,*
16 *conditions, requirements, and provisions applicable to grants*
17 *and loans made under section 2(a).”*

18 **SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT**
19 **CRIME IN NATIONAL PARKS.**

20 *The Act of August 18, 1970, the National Park System*
21 *Improvements in Administration Act (90 Stat. 1931; 16*
22 *U.S.C. 1a-1 et seq.) is amended by adding at the end thereof*
23 *the following:*

1 *"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSIST-*
2 *ANCE.*

3 *"(a) From the sums authorized pursuant to section 7 of*
4 *the Land and Water Conservation Act of 1965, and not to*
5 *exceed \$10,000,000, the Secretary of the Interior is author-*
6 *ized to provide Federal assistance to reduce the incidence of*
7 *violent crime in the National Park System.*

8 *"(b) The Secretary shall direct the chief official respon-*
9 *sible for law enforcement within the National Park Services*
10 *to—*

11 *"(1) compile a list of areas within the National*
12 *Park System with the highest rates of violent crime;*

13 *"(2) make recommendations concerning capital*
14 *improvements, and other measures, needed within the*
15 *National Park System to reduce the rates of violent*
16 *crime, including the rate of sexual assault; and*

17 *"(3) publish the information required by para-*
18 *graphs (1) and (2) in the Federal Register.*

19 *"(c) No later than 120 days after the date of enactment*
20 *of this section, and based on the recommendations and list*
21 *issued pursuant to subsection (b), the Secretary shall distrib-*
22 *ute funds throughout the National Park Service. Priority*
23 *shall be given to those areas with the highest rates of sexual*
24 *assault.*

25 *"(d) Funds provided under this section may be used for*
26 *the following purposes—*

1 “(1) to increase lighting within or adjacent to
2 public parks and recreation areas;

3 “(2) to provide emergency phone lines to contact
4 law enforcement or security personnel in areas within
5 or adjacent to public parks and recreation areas;

6 “(3) to increase security or law enforcement per-
7 sonnel within or adjacent to public parks and recrea-
8 tion areas; and

9 “(4) any other project intended to increase the se-
10 curity and safety of public parks and recreation
11 areas.”.

12 **SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT**
13 **CRIME IN PUBLIC PARKS.**

14 Section 6 of the Land and Water Conservation Fund
15 Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-8) is amended
16 by adding at the end thereof the following new subsection:

17 “(h) **CAPITAL IMPROVEMENT AND OTHER PROJECTS**
18 **TO REDUCE CRIME.**—In addition to assistance for planning
19 projects, and in addition to the projects identified in subsec-
20 tion (e), and from amounts appropriated, the Secretary shall
21 provide financial assistance to the States, not to exceed
22 \$15,000,000 in total, for the following types of projects or
23 combinations thereof:

1 “(1) For the purpose of making capital improve-
2 ments and other measures to increase safety in urban
3 parks and recreation areas, including funds to—

4 “(A) increase lighting within or adjacent to
5 public parks and recreation areas;

6 “(B) provide emergency phone lines to con-
7 tact law enforcement or security personnel in
8 areas within or adjacent to public parks and
9 recreation areas;

10 “(C) increase security personnel within or
11 adjacent to public parks and recreation areas; and

12 “(D) any other project intended to increase
13 the security and safety of public parks and recrea-
14 tion areas.

15 “(2) In addition to the requirements for project
16 approval imposed by this section, eligibility for assist-
17 ance under this subsection is dependent upon a show-
18 ing of need. In providing funds under this subsection,
19 the Secretary shall give priority to those projects pro-
20 posed for urban parks and recreation areas with the
21 highest rates of crime and, in particular, to urban
22 parks and recreation areas with the highest rates of
23 sexual assault.

24 “(3) Notwithstanding the terms of subsection (c),
25 the Secretary is authorized to provide 70 percent im-

1 *provement grants for projects undertaken by any State*
2 *for the purposes outlined in this subsection. The re-*
3 *maining share of the cost shall be borne by the State.”.*

4 ***Subtitle D—National Commission on***
5 ***Violent Crime Against Women***

6 ***SEC. 141. ESTABLISHMENT.***

7 *There is established a commission to be known as the*
8 *National Commission on Violent Crime Against Women*
9 *(hereinafter referred to as “the Commission”).*

10 ***SEC. 142. DUTIES OF COMMISSION.***

11 ***(a) GENERAL PURPOSE OF THE COMMISSION.—The***
12 *Commission shall carry out activities for the purposes of pro-*
13 *moting a national policy on violent crime against women,*
14 *and for making recommendations for how to reduce violent*
15 *crime against women.*

16 ***(b) FUNCTIONS.—The Commission shall perform the***
17 ***following functions—***

18 ***(1) evaluate the adequacy of, and make recom-***
19 ***mendations regarding, current law enforcement efforts***
20 ***at the Federal and State levels to reduce the rate of***
21 ***violent crimes against women;***

22 ***(2) evaluate the adequacy of, and make recom-***
23 ***mendations regarding, the responsiveness of State pros-***
24 ***ecutors and State courts to violent crimes against***
25 ***women;***

1 (3) evaluate the adequacy of, and make recom-
2 mendations regarding, the adequacy of current educa-
3 tion, prevention, and protection services for women vic-
4 tims of violent crime;

5 (4) evaluate the adequacy of, and make recom-
6 mendations regarding, the role of the Federal Govern-
7 ment in reducing violent crimes against women;

8 (5) evaluate the adequacy of, and make recom-
9 mendations regarding, national public awareness and
10 the public dissemination of information essential to the
11 prevention of violent crimes against women;

12 (6) evaluate the adequacy of, and make recom-
13 mendations regarding, data collection and government
14 statistics on the incidence and prevalence of violent
15 crimes against women;

16 (7) evaluate the adequacy of, and make recom-
17 mendations regarding, the adequacy of State and Fed-
18 eral laws on sexual assault and the need for a more
19 uniform statutory response to sex offenses; and

20 (8) evaluate the adequacy of, and make recom-
21 mendations regarding, the adequacy of State and Fed-
22 eral laws on domestic violence and the need for a more
23 uniform statutory response to domestic violence.

24 **SEC. 143. MEMBERSHIP.**

25 (a) **NUMBER AND APPOINTMENT.—**

1 (1) *APPOINTMENT.*—*The Commission shall be*
2 *composed of 15 members as follows:*

3 (A) *Five members shall be appointed by the*
4 *President—*

5 (i) *three of whom shall be—*

6 (I) *the Attorney General;*

7 (II) *the Secretary of Health and*
8 *Human Services; and*

9 (III) *the Director of the Federal*
10 *Bureau of Investigation,*

11 *who shall be nonvoting members, except that*
12 *in the case of a tie vote by the Commission,*
13 *the Attorney General shall be a voting*
14 *member;*

15 (ii) *two of whom shall be selected from*
16 *the general public on the basis of such indi-*
17 *viduals being specially qualified to serve on*
18 *the Commission by reason of their education,*
19 *training, or experience; and*

20 (iii) *at least one of whom shall be se-*
21 *lected for their experience in providing serv-*
22 *ices to women victims of violent crime.*

23 (B) *Five members shall be appointed by the*
24 *Speaker of the House of Representatives on the*

1 *joint recommendation of the Majority and Minori-*
2 *ty Leaders of the House of Representatives.*

3 (C) *Five members shall be appointed by the*
4 *President pro tempore of the Senate on the joint*
5 *recommendation of the Majority and Minority*
6 *Leaders of the Senate.*

7 (2) **CONGRESSIONAL COMMITTEE RECOMMEN-**
8 **DATIONS.**—*In making appointments under subpara-*
9 *graphs (B) and (C) of paragraph (1), the Majority and*
10 *Minority Leaders of the House of Representatives and*
11 *the Senate shall duly consider the recommendations of*
12 *the Chairmen and Ranking Minority Members of com-*
13 *mittees with jurisdiction over laws contained in title 18*
14 *of the United States Code.*

15 (3) **REQUIREMENTS OF APPOINTMENTS.**—*The*
16 *Majority and Minority Leaders of the Senate and the*
17 *House of Representatives shall—*

18 (A) *select individuals who are specially*
19 *qualified to serve on the Commission by reason of*
20 *their education, training, and experience, includ-*
21 *ing experience in advocacy or service organiza-*
22 *tions specializing in sexual assault and domestic*
23 *violence; and*

24 (B) *engage in consultations for the purpose*
25 *of ensuring that the expertise of the ten members*

1 *appointed by the Speaker of the House of Repre-*
2 *sentatives and the President pro tempore of the*
3 *Senate shall provide as much of a balance as pos-*
4 *sible and, to the greatest extent possible, cover the*
5 *fields of law enforcement, prosecution, judicial ad-*
6 *ministration, legal expertise, victim compensation*
7 *boards, and victim advocacy.*

8 **(4) TERM OF MEMBERS.**—*Members of the Com-*
9 *mission (other than members appointed under para-*
10 *graph (1)(A)(i)) shall serve for the life of the Commis-*
11 *sion.*

12 **(5) VACANCY.**—*A vacancy on the Commission*
13 *shall be filled in the manner in which the original ap-*
14 *pointment was made.*

15 **(b) CHAIRMAN.**—*Not later than 15 days after the mem-*
16 *bers of the Commission are appointed, such members shall*
17 *select a Chairman from among the members of the Commis-*
18 *sion.*

19 **(c) QUORUM.**—*Seven members of the Commission shall*
20 *constitute a quorum, but a lesser number may be authorized*
21 *by the Commission to conduct hearings.*

22 **(d) MEETINGS.**—*The Commission shall hold its first*
23 *meeting on a date specified by the Chairman, but such date*
24 *shall not be later than 60 days after the date of the enactment*
25 *of this Act. After the initial meeting, the Commission shall*

1 *meet at the call of the Chairman or a majority of its mem-*
2 *bers, but shall meet at least six times.*

3 (e) *PAY.*—*Members of the Commission who are officers*
4 *or employees or elected officials of a government entity shall*
5 *receive no additional compensation by reason of their service*
6 *on the Commission.*

7 (f) *PER DIEM.*—*While away from their homes or regu-*
8 *lar places of business in the performance of duties for the*
9 *Commission, members of the Commission shall be allowed*
10 *travel expenses, including per diem in lieu of subsistence, at*
11 *rates authorized for employees of agencies under sections*
12 *5702 and 5703 of title 5, United States Code.*

13 (g) *DEADLINE FOR APPOINTMENT.*—*Not later than 45*
14 *days after the date of the enactment of this Act, the members*
15 *of the Commission shall be appointed.*

16 **SEC. 144. REPORTS.**

17 (a) *IN GENERAL.*—*Not later than 1 year after the date*
18 *on which the Commission is fully constituted under section*
19 *143, the Commission shall prepare and submit a final report*
20 *to the President and to congressional committees that have*
21 *jurisdiction over legislation addressing violent crimes against*
22 *women, including the crimes of domestic and sexual assault.*

23 (b) *CONTENTS.*—*The final report submitted under*
24 *paragraph (1) shall contain a detailed statement of the activi-*
25 *ties of the Commission and of the findings and conclusions of*

1 *the Commission, including such recommendations for legisla-*
2 *tion and administrative action as the Commission considers*
3 *appropriate.*

4 **SEC. 145. EXECUTIVE DIRECTOR AND STAFF.**

5 (a) **EXECUTIVE DIRECTOR.—**

6 (1) **APPOINTMENT.—***The Commission shall have*
7 *an Executive Director who shall be appointed by the*
8 *Chairman, with the approval of the Commission, not*
9 *later than 30 days after the Chairman is selected.*

10 (2) **COMPENSATION.—***The Executive Director*
11 *shall be compensated at a rate not to exceed the maxi-*
12 *mum rate of the basic pay payable under GS-18 of*
13 *the General Schedule as contained in title 5, United*
14 *States Code.*

15 (b) **STAFF.—***With the approval of the Commission, the*
16 *Executive Director may appoint and fix the compensation of*
17 *such additional personnel as the Executive Director consid-*
18 *ers necessary to carry out the duties of the Commission.*

19 (c) **APPLICABILITY OF CIVIL SERVICE LAWS.—***The*
20 *Executive Director and the additional personnel of the Com-*
21 *mission appointed under subsection (b) may be appointed*
22 *without regard to the provisions of title 5, United States*
23 *Code, governing appointments in the competitive service, and*
24 *may be paid without regard to the provisions of chapter 51*

1 *and subchapter III of chapter 53 of such title relating to*
2 *classification and General Schedule pay rates.*

3 (d) *CONSULTANTS.*—*Subject to such rules as may be*
4 *prescribed by the Commission, the Executive Director may*
5 *procure temporary or intermittent services under section*
6 *3109(b) of title 5, United States Code, at rates for individ-*
7 *uals not to exceed \$200 per day.*

8 **SEC. 146. POWERS OF COMMISSION.**

9 (a) *HEARINGS.*—*For the purpose of carrying out this*
10 *subtitle, the Commission may conduct such hearings, sit and*
11 *act at such times and places, take such testimony, and receive*
12 *such evidence, as the Commission considers appropriate. The*
13 *Commission may administer oaths before the Commission.*

14 (b) *DELEGATION.*—*Any member or employee of the*
15 *Commission may, if authorized by the Commission, take any*
16 *action that the Commission is authorized to take under this*
17 *subtitle.*

18 (c) *ACCESS TO INFORMATION.*—*The Commission may*
19 *secure directly from any executive department or agency such*
20 *information as may be necessary to enable the Commission to*
21 *carry out this subtitle, except to the extent that the depart-*
22 *ment or agency is expressly prohibited by law from furnish-*
23 *ing such information. On the request of the Chairman of the*
24 *Commission, the head of such a department or agency shall*
25 *furnish nonprohibited information to the Commission.*

1 (d) *MAILS.*—*The Commission may use the United*
 2 *States mails in the same manner and under the same condi-*
 3 *tions as other departments and agencies of the United States.*

4 **SEC. 147. AUTHORIZATIONS OF APPROPRIATIONS.**

5 *There is authorized to be appropriated for fiscal year*
 6 *1991, \$500,000 to carry out the purposes of this subtitle.*

7 **SEC. 148. TERMINATION.**

8 *The Commission shall cease to exist 30 days after the*
 9 *date on which its final report is submitted under section 144.*
 10 *The President may extend the life of the Commission for a*
 11 *period of not to exceed one year.*

12 **Subtitle E—New Evidentiary Rules**

13 **SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.**

14 *The Federal Rules of Evidence are amended by insert-*
 15 *ing after rule 412 the following:*

16 **“Rule 412A. Evidence of victim’s past behavior in other**
 17 **criminal cases**

18 **“(a) REPUTATION AND OPINION EVIDENCE EX-**
 19 **CLUDED.**—*Notwithstanding any other provision of law, in*
 20 *a criminal case, other than a sex offense case governed by*
 21 *rule 412, reputation or opinion evidence of the past sexual*
 22 *behavior of an alleged victim is not admissible.*

23 **“(b) ADMISSIBILITY.**—*Notwithstanding any other pro-*
 24 *vision of law, in a criminal case, other than a sex offense*
 25 *case governed by rule 412, evidence of a alleged victim’s past*

1 *sexual behavior (other than reputation and opinion evidence)*
2 *may be admissible if—*

3 “(1) *the evidence is admitted in accordance with*
4 *the procedures specified in subdivision (c); and*

5 “(2) *the probative value of the evidence outweighs*
6 *the danger of unfair prejudice.*

7 “(c) *PROCEDURES.—(1) If the defendant intends to*
8 *offer evidence of specific instances of the alleged victim’s past*
9 *sexual behavior, the defendant shall make a written motion to*
10 *offer such evidence not later than 15 days before the date on*
11 *which the trial in which such evidence is to be offered is*
12 *scheduled to begin, except that the court may allow the*
13 *motion to be made at a later date, including during trial, if*
14 *the court determines either that the evidence is newly discov-*
15 *ered and could not have been obtained earlier through the*
16 *exercise of due diligence or that the issue to which such evi-*
17 *dence relates has newly arisen in the case. Any motion made*
18 *under this paragraph shall be served on all other parties and*
19 *on the alleged victim.*

20 “(2) *The motion described in paragraph (1) shall be ac-*
21 *companied by a written offer of proof. If necessary, the court*
22 *shall order a hearing in chambers to determine if such evi-*
23 *dence is admissible. At such hearing, the parties may call*
24 *witnesses, including the alleged victim and offer relevant evi-*
25 *dence. Notwithstanding subdivision (b) of rule 104, if the*

1 relevancy of the evidence which the defendant seeks to offer in
2 the trial depends upon the fulfillment of a condition of fact,
3 the court, at the hearing in chambers or at a subsequent hear-
4 ing in chambers scheduled for such purpose, shall accept evi-
5 dence on the issue of whether such condition of fact is ful-
6 filled and shall determine such issue.

7 “(3) If the court determines on the basis of the hearing
8 described in paragraph (2) that the evidence that the defend-
9 ant seeks to offer is relevant and that the probative value of
10 such evidence outweighs the danger of unfair prejudice such
11 evidence shall be admissible in the trial to the extent an order
12 made by the court specifies the evidence which may be offered
13 and areas with respect to which the alleged victim may be
14 examined or cross-examined. In its order, the court should
15 consider (A) the chain of reasoning leading to its finding of
16 relevance, and (B) why the probative value of the evidence
17 outweighs the danger of unfair prejudice given the potential
18 of the evidence to humiliate and embarrass the alleged victim
19 and to result in unfair or biased jury inferences.”.

20 **SEC. 152. SEXUAL HISTORY IN CIVIL CASES.**

21 *The Federal Rules of Evidence, as amended by section*
22 *151 of this Act, are amended by adding after rule 412A the*
23 *following:*

1 *“Rule 412B. Evidence of past sexual behavior in civil cases*

2 *“(a) REPUTATION AND OPINION EVIDENCE EX-*
3 *CLUDED.—Notwithstanding any other provision of law, in a*
4 *civil case in which a defendant is accused of actionable*
5 *sexual misconduct, as defined in subdivision (d), reputation*
6 *or opinion evidence of the plaintiff’s past sexual behavior is*
7 *not admissible.*

8 *“(b) ADMISSIBLE EVIDENCE.—Notwithstanding any*
9 *other provision of law, in a civil case in which a defendant is*
10 *accused of actionable sexual misconduct, as defined in subdi-*
11 *vision (d), evidence of a plaintiff’s past sexual behavior other*
12 *than reputation or opinion evidence may be admissible if—*

13 *“(1) admitted in accordance with the procedures*
14 *specified in subdivision (c); and*

15 *“(2) the probative value of such evidence out-*
16 *weighs the danger of unfair prejudice.*

17 *“(c) PROCEDURES.—(1) If the defendant intends to*
18 *offer evidence of specific instances of the plaintiff’s past*
19 *sexual behavior, the defendant shall make a written motion to*
20 *offer such evidence not later than 15 days before the date on*
21 *which the trial in which such evidence is to be offered is*
22 *scheduled to begin, except that the court may allow the*
23 *motion to be made at a later date, including during trial, if*
24 *the court determines either that the evidence is newly discov-*
25 *ered and could not have been obtained earlier through the*
26 *exercise of due diligence or that the issue to which such evi-*

1 dence relates has newly arisen in the case. Any motion made
2 under this paragraph shall be served on all other parties and
3 on the plaintiff.

4 “(2) The motion described in paragraph (1) shall be ac-
5 companied by a written offer of proof. If necessary, the court
6 shall order a hearing in chambers to determine if such evi-
7 dence is admissible. At such hearing, the parties may call
8 witnesses, including the plaintiff and offer relevant evidence.
9 Notwithstanding subdivision (b) of rule 104, if the relevancy
10 of the evidence which the defendant seeks to offer in the trial
11 depends upon the fulfillment of a condition of fact, the court,
12 at the hearing in chambers or at a subsequent hearing in
13 chambers scheduled for such purpose, shall accept evidence on
14 the issue of whether such condition of fact is fulfilled and
15 shall determine such issue.

16 “(3) If the court determines on the basis of the hearing
17 described in paragraph (2) that the evidence that the defend-
18 ant seeks to offer is relevant and that the probative value of
19 such evidence outweighs the danger of unfair prejudice, such
20 evidence shall be admissible in the trial to the extent an order
21 made by the court specifies evidence which may be offered
22 and areas with respect to which the plaintiff may be exam-
23 ined or cross-examined. In its order, the court should consid-
24 er (A) the chain of reasoning leading to its finding of rel-
25 evance, and (B) why the probative value of the evidence out-

1 *weighs the danger of unfair prejudice given the potential of*
2 *the evidence to humiliate and embarrass the alleged victim*
3 *and to result in unfair or biased jury inferences.*

4 “(d) *DEFINITIONS.*—*For purposes of this rule, a case*
5 *involving a claim of actionable sexual misconduct, includes,*
6 *but is not limited to, sex harassment or discrimination claims*
7 *brought pursuant to title VII of the Civil Rights Act of 1964*
8 *(42 U.S.C. 2000(e)) and gender bias claims brought pursu-*
9 *ant to title III of the Violence Against Women Act of*
10 *1990.”.*

11 **SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.**

12 *Rule 412 of the Federal Rules of Evidence is*
13 *amended—*

14 (1) *by adding at the end thereof the following:*

15 “(e) *INTERLOCUTORY APPEAL.*—*Notwithstanding any*
16 *other provision of law, any evidentiary rulings made pursu-*
17 *ant to this rule are subject to interlocutory appeal by the*
18 *government or by the alleged victim.*

19 “(f) *RULE OF RELEVANCE AND PRIVILEGE.*—*If the*
20 *prosecution seeks to offer evidence of prior sexual history, the*
21 *provisions of this rule may be waived by the alleged victim.”;*
22 *and*

23 (2) *by adding at the end of subdivision (c)(3) the*
24 *following: “In its order, the court should consider (A)*
25 *the chain of reasoning leading to its finding of rel-*

1 vance; and (B) why the probative value of the evi-
2 dence outweighs the danger of unfair prejudice given
3 the potential of the evidence to humiliate and embar-
4 rass the alleged victim and to result in unfair or biased
5 jury inferences.”.

6 **SEC. 154. EVIDENCE OF CLOTHING.**

7 *The Federal Rules of Evidence are amended by adding*
8 *after rule 412 the following:*

9 **“Rule 413. Evidence of victim’s clothing as inciting violence**

10 *“Notwithstanding any other provision of law, in a*
11 *criminal case in which a person is accused of an offense*
12 *under chapter 109A of title 18, United States Code, evidence*
13 *of an alleged victim’s clothing is not admissible to show that*
14 *the alleged victim incited or invited the offense charged.”.*

15 **Subtitle F—Assistance to Victims of**
16 **Sexual Assault**

17 **SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE**
18 **SEXUAL ASSAULTS AGAINST WOMEN.**

19 *Part A of title XIX of the Public Health and Health*
20 *Services Act (42 U.S.C. 300w et seq.) is amended as*
21 *follows:*

22 (1) *by adding at the end thereof the following new*
23 *section:*

1 *“§ 1910A. Use of allotments for rape prevention education*

2 *“(a) Notwithstanding the terms of section 1904(a)(1) of*
3 *this title, amounts transferred by the State for use under this*
4 *part may be used for rape prevention and education programs*
5 *conducted by rape crisis centers or similar nongovernmental*
6 *nonprofit entities, which programs may include—*

7 *“(1) educational seminars;*

8 *“(2) the operation of hotlines;*

9 *“(3) training programs for professionals;*

10 *“(4) the preparation of informational materials;*

11 *and*

12 *“(5) other efforts to increase awareness of the*
13 *facts about, or to help prevent, sexual assault.*

14 *“(b) States providing grant monies must assure that at*
15 *least 15 percent of the monies are devoted to education pro-*
16 *grams targeted for junior high school and high school*
17 *students.*

18 *“(c) There are authorized to be appropriated under this*
19 *section for each fiscal year 1991, 1992, and 1993,*
20 *\$65,000,000 to carry out the purposes of this section.*

21 *“(d) Funds authorized under this section may only be*
22 *used for providing rape prevention and education programs.*

23 *“(e) For purposes of this section, the term ‘rape preven-*
24 *tion and education’ includes education and prevention efforts*
25 *directed at offenses committed by offenders who are not*

1 known to the victim as well as offenders who are known to
2 the victim.

3 “(f) States shall be allotted funds under this section
4 pursuant to the terms of sections 1902 and 1903, and subject
5 to the conditions provided in this section and sections 1904
6 through 1909.”;

7 (2) striking section 1901(b); and

8 (3) striking section 1904(a)(1)(G).

9 **TITLE II—SAFE HOMES FOR**
10 **WOMEN**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “Safe Homes for Women
13 Act of 1990”.

14 **Subtitle A—Interstate Enforcement**

15 **SEC. 211. INTERSTATE ENFORCEMENT.**

16 (a) *IN GENERAL.*—Part 1 of title 18, United States
17 Code, is amended by inserting after chapter 110 the follow-
18 ing:

19 “Chapter 110A—Violence Against Spouses

“Sec. 2261. Traveling to commit spousal abuse.

“Sec. 2262. Interstate violation of protection orders.

“Sec. 2263. Restitution.

“Sec. 2264. Full faith and credit given to protection orders.

“Sec. 2265. Definitions for chapter.

20 “§ 2261. Traveling to commit spousal abuse

21 “(a) *IN GENERAL.*—Any person who travels or causes
22 another (including the intended victim) to travel across State
23 lines or in interstate commerce and who, during the course of

1 *any such travel or thereafter, does an act that injures his or*
2 *her spouse or intimate partner in violation of a criminal law*
3 *of the State where the injury occurs, shall be fined not more*
4 *than \$1,000 or imprisoned for not more than 5 years but not*
5 *less than 3 months, or both, in addition to any fine or term of*
6 *imprisonment provided under State law.*

7 “(b) *NO STATE LAW.—If no fine or term of imprison-*
8 *ment is provided for under the law of the State where the*
9 *injury occurs, a person violating this section shall be pun-*
10 *ished as follows:*

11 “(1) *If permanent disfigurement or life-threaten-*
12 *ing bodily injury results, by imprisonment for not*
13 *more than 20 years; where serious bodily injury re-*
14 *sults, by fine under this title or imprisonment for not*
15 *more than 10 years, or both; where bodily injury re-*
16 *sults, by fine under this title or imprisonment for not*
17 *more than 5 years, or both.*

18 “(2) *If the offense is committed with intent to*
19 *commit another felony, by fine under this title or im-*
20 *prisonment for not more than 10 years, or both.*

21 “(3) *If the offense is committed with a dangerous*
22 *weapon, with intent to do bodily harm, by fine under*
23 *this title or imprisonment for not more than 5 years, or*
24 *both.*

1 “(4) If the offense is a simple assault by fine of
2 not more than \$1,000 or imprisonment of no more than
3 1 year.

4 “(c) *CRIMINAL INTENT.*—If no fine or term of impris-
5 onment is provided for under the law of the State where the
6 injury occurs, the criminal intent of the offender required to
7 establish an offense under this section is the general intent to
8 do the acts that result in injury to a spouse or intimate part-
9 ner and not the specific intent to violate the law of a State.

10 “§ 2262. *Interstate violation of protection orders*

11 “(a) *IN GENERAL.*—Any person who travels or causes
12 another (including the intended victim) to travel across State
13 lines or in interstate commerce and who, during the course of
14 such travel or thereafter, commits an act that violates a valid
15 protection order issued by a State, with the intent to injure
16 his or her spouse or intimate partner, shall be punished as
17 follows:

18 “(1) If permanent disfigurement or life-threaten-
19 ing bodily injury results, by imprisonment for not
20 more than 20 years; where serious bodily injury re-
21 sults, by fine under this title or imprisonment for not
22 more than 10 years, or both; where bodily injury re-
23 sults, by fine under this title or imprisonment for not
24 more than 5 years, or both.

1 “(2) If the offense is committed with intent to
2 commit another felony, by fine under this title or im-
3 prisonment for not more than 10 years, or both.

4 “(3) If the offense is committed with a dangerous
5 weapon, with intent to do bodily harm, by fine under
6 this title or imprisonment for not more than 5 years, or
7 both.

8 “(4) If the offender has previously violated any
9 prior protection order issued against that person for the
10 protection of the same victim, by fine under this title or
11 imprisonment for not more than 5 years and not less
12 than 6 months, or both.

13 “(5) If the offense is a simple assault by fine of
14 not more than \$1,000 or imprisonment for not more
15 than 1 year, or both.

16 “(b) **CRIMINAL INTENT.**—The criminal intent required
17 to establish the offense provided in this section is the general
18 intent to do the acts which result in injury to a spouse or
19 intimate partner and not the specific intent to violate a pro-
20 tection order or State law.

21 “§ 2263. **Interim Protections.**

22 “In furtherance of the purposes of this chapter, and to
23 protect against abuse of a spouse or intimate partner, any
24 judge or magistrate before whom a criminal case under this
25 chapter is brought, shall have the power to issue temporary

1 orders of protection for the benefit of the complaining spouse
2 pending final adjudication of the case, upon a showing of a
3 likelihood of danger to the complaining spouse.

4 **“§ 2264. Restitution**

5 “(a) *IN GENERAL.*—In addition to any fine or term of
6 imprisonment provided under this chapter, and notwithstand-
7 ing the terms of section 3663 of this title, the court shall
8 order restitution to the victim of an offense under this
9 chapter.

10 “(b) *SCOPE AND NATURE OF ORDER.*—(1) The order
11 of restitution under this section shall direct that—

12 “(A) the defendant pay to the victim the full
13 amount of the victim’s losses as determined by the
14 court, pursuant to subsection (3); and

15 “(B) the United States Attorney enforce the resti-
16 tution order by all available and reasonable means.

17 “(2) For purposes of this subsection, the term ‘full
18 amount of the victim’s losses’ includes any costs incurred by
19 the victim for—

20 “(A) medical services relating to physical, psychi-
21 atric, or psychological care;

22 “(B) physical and occupational therapy or reha-
23 bilitation; and

24 “(C) any income lost by the victim as a proxi-
25 mate result of the offense;

1 “(D) attorneys’ fees, plus any costs incurred in
2 obtaining a civil protection order; and

3 “(E) any other losses suffered by the victim as a
4 proximate result of the offense.

5 “(3) Restitution orders under this section are mandato-
6 ry. A court may not decline to issue an order under this
7 section because of—

8 “(A) the economic circumstances of the defendant;
9 or

10 “(B) the fact that victim has, or is entitled to, re-
11 ceive compensation for his or her injuries from the pro-
12 ceeds of insurance.

13 “(4)(A) Notwithstanding the terms of paragraph (3), the
14 court may take into account the economic circumstances of
15 the defendant in determining the manner in which and the
16 schedule according to which the restitution is to be paid,
17 including—

18 “(i) the financial resources and other assets of the
19 defendant;

20 “(ii) projected earnings, earning capacity, and
21 other income of the defendant; and

22 “(iii) any financial obligations of the offender, in-
23 cluding obligations to dependents.

24 “(B) An order under this section may direct the defend-
25 ant to make a single lump-sum payment, or partial payments

1 *at specified intervals. The order shall provide that the defend-*
2 *ant's restitutionary obligation takes priority over any crimi-*
3 *nal fine ordered.*

4 “(C) *In the event that the victim has recovered for any*
5 *amount of loss through the proceeds of insurance or any other*
6 *source, the order of restitution shall provide that restitution*
7 *be paid to the person who provided the compensation, but that*
8 *restitution shall be paid to the victim before any restitution is*
9 *paid to any other provider of compensation.*

10 “(5) *Any amount paid to a victim under this section*
11 *shall be set off against any amount later recovered as com-*
12 *pensatory damages by the victim from the defendant in—*

13 “(A) *any Federal civil proceeding; and*

14 “(B) *any State civil proceeding, to the extent pro-*
15 *vided by the law of the State.*

16 “(c) *PROOF OF CLAIM.—(1) Within 60 days after con-*
17 *viction and, in any event, no later than 10 days prior to*
18 *sentencing, the United States Attorney (or his delegee), after*
19 *consulting with the victim, shall prepare and file an affidavit*
20 *with the court listing the amounts subject to restitution under*
21 *this section. The affidavit shall be signed by the United*
22 *States Attorney (or his delegee) and the victim. Should the*
23 *victim object to any of the information included in the affida-*
24 *vit, the United States Attorney (or his delegee) shall advise*
25 *the victim that the victim may file a separate affidavit.*

1 “(2) *If no objection is raised by the defendant, the*
2 *amounts attested to in the affidavit filed pursuant to subsec-*
3 *tion (1) shall be entered in the court's restitution order. If*
4 *objection is raised, the court may require the victim or the*
5 *United States Attorney (or his delegee) to submit further affi-*
6 *davits or other supporting documents, demonstrating the vic-*
7 *tim's losses.*

8 “(3) *If the court concludes, after reviewing the support-*
9 *ing documentation and considering the defendant's objec-*
10 *tions, that there is a substantial reason for doubting the au-*
11 *thenticity or veracity of the records submitted, the court may*
12 *require additional documentation or hear testimony on those*
13 *questions. Any records filed, or testimony heard, pursuant to*
14 *this section, shall be in camera in the judge's chambers. Not-*
15 *withstanding any other provision of law, this section does not*
16 *entitle the defendant to discovery of the contents of, or related*
17 *to, any supporting documentation, including medical, psy-*
18 *chological, or psychiatric records.*

19 “(d) **RESTITUTION AND CRIMINAL PENALTIES.**—*An*
20 *award of restitution to the victim of an offense under this*
21 *chapter shall not be a substitute for imposition of punishment*
22 *under sections 2261 and 2262.*

23 “(e) **DEFINITIONS.**—*For purposes of this section, the*
24 *term 'victim' includes any person who has suffered direct*

1 *physical, emotional, or pecuniary harm as a result of a com-*
2 *mission of a crime under this chapter, including—*

3 “(1) *in the case of a victim who is under 18 years*
4 *of age, incompetent or incapacitated, the legal guardian*
5 *of the victim or the victim’s estate, another family*
6 *member, or any other person designated by the court;*
7 *and*

8 “(2) *in the case of a victim who is deceased, the*
9 *representative of the victim’s estate or family member,*
10 *including a child.*

11 **“§ 2265. Full faith and credit given to protection orders**

12 “(a) **FULL FAITH AND CREDIT.**—*Any protection order*
13 *issued consistent with the terms of subsection (b) by the court*
14 *of one State (the issuing State) shall be accorded full faith*
15 *and credit by the court of another State (the enforcing State)*
16 *and enforced as if it were the order of the enforcing State.*

17 “(b) **PROTECTION ORDER.**—*A protection order issued*
18 *by a State court is consistent with the provisions of this sec-*
19 *tion if—*

20 “(1) *such court has jurisdiction over the parties*
21 *and matter under the law of such State; and*

22 “(2) *reasonable notice and opportunity to be heard*
23 *is given to the person against whom the order is sought*
24 *sufficient to protect that person’s right to due process.*

25 *In the case of ex parte orders, notice and opportunity*

1 to be heard must be provided within the time required
2 by State law, and in any event within a reasonable
3 time after the order is issued, sufficient to protect the
4 respondent's due process rights.

5 “(c) **CROSS OR COUNTER PETITION.**—A protection
6 order issued by a State court against one who has petitioned
7 for protection against abuse by a spouse or intimate partner
8 is not entitled to full faith and credit if no cross or counter
9 petition or complaint was filed seeking such a protection
10 order.

11 “§ 2266. **Definitions for chapter**

12 “As used in this chapter—

13 “(1) the term ‘spouse or intimate partner’ in-
14 cludes—

15 “(A) a present or former spouse, a person
16 who shares a child in common with the abuser,
17 and a person who cohabits with the abuser as a
18 spouse; and

19 “(B) any other person similarly situated to a
20 spouse as defined by the domestic or family vio-
21 lence laws of the State in which the injury oc-
22 curred or where the victim resides;

23 “(2) the term ‘protection order’ includes any in-
24 junction issued for the purpose of preventing violent or
25 threatening acts by one spouse against his or her

1 spouse or intimate partner, including temporary and
 2 final orders issued by civil and criminal courts (other
 3 than child custody or support orders) whether obtained
 4 by filing an independent action or as a pendente lite
 5 order in another proceeding so long as the order was
 6 issued in response to a complaint of an abused spouse
 7 or intimate partner; and

8 “(3) the term ‘State’ includes a State of the
 9 United States, the District of Columbia, and any com-
 10 monwealth, territory, or possession of the United
 11 States.”

12 (b) *TABLE OF CHAPTERS.*—The table of chapters for
 13 part 1 of title 18, United States Code, is amended by insert-
 14 ing after the item for chapter 110 the following:

“110A. *Violence against spouses* 2261.”

15 ***Subtitle B—Arrest in Spousal Abuse***
 16 ***Cases***

17 ***SEC. 221. ENCOURAGING ARREST POLICIES.***

18 *The Family Violence Prevention and Services Act (42*
 19 *U.S.C. 10400) is amended by adding after section 311 the*
 20 *following:*

21 ***“SEC. 312. ENCOURAGING ARREST POLICIES.***

22 ***“(a) PURPOSE.—To encourage States and localities to***
 23 ***treat spousal violence as a serious violation of criminal law,***
 24 ***the Secretary is authorized to make grants to eligible States,***

1 municipalities, or local government entities for the following
2 purposes:

3 “(1) to implement pro-arrest programs and poli-
4 cies in police departments and to improve tracking of
5 cases involving spousal abuse;

6 “(2) to centralize and coordinate police enforce-
7 ment, prosecution, or judicial responsibility for, spous-
8 al abuse cases in one group or unit of police officers,
9 prosecutors, or judges;

10 “(3) to educate judges in criminal and other
11 courts about spousal abuse and to improve judicial
12 handling of such cases.

13 “(b) *ELIGIBILITY.*—(1) Eligible grantees are those
14 States, municipalities or other local government entities
15 that—

16 “(A) demonstrate, through arrest and conviction
17 statistics, that their laws or policies have been effective
18 in significantly increasing the number of arrests made
19 of spouse abusers; and

20 “(B) certify that their laws or official policies—

21 “(i) mandate arrest of spouse abusers based
22 on probable cause that violence has been commit-
23 ted or mandate arrest of spouses violating the
24 terms of a valid and outstanding protection order;

25 or

1 “(ii) permit warrantless misdemeanor arrests
2 of spouse abusers and encourage the use of that
3 authority.

4 “(2) For purposes of this section, the term ‘protection
5 order’ includes any injunction issued for the purpose of pre-
6 venting violent or threatening acts of spouse abuse, including
7 temporary and final orders issued by civil and criminal
8 courts (other than child custody or support orders) whether
9 obtained by filing an independent action or as a pendente lite
10 order in another proceeding.

11 “(3) For purposes of this section, the term ‘spousal or
12 spouse abuse’ includes abuse of a present or former spouse, a
13 person who shares a child in common with the abuser, and a
14 person who cohabits with the abuser as a spouse.

15 “(4) The eligibility requirements provided in this sec-
16 tion shall take effect one year after the date of enactment of
17 this section.

18 “(c) DELEGATION AND AUTHORIZATION.—The Secre-
19 tary shall delegate to the Attorney General of the United
20 States the Secretary’s responsibilities for carrying out this
21 section to the Attorney General. There are authorized to be
22 appropriated not in excess of \$25,000,000 for each fiscal
23 year to be used for the purpose of making grants under this
24 section.

1 “(d) *APPLICATION.*—An eligible grantee shall submit
2 an application to the Secretary. Such application shall—

3 “(1) contain a certification by the chief executive
4 officer of the State, municipality, or local government
5 entity that the conditions of subsection (b) are met;

6 “(2) describe the entity’s plans to further the pur-
7 poses listed in subsection (a);

8 “(3) identify the agency or office or groups of
9 agencies or offices responsible for carrying out the pro-
10 gram; and

11 “(4) identify the nonprofit nongovernmental
12 victim services programs that will be consulted in de-
13 veloping, and implementing, the program.

14 “(e) *PRIORITY.*—In awarding grants under this sec-
15 tion, the Secretary shall give priority to a grantee that—

16 “(1) does not currently provide for centralized
17 handling of cases involving spousal or family violence
18 in any one of the areas listed in this subsection—
19 police, prosecutors, and courts; and

20 “(2) demonstrates a commitment to strong enforce-
21 ment of laws, and prosecution of cases, involving
22 spousal or family violence.

23 “(f) *REPORTING.*—Each grantee receiving funds under
24 this section shall submit a report to the Secretary evaluating
25 the effectiveness of the plan described in subsection (d)(2)

1 *and containing such additional information as the Secretary*
2 *may prescribe.*

3 “(g) *REGULATIONS.—No later than 45 days after the*
4 *date of enactment of this section, the Secretary shall publish*
5 *proposed regulations implementing this section. No later than*
6 *120 days after such date, the Secretary shall publish final*
7 *regulations implementing this section.”.*

8 ***Subtitle C—Funding for Shelters***

9 ***SEC. 231. AUTHORIZATION.***

10 *Section 310 of the Family Violence Prevention and*
11 *Services Act (42 U.S.C. 10409) is amended to read as*
12 *follows:*

13 ***“SEC. 310. AUTHORIZATION OF APPROPRIATIONS.***

14 “(a) *There are authorized to be appropriated to carry*
15 *out the provisions of this title, \$75,000,000 for each of the*
16 *fiscal years 1991, 1992 and 1993.*

17 “(b) *Of the sums authorized to be appropriated under*
18 *subsection (a) of this section for any fiscal year, not less than*
19 *85 percent shall be used by the Secretary for making grants*
20 *under section 303.*

21 “(c) *Of the sums authorized to be appropriated under*
22 *subsection (a) of this section for any fiscal year, not more*
23 *than 5 percent shall be used by the Secretary for making*
24 *grants under section 314.”.*

1 ***Subtitle D—Family Violence Prevention***
2 ***and Services Act Amendments***

3 ***SEC. 241. EXPANSION OF PURPOSE.***

4 *Section 302(1) of the Family Violence Prevention and*
5 *Services Act (42 U.S.C. 10401(1)) is amended by striking*
6 *“to prevent” and inserting “to increase public awareness*
7 *about and prevent”.*

8 ***SEC. 242. EXPANSION OF STATE DEMONSTRATION GRANT PRO-***
9 ***GRAM.***

10 *Section 303(a)(1) of the Family Violence Prevention*
11 *and Services Act (42 U.S.C. 10402(a)(1)) is amended by*
12 *striking “to prevent” and inserting “to increase public*
13 *awareness about and prevent”.*

14 ***SEC. 243. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.***

15 *The Family Violence Prevention and Services Act is*
16 *amended by adding at the end thereof the following new*
17 *section:*

18 ***“GRANTS FOR PUBLIC INFORMATION CAMPAIGNS***

19 ***“SEC. 314. (a) The Secretary may make grants to***
20 ***public or private nonprofit entities to provide public informa-***
21 ***tion campaigns regarding domestic violence through the use***
22 ***of public service announcements and informative materials***
23 ***that are designed for print media, billboards, public transit***
24 ***advertising, electronic broadcast media, and other vehicles for***

1 *information that shall inform the public concerning domestic*
2 *violence.*

3 “(b) *No grant, contract, or cooperative agreement shall*
4 *be made or entered into under this section unless an applica-*
5 *tion that meets the requirements of subsection (c) has been*
6 *approved by the Secretary.*

7 “(c) *An application submitted under subsection (b)*
8 *shall—*

9 “(1) *provide such agreements, assurances, and in-*
10 *formation, be in such form and be submitted in such*
11 *manner as the Secretary shall prescribe through notice*
12 *in the Federal Register, including a description of how*
13 *the proposed public information campaign will target*
14 *the population at risk, including pregnant women;*

15 “(2) *include a complete description of the plan of*
16 *the application for the development of a public informa-*
17 *tion campaign;*

18 “(3) *identify the specific audiences that will be*
19 *educated, including communities and groups with the*
20 *highest prevalence of domestic violence;*

21 “(4) *identify the medium to be used in the cam-*
22 *pany and the geographic distribution of the campaign;*

23 “(5) *describe plans to test market a development*
24 *plan with a relevant population group and in a rele-*
25 *vant geographic area and give assurance that effective-*

1 *ness criteria will be implemented prior to the comple-*
2 *tion of the final plan that will include an evaluation*
3 *component to measure the overall effectiveness of the*
4 *campaign;*

5 *“(6) describe the kind, amount, distribution, and*
6 *timing of informational messages and such other infor-*
7 *mation as the Secretary may require, with assurances*
8 *that media organizations and other groups with which*
9 *such messages are placed will not lower the current fre-*
10 *quency of public service announcements; and*

11 *“(7) contain such other information as the Secre-*
12 *tary may require.*

13 *“(d) A grant, contract, or agreement made or entered*
14 *into under this section shall be used for the development of a*
15 *public information campaign that may include public service*
16 *announcements, paid educational messages for print media,*
17 *public transit advertising, electronic broadcast media, and*
18 *any other mode of conveying information that the Secretary*
19 *determines to be appropriate.*

20 *“(e) The criteria for awarding grants shall ensure that*
21 *an applicant—*

22 *“(1) will conduct activities that educate communi-*
23 *ties and groups at greatest risk;*

24 *“(2) has a record of high quality campaigns of a*
25 *comparable type; and*

1 “(3) has a record of high quality campaigns that
2 educate the population groups identified as most at
3 risk.”.

4 SEC. 244. STATE COMMISSIONS ON DOMESTIC VIOLENCE.

5 Section 303(a)(2) of the Family Violence Prevention
6 and Services Act (42 U.S.C. 10402(a)(2)) is amended—

7 (1) by striking “and” at the end of subparagraph
8 (F);

9 (2) by redesignating subparagraph (G) as sub-
10 paragraph (H); and

11 (3) by inserting after subparagraph (F) the fol-
12 lowing new subparagraph:

13 “(G) provides assurances that, not later than
14 1 year after receipt of funds, the State shall have
15 established a Commission on Domestic Violence
16 to examine issues including—

17 “(i) the use of mandatory arrest of ac-
18 cused offenders;

19 “(ii) the adoption of ‘no-drop’ prosecu-
20 tion policies;

21 “(iii) the use of mandatory require-
22 ments for presentencing investigations;

23 “(iv) the length of time taken to pros-
24 ecute cases or reach plea agreements;

25 “(v) the use of plea agreements;

1 “(vi) the testifying by victims at post-
2 conviction sentencing and release hearings;

3 “(vii) the consistency of sentencing
4 practices;

5 “(viii) restitution of victims;

6 “(ix) the reporting practices of and sig-
7 nificance to be accorded to prior convictions
8 (both felonies and misdemeanors); and

9 “(x) such other matters as the Commis-
10 sion believes merit investigation.

11 *In implementing this requirement, State grantees must certi-*
12 *fy to the Secretary that—*

13 “(aa) no less than one-third of Commission mem-
14 bers be victim advocates associated with nonprofit shel-
15 ters; and

16 “(bb) no more than 2 percent of the grant monies
17 awarded shall be used to support the required Commis-
18 sion.”.

19 **SEC. 245. INDIAN TRIBES.**

20 Section 303(b)(1) of the Family Violence Prevention
21 and Services Act (42 U.S.C. 10402(b)(1)) is amended by
22 striking “is authorized” and inserting “from sums appropri-
23 ated shall make \$1,000,000 available for”.

1 **SEC. 246. FUNDING LIMITATIONS.**

2 *Section 303(c) of the Family Violence Prevention and*
3 *Services Act (42 U.S.C. 10402(c)) is amended by striking*
4 *“, and” and all that follows through “fiscal years”.*

5 **SEC. 247. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL**
6 **SHARE.**

7 *The first sentence of section 303(f) of the Family Vio-*
8 *lence Prevention and Services Act (42 U.S.C. 10402(f)) is*
9 *amended to read as follows: “No demonstration grant may be*
10 *made under this section to an entity other than a State unless*
11 *the entity provides 50 percent of the funding of the program*
12 *or project funded by the grant.”.*

13 **SEC. 248. SHELTER AND RELATED ASSISTANCE.**

14 *Section 303(g) of the Family Violence Prevention and*
15 *Services Act (42 U.S.C. 10402(g)) is amended by—*

16 (1) *striking “not less than 60 percent” and insert-*
17 *ing “not less than 75 percent”; and*

18 (2) *striking “immediate shelter and related assist-*
19 *ance to victims of family violence and their depend-*
20 *ents” and inserting “shelter and related assistance to*
21 *victims of family violence and their dependents, includ-*
22 *ing any, but not requiring all of the following—*

23 (1) *food, shelter, medical services, and counsel-*
24 *ing with respect to family violence, including counsel-*
25 *ing by peers individually or in groups;*

1 “(2) transportation, legal assistance, referrals,
2 and technical assistance with respect to obtaining fi-
3 nancial assistance under Federal and State programs;

4 “(3) comprehensive counseling about parenting,
5 preventive health (including nutrition, exercise, and
6 prevention of substance abuse), educational services,
7 employment training, social skills (including communi-
8 cation skills), home management, and assertiveness
9 training; and

10 “(4) day care services for children who are
11 victims of family violence or the dependents of such
12 victims.”.

13 **SEC. 249. LAW ENFORCEMENT TRAINING AND TECHNICAL AS-**
14 **SISTANCE GRANTS.**

15 Section 311(b) of the Family Violence Protection and
16 Services Act (42 U.S.C. 10410(b)) is amended by adding at
17 the end thereof the following new subparagraph:

18 “(d) Training grants may be made under this section
19 only to private nonprofit organizations that have experience
20 in providing training and technical assistance to law enforce-
21 ment personnel on a national or regional basis.”.

22 **SEC. 250. REPORT ON RECORDKEEPING.**

23 Not later than 120 days after the date of enactment of
24 this Act, the Attorney General shall complete a study of, and
25 shall submit to Congress a report and recommendations on,

1 *problems of recordkeeping of criminal complaints involving*
2 *domestic violence. The study and report shall examine efforts*
3 *to date of the FBI and Justice Department to collect statistics*
4 *on domestic violence and the feasibility of, including a sug-*
5 *gested timetable for, requiring that the relationship between*
6 *an offender and victim be reported in Federal records of*
7 *crimes of aggravated assault, rape, and other violent crimes.*

8 **SEC. 251. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR**
9 **DOMESTIC VIOLENCE INTERVENTION.**

10 *The Family Violence Prevention Services Act, as*
11 *amended by section 103 of this Act, is amended by adding at*
12 *the end thereof the following new section:*

13 **"MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC**
14 **VIOLENCE INTERVENTION**

15 **"SEC. 315. (a) The Secretary, in cooperation with the**
16 **Attorney General, shall award grants to not less than 10**
17 **States to assist in becoming model demonstration States and**
18 **in meeting the costs of improving State leadership concerning**
19 **activities that will—**

20 **"(1) increase the number of prosecutions for do-**
21 **mestic violence crimes;**

22 **"(2) encourage the reporting of incidences of do-**
23 **mestic violence; and**

24 **"(3) facilitate 'mandatory arrests' and 'no-drop'**
25 **prosecution policies.**

1 “(b) To be designated as a model State under subsection
2 (a), a State shall have in effect—

3 “(1) a law that requires mandatory arrest of a
4 person that police have probable cause to believe has
5 committed an act of domestic violence or probable cause
6 to believe has violated an outstanding civil protection
7 order;

8 “(2) develop and disseminate statewide prosecu-
9 tion policies that—

10 “(A) include a no-drop policy once prosecu-
11 tion is underway;

12 “(B) implement model projects for the verti-
13 cal prosecution of domestic violence cases and spe-
14 cial units devoted to domestic violence;

15 “(C) authorize and encourage prosecutors to
16 pursue cases where a criminal case can be proved,
17 including proceeding without the active involve-
18 ment of the victim if necessary; and

19 “(D) limit diversion to extraordinary cases,
20 and then only after an admission before a judicial
21 officer has been entered;

22 “(3) develop and disseminate statewide guidelines
23 for judges that—

24 “(A) reduce the automatic issuance of
25 mutual restraining or protective orders in cases

1 *where only one spouse has sought a restraining or*
2 *protective order;*

3 *“(B) discourage custody or joint custody*
4 *orders by spouse abusers; and*

5 *“(C) encourage the understanding of domes-*
6 *tic violence as a serious criminal offense and not*
7 *a trivial dispute;*

8 *“(4) develop and disseminate methods to improve*
9 *the criminal justice system’s response to domestic vio-*
10 *lence to make existing remedies as easily available as*
11 *possible to victims of domestic violence, including re-*
12 *ducing delay, eliminating court fees, and providing*
13 *easily understandable court forms.*

14 *“(c)(1) In addition to the funds authorized to be appro-*
15 *priated under section 310, there are authorized to be appro-*
16 *priated to make grants under this section \$25,000,000 for*
17 *fiscal year 1991 and such sums as may be necessary for each*
18 *of the fiscal years 1992 and 1993.*

19 *“(2) Funds shall be distributed under this section so*
20 *that no State shall receive more than \$2,500,000 in each*
21 *fiscal year under this section.*

22 *“(3) The Secretary shall delegate to the Attorney Gen-*
23 *eral the Secretary’s responsibilities for carrying out this sec-*
24 *tion and shall transfer to the Attorney General the funds*

1 appropriated under this section for the purpose of making
2 grants under this section.”.

3 **SEC. 252. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.**

4 *The Family Violence Prevention and Services Act is*
5 *amended by inserting after section 308 the following:*

6 **“SEC. 308A. TECHNICAL ASSISTANCE CENTERS.**

7 *“(a) PURPOSE.—The purpose of this section is to pro-*
8 *vide training and technical assistance to State and local do-*
9 *mestic violence programs and to other professionals who pro-*
10 *vide services to victims of domestic violence. From the sums*
11 *authorized under this title, the Secretary shall provide grants*
12 *or contracts with public or private nonprofit organizations,*
13 *for the establishment and maintenance of one national re-*
14 *source center and five regional resource centers serving de-*
15 *finied geographic areas. The national resource center shall*
16 *offer resource, policy, and/or training assistance to Federal,*
17 *State, and local agencies on issues pertaining to domestic*
18 *violence, serve a coordinating and resource-sharing function*
19 *among the regions, and maintain a central resource library.*
20 *The regional resource centers shall provide information,*
21 *training and technical assistance to State and local domestic*
22 *violence services. In addition, each regional center shall spe-*
23 *cialize in a unique area of domestic violence service, preven-*
24 *tion or law, including one or more of the following:*

25 *“(1) Public awareness and prevention education;*

1 “(2) *Criminal justice response to domestic vio-*
2 *lence;*

3 “(3) *Domestic violence related to child custody*
4 *issues;*

5 “(4) *Domestic violence victim self-defense;*

6 “(5) *Clergy training on family violence;*

7 “(6) *Child abuse and domestic violence;*

8 “(7) *Medical personnel training;*

9 “(8) *Enhancing victims' access to effective legal*
10 *assistance; and*

11 “(9) *Court-mandated abuser treatment.*

12 “(b) *ELIGIBILITY.—Eligible grantees are private non-*
13 *profit organizations that—*

14 “(1) *focus primarily on domestic violence;*

15 “(2) *provide documentation to the Secretary dem-*
16 *onstrating experience with issues of domestic violence,*
17 *particularly in the specific area for which it is apply-*
18 *ing;*

19 “(3) *include on its advisory boards representatives*
20 *from domestic violence programs in the region who are*
21 *geographically and culturally diverse; and*

22 “(4) *demonstrate strong support from domestic vi-*
23 *olence advocates in the region for their designation as*
24 *the regional resource center.*

1 “(c) *REPORTING.*—*Each grantee receiving funds under*
2 *this section shall submit a report to the Secretary evaluating*
3 *the effectiveness of the plan described and containing such*
4 *additional information as the Secretary may prescribe.*

5 “(d) *REGULATIONS.*—*No later than 45 days after the*
6 *date of enactment of this section, the Secretary shall publish*
7 *proposed regulations implementing this section.*

8 “(e) *FUNDING.*—*From the sums appropriated under*
9 *section 310 of this title, not in excess of \$2,000,000 for each*
10 *fiscal year shall be used for the purpose of making grants*
11 *under this section.”*

12 **TITLE III—CIVIL RIGHTS**

13 **SEC. 301. CIVIL RIGHTS.**

14 (a) *FINDINGS.*—*The Congress finds that—*

15 (1) *crimes motivated by the victim's gender consti-*
16 *tute bias crimes in violation of the victim's right to be*
17 *free from discrimination on the basis of gender;*

18 (2) *current law provides a civil rights remedy for*
19 *gender crimes committed in the workplace, but not for*
20 *gender crimes committed on the street or in the home;*
21 *and*

22 (3) *State and Federal criminal laws do not ade-*
23 *quately protect against the bias element of gender*
24 *crimes, which separates these crimes from acts of*

1 *random violence, nor do they adequately provide vic-*
2 *tims the opportunity to vindicate their interests.*

3 **(b) RIGHTS, PRIVILEGES AND IMMUNITIES.**—*All per-*
4 *sons within the United States shall have the same rights,*
5 *privileges and immunities in every State as is enjoyed by all*
6 *other persons to be free from crimes of violence overwhelming-*
7 *ly motivated by the victim's gender, as defined in subsection*
8 *(d).*

9 **(c) CAUSE OF ACTION.**—*Any person, including a*
10 *person who acts under color of any statute, ordinance, regula-*
11 *tion, custom, or usage of any State, who deprives another of*
12 *the rights, privileges or immunities secured by the Constitu-*
13 *tion and laws as enumerated in subsection (b) shall be liable*
14 *to the party injured, in an action for the recovery of compen-*
15 *satory and punitive damages.*

16 **(d) DEFINITION.**—*For purposes of this section, a*
17 *“crime of violence overwhelmingly motivated by the victim's*
18 *gender” means any crime of violence (as that term is defined*
19 *in section 16 of title 18, United States Code), including any*
20 *rape, sexual assault, or abusive contact, motivated by gender.*

21 **TITLE IV—SAFE CAMPUSES FOR** 22 **WOMEN**

23 **SEC. 401. SHORT TITLE.**

24 *This title may be cited as the “Safe Campuses for*
25 *Women Act of 1990”.*

1 **SEC. 402. FINDINGS.**

2 *The Congress finds that—*

3 *(1) rape prevention and education programs are*
4 *essential to an educational environment free of fear for*
5 *students' personal safety;*

6 *(2) sexual assault on campus, whether by fellow*
7 *students or not, is widespread among the Nation's*
8 *higher education institutions: experts estimate that 1 in*
9 *7 of the women now in college have been raped and*
10 *over half of college rape victims know their attackers;*

11 *(3) sexual assault poses a grave threat to the*
12 *physical and mental well-being of students and may*
13 *significantly impair the learning process; and*

14 *(4) action by schools to educate students may*
15 *make substantial inroads on the incidence of rape, in-*
16 *cluding the incidence of acquaintance rape on campus.*

17 **SEC. 403. GRANTS FOR CAMPUS RAPE EDUCATION.**

18 *Title X of the Higher Education Act of 1965 is amend-*
19 *ed to add at the end thereof the following:*

20 **"PART D—GRANTS FOR CAMPUS RAPE EDUCATION."**

21 **SEC. 1071. GRANTS FOR CAMPUS RAPE EDUCATION.**

22 **"(a) IN GENERAL.—(1)** *The Secretary of Education is*
23 *authorized to make grants to or enter into contracts with in-*
24 *stitutions of higher education for rape education and preven-*
25 *tion programs under this section.*

1 “(2) *The Secretary shall make financial assistance*
2 *available on a competitive basis under this section. An insti-*
3 *tution of higher education or consortium of such institutions*
4 *which desires to receive a grant or enter into a contract under*
5 *this section shall submit an application to the Secretary at*
6 *such time, in such manner, and containing or accompanied*
7 *by such information as the Secretary may reasonably require*
8 *in accordance with regulations.*

9 “(3) *The Secretary shall make every effort to ensure the*
10 *equitable participation of private and public institutions of*
11 *higher education and to ensure the equitable geographic par-*
12 *ticipation of such institutions. In the award of grants and*
13 *contracts under this section, the Secretary shall give priority*
14 *to institutions who show the greatest need for the sums*
15 *requested.*

16 “(4) *Not less than 50 percent of sums available for the*
17 *purposes of this section shall be used to make grants under*
18 *subsection (c) of this section.*

19 “(b) **GRANTS FOR MODEL DEMONSTRATION**
20 **PROJECTS.**—*Grants shall be available for model demonstra-*
21 *tion programs to be coordinated with local rape crisis centers*
22 *for development and implementation of quality rape preven-*
23 *tion and education curricula and for programs that make use*
24 *of peer-to-peer student education.*

1 “(c) *GENERAL RAPE PREVENTION AND EDUCATION*
2 *GRANTS.*—Grants shall be available under this subsection to
3 develop, implement, operate, and improve rape education and
4 prevention for students enrolled in institutions of higher
5 education.

6 “(d) *APPLICATIONS.*—(1) In order to be eligible to re-
7 ceive a grant under this section for any fiscal year, an insti-
8 tution of higher education, or consortium of such institutions,
9 shall submit an application to the Secretary at such time and
10 in such manner as the Secretary shall prescribe.

11 “(2) Each such application shall—

12 “(A) set forth the activities and programs to be
13 carried out with funds paid under this part;

14 “(B) contain an estimate of the cost for the estab-
15 lishment and operation of such programs;

16 “(C) explain how the program intends to address
17 the issue of acquaintance rape;

18 “(D) provide assurances that the Federal funds
19 made available under this section shall be used to sup-
20 plement and, to the extent practical, to increase the
21 level of funds that would, in the absence of such Feder-
22 al funds, be made available by the applicant for the
23 purpose described in this part, and in no case to sup-
24 plant such funds; and

1 “(F) include such other information and assur-
2 ances as the Secretary reasonably determines to be
3 necessary.

4 “(e) GRANTEE REPORTING.—Upon completion of the
5 grant period under this section, the grantee institution or con-
6 sortium of institutions shall file a performance report with
7 the Secretary explaining the activities carried out together
8 with an assessment of the effectiveness of those activities in
9 achieving the purposes of this section. The Secretary shall
10 suspend funding for an approved application if an applicant
11 fails to submit an annual performance report.

12 “(f) DEFINITIONS.—(1) Except as otherwise provided,
13 the terms used in this part shall have the meaning provided
14 under section 2981 of this title.

15 “(2) For purposes of this subchapter, the following
16 terms have the following meanings:

17 “(A) The term ‘rape education and prevention’ in-
18 cludes programs that provide educational seminars,
19 peer-to-peer counseling, operation of hotlines, self-de-
20 fense courses, the preparation of informational materi-
21 als, and any other effort to increase campus awareness
22 of the facts about, or to help prevent, sexual assault.

23 “(B) The term ‘Secretary’ means the Secretary of
24 Education.

1 “(g) *GENERAL TERMS AND CONDITIONS.—(1) REG-*
2 *ULATIONS.—No later than 45 days after the date of enact-*
3 *ment of this section, the Secretary shall publish proposed reg-*
4 *ulations implementing this section. No later than 120 days*
5 *after such date, the Secretary shall publish final regulations*
6 *implementing this section.*

7 “(2) *No later than 180 days after the end of each fiscal*
8 *year for which grants are made under this section, the Secre-*
9 *tary shall submit to the committees of the House of Repre-*
10 *sentatives and the Senate responsible for issues relating to*
11 *higher education and to crime, a report that includes—*

12 “(A) *the amount of grants made under this*
13 *section;*

14 “(B) *a summary of the purposes for which those*
15 *grants were provided and an evaluation of their*
16 *progress; and*

17 “(C) *a copy of each grantee report filed pursuant*
18 *to subsection (e) of this section.*

19 “(3) *For the purpose of carrying out this subchapter,*
20 *there are authorized to be appropriated \$10,000,000 for the*
21 *fiscal year 1991, and such sums as may be necessary for*
22 *each of the fiscal years 1992, 1993, and 1994.”*

1 **SEC. 404. DISCLOSURE OF DISCIPLINARY PROCEEDINGS IN SEX**
 2 **ASSAULT CASES ON CAMPUS.**

3 *Section 438(b) of the General Education Provisions*
 4 *Act (20 U.S.C. 1232g(b)) is amended by adding at the end*
 5 *thereof the following new paragraph:*

6 *“(6) Nothing in this section shall be construed to pro-*
 7 *hibit an institution of postsecondary education from disclos-*
 8 *ing, to a victim of any crime of violence (as that term is*
 9 *defined in section 16 of title 18, United States Code), the*
 10 *results of any disciplinary proceeding conducted by such in-*
 11 *stitution against the alleged perpetrator of such crime with*
 12 *respect to such crime.”.*

13 **TITLE V—EQUAL JUSTICE FOR**
 14 **WOMEN IN THE COURTS ACT OF**
 15 **1990**

16 **SECTION 501. SHORT TITLE.**

17 *This title may be cited as the “Equal Justice for*
 18 *Women in the Courts Act of 1990”.*

19 **Subtitle A—Education and Training for**
 20 **Judges and Court Personnel in State**
 21 **Courts**

22 **SEC. 511. GRANTS AUTHORIZED.**

23 *The Attorney General shall provide funds to the State*
 24 *Justice Institute for the purpose of developing, testing, pre-*
 25 *senting, and disseminating model programs to be used by*
 26 *States in training judges and court personnel in the laws of*

1 *the States on rape, sexual assault, domestic violence, and*
2 *other crimes of violence motivated by the victim's gender.*

3 **SEC. 512. TRAINING PROVIDED BY GRANTS.**

4 *Training provided pursuant to grants made under this*
5 *subtitle may include current information, existing studies, or*
6 *current data on—*

7 *(1) the nature and incidence of rape and sexual*
8 *assault by strangers and nonstrangers, marital rape,*
9 *and incest;*

10 *(2) on the underreporting of rape, sexual assault,*
11 *and child sexual abuse;*

12 *(3) the physical, psychological, and economic*
13 *impact of rape and sexual assault on the victim, the*
14 *costs to society, and the implications for sentencing;*

15 *(4) the psychology of sex offenders, their high rate*
16 *of recidivism, and the implications for sentencing;*

17 *(5) the historical evolution of laws and attitudes*
18 *on rape and sexual assault;*

19 *(6) sex stereotyping of female and male victims of*
20 *rape and sexual assault, racial stereotyping of rape*
21 *victims and defendants, and the impact of such stereo-*
22 *types on credibility of witnesses and other aspects of*
23 *the administration of justice;*

24 *(7) application of rape shield laws and other*
25 *limits on introduction of evidence that subjects victims*

1 *to improper sex stereotyping and harassment in both*
2 *rape and nonrape cases, including the need for sua*
3 *sponte judicial intervention in inappropriate cross-*
4 *examination;*

5 *(8) the use of expert witness testimony on rape*
6 *trauma syndrome, child sexual abuse accommodation*
7 *syndrome, post-traumatic stress syndrome, and similar*
8 *issues;*

9 *(9) the legitimate reasons why victims of rape,*
10 *sexual assault, and incest may refuse to testify against*
11 *a defendant and the inappropriateness of holding such*
12 *victims in contempt of court;*

13 *(10) the nature and incidence of domestic vio-*
14 *lence;*

15 *(11) the physical, psychological, and economic*
16 *impact of domestic violence on the victim, the costs to*
17 *society, and the implications for court procedures and*
18 *sentencing;*

19 *(12) the psychology and self-presentation of bat-*
20 *terers and victims and the implications for court pro-*
21 *ceedings and credibility of witnesses;*

22 *(13) sex stereotyping of female and male victims*
23 *of domestic violence, myths about presence or absence*
24 *of domestic violence in certain racial, ethnic, religious,*

1 *or socioeconomic groups, and their impact on the ad-*
2 *ministration of justice;*

3 *(14) historical evolution of laws and attitudes on*
4 *domestic violence;*

5 *(15) proper and improper interpretations of the*
6 *defenses of self-defense and provocation, and the use of*
7 *expert witness testimony on battered woman syndrome;*

8 *(16) the likelihood of retaliation, recidivism, and*
9 *escalation of violence by batterers, and the potential*
10 *impact of incarceration and other meaningful sanctions*
11 *for acts of domestic violence including violations of*
12 *orders of protection;*

13 *(17) economic, psychological, social and institu-*
14 *tional reasons for victims' failure to report domestic vi-*
15 *olence or to follow through on complaints, including the*
16 *influence of lack of support from police, judges, and*
17 *court personnel;*

18 *(18) recognition of and response to gender-moti-*
19 *vated crimes of violence other than rape, sexual assault*
20 *and domestic violence, such as mass or serial murder*
21 *motivated by the gender of the victims; and*

22 *(19) current information on the impact of pornog-*
23 *raphy on crimes against women, or data on other ac-*
24 *tivities that tend to degrade women.*

1 **SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN MAKING**
2 **GRANTS UNDER THIS TITLE.**

3 *The Attorney General shall ensure that model programs*
4 *carried out pursuant to grants made under this subtitle are*
5 *developed in conjunction with, and with the participation of,*
6 *law enforcement officials, public and private nonprofit victim*
7 *advocates, legal experts, prosecutors, defense attorneys, and*
8 *recognized experts on gender bias in the courts drawn from*
9 *the legal and social science professions.*

10 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

11 *There is authorized to be appropriated for fiscal year*
12 *1991, \$600,000 to carry out the purposes of this subtitle. Of*
13 *amounts appropriated under this section, the State Justice*
14 *Institute shall expend no less than 40 percent on model pro-*
15 *grams regarding domestic violence and no less than 40 per-*
16 *cent on model programs regarding rape and sexual assault.*

17 ***Subtitle B—Education and Training for***
18 ***Judges and Court Personnel in Fed-***
19 ***eral Courts***

20 **SEC. 521. EDUCATION AND TRAINING GRANTS.**

21 *(a) STUDY.—The Federal Judicial Center shall con-*
22 *duct a study of the nature and extent of gender bias in the*
23 *Federal courts, including in proceedings involving rape,*
24 *sexual assault, domestic violence, and other crimes of vio-*
25 *lence motivated by gender. The study shall be conducted by*
26 *the use of data collection techniques such as reviews of trial*

1 *and appellate opinions and transcripts, public hearings, and*
2 *inquiries to attorneys practicing in the Federal courts. The*
3 *Federal Judicial Center shall publicly issue a final report*
4 *containing a detailed description of the findings and conclu-*
5 *sions of the study, including such recommendations for legis-*
6 *lative, administrative, and judicial action as it considers*
7 *appropriate.*

8 **(b) MODEL PROGRAMS.—***(1) The Federal Judicial*
9 *Center shall develop, test, present, and disseminate model*
10 *programs to be used in training Federal judges and court*
11 *personnel in the laws on rape, sexual assault, domestic vio-*
12 *lence, and other crimes of violence motivated by the victim's*
13 *gender.*

14 **(2) The training programs developed under this subsec-**
15 **tion shall include—**

16 **(A) all of the topics listed in section 512 of sub-**
17 **title A; and**

18 **(B) all procedural and substantive aspects of the**
19 **legal rights and remedies for violent crime motivated**
20 **by gender including such areas as the Federal penal-**
21 **ties for sex crimes, interstate enforcement of laws**
22 **against domestic violence and civil rights remedies for**
23 **violent crimes motivated by gender.**

1 **SEC. 522. COOPERATION IN DEVELOPING PROGRAMS.**

2 *In implementing this subtitle, the Federal Judicial*
3 *Center shall ensure that the study and model programs are*
4 *developed in conjunction with, and with the participation of,*
5 *law enforcement officials, public and private nonprofit victim*
6 *advocates, legal experts, prosecutors, defense attorneys, and*
7 *recognized experts on gender bias in the courts drawn from*
8 *the legal and social science professions.*

9 **SEC. 523. AUTHORIZATION OF APPROPRIATIONS.**

10 *There is authorized to be appropriated for fiscal year*
11 *1991, \$400,000 to carry out the purposes of this subtitle. Of*
12 *amounts appropriated under this section, no less than 25 per-*
13 *cent and no more than 40 percent shall be expended by the*
14 *Federal Judicial Center on the study required by section*
15 *521(a) of this subtitle.*