

**About This Issue**

In this issue, author Lynn Rosenthal, the Executive Director of the National Network to End Domestic Violence, reminds us that the Violence Against Women Act (VAWA) is “set to expire in 2005,” providing the battered women’s movement with “a significant opportunity to reassess the priorities . . . and allocation of resources in VAWA.” Lynn Rosenthal is our fierce champion, brilliant strategist and tireless advocate in Washington, D.C. In this article, Lynn describes the origins and original aims of VAWA legislation. With the brief passage of time since VAWA’s inception in 1994, battered women, advocates and diverse community members have assessed the impact of VAWA, examined some unintended consequences and identified new priorities for VAWA legislation. Lynn has outlined the current critical thinking regarding VAWA and presents some recommendations in the “And, Now What” section to ensure passage of VAWA 2005. It is hard to image our entire movement is at a critical turning point that needs our

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**The Violence Against Women Act: Learning from the Past and Shaping the Future**

by Lynn Rosenthal

I was a shelter director in 1994 when the Violence Against Women Act (VAWA) first passed in Congress, and I could not have imagined the changes that would occur in communities all across the country. Before VAWA, battered women’s advocates often stood alone in their efforts to address domestic violence, just as battered women themselves stood alone on dirt roads and four-lane highways waiting for the shelter van to bring them to safety. I could not have imagined the rural sheriff who would evolve from saying there was no domestic violence in his county to asking what he could do to

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be a leader in the fight to stop it. I could not have imagined that prosecutors would learn how to convict batterers based on the evidence, without putting victims in additional danger. I could not have imagined that advocates would sit down with law enforcement to write model policies for re-

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sponding to domestic violence crimes. The framework of VAWA required these collaborative efforts, and in many communities the results have been remarkable. Yet, women continue to die from domestic violence at the same rate as before VAWA, shelter beds remain full in many communities and hotline phones are still ringing off the hook. No matter how hard we are working today, in some ways we have barely begun the real work of ending violence against women.

Today, as we approach the tenth anniversary of the Violence Against Women Act, a national conversation is taking place about the focus and direction of VAWA and other federal initiatives designed to address violence against women. The criminal justice system focus of VAWA is being reexamined and battered women's advocates are thinking critically about the impact of this work on battered women and their children, especially for women of color and other marginalized women.

As we begin reauthorization of VAWA programs for 2005, it is time to reevaluate the past, frankly assess the present and look carefully at the challenges ahead. Only then will we be true to the promise of the Violence Against Women Act.

## Why VAWA? Historical Background

Prior to the passage of the Violence Against Women Act (VAWA), the federal government's response to violence against women was focused primarily on funding direct services for victims and their children. The Federal Family Violence Prevention and Services Act (FVPSA) predates VAWA by nearly a decade and initially provided funding for battered women's shelters and related assistance. This funding helped bolster state and local efforts to provide emergency shelter and advocacy to victims and their children.

In 1992, FVPSA was expanded to include The National Resource on Domestic Violence and five special issues resource centers. The development of these issue centers—which include the Battered Women's Justice Project (Civil and Criminal divisions) and the National Clearinghouse for the Defense of Battered Women—signaled the federal government's interest in supporting domestic violence advocacy work that engaged the criminal and civil legal systems. FVPSA also provided funding for state domestic violence coalitions to engage in advocacy within these same systems.

Because of their experiences with these systems, advocates

began calling for federal legislation to reform the criminal justice response to domestic violence. The testimony of many victims supported this strategy. In 1990, Tracey Motuzick testified in the Senate Judiciary Committee:

“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 . . . When the police did arrive and get the knife from him, they turned their backs on him and he was able to do more damage by coming over to me and stepping on my head and breaking my neck.”<sup>1</sup>

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***VAWA was based on the notion that the criminal justice system's response to violence against women was inconsistent, inadequate and sometimes life threatening for battered women.***

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The Congressional record over the next three years is filled with similar stories. A nationwide response to violence against women was needed and Congress had to act to bring additional resources to states and local communities to deal with the problem.

On September 13, 1994, President Clinton signed VAWA into law. VAWA was

based on the notion that the criminal justice system's response to violence against women was inconsistent, inadequate and sometimes life threatening for battered women. By creating new programs in the Department of Justice and authorizing millions of dollars for local communities to enhance the criminal justice system's response to violence against women, VAWA focused national attention on the treatment of domestic violence as a crime. In addition to funding, VAWA brought about critical policy reforms, including the creation of interstate crimes of domestic violence, the Full Faith and Credit provisions for enforcement of protective orders across state lines and protections for battered immigrant women and children.

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Advocates involved in drafting VAWA remember their conversations about the legislation's primary focus on the criminal justice system. Debby Tucker, a member of the Domestic Violence Coali-

tion on Public Policy (DV COPPS)<sup>2</sup> and one of the original framers of VAWA, says: "Ten years ago, 99% of communities had a very poor law enforcement response to domestic violence, a response that put victims in even greater danger. That is what we were trying to address in VAWA." Reflecting back today, Tucker believes that the advocates involved in framing VAWA underestimated the intense level of energy and resources that would be required for bringing about change in the criminal justice system. Tucker says that she and others had "a naïve view that if we provided resources and came to the table with the criminal justice system, things would change."

Tucker now believes that the implementation of the criminal legal focus of VAWA became all-consuming and stifled the development of other creative strategies for addressing violence against women. Says Tucker, "We overestimated the ability of states to do strategic planning for implementation of VAWA, and we underestimated the tremendous amount of time, energy and resources battered women's advocates would find themselves spending on this one focus." Consequently, says Tucker, much of the creative thinking and strategies about community-based solutions fell by the wayside. "We never intended

to stop thinking about innovative, community-focused solutions for both intervention and prevention. We thought we would keep moving forward."

At the same time as battered women's advocates were grappling with strategies to influence the criminal legal system, the demand for direct services was also increasing dramatically. As law enforcement officers began to respond to domestic violence incidents, they made more referrals to battered women's programs. One long-time advocate observed that the increased referrals by law enforcement "brought us in contact with a whole new group of women who would never have sought us out before."

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Many of these women were not seeking emergency shelter but instead were looking for services that would assist them with a complex range of issues brought about by the violence. In Florida, for example, in the first year of VAWA implementation, requests for services such as legal advocacy, nonresidential support groups and commu-

nity education increased by more than 40%. As funding for social services lagged behind the criminal justice system, many battered women's programs had difficulty meeting these growing needs. This discrepancy in resources still exists today. VAWA programs in the Department of Justice were funded at \$390 million last year, while those in the Department of Health and Human Services were funded at less than half of this amount.

### **Reauthorizing VAWA in 2000: New Challenges**

Several years before VAWA grant programs were set to expire in 2000, advocacy groups began working on enhancing the legislation. The National Network to End Domestic Violence (NNEDV) worked in partnership with the National Coalition Against Domestic Violence, NOW Legal Defense and Education Fund and others to assess the challenges and successes brought about by VAWA. While the effectiveness of criminal legal system work varied widely, the need for safe and affordable housing emerged as a missing link in the safety net for battered women.

Former NNEDV Executive Director Donna Edwards remembers that housing emerged as a critical issue at every level. "We were struggling with the limitations of

emergency shelter and looking for long-term resources for battered women. At the same time, reports kept coming out that showed that domestic violence was one of the leading causes of homelessness among women," says Edwards. "We were also developing relationships with advocates working on housing and homelessness, and domestic violence came up at every turn. We looked for a legislative vehicle to address this issue, and VAWA 2000 was it," Edwards remembers. In their efforts to address housing, battered women's advocates stumbled into a debate that was taking place within the housing and homeless advocacy community about the role of transitional housing.

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Many long-time housing/homeless advocates argued that such programs prolonged the transition between homelessness and permanent housing. NNEDV formed alliances with housing/homeless organizations to explore and understand all sides of this debate. Battered women's advocates continued to report that transitional housing was im-

portant to many women, precisely because it offered them a period of safety and stability without the pressure to make permanent choices about their future. This perspective, while at odds with some housing and homeless advocates, helped frame efforts to address housing within VAWA.

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Unfortunately, this attempt to address housing within VAWA 2000 was only marginally successful. In the final version of VAWA 2000, only a skeleton of the original vision remained. What was initially conceived of by advocates as a comprehensive transitional housing program was negotiated down to a small project to provide direct housing assistance payments to victims. Advocates expressed concern that direct housing assistance was a half measure and may be meaningless in communities with a scarcity of affordable rental units. However, even this modest program was only authorized for one year and was never funded. Versions of this program have been reauthorized

in several additional pieces of legislation, but have yet to receive funding in the federal budget.<sup>3</sup>

The struggle to create a funded transitional housing program vividly demonstrates the obstacles involved in moving VAWA into a holistic framework shaped by the experiences of battered women.

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While there is tremendous support in Congress for addressing domestic violence in a criminal justice context, there is less support for funding the social service programs that battered women need to rebuild their lives. Battered women continue to identify the range of services they need to create safety and economic stability for themselves and their children, but their allies in Congress face an uphill battle in finding the money for such programs.

VAWA 2000 did include important policy initiatives that strengthened the legislation. One of the most critical of these enhancements was the inclusion of dating violence language in most of the VAWA grant programs. This

meant that STOP grantees as well as those funded under Rural Victimization Grants and Grants to Encourage Arrest could include dating violence victims in their services and policy initiatives.

In addition, VAWA 2000 created new programs to address domestic violence among the elderly and victims with disabilities, and Safe Havens pilot programs for supervised visitation. The legislation also strengthened the existing civil legal assistance grants by specifically authorizing them in the statute and creating eligibility criteria. The eligibility criteria for the legal assistance programs are a good example of how VAWA encourages best practices in local communities. The statute clearly states that the grantees cannot have policies that require mediation or couples counseling in cases where domestic violence, sexual assault or child sexual abuse is an issue. VAWA includes similar directives designed to promote the cornerstones of VAWA—victim safety and offender accountability. These mandates have helped influence the local community response to domestic violence and are part of the success of this major piece of federal legislation.

### **VAWA and Native Women**

In evaluating the successes and challenges of VAWA, it

is important to the review the legislative attempts to address violence committed against Native women. VAWA brought funding to tribes and Native women's groups that led to the development of urgently needed services and interventions. However, the resources needed to develop a truly comprehensive response to the high rates of violence committed against Native women are much greater than VAWA currently provides. Also, VAWA has not been able to resolve the complex intersection between federal law, sovereignty and jurisdiction. For example, while tribal courts have civil jurisdiction to enforce protective orders, federal law does not provide tribes with criminal jurisdiction over violators who are not tribal members. Since non-Native perpetrators victimize many Native women, tribal courts are greatly hampered in their ability to hold perpetrators accountable and protect victims. Efforts to address this issue in VAWA 2000 were not successful.

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Any future legislation geared towards safety for Native women must be evaluated in

the context of other federal legislation that affects tribal nations. The leadership of Native women's advocates and experts in the complexities of federal and tribal law must be central to attempts to draft legislation in this area. VAWA cannot fulfill its promise without a comprehensive response led by Native women and Bands, Tribes or Nations.

### The Politics of VAWA

Since the passage of VAWA, domestic violence issues have enjoyed strong bipartisan support. Battered women's advocates work closely with leaders on both sides of the political aisle. Battered women's advocates in Washington, D.C. paid close attention as VAWA programs transitioned to the Bush administration, and sought openings to improve the federal response to violence against women. The Bush administration responded to this advocacy by fully funding the VAWA programs in the Department of Justice. This \$390 million dollar commitment was an increase of \$100 million over the previous year.

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***However, tough economic times, the long-term impact of federal tax cuts and the need for resources for other national priorities could potentially affect VAWA funding in the future.***

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Today, the VAWA criminal justice programs remain politically popular and enjoy broad, bipartisan support. However, tough economic times, the long-term impact of federal tax cuts and the need for resources for other national priorities could potentially affect VAWA funding in the future.

These potential threats loom at a critical time in the work of addressing domestic violence within societal systems. After the passage of VAWA, leaders in many communities stepped forward to help build coordinated systemic responses to domestic violence.

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***However, many of these key system leaders are leaving and as new officials take their place, they are often unfamiliar with domestic violence and do not bring the same level of experience and commitment as the originators of VAWA.***

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Their commitment helped build and sustain partnerships among agencies in the early days of VAWA implementation. However, many of these key system leaders are leaving and as new officials take their place, they are often unfamiliar with domestic violence and do not bring the same level of experience and commitment as the originators of VAWA. Consequently, a decade post-VAWA, many communities

seem to be starting from scratch in their efforts to create responses that are built on victim safety and offender accountability. For these reasons, now is not the time to retreat from funding the VAWA programs that support efforts to make the criminal legal system respond appropriately to domestic violence.

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***We must also understand that VAWA programs within the Department of Health and Human Services (HHS) have never received the same level of support under this or previous administrations.***

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### Challenges to the Framework of VAWA

Even as we acknowledge the importance of full funding for VAWA in the Department of Justice, we must also understand that VAWA programs within the Department of Health and Human Services (HHS) have never received the same level of support under this or previous administrations. The same year that President Bush's budget proposed full funding for programs within the Department of Justice, this same budget included flat funding for FVPSA programs, including the battered women's shelter and services programs, the National Domestic Violence Hotline, and the various other programs that fall within

HHS. Congress has increased FVPSA funding by modest amounts for the past two years, but these programs remain \$48 million below authorization levels. Rape education and awareness programs remain more than \$40 million below authorization levels.

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This discrepancy between the level of funding for criminal legal programs and for social services demonstrates the need for balancing of approaches to domestic violence intervention and prevention. While many policy makers see domestic violence as a “law and order” issue, battered women know full well that the criminal legal system cannot solve their problems. While training of law enforcement, prosecutors, judges and others within the system remains an important part of the response to violence against women, these strategies *alone* are unlikely to be successful. Battered women’s programs know that less than half of the women they are working with have had any involvement with the criminal justice sys-

tem, yet these women articulate a full range of services they need to assist them in gaining freedom and equality.

In addition, leaders in communities of color have expressed grave concerns about the potentially harmful impact of depending on a criminal legal system that is fraught with racism. They note that when women of color come in contact with the criminal legal system, they are more vulnerable to arrest, reporting to child protective services and other adverse actions on the part of the system. Many advocates within communities of color believe the criminal legal focus of VAWA has contributed to the large number of men of color who are incarcerated and has played a role in further damaging the community.

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The reflections of Debby Tucker illuminate the evolution of this discussion within the battered women’s movement. In thinking about the impact of VAWA on communities of color, Tucker says, “Ten years ago we were struggling with getting law en-

forcement to even make arrests in any cases. Ten years later we are asking how to reform a criminal justice system that has arrested and prosecuted a disproportionate number of men of color. We were looking at violence against women through the prism of gender and sexism. We were aware of race and class, but did not realize how much sharper this focus would be ten years later.”

Marginalized communities are also bearing the brunt of the diminishing safety net for those in poverty. Lack of employment opportunities, low wages, lack of affordable housing and social supports such as childcare dramatically affect the ability of battered women to escape violence and rebuild their lives. Taken together, these trends highlight the need for federal initiatives to look beyond the criminal legal system to develop a full range of strategies in addressing domestic violence. Federal funding for this side of the equation has not kept pace with resources devoted to the criminal legal system.

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***VAWA programs are due to expire in 2005. This provides the battered women’s movement with a significant opportunity to reassess the priorities, structure and allocation of resources within VAWA.***

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## Critical Questions for VAWA 2005

VAWA programs are due to expire in 2005. This provides the battered women's movement with a significant opportunity to reassess the priorities, structure and allocation of resources within VAWA. This assessment process must include the critical conversations that are taking place within communities of color and their allies regarding the potential harm of the criminal legal system focus in VAWA. One outcome of these conversations is the importance of shifting resources into community-based work. Currently, new strategies that engage community members rather than legal systems are being tested in communities around the country. Important questions to be asked in VAWA reauthorization are: would federal funding help or hamper these developing initiatives? Is VAWA the right vehicle to bring resources to community engagement programs? What are the missing links in the safety net for victims in diverse communities? The answers to these questions are not found in Washington, D.C. but rather among community activists and survivors throughout the country. Linkages must be built between those engaged in innovative programs on the frontlines and advocates working on federal legislation.

Washington, D.C.-based advocacy groups are working today to assess priorities for VAWA reauthorization. NNEDV chairs one committee that is examining the basic structure of the major VAWA grant programs. This committee includes representatives of state domestic violence coalitions, national organizations, community-based organizations and local activists. Issues that have been identified include reviewing the funding formula between law enforcement, prosecution, courts and victim services, as well as strengthening the requirements for state VAWA planners to work with marginalized communities in a meaningful way. Other committees are looking at enhancing policy issues within VAWA, including Full Faith and Credit, immigration protections, crafting an appropriate research agenda and developing prevention programs.

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At the same time, we must be aware of the difficulties of moving a large piece of legis-

lation through Congress while employing political strategies that are practical and realistic. The political climate in Washington at the time of reauthorization may have a great influence on the expansiveness of VAWA 2005. If new programs are envisioned and additional resources required, we must build the political muscle to move such a bill through Congress.

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*Battered women's advocates and allies must fill the seats of committee rooms and jam the Capitol switchboard when the time comes for critical votes on VAWA 2005.*

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The political momentum to pass this legislation cannot rest only with battered women's shelters and programs. Alliances must be built with a wide range of organizations and individuals that support the goals of VAWA. Old-fashioned political organizing is needed to build a strong, grassroots campaign for VAWA reauthorization. This includes electronic organizing, house meetings, rallies, letter-writing campaigns and personal visits with members of Congress. Battered women's advocates and allies must fill the seats of committee rooms and jam the Capitol switchboard when the time comes for critical votes on VAWA 2005. Our political



tenacity must match the courage that battered women demonstrate every day in their struggles to protect themselves and their children. Only then can we be assured that VAWA will fulfill its promise to all women. **A**

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*Lynn Rosenthal is the Executive Director of the National Network to End Domestic Violence, a social change organization working to create a social, political and economic environment where violence against women no longer exists. NNEDV represents state domestic violence coalitions and allied organizations and is steadfast in its mission to ensure that public policy is responsive to the needs of battered women and their children. Lynn can be reached at 202-543-5566 or through the NNEDV web site at [www.nnedv.org](http://www.nnedv.org).*

- 1 Women and Violence Hearings before the Senate Committee on Judiciary, 101<sup>st</sup> Congress, Part 2, 99 (1990) (statement of Tracey Motuzick).
- 2 The Domestic Violence Coalition on Public Policy (DV COPPS) was an informal network of state domestic violence coalitions led by Texas, Illinois, Pennsylvania, Connecticut and Missouri. DV COPPs members were instrumental in the drafting and passage of VAWA in 1994.

DV COPPS incorporated as the National Network to End Domestic Violence in 1995, and now represents 48 state and territory domestic violence coalitions.

- 3 Several versions of legislation reauthorizing this program have been passed into law. The "Keeping Children and Families Safe Act" of 2002 (H.R. 5601) included a simple reauthorization of the program to be placed in the Department of Health and Human Services. This program was not funded in the 2003 Department of Health and Human Services budget. An enhanced version of the program was included in the "Protect Act" of 2003 (S. 151). This legislation places the program in the Department of Justice Office on Violence Against Women. Fifteen million dollars have been set aside out of STOP grant funding in the 2004 Omnibus Appropriations Act that has passed the House of Representatives. The Omnibus Appropriations Act for 2004 is still pending in the Senate. The future of this funding is uncertain because advocacy groups are generally not supportive of funding this new program out of STOP monies. As a separately authorized program, it should include its own line item in the federal budget.

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voice, our passion and our political muscle—when we are faced with budget cuts and waves of women asking for our assistance. But here we are, and Congress must hear from us.

We have an opportunity to broaden the priorities for funding under VAWA. We have an important role to play at the local and national level. At the local level, we must build stronger networks with allies outside of the battered women's movement and organize to support the reauthorization of VAWA in 2005. At the national level, we must push for full funding of the comprehensive needs and services identified by battered women and their children. Together, we must demand that the government fund the key social supports that battered women have always asked for—affordable housing, employment opportunities and childcare—all vital resources that are necessary for any battered woman to achieve independence, freedom and safety. **A**

# Resources

## Organizational Resources for VAWA 2005

National Network to End Domestic Violence: [www.nnedv.org](http://www.nnedv.org)

National Coalition Against Domestic Violence: [www.ncadv.org](http://www.ncadv.org)

Family Violence Prevention Fund: [www.endabuse.org](http://www.endabuse.org)

NOW Legal Defense and Education Fund and the National Task Force to End Sexual and Domestic Violence: [www.nowldef.org](http://www.nowldef.org)

National Alliance to End Homelessness: [www.naeh.org](http://www.naeh.org)

National Center for Victims of Crime: [www.nvc.org](http://www.nvc.org)

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# And, Now What?

## Organizing for VAWA Reauthorization 2005

by Lynn Rosenthal

Advocates will play an important role in reauthorizing the Violence Against Women Act in 2005. State domestic violence coalitions, local programs, community activists and survivors of violence should all be involved in these efforts. Building linkages now will help bring about a strong, progressive bill that will address the needs in the field. Grassroots organizing should begin TODAY to build the political muscle to move the bill through Congress next year.

Starting now, local and statewide task forces addressing violence against women should ask the critical questions that will inform the direction of the legislation. Information gathered at the local and state level can be directed to state domestic violence coalitions. State coalitions meet regularly with NNEDV and can bring your critical information to the attention of national advocacy groups working on VAWA 2005.

- How can we start now to organize support for reauthorization of VAWA 2005? What groups, organizations and activists should we approach to serve as allies in this effort? How can we use electronic strategies and community organizing to solidify this support?
- How can VAWA 2005 move beyond the current focus on the criminal legal system to address a more comprehensive vision for ending violence against women? What programs in our state and local communities successfully address the full range of women's needs? Can these programs be replicated?
- What are some of the new strategies for engaging communities in ending violence against women? Would federal funding for community engagement strategies help or hinder these initiatives? How can we ensure that community activists will continue to play strong leadership roles in such initiatives?
- How are efforts to reform the criminal and civil legal system working out in our state and local communities? What grant programs have demonstrated tangible successes in addressing victim safety and offender accountability? What programs in the criminal and civil legal systems should continue in VAWA 2005?
- How can federal legislation help reduce the damaging effects of the criminal legal system in communities of color? How can the institutional racism in the criminal legal system that results in different treatment of both victims and perpetrators of color be addressed?
- Is the STOP grant funding process working well in our state? What changes could be made to ensure that STOP grants address the needs of marginalized communities? How can representatives of a wide diversity of communities be represented in the STOP grant planning process?
- What relationships does our local program or state coalition have with Indian Tribes, Bands or Nations? Do we know enough about the needs of Native women and children to serve as effective advocates on these issues?
- What resources are needed to address violence against Native women? How can we support the leadership of Native women when making changes in federal legislation to both support sovereignty and address the problem of violence against Native women?
- Do we understand the laws governing the involvement of 501(c)3 organizations in federal lobbying? Do we need legal advice to ensure that any lobbying efforts we undertake are in compliance with federal law?

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