

# The Violence Against Women Act Turns Ten!

*After years of hard work and extensive lobbying efforts on the part of advocates all over the country, Congress passed the Violence Against Women Act (VAWA) as part of the Violent Crime Control and Law Enforcement Act. The legislation, drafted by the National Network to End Domestic Violence, was signed into law by then-President Bill Clinton on September 13, 1994.*

*VAWA targeted the problem of domestic violence in large part through the funding of unprecedented collaborative efforts.*

*Funds were authorized to prosecute perpetrators; educate the public about domestic violence, stalking, sexual assault, and the legislation itself; train law enforcement officers, prosecutors, court personnel, and other criminal justice workers; create partnerships among law enforcement and victim service providers; and improve direct services to victims. Crucially, immigrant victims were finally able to get legal status in the U.S. independent of their abusers. Offender penalties were increased as well. VAWA was reauthorized in October of 2000. (To take a look at the legislation, head to [www.ncdsv.org](http://www.ncdsv.org). Click*

*on Resources, then on Publications, then on Legal, and scroll down. Both the 1994 Act and the 2000 reauthorization are available.)*

*To commemorate this historic milestone, the National Center contacted several experts (see listing, next page) for their take on VAWA, ten years later. Here's what we heard.\**

## Life before VAWA

**CC** Protection orders weren't valid across state lines, a big deal for a border state like Missouri [orders of protection weren't valid across *any* state lines at the time]; there was no national domestic violence hotline ... the vast majority of state coalitions — if they existed with any staff — had very very meager funding and a couple of staff members but were working with every system imaginable ...

**RF** Life pre-VAWA was a constant struggle of getting the needs met with a very under-resourced and often hos-

tile environment. We were working to change society to stop women from being battered or raped.

**JZ** I do not know how many victims I watched despair as the system re-victimized them by not believing them, accusing them of lying, losing their files, or in other ways telling them that their experiences were not taken seriously,

that they had not been really harmed, that they must have done something to have caused their victimization, or that they undoubtedly enjoyed what had happened.

**LO** I represented many, many victims locked in abusive relationships with men who controlled their immigrant status or who could take steps to have them deported if the women took action.

**DA** There was very little attention to perpetrators. Batterers were not being arrested in large numbers. Even when they were, their cases were often being dismissed or they were getting probation with no rehabilitative conditions. The burden of change seemed to remain solely on victims.

**MVH** When I started in law enforcement it was in July of 1971. In those years you simply did not have a great number of "family disputes." It was something that was not reported as frequently as today, because it was accepted and thought of as a personal family matter and because we did not have in place the good laws that we do today. As a general rule, law enforcement responded when there was injury and medical treatment for broken bones or serious life-threatening injury was evident and a witness or neighbor called in for help. ... If law enforcement was fortunate and arrived on the scene early, [we] listened to the parties and tried to find some way to resolve things within the household. Many times this was handled by taking the wife (bleed-

ing) to her sister, children, parents, or a friend, and that was the end of the matter. I can recall when small children were present, and often crying, that we insisted that the



The Board of the National Network to End Domestic Violence (NNEDV) celebrates passage of VAWA, 1994. From left: Debby Tucker (formerly of the Texas Council on Family Violence and now Executive Director of the National Center), Jan Mickish (formerly of the Colorado Coalition Against Domestic Violence), Joan Stiles (formerly of the Massachusetts Coalition of Battered Women's Service Groups), Vickie Smith (formerly of the Illinois Coalition Against Domestic Violence, now Deputy Director of the National Center), Donna Edwards (first Executive Director of NNEDV), Colleen Coble (Missouri Against Domestic Violence), Susan Mize (formerly of the Maryland Network Against Domestic Violence), and Susan Kelly-Dreis (Pennsylvania Coalition Against Domestic Violence).



Catherine Pierce, Kathy Schwartz, and Bonnie Campbell, early staff members at the Office on Violence Against Women; and Sherry Frohman, New York Coalition Against Domestic Violence, at an NNEDV meeting, 1995.

*\*Comments have been edited to suit the available space.*

husband leave for the night and go to one of his friends' homes. A focus much of the time was to "buy some time" while the alcohol left the husband's system and then we simply hoped that everything would be fine again.

### Working to pass VAWA

**DT** When then-Congressman Jack Brooks of Texas, Chair of the Judiciary Committee, realized that the self-petitioning section of VAWA [that allows women to request to remain in the country on their own if their sponsor is the batterer] was causing controversy among members of the Committee, he directed Pat Reuss and myself to meet with several members for 30 minutes and come up with an agreement. While he entertained the Committee with stories about LBJ, VAWA House cosponsors Pat Schroeder and Charles Schumer worked with us in a corner to reach an agreement that ultimately became one of the far-reaching aspects of VAWA. The support and leadership of Congressman Brooks were so critical; we wouldn't have made it without him!

**PR** Those of us in DC who needed a large grassroots movement reached out to every women's rights, anti-poverty, civil rights, worker's rights, religious, medical, and legal group we could find. Many have said that this "watered down the movement," but it was essential to getting the bill passed with the bipartisan attention and momentum that it enjoyed. The criticism was that we were asking for way too much money, and that the civil rights remedy and battered immigrant women's provisions were going beyond all reason. But we persevered and with the help of dedicated Congressional staff and their members of Congress (no more than 15 total, I'm sad to say), we got just about everything in the bill that we asked for.

### The legacy

**RF** As a result of VAWA, it seems to me, police, prosecutors, and other legal professionals are better trained and have developed an expertise to respond to the issues.

**JZ** ... we have expanded our reach to include numerous groups never before included, such as clergy, schools, and humane societies (animal abuse), and those working on prevention. We are beginning to think about unbelievable coordinated community responses, addressing violence against women at all levels, at all ages, and even realizing that it is not only women and children who are victimized, but male victims as well. Lastly, and this is extremely important, we are finally understanding that violence impacts different people very differently, and that we need to understand and work with all the different communities and populations in very different ways if we want to respond to and stop the abuse affecting them, and this includes prevention.

**OH** I was proud to work to see that this important legislation made it into law and I have been — and will continue to be — a strong supporter of OVW. Though the battle is far from over, I am proud of the progress we have made in the last ten years.

**LO** Over 25,000 immigrant victims of domestic violence have been able to get legal status in the U.S. independent



Diane Stuart, Director, Office on Violence Against Women

of their abusers and to get protection for their children. Shelters across the U.S. now understand that they need to offer services to all victims, regardless of immigrant status. Lawyers, advocates, and immigrant community-based programs across the U.S. can get VAWA funding and are seeking funding to create programs to serve immigrant populations.

**JB** We changed the paradigms. We said, "Hey, this is not a woman's fault; this is not just a women's issue." We enlisted the involvement of judges, employers, nurses, police, shelter directors, and others, and created local, coordinated community responses to violence against women. We ensured that domestic violence and sexual assault issues also had proper federal attention by establishing a separate federal Office on Violence Against Women. We are by no means done. But we've come a long, long way.

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## Contributors

(in alphabetical order)

**AK: Andy Klein**, former Chief Probation Officer, Quincy, MA; Senior Research Analyst, BOTEC Analysis Corporation; author of *Criminal Justice Response to Domestic Violence*

**CC: Colleen Coble**, Executive Director, Missouri Coalition Against Domestic Violence, Jefferson City, MO

**DA: David Adams, Ed.D.**, Program Director, EMERGE, Boston, MA

**DE: Donna Edwards**, former Executive Director of the National Network to End Domestic Violence; Executive Director, the Arca Foundation, Washington, DC

**DT: Debby Tucker**, Executive Director, National Center on Domestic and Sexual Violence, Austin, TX

**FL: Fernando Laguarda**, Chairman, National Network to End Domestic Violence Fund, Washington, DC

**JB: Joseph Biden**, United States Senator (D-DE), original author of VAWA, along with Senator Hatch

**JZ: Joan Zorza**, Attorney and Editor, *Sexual Assault Report and Domestic Violence Report*, Washington, DC

**LO: Leslye Orloff**, Associate Vice President and Director of the Immigrant Women Program, Legal Momentum, New York, NY

**LR: Lynn Rosenthal**, Executive Director, National Network to End Domestic Violence, Washington, DC

**MVH: Marvin VanHaften**, former Marion County Sheriff; Director, Governor's Office of Drug Control Policy, Des Moines, IA

**MW: Mark Wynn**, formerly of the Nashville Police Department; Wynn Consulting, Nashville, TN

**OH: Orrin G. Hatch**, United States Senator (R-UT) Chairman of the Senate Judiciary Committee and an original author of VAWA, along with Senator Biden

**PR: Pat Reuss**, Senior Policy Analyst, National Organization for Women, Washington, DC

**RF: Rus Ervin Funk, MSW**, Coordinator of Education and Training, Center for Women and Families, Louisville, KY

**SC: Sheryl Cates**, Executive Director, National Domestic Violence Hotline, Austin, TX

**DE** When an advocate of any kind is in a position of having to work with the very systems that present challenges to the women we serve, there's the chance that we can sometimes lose touch with where our responsibility is. We have to be on guard for that and recognize that there is a valid and valuable role for those advocates who are challenging the system as well as for those who are working within it. Part of the reason I suggest this is because VAWA meant a whole lot of money going into the movement, [funding] development, training, capacity-building, etc. And some of that is terrific, but we all know that when there's money, there's the challenge that the lure of money can take you off your game. I think that the domestic violence movement needs to be able to step back from the VAWA money to examine the question of advocacy.

Alliances with other programs that do not focus on domestic violence are important. I've heard of social change agencies that do not have a relationship with their local domestic violence program. We need to be part of those communities and part of those movements.

**SC** VAWA created the National Domestic Violence Hotline, which provides a vital link for women in our nation to receive life-saving information and become connected to local emergency services and domestic violence programs. This effort has saved thousands of lives. VAWA has dramatically increased victims' options to lead a life free from violence.

**LR** 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.

### VAWA's biggest impact

**CC** Federal and state legislators started paying much closer attention

to domestic violence, sexual assault, and stalking as issues of importance that their constituents admired them for addressing.

**FL** [VAWA] put violence against women squarely in the public policy debate and made it unacceptable to ignore any longer.

**LO** [VAWA] has ... significantly enhanced, through its various generations, the rights of immigrant victims. It's both the funding and the legal framework that are important — the recognized need to emphasize that a fair share of VAWA funding go to underserved populations as well as the emphasis on these rights.

**DA** [VAWA] has fostered coordinated community responses to domestic violence. Across the nation, these teams have worked together to identify and remedy weak links in their responses to domestic violence. Over and over again, I've been impressed with the ability of these teams to come up with creative solutions to old, and seemingly intractable, problems.

**MVH** From my perspective the best things that happened were: when the mandatory arrest law was passed, and law enforcement had a great tool to end the abuse immediately and permanently at that point in time; and when protective/restraining orders became a reality and mandatory arrest for violating them was included; this was [also] a powerful tool for abusers who "were slow learners."

**MW** I've seen the impact of this horrific [type of] crime for more than forty years as a survivor, police officer, and advocate. In my lifetime [VAWA] has been the most significant legislation this country has ever enacted. Simply put, the Violence Against Women Act has saved lives of victims, family members, and police officers and will continue to save lives for many years to come. We (the United States) have become the beacon of hope

for victims around the world, yet we have so far to go. We should celebrate this occasion and recommit ourselves to a future of peace and safety for our families.

### Hindsight is 20/20

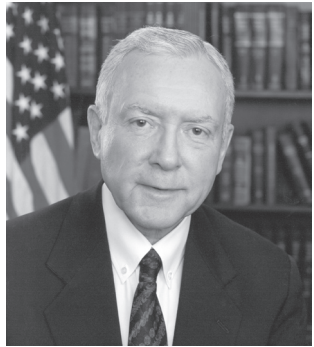
**CC** We should have put in more money for direct services at the beginning — by a factor of 50. That's a haunting [reality] that we struggle with daily.

**AK** With the benefit of hindsight, I would have emphasized the crime of battering and de-emphasized the uniqueness of its perpetrator. The whole batterer-intervention focus has not proved a productive one. Rather, I would have focused on appropriate penal sanctions.

**JZ** What we failed to see was that we had to, and still have to, take on the much broader issues of gender bias against women and women's equality. We have not even begun to do much of the research to back up some of what we need to show — e.g., that compared to men, women are far more credible. Until we can exclude all of the myths that defense attorneys routinely argue as fact (e.g., "hell hath no fury like a woman scorned") and we can exclude jurors who believe that "no means yes," victims will not be treated fairly in court. As far as the predominant means of resolving custody disputes in our family courts, we have allowed mediation, presumptions of shared parenting, and other tactics that have always worked to women's disadvantage and that have never helped children from abusive families. (These tactics have often been allowed even when children have been sexually abused by their fathers.)

**DE** It would have been helpful to spend a little more time educating ourselves and policy makers about ways to address issues of violence against women outside of the criminal justice system model. Of course, when VAWA was moving forward, about the only thing Congress was funding was anything

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Senator Orrin G. Hatch (R-UT)



Senator Joseph Biden (D-DE)



Tucker and Pat Reuss at a five-year celebration for the National Domestic Violence Hotline, 1999.

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that had a criminal justice label; all of these received full funding.

So even though the legislation contained other elements, the criminal justice system was the vehicle. And I think that we would all be advised to think about what that meant, especially to communities of color. This goes back to connecting with other social organizations — we know that communities of color have a palpably different relationship with the criminal justice system than almost any other community we can identify. For battered women of color, routing everything through this system might not have provided the best avenue to address their life experiences.

We simply didn't have enough women of color around the table at a leadership level challenging those assumptions, and I would say that the movement is still rather deficient in this respect. I could figure that on some of the provisions and priorities, we might have thought of those differently had a different set of people been sitting around the table.

**DT** We underestimated the amount of energy and the level of resources that would be required to truly change the criminal justice system. We had a naïve view that if we simply provided resources and came to the table with the criminal justice system, things would change.

**Future of VAWA**

**RF** I hope it increases efforts on, funding for, and attention to prevention efforts (targeting males on how not to be abusive).

**AK** Unless VAWA enforces strong performance standards that are backed up by real data and leadership, its impact will dissipate and it will go the way of Law Enforcement Assistance Act and other federal funding programs, which were designed to promote innovation but de-

veloped into block-grant funding programs with low common denominators. As such, VAWA is vulnerable to being replaced by the next issue, probably homeland security.

**PR** VAWA can continue to be a funding stream for the shelters, coalitions, hot lines, rape crisis centers, and the medical and law enforcement communities. Or, it can take the quantum leap to being a social, cultural, and political movement to demand prevention, accountability, and the eventual eradication of sexual and domestic violence.

Yes, we should celebrate and reauthorize this landmark bill, but the administration and Congress are not going to take any new and bold steps without our leadership and direction. We have allies in this effort if we choose to do it ...

**JZ** One of our biggest challenges is protecting child victims of sexual and domestic violence, particularly when the abuse is happening in the immediate family ...

**DE** We should be creative about looking at political solutions that are going to make a difference for women, and we can do this by identifying collaborations. Wages, health care — we wouldn't have in the past said these were domestic violence issues, but they are. There are challenges women experience that can get in the way of their taking action to end the violence in their lives, and these issues provide an opportunity for collaboration with other organizations and movements.

**DA** ... I would like to see more emphasis on and incentives for jurisdictions to implement secondary and primary prevention efforts ... I'd like to see more ways that the criminal justice system can become more educated about batterer intervention programs and other rehabilitation efforts in the community as well as in correctional settings.

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