

Senate Judiciary Committee

**Hearings on
Violence Against Women Act**

July 19, 2005

**Statement of Melissa Wilt
Director, Public Policy
Men's Health Network
PO Box 75972
Washington, D.C. 20013**

[Submitted for the record]

Senate Judiciary Committee

Violence Against Women Act
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Statement of Melissa Wilt , Director of Public Policy
Men's Health Network

As one of the original co-sponsors of the Department of Justice and American Medical Association National Conference on Family Violence: Health and Justice in 1994, the Men's Health Network welcomes the opportunity to submit testimony regarding the reauthorization of the Violence Against Women Act (VAWA). We would like to recognize the continued dedication of the committee toward the eradication of domestic and family violence.

Our testimony examines the origins of the legislation, research findings on domestic violence, VAWA and gender neutrality, and VAWA as it pertains to family preservation. We have also recommended several amendments to the committee so that the bill might become gender inclusive and address all facets of family and domestic violence.

Some basic facts about domestic violence:

- Men and women are approximately equal perpetrators of domestic violence
- Women's violence toward men is a serious social problem (Straus, 2004 – page 16 of this testimony).
- There are hundreds of programs designed to help women living with a violent, or potentially violent, spouse.
- There are no programs designed to help men living with a violent, or potentially violent, spouse.
- When a child abuser is the parent, 2/3 of the abuse is committed by the mother (Various state Child Protective Services reports).

Some basic facts about VAWA

- VAWA fails to address the findings of the 1994 National Conference on Family Violence: Health and Justice.
- VAWA is gender specific. Based on testimony by NOW-LDEF, gender specific legislation is unconstitutional. (NOW-LDEF to House Ways and Means Committee, Subcommittee on Human Resources, October 4, 1999 (Pages 9-11 of this testimony))
- VAWA distributes funds under a flawed, convoluted grant system and creates barriers for new organizations to receive funds.
- VAWA prohibits programs that would help families where the woman is the violent spouse, or where she needs to learn to solve family disagreements in a socially acceptable manner.
- VAWA's must arrest policy places the most vulnerable of our population, children, at risk for parental abuse.

Legislative Changes Needed to Break the Cycle of Domestic Violence:

- The legislation should be gender inclusive, ensuring that benefits and programs are available to all victims of family violence.
- In order to address the flawed funding system, the Secretary should be given the power to determine which state agency should determine grant recipients and dispense funds.
- Faith based organizations should be eligible for funding.
- New programs should be eligible for funding.
- The legislation must focus on preserving the family as a first option.

Origin of VAWA

In 1994, the Department of Justice, American Medical Association, Men's Health Network and other interested organizations co-sponsored the National Conference on Family Violence: Health and Justice, in an attempt to address this disturbing issue. As stated in the original conference program, the conference was intended to "improve the

response of the health and justice systems to family violence and to foster the collaboration between them”. Their goals included developing of a “common language” to inform health care professionals, assessing the role of the health and justice systems, examining of programs designed to intervene in and rehabilitate homes where domestic violence is present, analyzing the role of the media, and most importantly, working to prevent future domestic violence.

The resulting legislation was the Violence Against Women Act (VAWA), which has continuously failed to address several of those goals.

After the creation of the legislation, Men’s Health Network inquired as to the failure to include men in the bill, despite the conference’s focus on family violence. Robert McAfee, then acting president of the AMA, addressed MHN's concerns, citing the AMA’s *Diagnostic and Treatment Guidelines on Domestic Violence*.

“Domestic violence, also known as partner abuse, spouse-abuse, or battering, is one facet of the larger problem of family violence.... Most research has focused on women... However the terms of spouse-abuse and partner-abuse reflect an awareness that men also can be abused in intimate relationships” (AMA, 1992).

Dr. McAfee’s comments reflect how skewed the legislation has become. VAWA does little to actually remedy the problem of domestic violence and does not address several of the conference’s original goals: it is not gender inclusive, allocates funds under a flawed grant system, and ultimately promotes family break-up, not reconciliation.

Research on Domestic Violence

Dr. Murray Straus of the University of New Hampshire has been a pioneer of domestic violence research. Spanning several decades, his findings consistently show that domestic violence is equally perpetrated by both spouses and affects all family members. (Pages 15-16 of this testimony)

In his 2004 study titled “Women’s Violence Toward Men Is a Serious Social Problem”, Dr. Strauss defines and measures assault as well as examines the rates at which violence is directed toward each sex. Dr Straus recognizes that physical assaults are not always the most damaging types of abuse and that “one can hurt a partner deeply- even drive them to suicide- without lifting a finger” (Straus, 2004). He finds that despite a much lower probability of physical harm, women do initiate a substantial percentage of domestic violence. Even these minor, perhaps verbal, assaults by women place themselves at a much greater risk of physical retaliation by the man. He writes:

“It will be argued that in order to end “wife beating,” it is essential for women also to end what many regard as a “harmless” pattern of slapping, kicking, or throwing something at a male partner who persists in some outrageous behavior and ‘won’t listen to reason.’ (Straus, 2004)”

Dr. Straus is one of many researchers whose research has proven equally perpetrated rates of domestic violence. Also of note, at the University of California, Long Beach, is Dr. Martin Fiebert, who has compiled an annotated bibliography of over 120 scholarly investigations, empirical studies and analysis on domestic violence. His piece titled “References Examining Assaults by Women on Their Spouses or Male Partners: An Annotated Bibliography” consistently demonstrates that women are as physically aggressive, or more aggressive, than men in their relations with their spouses or male partners. The aggregate sample size in the research exceeds 72,000 cases.

Some posit that the actual number of domestic violence cases against men is under reported. Men, who are stereotyped as the physically and emotionally stronger sex, often fail to report incidents because it would be damaging to their egos. There is little societal acceptance for men who are simply not “man enough” to stand up to their wives.

Despite the conclusive evidence, there is still no gender inclusive legislation to help combat domestic violence. Essentially, VAWA currently ignores half of the domestic violence problem.

Gender Neutrality?

Senator Joe Biden, who wrote the original legislation, declares that VAWA is gender neutral. He says “Violence is violence no matter why that gender of the victim. Because of that, the Violence Against Women Act applies to all victims of domestic violence, irrespective of their gender. Nothing in the act denies services, programs, funding, or assistance to male victims of violence.” (The News Journal, 2005). While this may be his intention, further analysis of the bill shows that it is not gender neutral and fails to address violence perpetrated by women

VAWA routinely excludes males from receiving benefits and services when the wife is the abusive spouse. The legislation fails to include programs addressing violence perpetrated by women, such as programs are that would teach women how to deal with family disputes without resorting to violence. Additionally, there are no programs that would provide assistance to men and their children who are living with a violent spouse, as a women would receive if the male were the perpetrator

Roy Getting, president of the National Fathers’ Resource Center in Dallas, Texas, hoped to take advantage of VAWA funds in order to assist the several hundred local men and children affected by domestic abuse. Despite the need for the services his organization provides, his grant applications have routinely been rejected. The Texas VAWA grant application is quite clear on this issue, stating that “Grant funds may not be used for the following: Services for programs that focus on children and/or men”. (Pages 12-14 of this testimony)

VAWA comes with a hefty 4 billion dollar price tag and a rather convoluted and decentralized grant system. VAWA grants are controlled by domestic violence coalitions that consist of the same organizations, or their sister organizations, that are recipients of the grants and work to put up barriers to new, outside applicants. Faith

based organizations, often those most trusted by communities, are also excluded. In essence, VAWA has created a four billion domestic violence industry.

Family Destruction, not Preservation

Procedures implemented by VAWA funded organizations and by incentives to local law enforcement, work to destroy families, rather than preserve them. This is accomplished by removing a parent (usually the father) from the home when there is a family dispute, placing that person under arrest. The male is then required to pay for a lengthy therapy program even if he was not the originator of the dispute, rather than working with the family to help them solve their disputes, save their marriage, and provide a safe environment for their children. In this respect, VAWA is neither managing --nor *solving*-- domestic violence in the United States.

Further, VAWA's must arrest policy often leaves children with the parent who initiated the violence, perhaps contributing to the fact that 2/3 of confirmed parent child abuse is committed by the mother, not the father.

Suggested Language Changes

Men's Health Network is dedicated to amending VAWA to ensure that it is gender inclusive upon reauthorization, preserves rather than destroys marriages, and protects children by insuring that the parent originating violence in the home learns to address family disputes in a socially acceptable manner. MHN offers the following suggested language changes:

- Nondiscrimination: The funds made available under this part shall be apportioned and expended under a formula to be developed by the Secretary that assures that substantially equal levels of benefits and services are available for female victims, male victims, and elderly victims of family and domestic violence.

- Each place in the statute where Domestic Violence Coalition appears, replace with: “A State governmental agency operating under guidelines promulgated by the Secretary.”

also –

- Faith-based organizations should be eligible for funding.
- Family preservation. Programs should provide counseling to preserve the family following an alleged domestic violence incident.
- Open up grants and funding to new programs, eliminating any provisions that require years of service before becoming eligible for funding.

Concluding Remarks

The solution to the domestic violence epidemic is simply not found in VAWA. Before VAWA can be considered an effective tool to fight domestic violence, numerous modifications must be made. Upon reauthorization it must be made gender inclusive so that funds may be made available for programs that provide services for female victims, male victims, and elderly victims of family and domestic violence. With four billion dollars, VAWA supporters cannot cite poor funding as an excuse not to include both sexes and all ages.

Additionally, faith based and organizations that provide services for men must be eligible to apply for funds under a fair and transparent grant system. Above all, legislators should take a new approach to solving the problem, again stressing family preservation, not destruction. While recognizing that in some cases family members should be estranged from one another, we need to work to make it the last resort, not the first.

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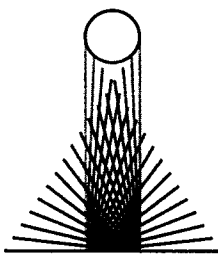
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For The Record

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October 4, 1999

BY FACSIMILE

Representative Nancy L. Johnson
Chair, Subcommittee on Human Resources
Ways and Means Committee
U.S. House of Representatives
Rayburn B-317
Washington, D.C. 20515

Dear Chairwoman Johnson:

I am writing to inform you that portions of the proposed Fathers Count Act of 1999 are unconstitutional as presently drafted. Because they tie the federal benefits available under the Act to gender (i.e., "fatherhood"), these provisions violate the equal protection guarantee of the Fifth Amendment to the Constitution. Further, to the extent that Act targets certain grants to state programs offering gender-specific benefits, it would operate to encourage states to violate the equal protection clause of the 14th Amendment to the Constitution. As recently set out by the U.S. Supreme Court in Saenz v. Roe, 119 S. Ct. 1518 (1999), Congress cannot authorize states to accomplish indirectly what Congress itself is constitutionally prohibited from doing.

I point out just a few examples of the gender-specific provisions in the Act. Section 442© (2) sets out preferences for awarding matching grants to entities which, inter alia, have obtained a "written commitment . . . that the State will cancel child support arrearages owed to the State in proportion to the length of time that the father maintains a regular child support payment schedule." (Emphasis added). Thus, this provision supports and encourages states to adopt policies that give fathers -- but not mothers -- relief from child support payments under certain circumstances. Similarly, Section 442© (3) of the Act requires that 75 percent of the available grants be awarded to entities that will "suspend all child support arrearages owed to the State by any participating father for so long as the father makes timely payments under a child support order or maintains a

marital relationship with the custodial parent involved.” This provision extends only to fathers the opportunity to avoid child support arrearages by making timely child support payments and maintaining a marital relationship. See also Section 442(e) (authorizing exchange of information on fathers).

Sex-based classifications are subject to “skeptical scrutiny,” requiring an “exceedingly persuasive” justification to uphold the distinction. United States v. Virginia, 518 U.S. 515 (1996). Recently, a majority of the Supreme Court indicated that gender-based stereotypes about the respective caregiving roles of fathers and mothers are not a permissible basis for sex-based distinctions in a federal statute. Miller v. Albright, 118 S. Ct. 1428 (1998) (O’Connor, J.; Breyer, J.); see United States v. Ahumada-Aguilar, 1999 U.S. App. LEXIS 20964 (explaining Miller v. Albright). As Justice Breyer noted in Miller, statutory distinctions that “depend for their validity upon the generalization that mothers are significantly more likely than fathers to care for their children” violate constitutional standards. Miller, 118 S. Ct. at 1461. Accord Miller v. Albright, 118 S. Ct. at 1445 (O’Connor, J.) (“It is unlikely . . . that any gender classifications based on stereotypes can survive heightened scrutiny”). See also Califano v. Westcott, 443 U.S. 76 (1979) (striking down sex distinction in AFDC-UF program providing benefits to families with unemployed fathers but not unemployed mothers). Because noncustodial mothers and noncustodial fathers are similarly situated with respect to payment of child support, the provisions of the Fathers Count Act which explicitly favor families with noncustodial fathers violate the constitutional requirement of equal protection.

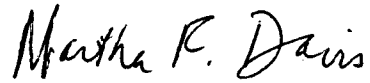
We are also concerned that the Fathers Count Act incorporates a distinction between noncustodial and custodial parents which operates to disparately harm mothers. Title II of the proposed bill adds a new Section 301(b) to the existing Welfare-to-Work law pertaining to noncustodial parents. This provision would expand availability of funding under the program to projects that serve noncustodial parents who are “unemployed, underemployed, or having difficulty in paying child support obligations.” Section 301(b)(2). In contrast, under this legislation, custodial parents would have to establish that they are “hard to employ” by meeting one or more specific, restrictive criteria.

According to the 1998 Green Book, the overwhelming number of single parent families with children under 18 are maintained by mothers (84%). Green Book, p. 547. Therefore, the proposed conditions for participation in welfare to work programs -- which make funds available to noncustodial parents (fathers) based on broad criteria, while requiring that custodial parents (mothers) meet specific eligibility requirements -- have the effect of prioritizing fathers. Instead of creating separate tracks for custodial and noncustodial parents, the eligibility criteria for these parents should be equivalent.

Representative Nancy L. Johnson
Human Resources Subcommittee
page 3

I hope this analysis is helpful. Please do not hesitate to contact me if I can provide further assistance.

Very truly yours,

A handwritten signature in black ink that reads "Martha F. Davis". The signature is written in a cursive style with a large initial 'M' and 'D'.

Martha F. Davis
Legal Director

National Fathers' Resource Center
ROY A. GETTING



Father's for Equal Rights, Inc.
DALLAS CHAPTER

April 18, 2005

Men's Health Network
 P.O. Box 75972
 Washington, DC 20013

Dear Sirs:

You asked about our experiences applying for VAWA funds to address the needs of male victims of domestic violence and their children.

The first year that we applied for funds to aid men and their children we used the Dallas City police statistics to show there was a real need but no adequate services for men provided in the Dallas area. (Dallas County has five women's shelters, but no shelters for men.) We were advised by our North Texas Council of Governments (NTCOG) of the grant process and training sessions that were needed to service persons who have a violent spouse or companion. NTCOG helped review our grant before it was submitted. The grant application was rejected.

After the grant failed to get enough points to advance, I was able to review the score sheets to determine our short fallings. It turned out that the women's shelters scored us at zero while the police agency on the review panel scored us in the 70s.

The next year we revised our grant and scored much better. This was due to 1) a better application, and 2) a change in the scoring (an agency could no longer vote on grants that they were also applying for). The grant application was again rejected. We were advised that the funds could not be used for our men and children's domestic violence project because the grant was only available for services for women.

We did not apply during the most recent grant cycle because of the ineligibility requirement that the money is only available to women. This exclusion is stated quite clearly in the State of Texas grant application.

Even using the Department of Justice's figures stating that 34% of the domestic violence is against men (rather than some studies showing almost 50%), Dallas County has several hundred men and children going without help. We had hoped to fill that need.

I believe the intent of the original law was to have the funds available to the entire citizenry not just a portion. I have been advised by our board of directors that as soon as the criteria are changed, we will reapply. Until that time, the board does not wish the staff to expend energy in this area.

Sincerely,


 Roy A. Getting

GRANT APPLICATION KIT

VIOLENCE AGAINST WOMEN ACT

(3-10-03 – found at: www.governor.state.tx.us/divisions/cjd/formsapps/files/VAWA_Application_Kit_XP.doc)

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INTRODUCTION

The Office of the Governor, Criminal Justice Division (CJD) prepares and publishes a number of documents to assist the applicants in applying for and administering grant funds to implement effective programs. The Grant Application Kit, published for each grant program, provides the applicant with everything needed to apply for funds including: a description of the program and uses of the funds, the eligibility and application requirements, and the application forms. These kits are intended to be a resource to apply for funding opportunities offered by the Governor's Office through state or federal funding sources. The grant application kits' user-friendly interface will help the applicant locate and access information for the available funding opportunities.

TOOLS

CJD has greatly improved their grant-application processes to include most of the required forms, attachments, and checklists in a format that is interactive (fill-in-the-blank). Therefore, the user easily navigates through each document with a clear, concise, and time-saving method to complete the application kit. Within the application kit, there are navigational tools to guide the user.

VERSION

The minimum version needed to use the interactive application kit is Microsoft Word & Excel 1997.

GENERAL RESOURCES

CJD has provided a list of helpful links to assist the applicant in locating local, state, and federal resources.

Resource	Link
Governor's Office – Criminal Justice Division	CJD
Council of Governments - Criminal Justice Staff Directory	COG – Alphabetical List & Map
Texas Association of Regional Councils	T.A.R.C.
Community Planning Guide	GUIDE
Texas Administrative Code	T.A.C.
Uniform Grant Management Standards	U.G.M.S.
Violence Against Women Office Federal Website	V.A.W.O.
Office of Justice Programs Financial Guide	O.J.P.
Office of Management and Budget	Circular A-21
	Circular A-87
	Circular A-122
Project Evaluation & Progress Reporting – Juvenile Justice & Prevention Programs	T.A.M.U
Project Evaluation & Progress Reporting – Victim Services and Criminal Justice Programs	T.A.M.U.

STEP 1: DETERMINE ELIGIBILITY

The first step toward applying for a grant is to determine if your agency is an eligible applicant.

Then, determine if the project is eligible under CJD general eligibility requirements.

Primary Mission and Purpose (28 C.F.R., Part 90)

The STOP Violence Against Women Act (VAWA) program provides funds to projects with the primary mission of developing and implementing effective, victim-centered law enforcement, prosecution and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving violent crimes against women.

Federal Distribution Requirements (28 C.F.R., Part 90 and Division B, VAWA 2000, Section 1102)

According to federal rules, CJD must distribute at least 25% of grant funds for law enforcement programs, 25% for prosecution programs, 30% for victim services programs, and 5% for court programs.

Funding Levels

Minimum Award - \$5,000
 Maximum Award - \$80,000
 Maximum Award for Violence Against Women Courts - \$250,000

Eligible Applicants (T.A.C., Section 3.905)

- ❖ State Agencies
- ❖ Non-Profit Corporations
- ❖ Indian Tribal Governments
- ❖ Community Supervision & Corrections
- ❖ Councils of Governments
- ❖ Local Units of Government
- ❖ Faith-Based Organizations
- ❖ Crime Control Prevention Districts
- ❖ Universities

Eligible Activities (Purpose Areas) (28 C.F.R., Part 90 and Division B, VAWA 2000, Section 1103)

- ❖ Training
- ❖ Special Units
- ❖ Policies and Protocols
- ❖ Data Collection
- ❖ Victim Services
- ❖ Stalking
- ❖ Indian Tribes
- ❖ Multidisciplinary Efforts
- ❖ SANE Nurses
- ❖ Elder Abuse
- ❖ Immigration

Additional Requirements (State Priorities)

(T.A.C., Section 3.903)

- ❖ Priorities for Victim Services Projects
- ❖ Priorities for Law Enforcement Projects

- ❖ Priorities for Prosecution Projects
- ❖ Priorities for Court Projects

General Eligibility Requirements:

Applicants must also comply with the following statements to be eligible for funding:

- ❖ If a local application, the proposed project is in response to priorities set in a community plan. The criminal justice planner at your regional council of governments can help you make this determination and can explain the requirements of the program.
- ❖ A representative of the applicant agency for a local project has attended, or will attend, a mandatory grant application workshop if the regional council of governments requires it.

Ineligible Activities

- ❖ Programs that focus on children and/or men;
- ❖ Legal assistance and representation in civil matter other than protective orders;
- ❖ Cash payment to victims;
- ❖ Employment agency fees;
- ❖ Fund-raising;
- ❖ Liability Insurance on buildings;
- ❖ Major maintenance on buildings;
- ❖ Newsletters, including supplies, printing, postage and time;
- ❖ Legal defense services for perpetrators of violence against women; and
- ❖ Any expense or service that is readily available at no cost to the grant project or that is provided by other federal, state, or local funds, including the Texas Crime Victims Compensation Fund.

STEP 2: WRITE THE PROJECT NARRATIVE AND SUMMARY

Applications should include narrative information using the format outlined below to explain the purpose, methodology, and evaluation methods for the proposed grant project.

Part 1: Problem Statement and Data

In 40 words or less, provide a statement of the specific problem or problems this project would target. In addition to your 40-word-or-less problem statement, provide data that explain the problem. Use only data that are verifiable and relevant to your target population. For example, do not use statewide data for a local problem statement and do not use national data for a statewide problem statement. Also, provide citations for the sources of these data. Provide only the

Societal Change and Change in Family Violence from 1975 to 1985 As Revealed by Two National Surveys

MURRAY A. STRAUS
University of New Hampshire

RICHARD J. GELLES*
University of Rhode Island

This article compares the rate of physical abuse of children and spouses from a 1975 study with the rates from a 1985 replication. Both studies used nationally representative samples (2,143 families in 1975 and 3,520 in 1985), and both found an extremely high incidence of severe physical violence against children ("child abuse") and a high incidence of violence against spouses. However, the 1985 rates, although high, were substantially lower than in 1975: the child abuse rate was 47% lower, and the wife abuse rate was 27% lower. Possible reasons for the lower rates in 1985 are examined and evaluated, including: (a) differences in the methods of the studies, (b) increased reluctance to report, (c) reductions in intrafamily violence due to ten years of prevention and treatment effort, and (d) reductions due to changes in American society and family patterns that would have produced lower rates of intrafamily violence even without ameliorative programs. The policy implications of the decreases and of the continued high rate of child abuse and spouse abuse are discussed.

This paper was presented at the 1985 meeting of the American Society of Criminology. The study reported here is a product of the Family Violence Research Program, University of New Hampshire, Durham, NH 03824.

Journal of Marriage and the Family 48 (August 1986): 465-479

465

470

JOURNAL OF MARRIAGE AND THE FAMILY

TABLE 2. MARITAL VIOLENCE INDEXES: COMPARISON OF 1975 AND 1985

Violence Index	Rate per 1,000 Couples		t for 1975-1985 Difference
	1975	1985	
A. Husband-to-Wife			
Overall Violence (1-6)	121	113	0.91
Severe Violence (4-8) ("wife beating")	38	30	1.60
→ B. Wife-to-Husband			
Overall Violence (1-6)	116	121 ←	0.57
Severe Violence (4-8)	46	44 ←	0.35
C. Couple			
Overall Violence (1-6)	160	158	0.20
Severe Violence (4-8)	61	58	0.46
Number of cases ^a	2,143	3,520	

^aA few respondents were omitted because of missing data on some items, but the *n* is never decreased by more than 10.



Straus, M. A. (2004). Women's violence toward men is a serious social problem. In Richard J. Gelles & Donileen R. Loseke (Eds.), *Current controversies on family violence*, (2nd Edition ed., pp. 55-77). Newbury Park: Sage Publications.

VB33R

4

Women's Violence Toward Men Is a Serious Social Problem

Murray A. Straus



The first purpose of this chapter is to review research showing that women initiate and carry out physical assaults on their partners as often as do men. A second purpose is to show that, despite the much

AUTHOR'S NOTE: This chapter is a revision and updating of a paper presented at the 1989 meeting of the American Society of Criminology. It is a pleasure to acknowledge the comments and criticism of the members of the 1989-90 Family Research Laboratory Seminar, and also Angela Browne, Glenda Kaufman Kantor, Coramae Mann, Daniel Saunders, Kirk R. Williams, and Kersti A. Yllö. However, this does not imply their agreement with this chapter. Part of the data are from the National Family Violence Resurvey, funded by National Institute of Mental Health grant R01MH40027 (Richard J. Gelles and Murray A. Straus, co-investigators) by a grant for "Family Violence Research Training" from the National Institute of Mental Health (grant T32 MH15161).