



Forum for Equity and Fairness in Family Issues
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(Senator / Representative)
(Senate / House)
Washington, DC

Dear (Member of Congress)

We are writing to ask that language be added to all VAWA legislation making it clear that VAWA funds can be used to fund programs for both men and women. As currently applied, VAWA is interpreted as applying only to women thereby excluding programs for men who are the targets of domestic violence.

A NOW Legislative Alert dated June 12, 2000 erroneously states:

“... the Violence Against Women Act is gender neutral. Funds are available to support programs which assist men as well as women. . . .”

And further states:

“... if the language in the act were not gender neutral, it could not meet a constitutionality challenge.”

We agree that an Act which is not gender neutral could not meet a constitutional challenge and have enclosed documentation which illustrates that VAWA is **not** gender neutral and is being applied in a gender exclusive manner.

I have been involved in advocacy for male victims since 1995, am a member of the Delaware Domestic Violence Task Force, the Delaware House of Representative's Protection from Abuse Task Force, and have lectured and presented on the issue nationally and overseas. I have found that the only programs in the United States designed to assist male victims of domestic violence are privately funded and receive no VAWA assistance, even though most have tried to apply for that funding.

In Delaware, where my organization provides most of it's privately funded services, the governmental agency charged with administering VAWA funds provided to the State, through it's VAWA coordinator, has repeatedly informed me that under DOJ policy they can only grant VAWA funding to programs serving women.

Programs for male victims and their children are needed as illustrated by the 25% of arrestees for domestic violence that are women (New York Times, November 23, 1999 “Concord, NH...35%...Vermont, 23%...Boulder County, CO, one-quarter...”) and by the November 1998 DOJ study, "Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey." This study of “violence against women” found 36 % or 835,000 of the 2.3 million victims of domestic violence annually are men. While much has been done to curtail violence against women, almost no effort has been made to help male victims and their children.

Since VAWA is being applied in a gender specific manner, we suggest language be added specifying that VAWA funds can be used for programs for both male and female victims of domestic violence. The following suggested language is styled after that which NOW LDEF asked be added (enclosed) to the Fatherhood Counts Bill of 1999 because of the gender specific nature of that bill.

NONDISCRIMINATION.

The provisions of the Violence Against Women Act shall be applied and administered so as to ensure that men are eligible for benefits and services under projects awarded grants under the Violence Against Women Act on the same basis as women.

Documents which illustrate the gender exclusive application of VAWA and the NOW LDEF letter referenced above are enclosed.

Thank you for your concern for victims of domestic violence.

David R. Burroughs, Chair

VAWA Should Serve Both Men and Women

Language specifying that men are eligible for benefits and services under VAWA must be added to prevent the continued gender exclusive application of the legislation.

Whether it is because VAWA is gender exclusive, or because the Bureau of Justice issues gender exclusive guidelines, or because the states are misinterpreting VAWA grant applications, *the fact remains that VAWA as currently applied excludes services for men.*

As pointed out in the attached letter from NOW LDEF to Rep. Nancy Johnson (CT), gender specific language is prohibited by the Constitution, and legislation which:

“ . . . tie the federal benefits available under the act to gender . . . violate the equal protection guarantee of the Fifth Amendment. . . .”

“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.”

(NOW LDEF to Rep. Nancy L. Johnson, October 4, 1999)

A few examples of the gender exclusive application of VAWA:

- ☐☐ Texas grant application reads:

“Ineligible activities” include **“projects that focus on children or men.”**

- ☐☐ West Virginia application reads:

“The STOP Violence Against Women program’s (VAWA) responsibility is to develop a means by which West Virginia can ensure a safer environment for women. (Not: women and men.)

- ☐☐ Georgia on-line self-help legal service for victims of domestic violence funded in part by VAWA offers gender exclusive default language for the petition that is generated by the on-line software:

“My husband hit me many times. . . .”

“My husband punched me in the face. . . .”

- ☐☐ National Institute of Justice grant applications read:

Grants for **“Basic Research on Violence Against Women”** (not “women and men”)

Grants for **“Evaluation of Policies, Procedures, and Programs Addressing Violence Against Women** (not “women and men”)

Georgia On-line DV Program Helps Women, but Not Men

This fine web-based self-help program uses gender neutral language until the user is asked to describe what occurred. One exception is the banner on the opening pages which uses gender specific language.

**Domestic Violence happens to millions
of women each year**

LEGAL SERVICES ONLINE DOMESTIC VIOLENCE PROTECTION PROJECT FOR THE STATE OF GEORGIA

CONTINUE 

Note the following pages:

<http://www.fcny.org/gadvdemo/page11.htm>

Information about abuser

Abuser's first name: John
Abuser's last name: Doe

<http://www.fcny.org/gadvdemo/page12.htm>

Details of abuse

(Default language in the comments section is:)

“My husband hit me many times in the face and chest and arms with his hand and fist. He called me names and threatened to throw me out the window.”

<http://www.fcny.org/gadvdemo/page13.htm>

Prior Instances of Abuse

(Default language in the comments section is:)

“My husband punched me in the head and I fell and hit my head against the window sill.”

<http://www.fcny.org/gadvdemo/petition.htm>

PETITION FOR TEMPORARY PROTECTIVE ORDER

(The default language in the petition that is created assumes a male abuser and female victim and the language seen above is included as part of the petition.)

**Original VAWA language directed funds to programs for women only,
excluding programs for men.**

“Subtitle A—Safe Streets for Women” (not “women & men”)

**“Chapter 2—Law Enforcement and Prosecution Grants to Reduce Violent Crimes
Against Women”** (not “women & men”)

**“Sec. 2001. . . . General Program Purpose. (a) . . . to combat violent crimes against
women. . . .”** (not “women & men”)

(b) Purpose for Which Grants May Be Used.

Grants under this part shall . . . violent crimes against women. . . .”
(not “women & men”)

**“State Grants . . . The AG may make grants to States, for use by the States . . . for
the purposes described in 2001(b).”**

(This practice was consistent throughout the bill.)

Domestic Violence Diversion Courses

The more commonly used course materials for domestic violence courses, sometimes called anger management courses, required of those who have been arrested for or accused of domestic violence are similar to those used by the Family Violence Diversion Network (FVDN). If the written course material differs, the oral presentation will still assume that males are perpetrators and females are victims.

Some highlights from the FVDN material:

- Page 39: The “Tree of Patriarchy” defines society as male dominated. “ROOTS: Historical foundations that support male dominance in society and family.”
- Page 44: Course takers are encouraged to think of traditional male roles as outdated and inappropriate. Persons required to take this course must complete a list of reasons that “traditional sex roles” have made men feel inadequate, insecure, or emotionally unstable.
- The person is then required to list 3 “benefits to men for changing the traditional male roles in society and the family.”
- Page 54: A graphic explains a “Cycle of Control” where a man feels loss of control over a woman because “her verbal skills exceed his. . .” and he is compelled to resort to violence to “reestablish his control.”
- Page 55: A “Power and Control” graphic explains various forms of intimidation or abuse that men use to control women. “Attempts to make her dependent on you. . .” “Attempts to put her down. . .” “Controlling and limiting what she does. . .”
- Page 56: A “Jealousy Cycle” explains an accelerated attempt at control because of his insecurity. “Husband feel unsure about wife’s affection.”
- Page 57: Finally, men’s emotions are illustrated in volcanic form with the explanation that anger and aggression are the only “OK” feelings for men to have and “violence is often the result.”

NOW LDEF Agrees Gender Specific Language is Unconstitutional

According to NOW LDEF, gender specific legislation (such as VAWA) is unconstitutional:

“. . . because they tie the federal benefits available under the Act to gender. . . .”

NOW LDEF reached this conclusion when reviewing the Fatherhood Count Act (HR 3073). In a letter to House Ways & Means, Human Resources Chair Nancy Johnson dated October 4, 1999, the Legal Director for NOW LDEF states:

“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 the 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.”

In response to NOW LDEF objections, the following language was added to HR 3073 before it passed the House on November 10, 1999:

“NONDISCRIMINATION- The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.”

Language reauthorizing VAWA should be rewritten to satisfy constitutional objections:

- ◆ As presently written VAWA is gender-exclusive and “. . .tie(s) Federal funds to gender. . . .”¹
- ◆ Further, it “. . .targets certain grants to state programs offering gender-specific benefits. . . .”²
- ◆ Finally, it “. . .operate(s) to encourage states to violate the equal protection clause. . . .” and states have responded as expected.³

¹ “CHAPTER 2--LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN. . . SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS. . . (a) **GENERAL PROGRAM PURPOSE- The purpose of this part is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.**” Conference Report to Accompany H.R. 3355 (1994) (emphasis added)

² “Basic Research on Violence Against Women.” NIJ Solicitation, June 25, 1999. “Evaluation of Policies, Procedures, and Programs Addressing Violence Against Women.” NIJ Solicitation, June 2, 1999.

³ “Ineligible Activities: Additionally, a VAWA-funded project may **not** use VAWA funds or matching funds for: * Projects that focus on children or **men.**” (emphasis added) Criminal Justice Division, Office of the Governor, Application Kit for Victim Services Projects under the Victims of Crime Act (VOCA) Fund-Violence Against Women (VAWA) Fund. State of Texas grant application kit, 1999, page 7.