

Policy Focus

The Violence Against Women Act

RECIPES FOR RATIONAL GOVERNMENT FROM THE INDEPENDENT WOMEN'S FORUM

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WHAT YOU NEED TO KNOW

The 113th Congress is currently considering the third reauthorization of the Violence Against Women Act (VAWA), and Congressional leaders have made its passage a top priority.

Democrats seek to continue VAWA as is and single out select victim groups for special protection. They demonize those who question their approach and champion reforms as indifferent to women's suffering. However, there are legitimate flaws with the current VAWA regime and planned expansions, and ways to improve the law to better protect domestic violence victims.

While the Left highlights declining rates of intimate partner violence as a reason to green-light their proposed reauthorization, there is [no evidence](#) that this decline is attributable to VAWA. Intimate partner crimes began to fall along with violent crime rates prior to VAWA's passage, and rates of violent crime overall have declined significantly more than have rates of domestic violence.

In fact, all attempts to study and assess VAWA's effectiveness in reducing the occurrence of domestic and sexual violence [have been problematic](#).

VAWA has other significant flaws: It overlooks many of the proven causes of violence (such as substance abuse), and has been a source of waste, fraud, and abuse of taxpayer resources. In some cases, there is even reason to believe that policies advanced in VAWA have backfired on victims.

Americans want policymakers to efficiently and effectively respond to domestic and sexual violence. Therefore, Congress should use VAWA's reauthorization to address its most fundamental flaws.

WHY YOU SHOULD CARE

Domestic and sexual violence are serious problems. However, there are better ways to respond than the proposed VAWA reauthorization.

- **VAWA Programs Lack Evidence of**

Effectiveness: VAWA programs (which would receive \$600 million annually) have never undergone scientifically-rigorous evaluations to ensure they are achieving their intended results.

- **VAWA Perpetuates Harmful Stereotypes and Leaves Many Victims Without Access to**

Services: A large percentage of domestic abuse victims are men and homosexuals, but VAWA allocates virtually no services for male victims.

- **VAWA Grants Are Prone to Waste, Fraud,**

and Abuse: VAWA does not include adequate safeguards to prevent the misuse of funds. The Department of Justice Inspector General and the GAO have repeatedly noted the failure of the Office of Violence Against Women to monitor grants proficiently.

- **Some VAWA Provisions May Place Victims at**

Greater Risk: The criminal justice approaches funded by VAWA may harm the very victims they were intended to protect. For example, [a recent Harvard study](#) found the mandatory arrest policies funded by VAWA may lead to more intense levels of violence.

The good news is positive reforms can make VAWA more efficient and effective.

MORE INFORMATION

VAWA's History

Under the Constitution, states and localities have primary authority over policing and responding to criminal acts of violence. The Violence Against Women Act (VAWA), which was first signed into law by President Clinton in 1994, initiated a federal response to domestic and sexual violence based on the belief that violence against women is caused by sexism and that violence greatly inhibits women's ability to develop as a class.

On these grounds, proponents argued that federal intervention was necessary to change attitudes and approaches towards violence and to redistribute legal and financial resources to female victims.

In its initial form, VAWA contained several components designed to address the physical and sexual assault of women. For example, it included a criminal enforcement provision for interstate orders of protection. It also provided federal grant funding for shelters, domestic abuse hotlines, rape education and prevention programs, and judicial and law enforcement training. It has also provided funding and encouraged states to implement mandatory arrest and prosecution policies.

The original law also designated gender motivated violence as a "hate crime" and created a federal civil rights remedy allowing victims of such

violence to sue their attackers for compensatory and punitive damages in federal courts. This provision was struck down by the Supreme Court in the case of *U.S. v. Morrison* (2000), as a violation of the power granted to Congress by the Constitution.

In spite of this set back, VAWA was reauthorized and expanded in 2000 and 2005 to include additional financial and legal resources for immigrant, disabled, elderly, and American Indian victims and victims of dating violence.

Congress is now considering the third reauthorization of the nearly two decade old law.

Problems with Existing Law

VAWA may have been created with positive intentions of deterring violence against women. However, VAWA's one-sided and narrow approach has hindered its ability to respond to violence effectively.

Most centrally, VAWA's presumption that women are all the victims of domestic violence and that this violence is an outgrowth of our inherently sexist, patriarchal society means that the law overlooks the thousands of men and same sex couples who are victims of domestic and sexual violence. It also ignores many of the root causes of violence.

For example, numerous studies have demonstrated a strong correlation between domestic and sexual violence and [substance abuse](#), [psychological disorders](#), and single parent homes – yet virtually no VAWA programs address these factors. The Bureau of Justice [recently reported](#) that, “Females

living in households comprised of one female adult with children experienced intimate partner violence at a rate more than 10 times higher than households with married adults with children.”

Much of VAWA's funding is distributed to local service providers through state domestic and sexual violence coalitions. These coalitions — which were formed primarily by feminist ideologues within the battered women's advocacy movement — have a history of excluding organizations that serve male victims and of [requiring member organizations and grant recipients](#) to embrace the feminist understanding that violence is caused by men's desire for power and control. Consequently, as the National Research Council [reports](#), treatment is often “driven by ideology and stakeholder interests rather than by plausible theories and scientific evidence of fact.”

Although there is little credible evidence that VAWA programs are reducing the effects and occurrence of domestic and sexual violence, there is [evidence](#) that several of the policies instituted under VAWA may actually be backfiring. Although approximately \$25 million in VAWA funds go to support mandatory arrest policies, intimate partner homicides have [substantially increased](#) in states that have implemented such policies. The [National Institute for Justice](#) has observed that “arrest for all suspects may unnecessarily take a community's resources away from identifying and responding to the worst offenders and victims most at risk.”

In addition to failing to address the proven causes of violence, VAWA lacks adequate safeguards to prevent waste, fraud, and abuse. Several VAWA grant programs duplicate one another or overlap with grants provided by the Justice Department and the Department of Health and Human Services.

The Department of Justice Inspector General has also found that a significant amount of funds are not being spent on servicing victims. Nearly all of the grantees audited by the Inspector General between 1998 and 2010 had violated grant requirements. Some grantees were found to have questionable expenditures for a large majority of the funding they received. Last year, the Department of Justice also uncovered [several cases](#) of outright fraud and embezzlement.

While House Republicans have incorporated new auditing and accountability requirements into their recently [introduced version of VAWA's reauthorization](#), the Senate made no effort to adequately address these grant management failings. In fact, the Senate rejected [Senator Grassley's proposals](#) to require mandatory auditing, to limit the percentage of funding that could be spent on salaries and administrative costs, and to restrict the usage of VAWA grant funds to lobby for more funds.

Problems with Proposed Reauthorization

Rather than fixing VAWA's existing flaws, the reauthorization recently passed by the Senate expands the law in a couple of problematic ways.

First of all, the latest Senate passed version of VAWA includes a provision singling out lesbian, gay, bisexual, and transgender (LGBT) individuals as an “underserved population.” This provision simply perpetuates the problem of protecting victims based on group status rather than focusing on helping all victims, regardless of their sex or sexual orientation.

It is true that many LGBT individuals have been denied access to VAWA services, but this is largely because female abusers do not fit the stereotype that violence is caused by patriarchy and because little to no VAWA funding has been allocated to providers or services for men.

Court Rogers, the Executive Director of the Gay Men's Domestic Violence Project, complained that GLBTQ organizations “are currently prohibited from accessing VAWA STOP Grant funding because VAWA language stipulates that funding can only go to programs that ‘primarily serve women.’” Therefore, the law should be rewritten to encourage gender neutrality in the application of the law and in the distribution of grants.

Another problematic addition in the proposed reauthorization is the expansion of tribal court authority over non-Indians accused of sexual assault and domestic violence on Indian lands. While it is true that Native American Women face extremely high rates of domestic and sexual abuse, Congress gave very little attention to the capability of tribal governments to implement this provision.

Tribal governments have a history of inadequately handling [sexual assault cases](#) and failing to protect the constitutional rights of the accused. In [a letter](#) opposing the expansion of tribal jurisdiction, the National Association of Criminal Defense Lawyers noted that historically tribal courts have failed to protect even the basic legal rights of Indian criminal defendants.

Last year, the House authorized the Attorney General to appoint tribal liaisons to encourage and assist in arrests and to improve the legal response to domestic violence, sexual violence, and stalking that occur on tribal lands. Sadly, VAWA advocates and the media completely ignored these attempts to improve the federal government's response to violence against Indian women.

Reforming VAWA to Better Help Those in Need

While supporters of VAWA have good intentions, good intentions alone do not protect victims. Congress should seek to more effectively and efficiently respond to the problem of domestic and sexual abuse by:

- Refocusing the law to include all victims rather than singling out specific groups for special protection based on gender, sexual orientation, or other group status.
- Authorizing funding for scientifically rigorous evaluations of VAWA programs to determine whether these programs actually produce their intended effects.

- Incorporating strong auditing and accountability measures and consolidating duplicated programs to reduce the possibility for waste, fraud, and abuse.

Congress should also consider returning flexibility to states and localities so they might tailor programs to meet the needs of their particular communities, which might encourage a more comprehensive approach to treating the complex causes of intimate partner violence.

VAWA Deserves a Real Debate

Proponents of the Senate version of VAWA reauthorization have resorted to the lowest forms of demagoguery in an attempt to silence those who dare to suggest a different approach.

For example, many within Congress have associated opposition to VAWA with the ongoing "War on Women." VAWA advocates outside of Congress have supported this demagogic approach by claiming that opponents are motivated by an antagonism towards victims.

Terry O'Neil, President of the National Organization for Women, [accused](#) House Majority Leader Eric Cantor of believing that "it's okay for some women to get beaten and raped."

Jennifer Granholm of Current TV's "The War Room" [suggested](#) that opponents to the tribal jurisdiction don't believe Indian women are human enough to warrant protection.

This incendiary rhetoric is a disservice to the victims of violence and to American taxpayers who deserve for their elected representatives to have a robust conversation about the most efficient and effective approaches to combatting domestic and sexual violence.

WHAT YOU CAN DO

You can learn more about the Violence Against Women Act and spread the word on the need to reform.

- **Get Informed:** To learn more visit:
 - [Independent Women's Forum](#)
 - [Stop Abusive and Violent Environments](#)
 - [WAVE: Women Against VAWA Excess](#)
- **Talk to Your Friends:** Help your friends and family understand these important issues. Tell them about what's going on and encourage them to join you in getting involved.

● **Become a Leader in the Community:**

Get a group together each month to talk about a political/policy issue (it will be fun!). Write a letter to the editor. Show up at local government meetings and make your opinions known. Go to rallies. Better yet, organize rallies! A few motivated people can change the world.

- **Remain Engaged:** Too many good citizens see election time as the only time they need to pay attention to politics. We need everyone to pay attention and hold elected officials accountable. Let your Representatives know your opinions. After all, they are supposed to work for you!

ABOUT THE INDEPENDENT WOMEN'S FORUM

The Independent Women's Forum (IWF) is dedicated to building support for free markets, limited government, and individual responsibility.

IWF, a non-partisan, 501(c)(3) research and educational institution, seeks to combat the too-common presumption that women want and benefit from big government, and build awareness of the ways that women are better served by greater economic freedom. By aggressively seeking earned media, providing easy-to-read, timely publications and commentary, and reaching out to the public, we seek to cultivate support for these important principles and encourage women to join us in working to return the country to limited, Constitutional government.

We rely on the support of people like you! Please visit us on our website www.iwf.org to get more information and consider making a donation to IWF.

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