

# DOMESTIC VIOLENCE

## HEARINGS

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 7927 and H.R. 8948

TO AUTHORIZE THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO ESTABLISH A GRANT PROGRAM TO DEVELOP METHODS OF PREVENTION AND TREATMENT RELATING TO DOMESTIC VIOLENCE, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C.,  
ON MARCH 16 AND 17, 1978

USE OF THE COMMITTEE ON EDUCATION AND LABOR  
CARL D. PECKINS, *Chairman*



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Printed for the use of the Committee on Education and Labor  
CARL D. PERKINS, *Chairman*

N CJRS

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## DOMESTIC VIOLENCE

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THURSDAY, MARCH 16, 1973

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON SELECT EDUCATION,  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D.C.*

The subcommittee met at 9:40 a.m., in room 2257, Rayburn House Office Building, Hon. George Miller, presiding.

Members present: Representatives Miller and Biaggi.

Members also present: Representatives Boggs, Mikulski, and Steers.

Staff present: Thomas L. Birch, deputy counsel; John Lawrence, legislative assistant; Belita Heron, staff assistant; and Dorothy Strunk, minority clerk.

Mr. MILLER. The Subcommittee on Select Education of the full Committee on Education and Labor will come to order for the purpose of receiving testimony on the problem of domestic violence in America.

Today's hearing marks the beginning of action in the House of Representatives which I am hopeful will conclude in the enactment of legislation providing Federal support for shelters of victims of domestic violence.

Various experts with far greater expertise in this field than I will tell members of this subcommittee and the general public some extremely disturbing facts about the level of domestic violence which exists in our country. I need not recite the statistics at the onset.

It is important to note, however, that congressional action on the subject of domestic violence is not an example of responding to some fad. The evidence has clearly indicated that we in the Congress are well behind many people throughout the country who have long recognized and responded to the widespread problem long before legislation or financial assistance from the Federal Government become available.

I believe that the Federal Government should provide help to those operating or seeking to establish shelters, hotlines, support systems for abused people throughout the country, but it is terribly important that in constructing this Federal policy, we avoid establishing bureaucratic and other obstructions which will drain off funds needed for shelter operations and create a mountain of regulation and red tape instead of services.

This hearing and others like it can provide us with important information about shelters and the incidence of abuse. In preparation for chairing these hearings, I felt that I needed to gain more personal expertise on the issue of domestic violence and related problems so

that I would not get simply the antiseptic testimony provided in the hearing room. Over the past several weeks I have spent several evenings in homes for abused women, talking with people who organized homes, hotlines, and shelters, support groups. I also spent time riding with the police in nearby communities here and in California to gain firsthand their perspectives of the problems that they encounter in this area.

In over 3 years of work with children in family issues and foster care, adoption, nutrition, education, health, and now domestic violence, I can only conclude that the American family is in the midst of a profound and frightening crisis. Ironically, I have learned that domestic violence is most likely to occur when families spend great amounts of time together during holidays and on weekends, and police have told me that domestic violence is one of the three most recent calls they receive and the one they most dread, because the incidence of police death due to intervention in domestic disputes is the highest of any police action.

Yet although the police have been made aware of the extent of the problem for so long, they have found that they have had very few options in dealing with the problem. I am also very happy to learn of their support for the option offered by those community groups which provide shelter for women.

So, it is our intent this morning to receive testimony on violence that the American family has encountered. It is the intent of the Subcommittee not to see those issues broken off, to deal only with the problems of women, deal only with the problems of children, but rather to encompass the full range of the hostilities that somehow the American family has allowed itself to engage in, and to take a look to see what supports we might offer in the way of services, not to just engage in continued research, but to provide help, hopefully with some compassion and some understanding by the Federal Government, and to support those individuals who, as I said at the outset, have been way out ahead of us in trying to deal with these problems as they occur in our local communities.

[Text of H.R. 7927 and H.R. 8948 follows:]

57923

95TH CONGRESS  
1ST SESSION

# H. R. 7927

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1977

Mr. STEERS (for himself and Mrs. Boggs) introduced the following bill; which was referred jointly to the Committees on Education and Labor, Interstate and Foreign Commerce, and the Judiciary

## A BILL

To authorize the Secretary of Health, Education, and Welfare to establish a grant program designed to develop methods of prevention and treatment relating to domestic violence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### SHORT TITLE

4 SECTION 1. This Act may be cited as the "Domestic  
5 Violence Prevention and Treatment Act of 1977".

### FINDINGS AND PURPOSE

7 SEC. 2. (a) The Congress hereby finds that—

8 (1) domestic violence constitutes a significant per-

1       centage of homicides, aggravated assaults, and assaults  
2       and batteries in the United States;

3           (2) the known dimensions of domestic violence are  
4       believed to represent only a small portion of the actual  
5       number of incidents of domestic violence;

6           (3) occurrences of domestic violence which are not  
7       reported to law enforcement authorities or other authori-  
8       ties are a widespread phenomenon in the United States;

9           (4) domestic violence is a complex problem  
10       which—

11           (A) affects families from a wide range of  
12       social and economic backgrounds; and

13           (B) is interrelated with a number of other  
14       family problems, including alcohol and drug de-  
15       pendency, child abuse, unemployment, pregnancy,  
16       and divorce;

17           (5) the effectiveness of State laws, and State and  
18       local community programs, in identifying, preventing,  
19       and treating domestic violence is unknown; and

20           (6) existing Federal programs have not provided  
21       the direction, coordination, resources, and leadership  
22       necessary to develop and implement effective means for  
23       solving problems of domestic violence.

24       (b) It is the purpose of this Act—

1 (1) to establish a grant program designed to sup-  
2 port demonstration projects which—

3 (A) develop methods for the identification,  
4 prevention, and treatment of domestic violence; and

5 (B) provide for family rehabilitation and sup-  
6 port, and for emergency shelter and protection for  
7 individuals who are victims of domestic violence or  
8 who are directly threatened by domestic violence;

9 (2) to review the effectiveness of existing laws  
10 and programs relating to domestic violence; and

11 (3) to coordinate Federal, State, and local efforts  
12 designed to identify, prevent, and treat domestic vio-  
13 lence.

14 ESTABLISHMENT OF GRANT PROGRAM

15 SEC. 3. (a) The Secretary of Health, Education, and  
16 Welfare, acting through the Director of the National In-  
17 stitute of Mental Health, shall make grants to, and enter into  
18 contracts with, State and local government agencies, and pri-  
19 vate nonprofit organizations, to carry out the provisions of  
20 this section.

21 (b) Any agency or organization which desires to receive  
22 a grant, or enter into a contract, under this section shall  
23 transmit an application to the Director. Such application  
24 shall be in such form, and shall be transmitted at such times

1 and in accordance with such procedures, as the Director may  
2 reasonably require. The Director may award a grant, or  
3 enter into a contract, under this section for—

4 (1) the support of local organizations which are  
5 carrying out programs primarily designed to—

6 (A) identify the causes of domestic violence;

7 and

8 (B) develop and implement effective means for  
9 the prevention and treatment of domestic violence;

10 (2) the development and establishment of training  
11 programs for professional, paraprofessional, and volun-  
12 teen personnel in the fields of law, social service, mental  
13 health, and other related fields who are or will become  
14 primarily engaged in areas relating to the problems of  
15 domestic violence; and

16 (3) the support of demonstration projects which  
17 are likely to result in the development and implementa-  
18 tion of methods of preventing and treating domestic  
19 violence, including demonstration projects relating to  
20 self-help programs, emergency shelter programs, the  
21 operation of telephone systems to provide assistance in  
22 emergencies, and the prevention and treatment of social  
23 problems related to domestic violence.

24 (c) The Director, in awarding grants or entering into

1 contracts under this section, shall give priority to those ap-  
2 plications which—

3 (1) are designed to deal directly with specific and  
4 serious problems relating primarily to domestic violence;  
5 and

6 (2) are likely to be successful in carrying out the  
7 purposes of this section.

8 (d) The Director shall carry out such research and other  
9 actions as he considers necessary to—

10 (1) determine the nature and extent of problems  
11 relating to domestic violence; and

12 (2) review the effectiveness of the grant program  
13 carried out by the Director under this section.

14 ALLOCATION OF FUNDS

15 SEC. 4. (a) Not less than 60 per centum of any funds  
16 appropriated to carry out this Act for any fiscal year shall  
17 be used by the Director for the purpose of making grants  
18 and entering into contracts in accordance with the provisions  
19 of section 3 (a).

20 (b) Not less than 5 per centum of any funds appro-  
21 priated to carry out this Act for any fiscal year may be used  
22 by the Director to provide technical assistance to any private  
23 nonprofit organization which desires to transmit an applica-  
24 tion under section 3 (b). The Director may provide such

1 assistance to a private nonprofit organization, upon a request  
2 for such assistance, if the Director determines that such  
3 organization does not possess the resources and expertise  
4 necessary to develop and transmit an application without  
5 such assistance.

6 CLEARINGHOUSE FUNCTIONS

7 SEC. 5. (a) The Director shall establish and maintain  
8 a national information and resource clearinghouse on domes-  
9 tic violence. The clearinghouse shall—

10 (1) collect, analyze, prepare, and disseminate in-  
11 formation relating to domestic violence;

12 (2) obtain information relating to domestic violence  
13 from public and private agencies and organizations which  
14 are concerned with domestic violence;

15 (3) furnish to such agencies and organizations, upon  
16 request, information relating to domestic violence, includ-  
17 ing such information prepared by Federal, State, and  
18 local agencies; and

19 (4) collect and disseminate information to educa-  
20 tional institutions in order to increase public awareness  
21 and understanding of domestic violence.

22 (b) The Director, in maintaining the clearinghouse,  
23 shall take such action as may be necessary to coordinate the  
24 activities of each agency, department, and instrumentality



1 for the fiscal year involved. The Secretary shall transmit  
2 each such report to the President and to each House of  
3 the Congress.

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 9. There are authorized to be appropriated to  
6 carry out the provisions of this Act \$15,000,000 for fiscal  
7 year 1979, \$20,000,000 for fiscal year 1980, and \$25,-  
8 000,000 for fiscal year 1981.

9 DEFINITIONS

10 SEC. 10. For purposes of this Act—

11 (1) the term "clearinghouse" means the national  
12 information and resource clearinghouse established and  
13 maintained under section 5 (a) ;

14 (2) the term "Director" means the Director of the  
15 National Institute of Mental Health;

16 (3) the term "domestic violence" means any act or  
17 threatened act of violence, including any forceful deten-  
18 tion of an individual, which—

19 (A) results or threatens to result in physical  
20 injury; and

21 (B) is committed by an individual against the  
22 spouse of such individual or against an individual  
23 with whom such individual is cohabitating; and

24 (4) the term "Secretary" means the Secretary of  
25 Health, Education, and Welfare.

57924

95TH CONGRESS  
1ST SESSION

# H. R. 8948

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 1977

Ms. MIKULSKI (for herself, Mr. BYRON, Mrs. CHISHOLM, Mrs. HECKLER, Ms. KEYS, Mrs. MEYNER, and Mrs. SPELLMAN) introduced the following bill; which was referred to the Committee on Education and Labor

### A BILL

To establish programs for the prevention and treatment of family violence.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

#### SHORT TITLE

4 SECTION 1. This Act may be cited as the "Family  
5 Violence Prevention and Treatment Act".

#### TITLE I—GENERAL PROVISIONS

##### CONGRESSIONAL STATEMENT OF FINDINGS

8 SEC. 101. The Congress hereby finds that—  
9 (1) violence in American households is widespread;  
10 (2) such violence is a symptom of the rising stress  
11 to which American families are subjected from many

1 sources, and reflects the continued acceptance of the  
2 idea that violence is an acceptable form of release of  
3 stress within the family;

4 (3) among the economic and social causes of stress  
5 and violence in American families are poverty, unem-  
6 ployment, low prestige, status inconsistency, insecurity,  
7 masculine and feminine stereotypes and role condition-  
8 ing, the economic dependence of one spouse on the other,  
9 the burdens of children and child care, alcohol and drug  
10 abuse, inadequate housing, unaffordable housing, poor  
11 education, and mental illness;

12 (4) family violence is a major cause of mental ill-  
13 ness and behavioral disturbance in children leading to  
14 such social problems as juvenile delinquency, runaways,  
15 school dropouts, and continued violence in the families  
16 of the next generation;

17 (5) rejection and abandonment of dependent family  
18 members for whom the head of the household is not le-  
19 gally responsible is a form of family violence which  
20 creates a population of homeless and destitute adults,  
21 especially women, for whom few shelters and services  
22 exist;

23 (6) violence against the dependent spouse, usually  
24 the wife, has created a need for emergency temporary

1 shelters and other crisis intervention programs which  
2 are not currently available;

3 (7) family violence grows if not checked at an early  
4 stage;

5 (8) programs for identifying violence-prone families  
6 and providing prevention services do not exist;

7 (9) little coherent national planning or established  
8 priority structure to eliminate family violence, and the  
9 causes and effects of family violence, exists among the  
10 major Federal programs dealing with the economic and  
11 social causes of stress and violence in families or with  
12 the effects of such violence;

13 (10) no national policy to eliminate family violence  
14 has been clearly formulated, and such a national policy  
15 is needed;

16 (11) such a national policy must be implemented  
17 by a national strategy to eliminate family violence in-  
18 volving both the coordination and integration of existing  
19 Federal programs and research efforts and the initiation  
20 of new programs and efforts;

21 (12) the most effective direct service programs for  
22 the victims of family violence have been developed in  
23 the private, voluntary sector by dedicated volunteers,  
24 and the most effective approach to the delivery of social

1 services to such victims has involved person-to-person  
2 support systems and an emphasis on self-help; and

3 (13) such private, voluntary efforts need prompt  
4 Federal assistance, since the provision of direct services  
5 to the victims of family violence is the most immediate  
6 and pressing problem related to family violence.

7 CONGRESSIONAL DECLARATION OF PURPOSE AND POLICY

8 SEC. 102. It is the purpose of this Act—

9 (1) to declare that the elimination of family vio-  
10 lence, and its causes and effects, is a national policy;

11 (2) to mandate the mobilization of presently frag-  
12 mented Federal programs in areas related to family  
13 violence in a coordinated attack on family violence;

14 (3) to amend existing Federal legislation calling  
15 for the establishment of State reporting systems on the  
16 incidence of child abuse and neglect to include reporting  
17 of other types of family violence, especially spouse abuse;

18 (4) to establish a national center to provide in-  
19 formation and technical assistance to public and private  
20 local organizations and to individuals needing assistance  
21 with problems of family violence prevention and victim-  
22 ization; and

23 (5) to establish a Federal media campaign to  
24 educate the public about the problems of family violence

1 and the remedies and resources available to deal with  
2 such problems.

3 DEFINITIONS

4 Sec. 103. For purposes of this Act—

5 (1) the term "community based" means a social  
6 service program which maintains community and con-  
7 sumer participation in the planning, operation, and  
8 evaluation of its program, which may include providing  
9 shelter, medical, educational, legal, vocational, business,  
10 social and psychological guidance, training, counseling,  
11 alcoholism treatment, drug treatment, and other rehabili-  
12 tative services or referrals to such services;

13 (2) the term "family" means a group of two or  
14 more persons residing or formerly residing together who  
15 are related by blood, marriage, or operation of law;

16 (3) the term "family violence" means the use of  
17 unreasonable physical force by one member of a family  
18 against another member of a family so as to cause physi-  
19 cal injury, or the physical ejection of a dependent  
20 member of a family from the family home and abandon-  
21 ment of the ejected family member by the remaining  
22 members of the family, if any;

23 (4) the term "unreasonable physical force" means  
24 more than the amount of force considered acceptable

1 for use between members of a family by the community  
2 or cultural, ethnic, or racial groups to which the family  
3 belongs, but in no case is force to be considered reason-  
4 able if it causes injury which would make its use in that  
5 instance a civil or criminal offense under the laws of  
6 the State which has jurisdiction should a complaint be  
7 filed; and

8 (5) the term "victim of family violence" means a  
9 person suffering from the lack of a healthy family support  
10 system because the conditions of living in that person's  
11 family are violent and destructive to any member or  
12 members of that family, or because that person has been  
13 physically ejected from the family home and has been  
14 abandoned (either intentionally or through force of cir-  
15 cumstance) by the family upon which that person has  
16 been dependent.

17 AUTHORIZATION OF APPROPRIATIONS

18 Sec. 104. There are authorized to be appropriated such  
19 sums, not to exceed \$10,000,000 for the fiscal year ending  
20 on September 30, 1978, and not to exceed \$15,000,000 for  
21 the fiscal year ending September 30, 1979, as may be nec-  
22 essary to carry out the provisions of this Act. Any funds  
23 appropriated under this section for any fiscal year which are  
24 not expended by the close of such fiscal year may be used,

1 to the extent provided in any appropriation Act, in any  
2 subsequent fiscal year.

3 TITLE II—COORDINATING COUNCIL ON FAMILY  
4 VIOLENCE  
5 ESTABLISHMENT

6 Sec. 201. (a) (1) There is hereby established as an  
7 independent organization in the executive branch of the  
8 Federal Government a Coordinating Council on Family  
9 Violence (hereinafter in this title referred to as the "Coun-  
10 cil"). The Council shall be composed of representatives of  
11 the Department of Health, Education, and Welfare, the De-  
12 partment of Justice, the Department of Housing and Urban  
13 Development, the Department of Labor, the Department of  
14 Commerce, the Department of Agriculture, the ACTION  
15 Agency, the Community Services Administration, the Office  
16 of Science and Technology Policy, and representatives of  
17 such other agencies as the President shall designate.

18 (2) The representatives of the agencies serving on the  
19 Council shall be designated by the President in consultation  
20 with the heads of the agencies involved who may themselves  
21 be designated by the President. Any individual designated  
22 under this section shall be one who exercises significant de-  
23 cisionmaking authority in the department or agency in-

1 volved. All designations shall take place within thirty days  
2 of the date of the enactment of this Act.

3 (b) The President shall appoint the Chairperson and  
4 Vice Chairperson of the Council from among the members  
5 of the Council. The Vice Chairperson shall act as Chairper-  
6 son in the absence of the Chairperson.

7 (c) The Chairperson may—

8 (1) request the head of any Federal agency which  
9 is not specified in subsection (a) to designate a repre-  
10 sentative to participate in meetings or parts of meetings  
11 of the Council concerned with matters of substantial  
12 interest to such agency; and

13 (2) invite other persons to attend meetings of the  
14 Council.

#### 15 FUNCTIONS

16 SEC. 202. (a) The functions of the Council shall be—

17 (1) to identify, assess, and coordinate all Federal  
18 programs providing services, funding, or research or  
19 demonstration programs related to problems of family  
20 violence in order to eliminate duplication of effort, ineffi-  
21 cient use of resources, and lack of strategic objectives and  
22 priorities in the allocation of time, talent, and funds;  
23 and

24 (2) to stimulate new programs within member

1 agencies of the Council where necessary to fill gaps in  
2 services, funding, research, or demonstration programs  
3 revealed by the process of identification, assessment,  
4 and attempted coordination.

5 (b) The Council shall make recommendations to the  
6 President and the Congress at least annually with respect to  
7 the coordination of overall policy and development of objec-  
8 tives and priorities for all Federal programs relating to the  
9 effort to eliminate family violence and its effects.

#### 10 MEETINGS

11 SEC. 203. The Council shall meet at least four times  
12 each year.

#### 13 EXECUTIVE SECRETARY OF COUNCIL

14 SEC. 204. (a) The Chairperson shall appoint an Execu-  
15 tive Secretary of the Council who shall be detailed to the  
16 Council from one of the agencies represented on the Council.  
17 Any such appointment shall be made only upon approval  
18 by the Council and the head of the agency involved.

19 (b) The Executive Secretary shall be responsible for the  
20 daily administration of the Council.

21 (c) The Executive Secretary may, with the approval of  
22 the Council and of the representatives of the heads of the  
23 agencies represented on the Council, appoint such personnel  
24 as the Executive Secretary considers necessary to carry out

1 the purposes of this title. Such personnel shall be detailed to  
2 the Council by the agencies by whom they are employed and  
3 who are represented on the Council.

4 COUNCIL STAFFING AND SUPPORT

5 SEC. 205. For the purpose of carrying out the provi-  
6 sions of this title, each Federal agency represented on the  
7 Council shall furnish any necessary assistance. Such assistance  
8 may include—

9 (1) detailing employees to the Council to perform  
10 such functions, consistent with the purposes of this title,  
11 as the Chairperson or Executive Secretary may assign to  
12 them; and

13 (2) undertaking, upon the request of the Chair-  
14 person or the Council, such special studies as may relate  
15 to the functions of the Council.

16 ADDITIONAL POWERS OF COUNCIL

17 SEC. 206. In addition to the other powers of the Council,  
18 the Council may—

19 (1) request any Federal agency to supply such  
20 statistics, data, program reports, special studies, and  
21 other material as the Council deems necessary to carry  
22 out its functions;

23 (2) confer with, and avail itself of the cooperation,  
24 services, records, and facilities of, State, municipal, or  
25 other public or private local agencies under procedures

1 which preserve the anonymity of members of violent  
2 families for whom records exist; and

3 (3) organize itself into standing committees and  
4 panels for the purpose of conducting studies or making  
5 reports as directed by the Chairperson.

6 TITLE III—NATIONAL CENTER FOR COMMUNITY  
7 ACTION AGAINST FAMILY VIOLENCE

8 ESTABLISHMENT OF CENTER

9 SEC. 301. (a) The Director of the ACTION Agency  
10 (hereinafter in this title referred to as the "Director") shall  
11 establish an office within the ACTION Agency to be known  
12 as the National Center for Community Action Against Fam-  
13 ily Violence (hereinafter in this title referred to as the  
14 "Center").

15 (b) The purpose of the Center shall be to provide  
16 information and technical assistance to local community  
17 groups which need assistance with organizing, managing, or  
18 operating existing or proposed programs to combat family  
19 violence or assist the victims of family violence, to inform  
20 the public about the problems of family violence and the  
21 remedies and resources available to deal with such problems,  
22 and to assist individual victims of family violence.

23 FUNCTIONS

24 SEC. 302. To carry out the purposes of the Center, the  
25 Director, through the Center, shall—

1           (1) develop and maintain an information clearing-  
2     house to—

3           (A) compile and regularly distribute useful  
4     information on public and private service programs  
5     showing promise of success in the identification, pre-  
6     vention, and treatment of family violence, the pro-  
7     tection of its victims, and rehabilitation of its victims  
8     and perpetrators, in a readable format to those  
9     working in the area of family violence;

10          (B) act as a clearinghouse of other Federal  
11     clearinghouses dealing with information relevant  
12     to problems of family violence;

13          (C) develop and maintain a national directory  
14     of temporary shelter and other direct service facili-  
15     ties for the victims of family violence which is as  
16     current, complete, and detailed as necessary to pro-  
17     vide useful referral services to persons seeking help  
18     on an emergency basis;

19          (D) provide opportunities to those working in  
20     the area of family violence to meet and exchange  
21     information; and

22          (E) provide such other information as will  
23     facilitate the efforts of those working to combat  
24     family violence and help its victims;

1           (2) establish a national toll free telephone number  
2 to respond to inquiries which will operate on a twenty-  
3 four-hour basis each day of the week, and which will  
4 maintain the capability of responding effectively to—

5           (A) requests for technical assistance in estab-  
6 lishing and maintaining community programs to  
7 combat family violence and help the victims of  
8 family violence;

9           (B) requests for referral to sources of help; and

10          (C) the need for immediate telephone  
11 counseling;

12          (3) recruit, select, train, and assign persons to  
13 serve as full-time or part-time volunteers in selected local  
14 public or private nonprofit community organizations  
15 which request help with organizing, managing, or operat-  
16 ing existing or proposed programs to combat family  
17 violence or help the victims of family violence;

18          (4) make grants where appropriate to such local  
19 community organizations to which volunteers have  
20 been assigned for support and training of such volun-  
21 teers; and

22          (5) develop and implement a national media cam-  
23 paign to educate the public about the problems of fam-  
24 ily violence and the remedies and resources available to

1 deal with such problems, including the availability of the  
2 national toll free telephone number established in para-  
3 graph (2).

4 OPERATION OF THE CENTER

5 SEC. 303. (a) To administer the Center on a daily  
6 basis, the Director shall appoint a Director of the Center,  
7 who shall have such authority, powers, and duties as are  
8 delegated to the Director of the Center by the Director. The  
9 Director of the Center shall be compensated at a rate not to  
10 exceed the rate in effect from time to time for grade GS-18  
11 of the General Schedule in section 5332 of title 5, United  
12 States Code.

13 (b) The authority, powers, and duties of the Director,  
14 whether exercised by the Director or by the Director of the  
15 Center by delegation, in connection with the recruitment,  
16 selection, training, assignment, and support of volunteers  
17 shall be as set forth in title IV of the Domestic Volunteer  
18 Services Act, except as otherwise provided in this title.

19 RECRUITMENT, SELECTION, AND TRAINING OF  
20 VOLUNTEERS

21 SEC. 304. (a) The Director may recruit, select, and  
22 train persons to serve in volunteer programs consistent with  
23 the purposes of the Center and of this Act.

24 (b) Volunteers shall be recruited from as wide a repre-  
25 sentation of income groups, racial, ethnic, and cultural

1 groups, and age groups as is possible and practicable con-  
2 sidering program needs.

3 ASSIGNMENT OF VOLUNTEERS

4 SEC. 305. (a) The Director, upon request of Federal,  
5 State, or local government agencies or private nonprofit  
6 agencies, may assign volunteers selected under section 304  
7 to work in appropriate projects and programs.

8 (b) A program shall be preferred for assignment of  
9 volunteers if each program is community based, shows  
10 promise of being innovative and responsive to community  
11 needs, especially the need for temporary shelter and counsel-  
12 ing for the victims of family violence, and demonstrates an  
13 intention to work cooperatively with other community  
14 groups. In responding to requests for volunteers, the Director  
15 shall also strive to achieve a balanced assignment of volun-  
16 teers in terms of geographic region and community need for  
17 the program.

18 (c) The Director, wherever feasible and appropriate,  
19 shall assign low-income community volunteers to serve in  
20 their home communities in teams with nationally recruited  
21 specialist volunteers. Before the assignment of any such  
22 community volunteer, the Director shall ensure that each  
23 such volunteer is provided an individual plan designed to  
24 provide an opportunity for job advancement or for transition  
25 to gainful employment. The Director shall ensure that such

1 plan is updated and reviewed with each volunteer no later  
2 than one hundred and twenty days before the completion of  
3 the term of service of such volunteer.

4 (d) Except as provided in subsection (e), the assign-  
5 ment of volunteers under this section shall be on such terms  
6 and conditions as the Director may determine.

7 (e) Volunteers shall not be assigned to duties or work in  
8 any State unless such program has been submitted to the  
9 Governor or other chief executive officer of the State in-  
10 volved, and has not been disapproved by him within forty-  
11 five days after such submission. The assignment of a volun-  
12 teer shall be terminated by the Director when so requested  
13 by the Governor or chief executive officer of the State in-  
14 volved, not later than thirty days after such request has been  
15 made, or at a time after such request has been made as  
16 agreed upon by such Governor or chief executive officer of  
17 the State involved, and the Director.

18 TERMS AND PERIODS OF VOLUNTEER SERVICE

19 SEC. 306. (a) The Director shall establish, after con-  
20 sultation with community groups working in the area of  
21 family violence and in accordance with this section, such  
22 terms and periods of volunteer service as are appropriate  
23 to carry out the purposes of the Center and of this Act.

24 (b) (1) The Director shall establish programs of  
25 volunteer service in accordance with this subsection.

1       (2) The Director shall establish a program in which  
2 volunteers are trained to teach skills identified as those needed  
3 in the organization, management, and operation of local  
4 community organizations attempting to combat family  
5 violence or assist its victims. Such volunteers shall be assigned  
6 to sponsoring organizations willing to send them to teach  
7 such skills to other similar organizations throughout a State  
8 or region when requested to do so by such organizations.  
9 Limits on the period of time such volunteers may spend with  
10 any one organization shall be established by the Director.

11       (3) The Director shall establish a program in which  
12 volunteers are trained and expected to serve in the program  
13 of one sponsor in its own community.

14       (c) Full-time volunteers shall be required to make a  
15 full-time personal commitment to combating family violence.  
16 Such commitment shall include a commitment to remain  
17 available for service without regard to regular working hours  
18 at all times during periods of service, except for authorized  
19 periods of leave.

20       (d) Volunteers shall, upon enrollment, take the oath  
21 of office in the same manner as required in section 5(j) of  
22 the Peace Corps Act (22 U.S.C. 2504(j)), except that  
23 persons legally residing within a State but who are not  
24 citizens or nationals of the United States, may serve without  
25 taking or subscribing to such oath if the Director determines

1 that the service of such persons will further the interests of  
2 the United States. Such persons shall take such alternative  
3 oath or affirmation as the Director shall deem appropriate.

4 (c) The Director shall establish a procedure, including  
5 notice and opportunity to be heard, for volunteers to present  
6 and obtain resolution of grievances and to present their  
7 views in connection with the terms and conditions of their  
8 service. The Director shall promptly provide to each volun-  
9 teer beginning service information regarding such procedure  
10 and the terms and conditions of their service.

#### 11 SUPPORT SERVICES

12 SEC. 307. (a) (1) The Director may provide a stipend  
13 to volunteers, while they are in training and during their  
14 assignments, who are enrolled for periods of full-time or  
15 part-time service of not less than one year, except that the  
16 Director may, on an individual basis, make an exception to  
17 provide a stipend to a volunteer for a period which extends  
18 the regular service period of such volunteer for less than  
19 a full year.

20 (2) Stipends shall be payable only upon completion of  
21 a period of service, except that in extraordinary circum-  
22 stances the Director may from time to time advance all or a  
23 portion of the accrued stipend to or on behalf of a volunteer.  
24 In the event of the death of a volunteer during service, the

1 amount of any unpaid stipend shall be paid in accordance  
2 with the provisions of section 5582 of title 5, United States  
3 Code.

4 (b) The Director shall also provide volunteers such  
5 living, travel (including travel to and from places of train-  
6 ing), and leave allowances, and such housing, supplies,  
7 equipment, subsistence, clothing, health and dental care,  
8 transportation, supervision, technical assistance, and such  
9 other support as the Director deems necessary and appro-  
10 priate to carry out the purposes of the Center and of this Act,  
11 and shall ensure that each such volunteer has available such  
12 allowances and support as will enable the volunteer to per-  
13 form effectively the work to which such volunteer is assigned.

14 (c) In providing stipends, allowances, support services,  
15 or other benefits, the Director shall ensure that, to the extent  
16 practicable, such payments, services, and benefits will be  
17 provided in a manner and in amounts consistent with the  
18 practice in such matters observed for volunteers under the  
19 VISTA program as established in title I of the Domestic  
20 Volunteer Services Act. The Director shall also ensure that,  
21 to the extent practicable, at least half of the money appropri-  
22 ated to carry out the provisions of this Act shall be used for  
23 the costs of training, paying, and supporting volunteers  
24 under this Act.

## 1 NATIONAL MEDIA CAMPAIGN

2 SEC. 308. The national media campaign mandated in  
3 section 302 (5) shall be implemented by the Director on an  
4 annual basis, using public service advertisements provided by  
5 the advertising industry and such other means as may be  
6 appropriate.

7 TITLE IV—AMENDMENTS TO CHILD ABUSE  
8 PREVENTION AND TREATMENT ACT

9 DEFINITIONS

10 SEC. 401. Section 3 of the Child Abuse Prevention and  
11 Treatment Act (42 U.S.C. 5102) is amended to read as  
12 follows:

13 "DEFINITIONS

14 "SEC. 3. For purposes of this Act—

15 "(1) the term 'child abuse and neglect' means the  
16 physical or mental injury, sexual abuse, negligent  
17 treatment, or maltreatment of a child under the age  
18 of eighteen by a person who is responsible for the child's  
19 welfare under circumstances which indicate that the  
20 child's health or welfare is harmed or threatened thereby,  
21 as determined in accordance with regulations prescribed  
22 by the Secretary;

23 "(2) the term 'family' means a group of two or  
24 more persons residing or formerly residing together who  
25 are related by blood, marriage, or operation of law; and

1           “(3) the term ‘family violence’ means the physical  
2 injury or death of a member of a family over the age  
3 of eighteen caused by another member of such family  
4 under circumstances which indicate that such injury or  
5 death may not be the result of any accidental  
6 occurrence.”.

7           DEMONSTRATION PROGRAMS AND PROJECTS

8           SEC. 402. (a) Section 4 (b) (2) (A) of the Child Abuse  
9 Prevention and Treatment Act (42 U.S.C. 5103 (b) (2)  
10 (A)) is amended by inserting after “child abuse and neg-  
11 lect” the second place it appears therein the following:  
12 “, and instances of other forms of family violence (especially  
13 between spouses),”.

14           (b) Section 4 (b) (2) (B) of the Child Abuse Pre-  
15 vention and Treatment Act (42 U.S.C. 5103 (b) (2) (B))  
16 is amended by inserting after “neglect” the following: “and  
17 other forms of family violence (especially between spouses)”.

18           TITLE V—EVALUATION AND RESEARCH

19           USE OF DEPARTMENT OF HEALTH, EDUCATION, AND WEL-

20           FARE POLICY EVALUATION AND RESEARCH FUNDS

21           SEC. 501. (a) The Secretary of Health, Education, and  
22 Welfare shall direct that for a two-year period following as  
23 soon as practicable the date of the enactment of this Act, an  
24 amount not less than \$650,000 per year shall be spent from  
25 funds available to the Secretary from program evaluation

1 funds or other sources to evaluate in a representative sample  
2 of local communities the impact of community programs  
3 assisted by the Department on the prevention and treatment  
4 of family violence. The effectiveness of these programs in  
5 protecting the victims of family violence and in rehabilitating  
6 both the victims and perpetrators of family violence should  
7 be appraised. In making this evaluation, programs should  
8 be judged for their individual impact, their combined impact  
9 with other Department assisted programs, and their coordi-  
10 nation with other community resources.

11 (b) (1) The Secretary shall carry out the requirements  
12 of subsection (a) by contract with a combination of national  
13 nonprofit private organizations with a demonstrated interest  
14 in problems of family violence and with constituencies which  
15 represent a broad cross section of Americans, geographically,  
16 culturally, racially, and economically. In awarding such a  
17 contract, the Secretary shall draw up a set of criteria for  
18 selection of the contractor that makes clear that the evaluation  
19 is to reflect the views of—

20 (A) the providers of services;

21 (B) the entire spectrum of groups and individual  
22 experts concerned with the issue of family violence and  
23 aid to its victims; and

24 (C) the victims and perpetrators themselves.

1           (2) The Secretary shall select the combination of na-  
2 tional nonprofit private organizations specified in paragraph  
3 (1) based upon a determination by the Secretary that such  
4 combination—

5           (A) has presented the most effective strategy for  
6 carrying out the evaluation required in subsection (a) ;  
7 and

8           (B) will be sensitive to different community view-  
9 points, based upon the extent of the involvement of the  
10 members of such combination with the problems of  
11 communities, the full variety of groups working on these  
12 problems, and the diverse population of such communi-  
13 ties.

Mr. MILLER. It is with a great deal of pleasure that I welcome the first panel to testify this morning, the Honorable Barbara Mikulski, the Honorable Lindy Boggs, and the Honorable Newton Steers, three individuals in this Congress who very early recognized this problem and saw that it cried out for Federal help and understanding, each of whom has introduced legislation and has testified extensively both in the Congress, and Senate side, and around the country, and I want to welcome you all to the committee, and ask you to feel free to proceed as you wish, and we look forward to your testimony.

You can proceed. Barbara, why don't you go first?

STATEMENT OF HON. BARBARA A. MIKULSKI, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF MARYLAND

Ms. MIKULSKI. Thank you, Mr. Chairman.

I have testimony that I would like to submit for the record, and would like to paraphrase, if I may, in our discussions.

First of all, I would like to thank you for moving so expeditiously in holding hearings on this issue. It has been a source of enormous pleasure for me that this has moved so quickly, and as you elaborated, how you have gone out to the community, it is truly an inspiration.

Violence has been of concern to me for some time. As a member of another committee, the Communications Subcommittee, we made extensive studies on violence in television, and one of the things that has emerged is that violence is on the rise in the United States, and in many ways it is reinforced by the electronic media.

One of the things that we learned in our hearings on violence in television is that really violence is portrayed quantitatively and qualitatively in a larger degree than ever before. What we have done, Mr. Chairman, is, through television, made violence an art form of entertainment. So, it is not unusual now to know that people feel that almost anything goes in terms of brutalizing their neighbor or their spouse or their child.

What we have also found is that studies are indicating in a sense a loosening of social mores through environment, that we are also creating a victim mentality in this country, that many children are afraid to go out, that they have grown suspicious and they have grown paranoid, but I will not dwell on those studies.

What I would like to tell you is that today is a very highly emotional day for me to be here and be testifying on this. You know that I have been a social worker for 20 years, and I was a child abuse worker for a number of years, and I have been into homes where kids have been beaten, battered, and burned; and where I saw those children brutalized, I knew that their mothers and fathers were also equally victims of violence, and I never thought in those days that I would be before the U.S. Congress trying to move social policy one step further.

What we found in both my own personal experience and now as we have worked with other community groups is that we do need legislation on domestic violence. When I introduced the legislation,

I viewed it really as a discussion point, so that we could listen to the people who were affected, the people who were working in the field, and come up with an adequate consensus bill.

In my conversations, I think that in addition to my original thinking, there are two things that I want to reinforce. One, that we need direct dollars to the service providers, and two, we need an expanded role for the advocate volunteer. Actually, there are about six basic points that have emerged as a consensus on what good legislation would be. I would like to just enumerate those points.

One would be that we would have local control of programs to reflect the diversities and needs of communities; so that the programs that we have in a barrio in South Texas would probably be different than the program we would run in Manhattan, which would be very different from the one we would run in the Montgomery County suburbs in Maryland.

Second: We need direct grants for start-up and seed money and for technical assistance on how to provide quality service.

Third: We need the encouragement of local economic self-sufficiency, so that we can work with grassroots groups to begin to develop an economic viability that will keep them going over the long run.

Fourth: One of the things that I have found in talking with battered women themselves and sheltered people is the importance for public information campaign and public service announcements. Ever woman I talked to who had found the House of Ruth in Baltimore heard about it because of a TV public service announcement, and that announcement is what directed her to the place where she could go for help. We need an advocacy clearinghouse for national and regional levels.

Sixth and perhaps equally as important, we need the coordination of Federal programs. Through your work, I am sure, you have seen how a particular issue, whether it is the American family or a manifestation of a problem in the family, the programs are scattered and splattered throughout variety of agencies.

In my testimony, if we could move on to page 5 and skip some of the anecdotal things, which you can read at your discretion, I would like to point out that there is a consensus in many ways in what the bill should not include. There seems to be a feeling, "let's not have high administrative costs, let's put money in direct service and not in enormous overhead."

Second: Let's not fund expensive demonstration projects that are so research-oriented that they could never be duplicated at a local level. The demonstration projects have to show what we can do with reasonable amounts of money that then can be what we can do. We know that if we put \$1 million into one community, we can do it, but there are very few communities that will then put \$1 million into a shelter program.

Third: There is a consensus that lots of dollars to study the victim or research in general should not be included unless it is coordinated with the service approach.

Fourth: We should not reward agencies that have not done anything about the problem to date, but will come around to collect the Federal dollars when appropriated.

Fifth: We have to be cautious about implications that problems of child abuse and wife abuse are the same and should be dealt with in a similar manner. There are some very important differences.

The one area in which consensus is not developed is where the program should be located. As you know, Mr. Chairman, my bill calls for ACTION to be the leading agency. Congresswoman Boggs and Mr. Steers have an orientation to HEW. I leave it to the wisdom of the committee to ultimately make that decision, but I would like to share with you why I did not want to place my program at HEW.

I would like at the outset to say my remarks are not directed at Secretary Califano, Assistant Secretary Martinez, or Commissioner Cardenas, for whom I have high regard, but it comes out of my experience as a social worker, a community activist, and a member of the Baltimore City Council.

Mr. Chairman, what I find is that there is a subculture at HEW. A certain mentality exists that makes it difficult for that agency to be responsive to the needs of the people at a grassroots community level. HEW seems to have a certain inner quality about it, a certain entropic quality about it, an entropy, as those of us who have been students of physics, at least I was for 2 weeks—

[General laughter.]

Ms. MIKULSKI [continuing]. Know that a state of entropy exists where you have to spend more and more energy to stay in the same place, and you keep spinning your wheels. At times, I feel this is what has happened to HEW. I think this is in large part because so much of its staff are planners and researchers, and not service delivery people.

HEW in many ways is so overcentralized, so much emphasis is on hiring coordinators of the coordinators, rather than on people at a grassroots level, and it is so oriented to a Washington mentality that it loses its perspective on direct services. Even the affinity groups associated with HEW have a stake in not solving the problems. The think-tanks, the group, the crowd that I call the grant junkies, are very often so involved in studying the problem that there is no stake in solving the problem. If they don't have family violence to study this year, that's all right, they will study something else. Maybe it will be malaria in urban communities, or a variety of others.

I don't mean to knock it, but I have seen it time and time again, going back to the OEO days. HEW didn't seem to be aware that women were being battered every day, women reaching out for services, and that their plight was being ignored by police and hospitals and community agencies being funded by title 20 categorical funds. HEW seemed to be the last to know the problem existed, let alone to devise innovative solutions.

There is no agency that is perfect, and there are drawbacks to both, but in putting the program at NIMH, I feel you are saying that battered women have a health problem rather than a social problem; and by putting it in the agency of children and youth and family where children's programs are also of concern to me, I fear, and this is in no way a criticism of this thrust, we put it in a children's oriented division. We reinforce the idea in some ways that women are children in our society, a little older, but should be treated

as children, somehow or another that we have to protect women as if they were children, and not to recognize the strength and character and the need to move for economic self-sufficiency.

I think a perfect example of what has happened in many of these programs is the rape crisis program and the way HEW responds.

Very quickly, let me just recall for you this. Grassroots people work very hard to do consciousness-raising about the problem of rape. They organized their own little shelters, their own little crisis programs and hotlines, and they did it on a shoestring. They lobbied Washington, they lobbied city hall, and the statehouse, and programs were allocated.

Our Federal legislation established a program at the National Institute of Mental Health which treated the rape victim as if she were mentally ill. A lot of dollars got spent on research. Another large part got spent on expensive demonstration projects that had a heavy research emphasis, and direct service was given a very low priority. A little money did dribble down to the community, but instead of going to the grassroots citizens who raised the problem, the money went to traditional agencies, many of whom had brutalized the victim previously.

The similarities between the issues of rape and battered women are overwhelming: The guilt felt by the victim and the grassroots way in which the issue has been resolved, and now I fear that if we follow the same style, that we very well might create the same type of program.

I believe that ACTION is a little bit different. In the spring of 1965 I was a graduate student. My teacher, my main professor in community organization was Dan Thurs, who then went on to become the director of VISTA. I was there when Sargent Shriver and Dan Thurs conceived of VISTA and what ultimately became ACTION. I also taught community organizing at the very first training center in this country, so I know what VISTA or ACTION should do. One, it was meant to be supportive of grassroots, self-help efforts within the community. It was always community-oriented. It was supposed to offer a spirit of advocacy, and it was also to ensure maximum participation of the people affected, rather than a donor-donee mentality.

ACTION was under siege during the Nixon administration, but it has maintained a community-based focus. Today we find that shelters for battered women have already been organized by VISTA volunteers. One of the witnesses that you will hear tomorrow will explain it to you. I think that ACTION does have the experience in the community-based approach to run a domestic violence program. They have already been doing it on a small basis. I want their program to be enlarged.

Training for volunteers who will come from the community, chosen by the community organizations to run programs, and also to train volunteers to help their groups become economically self-sufficient, to learn how to capture funds from foundations, United funds, and so on.

Mr. Chairman, I cannot guarantee that ACTION can run a large program either. I think that remains to be seen, but I think it is an

innovative idea about how to run a social program. As you know, we have community-focused programs to renovate buildings and save neighborhoods. Now I think we need community-based programs to help people. Wherever you place this, though, members of the committee, I would urge that we do very vigorous oversight, so that we can begin to find out how agencies comply with our legislation and perhaps that will give us direction for future initiatives.

That really concludes the thinking of 20 years on the subject. I have tried to be as crisp and moderate as I possibly could, and I hope that in many ways it helps you come to a conclusion about the thrust you want to take.

Thank you for allowing me to speak today.

Mr. MILLER. Thank you, Barbara.

[Prepared statement of Ms. Mikulski follows:]

STATEMENT OF THE HON. BARBARA A. MIKULSKI  
BEFORE THE SUBCOMMITTEE  
ON SELECT EDUCATION  
OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR

REP. MILLER, MEMBERS OF THE COMMITTEE; FIRST I WANT TO COMMEND YOU FOR HOLDING HEARINGS ON THIS ISSUE SO QUICKLY; AND ALSO TO THANK YOU FOR ALLOWING ME TO TESTIFY.

VIOLENCE IN THIS COUNTRY IS A TOP PRIORITY OF MINE. THE LAST TIME THAT I TESTIFIED BEFORE THIS COMMITTEE WAS ON THE ISSUE OF CHILD PORNOGRAPHY. SINCE THEN, I HAVE SPENT A LOT OF TIME ON THE ISSUE OF VIOLENCE ON TELEVISION DUE TO MY MEMBERSHIP ON THE COMMUNICATIONS COMMITTEE. VIOLENCE ON TELEVISION HAS BECOME AN ART FORM -- A FORM OF ENTERTAINMENT.

BUT MY CONCERN FOR VIOLENCE GOES BACK MUCH FARTHER. BEFORE COMING TO CONGRESS, I WAS A PROFESSIONAL SOCIAL WORKER IN THE BALTIMORE COMMUNITY FOR 20 YEARS. I SAW WOMEN AND CHILDREN WHO HAD BEEN BEATEN, BURNED AND BATTERED. THROUGH MY EXPERIENCE AS A COMMUNITY WORKER, I KNOW THAT VIOLENCE HAS EXISTED IN THE AMERICAN HOME FOR A LONG TIME. IT IS ONLY RECENTLY THAT WE AS A SOCIETY HAVE BEEN WILLING TO ADMIT IT AND THUS ATTEMPT TO DEAL WITH THE PROBLEM. IN FACT IT WAS UNDER THE LEADERSHIP OF THIS COMMITTEE THAT WE NOW HAVE A BILL TO DEAL WITH THE PROBLEMS OF CHILD ABUSE.

IN SEPTEMBER, I INTRODUCED THE FAMILY VIOLENCE PREVENTION AND TREATMENT ACT. IT IS ONE OF TWO BILLS BEFORE THE COMMITTEE ON THIS ISSUE. WHEN I INTRODUCED THE BILL, I SAW IT AS A POINT TO BEGIN DISCUSSION. SINCE THEN, I HAVE SPOKEN TO BATTERED WOMEN, PEOPLE FROM THE CRIMINAL JUSTICE AND OTHER COMMUNITY AGENCIES, AND THOSE WHO OPERATE HOTLINES AND RUN SHELTERS. I VISITED THE HOUSE OF RUTH IN BALTIMORE. BECAUSE OF THESE CONVERSATIONS, I HAVE ADDED SOME COMPONENTS TO MY ORIGINAL THINKING AS TO WHAT WOULD BE THE BEST APPROACH; SPECIFICALLY, DIRECT DOLLARS TO THE SERVICE PROVIDERS AND AN EXPANDED ROLE FOR THE ADVOCATE/VOLUNTEER. THUS I WOULD RECOMMEND TO THE MEMBERS OF THIS COMMITTEE THAT THEY FOCUS ON CONCEPTS AND NOT SPECIFIC POINTS IN MY BILL. IN FACT, I BELIEVE THAT A CONSENSUS HAS ALREADY DEVELOPED THAT THE BILL MUST INCLUDE THE FOLLOWING:

1. LOCAL CONTROL TO REFLECT THE DIVERSITIES AND NEEDS OF THE COMMUNITIES.
2. DIRECT GRANTS FOR SEED MONEY AND TECHNICAL ASSISTANCE.
3. ENCOURAGEMENT OF LOCAL ECONOMIC SELF-SUFFICIENCY.
4. PUBLIC INFORMATION CAMPAIGN AND PUBLIC-SERVICE ANNOUNCEMENTS.
5. ADVOCACY CLEARINGHOUSE ON THE NATIONAL AND REGIONAL LEVELS.
6. COORDINATION OF ALL FEDERAL PROGRAMS.

THERE MUST BE LOCAL CONTROL. MOST CREATIVE, INNOVATIVE AND EFFECTIVE IDEAS ORIGINATE IN THE COMMUNITY. ALL COMMUNITIES

ARE DIFFERENT. THE BARRIOS OF THE BRONX NEED A DIFFERENT PROGRAM THAN THE RURAL COMMUNITIES OF APPALACHIA OR THE AFFLUENT SUBURBS OF WASHINGTON, D.C. THE FEDERAL GOVERNMENT CAN AND SHOULD BE THE COORDINATOR, AND THE PROVIDER OF TECHNICAL ASSISTANCE AND FINANCIAL SUPPORT. BUT THE LEGISLATION SHOULD ALSO ENCOURAGE THE LOCAL COMMUNITIES TO GENERATE THE IDEAS.

THERE SHOULD BE START-UP GRANTS AND TECHNICAL ASSISTANCE. SMALL GRANTS ARE NECESSARY FOR THE SEED MONEY FOR COMMUNITIES TO BEGIN THEIR PROGRAMS. TECHNICAL ASSISTANCE, AS MY BILL SUGGESTS, COULD COME FROM VOLUNTEERS FROM THE COMMUNITY WHO HAVE BEEN TRAINED BY ACTION TO HELP THE COMMUNITY SET UP SHELTERS, HOTLINES, OR OTHER SUPPORT SERVICES.

THERE MUST BE ENCOURAGEMENT OF ECONOMIC SELF-SUFFICIENCY, I FEEL THAT IT IS ESSENTIAL THAT THE LEGISLATION CONTAINS MEASURES TO HELP PEOPLE IN THE COMMUNITY FIND OTHER MEANS THAN FEDERAL DOLLARS TO OPERATE THEIR PROGRAMS. STATE AND LOCAL MONEY, AS WELL, SUCH AS FOUNDATIONS, CORPORATIONS AND OTHER COMMUNITY AGENCIES, LIKE THE UNITED WAY, UNIONS AND CHURCH GROUPS, MUST GET INVOLVED. BECAUSE OF THE EFFORTS OF THE GRASSROOTS PEOPLE AND THE PRINT AND ELECTRONIC MEDIA, THE ISSUE OF FAMILY VIOLENCE HAS CAPTURED THE ATTENTION OF THE FEDERAL GOVERNMENT THIS YEAR. BUT I KNOW THAT INTEREST IN PROBLEMS SUCH AS THIS CAN GIVE WAY TO OTHER PRIORITIES. IF WE PASS LEGISLATION THIS YEAR, AND I AM CONFIDENT THAT WE WILL, THERE IS NO ASSURANCE THAT WE WILL BE ABLE TO GET THE PROGRAM REAUTHORIZED IN A FEW YEARS.

I SUGGEST THAT THE SAME ACTION-TRAINED VOLUNTEERS WOULD TEACH THE PEOPLE IN THE COMMUNITY HOW TO BECOME ECONOMICALLY SELF-SUFFICIENT. ADVOCATE/VOLUNTEERS CAN TEACH PEOPLE HOW TO GET THROUGH THE BUREAUCRATIC RED-TAPE AT CITY HALL OR HOW TO GET AN APPOINTMENT WITH THE KEY OFFICIAL AT A CORPORATION. GRANTSMANSHIP IS A SKILL. THERE ARE PEOPLE WHO KNOW HOW TO GET DOLLARS, BUT SO OFTEN THE ACTIVISTS IN THE COMMUNITY HAVEN'T LEARNED THAT SKILL. IT IS TIME THIS IS CHANGED. I THINK THAT THIS CONCEPT OF THE ADVOCATE/VOLUNTEER IS ESSENTIAL TO ANY BILL, AND I HOPE THAT THE COMMITTEE WILL GIVE SERIOUS CONSIDERATION TO THIS PROPOSAL.

THERE MUST BE EMPHASIS ON PUBLIC INFORMATION. FIRST, THERE MUST BE A NATIONAL MEDIA CAMPAIGN TO INFORM WOMEN THAT THEY AREN'T ALONE IN BEING BATTERED AND THAT BATTERING IS NOT ACCEPTABLE BEHAVIOR. PRESENTLY MANY WOMEN FEEL SO ASHAMED AND ISOLATED THAT THEY DON'T KNOW WHERE TO TURN. IN ADDITION, MANY GREW UP IN HOMES WHERE THEIR FATHERS BATTERED THEIR MOTHERS--THEY DON'T REALIZE THAT THIS BEHAVIOR IS NOT NORMAL.

I WOULD LIKE TO HIGHLIGHT THE IMPORTANCE OF THE MEDIA AND IN PARTICULAR, PUBLIC SERVICE ANNOUNCEMENTS. MOST OF THE BATTERED WOMEN THAT I HAVE SPOKEN WITH FOUND OUT ABOUT SERVICES IN THEIR COMMUNITIES THROUGH RADIO AND TELEVISION SPOTS. THEY WOULD STILL BE IN THEIR HOMES, BEING BATTERED, IF IT WEREN'T FOR THESE ANNOUNCEMENTS.

THERE SHOULD BE A NATIONAL CLEARINGHOUSE WHICH DISCOVERS WHICH PROGRAMS WORK EFFECTIVELY AND THEN SPREADS THE WORD THROUGHOUT THE COUNTRY. I DON'T WANT A CLEARINGHOUSE THAT IS MERELY 100 FILE CABINETS OF INFORMATION IN SOME FEDERAL BUILDING TO BE USED BY

RESEARCHERS AND BUREAUCRATS, REGIONAL CLEARING HOUSES COULD FACILITATE THE PROCESS OF GETTING THE INFORMATION OUT TO THE COMMUNITIES.

THERE SHOULD BE COORDINATION OF THE FEDERAL PROGRAMS AT THE NATIONAL AND REGIONAL LEVEL. AN INTERAGENCY TASK FORCE COULD HELP AVOID PROGRAM OVERLAP, BUT MORE IMPORTANTLY ENCOURAGE EACH FEDERAL AGENCY TO DO ALL THAT IT CAN TOWARD SOLVING THE PROBLEM OF FAMILY VIOLENCE BY PASSING A SINGLE PIECE OF LEGISLATION.

THERE IS CONSENSUS THAT THE BILL SHOULD NOT INCLUDE:

1. HIGH ADMINISTRATIVE COSTS.
2. EXPENSIVE DEMONSTRATION PROJECTS THAT ARE RESEARCH ORIENTED.
3. LOTS OF DOLLARS TO STUDY THE VICTIM, OR RESEARCH, IN GENERAL UNLESS IT IS COORDINATED WITH ONGOING SERVICE-PROVIDING PROGRAMS.
4. REWARDS TO AGENCIES THAT HAVEN'T DONE ANYTHING ABOUT THE PROBLEM TO DATE, BUT WHO WILL BE AROUND TO COLLECT THE FEDERAL DOLLARS WHEN APPROPRIATED.
5. IMPLICATIONS THAT THE PROBLEMS OF CHILD ABUSE AND WIFE ABUSE ARE THE SAME AND SHOULD BE DEALT WITH IN A SIMILAR MANNER.

THE ONE AREA IN WHICH CONSENSUS HASN'T DEVELOPED IS WHERE THE PRIME FOCUS OF THE PROGRAM SHOULD BE LOCATED. AS YOU KNOW,

MY BILL CALLED FOR ACTION TO BE THE LEAD AGENCY; THE BOGGS-STEERS BILL NAMED THE NATIONAL INSTITUTE OF MENTAL HEALTH, BUT I THINK THEY ARE NOW CONSIDERING AGENCY FOR CHILDREN, YOUTH AND THE FAMILY; BOTH OF THESE AGENCIES ARE AT HEW. I HAVE GIVEN A LOT OF THOUGHT TO THIS QUESTION; BOTH BEFORE I DRAFTED MY BILL AND IN THE NINE-MONTH PERIOD SINCE I INTRODUCED IT. I WOULD LIKE TO SHARE WITH THE COMMITTEE THE REASONS WHY I REJECTED HEW AND CHOSE ACTION.

AT THE OUTSET, I WOULD LIKE TO SAY THAT MY REMARKS ARE NOT DIRECTED PERSONALLY AT SECRETARY CALIFANO, ASSISTANT SECRETARY MARTINEZ, OR COMMISSIONER CARDENAS. INSTEAD THEY COME OUT OF MY EXPERIENCES AS A SOCIAL WORKER, COMMUNITY ACTIVIST AND MEMBER OF THE BALTIMORE CITY COUNCIL.

THERE IS A SUBCULTURE AT HEW. A CERTAIN MENTALITY EXISTS WHICH MAKES IT DIFFICULT FOR THE AGENCY TO BE RESPONSIVE TO THE PEOPLE IN THE COMMUNITY. THIS IS IN PART, BECAUSE THE EMPLOYEES ARE PLANNERS AND RESEARCHERS, AND ARE NOT FROM THE GRASSROOTS; IN PART, BECAUSE IT IS OVERCENTRALIZED, MADE UP OF COORDINATORS RATHER THAN PEOPLE WHO DELIVER SERVICES, AND IN PART BECAUSE IT IS TOO ROOTED IN WASHINGTON. THE AFFINITY GROUPS OF HEW HAVE A STAKE IN NOT SOLVING THE PROBLEM. THE THINK TANKS, THE GRANT JUNKIES-- WHAT WOULD THEY DO IF THEY DID NOT HAVE FAMILY VIOLENCE TO STUDY?

HEW DIDN'T SEEM TO BE AWARE THAT WOMEN ARE BEING BATTERED EVERYDAY; THOUSANDS OF WOMEN; SOME ARE DYING. THESE WOMEN ARE REACHING OUT FOR HELP AND THE SOCIAL SERVICES IN THEIR COMMUNITY HAVE BEEN UNRESPONSIVE. THEIR PLIGHT IS IGNORED BY THE POLICE, HOSPITALS AND OTHER COMMUNITY AGENCIES AS WELL AS BY THE COURTS.

YET HEW WAS THE LAST TO KNOW THAT THE PROBLEM EXISTED, LET ALONE TO DEVISE INNOVATIVE SOLUTIONS.

THERE IS NO AGENCY THAT IS PERFECT; THERE ARE DRAWBACKS TO BOTH. YET, TO ME, PUTTING THE PROGRAM IN NIMH INSINUATES THAT BATTERED WOMEN HAVE A MENTAL HEALTH PROBLEM, AND PLACING THE PROGRAM IN THE AGENCY OF CHILDREN, YOUTH AND THE FAMILY, WHICH HAS ONLY CHILDREN'S PROGRAMS, IS ALSO TROUBLESOME. I FEAR THAT THIS SHOWS THE CONTINUED VIEW OF SOCIETY THAT WOMEN ARE CHILDREN, A LITTLE OLDER, BUT THAT THEY SHOULD STILL BE TREATED IN THAT CONTEXT.

THE RAPE CRISIS PROGRAM IS A PERFECT EXAMPLE OF THE WAY HEW RESPONDS TO WOMEN'S PROBLEMS. I WOULD JUST LIKE TO REVIEW QUICKLY THAT SCENARIO. GRASSROOTS WOMEN BECAME CONCERNED THAT THE POLICE, HOSPITALS, COURT SYSTEM, ETC. WEREN'T DEALING WITH THE PROBLEM OF RAPE IN AN APPROPRIATE FASHION. THE RAPE VICTIM WAS SO OFTEN TREATED AS THE CRIMINAL. GRASSROOTS PEOPLE WORKED HARD, MANY CONVINCED THEIR LOCAL GOVERNMENTS THAT CHANGES WERE NEEDED. THESE WOMEN ESTABLISHED THEIR OWN RAPE CRISIS CENTERS ON A SHOESTRING. FINALLY THEY FORMED A NATIONWIDE COALITION TO LOBBY FOR FEDERAL HELP. AFTER A LOT OF CONSCIOUSNESS-RAISING AND LOBBYING, THEY WERE SUCCESSFUL, OR SO THEY THOUGHT. THE LEGISLATION ESTABLISHED A PROGRAM AT NIMH WHICH TREATED THE RAPE VICTIM AS IF SHE WERE MENTALLY ILL, A LOT OF DOLLARS GOT SPENT ON RESEARCH. ANOTHER LARGE PART GOT SPENT ON EXPENSIVE DEMONSTRATION PROJECTS THAT HAD A HEAVY RESEARCH EMPHASIS. DIRECT SERVICE WAS GIVEN A LOW PRIORITY. A LITTLE MONEY DID DRIBBLE DOWN TO THE COMMUNITY, BUT INSTEAD OF GOING TO THE GRASSROOTS CITIZENS WHO HAD RAISED THE PROBLEM AND WERE ATTEMPTING TO DEAL WITH IT, THE MONEY WENT TO TRADITIONAL

COMMUNITY AGENCIES, MANY OF THE SAME ESTABLISHMENT WHO HAD BRUTALIZED THE RAPE VICTIM PREVIOUSLY -- THE POLICE, COURTS, AND HOSPITALS.

THE SIMILARITIES BETWEEN THE ISSUE OF RAPE AND BATTERED WOMEN ARE OVERWHELMING -- THE GUILT FELT BY THE VICTIM, THE GRASSROOTS WAY IN WHICH THE ISSUE HAS BEEN RAISED, AND THE FORMING OF THE NATIONAL COALITION. NOW THE FEDERAL GOVERNMENT IS IN THE PLACE TO DO SOMETHING TO HELP THESE INNOVATIVE PEOPLE DEVELOP AND EXPAND THEIR PROGRAMS. I FEAR THAT IF WE PUT THE PROGRAM FOR BATTERED WOMEN IN HEW, WE WILL GET THE SAME RESULTS AS THE RAPE PROGRAM. WE MAY WRITE A BETTER BILL INCLUDING MORE SPECIFIC ABOUT HOW THE MONEY SHOULD BE SPENT AND WHO SHOULD GET IT. BUT IN ALL MY YEARS OF COMMUNITY SERVICE I HAVE NEVER SEEN A PROGRAM ADMINISTERED BY HEW THAT REALLY REACHED THE PEOPLE IN THE COMMUNITY IN THE WAYS THAT THEY NEEDED IT, OR AS WAS ORIGINALLY INTENDED.

I BELIEVE THE AGENCY OF ACTION IS DIFFERENT. IN THE SPRING OF 1965, I WAS A GRADUATE STUDENT. THE TEACHER WHO TAUGHT ME COMMUNITY ORGANIZING WAS DAN THURZ. HE BECAME THE FIRST DIRECTOR OF VISTA. DURING THIS EXPERIENCE I WAS INVOLVED IN THE INITIAL DISCUSSIONS AS SARGENT SHRIVER WAS DEVELOPING THE CONCEPT OF VISTA. THEREFORE, I KNOW FIRSTHAND, WHAT THE ORIGINAL MISSION OF THE AGENCY WAS:

1. TO BE SUPPORTIVE OF GRASSROOTS SELF-HELP EFFORTS WITHIN THE COMMUNITY.
2. TO OFFER A SPIRIT OF ADVOCACY.
3. TO INSURE MAXIMUM PARTICIPATION OF THE PEOPLE AFFECTED RATHER THAN A DONOR-DONEE RELATIONSHIP.

ALTHOUGH ACTION WAS UNDER SEIGE DURING THE NIXON-FORD ADMINISTRATION, IT HAS CONTINUED ITS COMMUNITY-BASED FOCUS. TODAY WE FIND SHELTERS FOR BATTERED WOMEN HAVE BEEN ORGANIZED BY VISTA VOLUNTEERS, AND MANY MORE ARE STAFFED BY VOLUNTEERS FROM VISTA AND THE OLDER AMERICANS PROGRAM. ONE OF THE WITNESSES TOMORROW, KENYARI BELLFIELD, WORKS AT A SHELTER FOUNDED BY A VISTA VOLUNTEER.

I THINK THAT ACTION DOES HAVE THE EXPERIENCE AND THE COMMUNITY-BASED APPROACH TO RUN A PROGRAM ON DOMESTIC VIOLENCE. THEY HAVE ALREADY BEEN DOING IT ON A SMALL BASIS. I WANT THEIR PROGRAM TO BE ENLARGED. SPECIFIC TRAINING FOR THE VOLUNTEERS, WHO WILL COME FROM THE COMMUNITY, CHOSEN BY THE GRASSROOTS ORGANIZATIONS TO RUN HOTLINES AND SHELTERS, AS WELL AS TRAINING IN ECONOMIC SELF-SUFFICIENCY SHOULD BE PROVIDED. THE ADVOCATE/VOLUNTEER WILL TEACH THE MEMBERS OF THE COMMUNITY HOW TO GET STATE AND LOCAL GRANTS AS WELL AS MONEY FROM FOUNDATIONS, CORPORATIONS AND OTHER COMMUNITY GROUPS, SUCH AS THE UNITED FUND, UNIONS AND CHURCHES. ACTION WILL GIVE SMALL START-UP GRANTS SO THAT PROGRAMS CAN GET GOING. THERE WOULD BE AN ADVOCACY NATIONAL CLEARINGHOUSE ACTIVELY SPREADING THE WORD ON GOOD PROGRAMS AND GOOD APPROACHES.

I CAN'T GUARANTEE THAT ACTION CAN RUN A LARGE CATEGORICAL PROGRAM. BUT I THINK THAT IT IS AN INNOVATIVE IDEA OF HOW TO RUN SOCIAL PROGRAMS. AS YOU KNOW WE HAVE COMMUNITY-FOCUSED PROGRAMS TO RENOVATE BUILDINGS AND SAVE NEIGHBORHOODS. WHY NOT COMMUNITY-BASED PROGRAMS TO HELP PEOPLE? PLACING THE MAJOR FOCUS OF THIS

LEGISLATION IN ACTION COULD BE VIEWED AS A "LARGE DEMONSTRATION PROJECT." LET'S GIVE IT A TRY.

IN CONCLUSION, REGARDLESS OF WHERE THE PROGRAM IS PLACED, ACTION OR HEW, I URGE THE COMMITTEE TO DO VIGOROUS OVERSIGHT TO INSURE THAT WHICHEVER AGENCY IS AUTHORIZED TO RUN THE PROGRAM WILL COMPLY WITH THE MANDATE OF THE LEGISLATION AND GIVE US DIRECTION FOR FUTURE INITIATIVES.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY. I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

Mr. MILLER. At this time, I would like to recognize the fact that Congressman Biaggi has joined the panel here. Mario, do you have any questions?

Mr. BIAGGI. Thank you, Mr. Chairman.

I would like to extend a welcome to my colleagues. I am delighted to have heard your refreshing testimony, Ms. Mikulski. I have been associated with this problem long before I came to the Congress, and it was a problem that wasn't recognized as one. That was one of the basic faults government and society are liable for. The thrust was child abuse. I think what happened is, by dealing with child abuse, the didn't give recognition to the abused wife syndrome. There is a definite relationship, but it is not on all fours, and should be treated separately, if we do the job right.

With relation to your testimony, some of the suggestions you make on page 5 should be generally applied to almost every area of government, really. The fault is universal. In addition, with relation to your recommendation that it be ACTION, let me give you a little experience. I am not sure where it should go. To me it is not really important, so long as wherever it goes, it is given some sense of priority.

I am on the Select Committee for the Aging, as you are, and we had testimony from Ms. King from ACTION, and had a rather revealing and disappointing revelation. That was, in the three areas, Peace Corps, VISTA, and voluntary programs for the senior citizens, all three were denied initially. Appeals were made for only two. The senior citizens weren't even deemed worthy. That program wasn't even deemed worthy of appeal. Effectively that means a loss of some 30,000 jobs.

We talked often, representatives of different agencies talked of the universal acceptance, but even mere tokenism was not manifested in this area. What I would want to be certain of is wherever it goes, the agency that gets this program generally commits itself to do it.

I enjoyed some of your phrases, such as grant junkies. One day we will have a withdrawal and they will be collapsing all over the place, but you are crisp, you are refreshing, and your expression of deep concern, with 20 years of experience, shines through here in very meaningful fashion.

Let me give you another perspective that is lost in this thing because we are talking about child abuse, battered women, and the like, but one of the consequences, I was a former police officer for some 23 years, and I have learned that one of the most dangerous areas for a police officer to deal with is family problems, because they are either criminals, hence you don't deal with them under ordinary circumstances, you try to be a pacifist, and before you know it you don't have one assaulting you, you have both people in the family assaulting you.

There have been hundreds, thousands of police officers who have been injured, and numbers of them have been killed, so if we could resolve this problem we would have more benefits perhaps than we think are available.

I would like to congratulate the chairman for holding these hearings. He has been most sensitive to this whole arena. As a matter of

fact, he was the original sponsor, and I was privileged to be a co-sponsor of the Child Abuse Prevention & Treatment Act, which I think might have initiated a nationwide interest in this whole broad problem. Thank you.

Mr. MILLER. Thank you. Lindy?

STATEMENT OF HON. LINDY BOGGS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF LOUISIANA

Mrs. Boggs. Thank you Mr. Chairman. Thank you, Mario. All of us really want to thank you very, very much for conducting these hearings and for the sensitivity and concern that you have shown in conducting them.

I am very pleased today that joining us here are women from all over the United States, from every conceivable interest and discipline, and Rita Jolie-Boulier, from Belgium, who happens to be visiting in the United States at this time, is a political journalist, and she is head of the committee for women's movement in Belgium which coordinates members of the movement with political figures and governmental officials. She has been very active in their group with providing shelters for battered women, and it was a blessing that we had these hearings today, so that she could be able to take back to Belgium some of the good suggestions that will be made, and also the concern and interest as shown by you and Mr. Biaggi and other members of this committee. We are extremely grateful to you.

You have invited such a distinguished group of witnesses who will tell us more about the extent of family violence and who will also describe the many local community-based programs which deal with this problem. I know their comments will be invaluable to the committee in devising the appropriate Federal response.

It is true that economic and social conditions and differences in physical strength combine to make women and children the frequent victims of violence in the home, but I think we should know that it is important to examine this issue within the total context of the family and the community life, because this issue affects every segment of the population and every generation in the family.

Domestic violence includes child abuse and the battering and neglect of the elderly as well as spousal assault, and I think Newton was very good this morning to come here with his hand in a cast to show us that spousal assault can happen to males as well.

[General laughter.]

Mrs. Boggs. First of all, in a family where serious violence occurs, every member of that family suffers physical or emotional damage. I believe that as a society we have an obligation to help families in trouble to identify and solve their own problems. Local community groups of all types are springing up across the Nation in an effort to provide assistance and support to victims of family violence. In nearly every case the emphasis has been to help family members make their own decisions and to provide support or counseling or temporary shelter where appropriate.

It seems to me that whatever the committee and the Congress decide to do, we should help local communities continue the innova-

tion and initiative already begun. This is a newly emerging issue which we are just beginning to understand, and we cannot presume that we have all the answers here at the Federal level. I trust these hearings will provide the basis for a legislative history that will direct the Administration to support locally controlled programs.

Second, family violence does not occur in a vacuum. Many families troubled by violence also have problems in other areas, such as juvenile delinquency or runaways, drug abuse or alcoholism, unemployment, mental illness, poor health or inadequate education. Local programs have taken the lead in organizing their entire communities to combat family violence.

For instance, in my district, the New Orleans YWCA is coordinating a counseling program for battered women. The New Orleans Y program has brought together a host of local public agencies and private, nonprofit groups to work cooperatively on the problem. The associated agencies include the municipal courts, the city council, social service agencies, women's groups, religious programs, CETA and title 20.

Of course, we still desperately need better funding and more trained workers.

After the hearings are completed, I look forward to working with the committee and with my colleagues, Barbara Mikulski and Newton Steers, as we try to find an appropriate Federal response to domestic violence. I think all of us entered these bills into the hopper to make certain that the problem was recognized, and that hearings would be held, and that we would have a wealth of information from all of the affected persons and the organizations working in this field.

The only reasons that the Steers-Boggs bill suggested ongoing studies at NIMH was because studies were already being conducted there, and we didn't want to delay these studies. As Barbara says, we don't want to study this to death. Barbara, you know, there is a witness here from the American Bar Association, and your grant junkies reminded me of the story of the young lawyer who went in to his father in the family firm and said, you know that case that has been hanging fire for the last 10 years, he said, I don't know why it was hanging fire all that time, I settled it today, and his father looked at him and said, son, that case took you through college and law school. So, we do have that syndrome, of course.

[General laughter.]

Mrs. Boggs. But NIMH has been conducting these studies, and we felt the studies could be enhanced and more quickly completed if we simply had the studies ongoing in the same Federal agency.

Barbara is very right about setting up some sort of a clearinghouse at the national level which all of our bills hope to do, because the local initiative cannot really take place as effectively if we don't try to make some sense out of the various Federal programs that are in the field, and so that we will be able to coordinate them and know where to go in our particular problems.

So, we do hope that the Federal response will be looked into and will be found wherever it may go.

The current public recognition of this drastically unreported problem reflects our new willingness to face the ugly truth of violence in

the home. Our experience with child abuse, and rape, as you said, Mario, has helped us understand the plight of the victims and the pitfalls of creating certain types of Federal programs. I would be remiss if I did not express here today my deep appreciation to Midge Costanza in the White House, and I think this time, Barbara, we have a very sensitive Secretary at the Department of HEW to this problem. Secretary Califano, for the personal efforts to bring together the many elements of the Federal Government which can have an impact on family violence.

Through White House meetings sponsored by the Office of Public Liaison, and through the help of an interdepartmental working group at HEW, we have been able to gather valuable insight into the existing Federal programs, and we are now able to make recommendations for small but significant changes in regulations and procedures, so that existing programs can be accessible to community groups working on family violence.

I do commend Ms. Costanza and Secretary Califano for their leadership and their assistance, and I commend everyone who has been working on this terrible problem. I am very appreciative that so many of them who are experts in the field and have so much to offer to this committee and to the Congress have taken the time and the trouble and the expense to come here today.

I would like to say also that I have high regard for the ACTION program. The fact that it was not included in our bill does not mean that I have not worked very long and hard previous even to Sarge's interest in it. My daughter, Barbara Boggs Sigman, left the Kennedy White House to work as a fulltime volunteer to establish a domestic Peace Corps out of which many of these programs grew, so I have had a continuing interest in the program since its inception.

We are here to say this is a terrible problem. We are bringing it out of the closet. We have had wonderful cooperation from the various media in communicating the problem, and we need to continue to do this, and to have a Federal response that can deal with the local laws and regulations and the State laws and regulations, and to act in cooperation for the innovative, heartfelt programs that are being carried on at the local level.

Thank you very much.

Mr. MILLER. Thank you.

[Prepared statement of Mrs. Boggs follows:]

LINDY (MRS. HALK) BOGGS, M.C.  
 20 DISTRICT OF COLUMBIA  
 COMMITTEE  
 APPROPRIATIONS

WASHINGTON  
 WASHINGTON, D.C.  
 BARBARA RATHE  
 ADMINISTRATIVE ASSISTANT

Congress of the United States  
 House of Representatives  
 Washington, D.C. 20515

MARCH 16, 1978

TESTIMONY BEFORE THE SELECT EDUCATION SUBCOMMITTEE  
 OF THE HOUSE EDUCATION AND LABOR COMMITTEE

BY

U.S. REPRESENTATIVE LINDY BOGGS

SPONSOR OF

THE DOMESTIC VIOLENCE PREVENTION AND TREATMENT ACT

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE.  
 TODAY IS A GREAT DAY FOR CITIZENS ALL OVER THE COUNTRY WHO  
 HAVE BEEN WORKING HARD TO HELP THE VICTIMS OF DOMESTIC VIOLENCE.

I WOULD LIKE TO BEGIN BY THANKING YOU AND THE COMMITTEE FOR  
 YOUR SENSITIVITY AND CONCERN IN CONDUCTING THESE HEARINGS. YOU  
 HAVE INVITED A DISTINGUISHED GROUP OF WITNESSES WHO WILL TELL  
 US MORE ABOUT THE EXTENT OF FAMILY VIOLENCE AND WHO WILL ALSO  
 DESCRIBE THE MANY LOCAL, COMMUNITY-BASED PROGRAMS WHICH DEAL WITH  
 THIS PROBLEM. I KNOW THEIR COMMENTS WILL BE INVALUABLE TO THE  
 COMMITTEE IN DEVISING THE APPROPRIATE FEDERAL RESPONSE.

BECAUSE WE HAVE MANY WITNESSES TO HEAR, I WILL BE BRIEF; BUT  
 I DO WISH TO MAKE A FEW GENERAL POINTS ABOUT THE ISSUE AND THE  
 LEGISLATIVE PROPOSALS.

IT IS TRUE THAT ECONOMIC AND SOCIAL CONDITIONS AND DIFFERENCES IN PHYSICAL STRENGTH COMBINE TO MAKE WOMEN AND CHILDREN THE FREQUENT VICTIMS OF VIOLENCE IN THE HOME. HOWEVER, I FEEL THAT IT IS IMPORTANT TO EXAMINE THIS ISSUE WITHIN THE TOTAL CONTEXT OF FAMILY AND COMMUNITY LIFE BECAUSE THIS ISSUE AFFECTS EVERY SEGMENT OF THE POPULATION. DOMESTIC VIOLENCE INCLUDES CHILD ABUSE AND THE BATTERING AND NEGLECT OF THE ELDERLY AS WELL AS SPOUSE ASSAULT.

FIRST OF ALL, IN A FAMILY WHERE SERIOUS VIOLENCE OCCURS, EVERY MEMBER OF THAT FAMILY SUFFERS PHYSICAL OR EMOTIONAL DAMAGE. I BELIEVE THAT AS A SOCIETY WE HAVE AN OBLIGATION TO HELP FAMILIES IN TROUBLE IDENTIFY AND SOLVE THEIR OWN PROBLEMS. LOCAL COMMUNITY GROUPS OF ALL TYPES ARE SPRINGING UP ACROSS THE NATION IN AN EFFORT TO PROVIDE ASSISTANCE AND SUPPORT TO VICTIMS OF FAMILY VIOLENCE. IN NEARLY EVERY CASE, THE EMPHASIS HAS BEEN TO HELP FAMILY MEMBERS MAKE THEIR OWN DECISIONS AND TO PROVIDE OR COUNSELING OR TEMPORARY SHELTER WHERE APPROPRIATE.

IT SEEMS TO ME THAT WHATEVER THE COMMITTEE AND THE CONGRESS DECIDE TO DO, WE SHOULD HELP LOCAL COMMUNITIES CONTINUE THE INNOVATION AND INITIATIVE ALREADY BEGUN. THIS IS A NEWLY EMERGING ISSUE WHICH WE ARE JUST BEGINNING TO UNDERSTAND, AND WE CANNOT PRESUME THAT WE HAVE ALL THE ANSWERS HERE AT THE FEDERAL LEVEL. I TRUST THESE HEARINGS WILL PROVIDE THE BASIS FOR A LEGISLATIVE HISTORY WHICH WILL DIRECT THE ADMINISTRATION TO SUPPORT LOCALLY CONTROLLED PROGRAMS.

SECONDLY, FAMILY VIOLENCE DOES NOT OCCUR IN A VACUUM. MANY FAMILIES TROUBLED BY VIOLENCE ALSO HAVE PROBLEMS IN OTHER AREAS, SUCH AS JUVENILE DELINQUENCY OR RUNAWAYS, DRUG ABUSE OR ALCOHOLISM, UNEMPLOYMENT, MENTAL ILLNESS, POOR HEALTH OR INADEQUATE EDUCATION. LOCAL PROGRAMS HAVE TAKEN THE LEAD IN ORGANIZING THEIR ENTIRE COMMUNITIES TO COMBAT FAMILY VIOLENCE.

IN MY DISTRICT, THE NEW ORLEANS YWCA IS COORDINATING A COUNSELING PROGRAM FOR BATTERED WOMEN. THE NEW ORLEANS "Y" PROGRAM HAS BROUGHT TOGETHER A HOST OF LOCAL PUBLIC AGENCIES AND PRIVATE, NON-PROFIT GROUPS TO WORK COOPERATIVELY ON THE PROBLEM. THE ASSOCIATED AGENCIES INCLUDE THE MUNICIPAL COURTS, THE CITY COUNCIL, SOCIAL SERVICE AGENCIES, WOMEN'S GROUPS, RELIGIOUS ORGANIZATIONS, THE UNIVERSITIES, AND TWO FEDERAL PROGRAMS, CETA AND TITLE XX. OF COURSE, WE STILL DESPERATELY NEED BETTER FUNDING AND MORE TRAINED WORKERS.

AFTER THE HEARINGS ARE COMPLETED I LOOK FORWARD TO WORKING TOGETHER WITH THE COMMITTEE AND WITH MY COLLEAGUES NEWTON STEERS AND BARBARA MIKULSKI AS WE TRY TO FIND AN APPROPRIATE FEDERAL RESPONSE TO DOMESTIC VIOLENCE. THE CURRENT PUBLIC RECOGNITION OF THIS DRASTICALLY UNDER-REPORTED PROBLEM REFLECTS OUR NEW WILLINGNESS TO FACE THE UGLY TRUTH OF VIOLENCE IN THE HOME. OUR EXPERIENCE WITH CHILD ABUSE AND RAPE HAS HELPED US UNDERSTAND THE PLIGHT OF THE VICTIMS AND THE PITFALLS OF CREATING CERTAIN TYPES OF FEDERAL PROGRAMS.

I WOULD BE REMISS IF I DID NOT EXPRESS HERE TODAY MY DEEP APPRECIATION TO MIDGE COSTANZA IN THE WHITE HOUSE AND TO SECRETARY CALIFANO AT THE DEPARTMENT OF H.E.W. FOR THEIR PERSONAL EFFORTS TO BRING TOGETHER THE MANY ELEMENTS OF THE FEDERAL GOVERNMENT WHICH CAN HAVE AN IMPACT ON FAMILY VIOLENCE.

THROUGH WHITE HOUSE MEETINGS SPONSORED BY THE OFFICE OF PUBLIC LIAISON AND THROUGH THE HELP OF AN INTRA-DEPARTMENTAL WORKING GROUP AT H.E.W., WE HAVE BEEN ABLE TO GATHER VALUABLE INSIGHT INTO EXISTING FEDERAL PROGRAMS AND WE ARE NOW ABLE TO MAKE RECOMMENDATIONS FOR SMALL BUT SIGNIFICANT CHANGES IN REGULATIONS AND PROCEDURES SO THAT EXISTING PROGRAMS CAN BE ACCESSIBLE TO COMMUNITY GROUPS WORKING ON FAMILY VIOLENCE. I COMMEND MS. COSTANZA AND SECRETARY CALIFANO FOR THEIR LEADERSHIP AND ASSISTANCE.

THANK YOU, MR. CHAIRMAN, FOR INVITING ME TO PARTICIPATE IN TODAY'S HEARING, AND FOR GIVING ALL OF US THE OPPORTUNITY TO SPEAK OUT AGAINST FAMILY VIOLENCE.

Mr. STEERS. Mr. Miller, I want to commend you for your genuine interest and leadership in the area of family violence. Some of my friends at the House of Ruth told me that you visited the Battered Women's Annex there for some time a few weeks ago. I, too, was first acquainted with this problem through the House of Ruth by my legislative assistance, Bobbi Avencena, who is a member of the home's board of directors.

As I have arranged with the subcommittee staff, I will play a tape which graphically illustrates the plight of the battered woman in terms of its relationship to other aspects of family life and also in terms of how ill-prepared our society is to deal with this problem. The woman is one of my constituents with whom I have met on several occasions. Recently she appeared on a local television show—Morning Break—with interviewer Carol Randolph.

This is a 7-minute, edited version of that interview. By way of introduction, I would like to make a few brief comments. Victims of abuse have told both my staff and me that once married, their husbands treated them as a piece of property, that in fact their marriage licenses had become hitting licenses. When times get rough, when the husband loses his job, or when an unexpected new baby is coming, the wife becomes a scapegoat for societal pressures. Frequently the battered wife is not readily employable, has no money in her own right, and simply has no place to go.

Tragically, this includes such women as the woman who lost her kidney during a beating, and then went back to her husband after that beating and nearly lost her second and only remaining kidney in another beating. It includes the woman who lost an ear at the hands of her husband, and the woman whose husband attempted to abort his own unborn child.

The tape opens as Carol Randolph is asking when was the first time the victim was beaten by her husband.

[Whereupon, a tape recording was played.]

Mr. MILLER. The committee will recess for a few minutes. We have a vote on. We will return, and I want to invite Barbara and Lindy and Newton, if you would like to, you are welcome to join the committee up here, and we will finish with your statement.

[Whereupon, a brief recess was taken.]

Mr. MILLER. The hearing will reconvene.

My apologies for the small room. If any of you would like to come up and sit alongside here, or you are welcome if other Members of Congress do not show up to occupy a couple of these front chairs. If you want to come up and sit in front of the hearing table or down the sides or on the steps, please feel free to do so.

Go ahead, Newton.

#### STATEMENT OF HON. NEWTON I. STEERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. STEERS. Mr. Chairman, last month, an informal National Coalition of the Emergency Shelter Providers told a meeting of Hill staffers that national legislation should include funding of shelters as its first priority. This priority is reflected in the legislation which

Mrs. Boggs and I introduced on June 21, 1977, the Domestic Violence Prevention and Treatment Act. This measure was drafted in conjunction with Senator Anderson and Senator Kennedy and introduced in the Senate as S. 1728. The funding emphasis of our measure is clear: Sixty percent of the funds appropriated must be used to fund demonstration grants, to train service providers, law enforcement officials, emergency room hospital personnel, legal service lawyers and other community groups to treat victims of abuse.

It would also be used to fund full service shelters which already exist in four states and Puerto Rico. The ultimate goal of Federal legislation should be to encourage and continue local efforts through some kind of service funding and to provide practical knowledge about treatment and the scope of the problem based on service-oriented demonstration grants.

Specifically, the bill should include the following provisions. One, legislation should cover an immediate need for service funding and should be flexible to meet individual and community needs. Second, small, nonprofit groups that pioneered in this field with little Government resources should not lose out in the awarding of grants over more sophisticated groups which have not previously expressed an interest in the problem. For this reason, technical assistance should be an integral part of any Federal legislation.

Three: A coordinating unit should be established so that existing family violence programs in a host of different Federal agencies are not fragmented. Fourth, a clearinghouse should be established to serve as a focal point for all information about existing services. I might insert there that we have a definitional and reporting problem which is illustrated here in the Washington area.

Fairfax, during a recent year, reported 4,200 cases of spouse abuse. Montgomery County, which is roughly comparable to Fairfax, reported only 234. Clearly, they were not reporting the same thing, and that is the reason why I think that we did need to provide and did provide in the legislation for a clearinghouse and for research so that we can arrive at a set of common definitions which could be used throughout the country.

Fifth: Some type of media effort should be undertaken to increase the public's awareness of the problem, so that battered women and their families will know that they are not alone and that help is available.

Six: Some effort should be made to encourage State and local laws to be more responsive to the needs of battered spouses. Leland Bergstrand, the director of the Family Court Services Division of the Fresno, California, Family Court, summed up the need for legislation in a letter to me:

Regular funds are hard pressed by inflation and attitudes against start-up of new services. Our best hope for a project is to fund it in the private sector, but until the public awareness both to the problem of battering and the help possible in treating this social evil has been raised to a sufficient level, the private funds are not sufficient to meet this challenge.

Since introduction of our bill, which was the first legislation to deal with the problem on the Federal level, I have received hundreds of responses with excellent suggestions for revision. The most

controversial part of our legislation is the location of its activity in the National Institute of Mental Health. Critics of the bill have pointed out that NIMH is primarily research-oriented, and that the service orientation of our bill would best be administered elsewhere.

This is why both Mrs. Boggs and I have suggested the possibility of locating the program in the new Administration for Children, Youth, and Family, within the Department of HEW.

Mr. Miller, I am pleased to have this opportunity to discuss Federal legislation to aid battered women and families in crisis. I hope your subcommittee will report legislation very soon.

[Prepared statement of Mr. Steers follows:]

STATEMENT OF THE HONORABLE NEWTON I. STEERS, JR.BEFORE THESELECT EDUCATION SUBCOMMITTEEMARCH 16, 1978

MR. MILLER, I WANT TO COMMEND YOU FOR YOUR GENUINE INTEREST AND LEADERSHIP IN THE AREA OF FAMILY VIOLENCE. SOME OF MY FRIENDS AT THE HOUSE OF RUTH TOLD ME THAT YOU VISITED THE BATTERED WOMEN ANNEX THERE FOR SOME TIME A FEW WEEKS AGO. I FEEL CERTAIN THAT THIS ISSUE IS IN GOOD HANDS.

THE ISSUE OF FAMILY VIOLENCE IS A STRANGE BAG OF CONTRADICTIONS. ON THE ONE HAND, THE FAMILY IS THOUGHT OF AS NONVIOLENT, BENEVOLENT AND LOVING AS PORTRAYED ON TWO POPULAR TELEVISION SHOWS, "THE WALTONS" AND "FAMILY." ON THE OTHER, FAMILY LIFE IS AS STRAINING AS IT IS CLOSEKNIT. RELATIVES ARE THE SINGLE LARGEST CATEGORY OF MURDER VICTIMS AND FAMILY FIGHTS ARE THE SINGLE LARGEST CATEGORY OF POLICE CALLS.

FROM THE OUTSET, I WOULD LIKE TO SAY THAT THERE IS NO QUESTION IN MY MIND THAT WIFE BEATING MUST BE VIEWED IN THIS OVERALL CONTEXT OF FAMILY VIOLENCE WHICH INCLUDES CHILDREN, ELDERLY PERSONS, HUSBANDS AND OTHER PERSONS WHO MAY BE LIVING IN THE HOME.

BECAUSE I AM CONCERNED ABOUT THE OUTCOME OF ACTUAL SERVICES THAT WOULD BE PROVIDED BY A BILL TO HELP FAMILIES IN CRISIS, I MUST STATE MY BELIEF THAT IN A VERY REAL SENSE WHAT WE ARE TALKING ABOUT TODAY IS IN LARGE PART A WOMENS ISSUE AND THAT EMERGENCY SERVICES FOR WOMEN AND THEIR CHILDREN SHOULD BE A MAJOR COMPONENT OF ANY LEGISLATION THE SUBCOMMITTEE WOULD REPORT. THE OVERWHELMING EVIDENCE PRESENTED TIME AND TIME AGAIN -- AND THIS WAS ESPECIALLY TRUE AT THE SENATE HEARINGS ON FAMILY VIOLENCE LAST WEEK -- SHOWS THAT WOMEN ARE THE SINGLE LARGEST GROUP OF VICTIMS OF THIS VIOLENCE. MURRAY STRAUS, A RECIPIENT OF A NATIONAL INSTITUTE OF MENTAL HEALTH GRANT, HAS STATED THAT WIVES ARE MUCH MORE OFTEN VICTIMS OF VIOLENCE BY THEIR HUSBANDS THAN THE REVERSE.

SOCIETY'S TREATMENT OF WOMEN THROUGHOUT HISTORY HAS NEVER BEEN ONE THAT WE CAN BEEN PROUD OF. AS SUSAN BROWNMILLER WROTE IN HER BOOK, AGAINST OUR WILL:

MEN, WOMEN AND RAPE: "AS THE FIRST PERMANENT ACQUISITION OF MAN, HIS FIRST PIECE OF REAL PROPERTY, WOMAN WAS, IN FACT, THE ORIGINAL, BUILDING BLOCK, THE CORNERSTONE OF THE 'HOUSE OF THE FATHER.' MAN'S FORCIBLE EXTENSION OF HIS BOUNDARIES TO HIS MATE AND LATER TO THEIR OFFSPRING WAS THE BEGINNING OF HIS CONCEPT OF OWNERSHIP."

IN FACT, STUDIES HAVE SHOWN THAT WIFE ABUSE HAS ITS ROOTS IN THE VERY STRUCTURE OF SOCIETY AND THE FAMILY WHERE THE HUSBAND IS EXPECTED TO PLAY THE ROLE OF FAMILY LEADER. IF THIS POSITION IS THREATENED, MANY MEN FALL BACK ON THEIR ULTIMATE RESOURCE OF PHYSICAL FORCE.

THE WIDESPREAD EXISTENCE OF WIFE BEATING TODAY UNDERSCORES THE FACT THAT THESE SOCIETAL EXPECTATIONS ARE STILL PREVALENT. VICTIMS OF ABUSE HAVE TOLD BOTH MY STAFF AND ME THAT, ONCE MARRIED, THEIR HUSBANDS TREATED THEM AS A PIECE OF PROPERTY -- THAT IN FACT THEIR MARRIAGE LICENSES HAD BECOME HITTING LICENSES.

WHEN TIMES GET ROUGH, WHEN THE HUSBAND LOSES HIS JOB, OR WHEN AN UNEXPECTED NEW BABY IS COMING, THE WIFE BECOMES A SCAPEGOAT FOR SOCIETAL PRESSURES. FREQUENTLY, THE BATTERED WIFE IS NOT READILY EMPLOYABLE, HAS NO MONEY IN HER OWN RIGHT AND SIMPLY HAS NO PLACE TO GO. TRAGICALLY, THIS INCLUDES SUCH WOMEN AS THE WOMAN WHO LOST HER KIDNEY, DURING A BEATING, WHO THEN WENT BACK TO HER HUSBAND AFTER THAT BEATING AND NEARLY LOST HER SECOND AND ONLY REMAINING KIDNEY IN ANOTHER BEATING. IT INCLUDES THE WOMAN WHO LOST AN EAR AT THE HANDS OF HER HUSBAND AND THE WOMAN WHOSE HUSBAND ATTEMPTED TO ABORT HIS OWN UNBORN CHILD.

THE PROBLEMS OF FAMILY VIOLENCE AND WIFE ABUSE IN PARTICULAR WERE FIRST BROUGHT TO MY ATTENTION BY MY LEGISLATIVE ASSISTANT, BOBBI AVANCENA, WHO IS A MEMBER OF THE BOARD OF DIRECTORS OF THE HOUSE OF RUTH, A LOCAL HOME FOR DESTITUTE AND BATTERED WOMEN HERE IN THE DISTRICT OF COLUMBIA.

ABOUT THAT SAME TIME, A COUNTY COUNCIL MEMBER, ESTHER GELMAN, IN MY DISTRICT OF MONTGOMERY COUNTY, MARYLAND, WAS INSTRUMENTAL IN SETTING UP A COUNTY-FUNDED ABUSED PERSONS PROGRAM. CYNTHIA ANDERSON, SUPERVISOR OF THAT PROGRAM WILL TESTIFY LATER IN THIS HEARING.

LAST MONTH, AN INFORMAL NATIONAL COALITION OF EMERGENCY SHELTER PROVIDERS TOLD A MEETING OF HILL STAFFERS THAT NATIONAL LEGISLATION SHOULD INCLUDE FUNDING OF SHELTERS AS ITS FIRST PRIORITY.

THIS PRIORITY IS REFLECTED IN THE LEGISLATION WHICH MRS. BOGGS AND I INTRODUCED ON JUNE 21, 1977, THE DOMESTIC VIOLENCE PREVENTION AND TREATMENT ACT. THIS MEASURE WAS DRAFTED IN CONJUNCTION WITH SENATOR ANDERSON AND SENATOR KENNEDY AND INTRODUCED IN THE SENATE AS S.1728.

THE FUNDING EMPHASIS OF OUR MEASURE IS CLEAR. SIXTY PERCENT OF THE FUNDS APPROPRIATED MUST BE USED TO FUND DEMONSTRATION GRANTS TO TRAIN SERVICE PROVIDERS, LAW ENFORCEMENT OFFICIALS, EMERGENCY ROOM HOSPITAL PERSONNEL, LEGAL SERVICE LAWYERS, AND OTHER COMMUNITY GROUPS TO TREAT VICTIMS OF ABUSE. IT WOULD ALSO BE SUED TO FUND FULL SERVICE SHELTERS WHICH ALREADY EXIST IN 44 STATE AND PUERTO RICO. THE CENTER FOR WOMEN POLICY STUDIES WHICH IS THE RECIPIENT OF AN LEAA TECHNICAL ASSISTANCE GRANT HAS GATHERED DATA WHICH SHOWS SOME 177 SHELTERS AND 128 SERVICE PROGRAMS ACROSS THE COUNTRY. IN THE STATE OF CALIFORNIA, FOR INSTANCE, THERE ARE 23 SHELTERS AND EIGHT SERVICE PROGRAMS. AN ANALYSIS OF SHELTER DISTRIBUTION ACROSS THE COUNTRY IS ATTACHED TO COPIES OF MY WRITTEN STATEMENT.

THE REST OF THE BILL'S FUNDING -- 40% -- WOULD BE SPLIT BETWEEN TECHNICAL ASSISTANCE, A NATIONAL CLEARINGHOUSE, A STUDY OF STATE LAWS, AN EVALUATION COMPONENT AND FINALLY SOME RESEARCH.

SINCE INTRODUCTION OF OUR BILL -- WHICH WAS THE FIRST LEGISLATION TO DEAL WITH THE PROBLEM ON THE FEDERAL LEVEL -- I HAVE RECEIVED HUNDREDS OF RESPONSES WITH EXCELLENT SUGGESTIONS FOR REVISION. THE MOST CONTROVERSIAL PART OF OUR LEGISLATION IS THE LOCATION OF ITS ACTIVITY IN THE NATIONAL INSTITUTE OF MENTAL HEALTH (NIMH). CRITICS OF THE BILL HAVE POINTED OUT THAT NIMH IS PRIMARILY RESEARCH ORIENTED AND THAT THE SERVICE ORIENTATION OF OUR BILL WOULD BEST BE ADMINISTERED ELSEWHERE. THIS IS WHY BOTH MRS. BOGGS AND I HAVE SUGGESTED THE POSSIBILITY OF LOCATING THE PROGRAM IN THE NEW ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILY (ACYF) WITHIN THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE.

THE ULTIMATE GOAL OF FEDERAL LEGISLATION SHOULD BE TO ENCOURAGE AND CONTINUE LOCAL EFFORTS THROUGH SOME TYPE OF SERVICE FUNDING AND TO PROVIDE PRACTICAL KNOWLEDGE ABOUT TREATMENT AND THE SCOPE OF THE PROBLEM BASED ON SERVICE-ORIENTED DEMONSTRATION GRANTS.

SPECIFICALLY, THE BILL SHOULD INCLUDE THE FOLLOWING PROVISIONS:

1. LEGISLATION SHOULD COVER AN IMMEDIATE NEED FOR SERVICE FUNDING AND SHOULD BE FLEXIBLE TO MEET INDIVIDUAL AND COMMUNITY NEEDS.
2. SMALL NON-PROFIT GROUPS THAT PIONEERED IN THIS FIELD WITH LITTLE GOVERNMENT RESOURCES SHOULD NOT LOSE OUT IN THE AWARDING OF GRANTS OVER MORE SOPHISTICATED GROUPS WHICH HAVE NOT PREVIOUSLY EXPRESSED AN INTEREST IN THE PROBLEM. FOR THIS REASON, TECHNICAL ASSISTANCE SHOULD BE AN INTEGRAL PART OF ANY FEDERAL LEGISLATION.
3. A COORDINATING UNIT SHOULD BE ESTABLISHED SO THAT EXISTING FAMILY VIOLENCE PROGRAMS IN A HOST OF DIFFERENT FEDERAL AGENCIES ARE NOT FRAGMENTED.
4. A CLEARINGHOUSE SHOULD BE ESTABLISHED TO SERVE AS A FOCAL POINT FOR ALL INFORMATION ABOUT EXISTING SERVICES.
5. SOME TYPE OF MEDIA EFFORT SHOULD BE UNDERTAKEN TO INCREASE THE PUBLIC'S AWARENESS OF THE PROBLEM SO THAT BATTERED WOMEN AND THEIR FAMILIES WILL KNOW THAT THEY ARE NOT ALONE AND THAT HELP IS AVAILABLE.
6. SOME EFFORT SHOULD BE MADE TO ENCOURAGE STATE AND LOCAL LAWS TO BE MORE RESPONSIVE TO THE NEEDS OF BATTERED SPOUSES.

LELAND BERGSTRON, DIRECTOR OF THE FAMILY COURT SERVICES DIVISION OF THE FRESNO, CALIFORNIA FAMILY COURT, SUMMED UP THE NEED FOR LEGISLATION IN A LETTER TO ME: "REGULAR FUNDS ARE HARD PRESSED BY INFLATION AND ATTITUDES AGAINST START UP OF NEW SERVICES .... OUR BEST HOPE FOR A PROJECT IS TO FUND IT IN THE PRIVATE SECTOR, BUT UNTIL THE PUBLIC AWARENESS BOTH TO THE PROBLEM OF BATTERING AND THE HELP POSSIBLE IN TREATING THIS SOCIAL ILL HAVE BEEN RAISED

TO A SUFFICIENT LEVEL, THE PRIVATE FUNDS ARE NOT SUFFICIENT TO MEET THIS CHALLENGE."

MR. MILLER, I AM PLEASED TO HAVE THIS OPPORTUNITY TO DISCUSS FEDERAL LEGISLATION TO AID BATTERED WOMEN AND FAMILIES IN CRISIS. I HOPE YOUR SUBCOMMITTEE WILL REPORT LEGISLATION VERY SOON.

NUMBER OF SHELTERS PER STATE  
AS INDICATED BY INFORMATION  
RECEIVED IN ANSWER TO A POSTCARD  
QUESTIONNAIRE SENT BY THE  
CENTER FOR WOMEN POLICY STUDIES

	<u>Shelters</u>	<u>Other Service Programs</u>
Arkansas	1	1
Alaska	1	0
Arizona	2	2
California	23	8
Colorado	7	1
Connecticut	3	4
District of Columbia	2	2
Delaware	3	0
Florida	6	4
Georgia	2	0
Illinois	7	3
Idaho	2	0
Indiana	0	3
Iowa	1	0
Kansas	2	3
Kentucky	3	2
Louisiana	1	0
Maine	1	1
Maryland	8	2
Massachusetts	7	8
Michigan	4	6
Missouri	2	5
Montana	3	2
Nebraska	4	4
New Jersey	5	3
New Mexico	2	0
New York	12	15
North Carolina	4	3
North Dakota	2	1
Ohio	8	2
Oklahoma	2	1
Oregon	5	1
Pennsylvania	9	11
Puerto Rico	1	0
Rhode Island	2	1
South Carolina	0	1
South Dakota	2	0
Tennessee	2	0
Texas	3	3
Utah	1	0
Vermont	2	0
Virginia	4	2
Washington	9	14
West Virginia	1	1
Wisconsin	6	8
	177	128

States: 44

+ Puerto Rico

Mr. MILLER. Thank you very, very much, Congressman Steers. Lindy, you have a comment?

Mrs. BOGGS. I am sorry I moved up here, Newton. I did go over the various aspects of the bill. While we were voting the bill, several people saw me in the hallway and asked if we would quickly review the provisions of our bill. Congressman Steers has certainly hit on all of them since that time but essentially it funds ongoing studies into the problem, it sets up a national clearinghouse, and asks for a promulgation of the results from the clearinghouse.

It calls for a review of State and local laws. There has never been a comprehensive review of State and local laws concerning the problem, and also it suggests that ongoing local programs, private, non-profit, and governmental agencies can be combined to receive separately grants that will immediately be put into the field.

The bill provides that 60 percent of any moneys should go to actual help out in the field to ongoing local agencies, and in so doing, it sets aside, I think, 5 percent of the grant moneys to be helpful to those smaller groups and agencies who are not grant junkies and who do not know how to properly put into form a Government grant. Essentially, those are the provisions of the bill.

As Congressman Steers has said, neither Ms. Mikulski nor we are locking into any situation. We simply want to bring this terrible problem to the attention of the Congress and the people of the United States.

Mr. MILLER. Thank you. I would hope that those in the audience would bear with us. We have our own form of psychological abuse around here, and that is the bell system, and the ability to call votes one right after another. We are going to have to leave again, go vote and come back. At that time, we will hear from Congressman Kasten and Congressman Scheuer. So, we will remain here until all the testimony is received, whether it is this afternoon or this evening, but just hang with us there a little while. Thank you.

[Whereupon, a brief recess was taken.]

Mr. MILLER. The committee will go ahead and reconvene.

At this time, we will hear from Congressman Robert Kasten. Is Congressman Scheuer here? OK, we will go ahead. Bob, welcome to the committee. Your statement will be put into the record in its entirety, and you are welcome to proceed however you desire.

Ms. MIKULSKI. Before we begin, Mr. Chairman, I note there are a few more women out there, and the profile of the committee, I think, is terrific.

Mr. MILLER. It will make you feel at home, Barbara.

#### STATEMENT OF HON. ROBERT W. KASTEN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. KASTEN. Mr. Chairman, thank you very much. I would like to at the outset applaud you for working on these hearings, and I am hopeful that the tremendous amount of support that we are seeing in Wisconsin and I think that we are witnessing and the kind of participation in this hearing today somehow pays off in terms of legislation that is passed.

I appreciate the opportunity to appear before you as the co-sponsor of the Domestic Violence and Treatment Act. I have become increasingly aware of the desperate need for services and financial support which this legislation would provide to those who suffer physical and emotional abuse from their spouses.

Domestic violence certainly is not a new problem, but it is one in which society, so far, at least, has chosen to ignore. We spend billions of dollars fighting crime in the streets, while forgetting that crimes committed behind closed doors are far more common, just as criminal, and every bit as tragic.

Our criminal justice system, though, is not entirely responsible for the invisibility of family violence. Traditionally, battered women have suffered in silence, fearing the loss of their economic security, the indifference of social and judicial institutions, and ridicule by their family and friends. Even where legal and financial support is available, their fear and pride more often than not prevent them from seeking help.

Now women have started fighting back with the formation of self-help programs to provide supportive services, crisis counseling and emergency shelter and to aid battered women and children. Wisconsin illustrates what can be done with very limited resources. The Dane County Advocates for Battered Women, which offers counseling, advocacy, information, and referral services to domestic violence victims was established in early 1977. Two other groups, the Battered Women's Task Force in Milwaukee and Women's Horizons in Kenosha, are fulfilling the unmet needs of battered women in their communities. These are only a few of the programs currently existing in Wisconsin.

We have self-help programs in Waukesha, Green Bay, and in many more communities across the State. I had hoped that representatives of these programs would be able to be here today, but they were unable to attend. I would like to share with you their recommendations for the development of comprehensive Federal legislation that responds to the problem of domestic violence.

Financing is their No. 1 most critical concern. In particular, funds are needed to establish fully equipped emergency shelters, staffed with trained personnel who can provide psychological, and legal counseling, direct services, and most important, protection to wife abuse victims and their children.

The Domestic Violence Prevention and Treatment Act responds to these concerns. Sixty percent of the funds would be used to finance shelters and the training of professionals and paraprofessionals who work with the victims of domestic violence. Although the groups enthusiastically support the bill, they question the rationale. Mr. Chairman, of establishing a program within the National Institute of Mental Health. I understand Representatives Boggs and Steers have responded to similar concerns by proposing that the program be located within the new Administration for Children, Youth, and Family, in the Department of Health, Education, and Welfare. I concur with their recommendation, and hope the members of the subcommittee will agree.

The funds in this legislation are limited, but if they are used effectively, the necessity for Federal involvement will, I believe, eventually expire, and this is, I think, a very important concept. As more grassroots programs are established and begin to deal with domestic violence, I firmly believe that their importance in the community will be recognized, and their ability to compete for local financial support will be enhanced.

In other words, Mr. Chairman, and members of the committee, I think we are talking about seed money here in order to establish the recognition that is so desperately needed, and at that point the Federal involvement could diminish or at least remain constant, so we are not talking about a program of Federal Government money to bring in dollar after dollar.

Indeed, Wisconsin Advocates for Battered Women have shown what can be done with concerned, dedicated individuals who work together and awaken the community to the realization that domestic violence is in fact a threat to society and should be treated as such. We in turn in Congress must do everything possible to insure that their work will continue.

Mr. Chairman, at this point I would like to ask that my statement be included in the record, and I would be happy to respond to any questions that you or members of the committee would like to address.

Mr. MILLER. Thank you, Congressman Kasten.

Your statement will be included.

[Prepared statement of Mr. Kasten follows:]

57931

Testimony Delivered  
by the  
Honorable Robert W. Kasten, Jr., (Wisconsin)  
to the  
Subcommittee on Select Education  
of the House Education and Labor Committee  
March 16, 1978

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before you today. As a cosponsor of the Domestic Violence Prevention and Treatment Act, I have become increasingly aware of the desperate need for the services and financial support this legislation would provide to those who suffer physical and emotional abuse from their spouses.

Domestic violence is certainly not a new problem, but one which society has chosen to ignore. A study of our culture through legal and religious doctrines reveals the concept that wives and offspring are property and therefore subject to the rules and laws dictated by the husband and/or father -- a concept that we can trace to prehistoric times.

Consequently, our courts and legislatures at all levels of government have been reluctant to intervene in what is perceived as an internal family matter. Indeed, even when legal and financial support is available, the victims' fear and pride, more often than not, prevent them from seeking help.

The tragedy of domestic violence, its emotional and legal complexities, is no more apparent than when trying to understand and deal with the problems of the battered wife. Considered by law enforcement officials to be the single most unreported crime in this

country, "wife beating" is almost impossible to document since it is most often listed by police under "assault and battery" or "disputes". Although estimates vary, experts believe that approximately 5 million women suffer brutal assaults by their husbands or mates each year.

It is only within the last few years that sociologists, the criminal justice system and society itself, have taken a new look at the problems of battered women. Traditionally, brutalized women have suffered in silence, fearing the loss of their economic security, the indifference of the criminal justice system and ridicule by their families and friends.

Largely because of the feminist movement, women have started "fighting back" with the formation of self-help programs that provide supportive services, crisis counseling, and emergency shelter to aid the victims of domestic violence. Programs existing in Wisconsin illustrate what can be done with very limited resources.

In early 1977, a group of concerned women in Madison established the Dane County Advocates for Battered Women, which offers counseling, advocacy, information and referral services to domestic violence victims. Limited funds, facilities and staff permit Women's Advocates to offer these services only from 9 a.m. to 5 p.m. Monday through Friday.

In September of 1977, the Women's Resource Center in Racine was formed as part of the local YWCA. In addition to providing shelter and direct services to the victims of domestic violence, the Center also assists sexual assault victims and women faced with the problems of divorce.

Two other groups, the Battered Women's Task Force in Milwaukee, and Women's Horizons in Kenosha, are fulfilling the unmet needs of battered women in their communities. In addition to offering crisis counseling and supportive services to abused women and their children, these groups have worked to educate the general public and sensitize members of the legal/judicial system to the complex and largely misunderstood problems of domestic violence.

As evidence of the support and interest growing for these programs, the Battered Women's Task Force and Women's Horizons have realized one of their primary goals -- the establishment of permanent, emergency shelters for the victims of wife abuse.

Milwaukee's Sojourner Truth House, planned as a temporary haven for about a dozen women and children at a time, will function as a joint enterprise by Family Hospital and the Battered Women's Task Force. Ultimately, the shelter will offer battered women physical and psychological treatment, counseling and referral services, child care facilities and will operate a 24-hour, 7-day-a-week telephone crisis line. The Task Force plans to open Sojourner Truth House this month.

Women's Horizons, incorporated in October of 1976, has already opened a similar facility in Kenosha. In addition to providing primary supportive services to wife abuse victims, Women's Horizons has been working with Kenosha County's social service and law enforcement agencies to more effectively reduce the incidence of violence, not only in the home, but also in the community.

These are only a few of the programs currently existing in Wisconsin -- self-help groups are forming in Waukesha, Green Bay, and Ashland and in many more communities around the state. I am

proud of what my state has accomplished and would like to share with the subcommittee several recommendations for channeling federal assistance to the states in such a manner as to enhance and expand existing programs.

Through meetings and discussions with citizens' groups in Wisconsin, I realized the enormous obstacles facing those who wish to form programs to aid the victims of domestic violence. Although the problems are many and varied, certain fundamental difficulties are apparent.

In planning and establishing a program, the first major obstacle that must be overcome is financing. The very nature of the problem of domestic violence and the services that are needed to deal with those problems require that the program must become an integral part of the community. Consequently, in seeking funds to initiate a program and form a shelter, coordinators usually request assistance from community groups, local governments and federal block-grant programs.

Since government, at the local, state and federal levels, is only beginning to recognize the extent and nature of domestic violence, programs designed to deal with the problem inevitably fall low on the list of a community's priorities for funds. Competing for financial assistance demands a great deal of staff time and effort which would otherwise be used to serve clients.

Consequently, all of the groups in Wisconsin indicate that their most critical need at this point is financial assistance for the establishment of fully-equipped emergency shelters staffed with trained personnel (volunteers and professionals) who would provide direct services, legal and psychological counseling for the victims of domestic violence.

A shelter is necessary for another, very important reason -- protection. Placing a victim in a private home may be the only recourse available, but families are generally unaware that their "act of mercy" may involve legal problems, not to mention an immediate risk to their own safety. A woman who has been badly beaten and abused needs special care and handling which a family cannot provide. A shelter facility not only offers sanctuary but a supportive, sympathetic environment that will help a woman through a crisis.

Once a shelter is established and fully functioning, it becomes part of the community as the staff begins to coordinate their program with other public services. A primary goal of these groups is to promote greater understanding and awareness of domestic violence within the community by working with law enforcement officials, the clergy, social service agencies and the schools. The Kenosha and Milwaukee programs offer limited training programs for law enforcement and social service personnel in their communities, and are currently seeking additional financial assistance that would enable them to expand their public service education efforts.

The Domestic Violence Prevention and Treatment Act responds to all these concerns and needs. The legislation requires that sixty percent of the funds authorized would be used to finance fully-equipped emergency shelters and the training of both professionals and volunteers who are primarily engaged in areas directly related to domestic violence.

The remaining funds would be set aside for technical assistance, an evaluation of existing laws relating to domestic violence, as well as federal state and local efforts responding to the problems

of domestic violence. In addition, the bill authorizes the establishment of a national clearinghouse which would collect and distribute information on this problem.

Most important, the bill would allow communities to deal with the problems of battered women with minimal control or interference from the federal bureaucracy. The unique and highly sensitive social and emotional complexities involved in domestic violence require that a program respond to the needs of the community it serves.

Representatives from Wisconsin's groups have expressed enthusiastic support for the legislation. However, their concerns about the administration of the program and the implementation of certain sections of the bill should be noted.

All of the groups question the rationale of charging the National Institute of Mental Health, a research oriented agency, with the administration of the program. The critical need for the direct services the bill would provide must take priority. In order to insure that the service emphasis of the legislation remains intact, I suggest that another agency handle the program's administrative functions. I understand Representatives Steers and Boggs have responded to similar concerns by proposing that the program be established under the new Administration for Children, Youth and Family in the Department of Health, Education and Welfare. I concur with their recommendation and hope the Members of the Subcommittee will agree.

Another concern that all these groups share is the unending problem of trying to locate funding sources, research material and information about grassroots programs in other cities. In response to this problem, coalitions are beginning to form, whose

memberships consist of researchers, self-help programs and other individuals and groups concerned with the problem of domestic violence. The National Coalition Against Domestic Violence is one such organization, with a network of experts in the field whose talents, expertise and experience in working with spouse and child abuse should be utilized.

The fact that the legislation establishes a national clearinghouse to distribute such information is commendable and one of its strongest points. Suggestions for the kinds of materials that it could provide include a list of federal, state and local programs which offer assistance and supportive services to women and children, publications offering guidance and advice to those planning and coordinating a new program and a directory of programs currently functioning across the nation with a description of services they provide.

In developing this legislation, we have an opportunity to structure a program that will coordinate and utilize vast resources already available to aid the victims of domestic violence. Our concern with the growing size of the federal budget requires that we make the most of existing services and facilities while developing a mechanism that responds to the special and immediate needs of women who are abused in their homes.

The funds in this legislation are limited, but if used effectively, the necessity for federal involvement will eventually expire. As more grassroots programs are established and begin to respond to domestic violence, and ultimately to the broader and very real impact of the problem on society, I hope communities will recognize their contributions through increased financial support.

Indeed, Wisconsin advocates for battered women have shown what can be done when concerned, dedicated individuals work together and awaken a community to the realization that domestic violence is common, criminal and a threat to society. We in turn must do everything possible to ensure that their work will continue.

Mr. MILLER. I personally am delighted to see that you also recognize the difference between starting a Federal program and lending Federal help to programs already in existence. I think that is one that we will continue to dwell on as we talk to representatives of the various programs and people out in the trenches, if you will, who deal with this problem on a day-to-day basis. I think that your testimony helps us highlight that many in Congress are starting to draw a distinction between what happens here and what the possibilities really are if we listen to people who already have experience.

Congresswoman Mikulski?

Ms. MIKULSKI. I don't have any questions. I want to compliment the gentleman for his thinking, which, No. 1, reinforces the concept of funds going to direct service, and No. 2, recognizes the need to support grassroots, and No. 3, to eventually move to the groups' economic self-sufficiency.

Mr. MILLER. I would just like to say that I think that one of the things that is starting to come to our attention and that you have pointed out in your statement is that there are in fact Federal roadblocks to participation by some of these organizations and programs of Federal moneys. I hope to introduce legislation next week that I hope Congresswoman Mikulski and Boggs and Congressman Steers and yourself will support, and that is really a supplement to what we are considering here, but something we can do immediately in terms of allowing title 20 funds to be used for adult shelters for those emergency kinds of services that are provided.

At least then we will start breaking down some of the barriers that now exist, and then we can at the same time talk about going forward to create new sources of funding or help for these programs, and obviously, in Wisconsin you have people that have gone out on their own as they have throughout the country.

Mr. KASTEN. Thank you, Mr. Chairman. I appreciate the opportunity to appear before your committee.

Mr. MILLER. Is Congressman Scheuer in the room?

[No response.]

Mr. MILLER. OK. We will move on to the next panel.

The committee will hear from Commissioner Cardenas, who runs the Administration for Children, Youth, and Family. She will be accompanied by Gerald Klerman, who is the administrator of Alcohol, Drug Abuse, and Mental Health Administration, and by Sam Brown, who is the director of ACTION.

Commissioner Cardenas, do you want to go ahead?

**STATEMENT OF BLANDINA CARDENAS, COMMISSIONER, ADMINISTRATION FOR CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY: GERALD KLERMAN, ADMINISTRATOR, ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION**

Ms. CARDENAS. Mr. Chairman, Ms. Mikulski, members of the subcommittee, I am Bladina Cardenas. I am the Commissioner for Children, Youth, and Families in the Office of Human Development

Services in HEW. Dr. Jerald Klerman, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, and Mr. Sam Brown and I are pleased to appear before you today.

I will be reading briefly from my statement and submitting the total statement for the record.

Dr. Klerman and I are particularly grateful for the opportunity to discuss with you the very real concern we share in the problem of domestic violence. We would like to use our appearance this morning to inform you about our current activities in the Department and to learn from you and the other witnesses more about special concerns of people affected by this problem.

As was pointed out by Congresswoman Boggs, under the leadership of Secretary Califano, representatives from various agencies throughout the Department have recently begun meeting to discuss the extent of our knowledge in this area. What we see is, the proper Federal role and where we are headed. We have learned that spousal violence occurs in epidemic proportions. Dr. Klerman will discuss in greater detail those findings based on research funded by ADAMHA. We recognize that violence between spouses may and often does occur separately from other forms of violence. However, as you know, the President, the Secretary, and all of us at HEW have a strong commitment to strengthening families, and it is within the context of the family that we look at the problem of domestic violence.

Thus, while we are appalled by the extent of violence between spouses, we are trying to prevent and treat all forms of domestic violence. We think that the treatment of violence between spouses must take into account the fact that there are other members of the family, particularly children, who in fact would be needing treatment and assistance. This committee has provided the leadership in the area of child abuse and neglect.

Because of your work in this area for the past 3 years, under the Area of the Child Abuse Prevention and Treatment Act, we have been conducting a number of demonstration projects demonstrating the delivery of services to abused and neglected children and their families.

My testimony, Mr. Chairman, points out a number of projects that have interfaced or that have extended services to total families, that is, to spouses and families where child abuse is occurring. Our initial small-scale demonstration efforts are showing that successful prevention, identification, and treatment of child abuse and neglect requires that services must be available to all members of the family unit in need of help and protection, besides emergency shelters for abused spouses, which, like the provision of emergency protection, besides emergency shelters for abused spouses, which, like the provision of emergency protection for children, must be a first priority.

All the child abuse demonstration projects report that one of the most successful interventions in cases of both spouse abuse and child maltreatment is in the area of improved family relations. Some examples of the services provided in these situations are individual adult counseling, couple family counseling, group counseling, and therapy, marital counseling, parent aid, and lay therapy, Parents Anonymous participation, education services, homemaker services,

transportation support, short-term foster care, medical services, day care, babysitting, and a whole range of legal and advocacy services for employment, housing, and other concrete needs.

State social service programs under titles 4B and 20 of the Social Security Act provide funds that may be used for service to combat the problems of domestic violence. Title 4B provides protective and supportive services for children and their families with no income test. Title 20 permits States to provide services for abused, neglected, or exploited children or adults, with no income test. However, title 20 currently limits shelter care to emergency care of children in danger of abuse or neglect.

We recognize the need for funding authority for shelter care for battered adults as well as children. We therefore will be proposing to the Congress language to amend title 20, as I understand you will, to allow States to use the funds for emergency shelter for a limited time period as a protective service to an adult in danger of physical or mental injury, neglect, maltreatment or exploitation.

Mr. Chairman, you and your staff have clearly spent a great deal of time and attention in seeking a way to maximize current efforts by many community organizations and the capabilities and responsibilities of State agencies, and so have the other members who have developed legislation in this area. We, too, want to applaud the devotion and hours of volunteer work and contributions of the many professional and grassroots groups that are out there on the firing line, providing shelter to women and men who have been battered.

We, too, wish to build on these current efforts, to build on the capabilities of State agencies, to increase our knowledge so that more effective steps can be taken to prevent and treat domestic violence and to improve State laws and procedures for combating domestic violence. At the same time, we would seek to avoid further fragmentation of problems among members of the family and a further fragmented Federal approach. We are now taking a department-wide, indepth look at our current activities. This hearing seems to us to be an important step toward developing a coordinated approach. We are exploring options for future action, and would like to work with you, Mr. Chairman, members of the subcommittee, and staff toward developing these options.

Thank you for giving us this opportunity to testify. Dr. Klerman will have some comments.

Mr. MILLER. He will in a few minutes. We are going to go vote again. When we come back, in the meantime, we are going to move this hearing downstairs, so everybody can sit down. The markup has ended down in 2175. You can go right down the stairs and across the hall, and it will be in the main education room, 2175, and we will come back to that room.

[Whereupon, a brief recess was taken.]

[Prepared statements of Blandina Cardenas and Gerald Klerman follow:]

57927



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

STATEMENT

BY

DR. BLANDINA CARDENAS

COMMISSIONER

ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES  
OFFICE OF HUMAN DEVELOPMENT SERVICES

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

COMMITTEE ON EDUCATION AND LABOR

US HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 16, 1978

Mr. Chairman, Members of the Subcommittee, my name is Blandina Cardenas. I am the Commissioner for Children, Youth and Families in the Office of Human Development Services. Dr. Gerald Klerman, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration and I are pleased to appear before you today.

Dr. Klerman and I are particularly grateful for the opportunity to discuss with you the great concern we share over the problem of domestic violence. We would like to use our appearance this morning to inform you about current activities in the Department concerning domestic violence and to learn from you and the other witnesses more about special concerns of people affected by this problem.

Under the leadership of Secretary Califano, representatives from various agencies throughout the Department have recently begun meeting to discuss the extent of our knowledge in this area, what we see as a proper Federal role, and where we are headed. We have learned that spousal violence occurs in epidemic proportions. Dr. Klerman will discuss in greater detail those findings based on research funded by ADAMHA.

We recognize that violence between spouses may and often does occur separately from other forms of violence.

We have also found that violence between spouses cannot be treated in isolation from other violence within the family. We have learned that men who abuse their children also frequently abuse their wives, and that there are many forms of violence within the family -- violence against aged family members, violence among adolescent siblings, incest, and parental violence against youth which may cause youth to run away.

As you know, the President, the Secretary and all of us in HEW have a strong commitment to strengthening families. It is in the context of the family that we look at the problem of domestic violence. Thus, while we are appalled by the extent of violence between spouses, we are trying to prevent and treat all forms of domestic violence-- we think that the root of the problem lies within the total family as a unit. There is a continuum of need faced by families

Let us describe for you briefly some of the activities and actions we have recently taken or are planning to meet the problem of domestic violence. Our actions can be grouped by the categories of Federal funds for shelters and services, research and demonstration activities, information clearinghouse and incidence.

This Committee has provided the leadership in the area of child abuse and neglect. Because of your work in this area, for the past three years, under the authority of the Child Abuse Prevention and Treatment Act, we have been conducting a number of demonstration projects of the delivery of services to abused or neglected children and their families.

As an unforeseen component of their family oriented services to abused and neglected children, all of our 20 child abuse Demonstration Treatment Centers provide some services which either directly or indirectly assist abused spouses. For example:

- o The San Diego project amended its intake policy eight months ago to accept referrals of abused spouses in families with small children. It did so because staff had found that there was a significant incidence of children being hurt "accidentally" in situations when the spouse was the target of the assault. In addition, the project had discovered a clear pattern of childhood histories involving intra-familial violence in cases of spouse abuse, as well as battering. That is, they found that the perpetrator or the victim had experienced violence either as a victim or as a witness during childhood. I should mention that in taking family histories, the project found the same patterns in spouse cases that we find in classical battered child cases, that is: isolation, situational stress, childhood histories of abuse, and poor impulse control. This project has come to the conclusion that, in many cases of family violence, the victim is whichever family member happens to be available.

- o The Honolulu project has established an emergency shelter which is used exclusively to provide safe lodging to abused spouses and their children. A high percentage of the people served by this refuge are from military families. The objectives of the project are: (1) to provide spouses with children a safe respite on a temporary basis until the conflict between the parents can be resolved; (2) to assist families through periods of crisis with coordinated social services, and (3) to help women in their efforts to develop independent living situations or, when they desire it, to help women return to their husbands. In 1977, the project provided room and board and information and referral assistance to over 200 families. Families usually stay for a few days to as long as two weeks. During this time, the shelter provides assistance in obtaining medical services, food, clothing, financial assistance (if needed), and permanent shelter (if desired). Eligibility to enter the shelter is not restricted by income or marital status.
  
- o The project in Toppenish, Washington, operated by the Yakima Indian Nation, also provides emergency shelter to abused spouses and works with families to reduce the incidence of abuse. Located in a large turn-of-the-century house, the project provides nursery/day/care/emergency shelter facilities 24 hours a day, seven days a week for tribal members who need help. Wives frequently bring their children in the middle of the night seeking temporary shelter while tempers

were cooled and issues are resolved. Thus, the project has provided a haven from further family conflict, where the wife and children can be relieved of an atmosphere of fear and can be protected.

Parents Anonymous, a national organization which assists in the development of local self-help groups for parents who abuse their children or those at risk, receives a grant from ACYF, and reports that in almost every one its over 750 chapters there are mothers who are victims of spouse abuse. (Similar to the other treatment projects, Parents Anonymous reports that in some instances child abuse is a matter of physical proximity, that is, that the child receives the abuse that was intended for the spouse.) A number of chapters are attempting to deal with the special issues of spouse abuse by holding separate weekend meetings for battered spouses, in addition to regular chapter meetings. Many mothers in these groups are concerned about the traumatic effects on children of witnessing assaults and other abusive behavior between parents. They recognize that many children experience guilt for the spouse abuse, feeling somehow responsible for it. They also recognize that spouse abuse creates a bad role model for children; they sense that some boys develop patterns of violence toward females and that some girls develop an expectation of attack and exploitation by males, thus hurting their chances for healthy relations with members of the opposite sex in adult years. As a result of numerous request, the national office of Parents Anonymous is now considering the development of specific self-help programs for the victims of spouse abuse.

- o The Philadelphia Project provides psychiatric counseling to abused spouses and integrates its efforts with the Women-In-Transition Center, a local program designed especially for abused spouses.
- o Two Chicago projects coordinate community services such as legal aid to the abused spouse, couple counseling when appropriate, and emergency shelter (utilizing the Salvation Army) when needed.
- o Moreover, a number of other child abuse projects, although they do not have an inhouse capability to provide emergency shelter, arrange for families to be accepted by such shelters and often provide transportation to them.

These initial small scale demonstration efforts are showing that successful prevention, identification and treatment of child abuse and neglect require that services must be available to all members of the family unit in need of help and protection. Besides emergency shelters for abused spouses which, like the provision of emergency protection for children, must be a first priority, all the child abuse demonstration projects report that one of their most successful interventions in cases of both spouse abuse and child maltreatment is in the area of improved family relations. Some examples of the services provided in these situations are: individual and adult counseling, couple/family counseling, group counseling/therapy, marital counseling, parent aid/lay therapy, Parents Anonymous participation,

education services, homemaker services, transportation support, short-term foster care, medical services, day care, babysitting, and a whole range of legal and "advocacy" services for employment, housing, and other concrete needs.

We supported the development and dissemination of a design for a 24 hour Comprehensive Emergency Services (CES) Program in Nashville, Tennessee. The project enabled children and families to remain in their homes in most cases rather than move to shelters. In some cases, it provided shelter in emergency situations for children. These children often were accompanied by their mothers, who in a number of instances had also been battered. A twenty-four hour hotline and counseling services were the key vehicles in this successful program. The project brought about active co-ordination and mutual referral of cases among a wide variety of service providers, including the police, social services, courts, and health authorities.

The Children's Bureau also contracted to have the Nashville design explained to states, cities, and counties across the country. Technical assistance was provided to help replicate the Nashville design. Though the project was not aimed primarily at helping battered spouses, similar projects could be designed for that purpose. We have proposed, for FY 1979, over \$1 million in seed money be provided for grants to 35 state and local governments to develop such programs.

The Administration on Aging has been conducting research and demonstrations aimed at preventing victimization or criminal violence against the aged. Jointly with the Community Services Administration, HUD, and the Law Enforcement Assistant Administration, AoA has funded research projects and four demonstration projects. A handbook has been developed and disseminated advising the elderly how to avoid criminal violence.

State social services programs, under titles IV-B and XX of the Social Security Act, provide funds that may be used for service to combat the problems of domestic violence. Title IV-B provides protective and supportive services for children and their families with no income test. Title XX permits States to provide services for abused, neglected or exploited children or adults with no income test. However, title XX currently limits shelter care to emergency care of children in danger of abuse or neglect.

We recognize need for funding authority for shelter care for battered adults as well as children. We therefore will be proposing to the Congress language to amend title to allow States to use the funds for emergency shelter for a limited time period as a protective service to an adult in danger of physical or mental injury, neglect, maltreatment, or exploitation.

Mr. Chairman, you and your staff have clearly spent a great deal of time and attention in seeking a way to maximize current efforts by many community organizations and the capabilities and responsibilities of State agencies. And so have the other Members who have developed legislation

in this area. We too want to applaud the devotion and hours of volunteer work and contributions of the many professional and grass roots groups that are out there, on the firing line, providing shelter to women and men who have been battered.

We too wish to build on these current efforts, to build on the capabilities of State agencies , to increase our knowledge, so that more effective steps can be taken to prevent and treat domestic violence, and to improve State laws and procedures for combatting domestic violence.

At the same time, we seek to avoid further fragmentation of problems among members of the family and of a further fragmented Federal approach. We are now taking a Department-wide, in-depth look, at our current activities. This hearing seems to us to be an important step toward developing a co-ordinated approach. We are exploring options for future action and would like to work with you, Mr. Chairman, the Members of the Subcommittee and staff, toward developing these options.

Thank you for giving us this opportunity to testify. Dr. Klerman and I would be happy to answer any questions you may have.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

STATEMENT

BY

GERALD R. KLERMAN, M.D.  
ADMINISTRATOR

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

BEFORE THE  
SUBCOMMITTEE ON SELECT EDUCATION  
COMMITTEE ON EDUCATION AND LABOR  
US HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 16, 1978

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE:

Dr. Cardenas has discussed some of the Department's views and activities with regard to domestic violence. I appreciate this opportunity to also appear before you today to discuss this pressing national issue, and to inform you of activities of the Alcohol, Drug Abuse, and Mental Health Administration as they pertain to domestic violence.

#### Introduction

Violence in the family is defined as a mode of behavior involving the use of physical force among family members. Such force varies in severity from homicide at one extreme to mild spankings at the other. It also varies in intent. In some instances, the intent is to control a person's behavior, to vent personal hostility, or it may be a mixture of both.

Family violence occurs when the need for meaningful and close social contact, for dignity and sense of purpose, is lacking for the person, when the cultural norms of society or the relevant reference group allow this type of behavior, or when the individual lacks alternative means for resolving conflicts.

Domestic violence has an ancient, if scarcely noticeable, history. The traditional view of the American family as a cohesive, social institution tended to obscure the effects of violence from public view, and since violence is dysfunctional to the family unit, it became, over a period of years, an invisible phenomenon. Recently, however, violent abuse and maltreatment in domestic relations have received widespread attention in the United States. The national focus on this issue coincides, to a major degree,

with the growth and influence of the women's movement. Women, in particular, have been instrumental in establishing public forums--primarily aimed at enhancing the nation's consciousness with regard to domestic violence, lending psychological support to victims, and extending to victims such varied aid as group counseling, temporary shelter, and referrals to physicians, psychologists, and lawyers. A consequence of the many discussions on domestic violence was the realization among some women that they shared common experiences. What many women initially viewed as a personal problem is instead a social issue of major significance.

An analysis of studies of domestic violence indicates that such violence occurs when this mode of expression seems preferred by the individual, and when social needs and expectations are unsupported by either the family or other social institutions. However, it should be understood that domestic violence is not simply a mental health issue, although the severe trauma experienced by certain assaulted spouses or members of a family may require the attention of mental health professionals. Many knowledgeable persons maintain, and we concur in their view, that services provided for the battered spouse solely through the traditional mental health mode may add the liability and social stigma of mental illness.

#### NIMH Involvement in Domestic Violence

The National Institute of Mental Health, an Institute of the Alcohol, Drug Abuse, and Mental Health Administration, has been involved in domestic violence issues since 1968. Several research and training projects have been funded. The Institute's initial involvement concerned

improving the response of law enforcement personnel in peacekeeping situations. For example, the Institute sponsored a research and training effort in Oakland, California, which led to the development of a model that became the basis for a police training film. This film was eventually used throughout the State. The model uses a minimum of outside consultants and draws upon the experience of police officers who have demonstrated unusual effectiveness in domestic disturbances.

Recently, it became clear to us that a broader view of family violence was needed than our initial activities. We found, as expected, that there was a paucity of hard, exact data on the frequency of violence among family members. Therefore, a team of sociologists, funded under a grant by the National Institute of Mental Health, recently studied a nationally representative sample of 2,143 families and found that spouse assault and child abuse are only the most dramatic and visible aspects of a broader pattern. The results of the survey indicate that the amount of violence in the family unit is extremely high. The study, conducted by Professors Straus, Gelles, and Steinmetz, indicates the following:

- One out of six couples--if this could be projected nationally, that would mean an estimated seven and a half million couples--had a violent episode during the survey year. "Violent episode" is defined by the researchers as any act intended to cause physical pain or injury to a spouse, ranging from slapping to severe physical assault.
- Approximately four percent used a knife or gun in attacking his or her spouse. About five percent were severely beaten at some point

in the marriage. Thus, of the 47 million couples living together in the United States, about 1.7 million had at some time faced a lethal weapon, and well over two million had been severely assaulted by their spouse.

--Thirteen percent of the parents reported hitting their child with something. Five percent reported throwing an object. Slightly more than one percent reported beating the child.

--Preliminary analysis indicates that there is as much violence in the families of the college educated as among those with less formal training.

#### Alcohol and Drug Abuse Link to Violence

Evidence from various sources suggest that there is a relationship between alcoholism, drug abuse, and violence, including violence in the family. For example, there are indications that intoxication is a precipitating factor in many cases of child abuse. The largest American study on the subject reported that 38 percent of child-abusing parents had histories of drinking problems. Other studies have shown that up to 63 percent of child abuse cases are alcohol related. One study reported that 52 percent of violent husbands had histories of problem drinking or alcoholism.

Additional evidence suggests that alcohol treatment programs can be an important factor in diminishing the frequency of violence in the family unit. For example, 35 percent of persons entering those NIAAA-funded alcoholism treatment programs which participate in its data system

reported fighting and quarreling with others as a measure of their behavioral impairment. Six months later there was a reduction of 39 percent in the number of persons reporting this behavior.

In an effort to further explore the relationship between alcohol and violence and to understand the role of the family in drinking behavior, the National Institute on Alcohol Abuse and Alcoholism is currently funding two research studies in the area of conflict and aggression and three research studies on the family.

The National Institute on Drug Abuse has funded a grant, designed to study the children from four populations of mothers: heroin addicted (not in treatment) and a control group, methadone maintenance and a control group. Both the mothers, who have recently delivered, and their mothers, are interviewed about violence in the family of origin. Preliminary findings seem to suggest that methadone maintenance mothers report stronger kinship patterns than do heroin mothers when asked about their current family lives. Yet methadone maintenance mothers also report that they observed their parents and close relatives assaulting each other as children. In addition, preliminary data from another grant designed to study the children of heroin addicts in treatment revealed: of a total number of 126 heroin addict parents in treatment, 3% indicated that child abuse had occurred and 4% indicated that child neglect had occurred.

#### Conclusion

The Department has a number of current policy objectives and activities

which address domestic violence. For example, the identification, referral, and treatment of alcohol and drug abuse is an important and relevant activity to lessen the incidence of family violence. I wish to stress that the Alcohol, Drug Abuse, and Mental Health Administration is particularly interested in continuing its family violence research activities. Through research, we can seek to assess the causes, prevalence and types of abuse, to ascertain the kinds of innovative services which should be developed, to evaluate their efficacy, and to define the role of prevention. Training techniques can be developed for those personnel who may have first contact with victims of domestic incidents—law enforcement officers, hospital emergency staff, social service workers, and mental health personnel. Research and training activities are basic to the development of services. However, services to victims of domestic violence should be delivered through the traditional health and social service agencies. We believe that we can best be of service to the Nation through continued efforts in research, manpower development, and in providing the necessary technical assistance to those public agencies that retain the primary responsibility for providing services to the victims of family violence.

Mr. MILLER. Go ahead, whichever of you wants to start.

Mr. KLIERMAN. I am Dr. Gerald Klerman, administrator of the Alcohol, Drug Abuse, and Mental Health Administration of the Public Health Service, which is part of the Department of Health, Education, and Welfare.

We are pleased to be here to support the overall need for more focused attention on this matter, and also to indicate what part health agencies in general and mental health and drug abuse and alcohol programs have in a comprehensive program, particularly in the area of research and training, where we feel we have already demonstrated a role, and look forward to playing an important role in the future.

As you know, the Alcohol, Drug Abuse, and Mental Health Administration is comprised of three component institutes, the National Institute of Mental Health, the National Institute on Drug Abuse, and the National Institute of Alcohol Abuse and Alcoholism, and each of these three institutes has an important concern with this problem, and has already been active in it.

Although research has been mentioned by a number of the witnesses so far, I wish to use this opportunity to point out that the total budget of ADAMHA, the Alcohol, Drug Abuse, and Mental Health Administration, is approximately \$1 billion, only about 20 percent of which—

Ms. MIKULSKI. Excuse me. How much?

Mr. KLIERMAN. About \$1 billion, only about 20 percent of which is in research. The vast predominance of our funds goes to grants in aid to community groups and community projects and community mental health centers, alcoholism treatment programs, and treatment programs in drug abuse or in the training of personnel for those programs, and while we are very proud of our research efforts, we are also proud of our attempt to maintain a balance between research and community service at the community and local level.

Now, the different institutes have been active in this field since 1968, most particularly the National Institute of Mental Health, as was mentioned by some of the previous witnesses, and a number of research and demonstration projects have highlighted the extent of the problem and the role of legal and law enforcement personnel and emergency room hospital personnel as the initial sources of contact that these women will have with the system.

It has become clear to us, however, that a broad view of family violence is increasingly called for. We have found, as expected, that there has been a paucity of data on the frequency of violence among family members, and that the available data is probably an underestimate. Therefore, the NIMH has sponsored research, including a sample of over 2,000 families which has given us the first solid documentation of the traumatic and visible aspects of what is a broad pattern, and this research, which has been conducted by Professors Strauss, Gills, and Steinmetz, has indicated a number of important features.

For example, 1 out of 6 couples in any 1 year will have some degree of violent episode among themselves, ranging from slapping

to more severe physical assault, approximately 4 percent of families. This assault involves a lethal weapon such as a knife or gun. About 5 percent of families have actually had physical beatings. Thus, of the 47 million couples living together in this country, some 1.7 million at a minimum have faced a lethal weapon, and over 2 million spouses have been severely assaulted. Again, these are minimal estimates.

Equally important is that 13 percent of the parents in the survey acknowledged having hit their children with something. Five percent acknowledged having thrown an object, and at least 1 percent acknowledged actually beating their own child. Thus we know that there is a high incidence of violence within families, as has been pointed out this morning, that there is a relationship between domestic violence, between the couples, and the impact on children, and that it is not only among lower educated or poorer families. It occurs among better educated and better off economically.

We have also found that there are important consequences in the later lives of these individuals. A study conducted in New England indicates that women who show up in the emergency room with these problems within the next year or so are likely to return with instances of suicide attempts, health problems in general of all sorts, and also episodes of rape, so that if there is not intervention, the women are continued at risk for violent episodes, increased vulnerability to health problems overall, and suicide attempts.

In the history of individuals who themselves are afflicted with alcoholism and drug abuse, there is a very high incidence of childhood episodes of themselves experiencing child abuse or of having witnessed violence between their parents, which indicates that an effective intervention program should have preventive implications in preventing the offspring of families in which there is domestic violence from being susceptible to medical and social ills such as suicide attempts, depression, alcoholism, and drug abuse.

Finally, research on the treatment of these conditions, particularly the treatment of alcoholism, has indicated two important findings: One, that about 40 percent of people coming in for treatment for alcoholism themselves report that one of the problems that bring them into treatment is family conflict, and that followup studies indicate that treatment for alcoholism is increasingly effective, and one of the signs of its effectiveness is not only that the afflicted individual, usually a male, reduces his intake of alcohol, but that there is also a reduction of the family conflict within the year of treatment.

Now, these are just some of the areas in which the component institutes of the Alcohol, Drug Abuse, and Mental Health Administration have been involved since 1968. We feel that we have a component role to play within a comprehensive program, mainly through continued involvement in further appropriate research on the consequences of such programs, and in the assistance in training of other personnel in the health field and social welfare and also in the provision of services through the community mental health centers and programs, and most important, in concert with other programs, and we would welcome the chance to participate, as we hope to, as

part of a general effort within the Department of Health, Education, and Welfare.

Thank you.

Mr. MILLER. Thank you.

Mr. BROWN?

#### STATEMENT OF SAMUEL W. BROWN, JR., DIRECTOR, ACTION

Mr. BROWN. Thank you, Mr. Chairman.

I would like to follow the suggestion that Congresswoman Mikulski made earlier, and in fact focus on some of the concepts that I think we are dealing with rather than getting into all of the detail of it, and I hope we can come back later to any detailed questions you may have. Some things with regard to the problem of abuse in the family seem clear.

We don't know exactly how much there is, but we know it is widespread. Estimates vary from a million and a quarter to a million and a half, and you just heard up as high as 26 million families which have some element of conflict and consequent abuse in the family. It is not clear exactly where it occurs, but we know that it is not a class problem. It is not class restricted in terms of when it happens. We know that it is not race restricted, that it happens across all races. We know one thing for certain about it, though, and that is that the magnitude of it is large enough that it demands some kind of attention from the Congress.

It has received that kind of attention frequently from grassroots groups. It sprang up in response to a local need. We know now that it needs some additional attention from the government. We also know some other things about it which determine, it seems to me, some of the kinds of remedies that we might look to. We know that in part, at least, it is psychological, that it is rooted in sexual models and questions of the macho nature in which many men grow up in society, and the submissive education which many women have received in the past, and the sex role that have come from that.

We know it is partly historical that children of abusive parents are in fact more likely to be child abusers. We know that it is a problem which is increasingly growing across age lines as well, that is, the problem of the battered parent. Professor Steinmetz, who did some of the original research and most important research on family violence recently published a paper, and in fact testified in Congress that she was finding increasing evidence of parent abuse going on, and we know that it is not restricted to any particular age class.

In short, the causes of family violence are complex, not fully known, but the extent of it is clearly great. We also know that it causes very complex needs for the person who has been involved. We know that it causes legal problems that vary from questions about divorce to ownership of property. We know that it causes social problems with regard to child care, other needs of family support. We know that it requires economic support of systems around jobs, food, and that many people in fact say that their families stayed together because they didn't have any place to go, there just wasn't any way out. And we know in the final analysis

that one of the most important questions is that the supportive environment, the psychological support, the counseling, the needs of the individuals who find themselves suddenly traumatized, alone, and in a circumstance which they really don't know how to deal with.

In that context, it is not surprising that one of the first things that has happened is that many people who have been involved in some form of family violence or in some form of violence of one partner or the other in a relationship frequently turn to a friend first in an environment which is regarded as friendly, not to a Government agency, not to social services, not to the traditional places where people might go for other things, but to a place that is regarded as friendly, supportive, and where they know that they will get essentially tender, loving care in the first instance, and then a variety of professional services to provide support in the second instance. Without the first, it is unlikely that people will seek solely the second.

We also know as the kinds of needs that people have in that environment, that the place they turn to in that sense of complexity is one which brings a wide range of supportive elements together, and it normally is in fact a place where people want to turn after a friend. It is to a place not where they have to run around town to a variety of places, but where they know they can reach a number of services.

Finally, it comes back to the first element. After the supportive environment come the supportive services, and all the way through it in determining the mode of that assistance has to be that sense of caring, reaching out, being there at odd hours of the day or night and on weekends, finding services which are not so set aside that people hesitate to come there or feel that they don't receive the kind of need that they have with that problem, and knowing some of the sources of that and the kind of complexities of needs that people have, it is not surprising that most of the resources that have come to bear to deal with the problem on a 1-to-1 kind of basis have in fact come from the communities themselves, not from the Government, that in short they have sprung up from the grassroots.

It is a history that preceded us in England, and has been marked in that country by a grassroots kind of response to a very felt need at a local level. That response has included shelters in the community, largely staffed, run, financed, cared for by local people, hotlines to provide a place for people to call where they know they can receive that kind of supportive assistance, and the grassroots support groups which continue and maintain and hold together the relationship between the individual and their environment afterwards.

The Government meanwhile has also responded, and responded in a number of ways, some of which, it seems to me, have been very constructive ways. Everything I have read with regard to education programs for police, for instance, have been, the police intervention of trained, educated police has been more successful than that of the untrained officer responding to a circumstance, that a substantial amount of the support that has been provided by the government has come in the form of research on the magnitude, scope, and causes

of the problem, and I think that, too, has been helpful, and, of course, the Government, as always, has been involved in demonstration projects.

We seem in the government to constantly be demonstrating one thing or another. It is never quite clear to me where the demonstrations go, but we demonstrate a wide range of things, and we have.

Concurrently, however, we have been involved—the Government has been involved in much more informal and in many ways almost accidentally ways. One of the first of the women's shelters, Women Advocates, in 1972, in fact had involved in it a list of volunteers intimately involved in the organization. It continues, I understand, to be run by a former VISTA volunteer.

I know in our own case there are now 34 projects around the country where VISTA volunteers are involved at the grassroots level, being there on the nights and weekends, and in the mornings, and whenever the telephone rings, to provide the kind of services that people need in the community. There are also 65 places where retired senior volunteers are involved in the project.

Of course, in each of those cases, volunteers alone don't provide an adequate network. Professional services, professional support is needed. I must say that one great pride we have in what frequently happens as a result of the presence of that individual full-time stipend volunteer there who doesn't see their role solely as a professional role, but of bringing together the kind of professional supportive services that are necessary.

Each place where we have had a VISTA volunteer involved on the average more than \$45,000 in additional nongovernmental local resources have been generated to bring to bear on the circumstances where the VISTA volunteer was involved. It is that kind of outreach advocacy which it seems to me is one of the critical elements in pulling together from a diffuse need to a very specific kind of service in the community.

My own feeling is a very strong one that is an appropriate role for the kind of advocate, professionally supported, but community-based program that at its best VISTA has been in the past. I am in a complex circumstance, because one of the most effective advocates of that kind of service and one of the most outspoken advocates of that is in fact a member of your committee, and the sponsor of legislation in this area, Congresswoman Mikulski, who points out what I think to be true, which is that there is a capacity there to generate local resources, to bring to bear additional resources which do not create additional dependency on the Government, to reach out to the professional communities that are clearly necessary if the supportive environment is to be provided, to make the project work from a diffuse need to a very specific kind of environment of support services.

My own feeling, I guess, in the final analysis is that professional services are absolutely critical to the success of any program, but are best brought to bear by finding those resources at the local level, by bringing them to bear in the context where they are not isolated professional services, but in a supportive context, available 24 hours a day, 7 days a week, to the community, and with a base in the community.

That is the way that most of the response that has come up to now has happened. It is a natural kind of response. We know that every place that there is a shelter or a hotline the demand is greater than the capacity to provide in that shelter.

I suppose if we were in the private sector, we would all be figuring a way to make a dollar on a clearly unmet demand in the community. We are not. We are hopefully in the supportive business of figuring out how to respond to that demand in a sensitive way, and I think that response can range across a number of places, and I think it is a perfectly appropriate and important part of that that we have and continue to provide.

Thank you.

Mr. MILLER. Thank you for your testimony.

Mr. Klerman, given your testimony about what amounts of money you are currently spending on research, if we combine that with LEAA and HUD and the universities, foundations, I assume then that you really don't find anything inconsistent with the drive on the part of Congresswoman Mikulski and myself for direct service money, new money.

Mr. KLERMAN. There is no question from our research that there is a great deal of need that has existed and that many of these needs are being dealt with by spontaneously generated shelters as well as by professional and traditional mental health and social service agencies.

Mr. MILLER. I think that it is clear just as in the area of child abuse when we had to wrestle with this problem, some people suggested the committee was taking a turn against research. I don't think that that is the case at all. I think it is a question of implementation of that research. I noticed, Ms. Cardenas, in your statement you mentioned the CS program in Nashville, the program in the State of Washington, and others that clearly indicate what the benefits of comprehensive services to a family can mean, both in possibly saving the members of that family, either individually or collectively, and also the savings to the Federal Government when we can get people in the community involved and interested in what is happening next door and across the street in reducing the trauma, especially that occurs around the children.

I am going to put in a plug. I hope you do not fall short at HEW in your support of H.R. 7200, because clearly that language over there in the Senate waiting for the Panama Canal to be dealt with I think in my mind has higher priority, because I think it gives us a chance to save a few children in that process.

I hear disturbing rumors about HEW and the administration's support for that bill, that it has gone from hot to lukewarm. I hope that that is not the case, because it needs a little bit of help. The House has already acted upon it, as you know.

Ms. CARDENAS. I will point out, Congressman Miller, that that Nashville project and the replication effort that followed it was funded out of our very, very small research and development moneys.

Mr. MILLER. Sam, in the short time that I have had, and I will continue this effort in the future, of meeting with people from Southern California and other parts of California in the near future,

I have asked people who are trying to set up shelters, who are running support groups for women who are not yet prepared to make that break, but want to discover what their possibilities and hopes are, there will undoubtedly be a question on the use of ACTION personnel.

There is a very quick shudder on the idea that ACTION would train somebody in Wyoming and send them to Berkeley to deal with the problem. So, I want to ask you, you have already had people placed in these outreach facilities, and what would your outlook be if we were to provide additional funds?

Mr. Brown. I would like to deal with both that question and a couple of broader ones that get raised at the same time. One is the question of whether you are going to send somebody either way on that. It should be understood today that VISTA is not what it was. In many ways I think it has improved. We have been doing much more recruiting with local volunteers. Currently about 65 percent of all VISTA volunteers are in fact locally recruited and locally placed, many of them in fact low-income, locally recruited people, so it is people out of the community where they live, work, who then become—in fact receive some training and an opportunity to give that additional year of service.

The problem with that is that it is well, it seems to me, to deal with up front. It is a question that has been raised by many women's groups. They said, wait a minute. For 100 years men worked, women volunteered. What kind of deal is this? You are asking us now. We have got a chance to get something done here, and all of a sudden—It seems to me that first of all there are two misconceptions. I tried to make clear in my statement that I don't believe volunteers can provide all the services that are needed, and I think it is absurd to think that they could or should. We ought not to ask people simply to volunteer their time when other people are in fact doing much the same kind of services otherwise.

You need some professional kind of services in those communities and in those needs, legal services, for instance, that have to be brought in. You have to deal with some of the counseling and therapeutic services directly. You have to deal with some of the other kinds of social service functions. There is no question in my mind but what a professional relationship is strongly needed there.

My concern and my very strong belief is that the best way to get that organized, to put that package together, is in fact by the person not wedded to any particular bureaucratic structure, but the person who is there for a year or 2 and knows that they can go around and kick the slats out of a few of the already established places to bring them in in a supportive relationship, who can go out to the broader community, and sees their role not simply as being a professional in that environment, but in going out to get the business community involved, to give some of the resources, and finding the local people available to put together the package that makes it work.

In short, I don't believe you can provide all of that by the volunteer, but the volunteer provides the glue that holds a great deal of that together. That, it seems to me, is best held together in that way by the person who is there short-term, advocacy-oriented, trained to

do that kind of community-organized and community-based work.

It seems to me in this environment particularly where that is the way most of the centers that have worked have worked, it has been because there was a person there who came and said, we are going to get a little here, a little there, and a little bit the other place, and pull them together and make it work.

Frequently that person was, I guess, what we call a genuine volunteer, that is, totally unstipended, no support, no opportunity. In the broader community, it seems to me, we ought to provide an opportunity for some of those people to move out of that status of not getting paid anything to having an opportunity to do that work while getting some income for it and at the same time not being tied into a bureaucratic structure that limits what they can do.

Mr. MILLER. What is the role that you see for the seniors in the ACTION agency?

Mr. BROWN. The senior volunteer program is not age limited. They work at a broad range of things all across the country. There are about 65 RSVP programs involved now that work for battered spouses or family violence centers. They offer a couple of things, one that is very important, and they are volunteers in the true sense, that it, totally unstipended.

They come in with the kind of wisdom, the kind of caring. They are there because they care in the first instance, not because they are getting paid to be there, they have to be there, or that is what their job description says. They are doing it because they care, and I think we can move toward a much greater involvement of senior volunteers in centers where they provide that sort of supportive environment essentially in the first instance to people who need somebody who cares about them, who talks to them, who worries about them, who walks them through the various systems and can be trained to do that, to get the support they need.

I think it is one where there will be a broad range of support spontaneously from the retired volunteers themselves, and they will provide a real asset to the centers.

Mr. MILLER. Barbara?

Ms. MIKULSKI. I have a couple of questions for all three members of the panel, and I will start in order of the testimony.

Ms. Cardenas, you said on page 3 that spousal violence occurs. I would like to know, if you have known that, why haven't you done something before?

Ms. CARDENAS. As in other parts of the Government, the gravity of the need here was recently brought to our attention. The Secretary in fact put together a task force to begin to address this issue. What we find is that projects in the Administration for Children, Youth, and Families, the real people out in the field, were doing something about it, perhaps less by design from us than from their own responsiveness to local needs, and we are now, if you will, gleaning the benefits of that experience through our research and demonstration programs in child abuse and neglect.

We are in the process of looking at a broad range of service change issues, both in mental health and in social services and in other areas of importance to the department under the leadership of the Secretary.

Ms. MIKULSKI. I appreciate that initiative, but that still does not answer my question as to why hasn't something been done before. Is there something in the nature of the organizational structure of HEW? Is there something in the attitudes, or is it the kind of thing that just needs grassroots consciousness raising to bring it out?

Ms. CARDENAS. I think it would be the latter. I think that there is an inherent focus in the programs which we manage which tend to guide those programs in a very special way. Our child abuse and neglect programs, for example, are focused on child abuse, and that becomes the predominant theme. Our runaway youth programs, which also provide a shelter, if you will, for runaway youths, which also involves VISTA's, by the way, in large numbers, become the focus for the programs that we manage.

We have not had previously in ACYF a family focus.

Ms. MIKULSKI. Excuse me. On page 2 you talk about the activities and so on that you are doing, and then you emphasize throughout your testimony the need for family focus, which I support. Could you tell me what steps you are taking—when I say you, I mean that in the broad sense of the word—to begin to develop a genuine family orientation in HEW? It seems to me it is kind of scattered and splattered throughout a variety of programs.

Ms. CARDENAS. It is scattered and splattered, and we are groping with what is a very delicate issue. You want to be supportive of families. You always have the caveat of how far do you intrude, how far do you intervene. What we have done in HEW, what the Secretary has requested, is first of all that we look at our programs and our policies from the perspective of what negative impact they have on families, and that effort is ongoing.

In terms of the Administration for Children, Youth, and Families, as part of our reorganization, we will be implementing a family task force over the next 6 months which will look at the ways in which we can be supportive without being obtrusive, ways in which we can make the programs that we now have in place more family supportive, and then really understand what is most feasible, what is most appropriate, given our resources, given our knowledge, given the staff that we have to move out in other areas. We do not currently have an operating program in ACYF that focuses on families as organizational units unto themselves. We do have our child welfare, our H.R. 7200, which I think will lead us far in the direction of being more family supportive, which will allow us to do the kind of preventive interventions which will deter or mitigate against family breakup.

We are looking to H.R. 7200, and the Secretary did describe H.R. 7200 in his testimony as the first piece of Government policies or a number of Government policies related to how we can be supportive of families. In terms of ACYF, we are looking for ways in which our day care services, our Head Start services, our runaway youth programs can in fact be more family supportive, and as I go across the country, particularly in the runaway youth programs, I am very impressed by the kind of family advocacies occurring in those programs.

It is a similar situation.

Ms. MIKULSKI. If I could just interrupt, first of all, I am appreciative of that effort, and it is in my own opinion that the way one should organize delivery of these programs is to focus on the point of delivery. In urban renewal projects and housing policies, I think we have to think of the neighborhood, because that is where those services are delivered. I think if we think of all the HEW categorical programs in terms of the neighborhood center, the family—I happen to think that fortune follows substance. Organization should follow social needs. I am very glad to hear about these initiatives in this part, before we have to run for another vote on Humphrey-Hawkins. You have heard me comment somewhat tartly about the concept of demonstration projects, and you have outlined some rather ineffective ones.

I would like to ask you three questions. On the ones you outlined, how much did you spend, what did you do with the information that came from the demonstration project, and then what happened to the project when Federal money ran out?

Ms. CARDENAS. First of all, in terms of the specific money that was spent on each project, I would like to present that for the record. I don't have that data available to me.

In terms of what we have in child abuse and neglect, it is an effort that, as I look at it, I feel quite good about. As I go across the country and listen to people who are working in social services, it is almost to the point that child abuse has become such a visible priority that in some cases you may even be having an overreaction, but clearly in terms of what has been learned from these projects, we have changed our thinking, for example, in terms of the realization that it is not only very young children who are abused, but that in fact older children are often abused.

Initially, the thinking was that it was the youngest child who was most vulnerable, and we now know that older children are in fact maybe as vulnerable to abuse as the very young child. We have therefore in setting our priorities for research and demonstration projects for this year, and these projects are now 3 years old.

Ms. MIKULSKI. You came in when these projects were under way.

Ms. CARDENAS. Yes. We are now framing research priorities for the next 3 years, and in fact many of these demonstration efforts are vulnerable to defunding. In fact, we have a small amount of money, and in fact the Congress among other things is considering language which would protect some of the demonstration projects that have been ongoing for 3 years, and it will be difficult for us to move on to demonstrate the natural evolutionary practices that would have resulted from that demonstration.

Ms. MIKULSKI. I keep saying I have been in this for 20 years. When I started out as a child welfare worker in 1958, they were doing longitudinal studies, and now those same little boys and girls are 24 and 25 years old. Some of my foster kids now work in my congressional campaign. We have seen what happens, and yet it seems to me that we keep reinventing the wheel, in our research and demonstration projects. We never grab hold of the information of what we do know, the cumulative information of families and

their interaction with children and the community, and then go on to more service-oriented programs.

I can stay here until 12:30. That is a quorum call, but I can miss it, so I can stay here, if that is OK with the chairman.

Do you see my point in that?

Ms. CARDENAS. I see your point.

Ms. MIKULSKI. Unfortunately, the way we are conversing here, it seems almost an adversary process. What I would like to know is, how can we take money that really is research money and use it in a way that does not keep going over the same thing, over and over?

Ms. CARDENAS. Congresswoman Mikulski, in terms of the Children's Bureau research, in the recent past our research efforts have focused on permanent planning for children through our Oregon project, and then the replication of that. It has focused on comprehensive emergency services, such as the national project, and then the replication of that. It has focused on the development of standards for—

Ms. MIKULSKI. What does replication mean?

Ms. CARDENAS. Replication means that we then proceed with a strategy to engage social service agencies across the country. We usually go on a 10-State per year model. We provide the training and technical assistance services to those state agencies to implement the demonstrations that we have demonstrated before, and we usually use—

Ms. MIKULSKI. Do they do it?

Ms. CARDENAS. They do it. We are doing it in terms of comprehensive emergency services. We have having some success in terms of permanent planning for children, in terms of the Oregon project. It is that Oregon project which started it out in the first place, which is helping us train other States in doing permanent planning for children.

It seems to me that that is the kind of research and demonstration that we need to be concerned with. It seems to me that if we plan our demonstration so that in fact there is a transmittal of that information throughout the country, that we do put that knowledge, resources, across, available to other social service agencies, that we will have some duplication, and in terms of those particular projects, I think we have done well. I am never satisfied, but we have had some success.

Ms. MIKULSKI. If in fact you are then funding demonstration projects that because of the size of the funding and service potential, there is potential for replication and implementation in other areas, if we really take what we have learned, that is fine with me. My concern has always been that we—and I ran this demonstration project, so I know something about it. We pour a lot of bucks into something that works, and everybody says thank you very much, and you never hear from them, and 3 years later there is no way a local community can implement it.

I would like to move to Dr. Klerman. First of all, just to orient myself, how long have you had your job, sir?

Mr. KLERMAN. Since December of 1977.

Ms. MIKULSKI. So you are new with this administration as well. Is that correct?

Mr. KLERMAN. That is right.

Ms. MIKULSKI. One of my interests here was, when you said this research has been going on since 1968, that all of the research that you are doing today is a decade old? I do not understand what you said.

Mr. KLERMAN. Well, in the area of domestic violence, I think the National Institute of Mental Health, which is one of the agencies that I am not responsible for, did begin to identify this as an important area in 1968, and did begin to look at it. The amounts of money put in were very modest. The most recent study and the one which has gained the most attention is about 3 years old.

Ms. MIKULSKI. So that the National Institute of Mental Health for over 10 years has studied this problem, and yet it has taken grassroots organizers over the past 18 months to bring this to national attention. Is that what I can summarize from your statement?

Mr. KLERMAN. I think the grassroots groups deserve a lot of credit, Representative, and I don't want to take away from their credit at all. They have done a superb job. On the other hand, I was not at the agency, but if I look back on the publications and the reports of the National Institute of Mental Health for many years through the late 1960's and early 1970's they were pointing out the many needs of children. There was a joint commission on the mental health needs of children which was funded by Congress, and I might point out that the previous administration cut back on research funds and attempted to close many of the community programs of the mental health institute, and others.

I think that the staff made valiant attempts to bring to the attention of the Congress the many needs of children and families. I don't want at that point to detract from the heroic efforts of many women in the women's movement in bringing this matter to public attention, but I don't think it is at the expense of the National Institute of Mental Health either.

Ms. MIKULSKI. I have a lot of questions about what you do with data and so on. In the interest of time, I am just going to ask you a very blunt question. There is a proposal to place this legislative effort in the National Institute of Mental Health, and of course you know that I am extremely dissatisfied and even hostile to the way grant programs have been handled by the National Institute of Mental Health, and I wonder, if in fact we place a domestic violence program in HEW, and it should find itself at the National Institute of Mental Health, how would this be different from the way the rape program has been handled?

Mr. KLERMAN. First of all, it is not the policy of HEW to request that the responsibility for the program be placed in the National Institute of Mental Health. We are not asking for it or advocating it.

Ms. MIKULSKI. Well, let's just say that it was. Let's say that we placed it there. We thought in some way or another it should be placed there. Are you satisfied with the rape program?

Mr. KLERMAN. The rape center has been the point of much controversy. I know that you are dissatisfied, that it is not doing enough service programs, and many Members of Congress are similarly dissatisfied, but I have to point out that the legislation which mandates the functions of the rape center to my knowledge precludes them from funding service programs. It restricts them to research and demonstration. That is the congressional legislation. It is not necessarily the wish of the staff.

We are bound by the statutory authority given us. I am sorry.

Ms. MIKULSKI. I am really sorry, too. I don't mean to lose my temper, so I will take a deep breath.

Mr. KLERMAN. You feel strongly about these matters, and they are important issues.

Ms. MIKULSKI. They really are. The National Institute of Mental Health has a continual track record of studying victims and studying victims, and everybody has a wonderful time doing it, but then the data is never used in any kind of action strategy.

Commissioner Cardenas, as she talks about what she wants to do with demonstration projects, refers to exactly what we are talking about. You talk about demonstration projects. You learn from the experience, and then try and expand and improve the service. That has not been my observation at the National Institute of Mental Health, and if they found there was a great need for more, why haven't we heard from the National Institute of Mental Health? You have two people there, two guys who continually sit around working on projects. I don't want to get off on the rape program. I think it is a perfect example of what is wrong down there.

[Applause.]

Mr. MILLER. I have a couple of questions I would like to put, and then we will dismiss for a vote.

Ms. MIKULSKI. Could I just ask one question?

Mr. Brown, I just have two questions. When you say you generated \$45,000 worth of services, where a volunteer has been used, I would like to just hear what that means, and second, are those volunteers from low-income backgrounds able to capitalize on that job expertise so they can move into more professional job opportunities?

Mr. BROWN. The first question, with regard to the money generated, we have gone back and done a study of the value of goods and services donated by local community or generated by local volunteers as a result of their efforts in the community. Frequently that means the best of the organizing volunteers. It means going out and hustling the business community or the local nonprofit sector, or whoever is around to be hustled to get office space, typewriters, to get a place open and running, you know, the business, and at their best, that generation of local resources multiplies dramatically the funds available to the project where they are working and multiplies the impact of Federal Government dollars. We spend about \$6,000 a year per volunteer and end up generating a total value of around \$50,000 a year. That is a pretty good return on investment.

I think with good training it is possible to do better. We have been trying to do some additional training with the grantsmanship

center and other place so that the volunteers really know how to get into the system of generating additional resources.

Ms. MIKULSKI. I asked, when low-income people are community volunteers, is their experience capitalized, does it open doors to better jobs?

Mr. BROWN. We probably don't do as much research as we probably should, but we have tried to follow up on the volunteers to see. In any experience we have, the thing that happens is, volunteers end up not having the kind of technical job training that somebody who has gone through a job program, for instance, would have, but reaching to the local private voluntary sector to other places, to essentially end up either creating a job for themselves by the generation of new resources or by plugging in other places in the community where they end up being hired.

We in fact now have under way a project with the Department of Labor which we hope will be judged against other youth employment projects for younger volunteers, because we think that that volunteer experience—our evidence suggests that that volunteer experience is as good or better a job placement experience as any other kind of technical training oriented specifically toward a job, the spinoff effect of the job.

Mr. MILLER. We have to go vote. Would you mind remaining? I have a couple of questions. I will be right back, and then we will hear the other panel.

[Whereupon, a brief recess was taken.]

Mr. MILLER. The committee will go ahead and reconvene, if people would take their seats, please.

Commissioner Cardenas, you explained to Congresswoman Mikulski the idea of your research and demonstration and replication models. Let me just ask you, the comprehensive emergency services program in Nashville, is that still operating?

Ms. CARDENAS. Yes, it is.

Mr. MILLER. There was some concern that it would not be ongoing, so in your effort to replicate that around the country or to explain it, the model is still existing, because I think it raises the specter of what has concerned us in the past sometimes, that we go on to replication and we find out the parent organization has in fact deceased, while the need has continued.

I also wanted to just state and not leave the record open to adverse interpretation that it certainly is not the intent of this member of this committee or the committee generally, I believe, to suggest at this early stage that there is a right model and a wrong answer to this problem, because I think if we are successful in meeting the needs for demands for services that have been articulated to me around this country, it is going to require really a team effort, and I think that your start on those barriers that title 20 poses to these programs is a major step in recognition, and my concern would be, within that step we clearly understand the problems in terms of eligibility, and that we remove certainly any attempt by anyone to place an income eligibility or determination on these women who need this help, because very clearly it is not a whole a lot of good if they are not eligible because their husband makes \$50,000 when he

is beating them. I think we have got to be sensitive in that regard, and I assume that you will be.

I look forward to the involvement by all of the agencies in the answer to this program, and I think that we perhaps have kind of a novel chance to maybe streamline a Federal approach to problems, and to in fact provide those people who may in some instances know an awful lot more about the delivery of those services than any of us a chance to prove themselves.

As has been said to me time and again when I have echoed those concerns of Members of Congress, who require tremendous accountability and reports and so forth, really the competition within the community for these funds is so high level, and the funds even talked about are so meager, that we need not worry ourselves too long about somebody stealing the money and so forth. So, I think maybe we have a chance to create something new and exciting by this Administration and this approach to the families.

I want to thank you both very much for testifying.

Ms. CARDENAS. Congressman Miller, if I could just comment, I don't even know whether it is appropriate, but you will be hearing later on from the Mexican-American Women's National Association and Organization, which I have the privilege of being a member of, and from my own experience I would just like to say that the problems of Spanish-speaking women accessing services of this nature and of other natures are very, very serious.

I know that they will be informing you on this issue, and I appreciate that.

Mr. KLERMAN. If I might, Mr. Chairman, I think that I would endorse your comment. I think we are in a position to learn from previous experience and to build upon what little we do know in developing what is clearly called for, a service program.

I think that I might say that something can be learned from the discussion about the rape experience, in the sense that here is a case where research and public attention and the concern of the victims did create a congressional interest, heightened expectations, but created for us a very difficult problem of heightened expectations, but a statutory limit on the capacity to meet the genuine service needs of that particular class of women, and I would hope that in meeting this problem, which mainly concerns women, that the needs and expectations that have been heightened by sessions such as this can be genuinely met.

Thank you.

Mr. MILLER. I think the involvement of your administration is going to be very helpful. Tuesday night John and I listened to a number of women who started each story the same way. My husband came home after drinking, and then the story unravels. It has happened all too often. So, I think that the research and a better understanding of alcohol and the abuse of it will also be very helpful to those who have got to deal with this problem in the communities.

Thank you.

Next, the committee will hear from a panel made up of individuals all in the delivery of these services. We would like to call to the table Marjorie Fields, Tina Navarro, Mildred Pagelow, and Jennifer

Fleming. Go ahead. We have a problem. Congressman Schener will be coming in, and he would like to testify. We may interrupt you when he comes to testify.

Go ahead, if you would identify yourself for the reporter, and to the degree to which you can summarize your testimony, it would be very helpful. Your written testimony will be included in the record.

PANEL DISCUSSION BY MARJORIE FIELDS, ATTORNEY, BROOKLYN LEGAL SERVICES CORP., TINA NAVARRO, FOUNDER, CENTER FOR BATTERED WOMEN, AUSTIN, TEX., MILDRED PAGEDLOW, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF CALIFORNIA/RIVERSIDE, AND JENNIFER FLEMING, DIRECTOR, WOMEN'S RESOURCE NETWORK, PHILADELPHIA, PA.

Ms. FLEMING. I am Jennifer Fleming, from the Women's Research Network in Philadelphia, Pa.

I would like to start out by reading from the felonious assault file, Washena County Sheriff's Office, Ann Arbor, Mich. The victim stated the first argument started over a pack of cigarettes. The victim stated accused, her husband, held her against the bathroom wall by the head and continued to beat victim with his right hand. Victim was 6 months pregnant at this time. Victim stated accused kept telling victim, you are going to lose that baby, and then accused would beat victim in the stomach again.

After the assault in the bathroom, accused told victim to cook dinner. Victim stated that the accused picked up a butcher knife and put it to the victim's throat and told victim, I am going to kill you, and you know I can do it, too. Victim answered yes, and the accused laid the butcher knife on the table and turned around and hit victim with his fist and knocked victim to the floor.

Then the accused sat down on victim's stomach and put his knees on victim's arms so victim could not block any kicks or licks from accused. Then accused started beating victim in the head, face, and stomach. The accused got to his feet and told victim to get up. Victim stated that she tried but was unable to do so and fell back to the floor. The accused started beating and kicking the victim, and kicked over a chair on victim's stomach. Victim stated she blacked out. She stated that when she regained consciousness the accused was still beating her.

I wish I could say that that is not a typical description, but I am afraid it is. I would like to focus on what happens when a woman in a situation like that turns to specifically the criminal justice system for help.

I think the first thing that women in this situation tend to do is call the police, and as most of you probably know by now, calling the police generally does not do much good. There are a variety of reasons for that. Inadequate training, call overload, poor attitudes, fear of injury are all major factors in why the police tend to be relatively ineffective in dealing with the problem.

In addition, the police are hampered by laws, laws that state that the policeman must witness the assault in order to make the arrest.

In many localities there is something called to stitch rule, in effect, which is composed of the practice that if a victim requires a certain number of stitches, then the policeman may determine that a felony has occurred, in which case he can make an arrest without witnessing the assault.

What can the police do to improve law enforcement's response? I think that there is a basic question involved here as to just what the police function is in this issue. Should the police in fact be social workers? What is their responsibility? Is their responsibility to address the underlying problem? Is it to defuse the immediate situation? Exactly what should the role of the police officer be, and once determining that, how can that role be implemented?

Our position, and we are coming from a victim advocate position, is that the officer should attempt to defuse the situation in a manner that is sympathetic to the victim, take steps to reduce the possibility of injury to himself, and hopefully move to initiate some kind of successful connection between the victim and the helping agency.

So, we think that it is important that effort go into police training that would, No. 1, result in attitudinal changes, so that when a policeman arrives on a wife-beating scene, he or she is aware of the fact that a crime has been committed, that in fact a criminal act has taken place, and that there is a victim, and that there is a perpetrator.

No. 2, crisis intervention skills. Some of that is happening already in different localities around the country. The police should have the appropriate crisis intervention skills to defuse. They should have the skills to reduce injuries to themselves, and they should be initiating a connection between the victim and the helping agency. That gets the police out of the social work function and brings in representatives from social service agencies. Particularly grassroots that have been providing a direct service in this area could either accompany police, be on backup, or whatever, but there needs to be cooperation between social services and law enforcement. There is no way that the police are going to become effective unless social services are brought into the picture somewhere along the line in law enforcement's response.

The Women's Resource Network, which is the organization I represent, has been funded by the Ford Foundation and Rockefeller family fund to develop a demonstration model for police training in this area. We are working in close cooperation with James Band of the Detroit Police Department, who was scheduled to testify here and could not appear, unfortunately. He has been very cooperative. We will also be working with the Philadelphia Police Department in an attempt to develop some kind of training model that is sufficient and that is transferable so that groups around the country can use them in working with the police, the courts, and the prosecutors.

When the battered woman goes to prosecute her husband, what happens? She finds long delays. She is encouraged to drop the charges, and we have a very interesting Catch 22 here, because when you talk to policemen—and I talk to them all the time—their A-No. 1 complaint is, that, yes; we will go in there and we will arrest them, and then we go to court and we show up and what does she do, she drops the charges.

The irony here is that she is actually encouraged to drop the charges by the judicial system, mainly because it is perceived as a social problem rather than a legal problem, and the whole thrust is to screen her out rather than to evaluate carefully whether or not she will be prosecuted.

She also gets a reduction of charges from assault to harassment, and she gets a general lack of sympathy and a perception of her problem as trivial and unimportant.

Another important factor that people should be aware of is that the major factor in the battered woman dropping charges, in addition to encouragement to do so, is fear of retaliation. If her husband puts her in the hospital for misplacing a pack of cigarettes, what is he going to do to her if she puts him in jail?

So, the fear of retaliation is another major reason why battered women drop the charges, and very important for people to be aware of, so that the myth and the stereotype of battered women either provoking or enjoying violence is not reinforced by the fact that she drops the charges. People need to know why. So, there needs to be training for people in the staff district attorney's offices, so that people in those offices, No. 1, understand the victim mentality, understand what it means to be the victim of such abuse. Interviewers should be sympathetic and helpful. There should be privacy. In many cases there is no privacy. The battered woman comes in and tells her whole story to a roomful of 20 people.

Attempts should be made to establish a case when appropriate. That is not to say that every woman should go through the criminal justice system, but in severe battering cases there is no question that there is a role for the criminal justice system, and I think that that needs to be carefully explored and determined, what that role may be.

In Philadelphia, the local shelter group conducts counseling for victims of abuse within the DA's office itself which provides several very important functions. No. 1, it takes some of the case overload off the DA's staff, who are always overwhelmed on Monday and Tuesday mornings when battered women come in. It relieves them of the counseling function, and I think it could go a step further in that the grassroots group could begin to identify, in cooperation with the district attorney's staff, could begin to identify those victims that should in fact go through the criminal justice system and those victims who are there simply because they don't know where else to turn and who need other kinds of resources and help, the courts.

As you may know by now, incarceration certainly is not an answer in many battering cases, but in some battering cases it may be. Well, let me mention that incarceration is not the answer often because the battered spouse is economically dependent on the husband, so putting him in jail may in fact increase their problems rather than decrease them. However, there may be instances when incarceration is called for, where the abuser is not working, for example, and not supporting the family. Temporary incarceration, such as on the weekends, may serve as a deterrent for many abusers, and incarceration can also serve to provide the battered woman with enough space sometimes to move, to change her situation, but alternatives should

be explored, such as mandatory counseling, and studies have been done which determined that in some instances mandatory counseling can work.

Cathy Salzman of the New York Student Center has pointed that out in some of her literature on the subject.

Another possibility is diversionary programs where the abuser is tried and convicted. However, he is incarcerated only if he violates the terms of his probation, but the incarceration is swift and certain.

So, there are some possibilities within the criminal justice system. The way the system now operates is, it essentially hands the batterer a license to go home and beat his wife again. If a conviction is obtained, he is given very short nonreporting probation, or he signs an agreement promising to leave his wife alone, which is worthless, because it is totally unenforceable. All of this, of course, should go hand in hand with civil remedies, such as the protection from abuse that exists in Pennsylvania, which enables a battered spouse to get a protective order or to in severe cases have the battering person evicted for a period of up to 1 year.

Oftentimes the criminal process and the civil process should go hand in hand, depending upon the case. From talking to legislative aides, I don't know much about the legislative process, but it seems that it may complicate things to design a bill that would specifically allocate funds for improving the response of the criminal justice system, because then it might go to one committee, and another, and this, that, and the other thing, but I think this committee should begin to think about, even if it might entail a separate bill, I don't know, but I think the criminal justice system and the whole issue needs to be thoroughly addressed when we are talking about funds being allocated to work on this problem. That is not to say that we think the answer to family violence lies in the criminal justice system, but as a victim advocate, I would like to see some substance there, so that in working on this problem, I can see the criminal justice system as a resource rather than as a stumbling block, and I could see it as a tool, one of many to be used in changing the dynamics of the situation.

Let me finish by trying to impress upon you the importance of keeping all of this within the overall perspective of everything that we are proposing today. In essence it represents a mop-up. It represents repairing the damage, and we need to give some thought to prevention. We have got to start thinking about how we glorify violence. We have to start looking at our marriage laws, which even today, believe it or not, relegate women to second-class status within marriage, and still relegate them to a position of poverty.

We need to think about sex role stereotyping, and why some men need to beat women in order to feel that they are living up to the masculine image. We need to find ways, I think, for both men and women to realize their potential as creative human beings capable of relating to each other with equality and mutual respect.

Thank you.

Mr. MILLER. Thank you.

[Information supplied by Ms. Fleming follows:]

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FAMILY VIOLENCE: A Look at the Criminal Justice System

March 7, 1978

Jennifer Fleming, Director  
Women's Resource Network

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215/387-0420

## Family Violence: A Look at the Criminal Justice System.

Victim stated the first argument started over a pack of cigarettes. Victim stated accused (her husband) held her against the bathroom wall by the hair and continued to beat victim with his right hand. Victim is six months pregnant at this time. Victim stated accused kept telling victim, "Bitch, you are going to lose that baby," and then accused would beat victim in the stomach again. After the assault in the bathroom, accused told victim to cook dinner. Victim stated that the accused picked up a butcher knife and put it to the victim's throat and told victim, "I am going to kill you and you know I can do it, too, don't you?" Victim answered, "Yes," and accused laid the butcher knife on the table and turned around and hit victim in the face with his fist and knocked victim to the floor. Then the accused sat down on the victim's stomach and put his knees on victim's arms so victim could not block any kicks from accused. Then accused started beating victim in the head, face, and stomach. The accused got to his feet and told victim to get up. Victim stated that she tried but was unable to do so and fell back to the floor. The accused started beating and kicking the victim and kicked over a chair on victim's stomach. Victim stated she blacked out. Victim stated when she regained consciousness the accused was still beating her.

4.1 Assault, Felonius, File #41,  
Complaint #13626. July, 1974.  
Washtenaw County Sheriff's Department,  
Ann Arbor, Michigan

Statistics reveal that in New York State in 1973, there were almost 5000 rapes reported. Almost 3 times that number of wife abuse complaints went to family court. Unreported cases could perhaps double or triple that number. Husband-wife violence has been estimated to involve anywhere from 50% to 70% of American families.\*

- 1 • In 1975 homicides within the family accounted for one fourth of all murders; more than half of these were spouse killings.

Source: Crime in the U.S. - 1975 - The Uniform Crime Reports (Federal Bureau of Investigation; Washington, D.C.)

- 2 • In one study of 80 lower and middle-class families, University of Rhode Island sociologist Richard J. Gelles found that more than half described instances in which one spouse pushed, kicked or used some form of physical violence on the other. About 26% of his sample participated in husband-wife assaults regularly, ranging from a few times a year to every day.

Source: Gelles, Richard J. 1974 The Violent Home: A Study of Physical Aggression Between Husbands and Wives. Beverly Hills, California, Sage Publications, Inc.

- 3 • In a Kansas City study, police statistics showed that homicides due to marital violence had been preceded by at least one call to the police in 85% of the cases and five or more calls in 50% of these murders. The FBI says that 22% of all police fatalities occur while investigating domestic disturbance.

Source: 1977 Domestic Violence and the Police: Studies in Detroit and Kansas City. The Police Foundation, Washington, D.C.

- 4 • In Philadelphia, Pa., over 40% of those attempting to file criminal complaints with the district attorney are victims of marital assault.

Source: Philadelphia's District Attorney's Office.

\* Suzanne Prescott and Carolyn Lets. Battered Women: A Social and Psychological Perspective 1976. Unpublished.

- 5 • 22% of all police fatalities and 40% of police injuries occur as the result of responding to domestic disturbance calls. Since 1966, 157 officers have lost their lives responding to domestic disturbance cases.

Source: Crime in the U.S. - 1975 - The Uniform Crime Reports (Federal Bureau of Investigation; Washington, D.C.)

There can no longer be any doubt that wife beating is a major social and legal problem. However, most concerned individuals, groups and agencies have little or no knowledge as to how to create an effective institutional response. This is especially true within the criminal justice system which bears the major burden for enforcing the battered woman's right to protection from violence.

Just how effective are current procedures, and what can be done to increase the effectiveness of the criminal justice system in the area of family violence?

Law Enforcement:

Inadequate training, call overload, poor attitudes, and fear of injury often result in the rejection of the rule of law which makes it a crime to assault another person. Instead, call screening and arbitrary decision making often determine how effective the police response turns out to be. If there is enough of a neighborhood disturbance, if the use of a weapon is involved, or if there is serious injury, the battered woman will find the police more responsive. Without these variables, however, calling the police can be of little help.

The attitude that a man's home is his castle, that what goes on behind closed doors is private, and that battered women either provoke, deserve, or enjoy violence quite often plays a role in the police officer's inability to assist the victim of spousal assault.

In addition, the police are hampered by laws in most states which require them to witness an assault before an arrest can be made. In many localities, a "stitch rule" is in effect, whereby an officer will determine that a felony has been committed only if the victim requires a substantial amount of stitches at which time an arrest will then occur.

Even when an arrest does take place, however, the abusive spouse is usually released within a short period of time, having either raised bail or having been released on his own recognizance.

For these reasons, many battered women do not report their assaults. For those that do, the police response, even when sympathetic, remains essentially ineffective.

James Bannon, Executive-Deputy Chief of the Detroit Police Department says that "the reason that the police avoid domestic violence situations to the greatest extent possible is because we do not know how to cope with them." \*

How can the police cope?

As the first person that arrives on the scene, the police officer faces the task of restoring order and when appropriate, making an arrest.

There is a serious question involved here regarding just how much of a social work function police should assume when intervening in a domestic disturbance. Is it an officer's responsibility to address the underlying causes of the problem or to simply defuse the situation? Should he try to avoid arrest or not?

Our position is that the officer should attempt to defuse the situation in a manner that is sympathetic to the victim, and take steps to reduce the possibility of injury to himself. (We are aware of the fact that many battered women will attempt to physically attack an officer who is intervening on her behalf. Our theory is that it becomes "safer" for the victim to attack the officer than the husband since she will once again be at the mercy of her attacker once the officer leaves. Attacking the officer becomes her way of "fighting back.")

Although it has been demonstrated that the majority of police work (85%) is actually social work, we do not believe that it is the function of the police to attempt to solve the problems that contribute to family dispute. Instead, we would like to see police training and consultation that would have the following results:

\* 1975. Law Enforcement Problems with Intra-Family Violence.

1. Attitudinal changes that would result in the officer's awareness of the fact that when a wife beating has occurred, a crime has taken place, and there is a victim and a perpetrator.
2. Crisis intervention skills for defusion of the immediate conflict.
3. Reduction of police injuries.
4. A successful connection between the victim and a helping agency.

We see number four (4) as an important key. Some possible means of implementing this could be: police, social work teams that would respond to the initial call; family crisis intervention units that would be on call to back up the police, activated at the responding officer's discretion; cooperative working relationships between police departments and service providers, particularly grass roots groups which tend to be available on a 24 hour basis and usually have a sense of victim advocacy.

Some of these program ideas have already been initiated; police/social work teams and crisis intervention back-up specialists are in operation in various locations throughout the country. Information on current activities in these areas is available through the Law Enforcement Assistance Administration, U. S. Department of Justice.

Over the last ten years, there has been a significant amount of crisis intervention training for police departments in various localities. Known primarily as Family Crisis Intervention, police officers have been trained to defuse domestic disturbances. We feel that this training is useful, and it certainly is a basic prerequisite for an effective police response, but we see it as only a first step. There are some important gaps in the Family Crisis Intervention Training model that a more comprehensive training program should fill.

First, rather than attempting to reduce the number of arrests, police training should equip officers with the skills to determine whether an arrest is appropriate (are there internal injuries, etc.) and to conduct an appropriate investigation (interviewing witnesses, gathering evidence, etc.) Second, the training model should stress that wife beating is a crime and care should be taken to insure that training materials do not reflect traditional bias regarding the psychology of the battered woman.

Training should also provide officers with a basic understanding of the phenomenon of wife abuse, resource and referral information and information regarding substance, implementation and enforcement of any local wife abuse legislation.

The possibility of establishing special domestic disturbance squads within police departments should also be explored, although costs may be prohibitive. In addition, the importance of using female officers should be stressed since it has been demonstrated that male/female teams are more effective in intervening in domestic disturbance.

Any training model that is developed should be "transferable", that is, multiple copies of a training "package" should become available which, after brief training can be administered by local instructors and trainers to both in-service officers and recruits.

#### Women's Resource Network

National foundations have expressed serious interest in improving law enforcement's response to domestic violence. Grants have been made to WRN (a national training and consultation resource on family violence) by the Ford Foundation and the Rockefeller Family Fund. These funds will be used to develop a demonstration model for law enforcement effectiveness in Detroit and Philadelphia. Working in conjunction with experts in the law enforcement field, WRN hopes to test the validity of the training models described above, with the ultimate goal of developing a useful training tool for both law enforcement personnel and groups and organizations who seek to improve the police response to the problem.

#### Prosecutors

When the abused woman attempts to prosecute her spouse, she finds long delays, encouragement to drop charges and reluctance to issue warrants on the part of staff within district attorney's offices, reduction of charges from assault to harassment, lack of sympathy, and a general perception of her problem as trivial and unimportant. In addition, fear of retaliation by the husband leaves the battered woman reluctant to prosecute in the first place.

This fear must be well understood by those who come in contact with the victim. After all, if her husband has put her in the hospital for misplacing a pack of cigarettes, fear of serious injury or even death cannot be unfounded when she contemplates prosecuting him for assault. Even in situations where the victim is unnecessarily or inappropriately dropping charges, one needs to be aware of the psychological crippling that accompanies battering and its attendant lack of self-esteem, sense of powerlessness and emotional paralysis. The battered woman, living in terror and isolation has often become convinced that there is no way out even when avenues of escape appear before her.

Besides, many battered women have been through the prosecution process only to find that it does little good, if any, to follow through since the end result is generally not much more than a short non-reporting probation or an unenforceable agreement. In addition, abused women are often economically dependent on their husbands, and incarceration may mean a severe loss of income. So, there are a variety of factors that lead to withdrawal of complaints by abused wives, all of which combat the traditional belief that battered women drop charges because they have a neurotic need to be abused or they are all too willing to forgive and forget.

All of this does not mean however, that we should not encourage beaten wives to prosecute their spouses when appropriate. Changes need to occur that will insure an effective response when the severely battered woman seeks to prosecute her husband.

Training should be provided for the staff of district attorney's offices to insure that those persons coming in contact with battered women understand the "victim mentality". Where possible, privacy should be provided; interviewers should be sympathetic and helpful; complaints should be taken seriously; and attempts should be made to establish a case when appropriate.

In Philadelphia, the local shelter group operates a counseling service within the district attorney's office. This enables the victim to obtain appropriate assistance; relieves the staff of the D.A.'s office of the counseling function; and alleviates the case overload that usually exists at the beginning of the week.

We could see another important function that could be undertaken by local service providers in cooperation with district attorney's offices: screening. It may be possible that counselors could provide initial screening so that those women who turn to the

criminal justice system for help simply, because they do not know what else to do, could receive counseling and referral information. Civil remedies could be explored. Those women who are involved in serious batterings situations could be channelled through the criminal justice system with emotional support and back-up from the appropriate womens' groups. Counseling should reduce the victims' fear and isolation and the chances of her dropping the charges.

In addition, protection needs to be provided for the victim during the time that she is prosecuting. Red tape and delays need to be reduced.

Perhaps, as in Philadelphia, special units should be established within district attorney's offices to handle domestic violence cases.

### Courts

As mentioned before, incarcerating an abusive spouse is certainly not the answer in many cases of wife abuse. If the husband is working and the wife is dependent on his income, then it may serve to add to her problems rather than reduce them. Many abusive men are not working, however and in this instance incarceration may serve as a deterrent. Even in the case of the working spouse, temporary incarceration, for a weekend, for example, could save lives and property, particularly when the abuse is severe. Another purpose that incarceration serves is to provide the wife with enough space and relief to develop her resources to move to change her situation.

Alternatives to incarceration need to be explored. Mandatory counseling is a possibility. Kathy Saltzman of the York street Center points out:

"Past experience both with men who were forced to receive counseling as well as those who sought counseling voluntarily would seem to indicate some potential for success in certain cases."

(Program Summary: Methodology. York Street Center, Denver, Colorado.)

Another area for exploration is the establishment of diversionary programs where the defendant is tried and convicted,

and incarcerated only if he violates the terms of his parole. Violation, however, should result in certain and immediate incarceration. All too often, the thrust of the courts is towards reconciliation, the assumption being that family violence is a social rather than a legal issue. The fact is, however, that these assumptions allow a battering husband to believe that he essentially has the right to assault his wife. Since the vast majority of reconciliation agreements are violated within a short period of time, steps need to be taken that will afford the victim some relief from the violence, that if allowed to continue, will inevitably escalate to unavoidable and tragic consequences.

### Conclusions:

Changing the response of the criminal justice system rests on a number of variables. First, funds need to be made available through the appropriate agencies (LEAA, etc.) Second, cooperation between law enforcement personnel and service providers must be established on an on-going basis. Policemen cannot be social workers, but if the cycle of violence is to be broken, they must be concerned and they must care. With help from those who have been committed to working on the battered woman problem, the criminal justice system can do much towards freeing the battered woman from her prison of fear, pain and isolation.

This does not mean that we think the police and the courts should solve the family violence problem. There are no easy answers. Improving the response of the criminal justice system must go hand in hand with improved social services, increased resources for the battered woman and better attitudes on the part of the public at large.

But, even more important, we must realize that the real solutions to family violence lie not so much in what we do to mop up the damage after the fact, but in what we do to prevent it.

We must look at our tendency to glorify violence; at our marriage laws which even today relegate women to a secondary and dependent role; at the historical roots of violence against women; at the legal, cultural and societal sanctions for wife beating. And we must find ways for both men and women to realize their potential as independent, strong, self-confident, creative human beings, capable of developing relationships based on equality and mutual respect.

APPENDIX:

Immediate areas of concern re: funds for family violence programs within the Law Enforcement Assistance Administration.

1. Several women's groups working on family violence have unsuccessfully applied for Community Anti-Crime funds. Can these groups receive technical assistance from the Community Anti-Crime Program that would enable them to develop proposals that will conform with present guidelines particularly by the April 31st 1978 deadline?

2. Can the family violence allocation be increased? There have been over 1000 requests for guidelines which would indicate a problem of mammoth proportions.

3. Are there any plans within LEAA to conduct research that would identify those factors that contribute to family violence so that appropriate prevention programs could be developed?

4. Does the office of Juvenile Justice have any plans?

5. What is the Office of Technology Transfer planning on doing?

6. How can grass roots community groups assure that there are family violence courses in Law Enforcement Education Program colleges and universities?

Mr. MILLER. Congressman Scheuer, do you want to come up and take a seat here, if you don't mind?

STATEMENT OF HON. JAMES H. SCHEUER, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW YORK

Mr. SCHEUER. I will have a prepared statement, but right now I would just like to speak informally, if I may.

I want to congratulate Congressperson Lindy Boggs and Congressman Newt Steers for this excellent bill that I think is extremely well-conceived and very well put together. We do have a desperate need for a Federal presence in this whole pitiful area of intrafamily violence.

As you probably know, Mr. Chairman, the Select Committee on Domestic and International Scientific Planning, Analysis and Cooperation of the Science and Technology Committee, which has oversight jurisdiction over all criminal justice R. & D., and all R. & D. in the Department of Health, Education, and Welfare, did conduct hearings some weeks ago on the subject of violence. We covered street crime. We covered crimes against the elderly. We covered sexual crimes, and we covered the whole area of intrafamily crime, including spouse abuse and child abuse and sexual abuse within the family, and it is a very pitiful scene, the full dimensions of which we have really almost no way of grasping at the present time, because much, if not most of this crime does go unreported, but we know it has devastating effects on the very quality of life in our country.

We know that many adult rapists, sexual abusers, spouse abusers, child abusers were themselves the subjects of child abuse and family abuse within the family. They were themselves, many of them, the subjects of sexual abuse. So, there seems to be a predisposition on the part of young children who are themselves the subject of violent abuse and sexual abuse in the home to grow up to be the abusers, the rapists, the sexual abusers, the spouse batterers, the child batterers, and there seems to be a generational link here that is horrifying when you think of the magnitude of the problems that that presents to society, and our responses have been pitiful and piteous when viewed in context of the dimensions of the problem.

In many areas of our cities, violence is a way of life. For the age group 16 to 25, homicide is the first cause of death in central core urban populations, predominantly minority populations, and this is a fact of life with which we have to deal in a far more effective way than we have done it now.

The first thing we have to do is stop focusing just on child battering or just on child abuse as separate issues, but we have to think in terms of the home as a crucible for violence, the effect that that has on the kids as well as the effect that that has on the parents. We ought to know as the prior witness just said, why is it that some men feel that in order to play out their macho role they have to beat somebody up? That generally turns out to be a spouse or a child. Why does that seem to be for some men an indispensable condition of feeling their malehood?

We have to understand why it is that wives feel that an indispensable and central condition of their womanhood is to accept violence, acquiescently, supinely, without any reaction themselves, and that they feel that this is the natural order of things. I think we have to study that as well. They are two sides to the same coin.

So, we have to look at the family as a crucible of violence, and not look at the separate parts unconnected. Then we have to look at it from a multidisciplinary point of view, the biological, behavioral, social, and clinical science aspects of this incredibly perplexing problem, and the legal aspects which are also incredibly complicated.

We need more coordination at the Federal level. We have got funding for domestic violence scattered among a number of agencies. I would think that the National Institute for Mental Health ought to be the lead agency, and that while the Center for Child Abuse and Neglect is doing good work and should continue to be funded for doing that work, it is more than a child problem. I would hope that the Center for Child Abuse and Neglect could have their name changed to the Center for Family Abuse and Neglect, because it is a family problem. It is not just a child problem, and in order to perceive the problem in its infinite ramifications, we have to perceive of the family as a whole and not as a child. I would hope that the lead agency in designing the solutions could be the NIMH.

One caution in what I think is an outstandingly fine and well-conceived piece of legislation. I was the author of legislation a decade ago that established the National Institute for Law Enforcement and Criminal Justice in the Justice Department as the first R. & D. capability our Justice Department ever had. Unfortunately, as it turned out, that criminal justice R. & D. capability was placed within LEAA, which was the operating service-oriented agency, and the research and development agency was the tail on the dog from the beginning. It never got a fair shake in funding. It never got a fair shake in terms of independent decisionmaking on research applications. They never had signoff power. The research function, being placed in the operating and service entity, was denigrated and demeaned from the very beginning, so that over the years the National Institute really failed to win the credibility of the scientific community.

I have just made recommendations after extensive hearings on this subject through this same subcommittee. We have made recommendations to the President and the Attorney General that they separate these functions, and take the National Institute out of LEAA so it will have some chance to breathe on its own, establish its independence, its freedom from political pressures, from pressures to fund research projects that will produce a shortrun, quick fix, and there are not any shortrun, quick fixes in the whole field of criminal justice. There certainly aren't any shortrun, quick fixes in this incredibly sensitive and complicated area of intrafamily abuse.

I fear that if research is subservient to services and being dominated by services, and we know perfectly well that the whole complex of research and services will be underfunded, we are not going to get the money we want, but with the desperate need to get out services in the shortrun, the research function is bound to suffer, so I would urge that you separate research from services, and perhaps run

services out of HEW and the Center for Child Abuse and Neglect, or perhaps hopefully it will be renamed the Center for Family Abuse and Neglect, and then run the research function and design the research function out of the National Institute for Mental Health.

I think what we have to come to is a realization that the Federal Government must make a long-term commitment to solving the problem of domestic violence. They have got to begin to fund longitudinal research, Mr. Chairman, to see if we can't identify this generation to generation carryover, this endless chain, where we seem to be forging new links every day without the capacity to cut the chain. We have to find out when and where and how we can intervene effectively, how we can cut this pitiful chain.

We know that the cost to society of an abused child whom we do not help to outgrow the trauma of the beatings or the sexual abuse or the emotional hurt grows up himself to be an abuser, a physical abuser, or a rapist. I don't know how you quantify that cost to society of an adult who is engaging in this kind of conduct and planting poison in other children and damaging wives and other spouses, beating up children, beating up spouses, beating up elderly people in that home. How one can quantify the cost of that, I don't know, but I am sure it is astronomically greater than the cost of concentrating, of identifying the young child who has been abused, and enveloping him with a well-conceived comprehensive plan of services to ease the wounds, to ease the trauma, and to help him grow up to a normal adulthood.

Our Federal Government shamefully has not even begun to engage itself in the dual challenge of providing integrated, comprehensive, well-conceived longitudinal research programs, to help fund the services that are desperately needed out there in the communities of America.

Mr. MILLER. Thank you very much for your testimony. I am sure that if we have continued support by Congressmen who are as concerned as you are, perhaps we could be successful in the future in welding that partnership and the obviously immediate need for more services. So, we appreciate your taking your time to come by.

Many of the people in this room have followed the hearings that you had earlier on domestic violence, and the root causes of it, and we appreciate that effort. Thank you.

Mr. SCHUEER. Thank you, Mr. Chairman.

#### STATEMENT OF MARJORIE FIELDS, ATTORNEY, BROOKLYN LEGAL SERVICES CORP.

Ms. FIELDS. Thank you, Mr. Chairman, members of the committee. My name is Marjorie Fields. I am the managing attorney of the Family Law Unit of Brooklyn Legal Services Corp. We are federally funded, free legal service for poor people living in Brooklyn, N.Y.

In the past 6 years, we have represented more than 3,000 women seeking divorces because of repeated serious violence by their husbands. In the year from May 1976, through May 1977, 60 percent of our 600 women divorce clients were beaten two or more times by their husbands. Thirty percent of these 360 women were beaten while

pregnant. Of 100 men clients represented in divorce actions in that same period, one complained of physical assaults by his wife, but family violence is not limited to those who are poor.

Middle class and upper class women are without the resources or income of their own. They are unable to pay for emergency shelter, medical care, and legal counsel.

Ultimately, they may recover property settlements or alimony, but they, too, need free services on a temporary basis. Service and safety must be the priorities of Federal funding. As Ms. Fleming explained, the criminal justice system is slow to respond. It does not have or use what capability it does have to protect the battered wife. We urge that no income limits should be imposed for the use of services or facilities designed to aid battered wives.

We suggest that perhaps a repayment plan or the possibility of payment immediately for those who are able should be created. We suggest two types of service programs which should be funded. First and foremost, shelters for battered women, and parents accompanied by their battered children. These shelters would be examples of innovative and alternative responses to the existing institutions.

Second, we suggest advocacy and training of staff and expansion of existing medical, legal, law enforcement, and welfare institutions so that they may effectively respond to the needs of battered women. We suggest that specific allocation or direction be made to the Legal Services Corp. and to privately or association-funded legal aid programs, so that they will provide representation for battered women.

There is no effective system for civil legal representation of women who are fleeing violent homes. There is no effective system of advocacy with criminal justice system for women who are fleeing violent homes. Lawyers and paralegals are basically needed by battered women to help them get the remedies that exist, to help those remedies be available to these women. Most legal service offices have waiting lists that extend over a year and do not provide for emergency assistance for battered women. Battered women are not viewed as being in a life-threatening situation. This is unfortunate.

I have colleagues who have told me that they have very few battered wife clients, even though there are many divorce actions. I explained to them that the reason is, battered women cannot wait for a year until they are available, and therefore they either go elsewhere or they do without legal representation.

To the extent that more research is needed, we suggest that the data gathering components be made a secondary part of the service program, and not be the main focus of funding. We have found in gathering data from our closed files, and we offer for the record, about an inch and a half of materials that come from our experience with our cases, none of which violates the confidentiality of our clients' relationship with us, none of which could be used to identify our clients, and yet gives, I think, one of the finest pictures of the problems of urban poor battered wives, because those are our clients, including one of the first pieces, I think, written in the area of the relationship between pregnancy and violence. We join Congresswoman Mikulski in expressing concern that the Department of Health, Education, and Welfare National Institute of Mental Health

and the Administration for Children, Youth, and Family are not the appropriate agencies to coordinate and run family violence and support programs.

These agencies have different priorities. Our experience is that battered wives are not mentally ill. They should not be studied and treated as mentally ill persons. Their problems are more social than personal, generally. The Administration for Children, Youth, and Family does not dwell on the needs of women. Women have different needs from children and should be treated separately.

However, we are also concerned that ACTION does not offer the perfect solution. Community people should be paid a living wage. Women should be paid a living wage when they work in the community for the betterment of other women. We are unable to hire our former clients to work as law advocates or paralegal assistants at the rate that ACTION offers us. Our clients cannot afford to live on that wage.

I think the people who fight the bureaucrats should be paid the same as the bureaucrats.

[Applause.]

Ms. FIELDS. Thank you, Mr. Chairman.

[Information supplied by Ms. Fields follows.]

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Submitted for inclusion in the record of testimony  
March 16, 1978.

WIFE BEATING

GOVERNMENT INTERVENTION POLICIES AND PRACTICES

Prepared for the United States Commission  
on Civil Rights by  
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Attorney  
BROOKLYN LEGAL SERVICES CORPORATION B-  
COMMUNITY ACTION FOR LEGAL SERVICES

December 29, 1977

Wife beating is a civil rights problem of enormous magnitude. It is a crime which has been hidden by ignorance and social attitude. Society has viewed what happens between spouses as consensual, permissible and private. Negative perceptions of women by both men and women have resulted in tolerance of wife beating. As the values which condone violence in the home change, and the seriousness and extent of wife beating are recognized, solutions will emerge. This is a discussion of the legal problems facing battered women, and some suggestions for providing relief.

Wife beating is physical abuse of a woman by her present or former husband or male companion. It consists of repeated blows inflicted with intent to do harm. Threats and verbal abuse which were preceded by beating are part of a pattern of control of a wife by her husband which is basic to wife beating. It is more serious than a mere dispute.

The term "battered wife" used here includes any woman assaulted or threatened by a man with whom she has been intimate or to whom she is or was married. A battered wife is uniquely dependent upon her attacker. She is bound to him legally, financially and emotionally. Typically, battered wives feel powerless to change their victimized condition. They are filled with self-blame, believing that their actions have caused the beatings they suffer. Battered wives are trapped by an

unresponsive legal system which effectively leaves them remediless against the men who seek to control them. Their plight is worse than that of rape victims because battered wives are compelled to continue living with their abusers.

The legal system fails to protect battered wives from illegal attacks by their husbands. It is assumed that the battered wife is the guilty party, who has provoked, deserved and wanted the beating. Having no recourse under the law, the battered wife is therefore forced to flee and hide for her safety. As a result she is deprived of her liberty and property without due process of law. The offender is left at liberty in the comfort of his home and friends, his acts of violence not only excused and forgiven, but also condoned and reinforced. As a class battered women are denied the protections afforded other victims of crime. They are discriminated against by police, prosecutors and judges. As women victims of crime, battered wives are not believed. The statements of their husbands or male companions are given presumptive credibility. Finally, battered wives are expected to keep their feelings and opinions to themselves and to accept their husbands' abuse. Thus, battered wives are denied the civil rights and civil liberties guaranteed to all citizens by the constitution.

POLICE

The police are the most important component in the criminal justice system's response to family violence. They are the only institution capable of providing immediate, life-saving protection. Those endangered by the conduct of a spouse or companion, therefore turn first to the police for help. Police agencies, however, traditionally have viewed family problems as non-criminal "disputes" or "disturbances," essentially verbal in nature, not serious, and causing no one injury.<sup>1</sup> The pervasive attitude among police officers is that family calls are not part of the real police function of maintaining order.<sup>2</sup>

Raymond I. Parnas studied the Chicago police response to domestic "disturbances" in 1967. He analyzed department documents and observed police officers on duty.<sup>3</sup> He found that Chicago Police Department recruit training totaled 490 hours, of which less than one hour was devoted to domestic disturbance

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1. New York City Police Department, ("NYCPD") Police Student's Guide-Social Science, VIII-41 (undated, hereafter "Police Student's Guide,"), Parnas, "The Police Response to the Domestic Disturbance," 1967 Wis. L. Rev., 914, 915; 930 (hereafter "1967 Wis. L. Rev.").

2. Parnas, 1967 Wis. L. Rev. 915, 956; Parnas, "Police Discretion and Diversion of Incidents of Intra-Family Violence," 36 L. & Contemp. Prob., 539, 542-43 (1971); International Association of Chiefs of Police, Inc., Police Reference Notebook, "Unit 4A5, Disorderly Conduct and Domestic Complaints, Handling Domestic Complaints," (2d ed., undated, about 1969, hereafter "Police Chief's Reference Notebook"); Bard, Family Crisis Intervention: From Concept to Implementation, 4, 7 (Dec. 1973, U.S. Dep't of Justice, National Institute of Law Enforcement and Criminal Justice).

3. Parnas, 1967 Wis. L. Rev. 915, n. 4.

calls. This training stressed the danger to the responding officer only.<sup>4</sup> There was no official formulation of policy or practice for response to family disturbance calls, in spite of the fact that these calls comprised half of all calls for police assistance. "...[P]ractically no attention, either within or without the police department has been directed toward this problem,"<sup>5</sup> Yet there was a consistent pattern of non-arrest, adjustment and referral based on police officer patrol experience. Parnas called this practice the police "support function."<sup>6</sup>

In exercising the support function--the use of alternatives other than arrest in aid of both disputants--it is uncertain whether this police response is a recognition of the underlying value of preserving the private, personal, intimate, or family integrity of the disputants, or whether their response results from an awareness of the practical difficulties [time lost for numerous court appearances in which complainant withdraws] inherent in either a full-enforcement or no-response approach to the domestic disturbance. Policy statements and the comments of a majority of the officers interviewed generally emphasized the practical difficulties involved.... Practical and value-oriented approaches to dealing with domestic disturbances lead in the direction of adjustment rather than arrest.<sup>7</sup>

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4. Id. 916-20.

5. Id. 916.

6. Id. 915-16, 929-37.

7. Id. 955; Field and Field, "Marital Violence and the criminal Process: Neither Justice Nor Peace," 47 Social Service Rev. 221, 228-30 (1973, hereafter "47 Social Service Rev.").

Even though the Chicago Police Department had a policy that all calls in which "contact" was made should be classified by dispatchers as batteries, and those in which no contact had been made classified as disturbances, in practice all domestic disputes were classified as disturbances. Dispatchers failed to obtain sufficient information to adequately set a priority level, or to inform the responding patrolman of danger from the presence of weapons. As soon as they determined that an intrafamily problem was the reason for the call, no questions were asked and the incident was classified a "domestic disturbance."<sup>8</sup>

Parnas concluded that the ad hoc response was inadequate to provide meaningful aid to the distressed family members and resulted in many police officer injuries and deaths.<sup>9</sup> He advocated institutionalizing the police officer's support-social work function through official department policy, and coordination with courts and social agencies.<sup>10</sup> Parnas reasoned that primary responsibility for more effective response to family disputes rested with the police because they were usually the first agency to have contact with the troubled family.<sup>11</sup>

At the same time that Parnas was proposing development and formalization of the police support function, Morton Bard was

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8. Parnas, 1967 Wis. L. Rev. 928.

9. Id. 920, 955-60.

10. Id. 956-59.

11. Id. 960.

presenting the concept of police officers as community mental health workers.<sup>12</sup> Both Parnas and Bard advocated psychology training for police officers to enhance their spontaneous adjustment and referral work, and to reduce line of duty deaths and injuries occurring during responses to domestic disturbance calls.<sup>13</sup> The International Association of Chiefs of Police also expressed concern over the high proportion of police deaths and injuries while handling disturbance calls. The Association cited the 1963 Uniform Crime Reports datum that during the three-year period 1960-1963, 21 percent of the total number of police officers killed in the line of duty died while handling disturbance calls.<sup>14</sup> This pattern of police line of duty death and injury continues. In the period 1971-1975, 106 officers were killed responding to disturbance calls. During this same period, 129 officers were killed responding to robberies in progress, and 130 were killed attempting other arrests.<sup>15</sup>

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12. Bard and Berkowitz, "Training Police as Specialists in Family Crisis Intervention: A Community Psychology Action," 3 Community Mental Health J. 315-17 (1967).

13. Parnas, 1967 Wis. L. Rev. 955-60; Bard, "Alternatives to Traditional Law Enforcement," Police Nov.-Dec. 1970, 20-23, (hereafter "Police Nov.-Dec. 1970." Reprinted in Kerten, Cook and Lacey, eds., Psychology and the Problems of Society, 128-132 (1970)); Bard, "Extending Psychology's Impact Through Existing Community Institutions," 24 Amer. Psychologist 610-12 (1969, hereafter "24 Amer. Psychologist").

14. Police Chief's Reference Notebook 1.

15. U.S. Dep't. of Justice, Federal Bureau of Investigation, 1975 Uniform Crime Reports 225-26 (hereafter "1975 Uniform Crime Reports").

In response to the need for improved handling of disturbance calls, police departments, with the support of the Federal Law Enforcement Assistance Administration began model programs with goals of developing policies and improving training. One of the most well-known projects was the Family Crisis Intervention Unit of the 30th Precinct in New York City, established by Morton Bard in 1967. Nine black and nine white police officers working in bi-racial teams received intensive training in psychology prior to their assignment. They performed their usual patrol duties, but were dispatched to family disturbances regardless of their location within the precinct. There was one team on duty during each 8-hour tour. Records were kept of each response by the unit so that all members of the team could act consistently. Weekly individual consultations and group discussions were held with psychologists at the City University. The unit mediated family disputes and made referrals for medical, psychological and social work assistance from a resource list compiled and updated by the officers themselves. The referrals were followed up by the team.<sup>16</sup>

In two years the Family Crisis Intervention Unit processed 1,400 calls involving 962 families. The project was deemed successful by its formulators because there were no homicides

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16. Bard, Training Police as Specialists in Family Crisis Intervention, passim (May 1970 LEAA).

in the families aided by the unit, and no injuries to the policemen of the unit.<sup>17</sup> During the period of the Family Crisis Intervention Unit experiment, two other patrolmen of 30th Precinct and one patrolman of the neighboring control precinct were injured intervening in family disputes.<sup>18</sup>

The policies which emerged based on the Parnas and Bard studies and projects reinforced the non-arrest practices of police officers by making them the officially preferred course of action. The training materials published during the period 1969-1976 stressed adjustment through mediation and referral, as the proper response to family disputes. They minimized the seriousness of family disturbances for the participants while emphasizing the danger to responding police officers. Police recruits were taught that

...the police officer who deals with family stress must be able to do more than arrest the disputants.... He must seek to prevent, as well as to refer.... The intervening officer should provide alternative courses of action for the involved parties by making intelligent appraisals and useful referrals.<sup>19</sup>

Training publications stressed that arrests were the last resort even when responding to violent family disputes.<sup>20</sup> The officer

17. Bard, Police, Nov.-Dec. 1970, 21-22; Bard, 24 Amer. Psychologist 611.

18. Field and Field, 47 Social Service Rev. 237.

19. NYCPD, Police Response to Family Disputes, Procedural Supplement #1, i-ii (Sept. 1969); NYCPD, Police Response to Family Disputes, A Training Manual for Family Crisis Intervention, Introduction (undated, post 1969).

20. City of Oakland, Police Service III-J, Training Bulletin, Techniques of Dispute Intervention, 2-3, 5-10 (June 19, 1975).

was instructed to stop the violence, separate the parties, keep his partner in sight, watch for possible weapons, render first aid, evaluate the emotional condition of the "disputants, and

Make a summary arrest, if necessary. (Take all factors into consideration before making arrest (last resort) sometimes arrest may add to problems instead of alleviating situation, i.e., family fight over money, father arrested and family loses his wages.<sup>21</sup>

Arrest is repeatedly presented as counterproductive.

Ramifications of arrest procedure:

- a) may be detrimental to resolution of the problem at hand (for family)
- b) complainant may be seeking outlet for emotions (recognize)
- c) Loss of breadwinner--if jailed
- d) Adverse effect on children
- e) Possible irreparable damage to family unit (split-up)
- f) If circumstances warrant, convey:
  - 1) inadvisability of arrest
  - 2) Unsound solution to actual problems
- g) If arrest is unavoidable--outline procedure and responsibilities.<sup>22</sup>

This arrest avoidance policy was based on the premise that most family disputes to which the police officer would respond were not violent and did not result in injury to family members.<sup>23</sup>

In addition to the psychological training given to police recruits, sociological concepts were introduced. The San Francisco Police Department engaged Jeffrey A. Schwartz and Donald Liebman who prepared Crisis Intervention Training Reading Assignment: Cultural Issues (undated). This 23-page

21. NYCPD, Police Student's Guide VIII-44, 49, 80-81.

22. Id. VIII-81.

23. Id. VIII-41, 42, 47, 55-56, 60, 62, 66, 67.

pamphlet described the family structure and mores of the Mexican Americans, Blacks, Orientals and Gays to aid officers in responding to family disturbance calls.

The importance of knowing how a citizen's values differ from the officer's can make a great difference in how the officer handles a particular issue in a family fight.<sup>24</sup>

The New York City Police Department provided its students with a class analysis of family functioning.

Differences are generated by stratification of society which is fundamentally based on wealth. The upper class usually provides for its needs but the lower the strata, the more families tend to look outside for help with their difficulties.<sup>25</sup>

A chart of "behavioral characteristics" presented the differences between classes: the middle class uses "withdrawal of love, withdrawal of approval, appeals to guilt," while the lower class resorts to "physical punishment."<sup>26</sup> The implication is that violence is endemic to lower classes and blacks therefore the police officer should not be critical of physical abuse in these families.

Studying attitudes toward wife beating in Michigan in 1974, two University of Michigan law students, Sue E. Eisenberg and Patricia L. Micklow, reviewed documents and interviewed police officials, prosecutors and judges.<sup>27</sup> They found that police did

24. Schwartz and Liebman, Crisis Intervention Training Reading Assignment: Cultural Issues, (undated).

25. NYCPD, Police Student's Guide, VIII-53.

26. Id. VIII-53-54.

27. Eisenberg and Micklow, "The Assaulted Wife: Catch 22 Revisited," 3 Women's Rights L. Rep. 138, 139-40 (1977, hereafter "3 Women's Rights L. Rep.").

not regard wife beating as criminal activity. A police lieutenant teaching the domestic complaints courses at two police academies was asked if a man punched his wife causing "a split lip or a bloody nose" would he be regarded as having committed "a serious infraction of the law." He answered, "no."<sup>28</sup> Eisenberg and Micklow point out, in addition, that the euphemism "domestic disturbance," which is applied to a range of acts from verbal arguments to beatings, is indicative of police tolerance of wife beating.<sup>29</sup>

Eisenberg and Micklow state that Michigan law requires a minimum of 240 hours of training for police recruits. Three to five hours are spent on domestic complaints even though these calls account for almost half of all calls for police assistance.<sup>30</sup> The Wayne County Sheriff Police Training Academy: Domestic Complaints Outline, first warns the trainee to "avoid arrest," and then suggests ways of discouraging victims of family violence from trying to get a warrant. Finally, the student is admonished, "Don't be too harsh or critical."<sup>31</sup> In practice reports of domestic disturbance calls are made only when there is an arrest. The police keep no information to aid them in identifying families in which the "disturbances" are becoming more violent and more frequent. Eisenberg and

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28. Id. 145.

29. Id.

30. Id. 156.

31. Id. 156-57.

Micklow suggest that this data could be useful in avoiding serious injury to family members and police.<sup>32</sup>

The California, Michigan and New York police training publications did not discuss the possibility of a continuing pattern of wife beating as the cause of the family disturbance. This problem had not received public attention prior to 1974, and police departments had no input from groups aiding battered wives. Recently police departments have been receiving criticism of policy and practice, and suggestions for change from battered women and their representatives.

As early as 1972 the staff of Brooklyn Legal Services Corporation B, a federally funded free legal service for the poor, received daily complaints about the police from battered-women divorce clients. Fifty percent of the women divorce clients, totaling about 300 women annually, were battered wives. Many of these women stated that they, their child or a neighbor had called the police during or immediately after a beating but the police had refused to come, referring the woman over the telephone to the Family Court where she could request a civil injunction against her husband's future violence. If the police did respond, the officers often joked with the husband, were sympathetic to him, and made derogatory comments about the wife. The most frequently repeated criticism was that the officers, without regard to the seriousness of the injuries or general

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32. Id. 157.

evidence of physical violence from the disarranged and broken furniture, stated, "If you are married there is nothing we can do." Women told of police officers refusing requests to arrest former husbands who broke into their former wives' apartments and beat them, because the victims could not produce copies of their divorce judgments.

In a case similar to this the former wife called the police on five consecutive days. She had a visible "black-eye" from an attack the week before when the officers arrived on the first day. She showed them her lease, which was for herself and three children, and stated she was divorced. They said without a copy of the divorce judgment they could do nothing. The former husband heard them say this. He returned every day for the next four days and heard different responding officers repeatedly state they could do nothing for this woman because this was a family matter. He forced the lock on the apartment door, and slapped or punched and threatened to kill his former wife each day. He left each time when the police came. On the fifth day the former husband was standing in the kitchen when the woman and their three children arrived home with groceries. He threatened to kill her. She told him to leave. He picked up a serrated steak knife and cut and stabbed her in the face, arm and side. The neighbor heard the children's screams and called the police. The officers arrested the man for attempted murder.

Complaints of police indifference to obvious violence are still being received. Women report that police officers refuse to enforce the Family Court injunction, even though printed on the bottom of the order is the statement that it was authority for the officer to arrest upon allegation of violation. Family Court Act §168 (McKinney 1977). A woman who had experienced 14 years of beatings from a husband who neither supported her and their seven children, nor regularly resided with them had gotten one-year Family Court injunctions against his assaults seven times. Frequently when the police responded they told her to file a violation petition, requesting the court to hold her husband in contempt. They did not arrest him until the night they found her dazed and dripping blood from a large head wound. Her husband had smashed her in the head repeatedly with a chair. He had inflicted several stab wounds with a screwdriver. She had lumps on the back of her head where her husband had hit her head against the floor. As the officers arrested the man for attempted murder, he protested, "But she's my wife."

In 1972 Brooklyn Legal Services' three requests to meet with the New York City Police Commissioner to discuss the police response to battered wives were not even acknowledged. As the hidden problems of battered wives first received press coverage in 1974, (J.C. Barden, "Wife Beaters: Few of Them Ever Appear Before a Court of Law," The New York Times, October 21, 1974)

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33. The New York Times News Service carried this story which was printed in papers all over United States.

criticism of police failure to act came to public attention. Police departments defended themselves by displaying their new psychology based family dispute training materials. Groups working on behalf of battered wives responded by documenting police failure to aid injured and endangered women.

In Chicago attorneys with Garfield-Austin Neighborhood Legal Services, a federally-funded free legal service for the poor, wrote to the Chicago Police Superintendent presenting their clients' complaints, making suggestions for change, and requesting a meeting. Their battered women clients stated that the Chicago police refused to arrest wife beaters in spite of clear evidence that violent crimes had been committed and that dispatchers place family violence calls on low priority. The practices described by Parnas in 1967 were now being attacked by victims of family violence. The treatment of wife beating as a "quasi-permissible, social noncriminal problem," was presented as the cause of more brutal beatings of women after the police leave. The result is that women become reluctant to call the police and turn to self-help, killing or being killed.<sup>34</sup> Meetings were held immediately and are continuing.

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34. Letter from Eileen P. Sweeney and Lucy A. Williams to Superintendent, James Rochford, September 27, 1976, on file at Brooklyn Legal Services.

Initially the police chiefs defended the practices of their officers and drafted a statement which made the criticized practices into official policy. After discussion of the draft, department representatives agreed to make changes. A new working draft was prepared by Candice Wayne, attorney with the Battered Women's Project, which opened October 17, 1977. This draft is now under consideration. It directs dispatchers to give family violence calls the same high priority as other violent crimes in progress. Police officers are to be told that wife beating is a crime to be treated the same as any assault. It expressly repudiates the "we cannot get involved in family matters" practice. Referral resource lists are required for every officer to use when arrest is not appropriate. Records of relationship of victim and offender, victim injury and action taken would establish the frequency and severity of family violence, and provide officers with a case history of complaints and police action in that household, as an aid to appropriate response in the future.<sup>35</sup>

The movement for reform of police policy and practices has taken two routes in New York City. Twelve battered wives who were refused police assistance commenced a law suite against the NYCPD on December 6, 1976.<sup>36</sup> Bruno v. Codd is the first comprehensive attack on the failure of the criminal justice system

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35. Telephone conversation with Candice Wayne, attorney, Chicago Battered Women's Project, December 1, 1977.

36. Bruno v. Codd, Supreme Court of the State of New York, New York County, Index #21946/76.

to provide protection and medical aid to battered wives. For example, Carmen Bruno's allegations are that the police officers arrived while her estranged husband still had his fingers around her neck. Mrs. Bruno and her neighbors urged the police to arrest him. They refused and escorted him out of the building. The police failed to ascertain if Mrs. Bruno needed medical assistance. They did not follow any of the fact finding procedures set forth in the department's training guides. If they had asked questions they would have learned that Mrs. Bruno fled her husband's brutality several years before. He had only recently learned of her address, whereupon he commenced making threats to kill her. Mrs. Bruno feels that she is unable to get police protection and lives in constant fear.<sup>37</sup>

The plaintiffs in Bruno v. Codd seek a state court declaratory judgment that the police failure to aid and protect battered wives is contrary to New York law. They are requesting an injunction prohibiting police officers from discriminating against battered wives, and directing the Department to treat family violence the same way violence between strangers is treated. They want arrests made when there is probable cause for the officer to believe that the accused committed a violent act. Plaintiffs ask that the court direct police officers to cease making comments supportive of men who beat their wives. In addition to many demands regarding enforcement

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37. Bruno v. Codd, Complaint p. 13-17. A federal civil rights class action was commenced October 28, 1976 against the Oakland, California Police Department. Scott v. Hart, C76-2395. A motion for summary judgment and dismissal was denied.

of civil injunctions against family violence, as provided in New York Family Court Act § 168, request is being made that the court order the police to assist battered wives to obtain medical aid as they do for other victims of crime.<sup>38</sup> Discovery is proceeding while the defendants have taken an appeal from the denial of their motion to dismiss the complaint for failure to state a cause of action.<sup>39</sup>

Five months after the law suit was commenced, battered women's support groups and elected officials began meeting with NYCPD policy makers and trainers to obtain changes in family dispute policy and training. The first meeting was on April 14, 1977, with the Commissioner and most of the deputies and chiefs of command. The Commissioner established a department "Battered Women" (the police use quotation marks around the term) committee which is still in operation.<sup>40</sup> At first the committee meeting members expressed concern that a diligent response to this "pressure group," as they denominated it, could be interpreted as an "admission of malfeasance or non-feasance" in light of the Bruno v. Codd law suit. The committee members believed that the department has met the battered wife problem adequately but they were willing to discuss some modification

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38. Bruno v. Codd, Complaint, p. 98-99.

39. Bruno v. Codd, 396 N.Y.S.2d 974 (Sup. Ct. N.Y. County, 1977).

40. Memorandum for Commanding Officer, Quality Control Section, Re: Battered Women, April 4, 1977, on file Brooklyn Legal Services.

of training.<sup>41</sup> Several of the early demands which the police rejected were enacted into law by the New York State Legislature, effective September 1, 1977.<sup>42</sup> These included provision that the victim be able to file a copy of her civil injunction with the police department, and that the police institute family dispute record keeping. Improvements in training material have been made as a result of the work of this community group. The newly published Area Level Training Bulletin, September 1977, incorporates these changes, but it retains many weaknesses. This publication will be discussed in greater detail below.

Seattle Times reporters Susan Schwartz and Dale Douglas Mills, in their unpublished monograph "Wife Beating: Crime and No Punishment" (1974),<sup>43</sup> describe numerous incidents of Seattle police refusal to aid battered women. Police officers refused to look at a woman's injuries, which would have given them probable cause for an arrest, but urged her to "make peace." An officer told a woman he could not take her complaint because it was Sunday.<sup>44</sup> Individual patrolmen have developed informal "policies" contrary to department regulations. They will not aid a woman who has suffered previous beatings. They have

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41. Memorandum for Chief of Operations, Re: "Battered Women"-First Meeting, April 22, 1977.

42. McKinney N.Y. Sessions Laws 1977 ch. 449.

43. On file at Brooklyn Legal Services.

44. Id. 6-7.

concluded that she will not prosecute and therefore it is a waste of police time to help her.<sup>45</sup> Attorney Susan Jackson writes that the San Francisco police also base their decision whether or not to arrest a wife beater on their prediction of the probability that the victim will prosecute.<sup>46</sup>

New York City, Seattle and Ann Arbor are not isolated centers of police inaction against family violence. Del Martin discusses police lack of response all over the United States and Europe.<sup>47</sup> James Bannon of the Detroit Police Department, criticizes police for their tolerance of family violence. He states that in Detroit family dispute calls are screened out by dispatchers as an official case load control mechanism. This was the Police Department's method of reducing the number of police assignments when the requests for assistance exceeded the ability to respond.<sup>48</sup>

In New York City dispatchers give past assaults and assaults "in progress" a "2" or "3" response priority. The "2" priority is assigned to past and present assaults with

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45. Id. 6-8.

46. Jackson, "In Search of Equal Protection for Battered Wives," 8 (1975) unpublished manuscript on file at Brooklyn Legal Services.

47. Martin, Battered Wives 87-99 (1976).

48. Bannon, "Law Enforcement Problems with Intra-Family Violence," 1-7, unpublished address to American Bar Association Section of Individual Rights and Responsibilities, August 12, 1975, on file Brooklyn Legal Services.

knife or gun, while the "3" priority is given to assaults with other weapons. Disputes are given a "5" priority.<sup>49</sup>

A dispatcher stated in an interview that family dispute calls are always treated as low priority. This conforms to Parnas' finding that dispatchers in Chicago treated family fights as low priority disputes even though their instructions were to rate them as assaults when violence was reported.<sup>50</sup>

The national tendency to regard family violence as beyond police response capability is expressed by the Federal Bureau of Investigation in its introduction to the discussion of homicide in the 1975 Uniform Crime Reports.

The circumstances which result in murder vary from family arguments to felonious activities. Criminal homicide is largely a societal problem which is beyond the control of the police. The circumstances of murder serve to emphasize this point. In 1975, murder within the family made up approximately one-fourth of all murder offenses.<sup>51</sup>

Thus, family disturbance calls, in spite of their potential for ending in homicide and aggravated assault, remain a lower priority than more easily resolved property crimes.

The police refusal to aid battered wives may in part be attributed to sexism and classism. Bannon, Martin, Eisenberg

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49. NYCPD Radio and Incident Code Signals with Priority Level and Automatic Routing, 5 (undated). Priority level "1" is reserved for major catastrophes: plane crashes or building collapses.

50. Parnas, 1967 Wis. L. Rev. 928.

51. 1975 Uniform Crime Reports, 18.

and Micklow and Schwartz and Mills have reached this conclusion. Sexism and classism in the publications discussed above and in LEAA publications reinforce the common prejudices of police officers. These training materials make no mention of chronic wife beating. The LEAA training materials state that "close or intimate relationships are responsible for between 70 to 80 percent of homicides," but that "the officer should be aware that most family disputes are not violent."<sup>52</sup> This emphasis leaves the officer unprepared to aid the battered wife and to prevent future violence.

The family dispute training materials reveal anti-women attitudes which hinder objective response to battered wives. Family conflict is described as being caused by communication difficulties among family members, with both parties contributing or intrapersonal factors, in which one party is the cause.<sup>52-a</sup> The most prominent value judgment is that a man's employment takes priority over his wife's safety.<sup>53</sup> In the NYCPD and LEAA publications a list of three examples of "intrapersonal" problems begins with "the woman going through menopause who is very depressed."<sup>54</sup>

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52. Bard, The Function of the Police in Crisis Intervention and Conflict Management: A Training Guide, 5.5 and 7.9 respectively (LEAA, National Institute of Law Enforcement and Criminal Justice, 1975, hereafter, "LEAA Training Guide.")

52-a. NYCPD Police Student's Guide VIII-60, 67; LEAA Training Guide 7.19-20.

53. Id. VIII-41, 44, 49, 62, 81-82.

54. Id. VIII-67. LEAA Training Guide 9.19

In the summary outline of tactics that should be used by police in family disputes, the officer was warned that intoxicated people, women and psychotics are "likely to resort to physical violence" in the presence of a police officer. The Police Student's Guide states that women may become violent toward their men because they believe the officers will protect them.<sup>55</sup> It was not explained that her attack is caused by rage resulting from her defenselessness in the face of his assault before the police arrived. The list of four possible causes to consider in disputes involving children begins with the example:

- a. 1) Mother rejects father
- 2) transfers love, affection to child
- 3) sometimes sexual forms
- 4) emotional stability of child may be impaired<sup>56</sup>

No mention is made of the possibility of a father's incestuous activities with his daughter.

This emphasis on the guilty, rejecting wife as the cause of conflict is further developed in the LEAA, The Function of the Police in Crisis Intervention and Conflict Management: A Training Guide, and the NYCPD, Police Response to Family Disputes, A Training Manual for Family Crisis Intervention.<sup>56-a</sup>

55. Id. VIII-76.

56. Id. VIII-76.

56-a. LEAA Training Guide 7.26, 7.37, 7.39, 7.40

Both publications present the same four family dispute scripts as training exercises. All the women are dominating and forceful, except one who is a heroin addict. The conflicts portrayed in the first three plays are caused or aggravated by the women in the family. In the last play the wife shares the blame.<sup>57</sup> The actors are told to project the following roles:

Sister - Portray a dominant female figure who has control over father....<sup>58</sup>

Ann - This is a person who is very forceful and dominating in her actions and conversation.... She should be portrayed as a person who takes delight in controlling her husband.... In her role with the police officers, she should maintain her unyielding attitude and continued insistence on her husband's removal from the apartment.<sup>59</sup>

Wife - This girl [23 years old] should be portrayed as a drug user with typical addict mannerisms and apathy who will have very little interest in the welfare of her children and her role as a wife and mother....

Husband - The Army Sergeant's role must be one of primary concern for one of the children, whose natural father he is. He tolerates the young baby [not his child]....<sup>60</sup>

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57. LEAA Training Guide, Appendix 1-9-1-36; NYCPD, Police Response to Family Disputes, A Training Manual for Family Crisis Intervention 28-49.

58. Id. 28. LEAA Training Guide App. 1-11.

59. Id. 32. LEAA Training Guide App. 1-17.

60. Id. 38; LEAA Training Guide App. 1-23-24

These women are the stereotypical nagging, manipulative wives who "deserve a smack in the mouth" from their long-suffering husbands. Negative portrayals of women do not help police trainees to understand the problems of battered wives.

The class and ethnic stereotypes are equally counter-productive.<sup>60-a</sup> The notion that violence among ghetto residents is an accepted part of life, which the police should understand, discourages assistance to ghetto battered wives.

The LEAA Training Guide explains that

Although the prevailing American culture tolerates a minimum of physical force as a reaction to anger, such physical force is the common response among certain ethnic groups. Therefore, whether or not the use of such force can be considered serious depends in part on the cultural background of the people using it.<sup>61</sup>

There is no reason to rush to the aid of a minority woman who is being beaten by her husband if violence is part of their life style.

The LEAA Training Guide and the Police Student's Guide-Social Science teach that economic class determines family behavior patterns. The middle class punishes through withdrawal of love and approval, but the lower class use physical punishment.<sup>62</sup> The middle class discourages physical aggression, while physical aggression is regarded as normal by the lower

60-a. Schwartz and Liebman, Crisis Intervention Training, Reading Assignment Cultural Issues, 23p; LEAA Training Guide 6.5-6.11.

61. LEAA Training Guide 6.9

62. LEAA Training Guide 6.8; NYCPD Police Student's Guide VIII-54.

class.<sup>63</sup> These notions have little basis in reality. A survey of 1,176 adults conducted in 1967 for the National Commission on the Causes and Prevention of Violence showed that more college educated men and women "could approve of a wife slapping a husband" or a husband slapping a wife under some circumstances, than those who had grade school educational only. The researchers concluded that approval of slapping one's spouse increases with both education and income.<sup>64</sup>

The movement to aid battered women has found that wife beating is prevalent in wealthy suburbs as well as in the ghetto. Montgomery County, Maryland, has a battered wives' refuge and support group which was featured on a television special. Fairfax County, Virginia also has a support group. The Women's Center of Greater Danbury, in Fairfield County, Connecticut, has provided counseling for 26 battered wives in two months. All but two of the abusive men were professionals, including lawyers, doctors, policemen, corporation executives and ministers. One wife beater was a marriage counselor.<sup>65</sup>

Middle class family violence is more difficult to observe because middle class reliance on private physicians

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63. Id. VIII-54.

64. Stark and McEvoy, "Middle Class Violence," 4 Psychology Today 54 (1970).

65. Cook, "New Focus on Battered Women," The New York Times, "Connecticut Weekly," December 4, 1977, p.1, col. 3; Martin, Battered Wives 19.

and psychiatrists has prevented researchers from finding these battered wives among public and charitable agency clients. For this reason family violence will continue to appear to be a mostly lower class problem with occasional glimpses of it in the middle and upper classes. The middle or upper class battered wife therefore has greater difficulty getting police protection than lower class women. Thus, formerly battered middle class women have worked to gain public recognition of the problem of wife beating. Publicity, combined with community pressure, litigation and legislation have begun to produce policy changes in police departments.

As a result of pressure from battered women's support groups recent police training publications have taken a pragmatic approach with less emphasis on psychology and sociology. There has been increased recognition of the danger of serious injury to the family members, and although arrest is still discouraged, standards are now provided for determining when arrest is appropriate. Police Training for Tough Calls, by Frank J. Vandall (1976), published by the Center for Research in Social Change of Emory University, demonstrates this revisionist position.

As in the earlier New York City Police Department materials, Vandall warns that arrest may cost the offender's job.

In some domestic disturbances the officer will desire to invoke the criminal process because there has been a serious violation of the law such as a battery. Before invoking the criminal process, however, the officer should consider several negative results that flow from such an action. The most serious factor to be considered is that the physical arrest record may contribute to the offender losing his present employment.<sup>66</sup>

The mediation, adjustment and referral technique is then outlined as in the New York City Police Department, Police Student's Guide-Social Science. Vandall differs from the Guide in his presentation of factors which determine whether or not to arrest. He emphasizes that the key factor is the officer's assessment of the seriousness of the injury.

The absence of the offender in itself does not determine the answer to the question whether the officer should invoke the criminal process....

One of the most important factors to be considered... is the seriousness of the injury. An injury is serious if it is one that would normally require professional medical attention.... It is not relevant that the victim refuses hospital attention. The decision as to the seriousness of the injury rests with the reasonable judgment of the officer.<sup>67</sup>

Vandall uses the extent of injury as the measure of intent to do harm. He instructs the patrolman to also consider the weapon used, the present conduct and statements of the offender, any indications that the attack was planned, the offender's criminal record for violent crimes, repeat calls to the same

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66. Vandall, Police Training for Tough Calls, 27, 38 (1976).

67. Id. 30-31.

household, intoxication of the offender, and recent threats by the offender to harm the victim.<sup>68</sup>

The most significant difference between Vandall's book and the current New York City Police Department treatment of family disturbances is Vandall's warning that the victim's refusal to sign a complaint is not relevant to the arrest decision. He explains that the victim of a domestic dispute is "under tremendous pressure and is not in a position to decide whether the offender should be taken into custody."<sup>69</sup> Vandall instructs the officer to make the decision based upon his own expertise, and then request the victim to sign a complaint. If the officer determines there is probable cause to believe a felony has been committed and the victim refuses to sign a complaint, Vandall states that the officer should sign the complaint himself.<sup>70</sup> This position is the opposite of the New York City Police Department policy of arresting only when the victim of a family assault expressly requests an arrest.<sup>71</sup> Vandall labels this as "unacceptable practice."<sup>72</sup>

New NYCPD analysis of family disputes stresses that violence or threats of violence have "invariably" preceded the call for police assistance.<sup>73</sup> The absolute neutrality and

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68. Id. 31-34.

69. Id. 35.

70. Id. 35-36.

71. Testimony of Det. John Sullivan, teacher New York City Police Academy, New York City Council public hearings on family violence, October 14, 1976, unpublished.

72. Police Training for Tough Calls, 35.

73. NYCPD, "Violence in the Family," Area Level Training Bulletin, Instructor's Manual, 43 (September 1977, hereafter "NYCPD Area Level Training Bull."). Contrast, Police Student's Guide VIII-40, 44, 47, 60, 62.

mediation policies have been modified. Instead the officer is instructed to "communicate the attitude that violent behavior is not excused or tolerated."<sup>74</sup> Police officers are being urged to change their former tolerance of family violence.

Both the urgency and destructive potential of violence in the family requires the kind of timely and authoritatively lawful third party response capability that is absolutely unique to the police function.<sup>75</sup>

Preventing family violence is presented as promoting police safety, providing responsive service, and equally important as other forms of crime control.<sup>76</sup> The NYCPD training materials explain the reasons that victims of years of beatings remain with abusive partners: marriage is regarded as a sacred contract; the victim has been isolated; the victim does not know where to go for help; the victim is financially dependent on the offender; the victim stays so the children benefit from a two parent home; the victim is ashamed; the victim fears that "she" will not be able to find a job; the victim fears reprisals from the offender. Most revealing is the statement that the victim may "have a feeling of helplessness; in the past when the person went to the police or courts-no action was taken."<sup>77</sup> The victim of family violence is now portrayed as having limited resources and few

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74. Id. 44. Contrast, Police Student's Guide which admonishes the officer, "do not take sides," VIII-43, 60, 67.

75. Id. 44.

76. Id. 45.

77. Id. 57.

alternatives. There is recognition that the police have been part of the problem for victims of family violence.

Mediation, adjustment and referral remain the preferred course of action. The officer is still cautioned that arrest has a negative effect on family income and relationships and that these adverse results should be explained to the victim. There is some discussion of the appropriateness of a summary arrest in cases of assault, especially when there is a pattern of prior assaults.<sup>78</sup> Although these arrest avoidance issues receive less emphasis than in previous training publications, the new treatment of arrest is insufficient to overcome the patrolmen's prejudices against getting involved in family disputes.

The worst defect in the NYCPD, Area Level Training Bulletin chapter on "Violence in the Family,"<sup>79</sup> which is also present in Vandall's Police Training for Tough Calls, (34-38), is the intentional omission of the terms "wife beating" and "battered wife."

Through questioning, it sometimes comes to light that a person has endured beatings from a spouse over a period of years.... There are many reasons for this.... The marriage contract is sacred, the person stays for religious reasons....the person may be completely financially dependent on the spouse....the person is afraid to leave because there are no jobs for a woman with children....<sup>80</sup>

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78. Id. 58-62.

79. Id. 34-63.

80. Id. 57. (Emphasis added).

These statements are disingenuous. The memoranda of the meetings between the NYCPD and battered women's support group show that the department policy makers know that they are being criticized for their failure to aid and protect battered wives. They give the appearance of acceding to public pressure to improve the response to calls from battered wives, but the refusal to state that the "person" enduring the beating from "a spouse" is the wife, implicitly denies the existence of the battered wife phenomenon.

Changes in policy which do not explicitly address the problem of wife beating give the impression that the department does not intend to effect basic reforms in the way officers treat battered wives. Because the new training materials only hint at the real issue, the police officer must be confused about just what his superiors expect of him. In contrast, the International Association of Chiefs of Police recently published two new Training Keys entitled, Wife Beating, and Investigation of Wife Beating, (1976), which demonstrate a preferable approach.

The first key tells the officer that wife beating is the typical form of violence he will encounter between spouses, although there are cases of wives beating their husbands. It explains that the victims are economically dependent on their husbands, are without job skills, suffer from low self-esteem, and are immobilized by constant fear of

assault. The police officer's role is to prevent violence through mediation. If an attack has already taken place, however, the officer should conduct an assault investigation to determine if there is probable cause for an arrest, and to gather evidence to support the prosecution. The officer is cautioned not to view wife beating as a "victimless crime." "A wife beating is foremost an assault - a crime that must be investigated."<sup>81</sup>

The investigation provides the officer with the information upon which he will base his decision whether or not to arrest. The nature of the assault is the determinant. If a felony assault has been committed the officer may make an arrest regardless of the victim's lack of cooperation. The Association now suggest that a policy in favor of arrest in wife beating cases may help free the battered wife from the trap of violence.

A policy of arrest, when the elements of the offense are present, promotes the well-being of the victim. Many battered wives who tolerate the situation undoubtedly do so because they feel they are alone in coping with the problem. The officer who starts legal action may give the wife the courage she needs to realistically face and correct her situation.<sup>82</sup>

Investigation of Wife Beating instructs the dispatcher to inquire about the nature of the assault and the use of weapons, and to give this information to the responding officer. The

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81. Training Key 245, Wife Beating, 1-3, 3. (1976).

82. Id. 4.

officer is told to protect and give first aid to the victim and to ask if there are injuries which do not show. It is explained that victims often have internal injuries, and injuries to the back of the head and parts of the body covered by clothing. "It is the police officer's responsibility to obtain the proper medical attention for her, even if she protests receiving it."<sup>83</sup> Just as for other crimes, the officer is told to find and interview neighbors and other witnesses, including children. Photographs should be taken of injuries and of the "crime scene." Blood stained clothing and weapons should be collected and preserved. If the victim affirmatively refuses to cooperate in prosecuting her husband, and there is insufficient evidence to sustain a felony charge the officer should then explore alternatives such as social service agencies, civil court actions, emergency shelters and temporary separation. The usual caution about liability for false arrest is balanced by a warning about liability for neglect of duty. Finally, the officer is told that a victim who continually refuses to take legal action should be advised that the beatings may continue and may become more severe.<sup>84</sup>

In contrast to the NYCPD family violence materials, the tone and content of these two Training Keys clearly tell the patrolman the policy, his role and his duty. He is given

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83. Training Key 246, Investigation of Wife Beating, 1-2, 2 (1976).

84. Id. 4-5.

reasons, direction and standards for accomplishing his tasks. The issues, prejudices, practices and policies are explicitly discussed. The officer reading these knows that the practices of non-response and "get-out-fast" are no longer acceptable. He is told that he is required to respond affirmatively to battered wives. The policies and procedures set forth in the International Association of Chiefs of Police Training Keys on wife beating must be made part of the operations manuals used by those now on police forces, as well as part of recruit training. In-service training must portray police assistance to battered wives as an essential part of aggravated assault and criminal homicide prevention.

In 1967 Parnas theorized that domestic disputes are the prelude to most spouse murders and serious assaults. He believed that prompt and skilled intervention at the minor disturbance level might decrease the serious violent crime occurring among family members.<sup>85</sup> The 1973 study of domestic violence conducted by the Kansas City, Missouri, Police Department, and a 1974 study of conflict-motivated homicides and assaults in Detroit conducted by James D. Bannon and G. Marie Wilt support Parnas' hypothesis that murder and serious assaults are preceded by minor assaults.

The Kansas City Police Department found that they had responded to disturbance calls at the address of homicide victims or suspects at least once in the two years before

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85. Parnas, 1967 Wis. L. Rev. 959.

the homicide in 90 percent of the cases, and five or more times in the two years before the homicide in 50 percent of the cases. They had responded once to disturbance calls at the home of victims or suspects in 85 percent of the aggravated assault cases, and five or more times to disturbance calls in 50 percent of these cases during the two years before the aggravated assault.<sup>86</sup> Of the total sample of cases studied, 42.3 percent involved physical force, but when the participants were either married or divorced the incidence of force rose to 54.4 percent. When the participants were common-law spouses, relatives, strangers or acquaintances, however, physical force occurred only 30.7 percent of the time. Another significant barometer of violence was the threat. When threats were made violence occurred in 53.9 percent of the cases.<sup>87</sup> Of the 294 conflict-motivated homicides studied in Detroit, 90 (30.6 percent) involved family members.<sup>88</sup> Sixty-two of these family murders were preceded by histories of conflicts.<sup>89</sup>

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86. Breedlove, et.al, "Domestic Violence and the Police: Kansas City," in Police Foundation, Domestic Violence and the Police, 23 (1977). [Addresses of multiple dwellings with many tenants were excluded from the analysis. No data were gathered on the number of disturbance calls which never resulted in violence.]

87. Id. 27.

88. Wilt and Bannon, "Conflict-Motivated Homicides and Assaults in Detroit," in Police Foundation, Domestic Violence and the Police, 37.

89. Id. 39.

The police crime prevention function is not being developed. In spite of emphasis on more sophisticated responses to domestic disputes the average patrolman is failing to gather sufficient information to make a determination of the nature of the problem. There is no difference in the aid offered in cases of verbal disputes or physical assault. The spontaneous non-arrest practices described by Parnas have been extended by the patrolman, relying on official police department policy in favor of adjustment, to inaction in all cases of family assault. Arrests are not made when there has been violence, or when an injured wife requests to file a complaint. The mediation training for conflict resolution stresses neutrality, which in turn reinforces the wife beater's notion that he has done nothing wrong. Battered wives are made to share the blame for the injuries they have suffered, just as the rape victim has been held responsible for the crime committed against her. Thus, violence in the home escalates, because the victim has learned that the police will give no aid, and the offender knows that he will suffer no penalty.

Police training should include discussion of wife beating as a frequent form of criminal activity to which arrest is the appropriate response. Dispatchers must be required to get sufficient information to determine if there is a beating in progress or just ended, and if the offender is still present, and to treat these as priority violent-crime-in-progress calls

rather than low priority dispute calls. The category "family dispute" should be eliminated from the dispatcher's lexicon. It should be replaced with descriptive terms which give the responding patrolman useful information: assault, assault with weapon, verbal only. Threats must be recognized as predictive of acts, and taken seriously. Officers must disregard the relationship of victim to suspect, or the likelihood of completed prosecution, but base their decision solely on probable cause for arrest.

The presence or absence of the suspect is irrelevant. In family assault cases it is almost certain that the suspect will return to the scene of his crime because it is his home. The standards for arrest developed by Vandall and the International Association of Chiefs of Police would provide patrolmen with functional guidelines for arrest based upon valid criminal justice concerns for prevention of violence. The seriousness of the injury, the use of a weapon, the evidence of premeditation, and the existence of prior or continued threats to maim or kill are the factors upon which the decision whether or not to arrest must be based. Once the decision to arrest is made, full investigation to gather evidence to support the prosecution is the next step.

If there is insufficient basis for a probable cause to arrest, and the victim does not want to sign a complaint for misdemeanor assault or menacing, the officer should make referrals to agencies aiding battered wives. The International Association of Chiefs of Police urges the officer to encourage the battered wife to get help. An ideal way for this to be done is to discreetly give the woman a small referral card which she can use when she is ready to seek counseling, or when she needs shelter. Plattsburgh, New York, police are distributing business size cards with the 24-hour telephone number of Women, Inc. the local battered women's support group. Strongly worded departmental orders must advise patrolmen of these policies and procedures so that patrolmen know that they must aid battered women.

A pro-arrest policy has been suggested by the International Association of Chiefs of Police. It should be tried at least on experimental basis. Those who aid battered women have come to the conclusion that the non-arrest, mediation and adjustment practiced by police officers has a negative effect on the victim seeking help or escape, and encourages the offender to continue his violence. Comparison studies of the effects of an arrest policy command, a mediation policy command, and a command with no stated policy (in which the officers would be free to ignore family calls) should be made to analyze the effects of these alternative approaches on future violence between the parties.

This type of comprehensive investigation is urged by the Police Foundation. Whether or not this research is undertaken, police officers must immediately provide protection, obtain medical assistance, effect arrests and facilitate the escape for battered and threatened women.

PROSECUTORS AND CRIMINAL JUSTICE DIVERSION PROGRAMS

Police need the positive reinforcement of having their arrests and investigations be the the basis of prosecutions. The practice of prosecutors has been, however, the same as that of police officers in wife beating cases. Without regard to the history of violence or seriousness of the assault, they quickly "adjust" the matter and make inappropriate "referrals." They refuse to bring wife beating cases to trial.

Prosecutors cite the failure or refusal of battered wives to sign complaints and to appear in court to testify. It is generally agreed that more than half the battered-wife complainants either fail to cooperate with the prosecutor or request that the charges be withdrawn. Traditionally, this failure has been deemed a waste of time for which the women have been blamed. Now that battered wives have begun to speak out, it has become clear that responsibility must be shared by the prosecutors and courts.

Raymond I. Parnas is again the most authoritative and methodologically sound investigator of prosecutor response to wife beating. He reviewed documents, corresponded with prosecutors and judges, and visited jurisdictions with innovative programs. Parnas focused on the "minor" family offenses.<sup>90</sup> He found that even those cases deemed serious by

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90. Parnas, "Prosecutorial and Judicial Handling of Family Violence," 9 Crim. L. Bull. 733, 734 (1973, hereafter, "9 Crim. L. Bull.").

the police are adjusted without prosecution.<sup>91</sup>

...[T]here is a tendency on the part of those in a position to respond to either ignore them altogether, or more usually, to respond in such a way as to get rid of such cases as quickly as possible.<sup>92</sup>

In most jurisdictions this takes the form of exercise of prosecutorial discretion.<sup>93</sup> In Washington, D.C., in 1966, about 7,500 women requested the prosecutors to issue warrants for their husband's arrest. Less than 200 such warrants were issued.<sup>94</sup> Some localities have special district attorney family offense units which conduct informal hearings with attorneys or investigators presiding. This procedure has been used in Washington, D.C., and in California.<sup>95</sup> In California the prosecutor warns the suspect that he will be arrested if he continues his offensive conduct. Suspects are not advised of their right to counsel and are not given Miranda warnings. Cases adjusted in this way rarely result in prosecutions. San Francisco has a Family Relations Bureau staffed by investigators who combine this warning and adjustment process with referral to social and legal services agencies.

Writing in 1975, attorney Susan Jackson, with the San Francisco Neighborhood Legal Assistance Foundation, Women's Litigation Unit, asserted that almost no wife beaters were prosecuted after they had failed to appear at the Family

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91. Id. 735.

92. Id. 734.

93. Field and Field, 47 Soc. Service Rev. 224-25.

94. Id. 231-32.

95. Parnas, 9 Crim. L. Bull. 735

Relations Bureau for an informal hearing.<sup>96</sup> Even when the Family Relations Bureau determines that a warrant should issue the district attorney is not likely to agree. There were eight prosecutions resulting from the 5,000 calls received by the Bureau in 1973.<sup>97</sup> Los Angeles tries to divert battered wives to civil court for divorces. If a woman insists on filing a complaint, she is told she must wait several days. Once the decision to prosecute is made, the complainant is warned that if she changes her mind, she will be assessed court costs.<sup>98</sup> Parnas observed a similar imposition of costs in Detroit.<sup>99</sup>

The police and prosecutor have a joint diversion program at the charging level in Detroit. Police officers assigned to the Misdemeanor Complaint Bureau conduct the type of informal hearing used in California. The disposition is frequently an "adjournment without date," or the placing of one or both parties on a fictitious "peace bond." Parnas states that in the first ten months of 1970 there were 5,057 requests for misdemeanor warrants received by the Bureau; 323 warrants were issued.<sup>100</sup> In 1972, 4,900 requests for warrants were prepared, and resulted in less than 300 prosecutions according to Bannon.<sup>101</sup>

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96. Jackson, "In Search of Equal Protection for Battered Wives," 12-13.

97. *Id.* 11.

98. *Id.* 13.

99. 9 *Crim. L. Bull.* 735-39.

100. *Id.* 740.

101. Bannon, "Law Enforcement Problems with Intra-Family Violence," 5.

He also points out that the "peace bond" succeeded in stopping violence when it was issued by the prosecutor who supported it by prosecuting violators. But now that the police issue "peace bonds" they have lost their effectiveness because the prosecutor does not enforce them.

Parnas believes that the diversion programs are better than uniform prosecution of all family offense cases. This conclusion is weakened by his assumptions that serious wife assaults receive the same kind of treatment as other serious assaults, and that the police and prosecutors perceptions of what are "minor" family disputes are accurate. He ignores their tendency to classify all family violence as minor disputes.<sup>102</sup>

Another form of court diversion at the prosecutor level is referral to independent, community mediation and arbitration services. Participation in these programs is voluntary and both parties to the dispute must consent. Dispute centers perform a more useful service to disputants than the police or prosecutor hearings. Their staffs are trained for impartial mediation and devote all the time necessary to effect a workable, lasting solution to the conflict. They are not distracted by other "more important" duties as are police and prosecutors. Parnas describes the Washington, D.C. Citizen's Information Service and the Philadelphia Community Dispute Settlement Center.<sup>103</sup>

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102. Parnas, 9, Crim. L. Bull. 734, passim.

103. Id. 740-47.

A discussion of Rochester, New York, Arbitration as an Alternative to the Criminal Judicial Process (called the "4-A Program") is presented by Joseph B. Stulberg, Director of Community Dispute Services for the American Arbitration Association.<sup>104</sup>

Each of these programs appears to be an excellent approach to resolving conflicts between parties who are equals. But when violence is more serious than a single slap, kick or punch, and becomes a series of blows inflicted by the stronger party with intent to harm the weaker party, then there is no equality. The weaker person is the victim, and the stronger person is the batterer, who wields the power. This is the battered wife's situation, and one reason that mediation will not work to stop wife beating.

Wife beating is not a behavior pattern which can be altered in a single two-hour mediation or arbitration session. At the point when the woman seeks police and prosecution intervention beatings may have been a frequent occurrence for several years. Stulberg limits the application of the 4-A Program combined mediation and arbitration technique to cases of verbal disputes, single blows, harassment or threats without repetition of violence.<sup>105</sup>

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104. Stulberg, "A Civil Alternative to Criminal Prosecution," 39 Albany L. Rev. 359, 360-70, 1975, hereafter "39 Albany L. Rev."

105. 39 Albany L. Rev. 360-70.

Mediation is not advisable because it requires that the battered wife share the blame for her husband's attack on her. Both the International Association of Chiefs of Police and the New York City Police Department have reversed their previous position in favor of mediation in all family offense cases. They now stress that the responding officer express disapproval of violence.<sup>106</sup> The prosecutor should similarly express disapprobation of violence.

Complaints have been made that where community dispute centers exist, prosecutors divert all family offense cases to the centers. When the Miami Citizen's Dispute Settlement Center tries to send serious cases it cannot resolve back to the prosecutor, the prosecutor refuses to accept them.<sup>107</sup> Diversion can become an end in itself instead of a rationally applied alternative.

When prosecutors either expressly or implicitly force a battered wife to take her case to a dispute center, they are denying her the protection she needs. She is being taught that there is no one more powerful than her husband, who either can or will compel him to stop beating her. In cases of repeated wife beating criminal prosecution restores some of the power balance that the husband has destroyed by his violence.

An absolute policy of not prosecuting wife beating cases endangers battered women's safety and well being, because this

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106. Training Keys 245 and 246; Area Level Training Bulletin, both supra.

107. Letter from Sandra Conn, Greater Miami Legal Services, to Marjory D. Fields, Brooklyn Legal Services Corporation B, September 14, 1976.

policy also discourages police response and investigation. In a county in New York State an assistant district attorney announced to the Family Court Probation Service supervisor that she would prosecute serious assaults only. This type of a priori decision that assaults in which there was no serious injury or no weapon used are not appropriate for criminal prosecution may leave the victim of frequent assaults without recourse but to suffer more beatings until she is seriously injured, or to use self-help.

In marriages in which there has been a history of wife beating the woman becomes an expert on her husband's pattern of attacks. Her vigilance may well be the reason that she has avoided serious injury. She may have learned to duck and run. She knows when her husband is getting ready for a major attack or series of attacks. Once she has decided that she is ready to seek help and protection, this decision should be greeted with a positive response by those in a position to assist her, in spite of the fact that the most recent attack was not the most serious. It may be that this incident was the final proof that his promises to reform were empty, and an indication that a more brutal attack is brewing.

Battered wives who insist upon criminal prosecution often do so after many attempts at other types of resolutions. The vast majority of wife beating can be controlled through civil injunctions, divorces or separations. But those who have found these alternatives of no help must have the option of criminal prosecution. Prosecution is of course ultimately

dependent upon sufficient evidence to present a case. Even if the case ends in an acquittal, the experience of having been a defendant in a criminal trial which could have resulted in a jail sentence might have a deterrent effect. Prosecutors should discuss the marital history with the complainant to ascertain what other types of remedies have been tried. Research indicates that the longer the marriage, the greater the frequency and severity of the beatings, and the greater the number of previous unsuccessful attempts to get help, the more likely that the battered wife will follow through with criminal prosecution and divorce.<sup>108</sup>

Subtler, but equally serious for the battered wife are the common types of prosecutor neglect of wife beating cases discussed in a letter to the Cook County, Illinois State's Attorney from two legal services attorneys. In the fall of 1976, after an "informal study" of six courtrooms in which domestic violence cases were tried, the following patterns were discerned: prosecutors stated that husbands attacks against their wives were not as serious as attacks against strangers; without regard to the seriousness of the violence, husbands were prosecuted on charges of disorderly conduct; and prosecutors failed to engage in legal argument when judges dismissed complaints based solely on the irrelevant basis that

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108. Kirchner, "Profile of a Poor Battered Wife," 1977, unpublished, attached hereto as Appendix A.

a divorce action was pending.<sup>109</sup>

Another major criticism was that peace bonds, whereby the defendant signed a statement promising to cease his offensive conduct, were not explained to the defendant or complaining witness, and neither party was given a copy. Defendants were not told that they would be prosecuted for committing a subsequent offense, or the possible penalties for violation of the terms of the bond. Finally, peace bonds were used even in serious assault cases, contrary to the statutory intent that they be used when threats have been made or it appears that violence may occur. These practices resulted in police not arresting for violations of peace bonds because the complainant could not produce a copy for the officer to read. The community learned that the peace bond was useless to the victim and was no threat to the offender.<sup>110</sup>

Negotiations with the prosecutor's office began November 17, 1976, and are continuing. Immediate agreement was reached to reform the peace bond abuses by complying with the statute, Ill. Rev. Stat. ch. 38, §200-1, et seq. The legal services attorneys have a "modest" court watching program, and have trained lay advocates to accompany their clients to criminal

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109. Letter from Eileen P. Sweeney and Lucy A. Williams to Bernard Carey, dated November 11, 1976. (On file at Brooklyn Legal Services.)

110. Ill. Rev. Stat. ch. 38, §200-2; Letter from Sweeney and Williams to Carey, dated November 11, 1976.

court. The advocates make certain the prosecutor understands the complainant's story and understands that the complainant wants the prosecutor to go forward with the case. This system also provides moral support for the complainant.

This lay advocate system is also used by Brooklyn Legal Services Corporation B. In December 1976 staff members met with the Brooklyn District Attorney, Eugene Gold, to discuss six examples of nonfeasance and malfeasance in wife beating cases in which sufficient evidence was available for trial. The case docket numbers were given to the District Attorney in the letter requesting the meeting. He had the files before him at the meeting, and acknowledged that errors had been made.

Agreement was reached to immediately begin a joint project of divorce and criminal prosecution whenever this was the victim's wish, and there was sufficient evidence. Evidence is shared and trial preparation is done jointly. This enhances both the criminal prosecution and the divorce action. When battered wife clients of Brooklyn Legal Services complain of serious assaults and police refusal to arrest, the district attorney's office contacts the police in an effort to have them effect an arrest. (Unfortunately, the police do not always cooperate with the prosecutors, and the prosecutors lack the staff to have the officers assigned to them effect the arrest.)

This cooperative effort has worked very well. The in depth divorce interview gives an opportunity to find out if the woman feels that the only way she will be safe is if her husband

is incarcerated, or if a divorce is sufficient protection. In practice, very few women are in such extreme and continued danger that they need to have their husbands in jail. But in those cases, it is a matter of life and death that an informed decision is made by the prosecutor. Only one out of nine prosecutions was dismissed because the complaining witness requested it. In that case the judge who helped the parties reach a divorce settlement with a favorable lump-sum payment to the wife, conditioned her approval of the settlement upon the wife withdrawing the criminal complaint. In one case, protective custody was provided for a complaining witness whose life was threatened after her husband was indicted for attempting to murder her.

Jackson suggested mandamus actions against prosecutors who have an arbitrary policy of never prosecuting wife beating cases. Mandamus is a difficult form of action to maintain against prosecutors because of their broad discretion. It could be successful if a pattern of abuse of discretion is established. Other possibilities suggested by Jackson are actions for malfeasance in office, or federal civil rights violations. The civil rights action could be based on intentional discrimination based on sex, and denial of due process and equal protection. These issues would be difficult to prove, but worth the effort.<sup>111</sup>

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111. Jackson, "In Search of Equal Protection for Battered Wives," 20-22; 26-28.

Two battered wives in Cleveland, Ohio brought a federal civil rights class action against the prosecutor. They alleged due process and equal protection violations, and violation of the right of citizens to petition the courts for redress of grievances. Plaintiffs stated that they were married women who were beaten by their husbands. They accused the prosecutor of arbitrarily denying them access to criminal court because they were women who were married to their assailants.<sup>112</sup>

This action was ended by consent decree in which the prosecutor agreed to: consider each wife beating case on its own merits; order full investigation of wife beating complaints to obtain necessary evidence; provide for administrative review of decisions not to prosecute if the victim so requests; and notify the police department that the prosecutor's office has revised its policy and will prosecute men who beat their wives.<sup>113</sup>

Negotiations with and law suits against prosecutors by those who are in need of protection against violent husbands are often successful in effecting changes in policy. Input from those who use the services or are affected by the agency

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112. Raguz v. Chandler, Case No. C74-1064, Complaint, 4-8.

113. Letter from Richard Gurbst, Legal Aid Society of Cleveland to Laurie Woods, MFY Legal Services, April 20, 1976, (on file at Brooklyn Legal Services), and Raguz v. Chandler, Motion for Class Certification and Preliminary Injunction.

can provide the basis for correction of unacknowledged abuses. The problems of battered wives have only recently come to public attention. This information and the expectation of responsive policy changes must be presented to prosecutors. The Cleveland settlement embodies the basic concepts of fairness which should be applied to all crime victims.

The present operation of the criminal justice system leaves battered wives remediless. Consideration of the uniquely dangerous position of the battered wife as a complaining witness in a criminal prosecution should lead to changes in policy and practice. Prosecutors should provide protection for battered wives who may have nowhere else to live but with their husbands pending trial on the assault charges. The victim cannot lock the offender out of his home without court approval, therefore, request must be made to the court that pretrial release on the defendant's own recognizance or on bail be conditioned upon the defendant staying away from the complaining witness. Police investigation should be encouraged through use of their knowledge of the condition of the victim and the crime scene as part of the decision whether or not to prosecute.

Prosecutors in Brooklyn and Nassau County, New York, concerned with stopping wife beating stress that in the plea bargaining process, guilty pleas to violent crimes only should be accepted. Even if the plea is to simple assault, and a sentence of probation imposed for a first offense, that

conviction record will be the basis of a harsh sentence, should the defendant repeat his attacks on his present or a subsequent wife. The Brooklyn District Attorney is working with the Center for Responsive Psychology which is developing guidelines for selection of jurors for wife beating prosecutions. The Center has a questionnaire designed to show how prospective jurors perceive battered wives and accused wife beaters. It is hoped that new voir dire questions will enable prosecutors to determine who is prejudiced against battered wives so that prejudiced jurors may be eliminated.

Prosecutors should recognize that the victim may have positive reasons for withdrawing her complaint. The official threat of prosecution may have caused the husband to stop his assaults and to seek help to control his violence. In the alternative, the woman may decide that the only way she will be safe is to move away and leave no forwarding address. The time that the prosecutor has the defendant in custody pending arraignment or trial may give the victim the opportunity to escape. Since the prosecutor cannot guarantee her safety if there is a release pending trial, or on a sentence of probation, or upon acquittal, this may be her only non-violent means of ending the beatings she has suffered. Thus, failure of a battered-wife complainant to follow through may not be a waste of prosecutor time from a public policy point of view. The arrest and commencement of prosecution may have been successful in bringing a peaceful end to the violence.

JUDGES

The police response to battered women is the most crucial because they are in the position to stop beatings and save lives. The next most important authorities in the criminal justice system are the judges, because they can compel police and prosecutors to protect battered wives, as well as sentence individual wife beaters. Since few actions have been brought against police and prosecutors, there is little material other than treatment of individual cases upon which to base an analysis of judicial response to wife beating.<sup>114</sup>

Judges sitting in criminal courts display the same prejudices as police and prosecutors, even though they see battered wives who have refused to be discouraged have cooperated with the prosecution. Statistics discussed above show that there are few prosecutions resulting from thousands of requests for warrants. This may indicate that only the most serious cases, in which the victim believes that jail is the only way to stop her husband's attacks and the prosecutor believes he has sufficient evidence for conviction, go to trial. Yet judges treat these cases as though there had been no attempts to screen them out on the police and prosecutor level. They tell women to forget the injuries and reconcile with their husbands. Marriage counseling is ordered without consideration of the seriousness

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114. Adjudication of individual civil actions will be discussed in the chapter on Civil Statutes and Judicial Interpretation, below.

of the assault, or women are told to get a divorce and the case is dismissed.<sup>115</sup>

Schwartz and Mills reviewed the results of nine cases tried in Seattle. Suspended one month sentences and fines of up to \$50.00 were imposed on defendants who pleaded guilty to charges of "causing a disturbance." The seriousness of the actual offenses had no effect on the sentence.

Although the assaults included stabbings and broken bones, none was charged as a felony. All were considered misdemeanors.<sup>116</sup> Not one of these assailants went to jail.

Parnas described similar patterns in the courts he observed. In Chicago's Court of Domestic Relations 50 percent of the cases were intrafamily assaults. The most frequent dispositions were summary dismissal for failure of the complainant to appear or at her request. In those cases in which a hearing was held the most common disposition was an unsecured, unrecorded, blank, fake peace bond. Neither party received a copy and the consequences for violation were not explained. If a defendant on peace bond came before the court again there would be no way for the judge to know that a bond had been previously imposed unless one of the parties told him. Parnas found that, "Regardless of the disposition stated in court, (i.e., pleaded guilty, found guilty, put on "peace bond," etc.), the official docket entry

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115. Eisenberg and Micklow, 3 Women's Rights L. Rep. 159

116. Schwartz and Mills, "Wife-Beating: Crime and No Punishment," 12-13.

is almost always "DWP" ( discharged for want of prosecution).<sup>117</sup>  
In Detroit and Baltimore Parnas observed that the family and neighbor assaults combined amounted to 5 to 15 cases out of 70 to 90 cases per day, and 10 to 15 percent of the daily docket, respectively. Judges in both cities attempted to delay hearings or dispositions as long as possible to get the parties to settle the matter. If this did not succeed, defendants were lectured, and put on unsupervised or pro forma probation.<sup>118</sup> Parnas summarized his findings concerning the operation of the criminal courts as a failure to serve any "correctional" function which would reduce recidivism. Family violence was "handled summarily and off-the-cuff."<sup>119</sup>

The Chicago Legal Services attorneys, Sweeney and Williams, who initiated negotiations with police and prosecutors, also negotiated with the judges. They observed the same practices noted by Parnas. They particularly criticized a judge who stated in a radio interview that he always asked battered wives if they had been "faithful" to their husbands. They asserted that it was a common practice among judges to tell battered wives to "kiss and make up." Judges in Chicago routinely refer women to divorce court and dismiss the criminal charges without inquiry into the allegations or circumstances of the case.<sup>120</sup>

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117. Parnas, 9 Crim. L. Bull. 748-49.

118. Id. 749-50.

119. Id. 747-48.

120. Letter from Eileen P. Sweeney and Lucy A. Williams to Honorable Eugene L. Wachowski, November 5, 1976, on file at Brooklyn Legal Services.

Negotiations with the Chicago judges commenced in November 1976 are being continued by Candice Wayne of the Battered Women's Law Project.

In New York Family Court judges presiding in civil, family offense proceedings for injunctions, called orders of protection, hardly ever impose jail sentences for contempt for violation of prior orders, although the complete case history is always before the court. This is in spite of the option to sentence a man to serve this time at night and on weekends so that he can keep his employment.<sup>121</sup> Judges avoid making decisions by issuing "mutual orders of protection," ordering each party not to harm the other. This has the negative effects of holding the woman equally guilty for the beating she suffered, and relieving the wife beater of responsibility for his violence. Allegations of battering are viewed as shams used by wives to gain a weapon to achieve control over their husbands.<sup>122</sup>

Some judges are reluctant to grant any relief. A woman who had been beaten frequently during 18 years of marriage sought an order of protection in Brooklyn Family Court. She decided that she needed help because the beatings were getting more severe and more frequent. The judge told her that he was not granting her an order of protection, even though the beatings were not

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121. See, Maitland, "Courts Easy on Rising Family Violence," The New York Times, June 14, 1976, p. 1, col. 3.

122. Interview with a New York City Family Court Probation Service supervisor September 24, 1976.

denied, but only minimized by her husband. The judge ordered both parties to go for counselling. The woman protested that she had tried counselling but it did not work. The judge was adamant. The husband felt vindicated. The woman sued for divorce because she believed she could be safe only if she no longer lived with her husband.

This woman said she felt that the judge was more critical of her failure to take action against her husband before this court proceeding, than of her husband's violence. The judge's attitude was, if you never tried to get help before, then I will not try to help you now. Her years of sacrifice and suffering to keep her family together were being turned against her. She was treated as the culpable party for fulfilling the role of patient wife and dutiful mother.

Criminal court judges in New York are equally reluctant to incarcerate wife beaters. An unprecedented sentence of unsupervised "probation" was imposed on a man who had cut his wife above the eye with a piece of broken glass. Judges continue to refer battered wives' complaints to Family Court even though this transfer power was repealed effective September 1, 1977, and the prosecutors show them the new law.

Judges persist in their belief that a divorce will cure the "family problem." In a recent case in Brooklyn a judge told the defendant that if he did not fight the divorce action he would consider dismissing the indictment for attempted murder. This discussion took place after the prosecutor requested that

bail be revoked, because the defendant was telling his wife's friends that he was going to kill her. Even though the victim was in hiding with her eight-month old child, these threats made her fearful. She had been beaten five times during her pregnancy, and had been stabbed four times during the attack which was the basis of the indictment. Her husband's continued pursuit of her finally led the prosecutor to take her and her child into protective custody in a secured hotel used for endangered material witnesses.

When confronted with unmarried women assaulted by men friends or former husbands, in which case New York Criminal Court has always had exclusive jurisdiction, judges often dismiss complaints on the defendant's unenforceable promise to stay away from the victim. A man, who had brutally beaten a former woman-friend so that she required hospitalization four times, was released without penalty each time on his promise to leave the woman alone. The detective who had repeatedly arrested this cruel man was so frustrated with the court's refusal to sentence the man as a violent criminal, that he wrote an "op-ed" article, for The New York Times.<sup>123</sup> Thus, the repeat offender who is charged again has a record of acquittals, and if he were finally convicted it would be as a first offender instead of as a recidivist.

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123. Hart, "Thomas Promised That He Would," The New York Times, June 10, 1975, "Op. Ed."

Prosecutors are prohibited from appealing dismissals or dispositions of the types described above, because they are technically on the merits. Without appellate review, judicial discretion is virtually unfettered. In New York, even the passage of strong new laws accompanied by much publicity did not quickly change judicial attitudes. Negotiation is the only tool and its success depends completely upon the good will and open mindedness of the judges. Decisions are not written when judges routinely dismiss wife beating charges. Only a campaign of citizen court watching can compile the data to prove judicial practices and note the kind of prejudiced remarks often heard from judges. Attempts to change judicial practices will indeed prove the most difficult.

Several simple reforms could be made immediately. Pretrial release on recognizance and release on bail should be conditioned upon the defendant staying away from his wife, her place of residence, work or school. Communicating with the children should be by telephone or letter, and visiting should be away from their mother's home. In cases in which the children were also victims, the court should deny the defendant any contact with the children. Upon conviction for a first offense a sentence of probation could be similarly conditioned. Although courts have this inherent power, judges fail to exercise it. Prosecutors should repeatedly seek these conditions as a way of educating judges. The New York State Legislature expressly gave judges the authority to condition pretrial

releases and sentences of probation so that battered wives are not compelled to live with their assailants pending trial for criminal assault or harassment. Violations of the conditions should be punished by revocation of the release.

Police, prosecutors and judges treat battered wives with mistrust. Women seeking aid from the criminal justice system are regarded as inherently untruthful, as though they were trying to misuse the courts to achieve an illegitimate purpose. Women must be treated with the same respect and belief accorded to men in courts. Battered wives should be believed to the same extent as male victims of crime. Now that the extent and seriousness of wife beating is becoming known, battered wives can be recognized as the experts that they are with respect to their husbands' capacity for physical violence and emotional torture. As the courts have ceased their former abuse of rape victims, they must reform their treatment of battered wives.

SPOUSE MURDER

There were 2359 spouse murders in 1975 reported in the F.B.I. Uniform Crime Reports. This was 11.5 percent of the total number of criminal homicides committed in that year. "Romantic triangles and lovers quarrels" accounted for another 7.3 percent of the murders in 1975. The wife was the victim in 52 percent and the husband was the victim in 48 percent of the 1975 spouse murders.<sup>124</sup> More than twenty years earlier, the same proportion of wife to husband victims was found in a sample of 100 spouse murders, 53 wives and 47 husbands were slain.<sup>125</sup> A 1960's study of 200 women imprisoned in California found that 63 of these women had killed their husbands or "lovers."<sup>126</sup>

Sociologist Marvin E. Wolfgang examined all of the 588 criminal homicides committed in Philadelphia between January 1, 1948, and December 31, 1952.<sup>127</sup> He found that when women killed men they always used weapons to overcome the males' greater strength, but that beating was the method men used to kill women in 23 percent of the cases in which women were the victims.<sup>128</sup>

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124. 1975 Uniform Crime Reports 18-19.

125. Wolfgang, Patterns in Criminal Homicide, 212 (1958).

126. Ward et.al., "Crimes of Violence by Women," in 13 Crimes of Violence, 868 (Staff Report, U.S. National Commission on the Causes and Prevention of Violence [1970] (Hereafter, "13 Crimes of Violence").

127. Wolfgang at 15.

128. Id. 85-87; 215-16.

Women were more likely than men to be killed where they lived. Of all women killed, 68 percent were killed in the home (as opposed to the street or public places), whereas 46 percent of all men killed were killed in the home. But 55 percent of those women killed in the home, were killed in a home they shared with their assailant. In comparison, 35 percent of men killed in the home, were killed in a home they shared with their assailant.<sup>129</sup> Wives killed by their husbands constituted 41 percent of all women who were killed, although husbands killed by their wives made up "only 11 percent" of all men who were killed.<sup>130</sup>

Wolfgang developed the concept of "victim-precipitated" homicides. He defines them as "those criminal homicides in which the victim is a direct, positive precipitator in the crime." The victim is the first person to use physical force against his eventual murderer.<sup>131</sup> Applying this analysis to spouse murders, he found that 28 husbands and 5 wives were victims of victim-precipitated homicides, but in non-victim-precipitated homicides, 19 victims were husbands while 48 were wives.<sup>132</sup> These factors had an effect on convictions and sentences of spouse murderers. More husbands than wives were

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129. Id. 123.

130. Id. 213.

131. Id. 252.

132. Id. 260.

found guilty. Wives were acquitted in 34 percent of the cases, but husbands were acquitted in only 4 percent. Husbands were convicted of more serious degrees of homicide than were wives. None of the wives, but one-third of the husbands were convicted of first-degree murder.<sup>133</sup>

	Husband	Wife	Total
First Degree Murder	10	—	10
Second Degree Murder	10	4	14
Voluntary Manslaughter	10	15	25
Involuntary Manslaughter	4	7	11
Total	34	26	60

	Husband	Wife	Total
Guilty	34	26	60
Not Guilty	2	16	18
Nolle Prosequi	2	2	4
Pending	3	2	5
Suicide	10	1	11
Died Before Trial	1	—	1
Fugitive	1	—	1
Total	53	47	100

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This differential treatment was based on the differences in the actions of the defendants and their victims.

Close examination of these mate slayings reveals, however, that it is not necessarily true that the courts treated wives with unjustifiably greater leniency than they did husbands, for in 28 cases of female defendants, the husband had strongly provoked his wife to attack, and, although she was not exonerated on grounds of self-defense, there had been sufficient provocation by the husband (as victim) to reduce the seriousness of her offense. In contrast, provocation recognized by the courts occurred in only 5 cases in which husbands killed their wives.<sup>135</sup>

133. Id. 217.

134. Id. 216.

135. Id. 217; Danyluk and Herbert "Killer of Husband Spared by Weeping Judge," New York Daily News, December 17, 1976, p. 7, col. 4.

The motives for spouse murders are often veiled behind the police use of the label "domestic dispute." Wolfgang relied upon the police designations of "domestic quarrel," and "jealousy," "altercation" and argument "over money." He noted that these were the reasons for 80 percent of all criminal homicides.<sup>136</sup> Wilt and Bannon reviewed the offenders' statements to obtain more depth than the motives ascribed by the police. They tried to find the conflict which immediately preceded each homicide, the conflict history of victim and offender, the sex and parental role concepts, and the economic role concepts of the parties. There were 57 spouse murders among the 294 conflict-motivated homicides they studied. The most frequently recurring (53 cases) immediately precipitating pattern was the verbal challenge between husband and wife which developed into physical conflict ending in murder. In 32 of these cases the victim was the first to make a threat to kill, which led the offender to get a weapon. In the other 21 cases resulting from this pattern, the offender started the argument and had a weapon from the beginning of the conflict. The offenders in this group intended serious harm or murder from the outset of the fight.<sup>137</sup> The discussion of conflict histories includes the spouse murder cases in the broader category of 90 family killings. There were 62 of these cases

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136. Wolfgang, 324.

137. Wilt and Bannon in Domestic Violence and the Police, 37.

which were preceded by histories of frequent arguments and/or physical fights by the offender with the victim, or with the victim and others.<sup>138</sup>

Wilt and Bannon analyzed the way the victim and offender perceived their sex roles. In 21 cases husbands insulted their wives and then physically attacked them. These men "indicated to their wives that they should accept their husband's insults passively."<sup>139</sup> Husbands ordered their wives to do something for them, and then began either shouting at or beating their wives for not performing the task satisfactorily in 18 other cases. Fatal conflicts were precipitated in 13 instances by men insulting their wives, and then telling their wives they deserved to be killed, or threatening to kill their wives. In three cases the wife insulted her husband in the presence of others. The husband reacted by physically attacking his wife, "indicating that she was not going to 'get away with' that sort of behavior." In two instances women insulted and then physically attacked their husbands when there were objections to the insults. Wilt and Bannon concluded that these cases were examples of one spouse defining the other "as an object of personal property and acting on the basis of that definition." Their investigation showed that the

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138. Id. 39.

139. Id.

husbands acted this way toward their wives much more frequently than did the wives toward their husbands (55 times for the husbands, compared to 5 for the wives).<sup>140</sup>

It appears from the studies conducted by Wolfgang and by Wilt and Bannon, and from other research that wives murder their husbands after abuse by the husbands. During 1976, 40 percent of the 132 women detained in Cook County Jail on charges of killing their male partners had been assaulted several times by the men they killed.<sup>141</sup> The superintendent of the Illinois state prison for women estimates that one-third of the women in her custody convicted for killing their husbands or lovers had been beaten by those men.<sup>142</sup>

The theory that women kill after being repeatedly beaten by their husbands is supported also by the recently publicized cases of Roxanne Gay and Francine Hughes. Both of these women murdered their husbands after years of extreme physical and emotional abuse.<sup>143</sup>

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140. Id.

141. "Study of Female Killers Finds 40% Were Abused," "Around the Nation," The New York Times, Dec. 20, 1977, p.20, col. 8.

142. As related in an interview with Candice Wayne, Esquire, December 5, 1977.

143. Cook, "Battered Wife Campaign Focusing on Women Charged with Murder," The New York Times, Aug. 12, 1977, p. B3, col. 5; Jacoby, "Hers," The New York Times, Dec. 1, 1977, p. C2, col. 1, discuss the Gay and Hughes cases respectively.

Gay is in jail pending trial. Hughes is free, having been found not guilty by reason of temporary insanity. A Washington, D.C., physician's wife was twice found guilty of murder for shooting her husband who beat her while she was pregnant with their second child. An appeal is pending.<sup>144</sup> A Montana woman was acquitted of murdering her husband after suffering years of beatings by him. A New York City woman was sentenced to five years probation after being found guilty of stabbing her husband who had beaten her frequently.<sup>145</sup> All of these women had children under 18 years of age.

Spouse murders have a greater social and economic cost than other homicides because the incarceration of the offenders makes orphans of their children.<sup>146</sup> A study of women in prison for murdering their husbands or companions should inquire into the history of their relationship with their victim, and who is caring for and supporting their children. This could document the hidden social and economic costs of the orphaned children of battered wives, as well as the potentially lethal consequences of wife beating.

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144. United States v. Ibtamas, Appeal #12614, United States Court of Appeals, D.C. Circuit.

145. Danyluk and Herbert, "Killer of Husband Spared by Weeping Judge," supra.

146. cf. "Parents in Prison, Forgotten Children Find Home in School," The New York Times, November 17, 1977, p. 35, col. 1.

Definitions of self-defense and victim provocation are being expanded to provide the basis for acquittal and light sentences when husband murders are committed by wives who have been the victims of years of wife beating. A wife's conviction for murdering her husband was reversed because the trial court failed to charge the jury that the defendant had no duty to retreat from an assailant in her own home.<sup>147</sup> These defenses raise difficult problems for a society which seeks to deter murder by making it unrewarding and unnecessary. Is someone who has killed a danger to society as one who lacks impulse control, or as a model of permissible anti-social behavior? Is the punishment to be tailored depending upon the circumstances of the homicide? If the answer to the first questions is, not always, and to the second question is, yes, then the next problem is to define the mitigating circumstances so that the conflicting social goals of murder deterrence and individual safety are both advanced.

In the most extreme cases husbands have kept their wives and children, prisoners, or have tracked their fleeing wives across the country to continue their assaults, or have made threats against the lives of their wives' parents or the children should the wives attempt to escape.<sup>148</sup>

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147. People v. Paxton, 47 Mich. App. 144, 149, 209 N.W. 2d 251, 253-54 (1973).

148. Martin, Battered Wives, 76-86; Eisenberg and Micklow, 3 Women's Rights L. Rep. 144-45.

Wife beating takes place in the home the victim shares with her attacker.<sup>149</sup> This frequently leaves the victim nowhere to go to escape from her husband's attacks, which she knows are increasing in frequency and severity. Finally, society has failed or refused to protect the battered wife or to restrain her attacker. Under these limited conditions her act of murder could be held to be self-defense, or to be prompted by mitigating provocation, without creating a danger to society.

Wife abuse entails not only extreme physical punishment, but extraordinary degradation of the woman.<sup>150</sup> A person whose sense of self-worth has been destroyed in this way is not deterred by the probability of punishment for murder. She may believe that she is worthless and deserves to go to prison. She may see prison as better than her present existence with its constant brutality. The woman who suffers in this way may be considered to be temporarily insane and therefore not guilty of murder. Each case must be evaluated so that it is clear that these defenses will succeed only when escape is practically impossible, or the offender is not capable of knowing the meaning of her act.

Ward, Jackson and Ward who conducted the California women's prison study drew two conclusions from their findings. The first is that "in order to prevent a major portion [one-third]

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149. Gelles, The Violent Home, 93-110.

150. Martin, Battered Wives, 1-8; 76-86; Wilt and Bannon, supra at 39-40; Eisenberg and Micklow, 3 Women's Rights L. Rep. 144-45.

of the criminal violence in which women engage, one would have to do something about unhappy [violent] marriages and love affairs." Secondly, they point out that there is a trend toward increased violence by women, which may be "accelerated as women become emancipated from traditional female role requirements."<sup>151</sup>

These theories have grave implications for increases in spouse murder resulting from husbands treating wives as objects of property. The traditional role of wife as servant who may be chastised by her husband is being rejected by women. If women are unable to get help from society to extricate themselves from such violent relationships, or to restructure these relationships, they may increasingly turn to violence as the only apparent resolution. When ultimately lethal confrontations take place between spouses it has been shown that either party could become the victim.

Society has an obligation to make this type of murder unnecessary, and to make the alternative of escape possible and rewarding. Meaningful responses to the needs of battered wives will save the lives of women and men. Studies have presented the patterns which precede spouse murder. Study is needed to determine the significant differences between those wife beating situations which result in murder, and those which are ended by other means. The various methods of peaceful resolution should be analyzed to determine their frequency and their efficacy for the family members. The patterns of conduct and

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151. 13 Crimes of Violence, 907.

relationships present in the histories of each of the violent groups should be compared with those of families in which wife beating has not existed. From the results, conclusions could be reached about the types of services and intervention which bring about the most effective, peaceful end to wife beating, and which may prevent family violence. Policies can then be designed which will make homicide an unnecessary means of ending wife beating, and make life outside of prison satisfying enough to make murder unrewarding.

CRIMINAL STATUTES

The relationship of murder victim and offender are carefully recorded. Antecedent incidents of wife beating are, however, subsumed under the general categories of violent crimes and offenses variously denominated: attempted assault; simple assault; aggravated assault or assault and battery; attempted murder, assault with intent to maim; and murder; harrassment; menacing; reckless endangerment; and criminal trespass. Commentators have noted that because the relationship of victim and offender are recorded for murder only, the true extent of serious wife beating is hidden in the criminal assault arrests and convictions.<sup>152</sup>

It has been suggested therefore that a mandatory registry of wife beating incidents similar to that used in child abuse cases be established. The record created would help identify repeat victims at an early stage and facilitate appropriate medical and police intervention. Enacting this proposal, however, would lead to violations of the civil liberties and civil rights of those women who are not willing to be identified as battered wives. Physicians making reports would violate the women's privilege of confidential communication with physicians, and the women's right to privacy. Compulsory reporting may discourage battered

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152. Eisenberg and Micklow, 3 Women's Rights L. Rep. 140-41; Jackson, "In Search of Equal Protection for Battered Wives," 1-2; Martin, Battered Wives, 10-11; 1975 Uniform Crime Reports, 18-21. The United States National Commission on the Causes and Prevention of Violence conducted its own survey in 1967 to ascertain the relationship of victim and offender in aggravated assault cases. United States National Commission on the Causes and Prevention of Violence, Staff Report, 11 Crimes of Violence, 206 [1970].

women from seeking emergency medical care. Although battered wives' alternatives are restricted by economic and social factors, they are not as helpless as battered children. Constitutional rights of due process and equal protection, freedom of expression (or silence) and privacy, are antithetical to the notion that helping institutions should become the conservators of otherwise competent battered wives. The courts stand in parens patriae for children, but not for adults. A voluntary registry for those women who request aid, in individual hospital emergency rooms and local police agencies, however, does not suffer from civil rights and civil liberties impediments.

Commentators generally agree that the existing criminal statutes are adequate to provide protection for battered wives.<sup>153</sup> Rather it is the police, prosecutor and judicial policies and practices of non-enforcement, coupled with careless referrals, and the difficulties in application of the law of arrest which create the problems for battered wives seeking protection.<sup>154</sup> Most jurisdictions prohibit police officers from making arrests for misdemeanors not committed in their presence. Arrests may be made for felonies however even though the officer did not witness the commission of the crime. The

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153. Eisenberg and Micklow, 3 Women's Rights L. Rep., 146-51; Jackson, "In Search of Equal Protection for Battered Wives," 1-2; Martin, Battered Wives, 87-89; 100-01; Parnas, 1967 Wis. L. Rev., 955-60.

154. Bruno v. Codd, Complaint. pp. 77-83; Eisenberg and Micklow, 3 Women's Rights L. Rep. 156-61; Martin, Battered Wives, 90-92; Truninger, 23 Hastings L. J.; 261-65; 270-76.

California felony wife beating statute enacted in 1945 permits an officer to make an arrest for an act of violence not committed in his presence even though such violence would not be a felony were the victim someone other than the assailant's wife (or child).<sup>155</sup>

Elizabeth Truninger, in her analysis of legal remedies available to battered wives, states that medical evidence of injuries or visible bruises are required under case law to sustain a charge of felony wife beating. She found several weaknesses in the application of this statute. Police and prosecutors are unwilling to apply it because they are reluctant, based on a lesser degree of injury and intent, to make the felony charge permitted by this statute. They are concerned that the higher bail imposed in felony cases could result in prolonged pretrial detention and cause the family economic hardship. Truninger believes that the delay due to the indictment process might discourage wives from following through. She states that victims often fail to obtain medical treatment which would provide the evidence necessary to prove the injuries at trial. She concludes, "this statute can provide little protection to the wife."<sup>156</sup>

Truninger and the plaintiffs in Bruno v. Codd, the New York suit seeking an injunction against illegal and prejudicial

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155. Cal. Pen. Code §§ 273d, 240, 241, 242, 243, 245, 836.

156. Truninger, 23 Hastings L.J., 262-65.

police policies and practices, believe that the police should be required by statute or administrative regulation to advise battered women of their right to make a citizens arrest when there is not sufficient basis for an arrest by police officers.<sup>157</sup> This common law right, which has been codified in most jurisdictions could be a useful procedure for removing the wife beater from the family home for a few hours to enable the woman and children to escape. It may be the only practicable way to overcome the police practice of non-arrest, and to provide protection in those cases in which the victim knows that the violence will continue after the police refuse to arrest. Another legislative proposal designed to mitigate the effects of police and prosecutor non-enforcement is requiring police officers to record the relationship of victim and assailant whenever there is an allegation of assault, and what the officer did in response. Finally, most analysts urge the expansion and simplification of civil injunctions as non-criminal remedies which are often effective in ending wife beating.

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157. Truninger, 23 Hastings L.J., 276; Bruno v. Codd, Complaint p.98.

158. Field and Field, 47 Social Service Rev. 237-39; Parnas, 9 Crim. L. Bull. 750-55; Truninger, 23 Hastings L.J. 273-74; 276.

CIVIL STATUTES AND JUDICIAL INTERPRETATION

In most states civil injunctions or restraining orders against a spouse's violence are available only during the pendency of a matrimonial action.<sup>159</sup> Violations of these orders are punishable by imprisonment for civil contempt of court. Eisenberg and Micklow and Martin discuss several weaknesses in this apparently satisfactory remedy. Police do not enforce these civil court orders. If a battered wife calls the police because her husband has beaten her, thereby also violating her restraining order, the police tell her to call her lawyer and refuse to arrest even for the crime of assault.<sup>160</sup> Some lawyers do not request restraining orders because they believe this type of preliminary injunction is ineffective, and impedes favorable financial settlement for the wife. Finally, judges are reluctant to order jail for contempt. One judge uses the technique of holding both the wife and husband in contempt when the wife complains of violations of the restraining order.<sup>161</sup> Truninger, commenting on this remedy, is critical of the technical paper work requirements, which necessitate an attorney, and the additional requirements of filing for marital dissolution.<sup>162</sup>

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159. Cal. Civ. Code § 4359 (West Supp. 1971); Ann L. of Mass. C.208 (1975); Mich. GCR 723.3 (1964).

160. Eisenberg and Micklow, 3 Women's Rights L. Rep. 153-55; Martin, Battered Wives, 105-09.

161. Eisenberg and Micklow, 3 Women's Rights L. Rep. 153-55.

162. 23 Hastings L. J. 267-68.

Several states have enacted a form of plenary, civil injunction proceeding without the requirement of first commencing a divorce action. The injured spouse must establish that the other spouse has committed acts which would constitute a crime, harassment, menacing, attempted assault, or assault, by a preponderance of the evidence. Since the proceeding is civil in nature, it has this lower standard of proof, and does not give the husband a criminal conviction record.

From September 1, 1962, to September 1, 1977, in New York State the Family Court had exclusive original jurisdiction over all crimes, other than attempted murder and murder, between family members residing in the same household.<sup>163</sup> Now there is concurrent jurisdiction exercised by the criminal courts and the Family Court and the victim selects the forum. Family Court may still issue orders of protection, which are civil injunctions which direct the respondent to cease his offensive conduct. They may also order the respondent to seek counselling, to move from the marital residence, grant one party custody of the children, and set visitation conditions. Contempt is punishable by up to six months in civil jail, which could be served overnight and weekends, to permit the offender to keep his job and support his family.<sup>164</sup> Because of possible

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163. N.Y. Family Court Act § 812 (McKinney 1977).

164. N.Y. Family Court Act § 846 (McKinney 1977).

imprisonment, even though there is no state prosecutor and the petitioner does not have a right to free counsel, the respondent has a statutory right to assigned counsel as in a criminal prosecution.<sup>165</sup> This is a procedural weakness which often prevents distressed and inarticulate women from obtaining relief. Both parties should have a right to counsel.

The purpose of the Family Court proceeding is to provide the victim with protection and to preserve the marriage. It provides a non-punative alternative to criminal prosecution and a basis for reconciliation of the parties. Unfortunately, this New York law applies only to those who are legally married or related by blood or affinity to the second degree, and are residing together.<sup>166</sup> Defacto families, even those with children, were intentionally excluded by the Legislature. There is no session of New York Family Court at night or on weekends. A woman attacked on Friday night must wait until Monday morning to commence a civil proceeding for an order of protection. If a woman elects to seek a criminal prosecution she may not also request an order of protection from Family Court, but may seek this relief in the criminal court.<sup>167</sup>

Pennsylvania Act No. 218 of 1976, the "Protection from Abuse Act," does not have the limitations of its New York

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165. N.Y. Family Court Act § 262 (McKinney 1977).

166. McKinney, New York Sessions Laws 1977, ch. 449, Family Court Act § 812, attached as Appendix B.

167. Id. Family Court Act § 812; Criminal Procedure Law § 530.11.

counterpart. Any "persons living as spouses, parents and children, or other persons related by consanguinity or affinity" may seek a protection order under this act.<sup>168</sup>

Those who cohabit as though they were a family unit, and those who are related even though they are not residing together may use this civil injunctive remedy.<sup>169</sup>

Jurisdiction over these injunctions was vested in the state court of general jurisdiction because of the power to grant the victim exclusive use of real property owned by the offender.<sup>170</sup> Emergency relief may be granted by lower courts on weekends when the court of general jurisdiction is not in session.<sup>171</sup> The civil injunctive relief provided by this statute is in addition to any other civil or criminal remedy available under Pennsylvania laws.<sup>172</sup> A drafting oversight, which will be corrected, was the omission of a provision empowering the police to arrest for violation of protection orders.

Civil injunctions provide the wife who does not wish to have her husband prosecuted on criminal charges or to seek a divorce with an alternative remedy that may give her protection. A court order directing the offender not to strike, menace, harass, or recklessly endanger his wife will in most cases be

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168. Penn. Act No. 218 of 1976, § 2 (hereafter "Act No. 218").

169. Act No. 218, § 6, attached as Appendix B.

170. Act No. 218, § 2.

171. Act No. 218, § 8.

172. Act No. 218, § 9.

sufficient to stop the attacks. Much of the effectiveness of such orders will depend upon the general public's knowledge that they are enforced by sentences for contempt. If the offensive conduct does not cease, or is resumed after a hiatus, then the victim may realize the need for the more drastic legal remedies of criminal prosecution or divorce. Thus, the injunctive remedy can be useful even when it is not successful in ending the violence.

Decisions interpreting cruelty divorce laws reveal the extent of judicial insensitivity to wife beating. Most states have no fault divorce or dissolution of marriage, but apply previously established marital fault standards in determining custody, child support, alimony, property use and property distribution. Michigan is a no-fault divorce jurisdiction in which fault is still assessed in deciding these collateral issues.<sup>173</sup> For this reason Eisenberg and Micklow analyzed the Michigan cases construing physical and mental cruelty grounds prior to no fault.<sup>174</sup>

The Michigan courts recognize defenses of provocation, recrimination and condonation to a wife's allegation of physical cruelty. A wife was deemed to have provoked her husband's violence by refusing sexual relations, failing to prepare the children's breakfast, refusing to take her husband's business

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173. Kretzschmar v. Kretzschmar, 48 Mich. App. 279, 285, 210 N.W.2d 352, 356-57 (1973).

174. 3 Women's Rights L. Rep. 151.

messages, and absenting herself from home overnight. The Michigan Court of Appeals held this course of mental cruelty by a wife was justifiable provocation of her husband's physical cruelty, and therefore affirmed the trial court's dismissal of the wife's counterclaim for separate maintenance.<sup>175</sup>

New York is one of the few remaining fault-only jurisdictions. Until 1976 case law required a "continuous course of cruel conduct" to sustain an action for divorce based upon "cruel and inhuman treatment."<sup>176</sup> Although the initial decision enunciating this requirement was in a case in which mental cruelty was alleged, this standard was later applied to a case in which two beatings were charged.<sup>177</sup> In Echevarria v. Echevarria the trial court and four out of five intermediate appellate judges held that two beatings separated by an interval of four years did not satisfy the statutory standard, of cruel and inhuman treatment which made it unsafe or improper for the wife to cohabit with her husband.<sup>178</sup>

The plaintiff testified that her husband had beaten her just after the parties were married. He struck her repeatedly with his hands all over her face, head and body. The second

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175. Metcalf v. Metcalf, 28 Mich. App. 442, 445-46, 184 N.W.2d 560, 562 (1970); 3 Women's Rights L. Rep. 151-153).

176. Rios v. Rios, 34 A.D.2d 840 (1st Dep't, 1971).

177. Echevarria v. Echevarria, 48 A.D.2d 681, 682 (2d Dep't., 1975).

178. Id. ; N.Y. Domestic Relations Law § 170 (McKinney 1977).

beating took place four years later. She testified that it was "much more cruel," made her fearful and nervous and caused her to move out of the marital residence. Plaintiff's credibility was never in issue. Defendant did not deny the assaults, he stated only that he did not want a divorce. The trial court believed plaintiff's testimony, but held as a matter of law that she failed to present a prima facie case.<sup>179</sup>

The New York Court of Appeals unanimously reversed the lower courts, holding that one beating is sufficient basis for a divorce because it is comprised of a series of acts.<sup>180</sup> Prior to Echevarria there was no judicial statement of what was the minimum physical cruelty a woman had to suffer to have grounds for divorce and to be justified in leaving her spouse. Cases had held that a single slap or shove were insufficient to entitle the recipient to a divorce.<sup>181</sup> Thus, the importance of the Echevarria decision lies in its recognition of a single beating as grounds for a cruelty divorce.

Even though the law is clear in New York, this one beating standard is not always applied. A wife seeking to escape her husband's cruelty will have a difficult time in any state. Civil court calendar delays make it virtually impossible to get emergency relief. When temporary relief is granted, judges

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179. Echevarria v. Echevarria, 40 N.Y.2d 262 (1976).

180. Id.

181. Rios, supra; Cinquemani v. Cinquemani, 42 A.D.2d 851 (2d Dep't., 1973); "Single Act as Basis of Divorce or Separation on Grounds of Cruelty," 7 A.L.R.3d 761.

frequently refuse to "throw a man out of his house." So it is the wife who must leave. Many lawyers advise a battered-wife client not to move from the marital residence because she could lose her property rights. Courts are intolerant of a woman who abandons her children. Regardless of the danger to her safety, if she leaves home without her children it will be difficult for her to win custody when she establishes a safe home of her own.

In fault only jurisdictions, if she leaves before the beatings become frequent or serious, she may not have grounds for divorce. In states retaining fault defenses to alimony and distribution of property, a fleeing wife appears to have abandoned or deserted her husband. Proving the abandonment is easy: the wife left the marital home. Defending against it is difficult without corroboration of her testimony. Wives of professional or businessmen have a hard time proving physical cruelty unless they have photographs, witnesses or medical reports. Judges are deferential to and identify with high-status men. They do not believe wives who claim that these men have committed the "lower class" act of wife beating.<sup>182</sup>

Crowded court calendars make the legal process work in favor of the husband who controls the family income and assets.

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182. See Wells v. Wells, 6. Mich. App. 434, 149 N.W.2d. 213, 214-15 (1967).

Getting temporary alimony or maintenance and child support can take months, sometimes as long as the dissolution itself. A woman may be forced to stay with her husband during the divorce action, unless there is a relative willing to take her in with her children, or a refuge for battered women. In community property states the woman may be in no better financial position, because after the divorce or dissolution the litigation to define the community property can continue for years. The ultimate legal irony is that even when the battered wife gets an award for alimony and child support, it is usually too low for her to maintain herself and the children, and too many times it is not paid at all.

A ten-year study of court-ordered child support in an unidentified Wisconsin metropolitan county, showed that only 38% of husbands fully complied with the child support provisions of divorce judgments less than one year old. Forty-two percent failed to make any payments in the first year after judgment. As the age of the judgment increased to ten years, the number of fully compliant husbands dwindled to 13%, while the number of non-paying husbands grew to 70%.<sup>183</sup>

A current study of child support compliance in ten Illinois urban and rural counties reveals that of judgments

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183. K. Eckhardt, "Deviance, Visibility, and Legal Action: The Duty to Support," 15 Social Problems 470, 473-74 (1968).

entered in 1965 56% were fully complied with and 20% were not at all complied with during the first year of the judgment. By the fifth year of the judgment, full compliance dropped to 37% and non-compliance rose to 33%. For judgments entered in 1970 there was full compliance with 43% and non-compliance in 33% of the cases during the first year. In the fifth year full compliance dropped to 18% and non-compliance rose to 65%.<sup>184</sup>

Federal Government statistics on women's wages show that the earnings of all working women lagged 75% behind those of all working men in 1974. That year 53% of employed women earned less than \$7,000.00, while only 18% of working men earned less than \$7,000.00. Eighty-two percent of working women earned less than \$10,000.00 a year.<sup>185</sup> Because separated or divorced women cannot rely on continued payment of support and can find only low paying employment, many battered wives stay with their husbands.

Some state welfare officials compound this economic pressure by refusing to give either emergency or permanent public assistance to married women whose husbands are willing and able to support them. Women with no assets or income of their own who have left their homes to escape from physical

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184. W. D. Johnson, "Default in Court Ordered Child Support Payments," to be published, 15 Conciliation Court Rev., December 1977.

185. United States Department of Labor, The Earnings Gap Between Women and Men 1 (1976).

brutality are denied aid and told to return to their husbands. Last summer in two separate cases Brooklyn welfare department employees called husbands to ascertain if they were willing to support their wives. Both husbands said they were supporting their wives, so the welfare workers denied assistance and sent the women home. New Federal welfare regulations should be published clearly stating the welfare eligibility of battered wives and their children so that the states cannot continue to deny them assistance.

Many of these civil legal problems could be surmounted if there were adequate free legal counsel available for battered women. The Legal Service Corporation, created and funded by Congress, places low priority on family law and fails to recognize the emergency nature of battered wives' problems. Local offices handle many undefended divorces, but they have long waiting lists, and do not regard wife beating cases as requiring immediate out-of-turn attention. The few battered women's law projects or special units devoted to women's issues are supported by private foundations and Comprehensive Education and Training Act Grants. The Litigation Coalition for Battered Women, composed of attorneys from three neighborhood legal service offices in New York City, was denied an on going "Special Needs Grant" from Legal Services Region II. The Coalition provides emergency

individual, as well as group representation to battered wives. The Coalition represents the plaintiffs in Bruno v. Codd, provides legal assistance to two shelters, aids groups all over New York State seeking to form shelters, assists legislators in drafting innovative laws, and gives technical litigation assistance to groups throughout the country. The Corporation should allocate some of its increased funding to establish specialized units to represent battered wives in divorce and separation actions, and in welfare cases.

Another possibility is to establish the right to counsel in divorce actions. States have exclusive control over the creation and dissolution of marriage.<sup>186</sup> Even though the state is not a direct participant in the divorce action, it exercises a greater degree of control than in any other civil dispute between private citizens. Unlike other controversies which may be settled, the dissolution of a marriage must be adjudicated.<sup>187</sup>

Strict state control of this basic human relationship involving the parties' liberty and right of association raises divorce actions to a constitutional plane higher than that of other civil litigation, and creates a right of access to the

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186. Boddie v. Connecticut, 401 U.S. 371, 376-77 (1971); United States v. Kras, 409 U.S. 434, 445 (1973).

187. New York Constitution, art. 1, § 9, for example requires that a marriage can be dissolved by due judicial proceedings only.

courts to commence a divorce action.<sup>188</sup> The United States Supreme Court has consistently recognized this extraordinary legal position of marriage and divorce.<sup>189</sup> Divorce proceedings are technically complex, requiring the filing and service of summons, pleadings and judgment, as well as testimony. When a judicial proceeding is technical and its possible consequences are serious, the Court has held that due process includes the right to counsel even though the proceeding is civil.<sup>190</sup> Thus, the nature of the proceeding and its impact on individual rights gives rise to the right to counsel in divorce actions. This theory has not, however, found favor in the state courts.<sup>191</sup>

Another important step is to enact new support and alimony enforcement remedies. All support orders should from their inception be paid by payroll deduction order. This way support payments will be assured for as long as the man is employed, and payroll deduction orders will not stigmatize a man as one who has previously defaulted. In addition, men will be saved the emotionally stressful task of writing checks to their former wives.

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188. Boddie v. Connecticut, 401 U.S. at 383.

189. Ortwein v. Schwab, 410 U.S. 656, 658-59 (1973); U.S. v. Kras, 409 U.S. at 444-45; Loving v. Virginia, 388 U.S. 1 (1967); Skinner v. Oklahoma, 316 U.S. 535 (1942).

190. In re Gault, 387 U.S. 1 (1966); see Argersinger v. Hamlin, 407 U.S. 25 (1972).

191. Matter of Smiley and Monroe, 36 N.Y.2d 433 (1975).

Initial support orders should provide for payments retroactive to the date of commencement of the support proceeding. This relief would destroy the current advantage gained from delaying a hearing and thereby the court's determination of the prospective support award. Emergency public assistance grants could be repaid from the retroactive portion of the award.

Default in support payments are not penalized. The nonpaying spouse has interest-free use of the money he should be paying for the support of his wife and children. Those dependent on the payments often pay interest on money borrowed for living expenses. Arrears owed should be awarded with interest, counsel fees and court costs to deter support default and to make the recipients whole.

The moving party in a support enforcement action may recover only the arrears accrued at the time of the commencement of the proceeding. Arrears which accrue after the commencement of the enforcement action must be subject of a subsequent proceeding. The spouse who should be receiving support payments must bear the expense and burden of successive actions to recover all that is due under a support and alimony judgment. Statutory provision should be made for amendment of the wife's papers on the date of the hearing or submission of the enforcement application to include any arrears accumulated since commencement of the action. This would also save court

time by reducing the number of enforcement proceedings. Of course, husbands have always had the right to present evidence of payments made up to and including the date of the hearing.

A last suggestion for facilitating support enforcement is that attachment of the defaulting spouse's property be mandatory when arrears exceed \$1,000.00, and a payroll deduction order is impracticable. Men with valuable assets but little or no visible income from employment should not be insulated from judgments for arrears. Judges are reluctant to use their contempt powers to sentence a man to "alimony jail." Contempt is a questionable weapon, of limited success in getting the payments needed by the family. Attachment of assets has the advantage of producing income from sale or redemption. If battered wives can rely on support and alimony payments, they may become freer to leave husbands who fail or refuse to cease their assaults.

Finally, the most important aid to battered wives is a shelter where they can safely stay with their children. Shelters provide constantly available emergency refuge. Residents give emotional support by believing and understanding the problems of women fleeing violent husbands. Staff assist the women in obtaining welfare assistance, legal representation and medical treatment. Publicity about the existence of

shelters gives battered wives knowledge that they have alternatives available in times of emergency. From this position of safety and strength a woman can determine if she wants to try to reconcile with her husband or if she wants to start a new life on her own.

The immediate practical solutions provided by shelters, however, have the effect of clouding the civil rights violations inherent in this response. Shelters are protective prisons where the victims and their children hide from the offender. Battered wives and their children are deprived of their liberty and their property without due process of law. They lose their home, clothing, furniture, toys and school books. The wife beater remains at liberty to enjoy the comforts of his home and his usual associations. The offender, who almost always is male, receives all the constitutional and statutory protections the legal system has devised, including the right to counsel and speedy trial. But the female victim has no protection. She is left without counsel to perhaps ultimately get some much delayed relief. Because the legal system cannot effectively restrain the offender, it violates the rights of the victim and her children.

Unfortunately, these basic defects in the way victims are treated will take a long time to correct. While that

slow process is proceeding, battered wives need the immediate protection of shelters. For this reason shelters must receive public funding. They cannot feed and house women and children without the certainty of a permanent income. Shelter funding must be a major priority on the federal and state levels.

CONCLUSION

The traditional non-response policies and practices of institutions called upon to assist and protect battered wives has effectively deprived them of their civil rights and civil liberties. The failure to intervene must be reviewed in light of new information and reformed. The extraordinary position of battered wives should lead to a policy of especially swift and positive intervention.

The federal government is in the best position to effect attitude and policy changes with respect to wife beating, as it has with racial discrimination. Training programs for police, prosecutors and judges should emphasize the seriousness of wife beating, and the need for a forceful criminal justice response to provide both protection for the victim and correction of the offender. The Federal Bureau of Investigation should reassess its position that murder in the home is beyond the crime prevention capabilities of the police, and look for new techniques to meet the challenge of stopping family violence. The Department of Justice should investigate and sue police and prosecutors who arbitrarily discriminate against battered wives. Amicus briefs should be filed in support of battered wives' suits against police and prosecutors in state courts.

Shelter and legal assistance programs should receive direct federal funding and matching grants with state governments to

provide safety and obtain civil legal remedies for battered wives. Federal welfare, housing and job programs should issue regulations and guidelines to assure that women receive their full share of public benefit programs. Research and demonstration projects should be undertaken to learn the most effective police, prosecutor and judicial response to family violence. Comparison studies should be conducted to ascertain the differences among families in which there is no wife beating and those in which violence was resolved peacefully and families in which violence was ended by homicide or serious assault. From the results of these studies programs and policies can be formulated which will facilitate the peaceful resolution of family violence and foster the conditions in which non-violent families relationships develop.

## PROFILE OF A POOR BATTERED WOMAN

The following figures were compiled from statistics kept by Brooklyn Legal Services Corp. B.

They reflect a poor to lower middle class urban population.

The statistics were compiled during the period from March 1976 to May 1977.

Rioghan M. Kirchner

TOTAL CLIENTS - 700  
 WOMEN - 600  
 MEN - 100

OF THE 600 WOMEN

327 or 55% were black  
 157 or 26% were Puerto Rican  
 108 or 18% were white  
 8 or 1% were others.

Total number of women beaten during marriage was 357 or 59.5%.

OF THE BEATEN WOMEN

192 or 59% of all black women were beaten  
 85 or 54% of all Puerto Rican were beaten  
 77 or 71% of all white women were beaten  
 3 or 38% of all other women were beaten

AGE

The beaten women, as a group, were on the average younger than the non-beaten women.

	<u>BEATEN</u>	<u>NON-BEATEN</u>
Average age at marriage	21.2 yrs.	22.2 yrs.
Average age at divorce	30.5 yrs.	33 yrs.
Average length of marriage	9 yrs.	10.6 yrs.
Average length of cohabitation	6 yrs.	5 yrs.
Average length of separation prior to divorce	6.9 yrs.	5 yrs.

EDUCATION

	<u>BATTERED</u>	<u>NON-BATTERED</u>
Average	10.74 yrs	9.25 yrs.
Up to 9th grade	72 or 20%	80 or 33%
Some H. School	132 or 37%	77 or 32%
Completed H. School	105 or 29%	63 or 26%
Completed 1st yr. coll.	21 or 6%	10 or 4%
Completed 2nd yr. coll.	19 or 5%	5 or 2%
Completed 3rd yr. coll.	3 or 1%	4 or 2%
Completed 4th yr. coll.	5 or 1.4%	3 or 1%
Completed grad. school	1 or 3%	1 or .4%

WHITE WOMEN

	<u>AVERAGE</u>	<u>MODE</u>
Total group had	12.48 yrs. ed.	12 yrs. ed.
Beaten women	12.92 yrs. ed.	12 yrs. ed.
Non beaten women	11.41 yrs. ed.	12 yrs. ed.

BLACK WOMEN

Total group had	10.87 yrs. ed.	12 yrs. ed.
Beaten women had	11.11 yrs. ed.	12 yrs. ed.
Non beaten had	10.53 yrs. ed.	10 yrs. ed.

PUERTO RICAN WOMEN

Total group had	9.09 yrs. ed.	10 & 12 yrs. ed.
Beaten women had	9.8 yrs. ed.	10 yrs. ed.
Non beaten had	8.27 yrs. ed.	12 yrs. ed.

OTHER WOMEN

Total group had	6.6 yrs. ed.
Beaten women had	6.5 yrs. ed.
Non beaten had	6.7 yrs. ed.

The educational level of the women seems to have a direct correlation to violence. White women had the highest average educational level, they also had the highest percentage of beaten women. Beaten white women had a higher educational level than that of those who were not beaten. The same holds true for the black and Puerto Rican women. "Other" women do not follow - probably because of their diverse backgrounds and the small number in the sample.

CHILDREN

	<u>BATTERED</u>	<u>NON-BATTERED</u>
Average	2.2 children	2.4 children
	1.78 children of the marriage	1.65 children of the marriage
	.04 out of wedlock	.66 out of wedlock
	10% had no children	14% had no children

PREGNANCYBATTERED

17% had children immediately prior to marriage  
 33% pregnant at time of marriage  
 19% became pregnant within 1st year of marriage

NON-BATTERED

12% had children immediately prior to marriage  
 25% pregnant at time of marriage  
 12% became pregnant within one year of marriage

TOTAL

69% pregnant within one year prior to or after marriage

59% pregnant within one year prior to or after marriage

26 or 26% of men did not finalize divorce  
 138 or 23% of women did not finalize divorce  
 23.5% of battered women did not finalize divorce  
 22% of non-battered women did not finalize divorce

BATTERED WOMEN WHO COMPLETED DIVORCEBATTERED WOMEN WHO DID NOT COMPLETE DIVORCE

	<u>AV.</u>	<u>MODE</u>		<u>AV.</u>	<u>MODE</u>
Age at marriage	21	18	Age at marriage	20	19
Age at divorce	31	26	Age at application for divorce	29	24,26,29&31
Length of marriage	9	5	Length of marriage	8.4	3
Length of cohabitation	6	2	Length of cohabitation	5.4	3
Length of separation before divorce	2.8	0-1	Length of separation before divorce application	3.4	0-1

1977

## LAWS OF NEW YORK

## Family Offenses—Jurisdiction

## CHAPTER 449

*Memorandum relating to this chapter, see page A-304*

An Act to amend the family court act, the domestic relations law, the criminal procedure law and the judiciary law, in relation to family offenses and repealing sections eight hundred thirteen, eight hundred fourteen, eight hundred fifteen, eight hundred sixteen and eight hundred twenty-one of the family court act relating thereto.

Approved July 19, 1977, effective Sept. 1, 1977.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eight hundred twelve of the family court act, as amended by chapter seven hundred thirty-six of the laws of nineteen hundred sixty-nine, is hereby amended to read as follows:

§ 812. Jurisdiction

1. The family court has exclusive original and the criminal courts shall have concurrent jurisdiction, subject to the provisions of section eight hundred thirteen, over any proceeding concerning acts which would constitute disorderly conduct, harassment, menacing, reckless endangerment, an assault or an attempt attempted assault between spouses or between parent and child or between members of the same family or household, except that if such an act involves a child who is below the age of eighteen, the family court shall have exclusive original jurisdiction. For purposes of this article, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this article, "members of the same family or household" shall mean the following:

(a) persons related by consanguinity or affinity to the second degree;  
and

(b) persons legally married to one another.

2. The presiding justice of each judicial department shall designate by rules of court the appropriate law enforcement official, who may be

Changes or additions in text are indicated by underline

a probation officer, warrant officer, sheriff, police officer or any other law enforcement official, to advise any petitioner or complainant bringing a proceeding under this section, before such proceeding is commenced, of the procedures available for the institution of family offense proceedings, including but not limited to the following:

(a) That there is concurrent jurisdiction with respect to family offenses in both family court and the criminal courts;

(b) That a choice of forum by a complainant or petitioner bars any subsequent proceeding in an alternative court for the same offense;

(c) The legal, social and practical consequence of an adjudication by the family court and that an adjudication in family court is for the purpose of attempting to keep the family unit intact. Referrals for counseling, or counseling services, are available through probation for this purpose;

(d) The legal, social and practical consequences of an adjudication by the criminal courts and that an adjudication in the criminal courts is for the purpose of punitive action against the offender.

3. No official designated pursuant to subdivision two of this section shall discourage or prevent any person who wishes to file a petition or sign a complaint under this article from having access to any court for the purposes provided for in subdivision one of this section.

4. The state administrator shall prescribe such forms as are appropriate to effectuate the purposes of subdivision two of this section.

§ 2. Sections eight hundred thirteen, eight hundred fourteen, eight hundred fifteen and eight hundred sixteen of such act are hereby repealed.

§ 3. Section eight hundred twenty-one of such act is hereby repealed and a new section, to be section eight hundred twenty-one, is hereby inserted therein, in lieu thereof, to read as follows:

§ 821. Originating proceedings

1. A proceeding under this article is originated by the filing of a petition containing the following:

(a) An allegation that the respondent assaulted or attempted to assault his or her spouse, parent, child or other member of the same family or household or engaged in disorderly conduct, harassment, menacing or reckless endangerment toward any such person; and

(b) The relationship of the alleged offender to the petitioner;

(c) A request for an order of protection or the use of the court's conciliation procedures; and

(d) An allegation that no proceeding specified in paragraph (a) of this subdivision is pending in a criminal court with respect to the same act alleged in the petition.

2. No proceeding under this article shall be originated, based upon the same act which is or was the subject of an action commenced in a criminal court.

3. No application may be made to the criminal courts while a matter is pending in family court with respect to the same acts.

§ 4. Section eight hundred twenty-three of such act is hereby amended by adding thereto a new subdivision, to be subdivision (c), to read as follows:

(c) If agreement to cease offensive conduct is reached, it must be reduced to writing and submitted to the family court for approval. If the court approves it, the court without further hearing may thereupon enter an order of protection in accordance with the agreement, which shall be binding upon the respondent and shall in all respects be a valid order. The court record shall show that such order was made upon agreement.

§ 5. Section eight hundred twenty-eight of such act, as added by chapter one hundred fifty-six of the laws of nineteen hundred sixty-four, is hereby amended to read as follows:

§ 828. Preliminary order of protection

Upon the filing of a petition under this article, the court for good cause shown may issue a temporary order of protection, which may contain any of the provisions authorized on the making of an order of protection under section eight hundred forty-two. A temporary order of protection is not a finding of wrongdoing.

§ 6. Such act is hereby amended by adding thereto a new section, to be section eight hundred thirty-eight, to read as follows:

§ 838. Petitioner and respondent may have friend or relative present

Unless the court shall find it undesirable, the petitioner shall be entitled to a non-witness friend, relative, counselor or social worker present in the court room. This section does not authorize any such person to take part in the proceedings. However, at any time during the proceeding, the court may call such person as a witness and take his or her testimony. Unless the court shall find it undesirable, the respondent shall be entitled to a non-witness friend, relative, counselor or social worker present in the court room in the event such respondent is not represented by legal counsel. This section does not authorize any such person to take part in the proceedings. However, at any time during the proceeding, the court may call such person as a witness and take his or her testimony.

§ 7. Section eight hundred forty-one of such act is hereby amended to read as follows:

§ 841. Orders of disposition

At the conclusion of a dispositional hearing on a petition under this article, the court may enter an order

(a) dismissing the petition, if the allegations of the petition are not established or if the court concludes that the court's aid is not required; or

(b) suspending judgment for a period not in excess of six months; or

(c) placing the respondent on probation for a period not exceeding one year; or

(d) making an order of protection in accord with section eight hundred forty-two.

Changes or additions in text are indicated by underline

§ 8. Such act is hereby amended by adding thereto a new section, to be section eight hundred forty-two-a, to read as follows:

§ 842-a. Notice of order of protection

A copy of an order of protection shall be filed by the court with the appropriate police agency having jurisdiction. In the event the court does not so file such order, a copy of the order may be filed by the petitioner at the appropriate police agency having jurisdiction. Any subsequent amendment or revocation of such order shall be filed in the same manner as herein provided.

§ 9. The domestic relations law is hereby amended by adding thereto a new section, to be section two hundred fifty-two, to read as follows:

§ 252. Effect of pendency of action for divorce, separation or annulment on petition for order of protection

In an action for divorce, separation or annulment or in an action to declare the nullity of a void marriage in the supreme court, the supreme court or the family court shall entertain an application for an order of protection or temporary order of protection by either party. The supreme court may provide in an order made pursuant to this section that the order may be enforced or modified only in the supreme court. If the supreme court so provides, the family court may not entertain an application to enforce or modify such an order of the supreme court.

§ 10. The criminal procedure law is hereby amended by adding thereto a new section, to be section 100.07, to read as follows:

§ 100.07 Commencement of action; effect of family court proceeding

No criminal action may be commenced based upon the same criminal transaction which is or was the subject of a proceeding-commenced under article eight of the family court act.

§ 11. Such law is hereby amended by adding thereto a new section, to be section 530.11, to read as follows:

§ 530.11 Protection for victims of family offenses

1. When a criminal action is pending involving a complaint charging disorderly conduct, harassment, menacing, reckless endangerment, assault, attempted assault or attempted murder between spouses, parent and child, or between members of the same family or household, as defined in section eight hundred twelve of the family court act, the court, in addition to any other powers conferred upon it by this chapter may issue a temporary order of protection as a condition of a pre-trial release. In addition to any other conditions, such an order may require the defendant:

(a) to stay away from the home, school, business or place of employment of the family or household member;

(b) to permit a parent to visit the child at stated periods;

(c) to abstain from offensive conduct against the child or against the family or household member or against any person to whom custody of the child is awarded;

(d) to refrain from acts of commission or omission that tend to make the home not a proper place for the family or household member.

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2. Upon conviction of any of the following offenses: disorderly conduct, harassment, menacing, reckless endangerment, assault, attempted assault or attempted murder between spouses, parent and child, or between members of the same family or household, the court may in addition to any other disposition enter an order of protection. In addition to any other conditions, such an order may require the defendant:

(a) to stay away from the home, school, business or place of employment of the family or household member, the other spouse or the child;

(b) to permit a parent to visit the child at stated periods;

(c) to abstain from offensive conduct against the child or against the family or household member or against any person to whom custody of the child is awarded; or

(d) to refrain from acts of commission or omission that tend to make the home not a proper place for the family or household member.

3. A copy of any order issued pursuant to subdivision one, two or three of this section shall be filed by the court with the appropriate police agency having jurisdiction. In the event the court does not so file such order, a copy of the order may be filed by the complainant at the appropriate police agency having jurisdiction. Any subsequent amendment or revocation of such order shall be filed in the same manner as herein provided.

§ 12. Section two hundred eleven of the judiciary law is hereby amended by adding thereto a new subdivision, to be subdivision three, to read as follows:

3. The office of court administration shall prepare forms for distribution to the official designated by the presiding justice of the appellate division of each judicial department for the compilation of data on family offenses, proceedings or actions, including but not limited to the following information:

(a) the offense alleged;

(b) the relationship of the alleged offender to the petitioner or complainant;

(c) the court where the action or petition was instituted;

(d) the disposition; and

(e) in the case of dismissal, the reasons therefore.

§ 13. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

Commonwealth of Pennsylvania  
 Effective December 6, 1976  
 Official Advance Copy of Statute Enacted at 1976 Session

Cite as Act No. 218 of 1976

AN ACT

SB 1243

Relating to abuse of adults and children by a person who resides with them; and providing for remedies and procedures.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the "Protection From Abuse Act."

Section 2. Definitions.—As used in this act:

"Abuse" means the occurrence of one or more of the following acts between family or household members who reside together:

(i) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon.

(ii) Placing by physical menace another in fear of imminent serious bodily injury.

(iii) Sexually abusing minor children as defined pursuant to the act of November 26, 1975 (No. T24), known as the "Child Protective Services Law."

"Adult" means any person 18 years of age or older.

"Court" shall mean the court of common pleas.

"Family or household members" means spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity.

Terms not otherwise defined by this act shall have the meaning given to them by the Crimes Code.

Section 3. Jurisdiction.—The court shall have jurisdiction over all proceedings under this act. The plaintiff's right to relief under this act shall not be affected by his or her leaving the residence or household to avoid further abuse.

Section 4. Commencement of Proceeding.—A person may seek relief under this act for himself or herself, or any parent or adult household member may seek relief under this act on behalf of minor children by filing a petition with the court alleging abuse by the defendant.

Section 5. Hearings.—(a) Within ten days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall advise the defendant of his right to be represented by counsel.

(b) The court may enter such temporary orders as it deems necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

Section 6. Relief.--(a) The court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children, which may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties.

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and or restoring possession to the plaintiff, or by consent agreement allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of and or establishing temporary visitation rights with regard to minor children.

(b) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(c) No order or agreement under this act shall in any manner affect title to any real property.

Section 7. Notification.--A copy of any order under this act shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement.

Section 8. Emergency Relief.--(a) When the court is unavailable from the close of business at the end of the week to the resumption of business at the beginning of the week a petition may be filed before a district justice who may grant relief in accordance with section 6(a),(2) or (3) if the district justice deems it necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(b) Any order issued under subsection (a) shall expire as of the resumption of business of the court at the beginning of the week or within 72 hours, whichever occurs sooner; at which time, the plaintiff may seek a temporary order from the court.

(c) Any order issued under this section and any documentation in support thereof shall be immediately certified to the court. Such certification to the court shall have the effect of commencing proceedings under section 4 and invoking the other provisions of this act.

Section 9. Procedure.--Any proceeding under this act shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

Section 10. Contempt. Upon violation of a protection order or a court approved consent agreement the court may hold the defendant in contempt and punish him in accordance with law.

Section 11. Effective Date.--This act shall take effect in 60 days.

APPROVED—The 7th day of October, A. D. 1976.

MILTON J. SHAPP

53085  
DUP.

BATTERED WOMEN ARE STILL IN NEED

A Reply to Steinmetz

by: Marjory D. Fields  
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Family Law Unit BLSCB  
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Steinmetz's essay on violence against husbands is filled with baseless conjecture which gives substance to what had been a latent backlash against the movement to aid battered wives. The press has made much of her inaccurate conclusion that wives are "slightly higher in almost all categories" of violence than husbands.<sup>1</sup> In Chicago this incorrect statement was used to defeat efforts to obtain funding for a shelter for battered women and their children. The data Steinmetz uses do not support her conclusion, and her discussion omits qualitative analysis which would put the difference between husband and wife violence into perspective.

Steinmetz indulges in a little flim-flam when she presents her version of "Table 1." She omits the Straus, Gelles, Steinmetz category, "Beat up Spouse," although "Table 1" presents data from every other category in the Straus, Gelles, Steinmetz study.<sup>2</sup> The Straus, Gelles, Steinmetz subjects reported that 1.1% of husbands beat up wives, and 0.6% of wives beat up husbands.<sup>3</sup> The Straus, et al. data even as set forth on Steinmetz's "Table 1" do not, as she asserts, show wives to be higher in "almost all" of the seven categories of violence she presents.<sup>4</sup> According to her table wives exceed husbands in four out of the seven categories. The

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1. Steinmetz, Suzanne K., "The Battered Husband Syndrome" 6 (1978)
  2. Id.
  3. Straus, Murray A., Wife-Beating: Causes Treatment and Research Needs Table I, p.5 (to be published by U.S. Commission on Civil Rights 1978).
  4. Steinmetz, Table I, 6.

spouses are equal in "hitting, slapping" and husbands exceed wives in "pushing, shoving" and "used knife or gun." When the omitted category, "beat up spouse" is included, the figures show that husbands exceed wives in the most serious types of violence, "beat up spouse" and "used knife or gun."<sup>5</sup>

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5. Straus, 5.

TABLE I.

COMPARISON OF PHYSICAL VIOLENCE USED BY HUSBANDS AND WIVES IN SEVENTH

SEX	POUNGING THINGS		RUSHING SLAPPING		MIXING SLAPPING		NICKING		HIT WITH SOMETHING		TREATMENT WITH OR GUN		USED WHIP OR COB		USE OF ANY VIOLENCE	
	H	W	H	W	H	W	H	W	H	W	H	W	H	W	H	W
80	22	11	18	1	31	20	25	9	3	5	5	0	1	1	47	33
54	39	37	31	22	20	30	-----	-----	30	10	-----	-----	2	0	47	43
52	31	21	17	13	13	13	-----	-----	10	12	-----	-----	-----	-----	23	31
54	31	25	22	18	17	12	-----	-----	12	14	-----	-----	-----	-----	32	28
2,143	3	3	11	4	5	5	2	3	3	3	4	6	3	2	12	12

idents occurring throughout the duration of the marriage  
idents occurring during 1972

Table 1. Comparison of Husband and Wife Violence Rates

CRT Violence Item	Incidence		Frequency*			
	Rate		Mean		Median	
	H	W	H	W	H	W
Wife-Beating and Husband-Beating (N to R)	3.8	4.6	8.0	8.9	2.4	3.0
Overall Violence Index (K to R)	12.1	11.6	8.8	10.1	2.5	3.0
K. Threw something at spouse	2.8	5.2	5.5	4.5	2.2	2.0
L. Pushed, grabbed, shoved spouse	10.7	8.3	4.2	4.6	2.0	2.1
M. Slapped spouse	5.1	4.6	4.2	3.5	1.6	1.9
N. Kicked, bit, or hit with fist	2.4	3.1	4.8	4.6	1.9	2.3
O. Hit or tried to hit with something	2.2	3.0	4.5	7.4	2.0	3.8
P. Beat up spouse	1.1	0.6	5.5	3.9	1.7	1.4
Q. Threatened with a knife or gun	0.4	0.6	4.6	3.1	1.8	2.0
R. Used a knife or gun	0.3	0.2	5.3	1.8	1.5	1.5

\*For those who engaged in each act, i.e., omits those with scores of zero

Steinmetz claims that only one study, by Gelles in 1974, found husbands exceeding wives in the use of all types of violence.<sup>6</sup> But her own small studies, Steinmetz '77a and '77b, as displayed in "Table 1", show husbands exceeding wives in the use of all forms of violence. In fact, if the figures in her "Table 1" had not been a rounded-off version of the figures from the Straus, Gelles, Steinmetz study they would also show husbands exceeding wives in the total use of violence, 12.1% of husbands, and 11.6% of wives.<sup>7</sup>

Data from other sources also support the conclusion that serious violence by husbands against wives is more prevalent than serious violence by wives against husbands. In the period July through December 1977, Crisis Centers located in New York City public hospitals, staffed by both men and women, counseled 1,000 patients who received medical treatment. Of these 490 were battered wives and 2 were battered husbands.<sup>8</sup> An examination of the 503 divorce cases closed by Brooklyn Legal Services Corporation B in the eight months ending January 31, 1978, shows 442 women and 61 men divorce clients. Of the 442 women, 53% (233) claimed at least two acts of serious physical cruelty as the reason for seeking the divorce. Only 3% (2) of the men claimed physical cruelty. One wife threatened and cut her husband with a knife and hit him with an object. The other man charged that his wife threw a plate hitting him in the shoulder. He suffered emotional trauma, but no physical injury.<sup>9</sup>

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6. Steinmetz, 7.

7. Compare Straus Table 1 to Steinmetz Table I.

8. "Crisis Centers," The New York Times, Jan. 8, 1978, p. 33, col.1.

9. Survey of closed files.

At least 30% of the 233 battered wives were beaten while pregnant.<sup>10</sup> In depth interviews with 100 women beaten while pregnant showed the 73% were beaten for the first time during their first pregnancy. Only three of the 100 women beaten while pregnant used any degree of violence fighting back in self defense. The others said they tried to protect their abdomens or tried to get away. Almost all said their pregnant condition made them feel helpless.<sup>11</sup> From the data collected by the New York City Crisis Centers and Brooklyn Legal Services it is clear that women seek medical and legal help against serious violence by their husbands about 225 times more frequently than men.

Steinmetz, using Wolfgang's study of criminal homicide, infers that wives initiate equal numbers of serious, violent acts against their husbands as husbands do against their wives, because almost equal numbers of wives and husbands kill their spouses.<sup>12</sup> Analysis of spouse murders shows however that wives kill husbands who have a history of beating them, although husbands kill wives without provocation. Wolfgang developed the concept of "victim-precipitated" homicides. He defines them as "those criminal homicides in which the victim is a direct, positive precipitator in the crime." The victim is the first person to use physical force against his eventual murderer.<sup>13</sup> Applying this concept to spouse murders, he found that 28 husbands and 5 wives

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10: Id.

11. Kirchner, Rioghan, "Pregnancy and Violence, Part II A Quantitative Study" (unpublished, on file at Brooklyn Legal Services Corporation B

12. Wolfgang, Marvin, Patterns in Criminal Homicide, 212 (1958).

13. Id. 252

were victims of victim-precipitated homicides, but in non-victim-precipitated homicides, 19 victims were husbands while 48 were wives.<sup>14</sup>

Wilt and Bannon analyzed the way the victim and offender perceived their sex roles. In 21 cases husbands insulted their wives and then physically attacked them. These men "indicated to their wives that they should accept their husband's insults passively."<sup>15</sup> In 18 other cases husbands ordered their wives to do something for them, and then began either shouting at or beating their wives for not performing the task satisfactorily. Fatal conflicts were precipitated in 13 instances by men insulting their wives, and then telling their wives they deserved to be killed or threatening to kill their wives. In three cases the wife insulted her husband in the presence of others. The husband reacted by physically attacking his wife, "indicating that she was not going to 'get away with' that sort of behavior." In two instances women insulted and then physically attacked their husbands when there were objections to the insults. Wilt and Bannon concluded that these cases were examples of one spouse defining the other "as an object of personal property and acting on the basis of that definition." Their investigation showed that the husbands acted this way toward their wives much more frequently than did the wives toward their husbands (55 times for the husbands, compared to 5 for the wives).<sup>16</sup>

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14. Id. 260.

15. Wilt, G. Marie and Bannon, James, "Conflict-Motivated Homicides and Assaults in Detroit," in Domestic Violence and the Police 39-40 (Police Foundation 1977).

16. Id.

It appears from the studies conducted by Wolfgang, Wilt and Bannon, and other researchers that wives murder their husbands after abuse by the husbands. During 1976, 40 percent of the 132 women detained in Cook County Jail on charges of killing their male partners had been assaulted several times by the men they killed.<sup>17</sup> The superintendent of the Illinois state prison for women estimated that one-third of the women in her custody convicted for killing their husbands or lovers had been beaten by those men.<sup>18</sup>

Steinmetz asks why violence against husbands has not received the amount of attention directed toward violence against wives. The answer is that more women are seriously hurt and therefore seek legal and medical assistance in greater numbers. Most men have sufficient economic resources to enable them to leave a violent wife without outside intervention. But Steinmetz conjectures that battered husbands stay because they cannot afford to support two households.<sup>19</sup> Divorce lawyers and economists can correct Steinmetz's misconception.

Child support and alimony payments are limited by the husband's income. The courts always leave the husband with sufficient net income to pay his rent, food and clothing necessities. The usual court-ordered child support is somewhat

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17. "Study of Female Killers Finds 40% Were Abused," "Around the Nation," The New York Times, Dec. 20, 1977, p.20 col.8.  
18. Interview.  
19. Steinmetz, 13-16.

less than one-third the father's net pay. It is less when the husband's pay is under \$100.00 per week, and more for the affluent. When the father lacks sufficient income to support two homes and the mother is unemployed, it is the mother and children who become welfare recipients. There are approximately 3,000,000 women headed households on public assistance in the United States. This is about 90% of the total number of families receiving aid to dependent children. In 1975 almost one-third of the women-headed families required aid to families with dependent children because the father left the home and stopped or reduced financial support.<sup>20</sup>

Men who find that court ordered support payments are too burdensome stop paying. In a ten-year study of court-ordered child support in an unidentified Wisconsin metropolitan county, only 38% of husbands fully complied with the child support provisions of divorce judgments less than one year old. Forty-two percent failed to make any payments in the first year after judgment. As the age of the judgment increased to ten years, the number of non-paying husbands grew to 79%.<sup>21</sup>

A current study of child support compliance by economist Walter D. Johnson in ten Illinois urban and rural counties reveals that for judgments entered in 1965 there was full compliance in 56% of the

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20. Aid to Families with Dependent Children 1975 Recipients Characteristics Study, 3 U.S. Dept. of HEW, Soc. Sec. Administration, HEW publication No. (SSA) 7711777.

21. Eckhardt K., "Deviance, Visibility, and Legal Action: The Duty to Support," 15 Social Problems 470, 473 (1968).

cases and no compliance in 20% of the cases during the first year of the judgment. By the fifth year of the judgment full compliance dropped to 37% and no compliance rose to 33%. For judgments entered in 1970 there was full compliance in 43% and no compliance in 33% of the cases during the first year. In the fifth year full compliance dropped to 18% and non-compliance rose to 65%.<sup>22</sup>

Women's earnings in 1974 lagged 43% behind that of men. Fifty-three percent of all the women employed full time in 1974 earned less than \$7,000.00, while only 18% of all full time working men earned less than \$7,000.00. Eighty-two percent of these women, but 38% of the men earned less than \$10,000.00 a year.<sup>23</sup> Thus women heads of households are less able to maintain their families' pre-separation standard of living than are men.

Husbands who leave their wives, with or without cause, can support themselves and do not jeopardize their legal or financial circumstances. Property distribution and support rights are not effected by the marital guilt of the husband. They are based on the husband's assets and income, and the need of the wife and children for support. But if the wife is guilty of marital fault--cruelty, abandonment or adultery--she might lose all right to a share of the marital property and will receive no support for herself in almost all states.<sup>24</sup> It is easy to show that a wife left the marital home which is still occupied by the husband. It is very difficult to prove that the wife left her husband because of physical cruelty when there are usually no witnesses.

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22. Johnson, Walter D., "Default in Court Ordered Child Support, to be published in Conciliation Court Rev. March 1978.

23. The Earnings Gap Between Men and Women 1 (U.S. Dept. of Labor, Employment Standards Administration, Women's Bureau, 1976

24. New York Domestic Relations Law sec. 170, for example.

The issues of alimony and a wife's fault may not be heard in court until months after she left her husband and her bruises have healed. The battered wife therefore suffers from legal disadvantages which would not affect husbands.

Steinmetz's notion that divorcing husbands do not complain about their wives out of a sense of etiquette is nonsense. She incorrectly states that all husbands let their wives be the divorce plaintiffs.<sup>25</sup> In 133 cases studied by two Florida economists 98 plaintiffs were wives and 35 plaintiffs were husbands.<sup>26</sup> It is in the husband's pecuniary interest to show his wife is guilty of marital fault so that he will not have to pay alimony or give her a share of the property. Even if husbands are shy about voicing complaints as Steinmetz suggests, their lawyers' proding and their financial self-interest overcome any tendency toward reticence when the husband has a complaint to use in the economic struggle.

In New York a person must have certain specified complaints about his or her spouse in order to get a divorce (cruelty, abandonment, adultery, in prisonment of the defendant for three years, separation judgment based on fault, or the no-fault ground of written separation agreement). In spite of this requirement and probing by trained divorce interviewers at Brooklyn Legal

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25. Steinmetz, 5.

26. White & Stone, "A Study of Alimony and Child Support Rulings," 10 Family L.Q. 81 (1976).

Services Corporation B, 3 men out of 61 male divorce applicants had no complaint other than incompatibility, and therefore no basis for a divorce action. Three men were defendants. Forty men sued for abandonment, 11 sued for refusal to have sex, flaunting adulterous affairs, refusal to keep house and locking out by their wives. Two men had written separation agreements, the only no-fault divorce basis in New York. Only two men alleged cruelty. It may be that wives voice more complaints because they actually have more complaints than the husbands. Of 442 women divorce applicants, 233 claimed physical cruelty, 191 claimed abandonment, 14 claimed mental cruelty, 3 had husbands in prison for more than three years, and 1 wife had a separation agreement.<sup>27</sup>

This data supports the data compiled by Levinger who studied 600 divorcing couples and found that 37 percent of the wives and 3 percent of the husbands complained of physical cruelty.<sup>28</sup> But Steinmetz attempts to use Levinger's study to support her notion that women express complaints more easily than men, and that men traditionally allow their wives to divorce them out of a sense of curtesy.<sup>29</sup> This preposterous conjecture is contrary to the quantitative data upon which it is based. The experience of divorce lawyers and conciliation counselors shows her to be wrong.

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27. Survey of closed cases at Brooklyn Legal Services Corporation B.  
 28. Levinger, George, "Sources of Marital Dissatisfaction Among Applicants for Divorce," in Families in Crisis 126-32 (1970) and in Violence in the Family.  
 29. Steinmetz, 5.

If Steinmetz wants to test this hypothesis she must conduct the kind of indepth, private interview necessary to ascertain the attitudes of male and female divorce applicants. After six year's experience conducting such interviews with more than 4,500 divorce clients the staff of Brooklyn Legal Services Corporation B has found that women have more complaints, and that their complaints are more serious than those of almost all male clients. This is the informal opinion of many divorce lawyers no matter what the socio-economic class of their clients.

Battered husbands and men accompanied by their battered children deserve the same shelter, social work, medical and legal support as battered women and women accompanied by their battered children. Legislatures have recognized this equally serious although quantitatively less significant need in new laws which provide relief and shelter for battered spouses and parents accompanied by battered children.<sup>30</sup> Thus, Steinmetz is again incorrect when she asserts that battered husbands have been ignored.

The reality is that, as Steinmetz acknowledges,<sup>31</sup> men cause more severe injury to their wives, therefore the women are in greater need of protection and assistance. As pointed out by Steinmetz's co-researcher, Straus,

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30. Pennsylvania Act #218 of 1976; 1977 McKinney's New York Sessions Laws ch. 449.

31. Steinmetz, 10.

wives are victimized by violence in the family to a much greater extent than are husbands and should therefore be the focus of the most immediate remedial steps.<sup>32</sup>

Financially independent men do not need or seek help from the usually insignificant physical attacks of their wives. Attention has been justifiably focused upon women who are trapped and controlled by battering husbands, and have been unable to get the help they require to free themselves from serious physical and emotional abuse. Steinmetz has done a disservice to these victims by failing to put her discussion of battered husbands in its real context.

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RELATIONSHIPS BETWEEN  
EARLY PREGNANCY, EARLY MARRIAGE  
EDUCATION AND WIFE BEATING

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Brooklyn Legal Services.  
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In a society which publically views the birth of a child as a "blessed" event, one does not ordinarily think of pregnancy and intrapersonal violence as events which coincide in family life.<sup>1</sup>

Sociologist Richard Gelles goes on to say that little research has been done in the area of violence and pregnancy and states that the phenomenon is common enough to be considered an important empirical issue. An amazing number of women relate that their husbands have physically attacked them when they were pregnant.

Youth and inexperience in intrapersonal relationships may be relevant factors in this phenomenon. Moving too rapidly from the role of a child to the roles of wife and then mother, without time to discover oneself as a person can have disastrous results.

#### HYPOTHESES:

1. Women who become pregnant early in their marital relationships are more likely to be beaten by their husbands than those who have children later in their marriages.
2. Women who marry at a younger age are more likely to be beaten by their husbands than women who marry later in life.

#### POPULATION

Sociologists have estimated that the number of women in the United States who have been beaten by their husbands is anywhere from 35% to 60% of all married women. There are no

nationwide statistics available due both to inadequate reporting on the part of the courts and police departments and to poor victim reporting.<sup>2</sup>

Because of these circumstances, where the total population is unknown, a purposive or judgmental sampling is the most practical. For my observation unit, I have taken the total number of female clients handled by the Family Law Unit of Brooklyn Legal Services during a one-year period, May 1976-May 1977.

This population is limited to women who have reached the decision to leave their husbands. It excludes women who are financially independent since they have no need of free legal services. These women could be roughly classified as lower to middle class. Officially, we may only handle the cases of persons who fall within the New York State Appellate Division's guidelines; those persons making up to \$4,800.00 per year, with an additional \$1,200.00 for each dependent. Into this group fall the welfare recipient and the working person with low job skills. However, we also service many students and persons of normally higher income who are presently unemployed. In addition, because we have become known as one of the few agencies which will help battered women, women of all socio-economic backgrounds seek our help when they are unable to pay a private lawyer. Therefore, our population is varied in social and cultural background, in

religion, education, and ethnicity. In the period May 1976 to May 1977, 600 women applied to the unit for help in obtaining a divorce, separation or annulment.

#### DATA COLLECTION

The instrument used was a structured interview based on a questionnaire. Each of the 600 women were interviewed to ascertain the information necessary for her legal action.

When each case was closed data was extracted from the questionnaire and recorded. Complete confidentiality was preserved.

#### OPERATIONAL DEFINITIONS

Six hundred women were interviewed, 357 or 59.5% were beaten by their husbands during their marriage.

Beating was defined as repeated physical violence causing the victim to suffer physically and/or emotionally. Because of the legal setting, and the expected scrutiny of the court, frivolous or petty cruelty was excluded.

In the first hypothesis, women who became pregnant "early in their marital relationship" is defined as - pregnant within one year either before or after their marriage.

1. Gave birth to a child of both parties within one year prior to the marriage.

2. Pregnant at the time of marriage.
3. Pregnant within one year of the marriage.
4. Conceived first child after more than one year of marriage.
5. No children of the marriage.

TABLE 1: RELATIONSHIP BETWEEN BEATING  
and EARLY PREGNANCY

	<u>Beaten</u>	<u>Not Beaten</u>
Gave birth prior to marriage	17%	12%
Pregnant at marriage	} early } pregnancy	25%
Pregnant within 1 year		
First conception 1 year after)	21%	37%
No children	} late } pregnancy	} 10% } 14%
TOTAL:	100%	100%

There is a 20 percentage point difference between beaten and non-beaten women who became pregnant early in the marital relationship.

It would appear that my first hypothesis was corroborated by the data. Sixty-nine percent of the women who were beaten became pregnant early in the marital relationship as compared to only 49% of the women who were not beaten during their marriage.

Thirty-three percent of the women who were beaten were pregnant at the time of their marriage compared to 25% of the non-beaten women. In many of these cases the husband may have been resentful, and felt that he had been "trapped" into the marriage.

Nineteen percent of the "beaten" women became pregnant within the first year of their marriage as compared to 12% of the "non-beaten" women.

As Gelles stated:

For many families the transition to parenthood and the resulting effect on family structure create a number of stresses and strains for the husband and wife as the due date approaches. When a man and woman marry because the woman is pregnant the honeymoon stage ends rather rapidly if it ever existed. Husbands who marry pregnant girls may feel increasing stress as the baby approaches (or as the wife swells).<sup>3</sup>

Gelles seems to rationalize that men beat their wives because of the rapid transition and the consequent tensions and stresses of the situation. He does not appear to realize that women are subjected to the same stresses as well as the physical discomfort and inconvenience of carrying the child. Yet pregnant women rarely physically abuse their husbands.<sup>4</sup>

Only 31% of "beaten" women conceived their first child more than one year after the marriage, or had no children at all. Fifty-one percent of "non-beaten" women had no children or became pregnant "later" in marriage.

Many people consider conjugal violence to be related to ethnicity, Blacks and Hispanics being the worst offenders. Therefore, women of varying ethnic backgrounds were compared.

OF THE 600 WOMEN:

327 (55%) were Black

157 (26%) were Hispanic

198 (18%) were White

8 (1%) were of other ethnic backgrounds.

TABLE II:

MARITAL VIOLENCE BY ETHNICITY

	<u>BLACK</u>	<u>HISPANIC</u>	<u>WHITE</u>	<u>OTHER</u>
Beaten	58.7%	54.1%	71.3%	37.5%
Not Beaten	41.3%	45.8%	28.7%	62.5%
	100% (327)	100% (157)	100% (108)	100% (8) (600)

A significantly larger percentage of the White women were beaten during their marriage than were women of other ethnic backgrounds.

TABLE III:

MARITAL VIOLENCE BY EARLY PREGNANCY & ETHNICITY

	<u>Early Pregnancy</u>				<u>Late Pregnancy</u>			
	<u>B.</u>	<u>H.</u>	<u>W.</u>	<u>O.</u>	<u>B.</u>	<u>H.</u>	<u>W.</u>	<u>O.</u>
Beaten	66%	65%	78%	100%	48%	36%	65%	33%
Not Beaten	34%	35%	22%	-	52%	64%	35%	66%
	<u>100%</u> (192)	<u>100%</u> (99)	<u>100%</u> (54)	<u>100%</u> (2)	<u>100%</u> (135)	<u>100%</u> (58)	<u>100%</u> (54)	<u>100%</u> (6)

Ethnicity, an antecedent independent variable, does not cause any change in the percentage point difference. In Table I, there is a 20 percentage point difference between beaten and non-beaten women who become pregnant early in their marital relationship. This difference persists when ethnicity is used as a test factor (See Table III), therefore, pregnancy occurring early in the marital relationship can be considered a causal factor in marital violence. The relationship between marital violence holds for both Black and Hispanic women. Early pregnancy makes less difference for Caucasians, but there is still a 13 percentage point difference between early and late pregnancy. The relationship rises remarkably for "other" women, but the sample is so small it probably has no significance.

TABLE IV:

RELATIONSHIP BETWEEN MARITAL VIOLENCE  
AND AGE OF WOMEN AT MARRIAGE

	<u>16 or less</u>	<u>17-19</u>	<u>20-22</u>	<u>23-35</u>	<u>26-28</u>	<u>29-31</u>	<u>32 or more</u>
Beaten	58%	66%	60%	52%	59%	48%	46%
Not Beaten	42%	34%	40%	48%	41%	52%	54%
	<u>100%</u> (44)	<u>100%</u> (233)	<u>100%</u> (156)	<u>100%</u> (67)	<u>100%</u> (34)	<u>100%</u> (29)	<u>100%</u> (39)

The beaten women ranged in age from 14-48 years. Their mean age at marriage was 21.18 years, and the mode was 18 years.

The non-beaten women ranged in age from 13-47 years. Their mean age at marriage was 22.22 years, and the mode was 19 years.

Table IV shows a correlation between marital violence and age at marriage.

TABLE V:

RELATIONSHIP BETWEEN MARITAL VIOLENCE  
AND EDUCATION OF WOMEN

	<u>Elem.</u>	<u>Some H.S.</u>	<u>H.S. Grad.</u>	<u>Some Coll.</u>	<u>Coll. Grad.</u>	<u>Grad. Sch.+</u>
Beaten	47%	63%	62.5%	69%	62.5%	50%
Not Beaten	53%	37%	37.5%	31%	37.5	50%
	<u>100%</u> (151)	<u>100%</u> (209)	<u>100%</u> (168)	<u>100%</u> (62)	<u>100%</u> (8)	<u>100%</u> (2)

Beaten women had a mean educational level of 10.7 years compared to the mean of 9.2 years for non-beaten women. Fourteen percent of the beaten women had some college education as compared to only 9.4% of the non-beaten women.

The danger of being beaten by a husband seems to increase as the level of the woman's education increases, until graduate school level is reached.

It seems, that women should not get married until they complete graduate school and reach the age of 29 years or more.

#### CONCLUSION

The hypotheses were corroborated by the findings. Twenty percent more beaten women became pregnant early in the marital relationship than did the women who had not been beaten. Presumably, early pregnancy would be a factor in creating both emotional and financial stress in the relationship.

The resultant violence inflicted by the husband may be a result of socialization. Males in our society are taught to be aggressive and females passive. In a study on pregnancy and violence on which I am presently working, I have found that 73% of the women were beaten for the first time during their first pregnancy.<sup>5</sup> Kaplan states:

Aggression is more likely if the other person (the victim) is perceived as unwilling or unable to retaliate. Thus, pregnant wives may be vulnerable to violence because their husbands view them as unable or unwilling to retaliate because of their changed physical condition.<sup>6</sup>

Women who marry young and who become pregnant almost immediately are in a vulnerable position. They are emotionally

and financially dependent upon their husbands. If the husband has "macho" tendencies, then the wife is likely to become a victim. Whitehurst states:

Some men low on the status hierarchy seem to only exercise violence when they are assured of a victory. Whether "Sure Winners", are both lower and middle class is problematical, but the pattern is one that cannot be ignored.<sup>7</sup>

It would seem that women with the least education are less threatening to their husbands. As the level of the woman's education rises so does the likelihood of beating. In another, as yet uncompleted study,<sup>8</sup> only 28% of the men had more education than their wives. The women in that sample had educational levels ranging from 3rd grade to Ph.D. with a mean level of 11.34 years, while the men ranged from 2nd grade to M.A., with a mean of 10.3 years of schooling.

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Mr. MILLER. Next?

**STATEMENT OF TINA NAVARRO, FOUNDER, CENTER FOR BATTERED WOMEN, AUSTIN, TEX.**

Ms. NAVARRO. First of all, I would like to thank you for inviting me to testify, and second, I would like to say I am very pleased to see there is a true effort being made to change or to eliminate some of the problems that exist.

I was asked to testify because I am one of those grassroots people that have been mentioned a couple of times during these hearings, and I was one of the founders of the Center for Battered Women in Austin, Tex. We started with a maximum amount of \$32,000, two staff people, 40 volunteers, five professional volunteers, and in 10 months have served 375 people, three-fourths of those being children.

Now, the range of stay was from 1 day or overnight to 1 month. We built in flexibility because we knew that each woman is a different problem and needed different attention. I would like to stress, and it has been mentioned before, that this is a problem that knows no racial, socio-economic or educational lines. We treated and counseled women aged 16 to 71, with no high school education to people with degrees, teachers, bankers, so there is no real line.

I know it has been mentioned before, but I have a consistent problem with people that say, well, that is only a minority problem, or that is only people that don't have good living wages, so that is why I threw that in. I have been very concerned because there is a very apparent lack of knowledge or acceptance of marital or conjugal violence. We do not accept that it is a reality, and whether we realize it or not, we have all been aware of its existence or been touched by it at some point in our lives. That could be from our firsthand knowledge in our own families or from other people, such as relatives, employees, employers, ourselves.

The normal reaction so far has been that that is a private matter in which we should not interfere. This outdated attitude dates back further than I would even like to remember. Because of this attitude, the public needs to be made aware that this violence affects many more people than those involved, or that it affects the community as well as the battered wife or abused child. It affects all of us to some degree.

Therefore, I would urge this committee to find some way of educating people to the fact that violence should not be condoned. It is not a private matter. It is a public matter, and we need to make people aware of it if we want to remain a safe, sane society.

The other concern has been spoken to a couple of times, or maybe more than a couple of times, and that is the legal recourse. Women that find themselves in this situation have or do not have—to date few States have passed or updated statutes to prevent or punish family violence. When women have to depend on antiquated laws to prevent violence to themselves and or their children, you have a really sad state of affairs. The National Women's Conference adopted a resolution which reads in part:

State legislatures should enact laws to remove interspousal tort immunity in order to permit assaulted spouses to sue their assailants for civil damages and provide full legal services for victims of abuse.

This resolution came about because we learned that all of us from different parts of the country were encountering the same basic problems, and that is that at present there are few, if any, real and effective laws to protect women living in violent situations. This is something that should be a woman's right along with all the other rights that we have fought so hard to get.

Last, but certainly not least important is money. In my own experience, and in talking to other groups in my own community and neighboring communities in the State of Texas, I have found that the greatest concern is the unavailability of funding sources. As was mentioned earlier, there is a big fight for money. There is a lot of concern in our own community, so we were able to find our own money and go on to a second year funding, and of course in the eternal process of seeking additional funds for expansion and provision of services.

This is not true everywhere else. There are many other places, many communities that do not or will not fund centers for battered women. Among those hardest pressed are the rural areas where these services' funds are even more limited, and they must rely on their big city neighbors for their help. Big city neighbors have problems with that, in that there is never enough room or money available to care for people not in the immediate vicinity, and sometimes not even for those in the vicinity.

Aside from that, the number of shelters, programs, or resources dealing with violence in the home or dealing with battered women are limited. While there are many groups wanting to start centers or to provide new services, the money for this specific purpose is not available. We know that the services that we render or provide may overlap those rendered by other agencies, but what is really necessary is that services cater specifically to battered women with nowhere to go and no one to turn to.

Another part of the resolution adopted at the National Women's Conference states that, "States provide funds for shelters for battered women and their children." Hard pressed state and local governments could receive help from Federal Government, but I would certainly like to see that happen. However, I would like to stress that care needs to be taken so that the control of these programs doesn't get away from the people that started them.

It is invariably when you get funds from big government or city or whatever, you lose control because then you are controlled by their own bylaws, and we go back to the same problem.

While I do not advocate money being spent unwisely, I feel that money to erase this terrible problem in our society would be well-spent. We cannot and must not continue to look the other way while so many women in our communities are suffering. Thank you.

Mr. MILLER. Thank you.

STATEMENT OF MILDRED PAGEDOW, DEPARTMENT OF SOCIOLOGY,  
UNIVERSITY OF CALIFORNIA/RIVERSIDE

Ms. PAGEDOW. My name is Mildred Daley Pagedow. I am a research sociologist.

Representative Miller and members of the committee, thank you, Mr. Chairman, for giving me the opportunity to address this committee.

As a research sociologist who has conducted a study on women battering and domestic violence for the past two years, I hope what I say to you today will be of some assistance regarding appropriate legislation needed to address a serious social problem. I am also here as a representative of the Sociologists for Women in Society, a national organization.

At its most recent meeting, SWS unanimously adopted a resolution supporting legislation for services for battered women with the added comment that their concern that funds reach citizen groups at the community level. There is more to this resolution, which is included in the written testimony I have submitted for these hearings. I strongly urge you to read this statement, which will provide you with some elaboration and documentation that may help clarify what I say to you in these brief minutes today.

In the first place, let us define the issue. What do we really want to learn about? When we talk about domestic violence, we are narrowing the focus somewhat, but within the term "domestic violence" are included many types of violent acts, such as intergenerational, that is, children abused by parents, or adults who abuse their aged parents, siblings who beat each other up, or one attacks the other, and then there is spousal abuse.

The other categories are not really pertinent to this discussion today, since they have been addressed by other legislation. The legislation under consideration addresses spouse abuse, and when we really focus in on the problem, we find we are talking about woman battering. That is the real issue. Women being battered by spouses is the issue about which we need more information.

We know there is a correlation between child abuse and spouse abuse, but I for one see a far stronger correlation between violent crimes within the family. For example, there are stronger similarities between the crimes of rape and woman battering than there are between sibling violence and woman battering.

Research to date does not focus in on the real issue of woman battering. Thus far, there has only been one major study on domestic violence. We need much more and better research. All research is not alike. In view of the comments that were made earlier, I would like to clarify that I have opposing views with some of my colleagues about what good research is, and I appreciated the comments about grant junkies. I can understand that very well.

In my belief, good research leaves the laboratories and the computers, and gets its feet wet. You get out into the field if you want to find out what is happening. You must get into the world and find out from the people, and that is exactly what I have done. Incidentally, my research is not funded. My research accepts the victims as the real experts, going into the shelters, going out into the agencies in the community, interviewing people, finding out what the official attitudes are, but what also are the personal attitudes of the very people to whom the battered woman turns for assistance.

My study points up the real and perceived lack of options to change the lives of the victims. It also points up the stereotyping by hospital personnel, by police, judges, and even clergy. Much of my study was done in shelters themselves. Therefore I can appreciate the services that the shelters provide for women, and how important they are in attacking this problem.

By working through shelters, I have been afforded firsthand information from the victims and documentation of many of their case histories. It is important to document case histories in doing exploratory research in a very new area. The benefits of shelters are many, especially for shelter-located research. They provide multi-services that give a cross-section of all socio-economic classes, its nonjudgmental atmosphere, and recognizing the unmet needs of the victims. The shelters themselves serve as a preventive measure to avoid further abuse. We must get to the root of violence. There are heavy societal costs.

My recommendation is that the major focus of legislation should be on services to the victims, and that the funding should in any way possible get to the grassroots people who responded to the needs of the victims when all the other traditional agencies were there and did not see it and did not hear it, and still to this day are not affecting very good remedies for it.

The grassroots people are the paraprofessionals. They are the real experts to help out here. They are the pioneers. They know the problem. Research must be carried out if we desire a better understanding of the multiple problems of victims and their assaulters. Some proportion of this legislation will probably be designated for followup and evaluation research. I propose that a relatively large share of the research funds be allocated directly to shelters for the following reasons.

First, subject populations are readily available who can provide data. Second, administrators of shelters are aware of some specific research questions not now being addressed by the scientific university-based community. Three, at the present time, because of extremely limited funds, minimal or no followup can be conducted. This is a very serious need that must have attention. Such research would in fact provide another support service for victims by letting them know that lines of communication are still open, even after they leave the shelters, thus research grants directly to shelters would provide a much needed service for victims, fulfill a scientific need for understanding, and give policymakers informed guidance for future directions.

Traditional research grants are available now to social scientists who can continue to post studies through a variety of funding sources, including NIMH. Suggestions for needed improvements in that area are, first, there should be better and wider geographic distribution than has historically been the case. Second, allowances should be made for use of a variety of methodologies in differing levels of research. For example, small group interaction and large-scale survey, and so forth.

Three, there should be some community-based research which both helps educate the community and may serve to investigate specialized needs of shelter service providers. Even here, their input is necessary and important. Four, research should be conducted in a variety of geographically distinct communities, so that, findings may be compared for possible commonalities.

In conclusion, Mr. Chairman, I strongly urge you to study all the recommendations in the paper and to do all in your power to see that legislation approved by this Congress is designed in the best interest of the most people.

Mr. MILLER. Thank you very much.

[Information supplied by Ms. Pagelow follows:]

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VICTIMIZATION IN THE HOME:  
AN OVERVIEW OF CURRENT RESEARCH AND COMMUNITY SERVICES  
WITH SOME SUGGESTIONS ON FILLING UNMET NEEDS

Testimony for the  
SELECT EDUCATION SUBCOMMITTEE  
EDUCATION AND LABOR COMMITTEE

March 16, 1978

Mildred Daley Pagelow  
Department of Sociology  
University of California, Riverside

VICTIMIZATION IN THE HOME:  
AN OVERVIEW OF CURRENT RESEARCH AND COMMUNITY SERVICES  
WITH SOME SUGGESTIONS ON FILLING UNMET NEEDS

Representative George Miller and Members of the Committee: thank you, Mr. Chairman, for giving me the opportunity to address this Committee. As a research sociologist who has conducted a study on woman battering/domestic violence for the past two years, I hope that what I say to you today will be of some assistance regarding appropriate legislation needed to address this serious social problem. I am also here as a representative of the Sociologists for Women in Society. This national organization, composed of 1500 members has addressed the issue of battered women and unanimously adopted the following resolution at its February 3-5, 1978 meeting in Cleveland, Ohio:

BE IT RESOLVED: that the Sociologists for Women in Society supports legislation pending before Congress which would appropriate funds for services and analysis to address the social problem of domestic violence.... SWS supports the overall concept of both these bills, and is particularly concerned that these funds reach citizen groups at the community level who have done the pioneering work to assist victims of domestic violence. FURTHER: SWS adopts the position that, because available scientific evidence strongly indicates that victims of spousal violence are overwhelmingly women and their children, the pseudo issue of battered husbands must not be used to distract from the salience of the issue of battered women. We maintain that the relatively powerless and socially disadvantaged spouses are the ones who are most in need of the services called for in

these bills, and we are concerned that the limited funds allocated should not be siphoned from services for female victims and their children, and misplaced into services for a comparatively miniscule and questionable number of male victims.

Research to date has been extremely limited and there are very few empirical studies that have done anything more than scratch the surface. We have almost no concrete statistics to offer because this is a particularly private crime committed behind closed doors. Most statistics quoted and requoted have emanated from a few sources who have tried to estimate the extent and severity of the problem. Even those who have based estimates on police records have had to extrapolate instances of spouse abuse from other forms of domestic disturbance such as "man with gun," sibling assault, etc. In addition, even if records had clearly differentiated between spousal violence and other forms of domestic violence, police records still would not provide us with any reliable measurement of the extent of the problem other than the number of cases which come to the attention of law enforcement authorities. As we know from other crimes of violence against persons, the vast majority of such crimes never become an official part of the record. The FBI, for example, estimates that only one out of ten actual rapes is reported.

The only large-scale sociological research survey to date involving a representative random sample of married and cohabitating couples has severe limitations. It has added to our pool of knowledge about the severity, but very little about the extent of the problem, and has left many more questions unanswered. As the study's principal investigator Murray Straus (1977:7,8) points out, there are a number of methodological problems inherent in the study itself,

such as the restriction to intact cohabitating couples, restriction of focus to violence in the year prior to interview, and the use of retrospective self-report--all of which lead to under-reporting and thus to under-estimation (Pagelow, 1978:3-5).

Another major difficulty is that the design of the study was too broad because it attempted to measure multiple forms of violence occurring within the family. Spouse abuse was only one of many types of violence that were numerically tabulated. It was merely a category alongside sibling violence and intergenerational violence--which includes child abuse and abuse of parents by children. While the study's scope is appropriately sociological in looking at diverse forms of violence in society, in contrast to the more narrow study of individuals that is appropriate for psychological and psychiatric investigations, the result may be that we have merely had confirmed what most of us have known all along: we live in an extremely violent society. As an experienced photographer prior to becoming a sociologist, I suggest that a wide angle lens was used when a telephoto lens was appropriate for the job--that is, if we want to discover the causes and prevention of spouse abuse we need to focus on that specific issue. Our political leaders have already responsibly addressed the serious crimes of child abuse and juvenile delinquency and are attempting to guard the human rights and safety of the aged, including elderly parents. Each of these issues is serious and requires the concern of citizens and legislators alike, but the major focus of legislation under consideration of this Committee today is spouse abuse.

We have only recently become aware of the phenomenon of persons

battering their spouses and this is the issue about which we need much more information. We already know that violence is pervasive in our society and is an underlying thread that connects all these crimes together. It goes without saying that if we were to entirely rid our society of violence tomorrow, then there would be no more child abuse, sibling violence, abuse of parents or spouse battering --in other words: domestic violence. However, total nonviolence is not likely to occur in the next five, fifty, or even five hundred years without a complete restructuring of our entire social system.

We also know there is a correlation between child abuse and spouse abuse. But I, for one, see a far stronger correlation between violent crimes against women than correlations between the various crimes within the family (Pagelow, 1977). For example, there are stronger similarities between the crimes of rape and woman battering than there are between sibling violence and woman battering. When we look for causes, can we suggest that motivation is the same when an adult abuses either tiny children or aged parents? It seems highly unlikely.

For these reasons, the study I have conducted has narrowed the focus and looked specifically at spouse abuse. It is unique in several ways. First, it designates and accepts victims of spouse abuse as the real experts. Respondents were not subjected to personality inventories or psychological tests--the individual psychopathological model was not employed. Victims provided demographic and other descriptive data about themselves and their spouses, their immediate environment, their battering experiences, their attempts to seek help, and the responses they received from law enforcement and social service agents. Second, a variety of methodologies were employ-

ed including historiography, in depth interview, observation, participant observation, and self administered questionnaire. Field interviews were also conducted with agents of law enforcement, the judiciary, medical and social services, and the clergy.

While there are limitations to the generalizability of the study due to self-report and non-random sample selection, the employment of a variety of research techniques provided other distinct advantages. For example, there was some verification of data for the development of a substantial number of reliable case histories as well as more intensive exploration of the dynamics underlying the interaction between spouses. The dual investigation of both the victims and the societal agents most likely to come in contact with victims revealed real or perceived options--or lack of them--of the victims to effect change in their lives for the prevention or control of the violence.

One side effect of this particular study has been the sensitization of persons in a variety of social institutions to the plight of victims. For instance, when any researcher asks hospital emergency room personnel questions regarding both established policy and personal attitudes and their treatment of patients, it becomes clear that these doctors and nurses frequently did not maximize their efforts on the behalf of their patients because they harbored certain stereotypic negative impressions of women beaten by men they love. Additionally, the study has shown that prosecutors mentioned "putting the screws" to victims of domestic assault because they did not want to begin a case that might not carry through to trial and conviction of the accused because of plaintiff failure to press charges; yet upon questioning, they admit that they cannot offer the potential

witness adequate protection against an avenging spouse in the pre-trial interim (Pagelow, 1976). Also, one particular judge had twice awarded custody of male children to the fathers who had battered their wives. This judge refused to grant an interview in connection with the study. It is hoped that even the act of refusing to be interviewed regarding legal aspects of domestic violence may have given him reason to question his own position.

Although the more than one hundred questionnaires in this investigation were largely obtained from victims who had stayed at one of the shelters in California, at least twenty-five percent were volunteers from all parts of the United States. Many of these individuals had never gone to a refuge for battered women and their children. This provided a sample base with a wide range from upper middle class to lower working class respondents, avoiding the working class bias inherent in samples obtained from police, social services, or shelter sources only. All other research techniques were employed in shelters in the United States, England, and Ireland, and the entire sample of battered spouses were females. One California shelter in operation for over two years has never received a request for assistance from a battered man, while the Emergency Shelter Program (ESP) in Hayward, California, reports that far less than one percent of all calls for assistance come from men. There can be little doubt that at least some males are the victims of domestic violence, but for a variety of reasons outlined elsewhere, men are proportionately far fewer in number, their actual physical danger and need for safe haven is far less, and their access to resources for alternatives is also proportionately far greater (Pagelow, 1978).

Because much of this study has been conducted within shelters,

it has also provided me with the opportunity to learn first-hand about the problems and needs of victims both from the viewpoint of the researcher and from the viewpoint of the grass roots service providers. I probably have a better understanding than most researchers of the frustrations, goals, and needs of victims, shelter staffs, and traditional service providers, because my work required that I build rapport and close communication with all three groups. It has not been research composed of tests conducted in a sterile lab, it has not been tests or questionnaires administered by paid interviewers, nor has it been research conducted behind the ivy covered walls of academia. Instead, it has been an exploratory study designed and carried out personally in the real world of the people involved.

As a result, I have listened to policemen complain about how dangerous domestic disturbance calls are for them, and wondered if they could ever imagine how much more dangerous they appear to unarmed women who weigh on the average fifty pounds less and stand almost half a foot shorter than their spouses, according to my data. I have sat in courtrooms watching the administration of justice in accordance with our man-made laws and witnessed middle class women and their children reduced to below poverty levels, while they trembled in fear at being in the same room with their abusive spouses. I have tried to soothe the fears and pain of a non-English speaking pregnant and beaten Chicana while I held her sick ten month old baby. I have been a volunteer at a shelter who had to tell an emergency room nurse that I could locate no place in the entire county where she could send her patient and three daughters for safety. I have sat at a kitchen table, laughing and talking with women

at a shelter in Dublin, Ireland listening to their experiences with violent mates and unresponsive officials, and realized that these are issues that cross all boundaries. Despite unspeakably substandard living conditions and dangerous overcrowding of shelters, women in the British Isles--like their American counterparts--expressed the common idea that they were happy to be in those deplorable surroundings, because they offered the one thing they needed most--safety.

Safety is perhaps the most important, but certainly not the only benefit that shelters offer battered women and their children; they offer much more. Safety is extremely important--it is the resource not available to victims until very recently, even when victims were fortunate enough to have understanding friends and relatives willing and able to take them into their homes. Years before the recent public concern with woman battering, I knew a young wife whose parents gave her shelter; the woman's father was killed by her furious husband who demanded her return. Friends and relatives must frequently withdraw offers of assistance when they and their families realize that they are in personal danger too.

Safety is of primary importance for another reason. Even when police officers sincerely wanted to intervene in domestic disturbances to protect the victims, many have been reluctant to arrest the perpetrators. They knew that the length of time the accused would be detained was very short, and the women would be in even greater jeopardy later. It is usually only a matter of hours between arrest and freedom on bail for the average citizen. Prosecutors who want to follow through are painfully aware that they cannot carry out their official role until the victims and children can be in a safe

place unknown to the accused. In a very important way, if officials are serious in their desire to uphold the law, protect the rights and lives of citizens, and to obtain equal justice under the law, then shelters are the best assurance that these officials can carry out their duties properly.

One of the other very important benefits shelters provide is a supportive atmosphere in which victims meet other women who were also abused by their spouses. It is the first time for most battered women that they have ever been able to discuss their private humiliation, fear, and pain. This is the best possible "therapy" these victims can possibly received, for sometimes only within hours of their arrival, a much more positive self-image begins to emerge. The Director of WomenShelter in Long Beach, California said, "It's almost miraculous the way some of these women begin to bloom," while the Director of ESP in Hayward, California said, "Within hours many begin to walk taller."

But for those communities still struggling to establish shelters, such as Riverside County, California, where all that is available to them today is short term haven in the private homes of Good Samaritans, the women do not have this tremendous advantage of communal housing. Isolated victims do not have the opportunity to make contact with other victims like themselves they can both admire and respect.

Other benefits offered by shelters for battered women and their children are the on-site availability of representatives from existing community service organizations, the expertise of shelter staffs to acquaint victims with traditional, established community services, and their uses. For example, even if a victim is upper middle

class based on her spouse's income, many of these women flee their homes with nothing more than their children and the clothes they are wearing. Such individuals have absolutely no idea how they can even obtain enough food to live, but an experienced staff goes to work immediately to get emergency food and cash from the welfare system to tide them over.

Most shelters provide a wide variety of counseling services: legal, employment, educational, and optional psychological counseling. Many of these benefits are offered within the shelter itself, most frequently provided by concerned citizens, both professional and paraprofessional, who volunteer their particular skills. Housing or rehousing is frequently a serious problem that is far more difficult for an unskilled individual to solve than for someone from an established shelter to which housing authorities often are more responsive.

Children, too, receive a range of supportive services. Coming from a violent, frightening, and painful family situation in which they had no alternatives but to endure, these children frequently do not even know how to relate to others in a nonviolent milieu. Leaving home (often suddenly in the middle of the night), their friends, and all that is familiar to them can be a terrifying experience for any child. Reactions vary, usually they settle in very quickly, making new friends and adjusting to new surroundings. Other times the damages from turmoil, tension, and fear make it difficult for a child to adjust. Many have witnessed one parent beating the other, some have only heard screams that woke them in the night, but whatever the case, a few have behavior problems and/or deep-rooted fears. Almost all shelters set high priorities in con-

cerns for the children. Even the most financially-desperate shelters try to provide an indoor playroom, an outdoor play area, and to obtain the most skilled child care specialists. Although some community child guidance centers have been less than enthusiastic to provide services for "transient" children, shelters have exerted sufficient pressure to convince some to provide their specialized expertise. The best help for these displaced children, however, seems to come from the sharing and caring atmosphere within shelters, and the freedom from fear.

The typical philosophy underlying the best-managed shelters I have visited is a non-judgemental acceptance of victims as people who are in crisis. The problem is identified as one that she has, not one that she is. In other words, the "sickness" label is rejected, and she is viewed as a mature adult capable of making her own decisions. In isolation, she may not have felt she had any options but to endure years of abuse. By connecting her into the community network of social services, options are presented to her of which she usually was not aware. Organizations that are unresponsive to individuals who don't know the "system" become responsive when staff persons serve an advocacy role. When a battered woman receives such kinds of social support, she is then able to assume control over her own life and make her own free choice. Safety, social support, information, contact with existing community services, and advocacy--these are what shelters mean to battered women and their children.

Hopefully, other persons here today will express in detail some of the unmet needs of victims of domestic violence. Thus far I have elaborated on the many positive achievements of shelters and their

services, but unmet needs are many and serious. In the first place, the few shelters that exist are only a tiny fraction of the many that are needed. There should be at least one shelter in every geographic area with a population of 100,000. When I think of a city as large as Pittsburgh, Pennsylvania that has only one sheltering community which houses a maximum of twenty women and their children, I realize the magnitude of the problem. Either there must be many, many more shelters, or they must be made larger to accommodate more people--otherwise we will continue to turn away victims who have no alternatives to returning to the batterer and more abuse. Rural areas need to be served, too, so that any woman subjected to battering can be channeled to safe housing.

If we are serious about the prevention of domestic violence, it is important to note that shelters serve as a preventative in two major ways: the short-term effect is obviously in saving human beings from further abuse (and almost all researchers have noted that uninterrupted violence tends to escalate in intensity and frequency). By giving victims safe haven, we prevent further beatings and even homicides. The long-term effect that could be received from the greater availability of shelters is to prevent some men from going too far. By this I mean that it is likely that many men would not batter their spouses if they knew that by doing so, they stand a very good chance of losing their power to control them.

Once a woman has left a shared home and received community provided shelter elsewhere, the power to control and dominate her has changed. Many women return home but conditions are never quite the same. Sometimes women return after stipulation that their spouses receive certain kinds of counseling or on other terms, but the pri-

vacy of the act of battering has ceased. The violence has become a matter of record somewhere outside the walls of the domicile, and the battering spouse must realize that there are people in the community who stand ready to intercede on behalf of the women. Many men simply take it for granted that they have a right, even an obligation, to control their wives and they are honestly shocked when they are informed that what they were doing is a crime which will not be tolerated. The existence of a nearby shelter may in itself prove to be enough deterrence to prevent such violence. Availability of shelter alone may tip the balance of power to the extent that some men, knowing they may lose their spouses and children through community intervention (as well as their reputations), will refrain from the violence of which they are capable.

At the present time, however, shelters are too few, too small, and too impoverished. The constant struggle by any grass roots group to obtain funding from the very beginning continues on after shelters become established. Fund-raising drains time and energy desperately needed in other areas such as community education, advocacy, personnel training, and building networks of cooperating existing agencies. Not only does it take vast amounts of time and energy to obtain money with which to operate, but accountability can present other crippling disadvantages. Private donations sometimes carry restrictions on services shelters may offer (such as abortion counseling) and public funding often requires elaborate record-keeping and unreasonably tight controls on how the money may be spent. I have seen volunteers reach into their own pockets to help out: in one case, because a mother had to take her child to a medical clinic, and there was no cash available for travel incident-

als. More frequently, it is the residents who help each other out.

This country spends billions of dollars each year on crime prevention programs, mental hospitals, prisons, and studying juvenile delinquency, alcoholism, and criminology. Now I believe it is time that we begin to allocate enough money to get at the root of many of these serious social problems. Almost everyone in this country grows up in a nuclear family unit, and much of what they learn there carries over into adulthood, which is then transmitted to the next generation and so on. If the home is warm, loving, and secure, the potential is good that adults who emerge will pass on these benefits to persons in their own social environment. But if there is violence, terror, and insecurity, the home becomes a breeding ground for dangerous and destructive behavior.

If we could trace out over generations the effects of unhappy and violent homes upon citizens in this country today, we would undoubtedly find that much of the money we are now spending is destined to treat the effects of domestic violence. Juvenile delinquency is a good example: many children achieve this label by the act of running away from home. Have we checked to see how many youngsters leave home because they can no longer endure seeing their mothers being regularly beaten? How much aberrant behavior in society is a result of what goes on behind closed doors of homes? How many absentee hours does this nation pay for because of domestic violence the night before? How many women are confined to mental institutions because their minds withdrew from the horror of everyday living with their spouses? How many suicides and murders are a direct result of violence in the family? The list seems endless.

We may never know the total direct and indirect costs to this

nation, but many of us believe they are overwhelming. We do know that violence is pervasive in this society, that spouse abuse crosses all socioeconomic class lines, age, race, ethnic groups, and religions. Directly or indirectly, all of us are affected by it, and we are already paying heavily for its effects. Let us no longer treat these serious social ills with band-aids--let us begin prevention now. And in the American tradition, let us not make a half-hearted effort, but rather, give it our best and make a sincere effort to prevent violence in the home.

My suggestions to this Committee are to exert every effort to guard that legislation approved by this Congress provides the most help (and that means money) that reaches those who need it the most--the service providers at the local level. Community-based groups who began the struggle to assist victims and to educate fellow citizens are the ones who have demonstrated the desire to help, the sensitivity, the dedication, the foresight, and the way to attack the problem. Pioneers in a field that remained ignored by almost all professions, grass roots people were the ones who, through long struggle, developed the expertise to assist victims of domestic violence. While a wide range of traditional organizations already existed for the purpose of meeting community needs, most were not responsive to, nor even aware of, the problems of woman battering until grass roots organizations began to spring up to address the problem. As in the long-standing problem of rape, special problems and unmet needs of victims largely went ignored until feminists began their push to raise national consciousness. In many communities across this land, despite the massive publicity on woman battering, many traditional service organizations are still running "business as

usual," remaining unresponsive and uneducated about the problem.

It would be a grave disservice to the thousands of dedicated citizens who gave so much, only to let them find that when funding finally became available, sophisticated and politically adept agencies or groups suddenly take over. Funding should only be made the responsibility of a federal administrative agency that will be responsive to needs at the local community level. We need to establish a Division for Women that will have a staff sensitized and responsive to women and their specific needs. Funding should be channeled through a new division, and the needs of battered women must not be subsumed with any agency whose primary focus is children or the family. We must finally recognize that women are not children--their needs are distinct and must be recognized as different. Women are also more than merely family members--they are people--adult individuals, and we want them recognized as complete human beings, not merely submerged under, or a part of, other categories.

Research, of course, must be carried out if we desire better understanding of the multiple problems of victims and their assaulters. While some small proportion of this legislation's funding will probably be designated for follow-up and evaluation research, I propose that a relatively large share of these funds be allocated directly to shelters for the following reasons. First, subject populations are readily available who can provide data. Second, administrators of shelters are aware of some specific research questions not now being addressed by the scientific, university-based community. Three, at the present time, because of extremely limited funds, minimal or no follow-up can be conducted. This is a very serious need that

must have attention. Such research would, in fact, provide another support service for victims by letting them know that lines of communication are still open even after they leave the shelters. Thus, research grants directly to shelters would provide a much needed service for victims, fulfill a scientific need for understanding, and give policy makers informed guidance for future directions.

Traditional research grants are available now to social scientists who may continue to propose studies through a variety of funding sources. Some suggestions for needed improvements are that: first, there should be better and wider geographic distribution than has historically been the case. Second, allowances should be made for use of a variety of methodologies in differing levels of research, e.g., small group interaction, large scale survey, etc. . Three, there should be some community-based research, which both helps educate the community and may serve to investigate specialized needs of shelter service providers; their input is necessary and important. Four, research should be conducted in a variety of geographically distinct communities, so that findings may be compared for possible commonalities (Hampton, 1978).

In conclusion, Mr. Chairman and Members of the Committee, I strongly urge you to study all these recommendations carefully and to do all in your power to see that legislation approved by this Congress is designed in the best interest of the most people. I hope there will be a day when shelters and other emergency services for victims of spouse abuse are no longer needed. We cannot do much about violence in the childhoods of today's adult victims and assaulters, but we can break the cycle of violence for present and future generations by opening doors of fully staffed residential shelters

for battered women and their children now. Let them be operated by the pioneers who know how to operate them best, and let these paraprofessionals share their expertise by teaching other groups how to serve their own communities.

Please allocate sufficient funds so that the residents can have facilities and services that give them a sense of dignity and self-worth, rather than the depressing poverty I have seen so often. I want to be able some day to forget what I have seen in some shelters. I particularly want to be able to forget the frail mother I met last week who was trying desperately to find a way to transport her son across town to his school for the blind. Transportation that had been provided before ceased due to their relocation into a shelter. One problem was to obtain the cash for public transportation to take him there. Her fears were twofold: if she did not get her son to his school, a social worker would define her as an unfit mother because of her son's truancy, and on the other hand, if she did, her battering spouse might be at the school waiting for her. I also want to forget that when I left California, two women and three small children who had stayed the maximum number of days in a shelter were all living in one room of the cheapest motel in the area, because they could not obtain a house or apartment to rent.

I know I will never forget the gentle woman who came to a shelter on crutches looking for a new life; she died several weeks later when her incurable disease, exacerbated by beatings, took its toll.

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Mr. MILLER. In the studies that you have accumulated, these statistics you have accumulated from clients who have come to your legal services office, a great number of women that I have talked to so far in the shelters and so forth, the term of marriage and the term of violent behavior is pretty close together. If you have been married 11 years, you have been beaten 11 years. I just wondered, have you found that also to be true in your studies?

Ms. FIELDS. Sometimes that is true. Frequently we find that the first beating takes place during the first pregnancy. Our 30-percent figure for the pregnancy violence is very low, because we had until recently maintained data only on violence within the last 5 years, because we have a 5-year statute of limitation on that ground for divorce in New York. We are now beginning—after we did the first paper, we thought of new questions, so we are now beginning to ask, were you ever beaten during any pregnancy at any time. We are going to get a better picture of how many women actually were beaten for the first time during pregnancy, and it is probably much higher than 30 percent.

We find that most of the women who come to us have been beaten for approximately 5 years before seeking our representation in a divorce action, but we have had women who have been beaten for 50 years. We have had women who have been beaten for 6 months and came for help. Yes; frequently the beatings are coterminous with the duration of the marriage.

Mr. MILLER. While you are limited in your representation from an individual point of view, have you found any distinction in terms of income level?

Ms. FIELDS. We wouldn't have data that would give us an answer to that. The women whom we have spoken to who are beyond our income limits have not given us that kind of material, and we certainly haven't seen enough of them. We generally refer them elsewhere for legal representation, so we don't have the amount of information.

Mr. MILLER. Jennifer, your statements, and those of several of you on the laws in terms of law enforcement's response to your options, and the fact that the beating has got to take place in front of them, or, as we were told out in Fairfax, it has got to be an open and bleeding wound. We have very few options available to us in terms of what we can do about Virginia or New York or California, or what have you, and police that we have talked to and spent evenings with discussing this seem to readily endorse the use of a shelter, because they feel that it gives them a very real and viable option, so when they walk into a situation that they prefer not to walk into, they don't have to say, swear out a warrant. They can say, there is a place you can go if you want to.

One of the problems is, they told us, since they don't know enough about women's shelters, they can't really describe in some cases what in fact the options available to a woman are when she arrives there, so as to reduce that mystique that prevents them from going.

I just wondered, in your discussion with law enforcement agencies have you found that to be the case?

Ms. FLEMING. Absolutely. Not only for shelters, but for anything that is going to give the police a tool that they can use to deal with the situation. The existence of a shelter and the ability of police—of course, one of the problems there is in some cities, the police cannot take a victim to the shelter because of laws about transporting them across districts and things like that. That is a problem, but in general I think that the police endorsement of a shelter is an illustration of the police concern generally that there be more cooperation with social service agencies.

I think that things are changing within law enforcement a great deal now, and police are recognizing that they are performing a social work function, and in fact 85 percent of their work is social work, 15 percent in law enforcement. So, I think there is a new mentality developing within law enforcement that recognizes it, that wants training first of all, particularly crisis intervention skills, in a desire to begin to develop these cooperative relationships with the social workers, in spite of traditional hostility between policemen and social workers.

Ms. FIELDS. Mr. Chairman, might I comment? One of the papers I gave out was a paper I prepared for the U.S. Civil Rights Commission consultation on January 30th and 31st of this year. In the first chapter of that paper, which consists of 40 pages, I spent a great deal of time analyzing these training materials. What I found was, among the most sexist police training materials are those published by the Law Enforcement Assistance Administration, extremely unfortunate.

I spent a good deal of time discussing it, and those materials are repeated around the country by police departments in the guise of crisis intervention training, and what that crisis intervention training stresses is that arrests should be avoided at all costs because that would lose the family income, so that we have economics taking a priority over the individual safety of the battered woman.

In addition, the Law Enforcement Assistance Administration training materials talk about the causes of family violence being twofold: One, interpersonal factors, and those materials stress the interpersonal factors as being absence of communication skills between the spouses; and intrapersonal factors, and in the list of intrapersonal factors the very first one they made and cited is a woman going through menopause who would be very depressed as a cause of family violence. That is why her husband beats her.

I think one of the things Congress can do is point out to LEAA that it wants its training materials which have an influence on police officers and police training programs throughout this country revised.

Second, it can require police departments all over this country, almost every one of which is dependent upon LEAA for funding, to report what they are doing about family violence, not only give data on how many calls they get, but tell us what is the relationship of the victim and defender, and what did the police do. Did they refer them elsewhere? Did they provide some service? Did they arrest? Why did they do what they did? There are two factors in

police going to shelters that offend me as an attorney, although as an attorney I support shelters and need them on a day to day basis. One is that in shelters we lock up the victim and we leave the perpetrator free, and there is a very simple solution for a law enforcement system that fails to deal adequately with the victim's rights to send the victim to a shelter, and leave the perpetrator in his home with his property and the companionship of his friends and relatives.

What we do is, we deprive the victim of her property, without the due process of law. We force her to hide, and be locked up in a shelter which we call a shelter for battered wives, and we take away her right to speak out, to answer her husband, so she is deprived of both her civil rights and her civil liberties, and while I applaud shelters, I desperately need shelters. I hope we will not limit our forms of relief for battered women to shelters, but seek to reform our law enforcement system so the victims rights will not constantly be abrogated and the defendant's rights constantly improved.

Mr. MILLER. Your last sentence, you are not equating the proliferation of shelters with the applauding of the defendant's or the perpetrator's actions?

Ms. FIELDS. Not by the people running the shelters, but by the law enforcement agencies that might seek to refer all victims to those shelters. Perhaps it is, if you will excuse me, a cop-out for the police. The police officer doesn't have to do a thorough investigation which would then be the basis of an assault prosecution by the district attorney.

If instead of an arrest he can merely refer the victim to a shelter, he doesn't have to do a job then, you see, and he is safe, yet I do think they should be referring victims to shelters when that is what the victim wants, when she does not want prosecution, when she needs protection and safety.

Ms. FLEMING. I think that should really be stressed, that although we want to encourage greater cooperation between the service providers and law enforcement, that does not take the obligation off the criminal justice system to vigorously enforce the victim's rights, to provide her with protection, and to build a case when possible.

Mr. MILLER. We had some testimony, and I have worked with some people in Santa Clara, Calif., in the incest project there, and one of the things that they require is prosecution, and then you get your choice. You can participate in counseling or you can lose your job and go to jail. You can participate with members of your family, other perpetrators, other victims of the act, and it seems there that you get the—well, it seems to be a better approach, because that in fact is not happening, because there the police are directly involved with that center in terms of people assigned to the center, in terms of a flagging of that complaint, that there is a method now to deal with it in a comprehensive fashion, and that that family be offered some alternatives, one of which clearly includes the prosecution of the crime, but then a diversionary program has to do with the results pending your actions. If you fail to show up at the

fathers' counseling meetings twice a week, then you go to jail. It is very easy, and they have that hold on you for that period of time.

Some people opt to do one thing, and some people opt to do another. So, I think it is a concerted effort by both halves of the problem.

I agree with you in your explanation of your statement. I agree with you wholeheartedly that we cannot leave this as an option to once again remove the dogs from the door by just simply saying, well, we are taking care of their needs because now they are going to be over here, and that is the end of our problem, because it is not, because there may be a remarriage, there may be people living together again, and we start all over, apparently, in a good number of these cases.

Ms. FIELDS. Even where jail on the weekend exists, it is not used. This is an option in New York, and in the Family Court in New York this option is never exercised, a work release jail sentence. In Family Court a conviction is a civil conviction. There is not even a criminal record. They still don't avail themselves of mandatory counseling. They don't avail themselves of weekend jail or over-night jail. That is sad, because we do have some very fine remedies available. They are on the books. The question is, what does the court do? What does the prosecutor do? What does the civil attorney do when faced with these problems?

I think we are not using the tools we even have available. Un-supervised probation was a new one on me, but it occurred in a wife-beating case in New York. I never heard of it. As far as I knew, if you sentence someone to probation, they were supervised.

Ms. FLEMING. I just wanted to add to that, I think that what we are getting at here is that there is an attitudinal problem within the criminal justice system. Well, there are a lot of them actually, but one of the major ones is that it is not a legal problem, that we have got to start chipping away at that attitude, because that attitude provides the foundation for a whole variety of practices ranging from lack of enforcement or using tools that are already available, et cetera.

Mr. MILLER. I think that goes to part of the contest that is already starting to be approached here. As Ms. Navarro said, it is a private matter. The police tell us when we talk to them, look, this is a private matter. When we talk a little longer, they say, I've got the same problems, and before I go in here. The question for us is, how far do we go in intervention by the Federal Government, and I think Congresswoman Mikulski and myself are talking about support rather than intervention, but you bring up the other dimension that we cannot ignore. That is intervention in the policies in which we carry out law enforcement and an understanding of this problem.

Ms. FLEMING. The training—on the LEAA-funded training that is currently available for police departments is totally inadequate at this time. Within cities that have had crisis intervention training, the latest funded program, for example, in six cities where crisis intervention training was provided, in only two of those cities there was some cooperation between law enforcement and social services, but the emphasis was on providing officers with the skills and the results were that there was no drop in family violence. There were

no reductions in police injuries, there were no changes as a result of a 3-year, I assume multi-million dollar funded crisis intervention training program.

So, I think that we can start with crisis intervention training, but it is only a basic prerequisite, and we must go beyond that in creating an effective response.

I have to go. Excuse me.

Mr. MILLER. Thank you very much. We will be in touch with you again.

Barbara, do you have some questions?

Ms. MIKULSKI. First of all, I apologize for being away during your testimony. Before I ask you some questions, did HEW bother to stay? Is there anybody here from HEW?

[No response.]

Ms. MIKULSKI. Is there a representative of ACTION?

[No response.]

Ms. MIKULSKI. I think that says something.

One of my concerns is to help people find out where they can go for help. One of the things that we are concerned about is a media campaign, No. 1, and also to enforce and encourage public service announcements. Do you have any comments on that? For example, in terms of a media campaign on the issue, nature, and so on, even the culturalism of violence, have you had any experience in working with TV stations? I would like to take your experience and put it to work with communications.

Ms. NAVARRO. In Austin, we started working with the newspapers and had a continuing series of newspaper comments, articles, dealing with the problems of battering. We also did public service announcements. We found that all of the TV and radio stations were very willing to talk to us, so that it was not very difficult to get them to help us as far as the media was concerned.

Ms. FIELDS. We had press releases when we funded and published a handbook for beaten women which we have in English and in Spanish. We distributed merely by having press releases and, I think, two published newspaper articles in the New York Times and several other newspapers, 65,000 copies in 4 months. We are in our fourth printing now. The media reaches the people who need this information, and when they know it exists, people ask for it immediately. In back of the booklets we have resources, and what we have done is encourage local organizations to take the back two pages of the inside cover and the cover and put their own addresses on it and make whatever changes they want for their local use.

There is a booklet that has been published of the same nature in Boston. There is one in Pennsylvania that I know of. There are groups all across the country that have asked for copies to use. It would be excellent if the Government Printing Office were to publish a booklet of this nature to be distributed all across the country.

Ms. MIKULSKI. Ms. Fields, as you know, one of the things I think that Boggs and Steers and Mikulski agree on is the need for a clearinghouse. I do not see a clearinghouse as kind of an archive repository. We could take, for example, what you have done in New York and perhaps distribute it nationally. Is this the kind of appropriate function you would see for a clearinghouse?

Ms. FIELDS. Definitely a clearinghouse should be an advocacy agency. What we did, we had functioned as a clearinghouse in a very small capacity. The Center for Women Policy Studies, I think, functions in a broader capacity that way, and what we have done is, we correspond with groups all across the country. We give them our materials. We ask that what else they need. We have just been funded by the New York foundation to provide technical assistance to groups doing battered wives advocacy and shelter programs throughout New York State, and what we hope to do is provide legal representation so that these groups can become incorporated, get their tax-exempt status, and be able to cope with zoning regulations, building codes, health and safety regulations, and their renovation process, and as of April 1st, we expect to be in operation, and we hope to have an associate in our office who has a master's degree in urban planning and a law degree, and between the two of us we hope to be able to provide technical assistance all over New York State to groups, legal technical assistance, to be precise, because that is our special thing, and that we will be able to use this even perhaps to a small degree outside New York, although primarily in New York, because we practice there.

Ms. MIKULSKI. But the format could be duplicated. In other words, zoning and building codes might be different in Montana because of the rural nature of the State, but still the content and format remain the same.

Ms. FIELDS. That is right. Corporate charters can be made into forms that can be replicated anyway.

Ms. MIKULSKI. Mr. Chairman, I don't have any more questions. I would like to thank the members of the panel for doing what they do.

Ms. PAGELOW. Can I respond to doing that about getting the word out? The shelter that I have worked most closely with has tried to inform the potential victims in a variety of ways. They have printed some what they dubbed the Miranda cards, and they gave names and phone numbers of various people to contact, various agencies for different needs, and included their own phone number, if you need us.

The problem is, that relates back to the police attitudes, that in Orange County, Calif., there are approximately 26 separate police departments, and this shelter has been in operation for 2 years, and thus far they have only gained entry to three of those departments. What they wanted to do was to send whoever would volunteer to do the PR work, would go in small groups of two or three to talk with the police officers during the watch change and to distribute these cards so that when they answered a domestic assault call they could leave the card with the woman. As I said, they haven't even gained entry to speak to the officers, and it is a long, hard struggle, so they have tried to distribute the cards all over, and use spot announcements.

I am thinking of the Dennis Weaver and—that television special that was on a few weeks back, and I sat in the shelter and listened to the women who had just entered the shelter, and they had watched that at home with their spouses beside them, and one was saying all

through the show, every time that Dennis would beat his wife, he would smack her and say, see, he is right, all the way through the thing. They do watch the media, but—

Mr. MILLER. Ms. Navarro, how do you conduct your outreach programs in trying to inform the community of Austin?

Ms. NAVARRO. Well, we have a pretty varied group of women that are interested and women's groups that are interested in battered women, so what we do is dispense information to them, who in turn dispense information to their membership. We also go and speak to different groups. We don't really have to do a lot of outreach. People come to us because in Texas we were the first center that actually got into operation within a very short period of time, so there are constantly people seeking us out. So, we really haven't had to make a great deal of effort, as far as that goes.

Mr. MILLER. It seems every time the message is put out the facility is available, at least in the four or five facilities I have discussed it with, the phone goes off the hook. We had a dispute here in the District of Columbia with the House of Ruth, not the battered women's part of the House of Ruth, but the destitute women's part, where they take people overnight, so they were on the media for like 4 or 5 days, and as a result there was a considerable number of inquiries of this facility, because they kept being referred to as a home for battered women, when in fact it was a separate part.

In a case in a county that I represent out in the upper middle income areas, they had a newspaper article that they were thinking of starting a proposal, and that they were going to first start with—affiliate themselves with a hotline, and away it went, and now the question is, can they start it fast enough? They have been limited there because of limited funding to the hotline operation.

Ms. NAVARRO. We have a group of women that work only on hotline. We have a hotline in the center. We are open 24 hours a day, and our phone never stops ringing. We have been full to capacity from the first day of operation, and we have had maybe 2 days in 10 months that we were not at capacity.

Mr. MILLER. You serve all of Austin?

Ms. NAVARRO. Yes, sir, Travis County.

Mr. MILLER. Do you get clients from all parts of Travis County?

Ms. NAVARRO. Yes, we do.

Mr. MILLER. From all socio-economic groups?

Ms. NAVARRO. That is right. We have served—66 percent of the women that we have served have been Anglo women, and 18 percent have been Mexican women, and the rest have been black, and our staff reflects that kind of breakdown, so that there is sufficient confidence there for women from any background to come to us and know that they are going to get served.

Mr. MILLER. What is your most pressing need in terms of the maintenance of that center? I assume the answer will be money. It may not be.

Ms. NAVARRO. It really is.

Mr. MILLER. What would you do with that money?

Ms. NAVARRO. There are many things that we would like to do. We have worked very closely with the police department in the

community. They have been very open to suggestions from us, not always to the extent that we would like, but there are many, many services. For instance, if a woman decides that she wants to get a divorce and she is not able to start a home and it takes time to get on to DPW, some don't want to get onto DPW. They need to find a job. They need to have funding for at least 1 or 2 months of survival for them, a place to stay, a job, that kind of thing. So, this is what the money is needed for, to give this kind of service, to have this kind of money available so that we can help them. Some of them come to us with medical problems aside from the battering. That also needs to be taken care of, because we would like to see women coming from our center to be as complete as possible, for them to go on with their own lives.

Mr. MILLER. Ms. Pagelow, I think after listening to our session this morning on research, I think you made a very good point, and that is that traditional research grants will continue to be available for those people who seek not to go out into the field, but I know just in my limited exposure over the last couple of months, many misconceptions have been pointed out to me in terms of where I was coming from on this issue, and I think your suggestion that if we do connect research with this program, that it be shelter based, or within the community, and directly related services is a very helpful one.

Your testimony this morning was over \$200 million is being used for research at NIMH, and I understand that covers a very wide range of serious problems in society, but there are glorified efforts to deal with this problem. We put \$15 million in the Federal budget. It is not there yet, but it is winding its way through the system, so I think it is clear that there is not much room in that kind of authorization or appropriation for that.

I want to thank you for your testimony, and I would urge you to stay in touch with us, because as I said earlier, I think we have a chance to perhaps create a new manner in which the Federal Government can deliver services. There are probably a lot of other Congressmen who said that before I ever got here, but I think that we have a network out there, and we have such keen competition, and we have people that are so genuinely concerned that if we can talk about how we want that money to be used in terms of meeting those demands with that kind of input, I dare say, with a lousy \$15 million or \$20 million, that I would be prepared to stake whatever reputation I have to submit that to an audit 18 months later or 24 months later to see what happened to that money in this instance.

I would suggest that we may be a lot better off than a lot of programs that require State plans and local plans and Federal plans and reviews and audits and approvals before you can ever get the money. In this case, there won't be anything coming out the other end, if in fact that happens, so thank you for your testimony. I urge you to continue to stay in touch with us.

We are going to go vote now, and we will be back to hear the last panel, so if those people would hold on, we will be back in just a few minutes.

[Whereupon, a brief recess was taken.]

Mr. MILLER. We will reconvene, and at this point we will hear from a panel comprised of Bonnie Tinker, Elisa Sanchez, Steven Antler, Kinsey Green, Ana Remares, and Sara-Ann Determan. Will you all come forward?

I anticipate that we are going to run into a little bit of time problem with another vote here, so to the extent you can summarize your statements, it would be helpful, but I don't want you to cut out materials that you think would be helpful to the committee in its deliberations here, so why don't you go ahead and proceed, and start from left to the right?

PANEL DISCUSSION BY HAROLD FELDMAN, PROFESSOR, CORNELL UNIVERSITY, ON BEHALF OF THE AMERICAN HOME ECONOMICS ASSOCIATION, BONNIE TINKER, CHAIRPERSON, NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, ELISA SANCHEZ, PRESIDENT, MEXICAN AMERICAN WOMEN'S NATIONAL ASSOCIATION, STEVEN ANTLER, PROFESSOR, SCHOOL OF SOCIAL WORK, BOSTON COLLEGE, ON BEHALF OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, ANA RAMARES, CHAIRPERSON, MONROE COUNTY, INDIANA, TASK FORCE OF FEDERAL FAMILY VIOLENCE LEGISLATION, AND SARA-ANN DETERMAN, CO-CHAIRPERSON, COMMITTEE ON WOMEN'S RIGHTS, AMERICAN BAR ASSOCIATION

Ms. SANCHEZ. Thank you, Mr. Chairman.

My name is Elisa Sanchez, president of the Mexican American Women's National Association, which was founded in 1974 to represent the interests of over three million Chicanos nationwide. We have got several objectives. I won't mention them, because we submitted them for the record.

The causes of domestic violence in American homes, for example, the poverty, unemployment, low prestige, the masculine and feminine stereotypes, the economic dependence of one spouse upon the other, et cetera, et cetera, occur to a greater degree in minority communities in this country. Therefore, we should not be overly surprised that there is a possibility of greater incidence of domestic violence occurring in minority households.

The sexism of this society relegates women to positions of powerlessness. Racism coupled with that sexism compounds the inevitability that national origin women, Spanish-speaking women and their families will suffer from domestic violence. It is a sad commentary that something even our own white sisters are among the perpetrators of that racist oppression.

For example, we have found that most programs that are now in place are not equipped to respond to the needs of Hispanic women. Not one person this morning has addressed themselves to the fact that we need bilingual, bicultural delivery of services. It is necessary that the final legislation and any program regulations on domestic violence include a strong requirement for programs to deliver bilingual, bicultural services to national origin minority women.

Mr. Chairman, I would like to request or ask if you are amenable to having MAWNA's task force on domestic violence work with your committee to make sure that we get this kind of language into that kind of legislation.

Mr. MILLER. We have no problem with that.

Ms. SANCHEZ. Thank you very much. We support the concept of a national clearinghouse, an interagency coordinating counsel, and an immediate campaign. However, there are certain things within those broad categories that we feel are necessary in order to meet the special concerns of Hispanic women.

One, it is absolutely imperative that Hispanic women be actively involved in the designing, planning, and delivery of any program. We are talking about programs in the community. We are talking about programs at the national level. It is absolutely necessary that special efforts be made to educate, inform, and involve our women, so we are talking about bilingual delivery in terms of the mass media. It must reach our communities. We must have representation at all conferences where domestic violence is an issue. However, our community is a poor one, and it is necessary that the legislation earmark moneys for poor women, target women to be able to get to these conferences.

Hotlines must be equipped to respond to emergency calls for non-English speaking victims. The persons that are proposed for the interagency coordinating council must represent the interests of all women in this country, and that is very important to us.

The last one, the last recommendation has to do with research. One of the problems for our community is that statistics are hardly ever collected for the Hispanic community. We have absolutely no idea what is happening with us. Now there is a public law in place that the 94th Congress passed. The Federal bureaucracy is not implementing that public law, and so we feel it is absolutely vitally necessary that the legislation address that.

Ms. MIKULSKI. Which public law is that?

Ms. SANCHEZ. 94-311, which addresses itself to the accounting of the Spanish-speaking, and it is absolutely necessary that the legislation address the fact that the Spanish-speaking must be counted out and they must be counted out by the different ethnic groups within that large category.

Mr. Chairman, MAWNA's task force on domestic violence is a valuable resource on the issue of family violence because we do endeavor to upgrade the status of Chicanos and their many family, personal, and professional roles. Our resources are limited. It is imperative that support be earmarked for support groups such as ours. We have knowledge and access to the best vehicles for reaching our people and involving them in national efforts to prevent domestic violence and to treat its victims. Muchas gracias.

Mr. MILLER. Thank you.

[Prepared statement of Ms. Sanchez follows.]



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California

STATEMENT OF

ELISA MARIA SANCHEZ, PRESIDENT

MEXICAN AMERICAN WOMEN'S NATIONAL ASSOCIATION

before the

SUBCOMMITTEE ON SELECT EDUCATION

COMMITTEE ON EDUCATION AND LABOR

hearing on

DOMESTIC VIOLENCE

March 16, 1978

MR. CHAIRMAN, MY NAME IS ELISA SANCHEZ, PRESIDENT OF THE MEXICAN AMERICAN WOMEN'S NATIONAL ASSOCIATION, (MANA), FORMED IN 1974. MANA REPRESENTS THE INTERESTS OF THE OVER THREE MILLION CHICANAS IN THIS COUNTRY. MANA'S OBJECTIVES ARE TO:

- PROVIDE A NATIONAL FORUM BY WHICH CHICANAS CAN IMPACT ON NATIONAL ISSUES OF CONCERN TO THEM.
- DEVELOP LEADERSHIP AMONG CHICANAS IN THEIR DIVERSE PROFESSIONAL, FAMILY AND COMMUNITY ROLES.

- FURTHER PARITY RELATIONSHIPS BETWEEN CHICANOS AND CHICANAS AS THEY CONTINUE THEIR JOINT STRUGGLE FOR FREEDOM OF THE CHICANO COMMUNITY AS A WHOLE.
- SUPPORT ACTIVITIES OF THOSE ORGANIZATIONS RESPONSIVE TO THE CHICANA QUEST FOR EQUALITY.
- MAINTAIN A COMMUNICATIONS NETWORK FOR CHICANAS ACROSS THE UNITED STATES.
- CREATE PUBLIC AWARENESS FOR THE CONCERNS OF MEXICAN AMERICAN WOMEN.

A YEAR AGO, AT OUR 1977 NATIONAL CONFERENCE, OUR MEMBERS MANDATED THAT DOMESTIC VIOLENCE IN HISPANIC HOUSEHOLDS BE A PRIORITY ISSUE FOR MANA. ALTHOUGH THE MAINSTREAM MEDIA AND THE FEMENIST MOVEMENT WERE ACKNOWLEDGING THAT VIOLENCE OCCURS IN FAMILIES REGARDLESS OF ECONOMIC, SOCIAL OR ETHNIC STATUS AND PROJECTS WERE BEING ORGANIZED TO PREVENT VIOLENCE AND TO TREAT ITS VICTIMS, MANA MEMBERS RECOGNIZED THE NEED TO HELP IN THE DEVELOPMENT OF STRATEGIES WHICH WOULD BE CULTURALLY SENSITIVE TO OUR PEOPLE.

WE NOW HAVE A NATIONAL TASK FORCE WORKING ON THE ISSUE. MANA MEMBERS ARE INVOLVED IN BRINGING ATTENTION TO FAMILY VIOLENCE AS IT AFFECTS HISPANIC FAMILIES IN AT LEAST SIX STATES AND AT THE NATIONAL LEVEL. OUR MEMBER'S INVOLVEMENT

INCLUDES THE PROVISION OF PROFESSIONAL BI-LINGUAL/BI-CULTURAL COUNSELING, STAFFING OF HELP-LINES, MONITORING POLICE RESPONSE TO DOMESTIC CALLS IN CHICANO BARRIOS, AND ACTING AS VICTIM ADVOCATES FOR SPANISH SPEAKING WOMEN IN POLICE STATIONS, HOSPITALS AND SOCIAL SERVICE PROGRAMS. IN KEEPING WITH OUR CULTURAL HERITAGE OF THE EXTENDED FAMILY CONCEPT, MANA MEMBERS OFTEN FEED AND HOUSE THEIR BATTERED HERMANAS.

THE PROSPECT FOR VIOLENCE TO OCCUR IN MINORITY HOUSEHOLDS SHOULD NOT SURPRISE ANYONE HERE. AS IS POINTED OUT IN H.R. 8948, AMONG THE CAUSES OF VIOLENCE IN AMERICAN FAMILIES ARE: POVERTY, UNEMPLOYMENT, LOW PRESTIGE, STATUS INCONSISTENCY, INSECURITY, MASCULINE AND FEMININE STEREOTYPES AND ROLE CONDITIONING, THE ECONOMIC DEPENDENCE OF ONE SPOUSE UPON THE OTHER, THE BURDENS OF CHILDREN AND CHILD CARE, ALCOHOL AND DRUG ABUSE, INADEQUATE HOUSING, UNAFFORDABLE HOUSING, (LACK OF) EDUCATION, AND MENTAL ILLNESS. THE SEXISM OF THIS SOCIETY RELEGATES WOMEN INTO POSITIONS OF POWERLESSNESS THAT CONTRIBUTES TO THE ABOVE NAMED CIRCUMSTANCES. RACISM COUPLED WITH SEXISM COMPOUNDS THE INEVITABILITY THAT NATIONAL ORIGIN AND MINORITY WOMEN AND THEIR FAMILIES WILL SUFFER NOT ONLY FROM DOMESTIC VIOLENCE BUT ALSO FROM OTHER FORMS OF OPPRESSION. IT IS A SAD COMMENTARY THAT SOMETIMES EVEN OUR OWN WHITE SISTERS ARE AMONG THE PERPETRATORS OF THAT RACIST OPPRESSION. FOR EXAMPLE, WE ARE FINDING THAT NOT EVERY PROGRAM IS EQUIPPED TO RESPOND TO HISPANIC WOMEN. IT IS NECESSARY FOR ANY FINAL LEGISLATION

ON DOMESTIC VIOLENCE TO INCLUDE A STRONG REQUIREMENT FOR PROGRAMS TO DELIVER BI-LINGUAL/BI-CULTURAL SERVICES TO RACIAL AND NATIONAL ORIGIN MINORITY PERSONS.

MR. CHAIRMAN, WE WELCOME THE OPPORTUNITY TO PROVIDE RECOMMENDATIONS ON THE CONCEPTS WHICH ARE INCLUDED IN H.R. 7927 AND H.R. 8948. GROUPS LIKE MANA CAN MAKE THE DIFFERENCE ON WHETHER THE LEGISLATION WHICH IS FINALLY ENACTED, WILL INDEED REPRESENT THE CONCERNS OF ALL WOMEN WHO ARE VICTIMIZED BY VIOLENCE.

WE SUPPORT THE CONCEPTS OF A NATIONAL CLEARINGHOUSE, SMALL GRANT ALLOCATIONS TO PROJECTS OPERATED BY GRASSROOT GROUPS, AN INTERAGENCY COORDINATING COUNCIL AND A MEDIA CAMPAIGN. THERE ARE CERTAIN MEASURES WHICH SHOULD BE TAKEN TO INCORPORATE THE SPECIAL CONCERNS OF HISPANIC WOMEN:

AN OVERALL RECOMMENDATION IS THAT BI-LINGUAL/BI-CULTURAL PERSONS, PARTICULARLY WOMEN, MUST BE INCLUDED IN EVERY ASPECT OF THE BILLS' IMPLEMENTATION. IT IS IMPERATIVE THAT HISPANIC WOMEN BE ACTIVELY INVOLVED IN THE DESIGNING, PLANNING, AND DELIVERY OF THE DESCRIBED PROGRAMS. SPECIAL EFFORTS MUST BE MADE TO EDUCATE, INFORM, AND INVOLVE OUR WOMEN. THIS MEANS THAT IF INFORMATION IS TO BE COMPILED AND DISSEMINATED, IT MUST REACH OUR COMMUNITIES. WE MUST HAVE REPRESENTATION AT ALL CONFERENCES AND MEETINGS. OUR POPULATION IS A POOR ONE. THEREFORE, FUNDS SHOULD BE

EARMARKED TO PERMIT AND ASSURE THAT SUCH WOMEN WILL PARTICIPATE. LOCAL HELP-LINES MUST BE EQUIPPED TO RESPOND TO EMERGENCY CALLS FROM NON-ENGLISH SPEAKING VICTIMS. ANY RESEARCH CONDUCTED TO DETERMINE INCIDENCE AND CAUSES OF VIOLENCE MUST INCLUDE BREAKOUTS FOR ALL GROUPS INCLUDING MINORITIES OF NATIONAL ORIGIN.

TOP LEVEL, POLICY-MAKING AGENCY REPRESENTATIVES SHOULD BE APPOINTED TO THE PROPOSED INTERAGENCY COORDINATING COUNCIL. THOSE PERSONS MUST FURTHER REPRESENT THE INTERESTS OF ALL WOMEN IN OUR SOCIETY.

THE PROPOSED MEDIA CAMPAIGN SHOULD AGAIN, INCLUDE LANGUAGE THAT WILL ENSURE THAT IT REACHES ALL SEGMENTS OF OUR POPULATION.

MR. CHAIRMAN, MANA IS A VALUABLE RESOURCE ON THE ISSUE OF FAMILY VIOLENCE. BECAUSE WE DO ENDEAVOR TO UPGRADE THE STATUS OF CHICANAS IN THEIR MANY FAMILY, PERSONAL AND PROFESSIONAL ROLES, OUR RESOURCES ARE LIMITED. IT IS IMPERATIVE THAT SUPPORT BE EARMARKED FOR NATIONAL GROUPS LIKE MANA. WE HAVE THE KNOWLEDGE AND ACCESS TO THE BEST VEHICLES FOR REACHING OUR PEOPLE AND INVOLVING THEM IN OUR NATIONAL EFFORTS TO PREVENT VIOLENCE AND TO TREAT ITS VICTIMS.

WE FEEL THE RECOMMENDATIONS PRESENTED DURING THIS HEARING WILL BRING US CLOSER TO ADDRESSING THE PROBLEMS OF THE VICTIMS OF DOMESTIC VIOLENCE.

THANK YOU.

Mr. FELDMAN. Unless there is some objection, we would like to present our testimony now, because we are late for an appointment.

Mr. Chairman and members of the House Subcommittee on Select Education, my name is Harold Feldman. I am a professor at Cornell's Department of Human—Incidentally, I am also on the faculty of the women's studies there. I am in Washington, D.C., as part of the visiting scholar program of the American Home Economics Association Center for the Family. With me today is Dr. Kinsey Green back here, who is executive director of the association.

The Center for the Family is a program component of the American Home Economics Association, a national professional association of home economists who work in a variety of education, service, and research settings, all with the goal of promoting optimum development of the individuals within the family environment.

The center conducts its program in collaboration with other professions and associations directing resources to research on the aging, seminars for community leaders, and maternal and child health, and the prevention of birth defects, promotional model programs in family life education, and advocacy for supplementary services to families of the handicapped and the conduct of forums on national issues and national policies which affect the family.

It is in this regard that we are here today. We appreciate the opportunity to try to add further insights into the needs of families as well as to offer some recommendations for legislation that will soon be considered by the House and Senate subcommittees.

Your subcommittee is certainly to be applauded for holding these hearings. I will skip the rest of that part of it, if you don't mind, and try to get on to the substance of what I have to say. Also, it does not appear necessary to repeat the long and growing litany of statistics about violence, et cetera, but one of our strongest recommendations that we believe that we can make is that the abused woman must feel that she can be protected. If her home is unsafe, then she must seek shelter elsewhere for herself and for her children, if necessary.

Because of the often serious emotional and physical needs of the woman seeking shelter, the kinds of services at the shelter must include health services, emotional and legal counseling, and at a later time job counseling if necessary. A woman must need to know where she can turn for help where there are already existing shelters or support groups. There is an informal information network developing, but there needs to be a more systematic way of making this information available either through hotline numbers or through state and regional directors.

Police departments and the entire criminal justice system must provide protection for this abused woman, and this we feel very strongly. If there is clear evidence that a crime has been committed, then the justice system must assume that the woman needs protection. Police must make it clear that they are on her side, or whoever it is that is being abused, instead of standing by and trying to get out of there.

In many cases, this would require retraining of police personnel to be more sensitive to and to be more assertive in relation to the

victim's needs. As the matter now stands, assault between spouses is now a crime that is treated in a very special way, often to the detriment of the woman who is in most cases the victim. She usually does not have an advocate among police departments or other elements of the criminal justice system. She is treated and blamed as a victim more often than not.

The woman or man, who ever is the perpetrator must know that the police and the courts take the crime of domestic violence seriously. Other criminal actions are defined often by degree and intent. In the case of violence in families, even when there is evidence of threat or actual assault, women do not receive protection by the police. We don't usually ask other criminals about the effect on their families before they take any action about a crime that has been committed.

If somebody robs a bank, we don't say, well, let's see, before we put you in prison, we should find out, you know, is your family going to be able to get along all right. We treat that as a crime first, and women who are in these situations require that kind of police protection. Police should be policemen, and not try to be what they are not, which is social workers. Social workers should deal with the problem later. If the perpetrator is sentenced, then probation and parole must be continued for an extended period. In other words, the offender will know that if they commit this crime again, they will go to prison again.

At present, this is so poorly handled, and the woman has no protection in this situation. He can continue abusing her with little or no consequence to his own self and his own life. While the immediate needs of family crisis must be met, the shelters and services provided are only a temporary panacea. We must emphasize and insist upon preventive and far-reaching measures that will diminish the prevalence of violence in families, that will help root out the causes of this behavior, and that will promote healthy and stable families in our society.

Educational curricula must focus even more on the developmental experiences of individuals from childhood through adulthood. Education must prepare children for the multiple roles they will play in an increasingly complex and rapidly changing society, where more women than men will share work in the home and in the paid labor force. We need to teach people alternative ways to cope with stress and frustration, and emphasize in our educational process that violence is not an acceptable mode of behavior or solution to problems. We must speak out against this, and people who are important like yourself, who are doing that, are to be commended.

Most people think that violence is part of the American scene, and it is perfectly all right. We must recognize the need to provide supplemental services to all families, whether it is family counseling, in-home services, assistance of any kind that will meet the physical and emotional needs of any family. There is much that we know from research into the problems of domestic violence, the prevalence, who the victims are. We can use this research to design treatment programs and to help train personnel who will work in shelters and in treatment centers, hospitals, schools and other such agencies.

We can evaluate program successes and adapt the successful features to new programs. We recommend, however, that those who are most affected by their problems and who have experience in delivering services be included in decisions to establish research priorities and the research objectives, that they have final decision-making about what kinds of research is done, and therefore there is a likelihood that this research will also be utilized, and perhaps organizations like NIH and other very important research organizations can continue doing basic research into these fields.

I feel very strongly that the kinds of research that this group funds is research that meets the needs of those who are out there in the field working every day with these kinds of problems. We are not sure where the programs to treat and prevent family violence should be housed. Although both the Administration for Children, Youth, and Families and the ACTION agencies have served people in the communities very well or may have, we believe that neither agency is a completely satisfactory solution for administering the program. The strength of ACTION's program clearly lies in its flexibility of working with different communities and their needs, but violence in families is volatile and may need special kinds of training for persons that may be beyond that which can be provided in the short time by an ACTION program.

Mr. MILLER. Excuse me. I am going to have to ask you to submit the rest of your testimony, because we are going to run into a problem here. I am going to have to be on the floor at 3 o'clock to take up my post on the Humphrey-Hawkins bill. I am afraid we are going to run into a vote. I appreciate your testimony and the involvement of your organization. I look forward to working with you, and hopefully have your support as we continue to try to lift some of the restrictions on how home economics moneys are used in our schools or Vocational Education Act.

As you know, Mr. Perkins and I last time that came around sought to diversify the uses to which that could be put in teaching people about the problems of the family and lifestyles and remedies and so forth that were available to them. So, it is not an insignificant amount of money that we appropriate every year to that, to the cause of traditional home economics. Thank you very much for your testimony.

Ms. TINKER. Mr. Chairman, I am Bonnie Tinker, and I am chairperson of the National Coalition Against Domestic Violence. During these hearings, you will hear the painful stories of women who have suffered great violence at the hands of those they love. You will hear the frustration, anger, and despair of victims, law enforcement officials, lawyers, and social workers as they tell of being overwhelmed by the extent and complexity of this problem. You will hear the personal feelings of what it is like to be beaten, and professional opinions on why it happens, and how to respond both to the victim and the assailant, and then you will make decisions on how the Federal Government might address these needs.

I am here to speak on behalf of the National Coalition Against Domestic Violence. We are representative of the more than 300 grassroots groups throughout the country currently providing shelter or

other direct services to victims of abuse. Our members are from diverse racial, social, and economic backgrounds. I would like to emphasize that we certainly support Ms. Sanchez's concern that the needs of minority groups be considered throughout in the subject of domestic violence. Most importantly, we are here to speak to you on behalf of all of the women who have found the courage to say:

Enough. We will not live our lives in fear and degradation. We will not raise our sons to be violators and our daughters to be victims. We will rescue ourselves and we will use what we have learned to help others who are trapped in the cycle of violence.

I want to say to you quite simply, we are here. We are the essential source of the great national outcry about battered women. We know our problems. We know our communities. If you want to help us, give us as much money as you can, as quickly and as directly as possible. Administer the money in a way that give us easy access to the decisionmakers. Write the guidelines so that we can understand them.

We would be pleased to assist by participating in a peer review panel. Let us share with you what we have learned during the past several years.

From my experience, I believe that funding small community-based programs which involve battered women in the decisionmaking process is the most effective way to aid victims of domestic violence. These programs have enabled battered women to make basic changes in their lives quickly, effectively, and at relatively little cost. As the chairperson of the national coalition, I am in close contact with these groups. Most of us began with little or no funding, administrative expertise, or established community support. Through the last few years, however, we have sheltered thousands of women and children, and established hotlines and support groups in most of the major cities as well as in many rural areas. We have provided the stepping stone for the battered woman to escape her world of isolation and violence.

Our communities have recognized both the sincerity and viability of our work. Established institutions and agencies are now turning to us for guidance as they begin to address the issue. I might add, by the way, that if money becomes available to pay for this training, we would be more than happy to be compensated for our services. Public response is being expressed through growing concern and commitment to meeting the needs of victims of domestic violence.

Our programs do meet these needs. Many of the women who have come to us are now back in the community offering shelter and support to other victims and their families. In the long run, these programs are selfsustaining due to significant community involvement and support. They represent an efficient use of resources.

Our programs work because we begin with a personal knowledge of the effect of violence. We know that battered women are almost always dependent upon someone else for their survival. It is common to describe them as passive, having no selfconfidence and unable to set their own goals. I have known strong, independent women who have been reduced to being unable to make a single phone call on their behalf.

In order to break the cycle of violence, these women must first free themselves from their traditional dependency upon others for their economic, social, and psychological well-being. Our programs, which rely upon the peer selfhelp model, provide an effective alternative to tolerating violence.

I urge you to support legislation which gives top priority to funding community based, direct service programs and networks which rely upon the guidance of victims of violence. I suggest that any research which is funded be directly grounded in these programs. Regional and national networks and clearinghouses for information are emerging. The National Coalition Against Domestic Violence represents a composite of these groups.

I urge that the work and concerns of these programs be recognized and supported as legislative and other remedies are developed. In considering where this money should be placed, I would like to express appreciation for the concerns raised by Representative Mikulski in her testimony. The national coalition is concerned that this money not be splintered up and lost in a bureaucracy that is not easily understood by grassroots groups. We are concerned that funds reach local groups as directly as possible, and in a way which enables these groups to determine for themselves how they can make the best use of this money, the central coordination of information and decisionmaking on a national level that is directly responsive to our needs and input. We will be happy to assist in determining the best way to address these concerns.

On behalf of the national coalition, I want to express my appreciation to all of you for your concern in addressing this issue on a legislative level. We look forward to working with you.

Mr. MILLER. Thank you.

[Prepared statement of Ms. Tinker follows:]

Statement from the

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

Submitted to the

Select Education Sub-Committee of the House  
Committee on Education and Labor

prepared by:

BONNIE TINKER,  
Chairperson

P.O. Box 40132  
Portland, Oregon 97240

During these hearings you will hear the painful stories of women who have suffered great violence at the hands of the hands of those they love. You will hear the frustration, anger, and despair of victims, law enforcement officials, lawyers, and social workers as they tell of being overwhelmed by the extent and complexity of the problem of domestic violence. You will hear the personal feelings of what it is like to be beaten and the professional opinions of why it happens and how to respond to both the victim and the assailant. And then, you will make decisions on how the federal government should address these needs.

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I urge you to support legislation which gives top priority to funding community based, direct service programs, which rely upon the guidance of the victims of violence. I suggest that any research which is funded be directly grounded in these programs. Regional and national networks and clearing houses for information are emerging. The National Coalition Against Domestic Violence represents a composite of these groups.

I urge that the work and concerns of these programs be recognized as legislative and other remedies are developed.

On behalf of the National Coalition, I want to express my appreciation for your concern. We look forward to working with you.

Mr. ANTLER. My name is Stephen Antler, of Boston, Mass. I am currently teaching at the Boston School of Social Work in the School of Social Work Policy. Today I am here representing the National Association of Social Workers. You have my written comments, and I would like to depart from them, if I may, just to underscore some administrative program issues which I think in part have been raised today but which I think could be emphasized.

In many ways, the legislation that is proposed has some similarity to the initial legislation that established the National Center on Child Abuse and Neglect, and consequently I think there are some lessons to be learned from the experience of the national center in establishing this kind of program. I would like to review just a few of the things that I think might be helpful in planning this legislation.

First of all, there is a need for a rational funding strategy. That is, one, since you are attempting to set up demonstration programs, in order to give you some results which are useful, have to have an underlying set of hypotheses that can be tested nationally. The research strategy that develops after the funding is done usually is inadequate and does not give you any answers as to the kinds of programs that work better or cheaper or that ought to be replicated. So, research strategies ought to be linked to funding strategies even before the funding is done. This may mean spending some money preparing this kind of plan before actually giving money out to the communities. I recognize this is a hardship for many community groups, but it seems to me for the long-term success of this kind of program, it represents a reasonable approach.

Second, I think that the focus of the legislation, which seems to stress funding small programs rather than large-scale demonstrations which cost hundreds of thousands of dollars and which will in no way be replicated by the Federal Government nationally makes a lot of sense. The NCCAM programs, many of which were funded to hospital and medical centers, and into which were poured expensive talent for relatively small numbers of people, might have been successful in their outcome, but because of their costs and because of the limited resources that could be applied to these programs, really, it stood very little chance of being expanded nationally.

Third, the area of publicity is one that has disturbed me with the child abuse program and I find it troubling in wife battering programs as well. One of the things that happened, and I am sure this committee is quite aware of it, is that when publicity was sent out into the community about reporting child abuse, hundreds of thousands of reports came into public social service agencies. They had very little capacity to respond to these reports. What they tended to do therefore was to focus their efforts on the most serious cases, particularly battering and situations which were lifethreatening. I think this kind of strategy, unless it is backed by the existing services in the community, erodes public confidence in social welfare programs, either volunteer or public.

There ought to be some effort to coordinate these efforts.

Finally, I think we have to look at battered spouse programs as being two-tier services. In other words, they operate on two separate tiers. The first are the protective and emergency service, the hostels, and these seem to have gotten their greatest support from voluntary groups, which have been very successful in obtaining community support in establishing the resources that women and children need for quick intervention and early help, but secondary services, the long-term counseling, the long-term assistance in establishing a new lifestyle, if that is what is required, may require more professionalized services than the voluntary programs are capable of providing. I think we ought to look at these as being separable in terms of the kind of funding that the program ultimately delivers.

Lastly, I would just like to offer to the committee something that some students of mine at Boston University prepared for the Massachusetts Department of Public Welfare. I asked them to give it to me. Unfortunately, I don't have enough copies to distribute around. It is a set of funding guidelines which has been adopted by the State of Massachusetts, which might be useful to the committee in preparing legislation, since it does tend to emphasize very simplified funding guidelines and focuses on the funding of community programs.

As you may know, Massachusetts has passed a bill of its own which allocates—I think it is about a quarter of a million dollars to the support of these kinds of programs. Thank you very much.

[Prepared testimony of Mr. Antler follows:]



NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.

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TESTIMONY

BEFORE

SELECT EDUCATION SUBCOMMITTEE

U.S. HOUSE OF REPRESENTATIVES

PRESENTED BY: STEPHEN ANTLER  
ASSOCIATE PROFESSOR  
SCHOOL OF SOCIAL WORK  
BOSTON UNIVERSITY

ON BEHALF OF: THE NATIONAL ASSOCIATION OF  
SOCIAL WORKERS  
1425 H STREET, N.W.  
WASHINGTON, D.C. 20005

MARCH 16, 1978

MR. CHAIRMAN,

my name is Stephen Antler of Boston, Massachusetts.

I am currently an Associate Professor of Social Welfare Policy at the Boston University as well as a consultant to several DHEW projects dealing with child abuse training and the evaluation of child abuse demonstration program.

It is my privilege today to appear before this Committee as a representative of the National Association of Social Workers, a professional organization composed of 79,000 members.

Last week a colleague of mine, Elizabeth Davoren of Tiburon, California testified before the Senate Subcommittee on Human Development (I believe you have her testimony available). Rather than restate her ideas, let me briefly summarize the perspective she took, expand upon some points and raise some additional issues for your consideration.

It is our view that the causes of the problem of family violence cannot be isolated from other forms of family violence including child abuse and sibling abuse. Indeed there is considerable evidence that many of these events originate from similar sources and tend to be located in homes in which unemployment, low income, and alcoholism are factors and in which the individual histories of family members suggests the learned use of violence responses to stress. Because of the similarity of these problems, it would seem logical that the programs should be closely linked administratively within the Administration of Children, Youth and Families.

Our support for ACYF administration of programs on family violence derives out of a strong conviction that a central focus for family and children's programs must emerge within DHEW if Secretary Califano's commitment to a greater emphasis on family concerns is to be realized within the foreseeable future. Further, fragmenting family programs by dividing them among numerous agencies will not help in the construction of an integrated, coordinated service, delivery system. For a fuller discussion of these issues, I refer you to Ms. Davoren's testimony.

We believe also that there are numerous lessons to be derived from the experience of HEW in administering the program of the National Center on Child Abuse and Neglect. Since there are some similarities between the two approaches, I would therefore like to review some of the issues.

1. There should be a careful planning process which precedes actual funding. The NCCAN demonstration funding strategy was developed in a way which inhibited systematic evaluation of comparison between approaches. The new program on family violence should carefully structure its demonstration strategy with a view toward producing meaningful evaluations which can provide some clearcut guidelines as to preferable approaches. This may mean that several months or longer may be needed simply to develop a strategy that can be evaluated. Thus, the program should not be pressed into expending funds precipitously.

2. A carefully coordinated program of publicity should be developed which is designed to remove the stigma of seeking help from a family violence program. For example, the NCCAN successfully initiated a national effort to publicize the problem of child abuse and make it more likely that abuse and neglect would be reported. Unfortunately while the volume of reports increased rapidly, the resources to deal with the problem uncovered were not similarly expanded. To stimulate the victims of family violence to seek help while not providing the resources needed may result in placing victims under further jeopardy. Great caution must be exercised to match needs and resources in the sensitive area.

3. The demonstration program funding strategy developed by the new agency should reflect a realistic assessment of the potential resources which can be made available nationally. An elegant demonstration program, staffed by expensive interdisciplinary teams of psychiatrists, lawyers, social workers and psychologists does not seem sensible in the face of fiscal realities. It is more effective to fund modest and feasible demonstration projects which can be replicated throughout the nation.

4. Alcoholism and drug abuse seem to be closely associated both with child abuse and other forms of family violence. Consequently, special efforts should be made to coordinate funding of programming strategies with other agencies involved in similar program efforts. A number of programs with HEW,

NIMH and the Department of Defense have been developed over the last few years to attack alcoholism as a problem primarily of individuals. Linking these programs to family violence and child abuse and neglect programming may suggest new strategies for all these areas and may stimulate creative new approaches.

5. The efforts of self-help groups volunteers and professionals should be viewed as part of a system of approaches which complement each other.

Spouses who seek refuge from violent homes need both primary and secondary services--primary services, the provision of temporary shelter, supportive emotional help and protection. These efforts have been pioneered by volunteered groups and supported by the professional social work. While these programs provide a non-stigmatizing gateway out of often embarrassing violent home situation, they usually must be buttressed by secondary services such as legal aid, income assistance, job counseling as well as counseling to assist the individual in developing a new life style in assuming new responsibilities of an independent person. Consequently, programs funded through this legislation should be comprehensive in scope to reflect the diverse needs of the complex circumstances triggered by family violence.

6. Police intervention and judicial remedies have need to be made more effective in protecting the victim of family violence.

Legislation and police practice must be developed to provide effective protection to spouses victimized. While model legislation is a frequently used strategy for stimulating local legislation, a police force buttressed by a better training program and a more effective monitoring of the court system is essential. The informal refuge system of self-help organizations which have been so prominent in the treatment of victims emerged, at least in part, out of a recognition that law enforcement agencies could not provide sufficient assistance or protection. Physical assaults within the family must receive more rigorous responses from law enforcement agencies.

Finally, the Congress can offer important resources to individuals of families threatened by violence in the family. However, development of limited purpose programs to respond to specific social problems should not obscure the need for more comprehensive support for family life. We are pleased that the Congress has recognized the need for comprehensive approaches toward family life development programs. Of professionals engaged in work with families throughout the nation, social workers are aware of the importance of new initiatives directed towards the family. We fervently hope that legislation directed toward the elimination of family violence results in overall better governmental programs for the family.

Thank you for the opportunity to provide our comments to you today.

Ms. RAMARES. Mr. Chairman, Representative Mikulski, I am Ana Ramares, the chairperson of the Monroe County, Indiana, Task Force on Federal Family Violence Legislation. This group was constituted specifically to give Monroe County's input into this particular series of legislation which is coming up, and interestingly enough, I have gotten a lot of feedback from people in Monroe County who are interested in this issue telling me to continue with the work of the task force. The task force has prepared a report, which I will submit to you and request that it be inserted into the record.

We welcome the Federal Government's interest in the crisis which is family violence, and we perceive Washington's role in this area as one of furnishing the resources necessary for communities to combat the problem as they deem best. Some of Monroe County's finest efforts have collapsed, not because of lack of commitment or a lack of demonstration of need, but because of lack of steady, secure funding. One very big example of this was the Bloomington Women's Center, which was a small group of women who bought a house and opened it up as an emergency shelter, and as a meeting place for various women's groups. Eventually, there was just not enough money to meet the mortgages. A small group of private people could not get grant money to continue on with the program, and now the only emergency housing we have is the Perry Township emergency housing program, which takes care of all things in addition to battered women, in other words, fire, flood, and all kinds of services.

We recommend that the thing to be avoided most is the creation of another level of expensive Federal bureaucracy which deluges State and local programs with paperwork and which channels into administration scarce resources which are better spent on services.

Congress, in designing this legislation, should make the most use possible out of pre-existing facilities such as State and local mental health agencies. Representative Mikulski, I realize you have certain problems with that. We in Indiana have on the State and on the county level mental health agencies which could move into this area. In fact, the mental health clinic is one place where women in Monroe County can go for counseling currently, so at least for us it is one way of getting programs started. People in Indiana, the State government of Indiana is notoriously reluctant to get involved in Federal programs. They don't make as much use of the funds that are available. To entice Indiana into doing more, the thing to do is get the State involved with as little Federal bureaucratic involvement as possible, because the need is definitely there among Hoosier women.

We recommend that Congress depart from the practice of giving seed money to local programs and then dropping out of the picture after a few years. Rather, we urge long-term commitment of resources by the Federal Government in the area of family violence. While it is reasonable for the Federal Government to expect States and localities to shoulder their fair share of the costs of these programs, Washington cannot merely be a prime mover if the elimination of family violence is to be seriously considered a national policy. Once again, we have the difficulty where demonstration grants and

seed programs, the need of which was clearly, clearly demonstrated, only collapsed later on because the Federal Government dropped out.

During the sixties, Monroe County was made a model program county, and there were about 11 or 12 different social programs, demonstration programs going on in Monroe County, all of which the need was clearly demonstrated for. However, when the Federal Government withdrew that initial support, the local government was not able to take over 12 programs, even though all 12 of them were needed.

The area of family violence must not be treated similarly to regular poverty programs. Family violence knows no economic boundaries. The victim's level of income should not play a part in determining eligibility for programs of these types. For example, it is not fair to assume that the battered woman who has an income greater than 125 percent of the Federal poverty level would have access to an attorney or would even know where to find one.

If fees are to be charged for any services such as legal services, a sliding scale cost system should be used instead of an arbitrary figure which eliminates people in need of services from participation in a program. The 125 percent figure I used is drawn from our legal services bureau, which is part of our Monroe County community action program. Middle class women in trouble in a violent situation, not knowing where to go, have come to the community action program seeking legal advice, and they had to go through a screening process, they had to go through referrals to other agencies to find lawyers, because they did not qualify for this program, and when you are in such a traumatic state, you don't want to have to be chasing down lawyers and going through referrals and screenings.

There are two areas of major concern to the task force. First is the problem of outreach to rural communities. Experience in Bloomington, our county seat, shows that information concerning services available to abuse victims is not as widespread as it should be. If this is true in the city, where most of the services are located, it is reasonable to assume that in the outlying areas, the lines of communications are even weaker. Family violence does not stop at the city limits. The legislation should embody a commitment to providing rural families with information and transportation to services if that need be demonstrated.

We have also noticed a certain reluctance on the part of rural people to accept social services, particularly where the Federal programs are concerned. Our rural citizens are happy with Federal programs such as legal services, medicare, and Head Start, once they become involved, but getting them involved initially is a sensitive issue, especially in such an emotional and personal area as family violence. A proposal made by one of the task force's associate contributors is that a rural woman, perhaps herself a former victim, be recruited and trained by a local group to be an outreach worker. She would gradually win the confidence of frightened and often isolated abuse victims so that they would feel encouraged to ask for the help they so desperately need. The key again is local control of the program.

The second important issue is that of establishing a network of long-term support services for victims, especially for women who choose to terminate their relationships with the men who abuse them. It is extremely difficult for these women to establish independent lives, especially if they have low levels of education, limited job skills, or are raising children, or if they have suffered physical or mental damage from their ordeals, which could hinder them in seeking or holding a job.

We have noticed in discussions of the situation in our Monroe County prosecutor's office that there is some special sympathy in the area of child abuse for the victims, because children are per-

A number of the people I have talked to in various parts of the battered, if he is old enough, the worst he can do is run away and probably get himself in some more trouble, but an adult woman is seen as an independent agent who has the choice of walking out and making a new life for herself. However, for a woman to realistically be able to change her situation, she must have support systems available throughout the arduous readjustment period. The whole system of legal services alone takes enough time. By the time she gets a divorce—in Monroe County it is suggested that she pursue a divorce before she comes to press criminal charges. By the time she goes through that whole series of steps alone, she has to have some kind of support to keep her going or else she will go right back to the abuser, because she will feel she has no place else to go.

It is not enough to be able to walk out the door when violence strikes. The woman must be able to walk toward a viable alternative lifestyle. Emergency housing is not enough.

In conclusion, for the moment let me say that impetus to obtain help must come from the victims themselves. Organizations such as the hospital, the community ACTION program in Monroe County do not push the woman to a specific alternative; even though a worker may feel that a woman should leave the situation, she is never pushed in that direction, but once help is requested, a well-integrated, balanced program of emergency and long-range support services must be available to enable victims to break the cycle of violence. A national commitment of resources, coupled with a grass-roots effort at meeting the crisis in a spirit of empathy, trust, and mutual respect, will make great strides in enhancing the American lifestyle. Thank you.

[Prepared testimony of Ms. Ana Ramares follows:]

## MONROE COUNTY, INDIANA, TASK FORCE ON FEDERAL FAMILY VIOLENCE LEGISLATION

Ana Kellia Ramares, Chairperson

Members

Jane Cullen, attorney, on behalf of the Bloomington Coalition  
Farela Kroll, Co-ordinator, Perry Township Emergency Housing Program  
Jessie Lovano-Kerr, Dean of Women's Affairs, Indiana University, Bloomington  
Linda Teyton, on behalf of the Bloomington Organization for Abused Women  
Julia Wilder, Chairperson, Bloomington Commission on the Status of Women  
The Hon. Marilyn F. Schultz, a State Representative from Bloomington  
Charlotte Zietlow, businesswoman; member, Bloomington City Council, 1972-75;  
Council President, 1972-73.

Associate Contributors

Charles C. Astell, Chief Investigator, Monroe County Prosecuting Attorney's Office; Trisha Bracken and Susanne Cushman, Office of Women's Affairs, Indiana University, Bloomington; Nancy Brand and Karin Ford, Board members of the former Bloomington Women's Center; Susan Chitwood, legal services specialist and Phyllis Brindle, Director of Planning, Monroe County Community Action Program; Ruth Gray and Judith Talley, past and present directors respectively of the Social Services Department, Bloomington Hospital.

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TESTIMONY FOR HEARINGS BEFORE THE  
SELECT EDUCATION SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR  
UNITED STATES HOUSE OF REPRESENTATIVES

95th Congress  
2nd Session

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March 16, 1978

Washington, D.C.

## HOW THE TASK FORCE BEGAN

In the fall of 1977, an article appeared in the Louisville (Ky.) Courier-Journal about the Lalulski and Boggs-Steers bills on Family Violence. The article drew the attention of the Legislative Action Committee of the Women's Caucus at Indiana University School of Law - Bloomington. The IAC decided to monitor the progress of the bills.

In early February, 1978, Ana Kellia Ramares, co-ordinator of IAC, received a newsletter from the Center for Women Policy Studies, Washington, D.C. announcing that the bills were due to be scheduled for hearings in the House of Representatives, and that citizen input in the development of the legislation was requested.

As a project of the Legislative Action Committee, Ms. Ramares founded a study group whose members were given copies of the proposals, and related materials. They were asked to read the bills and offer their recommendations as to what the Federal government should do in this area. When the membership grew and it became apparent that a formal report could be sent to Washington, the group was re-named the Monroe County, Indiana Task Force on Federal Family Violence Legislation, with Ms. Ramares serving as the chairperson.

Response to the formation of the Task Force has been unanimously favorable in Monroe County. Mayor Frank McCloskey of Bloomington applauded the effort and offered the names of several people who made substantial contributions to this report. As the information was being gathered, so also was feedback indicating interest in the continuation of the Task Force beyond the legislative hearings.

The "formal" membership represented legislative, organizational and academic perspectives. Members enthusiastically passed the materials around to their staffs or organizations. Others, who were not contacted initially, were interviewed prior to the drafting of this report. The scope of the report has been broadened in order to give a birdseye view of the type of problem Monroe County faces and how the situation is dealt with by different sectors of the community.

The Task Force welcomes the Federal Government's interest in the crisis that is family violence. Such violence is finally gaining recognition as a nationwide problem which knows no racial, cultural, geographic or economic boundaries. We wish to emphasize that the situation is best dealt with on a grassroots level, but that the Federal Government bears a responsibility to help furnish the resources necessary for communities to effectively combat the problem. Some of Monroe County's finest efforts have collapsed, not due to a lack of interest or need, but due to a lack of funds. No victim of family violence must be denied desperately needed aid because an interested and sympathetic community lacks the resources to extend a helping hand.

## ON CAMPUS

The Office of Women's Affairs at Indiana University - Bloomington has received several calls from abused wives and girlfriends on campus. The extent to which spouse abuse is prevalent on campus is unknown, but both the Office of Women's Affairs and the Indiana University Police Department suspect that there is a substantial amount. Most couples on campus are young, and many have small children. Financial and academic pressures are added stress factors which can lead to violence.

At first, the Dean of Women's Affairs, Jessie Lovano-Kerr, was surprised to hear of the problem. One often gets lulled into a sense that the nastiness of "The Real World" stops at the campus gates. She is interested in investigating the extent of the campus problem in order to determine the need for a campus shelter and/or hot line. There are currently no services on campus to deal with the problem. A student seeking help is told about the Perry Township Emergency Housing Program and the Women's Crisis and Rape Service.

The question is how to get reluctant victims to express their need. Ideas include a questionnaire circulated through married housing by the campus Psychiatric Services, or perhaps a general information story in the Indiana Daily Student which hopefully would prompt victims to come forward and ask for help.

A campus shelter would probably not be open to community residents. One reason is that the University would not want to open itself to possible legal problems surrounding a community shelter on campus. Also, it is possible that the community would not make use of such a University facility. The Women's Crisis and Rape service is not trusted by some community women because of the mistaken notion that it is an arm of the University. Bloomington, like many

And then, there were always the women who returned to their husbands because they felt they could do nothing else....

#### MCGAP

The Monroe County Community Action Program, hereafter referred to as CAP, has no set procedures for handling abuse cases; each case is handled individually. However, the goal of CAP is the same as that of the hospital, i.e. a determination of the wishes of the woman and efforts to hook her up to the services she wants.

Fyllis Brindle, Director of Planning, notes that Bloomington is not equipped on a large scale to handle battered women. Therefore CAP supports the grant proposal submitted to the Indiana Office of Manpower Development by the Bloomington Commission on the Status of Women, which requests funds to allow the Bloomington Organization for Abused Women (BOAW) to set up a model Women's Center. One function of the Center would be to serve as a shelter for abused women and their children. (See subsequent section on shelters). The Center would also serve rape victims.

It is unknown at this time whether the funds will be allocated. Susan Whitwood, intake specialist at the Legal Services Bureau, (the legal arm of CAP), has said that the key to winning the grant lies in providing a viable plan to protect such a shelter from interference and disruption by violent men looking for their victims. In some larger cities, shelter locations are well-guarded secrets. However, Bloomington is too small for a shelter to remain secret for very long.

CAP also researches the woman's legal rights and makes referrals to mental

assistance in defining the options which are open to her. So far no woman has taken advantage of the follow-up appointments.

If a woman chooses not to return home, the social services department determines which programs suit her wishes and hooks her up with the appropriate community agencies. Some transportation is provided. Most women have friends or relatives who can house them at least temporarily. If this is not the case, the woman is put in contact with the Emergency Housing Program run by the Ferry Township Trustees' Office. Ferry Township tries very hard to handle the emergency housing needs of abuse victims; that program is the only thing currently approximating a shelter in Monroe County. However, Ferry Township handles all types of emergency housing cases, e.g. fire and flood. Therefore, if the abuse victim can not be placed by Ferry Township, the social services department has a limited budget which they are authorized to use to temporarily house victims at Hotel Sir. So far, that has not been necessary. In fact, no victims have requested help from the department in over a month.

There are women who just do not want to discuss their problem. They come to the emergency room solely for the purpose of being patched up, after which they go back home. There are many reasons why a woman who is injured badly enough to require emergency room treatment returns to her husband. The following list does not pretend to be a complete list of possibilities.

- Some had seen their mothers abused and accepted abuse as a way of life.
- Some felt guilty about leaving their husbands. Some felt they had a responsibility to try to save them, especially where alcohol was involved.
- In cases where child abuse was also involved, the women would oppose the mistreatment of the children as best as they could personally, but would not report the problem in order to protect their husbands from possible arrest.

health and drug abuse agencies when alcohol or drugs is also a problem. Other than that, CAP does nothing itself for abuse victims. It does not have enough funds to run its own program and such a program is not in the project goals for 1978. CAP is also anxious not to duplicate the efforts of other service groups. Although CAP had no estimates as to the number of abuse victims it sees a year, the number is relatively few compared to the Prosecutor's Office ( 50-100 per year) and the Perry Township Emergency Housing Program ( 62 women and 2 men in 1977). But CAP, like the Prosecutor's Office and Perry Township, noticed an increase in case reports following the blizzard of January, 1978.

CAP sees the need for a well-integrated community based program for abuse victims which would include follow-up programs which would support the victim beyond the initial crisis which prompted her to seek help. Currently, there is precious little in the way of long-range support systems, especially for the women who choose to leave the violent situation and start a new independent life.

The Legal Services Bureau (LSB) is jointly operated by the Monroe County Bar Association and MCCAP to:

- 1) Assure on-going legal representation of the low-income community that is not dependent on outside funding, thereby institutionalizing legal aid to the poor in Monroe County.
- 2) Provide comprehensive legal services and legal education for up to 500 low income families in Monroe County by utilizing the donated services of local attorneys and administrative resources of MCCAP.
- 3) Assure a thorough screening and referral procedure to determine financial eligibility and that legal services are reasonably likely to be required thereby eliminating unnecessary work by volunteer attorneys.
- 4) Collect data on legal needs of the low income community by utilizing the services of the Monroe County Bar Association, Indiana University and administrative resources of MCCAP.

University communities, suffers from a "town-gown" split.

Students facing this problem need to become aware that they are not alone. It is also hoped that women who are seeking higher education will be able to achieve a level of economic independence that will enable them to leave violent situations if they so desire. Women, both on and off campus, need to be taught to realize that even if they choose to become homemakers they must have a level of education and skills which will give them something to fall back on should the marriage fail. Although, given the existence of discrimination against women in employment, this would not be a panacea, it would be a fundamental step in the right direction.

#### THE HOSPITAL

The Emergency Room of Bloomington Hospital is the place some abuse victims turn to after an attack. After the victim's immediate medical needs are attended to, the charge nurse informs the patient that a person from the social services department of the hospital is available to speak with her about the various options she has, e.g. emergency housing, personal or marriage counseling, etc. The hospital staff finds out what course the woman wants to take, then provides her with any information she might find useful in pursuing that course.

Recently, a procedure was instituted whereby the charge nurse makes a follow-up appointment with each woman for two days later at 11 am. A staff member is always on hand to meet that appointment. The procedure was set up for the women who refuse to see a social services department volunteer at the time they enter the Emergency Room for treatment. In this way, a woman who has had some time to think more calmly about her situation can have another opportunity seek

- 5) Provide follow-up and supportive services to minimize the effect of legal intervention. (The preceding statement of purpose was taken from the Legal Services Bureau By-Laws and Operational Plan, adopted November 23, 1976).

LSE handles civil cases such as divorce for Louroe County's poor, but the limits on the clients it can take presents a problem for some abused women. Many women too "rich" for the program come seeking legal services after an attack, only to have to submit to thorough screening and referrals to several lawyers if they are financially ineligible for LSE. This is a traumatic experience for a woman in crisis who is seeking help fast and who may already be confused or intimidated by the legal process. Also, questions about past income, and whether or not she owns a home, which are used to determine eligibility, may be irrelevant to a woman forced out of her home. In other words, middle-class people, who, contrary to some preconceived notions, do not all have lawyers or know how to get one, or can afford a lawyer, particularly in times of crisis. What is needed is a sliding scale of legal services so that women who are not eligible under traditional income guidelines can get legal services quickly and painlessly on an ability to pay basis.

Finding a lawyer does not end the trauma for an abused woman. In fact, her problems may just be beginning. The following is obtained from a pamphlet called You and the Law, published by the Legal Services Organization of Indianapolis' community Legal Education Project:

A person suffering physical harm from a spouse can do one of the following things:

- 1) File a divorce and obtain a restraining order. If the husband does not obey the restraining order, the wife must petition the court to have the man held in contempt. An attorney can explain the procedure.

- 2) File criminal charges by going to the county prosecutor. The prosecutor may not want the woman to file charges, because many women change their minds later. The woman will have to show the prosecutor that she is serious about following through on the matter. (Emphasis added; see subsequent section in this report about the prosecutor's Office).
- 3) File a peace bond in small claims or county court. The court will hold a hearing and can order the man to stay away and can order him to put up a money bond to guarantee that he will not break the peace. If the man disregards the order of the court, the wife must let the court know so that further charges may be brought.

None of these courses of action are capable of preventing violence at the time it happens. The police should be called, but remember that the police officer may not arrest the man unless he (she) has actually observed the violence. The police should be called to make sure no further violence occurs. (?)

This pamphlet is honest, but certainly can be of no comfort to a woman in crisis. It is difficult to expect a woman to follow through with court procedures which are lengthy, complicated, of no value in preventing violence at the time it happens and of no value in protecting the woman in the future if the man is intent on disregarding the law. This is especially true when the woman has no long term support services in other areas to help strengthen her for the legal hassles.

LEGAL SERVICES BUREAU OF MONROE COUNTY  
COMMUNITY ACTION PROGRAM, INC.

ELIGIBILITY STANDARDS

I. INCOME ELIGIBILITY STANDARDS.

A. To be eligible for legal services through the Legal Services Bureau, a person must:

1. Reside in Monroe County at the time application is made;
2. Need legal assistance for civil matters with venue in Monroe County;
3. Have an annual net income which does not exceed the limits of 125% of poverty, as set by the Office of the Community Services Administration (see current guidelines- Attachment A); and
4. Not be voluntarily poor. (see Section 611 of the Economic Opportunity Act, OEO Instruction 6004-2- Attachment B).

B. Assets:

1. An applicant meeting the income eligibility criteria will not be eligible if he/she owns:

- a. Real property in which the applicant has equity in excess of \$6,000.00 unless his/her net liabilities exceed that amount or if his/her home is mortgaged within 70% of its value.
- b. Personal property, excluding necessities, which has a current fair market value, less current liabilities, exceeding \$1,800.00.

2. If ineligibility is caused by the provisions of 1a or 1b above and ineligibility would result in extreme hardship to the applicant, the LSB staff person may waive said provisions. In such a case, the LSB staff person shall report the waiver to the LSB Advisory Council at its next regular meeting.

C. Exceptions.

1. The costs of special needs of the family unit may be deducted from the income of the applicant. Such special needs may include, but are not limited to, child care for working mothers, unusual educational expenses

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(e.g. schooling for retarded, handicapped or disabled children) and Court ordered support payments actually paid by the applicant to relatives outside of the home.

2. The costs of an unusual hardship (e.g. prolonged illness of applicant, spouse or children) may be deducted from the applicant's income.

3. In cases falling within either number 1 or 2 above, the LSB staff person shall have the discretion to certify the applicant as eligible, and such certification shall be reported to the LSB Advisory Council at its next regular meeting.

D. Exclusions:

1. The applicant shall not be considered eligible for legal assistance with fee generating cases, including contingency cases, if the applicant through his/her own efforts or the Monroe County Bar Lawyer, Referral Service can find an attorney to represent applicant. However, if after consultation with two attorneys the applicant is unable to obtain representation under a contingency agreement, the LSB staff person may waive said exclusion. In such a case, the LSB staff person shall report the waiver to the LSB Advisory Council at its next regular meeting.

2. In divorce and related family matters, the spouses income shall be taken into account unless either:

- a. The applicant has no knowledge of the whereabouts of his or her spouse; or
- b. The applicant has a spouse beyond the jurisdiction of the Courts; or
- c. If because of lack of access to the income of the spouse, to deny representation through LSB would result in a delay endangering the physical or financial well-being of the applicant and his/her dependents.

E. Calculation of Financial Eligibility:

1. "Income" means actual annual cash receipts before taxes of all persons who are resident members of and contribute to the support of a family unit. Income shall be taken to include, but not be limited to, the following:

- a. AFDC and child support payments.
- b. Alimony.

- c. Regular payments from public assistance.
- d. Social Security benefits.
- e. Workmen's compensation, disability and unemployment compensation.
- f. Veterans benefits.
- g. Public or private employee pensions and regular insurance or annuity payments.
- h. Income from dividends, interest, rents, royalties or estates and trusts.

2. Actual annual cash receipts are computed by calculating an applicant's income for the six months prior to the date of application and the forthcoming six months.

3. Pay stubs, statements from employers and others may be requested from the applicant to verify income eligibility and assets.

F. Ineligibility:

1. If the LSB staff person considers an applicant to be income ineligible he/she shall refer applicant to the Monroe County Bar Lawyer Referral Service.

2. If the nature of the applicant's legal problem is not within LSB's subject matter jurisdiction, the LSB staff person will attempt to refer applicant:

a. To the Legal Services Organization if the case is within their subject matter jurisdiction, and if applicant is likely to meet their eligibility criteria; or

b. To the Monroe County Public Defender if the applicant is a defendant in a criminal case; or

c. To the Monroe County Bar Lawyer Referral Service.

II. CERTIFICATION.

An applicant shall be certified as eligible for assistance with the legal matters for which application was made.

III. TERMINATION.

A. A client shall be terminated when assistance with the legal matters for which application was made has been completed.

B. If an LSB attorney finds it necessary to terminate services for a given client, the attorney will notify the client and

the LSB staff person. If assistance with the legal matters for which application was made has not been completed, the client will be referred to another LSB attorney.

#### IV. APPEALS.

An applicant who is found ineligible for legal services may appeal in writing to the LSB Advisory Council. The hearing shall be conducted in a closed session, and all appeals shall be kept confidential.

For such a Center to be successful, there must be steady grant funding to provide for paid staff to run it and supplies to provide for needs other than housing.

Currently, the YWCA in Fort Wayne , Indiana has a pilot project, a description of which is included in this report. In addition, efforts are being made to found a new Center in Bloomington. The idea has wide-spread community support. A Center is seen as the most urgently needed aspect of comprehensive program to combat domestic violence.

Most people involved in running the Center were poor, many of them students without jobs. No woman needing help was ever turned away because she was too poor to contribute to the support of the house, but such people were a financial drain on the Center, especially if they brought children.

With grant money, the Center would have paid someone to answer the phone during business hours and would have engaged a live-in intake person who would handle the emergency cases which arrived at night, in return for free rent. As it was, the permanent residents bore these responsibilities in addition to dealing with the other aspects of their lives. This caused a great emotional drain which burned out the permanent (mortgage-paying) residents and caused several turn-overs. The demands of the life sometimes led to difficulties in filling the resident places, putting an additional financial strain on those who were left. In 1976 the Center closed and the house was sold.

This does not mean that there is no need for such a Center. On the contrary, Nancy Brand, a Board member of the former Center feels the need is greater now because more women are reporting incidents of abuse; these women need a place to go. More importantly, they need support groups and services in addition to housing. Perry Township provides only housing and it is through the extraordinary efforts of co-ordinator Pamela Kroll that women housed through this program get food and other necessities. Were the same woman made homeless by a fire, she could get housing from Perry Township and other necessities from the Salvation Army or Red Cross. But these support agencies do not deal with battered women.

## THE SHELTER EXPERIENCE: PAST PRESENT AND FUTURE

Between 1969 and 1976, there existed in Bloomington a Women's Center. The original house, (the Center existed at two addresses during its life), was bought by a female English professor who, having lost her job and gone through a divorce, needed a place to start over. She figured that other women needed the same thing so she sold the house to a group of 3-4 women who bought the mortgage with funds raised through donations. The women moved into the top floor and opened the lower floors to women's groups which needed a meeting place and women who needed an emergency space. It was a place to which battered women could escape.

About half the women who used the shelter brought their children; there was always a need demonstrated. The permanent residents had connections with professional people and members of service organizations. Although no formal services were offered by the Center itself, women seeking help were referred to the proper places.

Women came to stay for a variety of reasons. Some who had been living alone had been raped and felt safer living in a group. Others were forcibly thrown out by parents or husbands. Others wanted to separate from their husbands but couldn't get the men to leave the house. One woman maintained that her husband was trying to have her killed. Lost arrived at night.

The effort proved too ambitious for a small group of people to maintain, for financial reasons. The Center tried to get grants but failed. Occasional fundraisers were held to meet back mortgage payments and a few people were able to make monthly pledges. But there was no steady stream of secure funding.

BLOOMINGTON ORGANIZATION FOR ABUSED WOMEN (BOAW)

## A Fact Sheet

## BACKGROUND

WHAT IS AN ABUSED (OR BATTERED) WOMAN? One whose male partner injures her--a victim of deliberate, repeated physical attacks in her own home.

## NUMBER OF U.S. WOMEN WHO EXPERIENCE DOMESTIC VIOLENCE.

\* *Incidence in the nation as a whole.* Langley and Leavy (*Wife Beating*, 1977) estimate 4.6 million; this estimate is based on the 1976 census and on a study by Suzanne Steinmetz in which 10% of the couples studied "regularly engaged in extreme physical abuse of their spouses." From a study by sociologist Richard Celles in which more than one-third of the control group reported spouse assaults, Langley and Leavy estimate that wife beating affects 15 million U.S. women. Langley estimates 28 million. According to the National League of Cities and the U.S. Conference of Mayors, "The incidence of wife assault is so pervasive in this society that half of all wives will experience some form of spouse-inflicted violence during their marriage, regardless of race or socio-economic status" (*Wife Beating*). The crime of woman abuse is more prevalent than rape: according to the FBI, there were 4,764 reported rapes in New York State in 1973; during a comparable period, over 14,000 wife-abuse complaints reached the state's family courts (Judith Gingold, *Ms.*, Aug. 1976). "Women are battered three times more often than they are raped, and a rape occurs once every twelve minutes" (*Ft. Wayne Journal Gazette*, Oct. 16, 1977).

\* *Data on various locales.* "In Chicago, a police survey conducted between September 1965 and March 1966 demonstrated that 46.1 percent of all the major crimes except murder perpetrated against women took place in the home" (Del Martin, *Battered Wives*, 1976). According to Gloria Steinem, using the available statistics one can argue convincingly that women are less safe in their own homes than in the streets. Salt Lake City police records show that 1,125 cases of wife beating are reported there each year (Langley and Leavy). In California, almost one-third of all female homicide victims in 1971 were murdered by their husbands (Martin). Boston City Hospital reports that about 70% of the assault victims its emergency department receives are women who have been attacked in their homes, usually by their husbands or lovers (Martin).

\* *Number of complaints women file.* "Of the figures available on (domestic) complaints, 82 percent in New York, 75 percent in Washington, D.C., 85.4 percent in Detroit, and 95 percent in Montgomery County, Maryland, were filed by female victims" (Martin). "In Detroit, 4,900 wife-assault complaints were filed in 1972" (Martin). "The Citizen's Complaint Center in the District of Columbia receives between 7,500 and 10,000 complaints of marital violence each year. Approximately 75 percent of the complainants are women" (Martin).

\* *Facts about class and race.* Sociologist Howard Erlanger, of the University of Wisconsin, found that the greater the educational level of the adults he studied, the greater their acceptance of marital violence (Martin). Two studies of wife assault, one done in a black, working-class section of Harlem and another in white, upper-middle-class Norwalk, CN, found the same incidence of this crime (Martin). "A special task force in Montgomery County, Maryland, one of the nation's wealthiest areas, reported an estimated 650 incidents of assault by husbands in a one-year period" (Gingold).

## THE PROBLEM IN THE BLOOMINGTON AREA.

\* According to a survey BOAW did in the fall of 1977 of Bloomington-area physicians, lawyers, ministers and independent therapists, 76% have some con-

tact with abused women; 14% see 1-3 abused women per month; 10% have weekly contacts with abused women. Fifty percent felt there was a need for a shelter for abused women in Bloomington.

\* The Bloomington Hospital Emergency Department estimates that it treats 10-11 women each week for injuries resulting from domestic violence.

\* The Monroe County Prosecutor's Office reports dealing with 3-5 women each week in connection with wife-abuse cases.

\* Since BOAW held its public forum on October 27, 1977, it has received numerous calls from representatives of local agencies about battered women in immediate need of shelter.

**SHELTERS ELSEWHERE IN THE UNITED STATES.** Thirty-two currently are operating; 15 groups are researching a shelter; over 100 groups want to set up shelters and need support and funds. Shelters are operating in Ft. Wayne and Indianapolis.

#### *BOAW PURPOSE, PROJECTS AND POLICIES*

**BOAW PURPOSE.** To establish a shelter, with a paid staff, for battered women in the Bloomington area. Women who experience physical attacks in their homes urgently need a refuge that provides short-term lodging for them and their children. In order to resist further victimization and become a self-determining, self-respecting person, a battered woman needs more than just emergency housing, however. The shelter, then, will also be a referral and counseling center that will provide such services as: childcare, preferably staffed by nurturing men to provide alternative male role models for children who are used to violent fathers; psychological, legal and vocational counseling; referrals and introductions to support services and other resources in the area (physicians, welfare department, food stamp office, employment offices, mental health services, etc.) so that battered women can become independent if they so desire; instruction in daily living skills and the use of community resources; discussion/support groups of peers to enable battered women to help each other with their shared problems and to create an environment in which the women can begin to sort out their lives and act on their resolutions. The shelter might also include a 24-hour hotline and an emergency rescue service among its auxiliary services.

#### **BOAW PROJECTS AND POLICIES.**

\* BOAW members organized in the summer of 1977 to investigate the need for a shelter in the Bloomington area.

\* BOAW began documenting the need for a shelter in August 1977 with the survey mentioned above. The group examined the area's emergency housing facilities and found them to be insufficient and ill suited to the needs of abused women. (The only facility in the area that is open to women and their children accepts only alcoholic women. Perry Township Emergency Housing provides temporary housing only and meets none of the other, extensive needs of abused women.)

\* On October 27, 1977, BOAW held a public forum at the Monroe County Public Library, cosponsored by the Bloomington Commission on the Status of Women and Xanthippe Women's Collective, to educate the public about woman abuse and to enlist community support for a shelter. Those who testified to the magnitude of the problem here included representatives from BOAW, the Bloomington Police Department, Monroe County Prosecutor's Office, Bloomington Hospital Emergency Room Services, Perry Township Trustee's Office, Women's Crisis Service, Community Mental Health, Family Service Association, Welfare Department and the Bloomington Hospital Social Services Department. Also, two battered

women testified, as did an administrator from the Ft. Wayne shelter.

\* In December 1977, BOAW prepared this fact sheet for use in community education, publicity and public relations.

\* Currently, BOAW is researching funding for renting or buying a house and paying the staff, writing grant proposals, incorporating, gathering community support through talks and other educational programs, collecting data each month from local agencies to document the need for a local shelter, posting and circulating petitions in support of the shelter, collecting letters of support from community groups and individuals, looking for a house, investigating housing permits and related requirements and drawing up a budget for the shelter. BOAW is not helping individual abused women in need at present. We believe strongly that the greatest number of women will benefit the most from the establishment of a shelter with its comprehensive, centralized services. From our experiences with particular abused women in the recent past, we have learned that anything short of a shelter in Bloomington not only is grossly inadequate for the battered woman's needs but actually cheats her and offers promises it cannot fulfill. A woman who leaves a violent home is making an abrupt change in her pattern of life and experiences great conflicts about both the situation she is leaving and the future. She requires a great range of structured services that the existing agencies cannot provide without coordination by a facility specifically devoted to and experienced in the needs of battered women.

HOW THE COMMUNITY CAN HELP. Organize fund-raising events. (In November 1977, Xanthippe Women's Collective sponsored a dance to raise money for BOAW.) Invite BOAW members to speak to your church and civic groups and to other organizations. Give donations. Help us write grant proposals. (We urgently need help from experienced grant writers now.) Offer free goods and services (paper, typing, duplicating, printing, legal and medical advice, financial advice, etc.).

SOURCES OF HELP FOR ABUSED WOMEN BEFORE THE SHELTER OPENS. Bloomington Hospital and Planned Parenthood (medical care), Community Mental Health and the Center for Human Growth (psychological counseling), the Welfare Department, Legal Services Organization, Food Stamp Office, Perry Township Trustee's Office (for emergency housing and rent and food vouchers).

Rosemary Han.  
 for Proj. for Women Vic  
 of Violence  
 WCA-325 West Wayne St  
 Fort Wayne, IND #6802

THE YWCA SHELTER FOR WOMEN VICTIMS OF VIOLENCE

In October 1975, the Board of Directors of the YWCA appointed a special committee to study and document the needs of women in crisis situations. After a year of studies and collecting statistical data, the consensus of the committee was that while many needs are apparent, the problem of violence within the family, specifically assaults on wives, is the least recognized and most neglected of the problems surveyed.

To estimate the scope of the local problem, a survey was sent to 44 agencies, 325 medical doctors and 110 members of the Associated Churches. At the same time, the YWCA opened three of its regular residence rooms for emergency shelter for women eighteen years of age and older.

1. Responses were received from 25 agencies, 13 doctors and 4 clergymen, for the ninety day survey period from May 1 to August 1, 1976. During that time, 251 abused women sought help from various community services and 115 requested shelter.
2. The YWCA received thirty-one inquiries and requests for emergency shelter, and housed 17 women and 2 children for stays varying from one to eighteen days. Categories included an elderly victim of mugging, afraid to return to her apartment, young women forced from their homes by abusive step parents, women whose lives were threatened by husband or boyfriend and beaten wives, sometimes with children. Some had to be refused when rooms were filled, or when the woman had several children.

The YWCA Board voted to continue the pilot project beyond the three month documentation period since the demand for emergency shelter was increasing, even with no advertising of this program. A fourth room was added and two cribs and two sleeping bags made available. A member of the Board, with a masters degree in clinical psychology, served as a volunteer counselor to assist the shelter residents with planning for their immediate needs. These included food, shelter and medical assistance as well as referrals to community agencies for family or individual counseling and for financial, vocational and legal assistance.

In February 1977, the counselor's job was funded by CETA Title II as a full time job. This made it possible to give more time to developing a case work approach in helping clients make community contacts. In cases of domestic violence, referrals for personal psychotherapy and/or marital counseling were made for both wife and husband, and in cases of child abuse, referrals were made to the Department of Public Welfare, Child Abuse Division. In some cases, children were referred to the Mental Health Center for psychological evaluation and therapy.

In addition to individual client conferences, a weekly discussion group was started for both current shelter residents and for those women who had been sheltered but were now in their own homes. Speakers on nutrition, child care, finances and assertiveness training were featured in addition to discussion of mutual problems. Later, a sewing class and art class with volunteer teachers was offered. Most recently, a playroom staffed by a Foster Grandmother was opened for children of shelter residents.

In the 13 months of operation, the YWCA shelter has housed 66 women and 17 children and worked more intensively with a case work approach in 23 cases. Various womens groups, churches, and men's service clubs have made donations to the program which has helped pay for medical services, bus passes, baby sitters and food. Women and children are not always able to walk to the Rescue Mission which has offered to serve meals. The four rooms have been filled almost continually since November 1976.

Documentation on spouse assault now being assembled from the Fort Wayne and Allen County Police Departments and Court Records, indicate a 60-70 case range per month and these are records only of those women who press charges; many do not because of fear. Estimates of unreported cases of spouse assault may range possibly from 5,000 to 7,000 cases per year in Allen County.

Portion of Commission on the Status of Women grant  
ABUSED WOMEN'S CENTER

One organization currently receiving top service priority from CSW is the Bloomington Organization for Abused Women, Inc. The target groups of BOAW are battered women and rape victims. A copy of background information on the problems of abused women is attached to this document. (See Attachment A)

The BOAW is currently investigating all the possibilities, needs, etc. of establishing a center for Abused Women and Rape Victims. With the approval of this grant the CSW will be able to provide the space and staff for establishing such a center temporarily and on a much smaller scale than the actual center will be. It is anticipated that in March, 1979, BOAW will have funding sources and facilities, and staff to assume the operation of such a center. At this time they will need the service of CSW only as Research and Program Development consultants.

Under this proposal the Commission will provide a Project Director who will work closely with BOAW, but under the supervision of the Commission in operating the Center. The center will also provide a Counselor to assist in determining the immediate needs and the long-range goals of the client. The counselor will be responsible for individual and group training sessions in Assertiveness, Parent Effectiveness, and other psychological areas where the client may need assistance.

An Outreach Worker will be available to provide transportation for the client to community assistance office e.g. welfare, legal aid, CAAF, Food Stamps.

In addition the center will also provide emergency housing facilities for these women and their families. There will be room provided for two families. Emergency toilet articles, linens, etc. will be provided. The center will also have a kitchen where meals may be prepared by the occupants. Child care facilities will be on the premises. A family may be located at the center for a maximum of three weeks. Studies indicate however, that the average stay of these families is four days.

For security purposes, there will be staff assigned to the center on a 24 hour basis. It will be their responsibility to maintain order and prevent the entrance of any persons wishing to create a disturbance.

Since this will be only a limited or "model" center, it is anticipated that the center will have an overflow of persons seeking emergency housing (Abused Women and Rape Victims). Therefore, when this occurs, the Project Director or counselor will contact the Emergency Housing Coordinator at the Perry Township Trustees Office and make use of their Emergency Housing facilities. The client will still have the opportunity of using the other services provided by the Women's Center.

The Bloomington Police Dept., the Indiana University Police Dept., and the prosecutors office have volunteered their service by offering to provide these women with workshops where they will be instructed as to their rights, how to handle the situation if the woman chooses to return home, the necessary legal procedures to prevent her husband from harming her or her children if she chooses to leave home permanently.

The Mental Health Clinic and at least one local psychiatrist has also volunteered to provide individual or group counseling service to these women on a regularly scheduled basis.

Children of abused women have been confronted with a violent "male model". Since abuse is learned, one method of preventing this behavior from continuing in the next generation is by presenting to the children a male model whose behavior is socially acceptable. This can be done at the center by providing a male staff member in the child care facilities.

In addition to operating the emergency housing and counseling services, the BOAW group thru the Project Director will also have access to the researchers, who will research problems, prepare questionnaires, etc. that deal with abused women. They will also have access to the Grants Officer who will assist them in finding funding sources, and will assist them in writing grants or proposals. The Project Director will also be responsible for arranging public forums or meetings necessary to the program. The staff Artist/Editor will also be available to publish in the newspaper articles relating to the center and of interest to the community. The Volunteer Coordinator will assist in organizing persons to assist BOAW in providing transportation, finding doctors, etc. to provide necessary work shops for the center. It will also be the responsibility of the Volunteer Coordinator to secure thru donations necessary equipment and supplies that have not been included in this grant proposal e.g. emergency toilet articles, linens, kitchen utensils.

Since this center will be a pilot project preceding the establishment of the actual center, BOAW will be able to study the operation its weaknesses, strong points, areas that are overstaffed, under staffed or not staffed. By having this pilot project the actual Center will be a model for the entire state and country.

In executing this pilot project, the commission will be fulfilling its obligation to the community with its support of BOAW. By the cooperative efforts of both groups, BOAW will maintain its autonomy and will be prepared to operate the actual center independent of the commission. At the end of this contract period the Commission will serve only on an advisory basis.

#### CRISIS TELEPHONE SERVICE

Another service provided by the Women's Service Center will be a 24 hour a day women's crisis telephone service. This service is provided to assist a woman with any crisis currently confronting her. The persons manning the phone will be able to answer any questions the caller may have, or obtain whatever information the caller may need. If it is a crisis that requires immediate action, there will be volunteers on call to assist the person.

#### WOMEN'S CENTER

The task force for a Women's Center is comprised of concerned members of various women's organizations in Bloomington and Indiana University affiliated women. A support statement from this group is attached. (See attachment B)

The task force has determined that a need exists in the community for a multi-purpose Women's Center. This Women's Center would serve as a meeting place and information source for all women in the community. It would provide an atmosphere where women will come to relax, to discuss their problems, and to seek information about other agencies in the community.

The task force wishes to use the Women's Service Center as a starting point for providing a permanent Women's Center. This center would be used primarily as an experiment, and as a means of acquiring organizational support and vocal support from the community.

"People just assume that we get things done and there's a quick solution"

OBSERVATIONS FROM THE COUNTY PROSECUTOR'S OFFICE

(Charles C. "Chris" Asdell, is the chief investigator of the Monroe County Prosecuting Attorney's office. The following are not "hard and fast" statistics, but they are his observation after two years experience on the job. He is the person in the office who has the most frequent contact with abused women.)

Between 50-100 abused women show up at the Prosecutor's Office a year. Reports are cyclical. Holidays, summers and Mondays are peak complaint times. There was an increase in complaints following the blizzard of January 1978. The victims arrive in an upset condition, without having thought all the ramifications and option over calmly. Complaints are made promptly after the incident, which explains why Monday is a peak time; many attacks occur on the weekends.

Most incidents occur in the kitchen and involve open hands or fists to the face, although the stomach is frequently attacked when the man knows the woman is pregnant. Threats with weapons are made sometimes. There has been only one recent case of murder. This occurred when a man, served with divorce papers, responded by stabbing his wife 56 times.

The worst types of violence (shootings, rapes kidnapping and felonious batteries) occur between ex's. (spouses, cohabitators, boyfriends/girlfriends) The trouble seems to stem from some ongoing relationship between the couple such as child support and visitation.

In one case where the man was the victim, his ex-wife had brought the children home after visitation and had the children summon the man to the car. She pulled a .357 magnum on him. Fortunately for him she was using regular .38 bullets. When he saw what was happening he raised his arms in front of his

face and the bullet was deflected by a wrist bone. Had she been using the appropriate ammunition his head and arms would have been "deflected" by the bullet.

In one of the worst cases ever seen, a man kidnapped his ex-wife in Monroe County, took her to neighboring Greene County, raped her, took her back to Monroe County, raped her again and beat her to the point where she was facially disfigured, and suffered several fractures throughout her body. One piece of evidence the prosecutor's office acquired was an electric can opener. He had thrown her across the room so hard that when she landed against the can opener her bridgework became embedded in the device. The case never came up for trial as the man pled guilty on rape charges. The pictures taken of the victim in the emergency room were a shocking sight. But it was more shocking to hear that they had been seeing each other occasionally since the divorce, that she had invited him into her home two months earlier, and that they had been contemplating remarriage... to each other. All this from a case which had had an open file for 6-8 years.

This case points up a tragic kind of recidivism problem that's seen in the prosecutor's office. "A lot" of cases are 2nd and 3rd marriages, where the woman has fallen into a pattern of marrying abusive men. (The prosecutor's office notices it when the same woman comes in with a different name or when children listed as witnesses have different names.) In "a lot" of cases the couple has divorced and remarried each other 2 or 3 times. There is no sure way of explaining this phenomena. A woman in the prosecutor's office hypothesized that women have a tendency to marry men who are like their fathers, and that the women who end up in a string of abusive marriages may have themselves come from violent homes. The women who remarry former violent

may be demonstrating an unrewarded faith in the man's promise to modify his behavior.

The perpetrator had been drinking at the time of the actual incident in roughly 75-80% of the cases. In younger couples there is also some evidence of drug abuse.

The biggest problem the prosecutor's office faces is the failure of victims to follow through on their charges. The prosecutor takes the matter seriously and is willing to do his job, but he needs something to go on. Domestic violence is usually a one-witness crime. If there are other witnesses they are usually very young children who are unreliable witnesses because they answer questions the way they think the questioner wants them answered. Thus they can be gotten to contradict themselves by changing the phrasing of the question slightly.

Very few cases get to trial. Usually the complaints are dropped. Sometimes the matter is settled through divorce; occasionally the man pleads guilty to a misdemeanor and is fined and/or put on probation.

Because of the lack of follow through, the woman is told to see an attorney and file for divorce before charges will be pressed. This is done in an attempt to cut down on the number of charges which are dismissed. If a woman wants to keep her marriage intact, she will not pursue the charges. Even if she means to she soon realizes that if her husband is convicted, imprisoned or fined it will be money out of both their pockets.

It is rare for a first time victim to come to the prosecutor. The usual complainant comes in with the attitude that she has put up with enough. Most come in preferring a court order to charges. Women seem to get a "false

sense of security" from the divorce process and the idea of a court's restraining order. They are disappointed to find out that violation of the order will only lead to charges of criminal contempt of court.

The restraining order does derive a useful purpose in aiding the police's decision to make an arrest. For example, if a couple has been previously living at the same residence and the man has since left, and there is a restraining order which forbids him to appear on the premises, the police can arrest him if he shows up on the property. Otherwise, the police will not be sure of his legal rights to be there and will be reluctant to risk a false arrest.

The prosecutor's office is not seen as an arm of the police in the eyes of the victims. The prosecutor is looked on almost as a "father" figure to whom they can "tell on" their husbands. Sometimes the threats of prosecution do work against men who, when faced with a summons to appear in court, realize that their wives have had enough and that there is legal recourse for a woman who wishes to pursue it.

If the woman indicates that she wants to preserve her marriage, the situation is best handled in a social not criminal setting. However, the prosecutor's office has had no luck in referring victims to social service agencies. Some women are disappointed at being referred to social services by the prosecutor. The prosecutor's office made at least four referral to Family Services, a United Way agency, only to later discover that none of the women had shown up for their appointments.

There is a sense of exasperation with these cases. Victims of child abuse generate a special sympathy because they are defenseless, however, an adult woman is seen as an independent agent who can leave. Although the choice is seldom easy, for the adult, it is there.

Ms. TINKER. Mr. Chairman, in regard to the remarks of the last two speakers speaking of the need for ongoing support for victims of domestic violence, I think that is one of the strongest points about some of the grassroots programs that are developing, that you cannot pay for the kind of ongoing support that victims, but that the local programs are being developed in a way that is creating an ongoing support community that will provide that for a long period of time.

Ms. DETERMAN. Mr. Chairman, Congressperson Mikulski, I am Sara-Ann Determan. I appreciate this opportunity to speak very briefly to you on behalf of the American Bar Association.

The American Bar Association, which represents more than half of the Nation's lawyers, overwhelmingly adopted the following resolution on the subject of family violence at its most recent meeting in New Orleans in February:

*Be it resolved*, That the American Bar Association supports Federal, State, and local efforts to combat the incidence, causes, and effects of family violence and supports the implementation of programs to protect the victims of family violence.

Unfortunately, the association has no breakthrough proposals to suggest for your consideration. Nor do we offer new information dealing with the extremely serious nature of the problem. You are aware that victims of family violence are usually unable to protect themselves because of their economic and psychological dependence on their abusers. You are aware that shelters for battered wives and their children turn away desperate women because of inadequate resources. You know the staggering FBI statistics on woman battering.

I am here for a single modest purpose, to tell you, on behalf of the Nation's lawyers, that we applaud your determination to provide Federal assistance to State and local governments to combat wife battering. We support action to coordinate existing programs, to provide funding for grassroots shelters and other support activities and to undertake research and experimental programs looking toward the initiation of new efforts to deal with this very serious problem.

On behalf of the association, I thank the chairman and the subcommittee for permitting us to present these views.

Mr. MILLER. Thank you very much.

[Prepared statement of Ms. Determan follows:]



AMERICAN BAR ASSOCIATION

GOVERNMENTAL RELATIONS OFFICE • 1800 M STREET, N.W. • WASHINGTON, D.C. 20036 • (202) 331-2200

STATEMENT OF

SARA-ANN DETERMAN, CO-CHAIRPERSON  
COMMITTEE ON RIGHTS OF WOMEN  
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

on behalf of the

AMERICAN BAR ASSOCIATION

before the

SUBCOMMITTEE ON SELECT EDUCATION

COMMITTEE ON EDUCATION AND LABOR  
UNITED STATES HOUSE OF REPRESENTATIVES

concerning

DOMESTIC VIOLENCE

March 16, 1978

Mr. Chairman and Members of the Select Subcommittee:

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I am here for a single, modest purpose--to tell you, on behalf of the nation's lawyers, that we applaud your determination to provide federal assistance to state and local governments to combat wife battering. We support action to coordinate existing programs, to provide funding for grassroots shelters and other support

activities and to undertake research and experimental programs looking toward the initiation of new efforts to deal with this very serious problem.

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Mr. MILLER. Let me ask a couple of questions here about the design of this program. I know that the governors vary from State to State, and their constituents' views of them, whether they are sympathetic to this particular cause or not or another cause, but we are talking about here what appears to be a very small amount of money in light of the magnitude of the problem.

The Senate is talking, I think, about \$25 million. We are talking about \$15 million, and almost every witness today and in the Senate hearings has indicated that they really do not want this to become a Government program, that there is some real true value that is not reimbursible, if you will, to having a community supported and involved program for the ongoing support of these women.

One of the things that we have toyed with, and I have talked to Congresswoman Mikulski about, is the idea whether people representing local programs, people who have been involved in these local programs would be prepared to make application to a commission of individuals within their state for funding, appointed by the governor, if you will, and having HEW simply making the money available to that commission for programs obviously with eligibility.

A number of the people I have talked to in various parts of the country have suggested that there should be a threshold on time of existence of that program or showing of the demand for the need for that program in the local area percentage of the budget which you could find, because again we are talking about a small amount of money, and that they be eligible over and above that funding. You are going to get a chance to be eligible over and above that funding for ACTION agency people for social services—which would in some attempts as they have discussed it hope to maintain the local involvement, and that all of a sudden we don't swoop down, although I don't think you can do it with \$15 million, and usurp what has been done and what has become a network of programs individual in design in many instances, in just the few that I have visited so far, but yet designed to meet a very local and particular need of a community.

I just wondered if you might each give your random impression of that. You are straining at the bit. Go ahead.

Mr. ANTLER. I think there are a lot of issues involved, and it is a very attractive area.

Mr. MILLER. There are a lot of issues involved. I want to throw it out.

Mr. ANTLER. It is a very attractive area in many ways. The problem, it seems to me, that comes up is, how do you leverage these small amounts of money that you are talking about and get the kind of involvement that you need from overcommitted municipal public services, legal aid programs, et cetera, unless in some way you give some incentive to participate in them, and I am fearful that if the program becomes viewed as the property of a narrow constituency, what will happen is that these other services will not be quite as willing to put their resources into it. The experience that comes to mind as I make that statement is what happened with the poverty program during the mid to late 1960's. Some of us still

remember that period and some of the government money that was put into it.

Ms. MIKULSKI. I was a paid mercenary in that.

Mr. ANTLER. I committed the same sin, I am afraid. One of the things that did happen was that when mayors and States were left out of the funding process for those programs, they hollered and they finally erected stumbling blocks, and of course there was a lot more money involved, and finally wound up opposing these programs where they were not neutral to them. I think that has to be something that the Congress has to be very cautious about. Can we leverage this money? Can we in some way get more services built in? Because I don't think that the shelters themselves are really free-standing entities. I think the successful ones are drawing in many other ancillary services from the community. That kind of effort should not be blunted by any Federal funding strategy that does not give those other organizations some credit for the work that they are doing.

Ms. RAMARES. Mr. Chairman, I think Indiana would just love your proposal. In fact, you have answered a question that has been weighing on my mind all day. I have been listening carefully to Representative Mikulski's objections to having this program through NIMH, and I can see her point, and yet at the same time I can see all of the State and county mental health agencies we have set up in Indiana already which would be a great starting place without adding another layer of bureaucracy, and I think that approach is a very sound one.

One of the members of our task force is State Representative Marilyn Schultz, and she was saying that the flack you get in the State legislature, when it seems that the Federal bureaucracy is moving in on Hoosier land again, is tremendous, yet the support on local level for these programs is there. We have our Bloomington organization for battered women working with the Bloomington Commission on the status of women on a grant which would go to a State agency for a women's shelter.

Again, I really feel that if you are serious about the Federal Government declaring a national policy to eliminate family violence, that the Federal Government has got to stay in there and keep providing the money, and if the local and State agencies and private groups have at least one source of secure funding, that will help draw in other sources of funds because they will feel that there is a base from which the programs can survive. I think it is a very worthwhile proposal.

Ms. TINKER. I just want to repeat that my primary concern with any method of funding is the level of bureaucracy that you are going to have to go through to get the money, and I have grave concerns about HEW's ability to operate in a way that is not entangled in that bureaucracy. Now, assuming that they were capable of doing that, and that money could go directly to States, to State commissions, I then have another concern.

I am aware that nationally there would be a wide difference in what that would mean to local groups, and that it would depend a great deal on what kinds of guidelines the state drew up and what

the mechanism for input would be, and who would be on those commissions. I have a real concern that the local grassroots groups, I mean, people don't do a great deal of work for nothing unless there is a good reason, and the reason was that existing agencies and governmental bodies were not responding to the needs of victims of domestic violence.

Ms. MIKULSKI. We hope through this, trying to deal creatively with the issue of domestic violence, to maybe come up with some new ways of delivering social services. The State commission idea was something we really just kind of cooked up, so don't think this is a carefully formulated national policy.

Mr. MILLER. We are playing very fast and loose at this moment.

Ms. MIKULSKI. But I would share your concern. Let me just say, there are governors and there are governors. They range from Wasso to Brown to whatever, and Dixie Lee Ray; but was your concern that some of the State commissions would be conservative, perhaps biased against grassroots groups, and that if we did give money through some kind of State allocation, that we would have to mandate the type of membership on the commission, to be sure that minority women are included and to have a membership that would be oriented to grassroots concerns?

Ms. TINKER. Yes; I think that the membership of the commissions is one key point, and the other is some general guidance for the kinds of guidelines that those commissions would operate under.

Mr. MILLER. I am really interested in your responses, because nothing is off-limits at this point. I guess one of the questions would be whether or not, rather than telling you how to write the guidelines, whether or not we ought to give time, or if we were to use a state commission or a state agency, or however it would turn out, have them write the guidelines for their State and suggest to the Federal Government that this is how they desire it, guaranteeing the input. This is the key, I think, that this is how they would like to run that program in their particular State, and outside of major objections as to the violation of individual civil rights and constitutional rights and what have you, that perhaps we ought to accept for one moment, since we are dealing with less than the cost of a new pair of wings on the C5A, and an amount of money that as rounded off is in the number of budgets around here, ought we to suggest that perhaps maybe with proper input and guaranteed participation by individuals at the local level, that it could in fact be done and they ought to go ahead and fund them.

That is the fundamental question, I think, which is different.

Mr. ANTLER. One other question I would just raise on that score, because I think there are a lot of attractive features to what you are suggesting, is how do you compel the states to be more flexible, for example, in their delivery of income maintenance programs? How do you compel the States, given the kind of strategy you are talking about, to, for example, adopt more flexible criteria for delivering public assistance moneys, because that is one of the big problems for many women in this situation.

Mr. MILLER. I agree, but my concern is that we could sit around for a great period of time and talk about how we answer the total

problem without ever answering part of the problem, as much as my desire is to have a comprehensive program, but I suggest also inherent in the kind of proposal that Barbara is talking about or that we are kicking around here is the building of a constituency to deal with the state legislatures, because we have already seen the impact in your own State, as you have already testified. We have already seen the impact on the LA city council, on the San Francisco board of supervisors, on the Berkeley city council, on the board of supervisors in the district which I represent where they didn't ever believe that this was a problem.

All of a sudden they are talking about a quarter of a million dollars in a single county, because now they have been shown that perhaps maybe even their wives are calling the hotline, and that there is a need. So, what can you do with \$15 million, \$20 million, \$25 million at the Federal level?

The other thing is, we have talked earlier this morning about loosening up some of the guidelines in title XX, about making CETA available, but title XX is a pool that is filled with a good many sophisticated sharks, and for a number of these organizations to start swimming in the title XX waters, that is why we are trying to put foster children into 4B and keep it separate—they will never make it to adulthood if they get into there too quickly.

Mr. ANTLER. I think if you could also build in cost of living adjustments to title XX, that would be helpful also.

Mr. MILLER. Exactly, but here is another constituency that in many cases is middle class, is white, and has some muscle within the community to suggest that the cap on title XX is unacceptable in terms of servicing the whole community, and that is, I think, the distinction, when it goes again to a political constituency.

Ms. MIKULSKI. It also would mean that it would form a coalition, as Mr. Miller is saying, where minority people and middle-class people can form this coalition. The other advantage of going to the State, as Ms. Sanchez pointed out, is that poor people can't come to Washington and beat on the door of a regulatory agency, where those very people who write the guidelines are anonymous. In Maryland, they know that Mikulski is in Congress or in California they know Miller is here, but you don't know who wrote the guidelines for title XX. They are never signed. Nor could you lobby them in the same way if you go to Sacramento or to Annapolis or to Albany. We want to place, I think, the distribution of funds in a locale where they can feel local pressures, where it gives you the opportunity to organize and to organize a broad-based constituency.

One of the reasons the war on poverty failed, I feel, is that it did not develop constituencies, because while the war on poverty was sinking, there was a whole group of other people who began to organize neighborhood self-help groups, who then formed coalitions with target area constituencies, and then changed the way urban renewal policies were made. That is somewhat what we are thinking about here.

Mr. MILLER. Hopefully we will have learned something from these hearings, and we will not have a war on family violence. We will try to deal with it in a more humane way.

Mr. ANTLER. But you can't throw flowers at it, either.

Ms. TINKER. I would like to say certainly I would support whoever is making guidelines being as accessible as possible to local populations. I would also like to underline that in speaking of development of a constituency, this constituency is already organizing. We have already been bringing pressure on local and State agencies to meet our needs. We have been putting pressures on legislatures.

I am concerned that whatever happened at this point support that existing effort, support those existing networks, support existing clearinghouses who have been in fact developing guidelines for these kinds of programs.

Mr. MILLER. That is the point we are talking about, that somehow we have got to be a complement, we have got to be a supportive agency. We cannot come in with our design and our guidelines, and that concern has been echoed by the membership of this committee and has been echoed certainly by all of the witnesses and people that we have discussed this with. What I hope comes out of this is the same thing that came out of hearings on foster care and adoption, that at some point in this room we can ask you to come back and let's talk about how we design this system, taking Barbara's bill and Lindy Bogg's bill and our suggestions, and how we put it together, because in fact it works when you do it in that manner.

I was just saying to counsel here that this is the most Republican point of view I have ever talked in my life.

I now have to leave to go deal with Humphrey-Hawkins, which the Republicans will suggest is to take all power away from everybody and put it in the Federal Government, so you have to wear different hats to deal with different problems.

Congresswoman Mikulski would like to stay and to address some additional questions, but I am sorry that I have to leave, I promised that I would take up my post at 3 o'clock to help people with the Humphrey-Hawkins legislation. We will be back in touch with you, and the committee meeting will continue tomorrow morning in this room.

Ms. RAMARES. Mr. Chairman, I want to express my thanks to you. I got word to come down here from Indiana. You have stayed here all day, coming in and out from votes, and you, too, Representative Mikulski, and we really appreciate the time you have given to us.

Mr. MILLER. Thank you.

Ms. SANCHEZ. Congresswoman, when you are talking about the State commissions, are you talking about the commissions on the status of women, or are you talking about something completely separate?

Ms. MIKULSKI. We are not really sure what we are talking about. If I could just comment for a second, as we begin to address the issue of domestic violence, for our own concerns, and really because of the consciousness—there were some of us who began to say, how can we use this opportunity not only to provide help to the victim, and that that be our prime motivating act, but also in doing this, how can we begin to develop new patterns of service delivery?

In all candor, this is an extremely conservative Congress, and as you know, the national mood is one which is becoming more increas-

ingly constricted, I think partly because of the way that you responded, the psychology of scarcity of resources, but the bottom line in all that was, how could we do a better job. As Congressman Miller has so eloquently stated, what we are talking about here is less bucks than a wing on a C boopety-boop, that the wings keep coming off of.

The mood of the Congress is that this is not a national policy, quite frankly. Hopefully, we are doing here our homework to build a constituency within Congress to pass even \$15 million. If your feeling is that this is something that cannot wait for us to move out of committee, that is being, quite frankly, naive. That is No. 1.

No. 2, what we are also concerned about is how to move funding to areas where grassroots people can apply with minimum need for sophistication. Having been a grassroots organizer myself, I know what it is like to read guidelines. But the other thing that we are concerned about, too, and I know Mr. Antler has talked about it, is, how can you leverage this money?

He talked about State and local funds. Now, that brings up a concern of mine. First of all, I think that, Mr. Antler, that is too narrow thinking, because when I talk about local economic self-sufficiency, I talk about it really in the sense perhaps that Gandhi wrote about it when he began to organize the workers to take on the British Empire. And the point is that I don't think local governments alone, having come from the Baltimore City Council, can do this, but let me tell you one reason why I would hope that we would think in terms of moving towards local economic self-sufficiency, and tell you where I think maybe these funds could come from, and then get your reaction to the concept, and then once we agree on the concepts, then I think we can go on to the organizational mechanisms.

First of all, and I say this now as a feminist, I feel that as long as we are funded by patriarchal institutions, and do not control our own checkbooks, we will not be able to control our own lives and our own destinies, so that the more we can then find ways of funding ourselves, the better off we are going to be. That is just a principle that I happen to believe in.

When we talk about grassroots funding, I happen to believe that there is money available, for instance through unions, many of whom employ women, who could perhaps be purchasing service, who certainly should have membership, and so on, and then, too, through grassroots fundraising. I am of a Polish-American background, and I am very sympathetic to other minorities, ethnic minorities. For years we kept a lot of our own organizations going through local fundraising. It was limited, but we did then have our own control. I think that that is there.

I am going to, in a few weeks, be holding a fundraiser for a political campaign, in which I am going to probably raise \$30,000 in one night.

I learned, for example, in politics about how to raise money that I didn't know as a neighborhood organizer. Nobody told me how to do that. They taught me how to write grants, but they never taught me how to raise my own money. There are no grants in politics, so I never learned how to do that. We did it through everything from

car washes to big buck fundraisers. Now, one of the reasons I wanted to go to ACTION, and it is very difficult to say this, because I don't want Phyllis Schlafely camping on my door that I am coming up with all these activists, but I really do want to come up with activists so that people can be trained to work with all of the grass-roots group to raise money locally, because it is there.

If we can raise \$20,000 just to buy bumper stickers that say, "Keep Mikulski in her place," or something like that, then we can certainly raise the money to do this. That is my thinking. That is what we are talking about when we are talking about economic self-sufficiency. It is not really meant to be a cop-out, because quite frankly, as long as the Federal Government controls the money, it is action in a community organization. She who has the money has the power.

I would like to talk about shifting that. That is why I had these ideas originally. I know they have been very controversial. I would welcome your input. I am sorry to go into a monolog, but I wanted to have a chance to explain the feeling behind it.

Mr. ANTLER. Could I respond to you? I could not be more in sympathy with your remarks, but I think a few of the lessons that have come out of the last 10 or 15 years is that there is something that—well, Anthony Downs has called it the issue-attention cycle, and he described it in terms of environment. Issues pop up. They get the attention of the Congress. People excited about them. They want to do something about it. Legislation gets passed. A small amount of money gets allocated, and then within a few years that same issue gets put on the back burner preparatory to being thrown off the stove altogether. We saw it with poverty. We saw it with integration, and busing in the schools. We saw it with runaway youth. We are seeing it now with child battering, though that has had a rather longer lifespan than many others, which is why I guess I would say that there has to be some kind of ongoing funding strategy.

The community gets tired of hearing about these programs. They forget. They don't seem to be quite as cogent a problem the 50th time it is in the newspaper. It was kind of like the deaths in the Vietnam war being shown on television. After a while it had about the same impact as any of the entertainment programs. People just got turned off to it and saturated with it. I think that is true of these problems also. It is a reason why we need other approaches toward solving social problems, but I won't go into that now.

I would strongly urge Federal support for these kinds of programs, because I think if we attempt to do it all with local fundraising, we are going to find that a lot of these programs will simply not be able to make it over the long run.

Ms. TYNKER. I think what I have heard talked about more as a strategy among local women's groups has been survival by any means possible, and when you talk about long-range survival, I think we have also acknowledged this popularity of issues syndrome. We figure that battered women may be good for 5 years, but probably not any longer, and the kinds of programs that I have heard local groups talking about developing are ones that can draw on all kinds of resources, that can learn, as you say, the funding skills that are

based in the community, and going along with that can support program designs which don't require great amounts of ongoing funding, so that we can learn to survive, that we can use the interest or the next few years to get together some basic resources, to get together some houses, some typewriters, that sort of thing, and that we can use the resources to train people to be able to train themselves to maintain the effort.

Ms. MIKULSKI. Ms. Tinker, I know you represent 300 groups, which is impressive in and of itself, and you talked about initially how they weren't sure about administrative skills and a variety of things that you didn't have except the will to be helpful as quickly as you could. Does this concept of providing technical assistance to grassroots groups on fundraising skills, seem to you an important component?

Ms. TINKER. I think it is critical. I think it is also critical that the grass roots groups be able to define what kind of technical assistance we need, because I think that we need a kind of assistance, as I say, in developing kinds of programs which don't exist, and in fact we are about the only people who know much about developing those kinds of programs. We need to be able to be in communication with each other so that we can share the skills we have learned.

Ms. RAMARES. I agree with your sentiments that local groups have to raise their own money. They should, after all, if they are going to have a program, they should contribute to it, but whereas Barbara Mikulski needs her bumper stickers once every 2 years, a women's center like the one we had in Bloomington needed a mortgage payment check every month, and even people willing to commit monthly pledges to such a thing could only go so far.

You talked about private grants. Well, all well and good until the economy goes shot like it did in the early seventies, and the corporations did not have as much money to set aside as they do during better economic times. Also, as the number of services grow and new issues are perceived and new needs are perceived, the competition between these older and these newer ideas just dries up the resources.

So, there has got to be—what I said about national policy before I got out of a sense of your bill, the Congress may not accept it yet, but you are dealing with the family here. You are dealing with what is considered the basic unit of society. If a family is busy fighting among themselves, as we said, a house divided against itself cannot stand. Where is the Nation going to go? It is just as important as national defense, or an agriculture policy, or everything else. They may not have gotten to the point you and I have yet, but definitely there has to be some kind of floor, some kind of ongoing thing that people can be secure and know it is going to be there and it is not going to just, gee whiz, we know the center is here now, but will it be here next year? What is going to happen?

Ms. MIKULSKI. I just have one other general question, and then one particular one for Ms. Sanchez before we wind up.

There are now programs in various agencies, HUD, LEAA, CETA, title XX, and Justice. They are scattered and splattered, as I said. One of the things I recommended, and I know Congresswoman

Boggs and Congressman Steers feel strongly about, was some type of Federal coordinating council, No. 1, where all these agencies have to sit down and talk about a way to coordinate their resources, and then, No. 2, that when grassroots groups apply—right now you have to go running around to 60 different agencies to find out what they can do, but that there would be some type of, as you try to develop your resources, some type of one stop shop where you could find out all of the resources within the Federal Government, so that for example as you were starting a shelter, perhaps for Spanish-speaking women, Hispanic women, that CETA in your local community could be used, in which you could hire minority women through CETA employees to provide the very service you wanted, but you wouldn't necessarily know that unless you went running around to a whole bunch of agencies.

My question is, do you feel that we need this type of, one, coordinating council in terms of policy, but number two, a coordinating mechanism so that you would know that you would have a one stop shop, as to what is available within the Federal Government to help local communities?

Ms. SANCHEZ. I would say yes, but you know we have a catalogue of domestic assistance which lists all the programs, but the problem with that is that that costs money to get, and I think it is pretty expensive, like \$26 or something, so even a coordinating council that does not charge grassroots people to give them information on what is available I think is absolutely necessary.

Ms. TINKER. Definitely, and I think it is also necessary that that coordinating council be able to explain what is available in plain English so that you don't have to have—

Ms. SANCHEZ. Or Spanish. We need not to have to understand bureaucracies in order to have access to help.

Ms. MIKULSKI. The hearing is going to continue tomorrow, but let me finish my last question for Ms. Sanchez before you suggest some other things for me to bring out, because we want to invite everybody to the reception and a couple of other things.

Ms. Sanchez, I am particularly appreciative of you raising the bilingual question, and the bilingual issue is of concern to me because it not only relates to Hispanic women but, for example, in some of the older east coast ethnic communities it relates to new immigrants. Baltimore is having a tremendous influx of people from Southeast Asia, from Korea, and so on, and there seems to be a lack of orientation to, one, a pluralistic society, and the multilingual factor, but I feel that when someone Hispanic or of that constituency sits on a task force, we should do consciousness-raising.

Has MAWNA ever been asked to sit on a Federal advisory board or task force to provide advice and consultation, number one, on the Hispanic women's community specifically, but generally to those of us who also use language other than English?

Ms. SANCHEZ. I would have to say no. We have been invited, like FDA has been very good about asking us to sit on their consumer ad hoc committees, for example, general counsel at HEW has asked for specific input in terms of, for example, a sterilization abuse regulation, so it is very spotty where people ask us to be involved.

I think one of the biggest problems is that the bureaucracy is not oriented towards ethnic minorities. We just do not exist to the Federal bureaucracy. I think, for example, most statistics, most reports, anything that comes out is in white and black statistics only, until we raise our consciousness that we are here—and it is a very difficult job, and it is a constant plugging away, which we do every day—I would say no, we are not involved to the extent that we would like to be.

Ms. MIKULSKI. Well, let me first of all thank all of the panelists for what you have brought to this hearing. It has been very helpful in giving us new insights and giving us inspiration, because we feel that we are on the right track with the grass roots approach, and then just to hear it reinforces it.

The hearings will continue tomorrow, starting at 9:30 in the big room here, and also Congressman Steers, Congresswoman Boggs, and myself would like to invite you all to a reception this evening in room 210 over at the Cannon Building. We are happy to host this not so much as a party but we feel that somehow or another if you had an opportunity to be with each other while we are trying to formulate organizational mechanisms, we knew that as aggressive and as entrepreneurial as you all are, you would already begin to develop your own network, clearinghouse, advocacy, and so on, so we are happy to be a catalytic force, to bring you all together, so we look forward to seeing you this evening, and we thank you for your patience today.

We are trying to pass the Humphrey-Hawkins bill, and there are a lot of games being played, and that is why it has been long and drawn out, so again, thank you for your patience and thank you for your work.

[Whereupon, at 3:20 p.m., the hearing was recessed, to reconvene at 9:30 a.m. of the following day.]

## DOMESTIC VIOLENCE

FRIDAY, MARCH 17, 1978

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON SELECT EDUCATION,  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D.C.*

The subcommittee met at 10:05 a.m., in room 2175, Rayburn House Office Building, Hon. George Miller presiding.

Members present: Representatives Miller, Mikulski, and Steers.

Staff present: Thomas L. Birch, deputy counsel; and Dorothy Strunk, minority clerk.

Mr. MILLER. The subcommittee will reconvene, and I will offer my apologies for being late. I did not realize when we scheduled these that I had another appointment that I could not break, so thank you for being patient.

Our first panel will be made up of Georgene Noffsinger, of Gaithersburg, Maryland, and Yolanda Bako, of the Women's Survival Space, Center for the Elimination of Violence in the Family, Inc., New York City.

I want to tell you that your testimony will be put in the record in its entirety, and also to say once again that the Committee on Select Education is joined by Congresswoman Barbara Mikulski of Maryland, who most of you know has introduced legislation to try to deal with the problems of violence, domestic violence, and to try to come up with some solutions and helpful suggestions for the Federal Government where they might take an active role. Barbara was nice enough to sit with us all day yesterday because of her concern with this problem.

Barbara, do you have something you would like to say before we get started?

Ms. MIKULSKI. First, Mr. Chairman, I have two articles from Ms. magazine on family violence that I would like to introduce for the record, if I may have your consent.

Mr. MILLER. Without objection, they will be included.

[The material referred to follows:]

## MOST AMERICAN VIOLENCE HAPPENS IN THE HOME

"ONE OF THESE DAYS—

**P O W N**

RIGHT IN THE KISSER!"\*

BY JUDITH GINGOLD

*Victim stated the first argument started over a pack of cigarettes. Victim stated accused (her husband) held her against the bathroom wall by the hair and continued to beat victim with his right hand. Victim is six months pregnant at this time. Victim stated accused kept telling victim, "Bitch, you are going to lose that baby," and then accused would beat victim in the stomach again. After the assault in the bathroom, accused told victim to cook dinner. Victim stated the accused picked up a butcher knife and put it to the victim's throat and told victim, "I am going to kill you and you know I can do it too, don't you?" Victim answered, "Yes," and accused laid the butcher knife down on the table and turned around and hit the victim on the face with his fist and knocked victim to the floor. . . . Victim stated she blacked out. . . . Victim stated when she regained consciousness, the accused was still beating her.*

4.1 Assaults, Felonious, File #41, Complaint #13626. July, 1974. Washtenaw County Sheriff's Department, Ann Arbor, Michigan.

Reports like this are atrocious, inhuman, and all too

easy to dismiss. Surely beating wives, like burning witches, is an archaic aberration, a cruelty only the deranged could commit or endure.

In fact, wife beating is among the most commonplace of crimes. For many women, even arguments over such minor items as misplaced cigarettes, unmade beds, or delayed dinners may end in blood and bruises. Complaints like #13626 routinely fill the files of city precincts and rural police stations.

Nevertheless, the plight of the abused wife has generally been ignored in our society. Assaulted wives have been convinced their ordeal is freakish and shameful—or their own fault. Increasingly, however, these women are beginning to realize that they are not singularly cursed but victims of a crime more prevalent than rape—and just as misunderstood. (For example, there were 4,764 reported rapes in New York State in 1973, according to the FBI. About 14,000 wife-abuse complaints reached the Family Courts during a comparable period.)

\*from "The Honeymooners"

## A SPANIEL, A WOMAN AND A WALNUT TREE, THE MORE THEY'RE BEATEN THE BETTER THEY BE - OLD ENGLISH PROVERB

In our culture, the attitudes toward abused wives and rape victims are strikingly similar. Just as the rape victim is supposedly a seductive temptress who asked for what she got, the abused wife has provoked her husband into beating her. Secretly, the woman is supposed to enjoy being beaten, just as the rape victim is accused of relishing violent sex. A woman who attempts to charge a man with either crime is assumed to be vindictive; skeptical police and prosecutors must be convinced that she is indeed a "worthy" victim. Though the penalties for assault are less severe than those prescribed for rape, judges are reluctant to impose them when the assailant is married to his victim. "In seven years of practice," reports Ann Arbor attorney David Goldstein, "I've never once seen a husband put in jail. Never once."

Wife abuse has been incorrectly considered a lower-class phenomenon. In fact, it is a crime that cuts across class lines, although middle-class women may be especially reluctant to call the police. A special task force in Montgomery County, Maryland, one of the nation's wealthiest areas, reported an estimated 650 incidents of assault by husbands in a one-year period. And Philadelphia social worker Jennifer Fleming, of Women in Transition, Inc., who counsels 300 battered wives each year, finds that her clients are as likely to be from the suburbs as from the inner city. "One man beat his wife with a golf club," she declares. "What could be more middle-class than that?"

Marital violence sometimes ends in divorce, sometimes in murder, but for many women it is a way of life that goes on and on. Often the beatings are a daily, weekly, or monthly ritual instituted early in the marriage and increasing in frequency and brutality over the years. Michigan lawyers Susan Eisenberg and Patricia Micklow conducted extensive interviews with 20 abused wives who had been punched, slapped, kicked, thrown across rooms and down stairs, struck with brooms, brushes, and belts, threatened with knives and guns—frequently after verbal disputes over trifles. "His bad mood precipitated the fights," one of the victims declared. "He got mad over little things, like dinner not being ready when he came home from work or that I don't think before I speak." Two of the women were attacked while they slept.

The women suffered injuries ranging from bruises, lacerations, swellings and soreness, to fractured jaws,

concussions, and miscarriages. "I would cover my head with my arms and crouch in the corner," said one woman. "I was too afraid to fight back." Those who did retaliate agreed that they were more severely beaten as a result. Humiliated by their husbands, they dreaded the further humiliation of others finding out.

Why do women endure years of such terror and degradation? In large part it's because they feel they have no other choice. Their economic dependence on the men who abuse them usually keeps them in their place. Even the many women who are employed outside the home are keenly aware of their limited earning power. In a country where the courts are notoriously unable to extract child-support payments from unwilling husbands and where female household heads and their children constitute more than 80 percent of all welfare recipients, many women don't see divorce as a possible solution.

Psychological pressures add to the economic constraints to leaving. "Women have been raised and socialized to believe they must make their husbands happy," argues Marjory Fields, an attorney with the South Brooklyn Legal Services Corporation. "So, they not only take the beatings; they tend to feel responsible for them. Their guilt feelings prevent them from getting out." Nevertheless, many abused wives do eventually seek separations or divorces. But they do so after years of waiting for kids to get bigger, or husbands to change, and years of struggling with a sense of shame. [For services for battered wives, see the Ms. "Gazette," pages 95 to 98.]

The literature on child abuse presents strong evidence that the abused child grows up to become the abusive parent, and the few studies that have been made of marital violence suggest that it, too, is transmitted from one generation to another. Not surprisingly, men who abuse their wives may also abuse their children, and women who are beaten by their husbands sometimes end up expressing their rage at their children—the only people in the family less powerful than themselves.

Marital violence may be kept secret from the neighbors, but chances are that the children know. One mother grimly admits that her six-year-old tried to overrule her attempts to put him to bed by threatening to "call Daddy to hit you."

# HOW I STOPPED BEATING MY WIFE

*Bill M. was a self-confessed "woman beater" from his teens into his late twenties. Now 41, he recently became a part-time social worker counseling newly released prisoners as well as victims of family violence. Because he claims he never caused any serious injury, he has trouble identifying with more violent cases in the headlines and, typically, blames his culture—and especially drink—for his past behavior. Hearing one man's view of the motivations at work in such situations, however revealing, should not obscure the fact that studies show that batterers come from all classes, and alcohol, though often a component of family violence, is seldom the cause.*

"It was as though I were somebody else. I'd strike out blindly and then later not believe I'd done it. The closest I'd come to being jailed for hitting was when she called the police one night. She didn't press charges, and the cops didn't take me in. They just walked me around the block and the next day I was back on her sofa thinking, Jesus, here we go again. I finally did leave, but the process was gradual. It took me a long time.

"I was born in Brooklyn, the middle one of nine kids. My father used to beat my mother at home, in front of us. We kids would intervene so she wouldn't get hurt. You grow up thinking you ought to protect a woman, but still you've seen the beatings. I got confused signals.

"Between fourteen and twenty I look up with the gangs, and in order to be one of them, to feel accepted, I went along with their way of doing things. That meant giving a girl a slap once in a while, asserting your manhood and your position, nothing serious. The guy was supposed to be the all-powerful one and if you couldn't get the point across verbally you tried to physically.

"Once I got out in the world as an adult, the frustrations really began. You're forced to make something of yourself and you've got kids in the house and your wife can't maintain

herself as well any more because there aren't any funds, and a guy can't dress the way he'd like to because he's got to pay the bills. So one day you find yourself looking at another woman and you feel trapped just thinking about how you're going to get out of it all.

"I had married for the first time at eighteen, three weeks before I got sent to prison for robbery. In jail I had no concept of paying rent because the state took care of that. Immediately on getting out and finding a job, I was the target for every charge plate in the world. I had no sense of responsibility, so I ended up in debt. I'd got my high school equivalency certificate, but the only two jobs I'd ever held for any length of time were as a shipping clerk and machinery maintenance man. I felt I could do better.

"A guy starts out blaming the world and in a month he's blaming his wife, maybe without even realizing it. Naturally he'll take the easy way out, which is turning on someone weaker—or at least he figures women are the weaker sex. He doesn't deal with the question that he needs some mental help. He's lying in bed thinking, What can I do and where can I go? and not knowing any of the answers.

"There isn't any particular thing that would set me off. Drinking had a lot to do with it. The alcohol justifies any action. After you've slapped a woman around a few times it's no big deal. The woman may be desperate, and the guy doesn't understand that. I'd wonder why a woman would provoke me when she knew what was bound to happen. This woman must be crazy,' I'd say. 'She wants me to knock her down.' And I know women who are really aggressive, who throw hot water or stab a guy.

"My second wife and I got into the habit from the beginning of the marriage. It always happened in the bedroom and it usually ended up with us making love. I wanted to own her, she was a gorgeous woman. I wanted the

personal satisfaction of coming back after we'd fought and she had thrown me out. I had to wake up to that to be able to leave, and it's hard because it's a continuing thing.

"Eventually it dawned on me: 'I'm my pops all over again.' And I went back to the beginning to see what happened. I count myself lucky for that. I had to say to myself, 'Hey, you're hitting on a woman; you're acting like an animal. If you want to be a fighter, go down to the ring and put some gloves on.' Don't ask me how I got to that point. But the amount of energy expended in those violent scenes could propel you into doing a lot of constructive things if you stop to think about it. You have to deal with yourself and what you want. I'm capable of sharing now, but I had to learn to make allowances.

"Unless a man has serious mental problems, there is no personal gratification from seeing someone close to you that's black and blue, with busted lips and a knocked-out front tooth, trying to hide it with dark glasses. That man's clothes, his house, are all in a mess, too, because how do you keep things in decent order when you're fighting all the time. So many seemingly small things contribute to his anger. And more than one life is damaged in the process. The kids get knocked around and they grow up with this mental attitude too.

"What the solution should be to this I don't know, but one obvious way is to talk openly and not sweep such matters under the rug. At least the kids now have got more going for them; they are dealing less with specific male and female roles. And going to a mental health center no longer is a stigma.

"There ought to be a place to go to think things over if either party wants to leave home. Leaving is the solution, or at least opening up to the truth that this kind of life is not what you want."

—Bill M. was interviewed by Ann Geracimos, a free-lance writer based in Washington.



Wife of a Methodist minister, Pittsburgh, Pa.

## A WIFE MAY LOVE A HUSBAND WHO NEVER BEATS HER, BUT SHE DOES NOT RESPECT HIM— RUSSIAN PROVERB

Alcohol is often associated with wife abuse, but the nature of the connection is not at all clear. Does drinking provoke the violence or do those who are violently inclined drink? Sociologist Richard Gelles suggests that some men may drink when they feel like beating their wives. "Drinking is a disavowal technique," he says. "Husbands know they will be released from responsibility both by their wives and by the rest of society."

Pregnancy and abuse may also be related. In a study of 80 New Hampshire couples, Gelles found that in almost one-quarter of those families that were violent, the wife was attacked while pregnant. Many others dealing with the battered-wife syndrome have also observed that pregnant women are frequent victims.

*You get into things like this one step at a time. It's not a big step from abandoning your preference in movies to going along with your husband's preferences emotionally. My husband knew I could beat him verbally; he had fists and economic power. When he was out of verbal ammunition, he'd hit me. I had no comparable resource. I was in psychoanalysis and group therapy and at no time did the group take seriously what was happening to me. It was: What had I done? What had I said? The problem was my self-improvement. Twice, I called the police. They came, put their arms around his shoulder and asked him, "What seems to be the trouble?" I said I wanted him out. They said, "He's your husband, isn't he?" The second time, they told me I could get an order of protection in the morning. But the problem isn't the next day. Women are killed in their homes because no one takes seriously that they are in danger . . . I think the men get into it because there are no checks on it—and they know it.*

—Ingrid, 34

The laws that can be invoked to protect women from assaultive husbands vary from state to state. In every state it is against the law to physically attack another person, but if the assailant is married to his victim the law is unlikely to be enforced. Though "domestic trouble" complaints constitute the majority of all calls

for police assistance, police policy dictates that these calls result in few arrests. The International Association of Chiefs of Police training bulletin states, for example, that most family disputes are "personal matters requiring no direct action." The bulletin goes on to recommend that "once inside the home, the officer's sole purpose is to preserve the peace . . . attempt to soothe feelings, pacify parties . . . the power of arrest should be exercised as a last resort." In a number of cities, including New York, Oakland, California, and New Orleans, police have been specially trained in mediation and conciliation techniques for use in family cases. While these tactics seem to reduce the number of injuries *police* incur while responding to domestic dispute calls, their protective value to the abused wife is debatable. "In one case that I know of, the cops asked the husband to walk around the block and cool off," says social worker Fleming. "The husband walked around the block. When he came back, he murdered his wife."

Although a study by the Kansas City, Missouri, police department revealed that 90 percent of the city's family homicides had been preceded by at least one "domestic disturbance" call, police generally do not treat these calls as high priority items. In Detroit, for example, a woman who calls 911 is advised to report to the station house on the next business day if her assailant is her husband and no lethal weapon is involved. Even in localities where there is no official policy of screening out "nonurgent" family offense calls, lawyers cite case after case of police avoiding arrest in situations where there would be no doubt of arrest if the people involved were not husband and wife. Some police departments have informal "stitch rules": they will arrest a husband only if the wound he has inflicted is severe enough to require a specific—and considerable—number of stitches.

Police point out that the officer responding to a domestic dispute call is involved in one of the more perilous areas of law enforcement. According to the

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FBI, 149 policemen have been killed between 1965 and 1974 responding to "disturbance" calls. The officer does not know what to expect when he or she arrives—or which of the warning participants' charges and countercharges to believe. Many officers admit they are reluctant to arrest violent husbands for fear that a night in jail will only provoke them to harsher attacks upon their wives. "Women's groups have been too quick to condemn the police," argues New York City psychologist Morton Ford, a former policeman who is helping police forces across the country to develop family crisis intervention techniques. "These situations are fraught with dilemmas. A cop has got to have the wisdom of Solomon and still maintain order. Even if he suspects that a homicide could take place, can he deprive a man of his liberty on the basis of a prediction?"

Many lawyers insist that the failure to arrest in wife-abuse cases is frequently based on police predictions that the women plaintiffs will eventually drop the charges. "Of every hundred altercations that we get, 99 percent don't prosecute anyway," complains one Michigan official. "Arrest just makes more paperwork for us." It is true that wives often withdraw from the cases, but Jennifer Fleming, like many other feminists, points out that "the attitude of cops and prosecutors conspires to get a woman to do just that. If she doesn't drop the charges, she's made to feel she's vindictively persisting in something that doesn't belong in the courts in the first place."

At every turn, the abused wife must confront a legal system that is indifferent—if not downright hostile—to her need for protection. Women who have been assaulted are often advised to seek a restraining order or writ of protection, a document issued by a civil court which subjects the husband to contempt of court charges if he violates the order by attacking his wife again. The process of obtaining such an order can be time-consuming, expensive, and humiliating. "I had waited a long time to go to court and my bruises had healed," says Nanette, a teacher who sought an order of protection while her divorce was pending. "The probation officer pointed to a woman with bandages swathed around her head and told me not to come back and bother her unless my skull was broken."

Even after she has survived the red tape and attorney's fees involved in getting the order and having it served on her husband, a woman is likely to find that her efforts were futile when she seeks to have it enforced. If she calls the police, she may be told to call her attorney, and even if she succeeds in hauling her offending husband before a judge she is unlikely to obtain relief, for judges rarely imprison men for beating their wives. "A judge isn't going to put a guy who makes a living in jail and his wife on welfare," says Washington, D.C., attorney Carol Murray. "In terms

of the respective values of our society, his earning money outweighs her possible physical injury." From the cops to the courts the criminal justice system operates to reinforce the husband's belief that he has committed no crime and to intensify the wife's feeling of helplessness. "The assaulted wife is in a Catch-22 situation," lawyers Eisenberg and Micklow conclude. "She is caught in a vacuum of nonresponse."

Official tolerance of wife beating has its roots in tradition and the law. Legal historians trace the expression "rule of thumb" to the ancient right of the husband to chastise his wife with a stick no thicker than his thumb, and the hoary notion that a wife is the property of her husband is still entrenched in many areas of law affecting the rights of married women. In every state husbands are immune from prosecution for the rape of a wife.

Most feminists insist that wife beating must be treated as a crime if the practice is ever to be eliminated. But this is a dismaying prospect for people who believe that the criminal justice system is not a proper remedy for society's ills. "Historically, arrest has been used as an establishment tool against minorities," explains San Francisco lawyer Susan Jackson. "The struggle against discrimination has often taken the form of a struggle against arrest." But Jackson believes that in the area of family violence, the criminal justice system is using the failure to arrest as a tool to discriminate against victimized women. "The well-intentioned, civil-libertarian opposition to the arrest and prosecution of wife beaters is a knee-jerk, clenched-fist, liberal reaction," she says. "Arrest is not the issue; the issue is equal protection under the law."

Even the staunchest advocates of improved law enforcement are well aware that more must be done than simply punishing assaultive husbands. Increasingly, concerned community groups are turning their attention to the needs of the women trapped in violent marriages. Their most urgent requirement is simply a place to go—a refuge where they can marshal their determination to improve their lives. In England there are now about 50 shelters for women and their children. There are others in Ireland and Australia, and refuges are being developed in France and West Germany. Within the last few years a growing number of shelters have been set up in the United States.

It is vitally important to combat the widespread indifference toward battered wives, and this requires an effort akin to the feminist assault on rape, which in the last few years has won better treatment for rape victims. More shelters and counseling and better law enforcement are indispensable to improve the lot of the battered wife, but they will not themselves eliminate wife beating, just as rape clinics will not eradicate rape. The battered-wife syndrome is rooted in centuries of sexual inequality and will disappear only when that inequality is rooted out.

*Judith Gingold is on the staff of "Newsweek" magazine.*

# GAZETTE

NEWS

want to be helped instead of put off with "a bottle of tranquilizers and twenty minutes with a psychiatrist."

In the House of Commons, a bill to give better protection to battered wives reached a stalemate this spring. But Chiswick Women's Aid did win an important legal battle to maintain their "ever open door" policy. The local council took Pizzezy to court for overcrowding—100 women and children in a house designed for 30

—but failed to force the crisis center to close. The council has appealed to a higher court where the case comes up in September. If Pizzezy does go to jail, then the Honorable David Astor, former editor of the *London Observer*, has promised to take her place and keep the refuge open.

The group has just produced a 90-minute color film called "Chiswick Women's Aid," which tells the group's history and offers a detailed blueprint for running a

refuge and after-care service for battered women. For information on how to obtain the film, contact Chiswick Women's Aid, 369 Chiswick High Road, London W4, England.

Erin Pizzezy's book, *Scream Quietly or the Neighbors Will Hear*, is still looking for a U.S. publisher, but to obtain a copy, send \$1.50 (surface mail) or \$2 (airmail) to J. Barnicoat, P.O. Box 11, Falmouth, Cornwall, England. —Gay Search

## LIVES ON THE ROCKS: THE PHOENIX SOLUTION

The first of the now-existing refuges for abused wives in the United States was Rainbow Retreat, which opened its doors in Phoenix, Arizona, on November 1, 1973. Unlike other refuges that are open to all battered women, admission to Rainbow Retreat is limited to abused or displaced families of husbands with drinking problems. According to Joanne Rhoads, executive director, alcoholism *per se* is not the criterion for admission, but rather alcohol involvement: "We stretch it a bit. But even when a woman denies that alcoholism is involved, we find that in nine out of ten cases drinking is still a factor."

Rainbow Retreat started with \$50 and 11 dedicated and determined individuals. Today they have an annual budget of \$110,000 to shelter up to 13 women and children at a time. During its first two-and-a-half-years' operation, Rainbow Retreat housed more than 1,000 persons. Families, from as far away as New Jersey, are referred by doctors, counselors, and protective services. Some companies also pay to send wives of executives who have drinking problems in an effort to rehabilitate the family. The average woman resident is 35 and has been married 10 years; her husband's income is over \$7,000.

The first concern of the staff is

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to deal with the crisis that brought the woman to the shelter—the trauma of a beating or being thrown out of the house. As soon as possible, she is worked into the schedule. Residents receive one-to-one counseling and participate in group sessions.

"We try to get at the underlying problems," Rhoads told me. "Abuse takes many forms—not just the physical." So many wives

are kept emotionally and financially dependent by their husbands that job training and placement has become another essential service provided at the retreat. "But that doesn't mean that we advocate divorce," the director quickly added. "We have found that sixty-four percent of the husbands get treatment"—a most promising side effect of the program. —Del Martin

## WHERE TO GET HELP

The following list includes a sampling of people and places dedicated to meeting the specific needs of battered women, and makes note of publications and workshops being sponsored through their efforts.

### NATIONAL

*Center for Women Policy Studies* (2000 P St. N.W., Suite 508, Washington, D.C. 20007; 202-872-1770). Have applied for a grant to establish clearing-house for victims of rape, child abuse, and wife abuse. Particular concern is legal problems of battered women.

*National Organization for Women National Task Force on Battered Women* (c/o Del Martin, 651 Duncan St., San Francisco, Calif. 94131; 415-928-2480; or c/o Nancy Kirk-Gormley, 7 Aloha Drive, Pittsburgh, Pa. 15239; 412-327-5077). Recently established as a result of 1976 NOW national resolution on battered women. Welcomes information from around the country. Planning national conference.

### REGIONAL

*CALIFORNIA. Haven House, Inc.* (644 S. Marengo Ave., Pasadena, Calif.

91106; 213-681-2626). Limited to families of alcoholics. Can stay three weeks. *La Casa de las Madres* (1800 Market St., Box 137, San Francisco, Calif. 94102; 415-626-7859). Refuge which can accommodate up to 30 battered women and children. Hot line, counseling, advocacy program, and emergency rescue service.

*Women's Transitional Living Center* (c/o Susan Maples, Director, Community Development Council, 1140 S. Bristol St., Santa Anna, Calif. 92704; 714-992-1931). Provides shelter up to 45 days for women and children as well as counseling and referrals.

*FLORIDA. Joanne Richter* (Fort Lauderdale Police Dept., Victim Advocacy Office, 1300 W. Broward Blvd., Fort Lauderdale, Fla. 33312; 305-761-2143). Provides crisis intervention counseling with follow-up sessions; referrals; child-care centers and job training available.

*Citizens Dispute Settlement Center* (Metro Justice Building, 1351 N.W. 12th St., Miami, Fla. 33125; 305-547-7062). Provides counseling, referrals.

*Florence Morgenrath* (Task Force on Battered Women, YWCA, 100 S.E. 4th St., Miami, Fla. 33168; 305-377-8161, ext. 416). Has set up task force

# GAZETTE

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## HOW TO TELL IT TO THE JUDGE

*Legal remedies available to battered women vary greatly from state to state. Not all the options listed below are available in every state, and details of remedies may differ somewhat. Therefore, this rundown cannot serve as a guide for individual use, and in every case it is important for a woman wishing to take legal action to consult an attorney.*

*In addition to these immediate protective remedies, a woman should seek legal advice on how to sue for damages or to file for support, custody of children, separation, or divorce.*

**CIVIL AND CRIMINAL PROCEEDINGS.** A criminal prosecution is initiated by a private citizen, but the complaint itself is pursued by a district attorney who decides whether or not to prosecute. Successful prosecution of criminal charges stemming from family violence is infrequent, but can result in a more severe penalty, such as longer imprisonment, than that of a civil action. A civil suit is initiated and pursued throughout by a private citizen seeking either money damages or any of a variety of protective orders which may include limited imprisonment. (If a state has a special court to handle family disputes, cases of wife abuse are heard there—where civil rather than criminal procedures apply.)

**CITIZEN'S ARREST.** A woman choosing this recourse, the right of an individual in most states, must inform the police that she wants to make a citizen's arrest, describe the crime, and identify her assailant. In some states the woman is required to take physical custody of her assailant, although in others a simple identification is sufficient. Anyone choosing to make a citizen's arrest must accept responsibility for possible charges of false arrest. (The effectiveness of a citizen's arrest depends on police cooperation, which traditionally has been minimal.)

Counselors to battered women may suggest the remedy of a citi-

zen's arrest, since police officers rarely make arrests in cases of family violence. The police officer won't have an arrest warrant unless the woman has previously filed a complaint in court, and it is highly unlikely that the officer will be able to witness the crime or will decide that there is probable cause to make an arrest. (An officer unwilling to arrest for assault may agree to make an arrest on charges the officer observes, such as "disturbing the peace" or acting "drunk and disorderly.")

**CRIMINAL COMPLAINT.** In order for a woman to take her assailant to criminal court, she must file a criminal complaint. Prior to authorizing a complaint or prosecuting, a district attorney must have probable cause that the accused committed the crime and must also determine that the prosecution is in the "interest of justice." Usually it is necessary to have witnesses to the incident, evidence of serious injuries, a record of previous attacks, and a police report on file before a warrant will be issued and the accused arrested. (Subsequent proceedings can range from dropped charges to reduced charges, stemming from plea bargaining. Only a small percentage of wife-battering cases result in jury decision.)

**RESTRAINING ORDERS.** One type is a *restraining order*, a civil action usually issued after a divorce suit has been filed, which requires the assailant to stay away from the woman or to "cease and desist" from offensive conduct for a specified length of time. A woman and her attorney must file a petition showing that the order is necessary, and that if it is not issued, the woman will suffer irreparable damage or injury. (In an emergency, a *temporary restraining order* may be issued until a hearing can be held.) When a restraining order is violated, a woman and her attorney must petition the court for a contempt order (a misdemeanor) to ensure further compliance or to punish the violator.

Another type of protective order is a *get out or vacate order*, with which a judge instructs the husband to remove himself from the family home. The judge may also require the husband to post a *peace bond*, a sum of money as "security to keep the peace," and warn that he will forfeit the money and be prosecuted if he assaults his wife again. However, many attorneys feel that peace bonds can violate the accused's right to equal protection under the law. —*Marcia Rockwood*

## SCREAM QUIETLY

Since I wrote "London: Battered Wives" (*Ms.*, June, 1974), much progress has been made in England. There are now some 50 refuges all over Great Britain, many of them operating under the banner of the National Federation of Women's Aid.

Chiswick Women's Aid, the pioneering group set up by Erin Pizzey five years ago, has grown stronger and stronger as an independent organization. In addition to maintaining the Chiswick "crisis" refuge, the group took over an empty, condemned hotel outside of London last spring as squatters. They've now been assured that the 80 women and children living there can stay until a suitable, permanent building of the same size is found.

In the past year, they have also set up 21 "second stage" homes for longer-term housing of more than 500 women and children. An anonymous donor has helped them buy and equip their own school for the "very special education," says Pizzey, that "children of violence need." They've established a workshop to train and employ some of the extremely disturbed teenage sons of battered women—an effort to break what could become an environmental chain of violent behavior. They're also about to open their first house for batterers—those men, says Pizzey, who genuinely

# MR. GAZETTE

NEWS FROM ALL OVER

## BATTERED WIVES: HELP FOR THE VICTIM NEXT DOOR

Police Commander James Bannon of Detroit recently called on the police, the prosecutors, and the courts to "begin to view domestic violence as a 'public issue' rather than a 'private problem.'" On the inadequacy of police response, Bannon observed:

"Those of us in law enforcement, who are the first official representatives of government to respond to violence in the home, are socialized in precisely the same manner as the citizens we are expected to protect. . . . We share society's view that domestic violence is an individual problem and not a public issue. . . . Policemen, as are most males, are taught self-reliance, 'fight your own battles' philosophy from the cradle. . . . Of all the nonathletic occupations, none is so absorbed with the use of physical coercive force as that of the police officer. Nor are any more thoroughly socialized in their masculine role images. This . . . suggests to me that traditionally trained and socialized policemen are the worst possible choice to attempt to intervene in domestic violence."

Recently, there has been some effort to train police officers to deal more effectively with domestic violence. "Crisis intervention" programs have been instituted in a number of police stations around the country, sponsored by the federal Law Enforcement Assistance Administration. Although criticized for emphasizing mediation rather than arrest, these programs do train officers to regard family violence as a crime. Role-playing and counseling sessions teach officers how better to respond to family violence. The term "family fight" has been replaced by "family crisis,"

and in keeping with this more serious status, records are kept of each dispute, and statistical profiles are being compiled. Research on family violence is being disseminated by the LEAA to all participating programs.

And some police departments, reports Del Martin in her book *Battered Wives* (Glide Publications), have had success with women on patrol. "Louis J. Sherman, psychologist at the University of Missouri, found that women trainees were particularly competent in handling family disturbance calls," and evaluation of female patrol officers in Washington, D.C., and New York City confirmed that they are "often better able to defuse volatile situations."

The impetus for any real change continues, however, to come from women's groups. Ac-

tivists around the country have printed pamphlets advising women of their legal rights. In Boston, women have developed a card which lists legal alternatives and sources of help for battered women, and they've convinced police officers to distribute the cards to victims of family violence. In San Francisco, women are working to initiate a special response team that would include at least one woman to accompany the police to scenes of marital violence. Mary Vail of the Women's Litigation Unit in San Francisco is working with the city's bar association to draw up guidelines for instituting grievance procedures against the police, and women's groups in several cities are bringing suit against the police for failure to respond to the needs of battered women.

—Marcia Rockwood

Many women like Judy Hartwell—trapped in marriages in which they are beaten—are embarrassed or afraid to seek help. When help is sought, it's typically not available. Judy Hartwell had often called the police when her husband was assaulting her, but they refused to help.

One night her husband returned home drunk and threatened to forcibly perform anal intercourse on her or tie her to a bed and whip her. Hoping to scare him away and escape, Judy Hartwell grabbed a paring knife and ran for the door. He obstructed her passage and lunged at her. She panicked and stabbed him.

On March 16, 1976, a Wayne County, Michigan, jury of eight women and four men acquitted Judy Hartwell of murder charges

stemming from the fatal stabbing of her husband. The case may have established an important legal precedent, for Circuit Judge Victor Baum instructed the jury that a married woman has a legal right to forcibly resist unwanted sexual advances by her husband. The law refuses to recognize that rapes can and do occur within the marital relationship. Baum's instruction—that although a husband cannot be convicted of raping his wife, the woman has a right to refuse and resist what in fact may be a rape by him—is therefore an unexpected and significant step toward legal recognition of women's rights to control their own bodies.

—Excerpted from an article by Marjory Cohen, published in the "Sun," a Detroit biweekly newspaper.

# THE GAZETTE

NEWS

to provide shelter, to work with wide range of county agencies, and to develop local and state legislation.

**Women in Distress** (Jackson Memorial Hospital, 122 N.E. 24th St., Miami, Fla. 33137; 305-573-5528). Will provide food and shelter for battered women without children.

**MARYLAND. Battered Wives Task Force** (Chairperson Evelyn Bata, 5403 Queens Chapel Rd., West Hyattsville, Md. 20782; 202-WA-7-5877). Fully funded shelter working with county representatives, police department, government agencies.

**MASSACHUSETTS. Women's Transition House** (c/o Jimenez, Womendez, and Foulis, 46 Pleasant St., Cambridge, Mass. 02139; 617-547-5942). Twenty-four-hour hot line. Limited accommodations for women and children.

**Elizabeth Stone House** (128 Minden St., Jamaica Plain, Mass. 02130; 617-522-3417). Temporary residency and therapeutic community which can house four women and two children for up to two weeks; 24-hour paraprofessional care.

**Respond, Inc.** (Box 555, Somerville, Mass. 02143; 617-776-6931). Currently runs support group for battered women. Plans to establish a refuge.

**MICHIGAN. Ann Arbor County NOW Domestic Violence/Spouse Assault Task Force** (1917 Washtenaw Ave., Ann Arbor, Mich. 48104; 313-995-5444). Booklets entitled "How To Develop a Wife Assault Task Force"; "Counselor Training Manual"; "Handbook for Victims of Domestic Violence" are available for \$1.50, \$2, and 50 cents, respectively.

**MINNESOTA. Women's Advocates** (584 Grand Ave., St. Paul, Minn. 55102; 612-227-8284). Refuge for women and children offering collective atmosphere. Provides support, advocacy, and a 24-hour information and referral service. Their newsletter is available for a \$4 donation.

**NEW YORK. Marjory D. Fields** (South Brooklyn Legal Services, 162 Court St., Brooklyn, N.Y. 11201; 212-855-8003). A divorce lawyer who considers herself a clearinghouse for material on battered women. Fields is seeking a grant for support systems. **Abused Women's Aid in Crisis** (AWAIC c/o Maria Roy, P.O. Box 431, Cathedral Station, New York, N.Y. 10025; 212-473-8181; or hot line: 212-473-8182). Currently provides hot line, daytime counseling, and monthly evening outreach meetings. Plans to establish refuge.

**OREGON. Bradley Angle House** (c/o Women's Place, 1916 N.E. Everett,

Portland, Oreg. 97232; 503-243-7044). Refuge where women and children can stay up to eight weeks.

**PENNSYLVANIA. Women's Center South** (2929 Brownsville Rd., Brentwood, Pa. 14227; 412-885-2888). Refuge for battered women and their children. Provides referrals, rap groups. Maximum stay six days.

**Women Against Abuse** (Germanstown Women's Center, 5519 Wister St., Philadelphia, Pa. 19144; 215-848-7327). Published "Of the Beaten Track—A Resource List for Abused Women in Philadelphia," \$1.

**WASHINGTON. Women's Emergency Housing Project** (1012 W. 12th St., Vancouver, Wash. 98660; 206-695-0501 or 694-8366). Provides temporary housing, food, counseling, and referral for women and children who would otherwise be without.

**WISCONSIN. Women's Coalition, Inc.** (Task Force on Battered Women, 2211 E. Kenwood Blvd., Milwaukee, Wis. 53211; 414-964-6117, or 414-964-7535 after 5 P.M.). Plans to establish a refuge. Currently offers daytime counseling, evening counseling by appointment. Sponsoring conference October 2 and 3 for sharing skills, information, and insights among feminists working with battered women.

**CANADA. Interval House** (596 Huron St., Toronto, Canada M5R 2R7; 416-924-1491). Will accommodate women with children for two to six weeks.

## BOOKS AND RESEARCH

*The Assaulted Wife: "Catch-22" Revisited*, by Susan Eisenberg and Patricia Micklow, a study of wife beating in Michigan, will be published in June of 1976 in the *Women's Rights Law Reporter* (180 University Ave., Newark, N.J. 07102; \$3.60).

*Battered Wives*, by Del Martin (Glide Publications, San Francisco, Calif. 94102; 1976; paperback, \$6.95). An overall treatment by the co-chair of NOW's task force on battered women. *Law Enforcement Problems with Intra-Family Violence*, by James Bannon (available from author at Detroit Police Department, Second Precinct, 2801 W. Vernor, Detroit, Mich. 48216; 1975; send request with a stamped, self-addressed, business-size envelope). A speech given to a conference of the American Bar Association.

*Sexual Inequality, Cultural Norms, and Wife Beating*, by Murray Straus (available from Betsy Warrior, 46 Pleasant St., Cambridge, Mass. 02139; 1976; 50 cents). A sociological study of

violence in the family.

*Violence and Pregnancy*, by Richard Gelles (available from author at Dept. of Sociology, University of Rhode Island, Kingston, R.I. 02881; 1975; 25 cents). Gelles has written widely on domestic violence, including *The Violent Home* (Sage Publications, 275 S. Beverly Drive, Beverly Hills, Calif. 90212; 1972; paperback, \$6) and *Abused Wives: Why Do They Stay?* which will be published in November of 1976, available from the university address for 25 cents.

*Violence in the Family*, edited by Suzanne K. Steinmetz and Murray Straus (New York: Dodd, Mead & Co.; 1974; paperback, \$6.95). A study of wife beating as a sociological phenomenon in the United States.

*Working on Wife Abuse*, by Betsy Warrior (available from the author at 46 Pleasant St., Cambridge, Mass. 02139; 1976; \$1). The listing includes groups and individuals in this country, some abroad, who are involved in all areas of help for battered wives, as well as publications concerned with the issue. To be listed in a possible fall supplement, write to Betsy Warrior and tell her how you want to be listed.

## CONVENTIONS

*The American Sociological Association* (1722 N St., Washington, D.C. 20036) is sponsoring a convention to be held at the Hilton Hotel in New York City from August 30 through September 3. One workshop will be devoted to battered women. Speakers will include Rebecca Dobash, who has recently completed a pilot study on battered women, in Stirling, Scotland, and Jo Sutton of the Women's Aid project in England. Further information will be published in the ASA journal.

*Battered Women—Beyond the Stereotype*. An all-day seminar sponsored by Temple Israel in Miami, Florida, as part of their Evelyn Behrman Memorial Forum on Women to be held October 14. Speakers include Murray Straus of the University of New Hampshire, who has published extensive work on violence in the family (see BOOKS AND RESEARCH projects), and Dr. Frank Elliott, a neurologist from the Pennsylvania Hospital in Philadelphia, who will discuss his theory that many men who beat their wives have organic disorders of the brain, which can be medically treated and corrected. (Information can be obtained from Rabbi Joseph Natot, Temple Israel, 137 N.E. 19 St., Miami, Fla. 33132; 305-573-5900.) —Michele Kashimer

# MS. GAZETTE

NEWS FROM ALL OVER

## UNFORGETTABLE LETTERS FROM BATTERED WIVES

*The reader response to "One of These Days-Pow! Right in the Kisses. The Truth About Battered Wives" (August, 1976) was dramatic in many ways; but most unexpected was the willingness of so many women to share their painful experiences in hopes of helping other battered women. A dialogue has begun. Here is a selection from the enormous number of moving letters "Ms." received. (Because of the sensitivity of this issue, the names of the letter writers have been withheld.)*

My experience with the authorities in my wife-beating case must have been unique.

When I finally had enough and decided to move out, I called the police and they told me that they would have a car meet me several blocks from my apartment. When we got home, the officer asked me for my key because my husband was home. The officer opened the door and confronted my husband. He told him to keep his distance while I got my belongings. When my husband got insistent, the officer got nasty with him.

I went back to my husband—just the way my attorney said I would—I guess because I loved him and wanted to believe that he wouldn't hurt me any more.

The second time I moved out there were five patrol cars there, including the area supervisor's. He had a gun and the police were ready for my husband, but he never showed up.

The sergeant put his arm around my shoulder and said, "This time I hope you will know better than to believe him. Don't come back here."

I didn't. Six weeks later I "regained my freedom" and got a restraining order from the judge

who admonished me to use it!

Maybe it is just the attitude of the police officers and judges in Tampa, Florida. If it is, I surely hope it is contagious!

Life in America is competitive and insecure. For example, if a boss gives a man a hard time, there is nothing he can do about it, except take it out on his wife or kids. There aren't enough jobs to go around, so he can't quit, and the job he has is most likely to be boring and unfulfilling. So after work he goes down to the bar and has a few. With his inhibitions soaked in alcohol he goes home and takes out his frustrations on his family.

If we seriously want to end wife-beating, rape, murder, and other crime, then we must change our society into a cooperative, secure, easygoing one.

### “WHEN WE TRY TO PROTECT OURSELVES, WE ARE IMPRISONED FOR MURDER”

Everyone worries about violence in the street. But there are more women beaten, bruised, broken, and battered than anybody knows. It happens in their homes.

I was one of these battered women, and I told lies for my husband and kept it from our families. I put up with it for about eight years, during three pregnancies. Now I'm living alone with four children, from four to eleven years old, and I am charged with murder.

My husband would get drunk, come home, and take out all his frustrations, failures, and anger on me. About two and a half years ago, when he would get mean and try to do this, I would try to get

away, taking my children. Sometimes I could; sometimes I didn't have money for gas or food for the kids, so I would have to stay. A lot of times he would take my car keys beforehand, and I couldn't do anything about it. He weighed about 245 pounds, and was six feet, two inches. I weigh 140 pounds and am five feet, two inches. What kind of odds were these? You can take out warrants for assault; but if you decide to

### UPDATE: MORE HELP

Since the August issue of *Ms.* on battered women has come out, I've been receiving requests for information at the rate of about 30 a day! We immediately ran out of copies of our publication, a listing called "Working on Wife Abuse" and had to have it reprinted. We also added more than a dozen pages to list new groups and individuals who have contacted us about their work for battered women.

It's clear from this response that there are many concerned people all over the country who are determined to end the abuse and battering of women. Betsy Warrior

Cambridge, Mass.

EDITOR'S NOTE: *Ms.* has received numerous letters from organizations and centers throughout the country that want women to know about their services for battered wives. To be listed in "Working on Wife Abuse," write to Betsy Warrior, 46 Pleasant Street, Cambridge, Mass. 02139. The list is available for \$2.50.

# THE GAZETTE

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prosecute and a fine must be paid, where does the money come from? It's money your kids need for food and clothes, money for house payments, power bills, phone bills, and so on. And then the next time you really get a good beating for taking your husband to court. If I'd had a choice between being mugged on the streets rather than being at home when my husband was drunk, I'd take my chances with the mugger.

And after you decide you can't take it any more, and want a divorce, that doesn't end it either. I was legally separated for about five months. I never had a good night's sleep, and still no peace, because he wouldn't stay away from me. He threatened to kill me or to hire someone to do that. So I went back to him and tried to make a good marriage after 12 years. It worked: he stayed sober for two weeks! I stayed on four weeks more before I decided I was fed up. I left again. He came to Virginia where I was staying at my sister's house and he tried to make me go home with him. He was slapping me when I shot him. He wanted to beat me so badly that after I shot him through the heart and right lung, he *still* ran 65 feet trying to get me before he fell.

I'm the villain now. He was the poor husband, shot by his wife. I'm charged with murder and I've got four children to feed, and no job. It is summer, and there is no school, so I can't work because a babysitter would cost me \$50 a week, or more. It takes about three or four months for the Social Security people to start sending me checks. Unless I'm cleared of the murder charge, I won't get them anyway. What do we do, we women with kids? We don't have a chance with men or without them!

Sometimes I feel like killing myself. I can't see where it will all end. Every citizen is supposed to have certain rights. But women are left out when it comes to that. When we try to protect ourselves,

we are imprisoned for murder.

If all the women in the world stood up for their own rights and raised hell about it, things would be different. I'm writing this letter for them.

## WE LEARNED THE SIGN OF AN IMPENDING ATTACK: HE DRANK ALCOHOL!!

I remember episodes in my childhood of my father's rages at my mother and the sight afterward of my mother's bruised and swollen face. I remember looking into her eyes and seeing hurt and blame; and my intense anger at my father and bitter frustration at my mother's situation.

I was surprised and disappointed that you did not give any attention to the international campaign for Wages for Housework (c/o Sylvia Federici, 491 Pacific Street, Brooklyn, N.Y. 11217) in the issue on abused women. One of the main points of the international collective is that if there were wages for housework, battered-wives' shelters would not be necessary. Homemakers with a wage would realize that their work is important. Thus they'd feel more strongly that they don't deserve bad treatment. And they'd have money—the main means of escape. The weeks or months of hassle it takes to find shelter, and the rigamarole till the woman and her children are finally counseled, and then placed off on their own, would be bypassed.

While a wage for work done in the home is not yet a reality, it is important to make emergency housing for abused women available. But I do feel it's too bad that more energy is not put into wages for housework.

Adele Brookman  
Bucks County, Pa.

I begged her to leave. She always answered me: "Where would I go? I have no job, no money."

We all learned the sign of one of my father's impending attacks. He always drank alcohol first.

To see my father like that—ugly, swaying, smelling of liquor—disgusted me. It took a long time before I stopped hating him and all men, but I never fully understood why my father did what he did.

I am a middle-aged reader and I enjoyed a happy, wonderful relationship with my husband until five years ago. During the last five years I have experienced things I thought would never happen to me. I perceive that what has been going on (and it now seems to be somewhat resolved, for the angry sessions are lessening) is a kind of middle-life crisis. Precipitated, I feel, by a number of other stresses, my husband would occasionally go into rages when he threw things, cursed, and, unbelievably—because he used to be so considerate, gentle, and kind—hit me.

I feel that part of the problem was my going back to graduate school, although my husband initially encouraged it. Another part was his not getting a promotion he wanted. Yet another was our talking on the care of my aging mother. But perhaps the most basic issue that has continued since his initial rage, was the fact that my husband read a book stating that 85 percent of the women in a survey enjoyed and practiced fellatio regularly with their partners. Since my husband has discovered that I am in the 15 percent who find fellatio appalling, he has felt he is being denied. After finally persuading my husband to see two psychiatrists with me (out of town at his insistence), and after lengthy counseling, my husband refused, finally, to go for any more. Although he had chosen the

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second doctor, who also counseled that we should enjoy together those things pleasurable to us both, my husband became very angry and said he would not return.

We need to read more articles about women at middle life—for we do feel caught between old restrictions and new freedoms.

## “I REALIZE NOW THAT HE WOULD HAVE HIT ANYONE WHO HAPPENED TO BE THERE”

I was at one time a battered wife, but I didn't have such a sympathetic label then. I was blamed for my first husband's violence more than he was.

My husband turned out to be an alcoholic. Many violent men and women are alcoholics. Most cease to be violent when they abstain from alcohol (and/or drugs). My husband didn't. His provocations ranged from dinner not being ready on time, to being unable to locate one of his possessions, to just being in a bad mood. I realize now that he would have hit anyone who happened to be there. Once I realized that, and that he would go on being violent until his head straightened out, I left. I was neither helping him nor aggravating his problems.

## “IN MARITAL COMBAT, I WAS SUPPOSED TO BE ABLE TO DEFEND MYSELF”

I had difficulty looking at the cover photograph of the battered woman because I have worn that battered face many times. Now I am divorced from my wife-beating husband and happily remarried, so I am gaining some perspective on my former problem and its causes.

Your article on the battered wife upheld the hope that a couple could get help from counseling. But I think counseling is no

panacea. The causes of wife-beating are too deeply rooted in our societal values.

My former husband and I spent thousands of dollars so that an eminent psychiatrist could tell me that by being afraid of my husband I was “programming him to be a bad boy.” The doctor almost convinced me that I was the kind of woman any real man would want to beat. The only solution the psychiatrist offered for our problem was that I take care of myself. My husband was six feet tall and weighed 185 pounds; I was five feet, seven inches and weighed 130. We would not have been considered an even match in the boxing ring, yet in marital combat I was supposed to be able to defend myself.

The counseling only worsened our situation because afterward my husband was able to say as he was beating me, “Dr. H. says you want this.”

Thank you for not saying in the article on battered wives that we consciously provoke attack or enjoy being attacked. I have only recently told someone about my problems because I felt ashamed that I had allowed myself to be abused, and thought that everyone would believe that I probably deserved to be. Finally, after an occurrence of abuse in the

The Women's Rights Project of the American Civil Liberties Union is compiling a packet of material on the subject of abused women. Designed to help women's rights groups bring the problem to public attention, the packet will include background information and specifics on litigation, legislation, and public education. The project is expected to be completed by the first of the year. For more information write to Pat Beylea, Women's Rights Project, ACLU, 22 East 40th Street, New York, N.Y. 10016.

presence of a friend of the family, this friend insisted on talking with me about the abusive practices and has followed up with such emotional support that I feel I have regained my lost pride and self-respect. Through this new attitude I have been strengthened to the point of not tolerating any further abuse and of talking frankly about it with my husband. The next step I feel is therapy for him and the opportunity to regain my and the children's love and respect. If this involves a separation or even divorce after 14 years of marriage, I am now ready. My only advice to other abused wives is to start talking about it with sympathetic people.

## “YOUR BODY NEVER FORGETS”

As an ex-battered wife (now divorced), I feel your article is valuable but incomplete. There is a solution to the problem.

The issue is power and the use of physical force in a relationship. My ex-husband, a college professor, was bewildered and appalled by his outbursts against me. They would take him by surprise, usually occurring after a long and bitter verbal argument, and following each incident he would come to me in tears, begging forgiveness and promising it would never happen again. It took me six years to realize that his promises, though sincere, would never be kept.

It is important to understand that there is only a difference of degree between beating someone and threatening to beat her. Once a man learns that a woman can be intimidated by force, it becomes an option for him in crisis situations.

The threat of force, however minor, must be eliminated as a possibility for the male from the outset of a relationship.

Fighting back is not the answer; it is dangerous for the woman. The police cannot and should not be

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expected to intervene in most cases. Our only means of self-defense is our willingness to put the relationship on the line. It is possible to love a man who hits you, but it is not possible to experience the same quality of sexual desire toward him. You can never fully trust him again. Your body never forgets.

The bastard wouldn't live to hit me a second time.

## “HIS FIRST REACTION WAS, 'THERE MUST BE SOMETHING WRONG WITH ME'”

The one area not mentioned in the article on battered wives is an isolated beating. This is what happened to me:

I have been married for 12 years and have two children. My husband and I have had our ups and downs (mostly ups) and have built a more solid relationship on what we have learned from our experiences. About a year ago, during an argument between my husband and me, in which many things were said that had been held back, my husband became almost hysterical with anger and started hitting me. We were in the car at the time, and when we reached a public place I ran from the car into a restaurant and sought safety inside. He tried to physically pull me out, but I held on to the door saying I'd scream and that I wouldn't leave with him. I was afraid of what he would do if I got back in the car with him. He was, after the several minutes, almost as terrified as I was. We sat down and talked—and he gave me the keys to the car and walked home.

My husband and our college graduate, and is income is extremely comfortable. He is not a violent person; he's calm and practical, and has always been, except for this one incident, a very rational person. His first reaction was, "there must be something

wrong with me" and "how could I do that?"

I do not consider myself a "battered wife" but rather a wife who was beaten once.

As a woman who, for seven years, had to deal with the battered-wife syndrome, I would like to get in a word about it that is seldom mentioned.

Eight years after my husband first beat me, and four years after I had left him, a benign prefrontal lobe meningioma was discovered in his brain. The personality—violent paranoid—is a symptom of brain tumors, especially the most common of brain tumors: the prefrontal lobe meningioma. The tumor was discovered because I had read a lot, and demanded a brain scan.

My children and I escaped, because I knew my husband was desperately ill. Violence is a symptom, as is pain. We live peacefully together these days in spite of some of the personality disorders that resulted from the tumor and the surgery. It's not so hard to take when one realizes that he was sick and could not help himself.

## “EMOTIONAL ASSAULT IS AS CRUEL AS PHYSICAL BEATING”

I was a victim for many years of emotional assault, which I found to be as cruel as physical beating. As a naive 19-year-old, I met and married a man seven years my senior, a college professor, better educated than I, from a far wealthier family, supposedly with all the "right" connections. We had children. It took me years to see how he manipulated me.

When I realized what was going on, I finally plucked up my courage to verbalize the apprehensions I had about the state of our marriage. My husband told me that I was sick, and that I had better see a psychiatrist. Through several months of

therapy I saw that I was not "sick" as I had thought, and I verbalized my further thoughts on the subject to my husband, only to be told that I was destroying him, I would have to get out, he would keep the house, the children, and I would get nothing. All this while I was 6,000 miles away from my family where the rest of the clan was rallying around a then-dying father!

With a lot of help from friends and professionals, I have since been able to totally support my two sons for the past six years. The supposedly learned professor has never paid any child support, and disappears for months at a time.

The Center for Women Policy Studies (2000 P Street, N.W., Suite 508, Washington, D.C. 20007; 202-872-1770), which was in the process of applying for a grant as the August issue went to press, is now operating as a clearinghouse for information about refugees, possible sources of funding, research, and so on. Their bimonthly newsletter, which includes notice of conferences, literature reviews, and bibliographies, can be obtained by writing to the above address.

The Baltimore Coalition Task Force on Battered Women, composed of representatives of agencies and community groups in that city, has published a pamphlet, "A Manual for Survival," and maintains a current bibliography on the subject of wife abuse. (Write to: Baltimore Coalition Task Force on Battered Women, c/o B. Gamble, 2202 Crest Road, Baltimore, Md. 21209.) For other printed resources on battered women, see "Help for the Victim Next Door," *Ms. Gazette*, August, 1976, page 95.

WOMAN ALIVE!

A LICENSE FOR VIOLENCEThe Tragedy of Battered Wives

Executive Producer

Host

Coordinating Producer

Associate Producer

JOAN SHIGEKAWA

GLORIA STEINEM

JACQUELINE DONNET

JANIS KLEIN

CHISWICK WOMEN'S AID Film

Producer/Director

MICHAEL WHYTE

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WHERE TO GET HELP

Ms. Magazine Reprint - "How to Tell it to the Judge"

This program is made possible by a grant  
from the Corporation for Public Broadcasting.

A Production of WNET/13 in collaboration with Ms. MagazineInitial Broadcast: April 29, 1977

GLORIA STEINEMIntroduction to CHISWICK WOMEN'S AID Film

Copyright (c) 1977 - Gloria Steinem

Good evening, I'm Gloria Steinem.

The documentary you are about to see is a shocking one. It has never been shown on television before. It is a film about women who have been beaten and brutalized, always more than once, and sometimes systematically over a period of months or even years.

These are women who have been beaten with fists or cut with knives and razors. They have been burned with boiling water or lighted cigarettes, most often on parts of their bodies that will not show their suffering to the neighbors; parts of their bodies that betray their attackers' specific hatred for them as women. They have been thrown down flights of stairs, strangled until they lost consciousness, kicked or beaten in the stomach and genitals - sometimes while (and especially because) they were pregnant.

These are not beatings suffered by women in concentration camps, or in the streets at the hands of muggers and strangers. These beatings happened in the privacy of women's own kitchens and bedrooms, at the hands of men they were married to, or depended

on emotionally and financially as husbands. Some of the women were beaten in front of their own children. Those who were battered while pregnant were victimized by the very men who had made them pregnant. A few of the women who might have been in this film didn't live to tell their stories. Many more might have appeared had they not been too frightened of their husbands' revenge to speak out-- too frightened even to turn for help to the women's shelter in which this documentary was filmed.

The reality you will see is shocking in part because our television shows and even our law enforcement agencies have led us to believe that most violence to women happens in the street. In fact, most of that violence happens in the home.

Yet the home is precisely the place most likely to be thought private and "none of our business" by the police and the rest of the community alike. It is precisely the place where women are the most tied by financial dependence, pride, loyalty or an unwillingness to leave their children. And indeed, where can a woman find protection from a vengeful husband whose crime of wife-battering, if it is taken seriously by the police at all, is usually a misdemeanor which allows him freedom a few hours after arrest? If she has limited financial resources, where can she go?

This documentary is about one of the few such places: a women's shelter in England, started in 1971, which is a model for groups now setting up similar shelters in this country. British women have pioneered in recognizing this submerged and shameful problem, but wife-battering is a fact of life in this country, too. It has been discovered at every economic and educational level. Just as we have begun to recognize the seriousness and prevalence of rape in the last few years, now we are just beginning to understand the reality of battered wives.

Understanding the true and hidden dimensions of this problem is the first step toward understanding what we - what you and I - can do.

GLORIA STEINEMAnalysis and Commentary

Copyright (c) - 1977 Gloria Steinem

The women in this film will never forget what has happened to them. Perhaps, having seen the film, we will never forget those women.

But the temptation is still to set them apart; to say that the women we know -- and especially women married to the men we know -- could never find themselves in such a brutal and paralyzing situation. Certainly, these women must be very different from us.

In fact, no matter who we are, there is a good statistical chance that they are or could be us. For instance:

- \* The Boston City Hospital reports that about 70% of all the assault victims received in its emergency room are women who have been attacked in their homes, usually by husbands or lovers.
- \* In California, almost one-third of all female homicide victims in 1971 were murdered by their husbands.

- \* In Atlanta, 60% of all calls to the police at night are reports of domestic disputes.
- \* Two studies of wife battering -- one in a black working-class section of Harlem, another in the white, upper-middle class community of Norwalk, Connecticut -- found the same incidence of this crime.
- \* At least two major public opinion polls have found that approval or acceptance of marital violence in this country actually increased substantially with increased education -- a complete contradiction of the notion that only the uneducated resort to domestic violence.

Statistics about wife abuse are even less complete than those for rape. Not only is the victim almost as likely to be blamed as the attacker in both these cases, but legal remedies for wife abuse are even less certain than those for rape. After all, most legal systems have assumed that husbands have some right to possess and discipline wives.

For these reasons, wife abuse may be the least reported and most hidden crime in the country. Nonetheless, even with available statistics one can still make a good argument that women are less safe in their own homes than they are in the street.

If you find this is difficult to believe, so did I.

Eight or nine years ago, when I first began to travel around the United States speaking about feminism, I would not have thought of wife-battering as a major issue. Then, Florynce Kennedy began to tell me about her experience as a lawyer whose women divorce clients often arrived on her doorstep with bruises and broken ribs. "If you don't believe that it's common," she told me, "ask any group you're talking to. They may laugh and act uncomfortable at first, as if you were telling a joke about 'Are you still beating your wife.' But, in the end, you will find that there is almost no group in which a person has not heard about or experienced some incident of wife-battering."

In the years since then, I have asked literally hundreds of groups that question. It's true that the first response is often ridicule or laughter or some idea that women actually want to be beaten up; that female masochism is an inevitable or even desirable part of the male-female sex game.

But if you pursue it long enough to pass through that defensive barrier, you will find one or more people who remember the "accidental" bruises on the face of the woman next door; or the Saturday night drunken fights of male relatives who seemed well-behaved and civilized all week long; or the late-night crying and pleading of their own mothers. And sometimes, if the discussion goes on long enough, you will see women breaking down in tears, or confessing with shame that, yes it has happened and perhaps it still is happening to them.

What can we do to help these women?

First, we need to take the crime seriously. No more disbelief or nervous laughter. No more assuming that a man who attacks another man is dangerous, but a man who beats up his wife is just having a private marital spat. In cases where the husband is drunk, no more blaming the attack on alcohol instead of the attacker. The evidence indicates that those men may drink to give themselves an excuse for violence.

Second, as we have seen in the film, we must provide shelters. Creating a telephone hotline may be an interim step. A hotline service can at least match up needy women with volunteer families who can give them shelter and support for a few weeks or days, in their homes. Separate shelters, half-way houses and long-term social services are beginning, but most women's groups in this country are still struggling to gain even the inadequate and temporary community and government support of the English shelter you have just seen.

Third, there is a problem of educating the police to the seriousness of domestic crime. Teams of trained men and women officers have been especially effective in dealing with family crime. We may also have to bring legal action against police

departments for depriving domestic violence victims of equal protection under the law as guaranteed by the Fourteenth Amendment. That is already happening in Oakland, California, and New York City. Certainly, this process must include rewriting the many law enforcement manuals that actually instruct police, prosecutors and judges that their duty is to conciliate, to bring attacker and victim back together-- an attitude that would seem outrageous if applied to any other criminal act.

Changes in legislation and court procedures, are reforms to work for. But we don't have all the answers yet. We are just beginning to ask the right questions. We do know that the root cause of violence against women cannot be eliminated without a deep change in patriarchal values. Until then, women will always be viewed in some degree as the property or the private concern of their husbands, and a home will be seen as "the man's castle" rather than the proper concern of relatives or neighbors or even the law.

At the International Tribunal on Crimes Against Women, held in Brussels in 1976, women from all over the world told of their personal experiences. Wife-beating, rape, sexual mutilation to ensure fidelity, confinement to unpaid or under-paid women's work, and even female infanticide, since boy children are more

desirable than girls: all these were varying degrees of the same problem -- that women are lesser human beings, and men are full human beings with some right to rule or possess them.

Until men are not made to feel that they must earn their masculinity through aggressiveness or violence; until we learn that women are not naturally passive or masochistic beings on whom men can vent their life's frustrations, then the problem will never really be solved. Yes, there may be penalties for the most violent men and help for the most victimized women, but there will never be a real solution. Only an egalitarian society can save the executioner from being the executioner as well as the victim from being the victim.

WHERE TO GET HELP

For information on crisis centers and refuges for battered women in the United States:

Working on Wife Abuse by Betsey Warrior  
c/o Betsey Warrior  
46 Pleasant Street  
Cambridge, Mass. 02139

This is the most extensive list available of groups and individuals involved in all areas of help for battered women. '1977. \$3.00 plus 50 cents postage.

\* \* \*

National Task Force on Battered Women  
National Organization for Women  
c/o Del Martin  
651 Duncan Street  
San Francisco, California 94131

The Task Force has been established to keep in touch with women's groups working on the issue throughout the country.

BOOKS AND RESEARCH

"The Assaulted Wife: 'Catch-22' Revisited"  
by Susan Eisenberg and Patricia Micklow

Women's Rights Law Reporter  
Spring/Summer, 1977  
Rutgers University  
180 University Avenue  
Newark, New Jersey 07102

A study of wife beating in Michigan. \$7.00

Battered Wives by Del Martin

Glide Publications  
330 Ellis Street  
San Francisco, California 94102

An outstanding basic feminist overview and analysis of the problem by the co-chair of NOW's task force on battered women. 1976. Paperback, \$6.95.

Battered Wives Materials compiled by  
Betsey Warrior and Lisa Leghorn

c/o Betsey Warrior and Lisa Leghorn  
46 Pleasant Street  
Cambridge, Mass. 02139

A collection of articles, case studies, and  
other material on battered women which includes  
Working on Wife Abuse. \$11.00

Battered Women edited by Maria Roy

Van Nostrand Reinhold Company  
450 West 33 Street  
New York, N.Y. 10001  
Attention: Mr. Richard Pohanish

A psycho-sociological study of victims of  
domestic violence. August 15, 1977.  
Hardcover, \$14.95.

Crimes Against Women: The Proceedings of the  
International Tribunal compiled and edited  
by Diana E.H. Russell and Nicole Van de Ven

Les Femmes Publishing  
231 Adrian Road  
Millbrae, California 94030

More than 2,000 women from 40 countries testified  
on crimes against women including wife battering,  
forced sterilization and economic discrimination.  
\$5.95 plus 60 cents postage and handling.

"Battered Wives: Help for the Secret Victim  
Next Door" by Judith Gingold

Ms. Magazine Back Issues  
370 Lexington Avenue  
New York, N.Y. 10017

A Ms. cover story plus a special section on  
where to get help. August, 1976. \$1.50.

"Unforgettable Letters from Battered Wives"

Ms. Magazine Back Issues  
 370 Lexington Ave.  
 New York, N.Y. 10017

December, 1976. \$1.50.

Scream Quietly or the Neighbours Will Hear  
by Erin Pizzev

J. Barnicoat  
 P.O. Box 11  
 Falmouth  
 Cornwall, ENGLAND

The story of Chiswick Women's Aid. 1974.  
 \$1.50 surface mail, or \$2.00 airmail.

Violence in the Family edited by Suzanne K. Steinmetz  
and Murray Straus

Harper & Row  
 10 East 53 Street  
 New York, N.Y. 10022

An anthology of articles on wife battering in the  
 United States. 1974. Paperback, \$7.50.

Wife Beating: The Silent Crisis by Roger Langley  
and Richard C. Levy

E.P. Dutton & Co., Inc.  
 A Sunrise Book  
 201 Park Ave. South  
 New York, N.Y. 10003

An introduction to the subject by two Washington  
 journalists who present facts along with case  
 histories. 1977. Hardcover, \$9.95.

Ms. MIKULSKI. Second, I was really thrilled to be here yesterday and to see the kind of concern that was exhibited by grassroots people and for me to hear the stories of what was going on and the offers for suggestions for legislation were truly inspirational, and I would like to thank you for organizing these panels today that really bring the grassroots people to Washington, because I feel they are truly the experts.

Mr. MILLER. Thank you. Georgene, would you like to go ahead and proceed?

**STATEMENT OF GEORGENE NOFFSINGER, GAITHERSBURG, MD., AND YOLANDA BAKO, WOMENS SURVIVAL SPACE, CENTER FOR THE ELIMINATION OF VIOLENCE IN THE FAMILY, INC., NEW YORK CITY**

Ms. NOFFSINGER. Mr. Chairman, I had a question that only occurred to me just now. Could you tell me if any of the other members of the subcommittee are here, and if so, who they are?

Mr. MILLER. No, there is only myself, and right now Barbara Mikulski, who really sits on Interstate and Foreign Commerce, which has joint jurisdiction over this problem because of their involvement in public health. What is the other one?

Ms. MIKULSKI. I am on communications.

Mr. MILLER. But the committee has jurisdiction—

Ms. MIKULSKI. Through health. We have the Committee on Health and Environment, in which we hear all health legislation other than that paid for by medicare.

Ms. NOFFSINGER. Thank you. I am at a disadvantage this morning. Despite the fact that I was invited to testify as what I referred to as the token battered wife, I really believe that my 6 years of experience in research, counseling battered wives, and serving on local and national advisory committees and publicizing the problem was what you really needed to hear. However, I have seen the newspaper and TV advance coverage on the hearings last week, and I am wondering, am I really to believe there are actually Members of the House who question the extent of the problem and the severity of the problem?

I find it hard to believe. It would indicate that we have not been doing as good a job as we thought we had. My dilemma is, how in 5 minutes do I present enough personalized drama, shock value, sensationalism, and good old blood and guts to carry out my assignment and still make some constructive suggestions based upon my experience? I am going to try to combine them. For the points that I cannot make now, I will refer you to my written testimony, which you may or may not have received by now.

Mr. MILLER. OK.

Ms. NOFFSINGER. For example, I know a former wife of a highly placed State Department official. She is sixtyish, silver-haired, and distinguished. Occasionally her husband would come home after a frustrating week at the office, have two martinis, and chastise her after dinner for her sins with several hard slaps and a few good punches.