

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 DE-
VELOP METHODS OF PREVENTION AND TREATMENT RELAT-
ING 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. PERKINS, *Chairman*



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TESTIMONY OF EXECUTIVE DEPUTY CHIEF

JAMES BANNON, DETROIT POLICE DEPARTMENT,

AT THE MARCH 16, 1978 HEARINGS OF H.R. 7927,

THE DOMESTIC VIOLENCE PREVENTION & TREATMENT ACT,

AND H.R. 8948, THE FAMILY VIOLENCE PREVENTION

& TREATMENT ACT, WASHINGTON, D.C.

IT IS WITH EXTREME REGRET THAT I COULD NOT APPEAR PERSONALLY AT THESE HEARINGS. HOWEVER, IN THE HOPE THAT ONE WHO HAS BEEN ACTIVELY INVOLVED WITH THE ISSUE OF "SPOUSE ABUSE" FOR SOME TIME MAY BE ABLE TO CONTRIBUTE SOMETHING TO THE DELIBERATIONS, I HAVE TAKEN THE LIBERTY OF SUBMITTING THE FOLLOWING:

ONE OF THE PREMIER DIFFICULTIES THAT WE HAVE IN THE AREA OF DOMESTIC VIOLENCE IS ONE OF INTEREST. UNLIKE ALL OTHER CRIMES, THAT OF THE BATTERED FEMALE GENERATES LITTLE INTEREST OR ENTHUSIASM AMONGST POLICE OFFICERS OF ALL RANKS. THE REASONS FOR THIS LACK OF INTEREST ARE MANY AND VARIED. SOME ARE TECHNICAL, SOME LEGAL AND MANY EMOTIONAL.

ONE OF THE MOST STARTLING ASPECTS OF OUR PROFESSIONAL DISINTEREST IS THE EFFECT OF CONFLICT INTERVENTION ON THE PART OF THE POLICE IN SO CALLED DOMESTIC VIOLENCE CASES. THE F.B.I. REPORTS THAT ANNUALLY IN EXCESS OF 50% OF ALL OFFICERS KILLED IN THE LINE OF DUTY ARE IN THE PROCESS OF RESPONDING TO A SOCIAL CONFLICT CALL. IT SEEMS TO BE TRUE, ALSO, THAT THE MAJORITY OF POLICE OFFICERS WHO ARE INJURED ARE SIMILARLY INVOLVED IN CONFLICT INTERVENTION ACTIVITY.

FROM A PURELY COST EFFECTIVE STANDPOINT, IT WOULD APPEAR THAT POLICE EXECUTIVES WOULD DESIRE TO ATTEMPT VARIOUS STRATEGIES TO REDUCT THESE INJURIES. IN TRUTH, LITTLE HAS BEEN ATTEMPTED IN THE WAY OF RESEARCH TO UNDERSTAND THESE ASSAULTS, LET ALONE TO DEVISE PLANS TO REDUCE THEM.

WE WILL HAVE TO LOOK BEYOND PURELY LAW ENFORCEMENT ISSUES TO DISCOVER THE NATURE OF THIS PARADOX. THESE ISSUES ARE BOTH LEGAL AND SOCIAL. HOWEVER, LIKE THE CHICKEN AND EGG, IT'S DIFFICULT TO MAKE A JUDGEMENT AS TO WHICH PREDATES THE OTHER.

ONE THING IS CLEAR, THE ENTIRE CRIMINAL JUSTICE SYSTEM REGARDS THE FEMALE VICTIM OF ABUSE AS A SECOND CLASS VICTIM. PERHAPS THAT IS TOO CHARITABLE A TERM. SHE IS TREATED MORE AS A "LEPER" THAN ANYTHING ELSE. IT'S SAID SHE HAS EARNED THIS STATUS BY VARIOUS MEANS.

1. SHE DESERVES IT. THE BEATING THAT IS.
2. SHE ENJOYS IT.
3. IT'S THE PRICE SHE PAYS FOR FINANCIAL AND EMOTIONAL SECURITY.
4. SHE WILL NOT FOLLOW THROUGH ON PROSECUTION.
5. SHE WILL NOT MOVE OUT OR LEAVE THE PERPETRATOR.

SHE EMBARRASSES THE SYSTEM AND JUDGING FROM COMMUNITY REACTIONS, THE SOCIETY AS WELL. IN FACT, SHE IS ACCORDED THE SAME TYPE OF TREATMENT RESERVE FOR THOSE WITH SOME FORM OF SOCIAL DISEASE WHO HAVE BECOME ILL DUE TO THEIR OWN VICE. WE TURN OUR HEADS AND CLOSE OUR EARS TO HER SCREAMS.

SUCH A REACTION IS ONLY POSSIBLE IN A SOCIETY THAT EITHER CONDONES THIS CONDUCT OR DESPAIRS OF DOING ANYTHING ABOUT IT.

WHILE IT IS DIFFICULT TO PINPOINT A TEMPORAL REFERENCE TO FEMALES STATUS VIS-A-VIS VIOLENCE, ONE SUSPECTS THAT IT IS AS ANCIENT AS THE NOTION OF WOMEN AS PROPERTY. LAW AND CUSTOM HAVE DICTATED THAT A MAN COULD DEAL WITH HIS OWN PROPERTY AS

HE SAW FIT, IT IS ONLY PROVIDED THAT HE NOT UNDULY DISTURB HIS NEIGHBORS NOR SO BADLY TREAT HER THAT IT BECOMES IMPOSSIBLE FOR SOCIETY TO PRETEND NOT TO NOTICE.

THIS PROPERTY NOTION IS NOT SO FANCIFUL IF WE ASK THE QUESTION: ARE ALL FEMALE VICTIMS OF ASSAULT ACCORDED THE SAME SHABBY TREATMENT? THE ANSWER IS NO! ONLY THOSE WOMEN WHO HAVE COHABITATED WITH A MAN IN SOME FORM OF FORMAL OR INFORMAL CONJUGAL RELATIONSHIP ARE SO DISENFRANCHISED.

WHAT EFFECT DOES CONSENSUAL SEXUAL ACCESS HAVE ON THE NATURE OF THE ASSAULT? CERTAINLY THE ANSWER IS NOT TO BE FOUND IN THE LAW. THEN, IT MUST COME FROM CUSTOM. OR SOCIAL MORES, IF YOU WILL.

IT IS PRECISELY THOSE MORES THAT ARE SUSPECT. SEXUAL DOMINENCE HAS FROM TIME IMMEMORIAL BEEN THE HALLMARK OF MALE-FEMALE RELATIONSHIPS. AS IN ALL POWER RELATIONS, THE DOMINANT INDIVIDUAL DICTATES THE TERMS OF THE RELATIONSHIP. IN FACT, HE DICTATES THE CONDITIONS UNDER WHICH THE RELATIONSHIP EXISTS AND UNDER WHICH IT MAY BE TERMINATED.

AS WE ALL KNOW, THE INCIDENCE OF ASSAULTS BY FORMER "HUSBANDS" OF THEIR ESTRANGED OR DIVORCED WIVES OR EVEN FORMER BOYFRIENDS RECEIVE THE SAME SHORT SHIFT THAT THOSE OF PERSONS STILL LIVING TOGETHER RECEIVE. IN OTHER WORDS, THE PROPERTY CLAIM IS VALID SO LONG AS HE, THE PROPERTY OWNER, SAYS IT IS AND INVALID WHEN HE RELINQUISHES ACTUAL AND EMOTIONAL CONTROL.

ON MY DESK, THERE IS A REPORT BY A LADY WHO DIVORCED HER HUSBAND TWENTY-FIVE YEARS AGO. IN THAT PERIOD, HE HAS AT

VARIOUS TIMES SOUGHT HER OUT AND BEAT HER. EVEN THOUGH SHE HAS MOVED SEVERAL TIMES. IN SHORT, HE HAS NOT RELINQUISHED HIS CONTROL EVEN THOUGH THE COURTS DISSOLVED THE MARRIAGE LONG AGO.

WHEN A FEMALE VICTIM COMPLAINS TO THE POLICE OF THIS VIOLENCE AND HER RELATIONSHIP TO THE PERPETRATOR IS KNOWN, HER STATUS CHANGES. THESE CHANGES ARE NOT SUBTLE. SHE IS ADVISED "TO WORK IT OUT", "DON'T BOTHER US WITH YOUR PROBLEM", "GET A LAWYER", "GET MEDICAL PROOF OF INJURY", "WHAT DID YOU DO TO DESERVE IT", AND SO ON AD INFINITUM.

SHOULD SHE PERSIST IN LODGING A COMPLAINT, SHE GETS A FULL REGIMEN OF TREATMENT DESIGNED SOLELY AND UNSELFCONSCIOUSLY TO DETER HER FROM PROSECUTION.

SHE IS OFTEN GIVEN A COOLING OFF PERIOD, COUNSELLED, USUALLY, ON CHANGES SHE SHOULD MAKE TO DIFFUSE HIS ANGER. SHE IS TOLD TO OBTAIN MEDICAL EVIDENCE OF THE ASSAULT, DISINTERESTED WITNESSES AND SO ON. OFTEN SOMEONE WILL PAINSTAKINGLY EXPLAIN TO HER IN GREAT DETAIL THE RIGORS OF PROSECUTION, THE EFFECT ON HER AND THE FAMILY OF LOCKING UP THE BREADWINNER, POSSIBLE RETALIATION AND MANY OTHER REASONS FOR NOT PERSERVERING.

UNLIKE OTHER CRIMES, THE CRIMINAL JUSTICE SYSTEM DOES NOT EVEN HAVE A GOOD GRASP OF THE SIZE OF THE PROBLEM. NO STATISTICS ARE ROUTINELY COLLECTED ON ASSAULTS OF THIS NATURE. OFTEN, THE POLICE WILL NOT EVEN SEND RESPONSE UNITS TO THE HOME TO TAKE A REPORT. IF SHE ALLEGES A WEAPON IS INVOLVED, THE RESPONDING OFFICERS WILL LEAVE WITHOUT MAKING A REPORT WHEN NO WEAPON IS FOUND.

USING A PAINFUL AND TIME CONSUMING INTERVIEW TECHNIQUE, MARIE WILT AND I WERE ABLE TO COLLECT ENOUGH DATA TO CONSERVATIVELY CONCLUDE THAT SPOUSE ABUSE IS UNDER REPORTED BY AT LEAST 50% IN THE CITY OF DETROIT. OF ALL THE VICTIMS INTERVIEWED, BETWEEN 50% and 60% CLAIMED TO HAVE BEEN SERIOUSLY ASSAULTED, OFTEN WITH DEADLY WEAPONS, IN THE PAST WITHOUT MAKING A REPORT OF THE INCIDENT. MANY OF THEM ON MULTIPLE OCCASIONS.

THE REASONS FOR NOT MAKING REPORTS RANGED FROM A BELIEF THAT THE POLICE WOULD DO NOTHING TO FEAR OF RETALIATION. BOTH OF WHICH HAPPEN TO BE QUITE TRUE IN FAR TOO MANY CASES.

IN THAT THESE DATA WERE COLLECTED IN THE CITY OF DETROIT, SOME BELIEVE THAT THE PROBLEM IS A LOWER CLASS PHENOMENA. WHILE DATA IS SCANTY IN THE GHETTO, IT IS NON-EXISTANT IN OUR AFFLUENT SUBURBS. YET, GO TO ANY MEETING AND DISCUSS THIS PROBLEM AND THERE WILL BE MANY EYES DOWNCAST NO MATTER THE SOCIO-ECONOMIC STATUS OF THE AUDIENCE.

BECAUSE, YOU SEE, VIOLENT MEN HAVE SUCCEEDED IN THE SEEMINGLY IMPOSSIBLE TASK OF CONVINCING THE VICTIM THAT IT'S SOMEHOW HER FAULT THAT HE "LOSES CONTROL AND BEATS HER".

VIOLENCE TRANSCENDS SOCIO-ECONOMIC BOUNDARIES UNLIKE ANY OTHER CATEGORY OF CRIME. THIS COULD ONLY BE SO IF SOMEHOW SOCIETY HAS CONDONED THIS ACTIVITY.

IN EXURBIA, IT'S NOT THE BEATING THAT MATTERS, IT'S THE PUBLIC KNOWLEDGE OF THE CONDUCT WHICH IS SO TERRIBLY DAMNING. THE DOCTORS OR LAWYERS OR POLICE EXECUTIVE'S WIFE MAY HAVE A GREATER STAKE IN COMMUNITY OPINION THAN HER POVERTY STRICKEN

SISTER. IF SO, THE PROBLEM COULD BE EQUALLY AS GREAT IN OUR AFFLUENT SOCIETY AS IN THE GHETTO. WE SIMPLY DO NOT KNOW ITS MAGNITUDE.

THAT THE POLICE ARE NOT CHAUVINISTIC NOR THE COURTS, NOR PROSECUTORS IS NOT CLAIMED HERE. ALL TOO OFTEN THEY ARE. AFTER ALL, THESE ARE MALE DOMINATED DISCIPLINES, PEOPLED BY MEN, AND A FEW WOMEN, TRADITIONALLY SOCIALIZED IN "APPROPRIATE" MALE-FEMALE ROLES. BUT OTHER FACTORS COME IN TO PLAY THAT WHILE GROUNDED IN TRADITIONAL ROLES HAVE IN FACT BEEN SANCTIFIED BY LAW.

THUS, POLICE CAN CLAIM THEY ARE HANDCUFFED BY THE LAW WHICH RECOGNIZED A MAN'S HOME AS HAVING SPECIAL STATUS. POLICE OFFICERS AND THEIR LEADERS CLAIM THAT THESE ASSAULTS CONDUCTED IN THE PRIVACY OF THE HOME REMAIN PRIVATE MATTERS. AFTER ALL, WE CANNOT PATROL THE INTERIOR OF HOUSES NOW CAN WE?

THE SAME OFFICER WHO WILL BARGE INTO ONES HOME, SANS WARRANT FOR A NARCOTIC BUST OR TO APPREHEND A PURSE SNATCHER, WILL STAND ON THE FRONT PORCH AWAITING AN INVITATION FROM THE HOSTILE AGGRESSOR WHO HAS JUST BEATEN HIS WIFE.

HE WILL CLAIM HE CANNOT MAKE AN ARREST UNTIL A WARRANT HAS ACTUALLY BEEN ISSUED. NO MATTER THE LAW ALLOWS A WARRANTLESS, PROBABLE CAUSE ARREST IN FELONY MATTERS AND MANY OF THESE ARE FELONIES.

IT'S TRUE THAT THE LAW IS SUCH THAT THESE ASSAULTS ARE MORE DIFFICULT TO DEAL WITH THAN SOME OTHER CRIMES. FOR INSTANCE, WE CANNOT MAKE AN ARREST WHICH DOES NOT OCCUR IN OUR

PRESENCE FOR A MISDEMEANOR. THAT IS, UNTIL A WARRANT HAS BEEN ISSUED.

IT'S EQUALLY TRUE THAT THE MERE PRESENCE OF A WEAPON IN THE HOME IS NOT SUFFICIENT TO CONSTITUTE THE BASIS FOR AN ARREST AS IT WOULD BE ON THE STREET.

FURTHERMORE, WIVES OR THOSE STANDING IN WIFE-LIKE RELATION TO THE VIOLENT MALE DO, IN FACT, FAIL MANY TIMES TO FOLLOW THROUGH ON A PROSECUTION. THIS MAY APPEAR FORTUITOUS TO THE LESS THAN ENTHUSIASTIC CRIMINAL JUSTICE SYSTEM BUT ITS FACTUAL EXISTENCE IN NO WAY EXPLAINS WHICH CAME FIRST.

DOES THE VICTIM FAIL BECAUSE THE SYSTEM ALL TOO OFTEN FAILED HER. BECAUSE SHE FEELS ALONE AND TRAPPED. OR ARE THE PRESSURES AGAINST HER SO GREAT THAT SHE IS IN FACT LESS THAN PERSERVERING IN HER PROSECUTION.

THIS RIDDLE NEED NOT BE SOLVED. NOT, THAT IS, IF YOU SHARE WITH ME A CONCERN WITH A HUMAN BEING WHO CANNOT OR WILL NOT PROTECT HERSELF.

ALL TOO FREQUENTLY, THESE ASSAULTS CULMINATE IN HOMICIDE BY ONE OR THE OTHER PARTY. THIS ULTIMATE SOLUTION OF THE DILEMMA AND THE COSTS IN HUMAN MISERY, ALONG WITH HARD DOLLARS, IS WHAT PROMPTS US TO SPEAK OUT, SOMETIMES STRIDENTLY ON THE ISSUE.

SHARE WITH ME THIS IMAGE OF THE BATTERED WOMEN: A PERSON WHO IS OR PERCEIVES HERSELF AS HAVING BEEN ABANDONED BY SOCIETY - OFTEN WITH NO INDEPENDENT MEANS OF SUPPORTING HERSELF OR HER CHILDREN. A STRONG SENSE OF THE LOYALTY SHE BELIEVES SOCIETY REQUIRES OF WIVES. PERHAPS A CONFUSED BUT GNAWING FEAR THAT

SHE SOMEHOW DESERVES WHAT IS HAPPENING TO HER. SHE, NOT INFREQUENTLY, COMES FROM A HOME IN WHICH VIOLENCE WAS USED AGAINST HER MOTHER.

FACED WITH THESE AMBIGUITIES, SHE OFTEN DOES NOTHING BUT WITHDRAW EVEN DEEPER INTO HER SHELL. SHOULD SHE PRESS HER CASE, HOWEVER, SHE IS CONFRONTED BY ALL OF THE OBSTACLES I HAVE DESCRIBED.

IF THIS PHENOMENA IS SO WIDELY ACCEPTED OR AT LEAST TOLERATED, AND IF OUR SOCIETY'S NORMS ARE THE MAJOR REASON FOR ITS ACCEPTANCE, THEN WHAT HOPE IS THERE, SHORT OF A MASSIVE SOCIAL REVOLUTION, FOR ITS AMELIORATION?

WELL, CERTAINLY SUCH A REVOLUTION WOULD BE VERY WELCOME, BUT SINCE IT'S HIGHLY UNLIKELY, ARE THERE ANY SOLUTIONS SHORT OF THE ULTIMATE?

IF I'M CORRECT IN BELIEVING THAT THE PLIGHT OF THE FEMALE IN THESE CASES IS DUE TO THE SECOND CLASS NATURE OF HER STATUS AS VICTIM IN THE CRIMINAL JUSTICE SYSTEM, THEN WE NEED ONLY ELEVATE HER STATUS. WE CAN DO THIS BY THE FOLLOWING:

MAKE WOMAN BATTERING A PUBLIC ISSUE RATHER THAN A PRIVATE PROBLEM.

BY RECOGNIZING SOCIETY'S STAKE IN THE WELFARE OF ALL ITS CITIZENS, WE DEMONSTRATE UNEQUIVOCABLY THAT SUCH VIOLENCE IS NO MORE ACCEPTABLE THAN THAT BETWEEN STRANGERS. THUS, WHEN THE ASSAULT OCCURS, THE VICTIM DOES NOT STAND ALONE BEFORE AN INDIFFERENT CRIMINAL JUSTICE SYSTEM - SHE HAS ADVOCATES. AN ASSAULT AGAINST A WIFE BECOMES AN ASSAULT AGAINST THE BODY POLITIC.

WE WOULD RAISE THE STATUS OF THE VICTIM TO AT LEAST THAT OF THE PERPETRATOR IN COURT. SHE WOULD BE AFFORDED MEANINGFUL LEGAL REPRESENTATION AND A SYSTEM OF ADVOCACY. NO LONGER WOULD SHE BE AT THE MERCY OF THE DISINTERESTED "BATTING AVERAGE" PROSECUTOR NOR THE "DOCKET" BOUND JUDGE.

IN ORDER TO MAKE SUCH A SYSTEM FUNCTIONAL, MANY CHANGES WOULD BE NECESSARY IN THE POLICE, AS WELL. SINCE WE ARE THE FIRST LINE IN THIS BATTLE, THE POLICE MUST CLEAN UP THEIR ACT.

LAYING ASIDE OUR TRADITIONAL MALE CONCEPTIONS, WE WOULD RE-CATEGORIZE WOMAN BATTERING AS A HIGH PRIORITY CRIME. WE WOULD MAKE THE SAME COMMITMENT TO STAMPING IT OUT AS WE DO HOMICIDE, ROBBERY, OR BURGLARY.

WE WOULD BEGIN BY REPORTING ALL SUCH ASSAULTS - ASSIGNING THEM TO INVESTIGATORS AND PRESENTING OUR FINDINGS TO THE PROSECUTOR FOR A WARRANT.

WE WOULD MAKE OUR STATISTICAL DATA AVAILABLE TO PROFESSIONALS FROM ALL OTHER DISCIPLINES CONCERNED. WE WOULD ACTIVELY RECRUIT AND FACILITATE THE ENTRY OF THESE AGENCIES IN THE SPECIFIC INCIDENT.

THE POLICE WOULD SEEK TO HAVE THE LAW CHANGED AS IT RELATES TO WARRANTLESS MISDEMEANOR ARRESTS. THIS WOULD ENABLE US TO ARREST IN THOSE CASES WHEREIN FURTHER ASSAULTS ARE LIKELY TO OCCUR WHEN THE POLICE LEAVE.

ONE MUST ADD AT THIS POINT THAT IT'S ESSENTIAL TO DO MORE WITH THE POLICE THAN CHANGE ATTITUDES AND PRIORITIES. THEY MUST BE ADEQUATELY TRAINED IN CONFLICT INTERVENTION TO PROPERLY

FULLFILL THEIR EXPANDED ROLE.

AT PRESENT, MOST POLICE ARE GIVEN MINIMAL TRAINING IN CONFLICT INTERVENTION. IN FACT, THEY ARE ADVISED THAT DOMESTIC DISPUTES ARE ESSENTIALLY CIVIL IN NATURE. THEIR ROLE IS DEFINED AS MORE UMPIRE THAN ANYTHING ELSE. THIS IS OBVIOUSLY NOT A PROPER LEVEL OR DIRECTION THAT SUCH TRAINING SHOULD TAKE.

IT'S NOT MY DESIRE TO MAKE POLICE OFFICERS INTO THERAPISTS. IN THE FIRST PLACE, I'M NO MORE HAPPY WITH MUCH OF WHAT THE THERAPISTS DO THAN I AM WITH THE CRIMINAL JUSTICE SYSTEM. IN THE SECOND PLACE, I DO NOT WANT TO SEE EFFORTS AT CONCILIATION AT THIS POINT IN THE CONFLICT.

WHAT IS NEEDED IS AN OFFICER SKILLED ENOUGH TO ADEQUATELY ANALYZE AND REPORT THE INCIDENT AND SENSITIVE ENOUGH TO AVOID LEAVING THE SITUATION ANY WORSE THAN IT WAS BEFORE HE ARRIVED ON THE SCENE.

OTHER ALTERNATIVES WHICH SHOULD BE MADE AVAILABLE TO THE OFFICER ARE SHELTERS FOR WOMEN AND THEIR CHILDREN. ALTERNATE HOUSING FOR THE VIOLATOR PENDING AJUDICATION. INSTANT PERSONAL BONDS, AND PERHAPS EVEN NIGHT COURTS.

FINALLY, IF ANY OF THE ABOVE APPROACHES ARE TO SUCCEED IN MAKING THE CRIMINAL JUSTICE SYSTEM MORE RESPONSIVE, THEN WE MUST DEVELOP OR EXPAND ALTERNATIVES TO JAIL.

THE ABUSER MOST OFTEN IS UNIQUE AMONG LAW VIOLATORS - HE GENERALLY IS NOT A TOTAL CRIMINAL. THAT IS, HE IS NOT A RISK TO THE COMMUNITY AT LARGE. THUS, UPON CONVICTION, MOST COURTS WOULD NOT SENTENCE HIM TO JAIL. UNDER THESE CIRCUMSTANCES,

WORK RELEASE, WEEKEND JAIL, FORCED THERAPY AND MANY OTHER ALTERNATIVES MUST BE MADE AVAILABLE TO THE COURTS.

I HAVE SET FORTH MY PERSONAL ASSESSMENT OF THE ISSUES INVOLVED IN INTRA-FAMILY VIOLENCE. WHILE THEY ESSENTIALLY FOCUS ON THE CRIMINAL JUSTICE SYSTEM AS THE PREMIER SOURCE OF MUCH OF WHATS WRONG WITH OUR RESPONSE TO THIS VIOLENCE, IT IS WITH FULL RECOGNITION THAT THE SYSTEM IS REFLECTIVE OF THE ATTITUDES OF SOCIETY GENERALLY. IN NO WAY COULD THE CRIMINAL JUSTICE SYSTEM HAVE MAINTAINED ITS POSTURE OF NEGLECT WITHOUT THE TACIT APPROVAL OF THE COMMUNITY. CONVERSELY, CHANGE TOWARD A LESS TOLERANT ATTITUDE ABOUT DOMESTIC VIOLENCE IS CONTINGENT ON AN AROUSED PUBLIC. A PUBLIC STIMULATED TO DEMAND FOR THE BATTERED FEMALE HER FULL RIGHTS AS VICTIM.

CLEARLY H.R. 7927 AND H.R. 8948 DEMAND OUR SUPPORT BECAUSE THEY FOCUS DIRECTLY ON TWO ESSENTIAL FACETS OF THE PROBLEM WHICH HAVE PROVEN MOST TROUBLESOME TO LOCAL AGENCIES AND PRIVATE GROUPS. THE BILLS WILL GO FAR TOWARD RAISING THE PUBLICS CONSCIOUSNESS TO THE GRAVITY OF THE PROBLEM. FURTHER, THE FINANCIAL AID OFFERED BY EACH WILL SERVE TO STIMULATE ACTIVITY IN A STRUCTURED FASHION.

TO THIS POINT, VIRTUALLY ALL ACTIVITY HAS BEEN AD HOC AND THE BURDEN CARRIED BY INDIVIDUALS OR GROUPS ON A LOCAL LEVEL. THESE BILLS WILL PROVIDE THE OFFICIAL SUPPORT OF THE FEDERAL GOVERNMENT, AS WELL AS THE FINANCIAL AID WHICH IS SO FREQUENTLY LACKING AT THE LOCAL LEVEL.

TWO CRITICISMS THAT I HAVE OF THESE BILLS, HOWEVER, MUST BE EXPRESSED:

FIRST, IF MY PROJECTIONS AS TO THE SIZE OF THE PROBLEM ARE ACCURATE, THE AMOUNTS ALLOCATED UNDER H.R. 8948 REPRESENT SOMETHING ON THE ORDER OF TWO DOLLARS (\$2.00) PER VICTIM NATIONALLY. WHILE THE NUMBERS ARE UNCERTAIN DUE TO THE DEFICIENCIES IN DATA COLLECTION AND STORAGE, IT DOES SEEM THAT THE PROBLEM IS MUCH GREATER THAN ANY OF US HAVE BEEN WILLING TO ACKNOWLEDGE.

SECONDLY, THE AMENDATORY LANGUAGE IN H.R. 8948, TITLE IV OF THE CHILD ABUSE STATUTE UNDER DEFINITIONS, ITEM 2, LINES 23, 24, & 25, IS INSUFFICIENT TO ACCOMMODATE LIVING ARRANGEMENTS OTHER THAN "BLOOD, MARRIAGE OR OPERATION OF LAW". SINCE, AS I'VE SAID EARLIER, CONSENSUAL SEXUAL ACCESS IS THE CONDITION WHICH DEFINES THE FEMALE AS LESS THAN COMPETENT, AS A PROSECUTRIX THEN ALL LIVING ARRANGEMENTS WITH THESE INGREDIENTS SHOULD BE SUBSUMED UNDER THE RHUBRIC.

IN SUMMARY, I WOULD LIKE TO URGE PASSAGE OF THESE TWO WORTHWHILE PIECES OF LEGISLATION IF FOR NO OTHER PURPOSE THAN TO CONVEY TO THE COUNTRY AT LARGE AND ITS CRIMINAL JUSTICE PROFESSIONALS THE SENSE OF CONGRESS THAT INTRA-FAMILY VIOLENCE IS A SOCIAL ISSUE OF COMPELLING URGENCY. CERTAINLY IT CANNOT BE ARGUED THAT THE EFFECTS OF PERPETUATING INTER-GENERATIONAL TRANSMISSION OF VIOLENCE IS A MATTER OF GRAVE CONCERN TO THIS NATION. IF WE DEPLORE VIOLENCE, THEN WHAT BETTER PLACE TO COMMENCE TO ALLEVIATE THAN IN ITS WOMB, "THE AMERICAN HOME".

THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO MAKE THIS PRESENTATION.

JAMES BANNON Ph.D.
EXECUTIVE DEPUTY CHIEF

END