

Massive Civil Rights Violations Under the Violence Against Women Act

Domestic violence is an important social problem, and government should play a role in solving it. But the Violence Against Women Act, originally conceived with good intentions, is now violating the civil rights of millions of innocent Americans. The end result is family break-up and the removal of children from loving parents.

Complaints about VAWA now come from all points on the political spectrum:

Independent Women's Forum: "Men may become alienated from and hostile to the system in the conviction that it is stacked against them."

American Coalition for Fathers and Children: "Americans' most fundamental constitutional protections and human rights are violated openly, intentionally, and systematically."ⁱ

Ms. Foundation for Women: "Some women are arrested as a result of false accusations by their batterers."

Exactly how does the Violence Against Women Act violate the civil rights of innocent Americans?

Judicial Education

VAWA and the states fund the training of judges and law enforcement personnel. These programs are often factually-misleading and ideologically-biased.

In one New Jersey program, a judge dispensed this advice: "Your job is not to become concerned about all the constitutional protections of the man that you're violating as you grant a restraining order. Throw him out on the street, give him the clothes on his back, and tell him, 'See ya' around.'"ⁱⁱ

Restraining Orders

VAWA-funded training programs encourage judges to grant restraining orders without any hard proof of abuse. Now, 2-3 million *temporary* restraining orders and an additional one million *permanent* orders are issued each year.ⁱⁱⁱ About 15% of these are granted against women.

In most states, domestic violence is now defined so broadly that almost anything qualifies as "abuse." The Massachusetts Trial Court found that less than half of the restraining orders involved even an *allegation* of physical violence. Attorneys say judges treat temporary orders like a rubber-stamping exercise.

Arrest and Prosecution

VAWA funds aggressive law enforcement programs such as mandatory arrest and "no-drop" prosecution. In some cases prosecutors have threatened to charge the woman with child abuse and remove the child if she refused to testify.

In other cases, the wrong person has been charged with the crime:

Former NFL quarterback Warren Moon got into a fight with his wife, the police were called, and Mr. Moon was arrested. The case went to trial against Mrs. Moon's wishes. Placed on the witness stand, Mrs. Moon admitted that she had started the fight by throwing a candlestick. Warren Moon was acquitted.

Legal procedures for domestic violence cases often give short-shrift to due process protections. Under a Fast Track system used in Colorado, persons charged with domestic violence are denied any legal representation. As one female defendant put it, "It ain't about justice, that's for sure."²

"Innocent until proven guilty" has been replaced with "guilty with no opportunity to prove innocence."

Services for Male Victims

Women are just as likely – or even more likely – to commit domestic violence as men.^{iv} And one-third of abuse victims who need medical care are male.

In 2000 the U.S. Senate directed the Department of Justice to "ensure that men who have been victimized by domestic violence and sexual assault will receive benefits and services" under VAWA.^v

Despite that mandate, men who seek VAWA-funded services are met with ridicule, hostility, and outright rejection. One director of a Washington state shelter admitted, “Whenever I speak of male abuse, I am met with disbelief and, even worse, laughter.”^{vi}

Families and Children At Risk

Many allegations of domestic violence are made simply to gain a legal edge during a divorce proceeding. Elaine Epstein, former president of the Massachusetts Bar Association, once admitted, “Everyone knows that restraining orders and orders to vacate are granted to virtually all who apply... In many cases, allegations of abuse are now used for tactical advantage.”

A recent survey of over 15,000 women in 17 states found that 75-90% of them requested a restraining order solely on the advice of their divorce attorney.^{vii} Even grandparents are being hurt by these legal maneuvers:

Arlene Soucie of Illinois had a 9-month-old grandson. One day her daughter-in-law moved out of the family home, taking along the boy. Finally the grandmother and father were granted child visitation rights. Then the baby’s mother went to a judge and claimed she was experiencing “emotional distress.” As a result, Mrs. Soucie and her son were placed under an order of protection banning them from any contact with the child.

When children are removed from daily contact with one of their parents – usually their father – they are placed at far greater risk of child abuse, academic difficulties, and legal problems.

The Intrusion of State Power

The Violence Against Women Act was conceived with a good purpose. But over time, VAWA’s attempt to intervene in every marital dispute and to criminalize even minor abuse has left millions of innocent Americans caught up in a system that ignores their rights, their wishes, and their needs.

The Ms. Foundation for Women summed up the problem this way: “Unfortunately, when state power has been invited into, or forced into, the lives of individuals, it often takes over.”^{viii}

That intrusion of the government into the affairs of families and couples lies at the heart of the civil rights abuses of the Violence Against Women Act.

An Urgent Call for Congressional Action

Each year, the basic civil rights of millions of the falsely-accused are trampled upon. These abuses contribute to the break-up of families and end up harming children.

We are asking you – as your very first act after the November 7 elections – to call upon Congress to hold hearings to investigate how VAWA is violating innocent persons’ civil rights on a massive scale.

Fifty organizations around the country have joined together to stop VAWA abuse. These groups are devoted to children’s rights, family preservation, and media accuracy. A listing of the participating organizations can be seen at: www.mediadar.org/docs/VAWA-Resolution.pdf

*For more information:
RADAR: Respecting Accuracy in Domestic Abuse Reporting
P.O. Box 775, Westfield, New Jersey 07090
www.mediadar.org*

ⁱ American Coalition for Fathers and Children: Family violence in America: The truth about domestic violence and child abuse. Washington, DC, 2006.

ⁱⁱ RADAR: Bias in the judiciary: The case of domestic violence.: Respecting Accuracy in Domestic Abuse Reporting, 2006.

ⁱⁱⁱ RADAR: Without restraint: The use and abuse of domestic restraining orders: Respecting Accuracy in Domestic Abuse Reporting, 2006.

^{iv} Straus MA. Dominance and symmetry in partner violence by male and female university students in 32 nations. May 23, 2006. Table 2. Congressional Record, October 11, 2000, pp. S10191-92.

^{vi} RADAR: VAWA programs discriminate against male victims: Respecting Accuracy in Domestic Abuse Reporting, 2006.

^{vii} True Equality Network: Report on the disincentives to the protection of marriage. Research Triangle Park, NC, 2006.

^{viii} Ms. Foundation for Women: Safety and justice for all. New York, NY, 2003.