

Restore Civil Rights to the Violence Against Women Act



Domestic violence laws represent the largest roll-back in Americans' Constitutionally-protected rights since the Jim Crow era.

Shawne Merriman of the San Diego Chargers was arrested on September 6, 2009 for allegedly choking his girlfriend and throwing her to the ground. Even though Merriman is a strapping 265-pound NFL linebacker, *paramedics were unable to find any injuries on the woman*. The woman had been visibly intoxicated earlier that evening, casting further doubt on her claim. The charges were later dismissed for lack of evidence.

Respect for civil rights is deeply embedded in our national conscience, and Constitutionally-guaranteed civil liberties form the foundation of our legal system. Unfortunately, these rights have been eroded in the past 15 years by an array of domestic violence laws. For years Americans accepted these civil-rights violations, assuming they were an unfortunate but necessary by-product of the national effort to curb intimate partner abuse. But it has now become clear that the harmful effects of domestic violence laws far exceed the abuses that occurred in any time since the Jim Crow era.

As a result of our nation's domestic violence laws:

1. Two to three million restraining orders are issued each year, often without any allegation of physical violence. As a result, persons lose access to their children, home, and financial assets, with devastating social and financial consequences.
2. One million persons are arrested each year for allegations of domestic violence. But the allegations are often recanted and the evidence doubtful, and a conviction occurs in less than half of cases.
3. Male victims of domestic violence are often denied service.

Domestic violence laws violate Americans' civil rights in 10 ways. They:

1. Fund education and training programs that stereotype all men as abusers
2. Expand the definition of "domestic violence" to include minor verbal disagreements, thus inviting heavy-handed state intervention into private family matters
3. Short-circuit due process protections and remove the presumption of innocence
4. Provide incentives to file false allegations
5. Encourage the issuance of restraining orders, even in the absence of physical violence
6. Promote mandatory arrest policies, even for minor violations of civil restraining orders
7. Fund "predominant aggressor" and "primary aggressor" policies that profile men as abusers
8. Support mandatory prosecution policies
9. Refuse legal assistance to persons falsely accused of domestic violence.
10. Discriminate against male victims

Domestic violence laws violate Constitutional protections found in the First Amendment (right to assembly and to free speech), Second Amendment (right to bear arms), Fourth Amendment (probable-cause for arrest), Fifth Amendment (due process), and Fourteenth Amendment (equal treatment under the law). These civil rights violations have a disproportionate harmful effect on low-income minority communities.

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For documentation of the issues, see the Special Reports found at http://www.mediaradar.org/radarServices_special_reports.php:

- Education for Injustice
- Expanding Definitions of Domestic Violence, Vanishing Rule of Law
- Perverse Incentives, False Allegations, and Forgotten Children
- A Culture of False Allegations: How VAWA Harms Families and Children Without Restraint: The Use and Abuse of Domestic Restraining Orders
- Justice Denied: Arrest Policies for Domestic Violence
- Bias in the Judiciary: The Case of Domestic Violence
- VAWA Programs Discriminate Against Male Victims
- VAWA-Funded Immigration Fraud Costs American Taxpayers \$170 Million a Year