

Analysis of the Violence Against Women Act

The US Senate and House of Representatives are currently debating the Violence Against Women Act. **RADAR** has identified 12 serious flaws with the proposed bill:

1. **Abuses the truth.** A recent VAWA-funded report documented that 1.5% of women and 0.9% of men were physically or sexually assaulted by a partner in the previous year. The report further notes that one-fifth of these men – as well as two-fifths of the women -- were injured as a result of the assault. But VAWA simply ignores the facts about domestic violence. [*Extent, Nature, and Consequences of Intimate Partner Violence*, <http://www.ncjrs.org/pdffiles1/nij/181867.pdf>, p. iii-iv]
2. **Blatantly discriminates against men.** The title, findings, and programs of VAWA violate men's constitutional right to equal protection under the Fourteenth Amendment. None of the billions of VAWA dollars have been spent to help heterosexual male victims of DV. Imagine a federal law designed to protect white victims from criminal acts, while ignoring black victims.
3. **Takes children away from their fathers.** VAWA allows women to make false allegations of domestic violence, and then petition for divorce and custody of the children. In some states, a father who has ever had a restraining order filed against him is automatically rendered ineligible for joint custody of his children.
4. **Blurs the distinction between violent crime and a verbal argument.** The National Research Council notes that "Rigorous inquiry into violence against women is precluded when scholars fail to distinguish among what constitutes an act of violence, abuse, or battering." [*Advancing the Federal Research Agenda on Violence Against Women*, <http://books.nap.edu/catalog/10849.html>, p. 26]
5. **Allows unrestrained use of restraining orders.** Judges typically issue restraining orders based only on the word of the woman, without obtaining hard evidence or even allowing the man to present his side of the story. And many state laws define "violence" so broadly as to allow restraining orders to be issued on the flimsiest pretext.
6. **Provides perverse incentives for law enforcement agencies and prosecutors.** VAWA encourages local authorities to implement policies for mandatory reporting, mandatory arrest, and "no-drop" prosecutions. A Feminist Majority Foundation report recommends that domestic violence programs should abandon such rigid and unfair practices because they often end up harming families [*Safety & Justice for All: Examining the Relationship between the Women's Anti-Violence Movement and the Criminal Legal System*

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http://www.ms.foundation.org/user-assets/PDF/Program/safety_justice.pdf, pp. 12-16]

7. **Pre-empts existing law enforcement programs.** States currently have strong partner assault laws. And the federal Victims of Crime Act already addresses the issue of domestic violence. VAWA spends \$1 billion a year to duplicate existing programs.
8. **Politicizes the judiciary.** VAWA provides funding for judicial education which in practice amounts to ideologically-loaded rants. At one such training session judges were instructed: "Your job is not to become concerned about all the constitutional rights of the man that you're violating as you grant a restraining order. Thrown him out on the street, give him the clothes on his back and tell him, 'See ya' around.'" [<http://www.ejfi.org/DV/dv-10.htm>]
9. **Funds ideologically-based treatment programs.** The National Academy of Sciences recently concluded that domestic violence programs are frequently "driven by ideology and stakeholder interests rather than by plausible theories and scientific evidence of cause." [*Advancing the Federal Research Agenda on Violence Against Women*, <http://books.nap.edu/catalog/10849.html>, p. 6]
10. **Represents an over-reaching of federal power.** VAWA represents unwarranted government interference into the personal relationships of intimate partners. Furthermore, the Supreme Court has condemned parts of VAWA as representing federal intrusion into an area of law that falls squarely within the domain of the states (*United States v. Morrison*, 2000). [<http://www.oyez.org/oyez/resource/case/1261>]
11. **Corrupts family violence research.** VAWA-funded researchers often seek to bias the outcome of their research by interviewing only women, by slanting the wording of questions, or by selectively reporting research findings. [*The Controversy over Domestic Violence by Women: A Methodological, Theoretical, and Sociology of Science Analysis*. <http://www.menweb.org/straus21.htm>]
12. **Unfairly stereotypes men.** VAWA funds educational programs that consistently depict men as perpetrators and women as victims of domestic violence. Most educational programs refer to the perpetrator as "him" and the victim as "her."

VAWA tramples on persons' basic human rights, undermines the family, and makes a mockery of fairness and justice. Our elected officials have a responsibility to make sure VAWA helps all victims of domestic violence.