VAWA Must Be Rewritten

by Phyllis Schlafly July 15, 2011

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The Violence Against Women Act (VAWA), now up for reauthorization, is in major need of revision. Its billion-dollar-a-year price tag spent by the radical feminists to pursue their ideology and goals (known as feminist pork) make it an embarrassment to Members of Congress who voted for it.

For 30 years, the feminists have been pretending that their goal is to abolish all sex discrimination, eliminating all gender differences no matter how reasonable. When it comes to domestic violence, however, feminist dogma preaches that there is an innate gender difference: men are naturally batterers and women are naturally victims (i.e., gender profiling).

Starting with its title, VAWA is just about as sex discriminatory as legislation can get. It is written and implemented to oppose the abuse of women and to punish men.

Ignoring the mountain of evidence that women initiate physical violence nearly as often as men, VAWA has more than 60 passages in its lengthy text that exclude men from its benefits. For starters, the law's title should be changed to Partner Violence Reduction Act, and the words "and men" should be added to those 60 sections.

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The law should be rewritten to deal with the tremendous problem of false accusations so that its priority can be to help real victims. A Centers for Disease

Control survey found that half of all partner violence was mutual, and 282 scholarly studies reported that women are as physically aggressive, or more aggressive, than men.

Currently used definitions of domestic violence that are unacceptably trivial include calling your partner a naughty word, raising your voice, causing "annoyance" or "emotional distress," or just not doing what your partner wants. The law's revision should use an accurate definition of domestic violence that includes violence, such as: "any act or threatened act of violence, including any forceful detention of an individual, which results or threatens to result in physical injury."

Women who make domestic violence accusations are not required to produce evidence and are never prosecuted for perjury if they lie. Accused men are not accorded fundamental protections of due process, not considered innocent until proven guilty, and in many cases, are not afforded the right to confront their accusers.

Legal assistance is customarily provided to women but not to men. Men ought to be entitled to equal protection of the law because many charges are felonies and could result in prison and loss of money, job, and reputation.

Feminist recipients of VAWA handouts lobby legislators, judges and prosecutors on the taxpayers' dime (which is contrary to Section 1913 of Title 18, U.S. Code), and the results are generally harmful to all concerned. This lobbying has resulted in laws calling for mandatory arrest (i.e., the police must arrest someone; guess who), of the predominant aggressor (i.e., ignore the facts and assume the man is the aggressor), and no-drop prosecution (i.e., prosecute the man even if the woman has withdrawn her accusation or refuses to testify).

The feminists' determination to punish men, guilty or innocent, is illustrated by the capricious April 4 "Dear Colleague" letter issued by the feminists in the Department of Education's Office for Civil Rights. It's not a law (Congress would never pass it) and it's not even a regulation required to be published in the Federal

Register; it's just a peremptory order to scare colleges into compliance by pretending it's an implementation of the law called Title IX.

This letter orders colleges to use a "preponderance of the evidence" standard of proof in sexual harassment and sexual assault cases, replacing the traditionally accepted "clear and convincing" standard of proof. The new rule means that the feminist academics sitting in judgment on male college students need to be only 50.01 percent confident a woman is telling the truth (i.e., that the woman must be believed whether or not she has any credible evidence).

The way the Duke Lacrosse players' reputations and college education were destroyed is typical of feminist control of university attitudes. The prosecutor who falsely accused the men was disbarred, but there were no sanctions against the professors and college administrators who rushed to public judgment against the guys.

The definition of domestic violence and the standard of proof are so important because about one-fourth of divorces involve allegations of domestic violence. Judges are required to consider allegations of domestic violence in awarding child custody, even if no evidence of abuse is ever presented.

VAWA should encourage counseling when appropriate and voluntary, as well as programs to help couples terminate use of illegal drugs. When the abuse is only minor, divorce and/or prosecution should not be routine or the first choice of dealing with domestic conflict. Minor partner discord should not be over-criminalized.

VAWA should be subject to rigorous auditing procedures in order to curb waste and fraud and to establish accountability.