Time To Address Domestic Violence Abuses

by Phyllis Schlafly May 17, 2006

Printer Friendly version

Google Ads are provided by Google and are not selected or endorsed by Eagle Forum

The reauthorization of the Violence Against Women Act (VAWA) was signed by President Bush in January without any public debate, but evidence is now surfacing which Congress should have examined before the law was passed. VAWA is a nearly-billion-dollar-a-year extension of one of the major ways that Bill Clinton bought the support of the radical feminists.

Why Republicans passed this bill is a mystery. It's unlikely that the feminists who will spend all that money will ever vote Republican.

Passage of VAWA was a major priority of the American Bar Association (ABA) for whose members it is a cash cow. More than 300 courts have implemented specialized docket processes to address VAWA-type cases, more than a million women have obtained protection orders from the courts, and more than 660 new state laws pertaining to domestic violence have been passed, all of which produce profitable work for lawyers.

A recently issued ABA document called "Tool for Attorneys" provides lawyers with a list of suggestive questions to encourage their clients to make domestic-violence charges. Knowing that a woman can get a restraining order against the father of her children in an ex parte proceeding without any evidence, and that she will never be punished for lying, domestic-violence accusations have become a major tactic for securing sole child custody.

Voluminous documentation to dispel the feminist myths that created and have perpetuated VAWA are spelled out in seven reports just issued by an organization called RADAR (Respecting Accuracy in Domestic Abuse Reporting), and in an 80-page report called "Family Violence in America" published by the American Coalition for Fathers & Children.

For example, it is a shocker to discover that acts don't have to be violent to be punished under the definition of domestic violence. Name-calling, put-downs, shouting, negative looks or gestures, ignoring opinions, or constant criticizing can all be legally labeled domestic violence.

The ABA report states flatly: "Domestic violence does not necessarily involve physical violence." The feminists' mantra is, "You don't have to be beaten to be abused."

VAWA advocates assert that domestic violence is a crime, yet family courts often adjudicate domestic violence as a civil (not a criminal) matter. This enables courts to deny the accused all Bill of Rights and due process protections which are granted to the most heinous of criminals.

Specifically, the accused is not innocent until proven guilty but is presumed guilty, and he doesn't have to be convicted "beyond a reasonable doubt." Due process rights, such as trial by jury and the right of free counsel to poor defendants, are regularly denied, and false accusations are not covered by perjury law. VAWA provides funding for legal representation for accusers but not for defendants.

Those who are concerned about judicial activism, i.e., judges legislating from the bench, could observe judges doing this every day in domestic violence cases. Every time a judge issues a restraining order, the judge creates new crimes for which an individual can be arrested and jailed without trial for doing what no statute prohibits and what anyone else may lawfully do.

This criminalizing of ordinary private behavior and incarceration without due process follows classic police-state practices. Evidence is irrelevant, hearsay is admissible, defendants have no right to confront their accusers, and forced confessions are a common feature.

Some of these injustices result from overzealous law enforcement officials (sometimes running for office), and some from timid judges who grant restraining orders and deny due process to defendants for fear of being blamed for subsequent violence. Most of this, however, is the result of feminist activism and the taxpayers' money given them by Congress.

The ease and the speed with which women can get restraining orders without fear of punishment for lying indicates that the dynamic driving domestic-violence accusations is child custody rather than violence. Restraining orders don't prevent violence, but they do have the immediate effect of separating fathers from their children and imprisoning fathers for acts that are perfectly legal if done by anyone else (such as attending a public event at which his child is performing).

The restraining order issued against TV talk show host David Letterman, allegedly to protect a woman who claimed he was harassing her through his TV broadcasts, is a good example of how easy it is to get a court order based on false allegations. Another ridiculous restraining order was issued against celebutante Paris Hilton to protect a man she had badmouthed.

VAWA money is used by anti-male feminists to train judges, prosecutors and the police in the feminist myths that domestic violence is a contagious epidemic, and that men are naturally batterers and women are naturally victims. The feminists lobby state legislators to pass must-arrest and must-prosecute laws even when the police don't observe any crime and can't produce a witness to testify about an alleged crime.

Assault and battery are crimes in every state and should be prosecuted. But persons so accused should be entitled to their constitutional rights. After all, is this America?