

Statement of

# The Honorable Patrick Leahy

United States Senator  
Vermont  
July 19, 2005

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Ranking Member, Judiciary Committee  
Hearing on the Reauthorization of the Violence Against Women Act  
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The enactment of the Violence Against Women Act over a decade ago marked an important national commitment to survivors of domestic violence and sexual assault. The bipartisan legislation on which we will hear testimony today, S. 1197, will further our goal of ending domestic violence, dating violence, sexual assault and stalking. I am proud to join Senators Biden, Hatch, Specter and others as an original cosponsor of this important measure. I want to especially recognize Senator Biden for his continued commitment to ending violence against women and children.

Along with the Chairman, I welcome today an extraordinary panel of witnesses. With us is Diane Stuart, Director of the Office on Violence Against Women at the Justice Department and a number of leading advocates. They make VAWA work and a reality in the lives of women and children across the country. I thank them and salute them. A number of us fought for a long time to create OVW as an independent office within the Department of Justice. I am happy to note that, once given the opportunity, the office has thrived as an independent entity within the Department.

Earlier in my career as a county prosecutor in Vermont, I witnessed the devastating effects of domestic violence. Violence and abuse affect people of all walks of life every day and regardless of gender, race, culture, age, class or sexuality. Such violence is a crime and it is always wrong, whether the abuser is a family member, someone the victim is dating, a current or past spouse, boyfriend, or girlfriend, an acquaintance or a stranger.

The National Crime Victimization Survey estimates there were 691,710 non-fatal, violent incidents committed against victims by current and former spouses, boyfriends or girlfriends - also known as intimate partners -- during 2001. Of those incidents, 85 percent were against women. The rate of non-fatal intimate partner violence against women has fallen steadily since 1993, when the rate was 9.8 incidents per 1,000 people. In 2001, the number fell to 5.0 incidents per 1,000 people, nearly a 50 percent reduction, but still unacceptably high. Tragically, however, the survey found that 1,600 women were killed in 1976 by a current or former spouse or boyfriend, while in 2000 some 1,247 women were killed by their intimate partners.

Our Nation has made remarkable progress over the past 25 years in recognizing that domestic violence and sexual assault are crimes. We have responded with better laws, social support and coordinated community responses. Millions of women, men, children and families, however, continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

The Violence Against Women Act has provided aid to law enforcement officers and prosecutors, helped stem domestic violence and child abuse, established training programs for victim advocates and counselors, and trained probation and parole officers who work with released sex offenders. Over the next few months, Congress has the opportunity to reauthorize VAWA and make improvements to vital core programs, tighten criminal penalties against domestic abusers, and create new solutions to other crucial aspects of

domestic violence and sexual assault. This is an opportunity to help treat children victims of violence, augment health care for rape victims, hold repeat offenders and Internet stalkers accountable, and help domestic violence victims keep their jobs.

Included in VAWA 2005 are reauthorizations of two programs that I initially sponsored that are vital to helping rural communities battle domestic violence in a setting in which isolation can make it more difficult for both victims and law enforcement. In a small, rural state like Vermont, our county and local law enforcement agencies rely heavily on cooperative, interagency efforts to combat and solve significant problems. That is why I sought to include the Rural Domestic Violence and Child Victimization Enforcement Grant Program as part of the original VAWA. This program helps make services available to rural victims and children by encouraging community involvement in developing a coordinated response to combat domestic violence, dating violence and child abuse. Adequate resources combined with sustained commitment will bring about significant improvements in rural areas to the lives of those victimized by domestic and sexual violence.

The Rural Grants Program section of VAWA 2005 reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. This provision includes new language that expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes \$55,000,000 annually for 2006 through 2010, which is an increase of \$15 million per year.

The second grant program initiative on which I have focused is the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. This program, which became law as part of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003, authorizes grants for transitional housing and related services for people fleeing domestic violence, sexual assault or stalkers. At a time when the availability of affordable housing has sunk to record lows, transitional housing for victims is especially needed. Today more than 50 percent of homeless individuals are women and children fleeing domestic violence. We have a clear problem that is in dire need of a solution. This program is part of the solution.

Transitional housing allows women to bridge the gap between leaving violence in their homes and becoming self-sufficient. Our bill, VAWA 2005, amends the existing transitional housing program by expanding the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by Housing and Urban Development transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for the grant from \$30,000,000 to \$40,000,000.

The Violence Against Women Act passed the Senate in 1994. We declared that the United States takes the problem of violence against women seriously. The law declared that "[a]ll persons within the United States shall have the right to be free from crimes of violence motivated by gender," and we enacted meaningful reform. Regrettably, in *United States v. Morrison*, the Supreme Court struck down portions of the Act. That case involved a young woman who was allegedly raped by two classmates while attending college. Our law allowed a victim of violence to seek civil remedies when the violence was motivated by gender-based animus. Congress showed in its findings that justice is too often denied to women and a majority of states supported our law and the civil remedy it provided. By a narrow 5 to 4 vote, the Supreme Court struck down this portion of the Violence Against Women Act and second-guessed the judgment of Congress on this remedial cause of action.

This is a stark reminder of what is at stake as we soon consider a nomination to fill the current vacancy on the United States Supreme Court. Consistent with our oaths of office and allegiance to the Constitution, a majority of the United States Senate, the House of Representatives, the President of the United States and four of the nine Justices on the Supreme Court thought the remedial action we provided to victims of violence constitutional. Sadly, it was not enough to save this important aspect of our legislative program from a declaration of unconstitutionality by an activist Supreme Court.

Now it is time to strengthen the prevention of violence against women and children and its devastating costs and consequences. This legislation is an important part of our efforts to increase awareness of the problem of violence, to save the lives of battered women, rape victims and children who grow up with violence and to continue progress against the devastating tragedy of domestic violence. I urge prompt action on this legislation.