



Legal Momentum President Elizabeth Grayer's Op-ed In Roll Call: The Hidden Danger In VAWA Reauthorization

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Few issues can claim as much bipartisan support in Congress as the Violence Against Women Act (VAWA). This year, as in the past, lawmakers from across the political spectrum have joined forces to renew and, in some areas, improve the 1994 law. This near-uniform support is appreciated by all of us who spend our days trying to help the victims of domestic and sexual violence. We know that VAWA works and we are confident that the improvements approved recently in the Senate reauthorization bill will extend VAWA's promise to even more people.

We are concerned, however, that both the Senate and House VAWA bills contain new mandatory minimum sentencing provisions that will do more harm than good for survivors of abuse. The many organizations dedicated to ending domestic violence who have worked long and hard with supporters in Congress to bring VAWA reauthorization to the President for his signature did not ask for and do not want these mandatory minimums. They undermine the goals of VAWA and should be eliminated before a final bill is sent to the president.

The bipartisan Senate VAWA bill includes a new five-year automatic prison term for all individuals who use force while committing aggravated sexual abuse. The House Judiciary Committee-approved bill requires a ten-year mandatory sentence when force is used and five years in all other cases. Both provisions are undoubtedly well intentioned and flow from the widely held view that stiffer punishments can deter certain crimes.

Domestic violence, however, is a different kind of crime. And mandatory minimums are very different kinds of sentences. A person mugged on the street will likely have no qualms about reporting the crime to the police. He or she will want the offender punished appropriately. A victim of domestic abuse, however, is often conflicted. She might believe that her abuser needs to be punished (and she protected) by some period of incarceration, but not for the required mandatory sentence. She may be less likely to report abuse knowing that if convicted her abuser is certain to go to prison for five or ten years, without parole.

A victim may be reluctant to be parted from the batterer for any number of reasons. A mother with children might worry how she is going to provide financially for her children without spousal support. A victim might also genuinely fear that reporting abuse could lead to worse

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Congress must recognize that anything that deters a survivor from reporting abuse is all but certain to cause more abuse. That is why we joined with many of our colleagues in urging the Senate to reject mandatory minimums in VAWA.

Over the past 18 years, an overwhelming majority of members of Congress have demonstrated their awareness of this reality. Enactment of new legal protections such as the rape shield law have made victims of abuse more willing to report their abuse. Overall, thousands of more victims are reporting domestic and sexual violence to the police and these reports are leading to more arrests. Even better, the changes brought about by VAWA have led to a 67 percent declining rate of intimate partner violence.

Members of Congress who support the goal of reducing violence against women - including those who support mandatory minimum penalties in other contexts - should recognize that new mandatory sentencing requirements for aggravated sexual assault are a step in the wrong direction. We urge House and Senate leaders to remove these mandatory sentencing provisions when crafting a final bill to send to the president.

Elizabeth L. Grayer is the president of Legal Momentum, the nation's oldest legal defense and education fund dedicated to advancing the rights of all women and girls.

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