

An hourglass graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is a darker shade of blue. The hourglass is centered on the page.

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*Violence Against Women Office: Its History and Legislative
Proposals in the 107th Congress*

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Violence Against Women Office: Background and Current Issues

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Summary

The 107th Congress passed H.R. 2215 and President Bush signed it into law on November 2, 2002 (P.L. 107-273). Among other provisions, the statute provides for the placement of the Violence Against Women Office (VAWO) within the Department of Justice (DOJ). Despite enactment of this law, the placement of VAWO continues to be an issue. VAWO remains in the Office of Justice Programs (OJP) and reports to an Assistant Attorney General. Reportedly, DOJ insists that the statute's language on placement of VAWO is open to interpretation. DOJ, however, states that VAWO will be moved, but details of its placement are still being reviewed.

VAWO was created in 1995 to address legal and policy issues concerning violence against women. That same year, Attorney General Reno delegated grant authority for the Violence Against Women Act to the Assistant Attorney General of DOJ's Office of Justice Programs. The Assistant Attorney General then created a Violence Against Women Grants Office in OJP. In 1999, the Violence Against Women Office in DOJ and the Violence Against Women Grants Office were merged to form the current Violence Against Women Office of OJP. The Violence Against Women Act of 2000 reauthorized many programs of the original Act and created some new grant programs to, among other purposes, stop sexual assaults on campuses, stem the abuse of the elderly and disabled, offer transitional housing for victims of domestic abuse, and assist victims of violence. This report will be updated as legislative activity requires.

Background

History of Violence Against Women Act. The Violence Against Women Act (VAWA) was enacted in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103-322). VAWA established formula and discretionary grant programs for state, local, and Indian tribal governments, as well as private entities, which were to be administered by the Department of Justice (DOJ) and the Department of Health and Human Services (HHS). VAWA grants under DOJ were designed to assist law enforcement officers and prosecutors, encourage arrest policies, address domestic violence and child abuse, provide training programs for victim advocates and counselors,

and train probation and parole officers who work with released sex offenders. HHS administered grants for battered women's shelters, rape prevention and education, reduction of sexual abuse of runaway and homeless street youth, and community programs on domestic violence. Further, VAWA changed federal law relating to interstate stalking, intrastate domestic abuse, federal sex offense cases, the rules of evidence concerning use of a victim's past sexual behavior, and HIV testing in rape cases.

The Violence Against Women Act of 2000 (Division B of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386)) became law on October 28, 2000. VAWA 2000 reauthorized most of the original Act's programs and created new grant programs. The purpose of these new programs was to prevent sexual assaults on campuses, aid victims of violence with civil legal concerns, provide transitional housing for victims of domestic abuse, and protect elderly and disabled victims of domestic violence. The Act created a pilot program for safe custody exchange for families of domestic violence and a domestic violence task force, authorized studies on the effects of violence against women, and changed federal criminal law on interstate stalking and immigration.

History of VAWO. In June 1995, President Clinton created the White House Office for Women's Initiatives and Outreach to serve as a liaison between the White House and women's organizations. Its purpose was to heed the concerns of women, to respond to their proposals for addressing those concerns, and to keep the President and other members of the Administration informed. Later in 1995, Attorney General Janet Reno established a VAWO in DOJ to handle legal and policy issues concerning violence against women. Also in 1995, the Attorney General delegated grant authority for the newly enacted Violence Against Women Act to Laurie Robinson, the then Assistant Attorney General of DOJ's Office of Justice Programs (OJP). The Assistant Attorney General of OJP then created a Violence Against Women Grants Office in OJP. That office primarily focused on administering VAWA grants, although it also addressed policy issues. DOJ felt that having two offices caused confusion in the field and a breakdown in communications within the department. Consequently, in 1999, the Violence Against Women Office in DOJ and the Violence Against Women Grants Office in OJP were merged, creating the present Violence Against Women Office of OJP.

The director of the Violence Against Women Office (VAWO) has been appointed by the President. VAWO is responsible for interpreting, implementing, and coordinating the provisions of the Violence Against Women Act enacted in 1994 and reauthorized in 2000. VAWO handles DOJ's legal and policy issues concerning violence against women. It ensures that VAWA grants are managed effectively and efficiently. It provides requested information on violence against women, and coordinates efforts to combat violence against women with federal, state, local, and tribal authorities as well as private agencies. Within DOJ, VAWO coordinates efforts to combat violence against women with the Office of Legal Policy, the Office of Legislative Affairs, the Office of Intergovernmental Affairs, the Immigration and Naturalization Office, the Executive Office for United States Attorneys, U.S. Attorneys' Offices, the Bureau of Justice Statistics, the Bureau of Justice Assistance, and the Office for Victims of Crime. Besides providing leadership in the fight to end violence against women at the national level, VAWO also is active at the international level, receiving international visitors and providing them with information on the federal government's role in addressing violence against women.

VAWO Issues

The 107th Congress considered and enacted legislation (described on page 6) that addressed the permanency of VAWO and its organizational location within DOJ. The issue and the debate that occurred in the 107th Congress is summarized below.

Permanency of VAWO. Because the office originally was created at the behest of the Attorney General, some feared that VAWO could be abolished or subsumed by another part of DOJ at any time. For example, they charged that VAWO, as formerly established, was vulnerable to “changing political winds.”¹ For this reason, they contended that VAWO must be permanently authorized in law. DOJ spokespersons pointed out that the VAWO director was currently a presidential appointee who had the full support of the President, Attorney General and others within DOJ and would continue to have that support. They noted VAWO’s status within OJP, pointing out that the Director was a counselor to the Attorney General. Further, at the direction of the Attorney General, the Associate Attorney General chairs a Coordinating Committee on Violence Against Women comprised of the heads of relevant components in DOJ.²

VAWO and the Reorganization of OJP. Various plans for the reorganization of OJP had fueled further concerns about how VAWO would be affected. Reasons given by DOJ for reorganizing OJP were “to improve responsiveness, assistance, and accountability to all customers; eliminate duplication and overlap, ensure measurable grant and program outcomes.” Citing the attacks of September 11 and, consequently, the shift in the primary responsibility of DOJ to protecting the country against terrorist attacks, DOJ stated that it was even more important for OJP to maximize efficiency and improve service to its customers. The reorganization of OJP was directed at improving “*management of current programs and funding streams,*” not at changing “the essence of those underlying statutes.”³

OJP’s organizational structure was the result of authorizing statutes and funding mandates by Congress and of DOJ management decisions. It consisted of five bureaus, six program offices, and seven administrative offices. Each bureau was headed by a presidential appointee with the approval of the Senate. This OJP structure was replaced with what DOJ described as a comprehensive, integrated approach that assists state and local communities in addressing crime and juvenile delinquency. The restructured OJP included a research institute, a statistical office, two programmatic offices, two program support offices, and six administrative offices (the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention Programs, the Office of Criminal Justice Programs Development, the Office of Formula

¹ Louise M. Slaughter, remarks in the House, *Congressional Record*, daily edition, v. 147, January 3, 2001, pp. E7-E8.

² U.S. Congress. Senate Committee on the Judiciary, Subcommittee on Youth Violence, *Office of Justice Programs Oversight: Examining the OJP Reorganization Plan*, hearing, 106th Cong., 1st sess., September 16, 1999 (Washington: GPO, 1999), p. 17.

³ *Ibid.*; Daniels, Deborah, Department of Justice, Assistant Attorney General for Administration, letter to Honorable Frank Wolf, Chairman, Subcommittee on the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies, House Committee on Appropriations, December 6, 2001.

Grants/State Desks, and the Office of State and Local Information Transfer). The Violence Against Women Office would be one of the offices of the Office of Criminal Justice Programs Development.⁴

Although DOJ stated that the latest reorganization proposal would leave VAWO as presently constructed except for renaming it the Office on Violence Against Women,⁵ some remained unconvinced. For example, opponents argued that DOJ's proposal for restructuring OJP would reduce VAWO to just an office for administering grants. Further, they stated that VAWO would not provide the policy leadership necessary to effectively promote and serve victims of domestic violence. In the words of Bonnie Campbell, a former director of VAWO, "[t]here is a world of difference between full participation in the highest levels of decision making and being buried in a satellite grant office in the Department."⁶ Before the reorganization, VAWO provided individuals and state and local law enforcement with information on formula and discretionary grants and programs that provided legal and technical assistance and training to combat domestic violence. Donna F. Edwards of the National Network to End Domestic Violence testified that VAWO's communication with experts in the field (law enforcement, victims services, prosecution and the judiciary) and community and state leaders enabled it to establish a grantmaking process that integrated grants, policy development, training, and technical assistance. Arguing that creating separate departmental functions to serve across different programs would fragment and undermine the progress that VAWO has made in implementing its programs, she opposed the reorganization of OJP.⁷

Those pleased with VAWO offered examples of its policy leadership, such as VAWO's role in the enforcement of protective orders when a battered woman complains that her husband has followed her across state lines. If no protective orders exist in the new jurisdiction where the woman resides, then experience, authority, and resources may be lacking at the local or state level to protect her in a timely manner. VAWO, in responding quickly to reconcile the differences between states in addressing domestic violence, provides a *national* presence. Another example given was the assistance VAWO provides states in creating public and private partnerships to combat domestic violence. According to Thurbert E. Baker, Attorney General of Georgia, employers, especially multi-state corporations, can be a vital ally in fighting domestic violence. He testified that employers often inquire about the federal position on the issue of domestic violence, particularly when they are asked to establish model policies or practices

⁴ *Ibid.*

⁵ Rizzuto, Christopher A., Department of Justice, Acting Director, Office of Congressional and Public Affairs, Office of Justice Programs, telephone conversation with the author, May, 16, 2002. According to DOJ, the name change was proposed because VAWO could be construed to support violence against women.

⁶ Senator Joseph R. Biden, Jr., Statement before the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Leading the Fight: The Violence Against Women Office*, [typed transcript], April 16, 2002, p. 3.

⁷ U.S. Congress. Senate Committee on the Judiciary, Subcommittee on Youth Violence, *Office of Justice Programs Oversight: Examining the OJP Reorganization Plan*, hearing, 106th Cong., 1st sess., September 16, 1999 (Washington: GPO, 1999), p. 37.

concerning abuse. Baker feels that VAWO's endorsement sends a powerful message to corporations.⁸

Placement of VAWO Hearing Testimony. Diane Stuart, the current director of VAWO, contended that VAWO should remain within OJP. With a budget of nearly \$400 million, she argued that VAWO needs OJP's infrastructure, which supplies support, structure, and resources. Further, she stated that much of VAWO's work – such as developing solicitation applications, managing grants, providing technical assistance, and communicating with the field – involves close collaboration and coordination with other OJP offices and bureaus. Offices within OJP that VAWO consults in carrying out its legislative mandates include the Office of the Comptroller for financial management, the Office of Budget and Management Service for budget analysis, the Office of Congressional and Public Affairs for grant notifications, and the Office of General Counsel for legal advice.⁹ Casey Gwinn, San Diego City Attorney, opposed moving VAWO out of OJP, stating that OJP's current structure was consistent with the movement to combat domestic violence through more inter-disciplinary coordination with law enforcement, the medical community, juvenile justice programs, and social service agencies.¹⁰

According to Stuart, another reason to continue OJP's and VAWO's relationship is that OJP's major goal of providing tools to enhance the ability of communities to address local crime problems complements the goals of VAWO. Much progress has occurred since the establishment of VAWO. Unlike in the past, she maintained there are now proficient, knowledgeable professionals and groups in the criminal justice system at the state and local levels who can and do train law enforcement, prosecutors, judges, advocates, and others on how to respond to domestic violence and more persons are being trained. To stay in touch with these individuals and groups, VAWO uses a number of means including the administration of grant programs, the National Advisory Committee on Violence Against Women (which is comprised of experts in the fields of domestic violence, sexual assault, and stalking), technical assistance initiatives, and interaction with grantees in the field, at a conference, or by phone, and other experts throughout the nation.

Conversely, Lynn Rosenthal, director of the National Network to End Domestic Violence argued that VAWO had more clout before it was transferred to OJP. Under OJP, she charged, VAWO emphasizes technical aspects of grant making over policy issues that surface when establishing programs to address victim safety and offender accountability. She considered these policy issues cornerstones of VAWA. Providing services to a diverse population of victims of violence, calls for coordination and collaboration with federal, state, local, and tribal entities as well as secular and nonsecular private groups. It is a complex undertaking that requires establishing baseline standards

⁸ Baker, Thurbert E., Attorney General, State of Georgia, Testimony before the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Leading the Fight: The Violence Against Women Office*, [typed transcript], April 16, 2002, p. 9-11.

⁹ Stuart, Diane, Director, Violence Against Women Office, Testimony before the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Leading the Fight: The Violence Against Women Office*, [typed transcript] April 16, 2002.

¹⁰ Gwinn, Casey. San Diego City Attorney, Testimony before the Senate Judiciary Committee, Subcommittee on Crime and Drugs, [typed transcript] April 16, 2002.

and consistent interpretations of VAWA. Rosenthal questioned whether state and local communities are up to this challenge without VAWO's providing both grant and policy direction to them.¹¹

Legislation in the 107th Congress

The 107th Congress passed H.R. 2215 and the President signed the measure into law on November 2, 2002 (P.L. 107-273 (Title IV—Violence Against Women)). The law provides for the establishment of a permanent, separate, and independent VAWO within DOJ “under the general authority of the Attorney General.” VAWO is solely responsible for coordinating those activities authorized under VAWA of 1994 with other departments, agencies, or offices. VAWO is to have final authority over all grants, cooperative agreements, and contracts that the office awards. It is to continue handling and coordinating DOJ's legal and policy issues regarding violence against women, from enforcement protection orders across state lines to issuing annual reports on stalking. Also, VAWO's coordination with federal departments and agencies concerning immigration procedures for battered immigrant women, public housing for victims of domestic violence and their children, and women's health programs, is to continue.

The Act provides for VAWO to be headed by a director who is to be appointed by the President and confirmed by the Senate. The director is to report directly to and to serve as counsel to the Attorney General on the issue of violence against women. The duties of the director are to: serve as liaison with the judicial branches of the federal and state governments on issues related to violence against women; disseminate information on violence against women to federal, state, and tribal governments, and to the public; develop and manage grant programs; provide technical assistance to federal, state, and tribal entities; continue to represent DOJ on domestic task forces, committees, or commissions concerning violence against women; represent the United States government on human rights and economic justice matters related to violence against women at international fora; and coordinate efforts at all levels to eliminate violence against women.

Despite this law, the placement of VAWO within DOJ remains an issue. VAWO is still in OJP and its director reports to an Assistant Attorney General. Contrary to those who believe that the statute on this issue is unequivocal, DOJ, reportedly, insists that the Attorney General has authority to organize DOJ “in the manner that he judged most efficacious for carrying out its important duties.”¹² Further, DOJ, reportedly, interprets the statute's language “separate and distinct office” to mean that VAWO “must have a recognizable status as an organizational entity, not that it may not be part of another department component.” According to DOJ officials, however, VAWO will be moved, but the details are still being determined.

¹¹ Rosenthal, Lynn. Executive Director, National Network to End Domestic Violence, Testimony before the Judiciary Committee, Subcommittee on Crime and Drugs, *Leading the Fight: The Violence Against Women Office*, [typed transcript] April 16, 2002; Lynn Rosenthal, National Network to End Domestic Violence, telephone conversation with the author, April 4, 2002.

¹² Vesely, Rebecca, “Ashcroft Constrains Violence Against Women Office,” *Women's e News*, March 10, 2003. [http://www.womensnews.org/article.cfm?aid=1250], visited March 14, 2003.