
Public Hearing

before

COMMISSION ON SEX DISCRIMINATION IN THE STATUTES

"To study whether State legislation can intervene to stop the occurrence or the harm done by violence directed primarily toward women"

LOCATION: S. I. Newhouse Center
for Law and Justice
Rutgers Law School
Newark, New Jersey

DATE: March 27, 1992
1:50 p.m.

MEMBERS OF COMMISSION PRESENT:

Senator Wynona M. Lipman, Chair
Assemblyman Robert L. Brown
Roberta Francis
Cathy L. Waldor, Esq.



ALSO PRESENT:

Melanie S. Griffin, Esq.
Commission Staff

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State of New Jersey

**COMMISSION ON SEX DISCRIMINATION
IN THE STATUTES**

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NOTICE OF PUBLIC HEARINGS

MARCH 20, 1992 MARCH 27, 1992

1:00 P.M. - 6:30 P.M.

The Commission on Sex Discrimination in the Statutes will take public testimony on the issue of violence against women during (2) two public hearings. The March 20th hearing will be held in Room #8 of the Legislative Office Building in Trenton, and the March 27th hearing will be held at the S.I. Newhouse Center for Law and Justice (Rutgers Law School) in Newark. The Commission is studying whether state legislation can intervene to stop the occurrence or the harm done by violence directed primarily toward women, which it has found in other studies to be a major impediment to the legal equality of the sexes.

As the Commission defines it, violence includes but is not limited to: sexual assault, sexual harassment in employment housing and public accommodations, domestic violence, prostitution, inappropriate medical treatment, incest, the systematic impoverishment of women, violent pornography, bias crimes based on gender, date rape, and dating violence. Anyone wishing to testify should prepare a written statement. Each witness will be scheduled for a 20-30 minute presentation at the location he or she prefers.

Please call Maureen Swearingen at the Commission office if you wish to attend or give testimony. Written testimony will be accepted for inclusion in the record until April 6, 1992.

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CATHY L. WALDOR, ESQ.: Excuse me, I would like to get started. What I would like to do-- So as not to hold anyone up any longer, waiting for the other people who are going to come, I would like to begin by reading into the record some opening remarks on behalf of Senator Lipman, so please bear with me very briefly:

"I welcome you all here today for the second of two public hearings being held by the Commission on Sex Discrimination in the Statutes.

"Over the years, the Commission has heard from the public on a variety of issues that affect the relative legal position of women and men. But today we are faced with a unique confluence of circumstances. We can all see a new and exciting public sensitivity to the issues we are to examine, but our collective consciousness has been raised at a time when the State has had a new and difficult political configuration. And maybe more importantly, it is a hard time to find money to address the issues.

"We are here today to try to avoid the disaster for women that could be the result of this combination of events. How might this combination induce disaster? In hard times, violence against women becomes more frequent and more extreme. We are already hearing from incumbents and candidates alike that welfare mothers and minimum wage earners, many of whom are women, are the source of our economic problems. This is patently ridiculous feeling and thinking. Human beings are aware of this, all of us, men and women alike. An easy fix that blames women is acceptable to some, however, precisely because it feeds their need to blame the victim and trust the established powers that be.

"Our new domestic violence law is encouraging horrible crime victims to come forward, and the courts are becoming more crowded. There are actually rumblings in the Legislature that

the solution to this sad state of affairs is to change the law to withhold relief from the victims.

"We are here to look for more creative ways to solve problems, rather than ignore them. Economic violence, domestic violence, sexual violence are all a phenomenon that could have, as their victims, both men and women. But the people who are overwhelmingly bearing the burdens of these injustices are women. We are here to talk about why that happens and what this government can do about it.

"I thank you again for coming. I beg for your attention throughout what promises to be a long and full afternoon, and I count on your support for the work of this Commission as it goes forward with this very important task."

Again, this is the Governor's Commission on Sex Discrimination in the Statutes. I imagine we can now start taking testimony. My name is Cathy Waldor, by the way. The Senator will be here.

First will be John Redden, Deputy First Assistant Prosecutor, Essex County Prosecutor's Office.

J O H N R E D D E N: Should I stand here? Is this where I go?

MS. WALDOR: That's good.

MR. REDDEN: Okay. Good afternoon, Ms. Waldor--

MS. WALDOR: Good afternoon, Mr. Redden.

MR. REDDEN: --and Ms. Griffin.

In some ways I guess you could say, despite some of the introductory remarks, that it is somewhat of a tribute to the Legislature that I can stand before you as a prosecutor in Essex County speaking on behalf of both Acting Prosecutor Mulvihill and the Office in general, without saying that, in our view as prosecutors, there needs to be major changes in either the sexual assault statutes or the domestic violence statutes to allow us to effectively perform our jobs as prosecutors.

As you know, we do not have any requirement in New Jersey that there be corroboration in order to prove an allegation of sexual assault, nor do we any longer have to prove that the victim resisted to the utmost in order to secure a conviction. Victims are also protected to the extent that our statute and our evidentiary rules, for the most part, prohibit defendants from delving into their backgrounds in terms of sexual relationships with individuals other than the defendant. They are also protected to the extent that any communications victims may have with counselors are ordinarily privileged and not subject to disclosure to defendants. We do have a recently revised broad prevention of domestic violence statute.

So, with all those provisions given to us by the Legislature, I would have to say that, on the whole, prosecutors have the legal tools necessary to effectively enforce the law in these areas. That is not to say that things are perfect; it is not to say that there could not be some fine-tuning. That is what I would like to address briefly to the Commission.

I have submitted to the Commission a written outline in this area, and I will just briefly highlight those areas and, of course, answer any questions you might have.

The first area deals with an area which we are seeing with some frequency as of late, and that relates to rape victims and their exposure to AIDS. That breaks down into two areas: One is the area of obtaining blood for testing from defendants in rape cases. There is no statute at present in New Jersey, nor is there any decision of law from our courts, which expressly allows a rape victim to compel the defendant to supply blood for purposes of testing to determine whether or not the person has AIDS -- the assailant has AIDS or carries the HIV virus.

There are a number of bills pending in the Legislature along these lines. The Division of Criminal Justice is also sponsoring a bill in this area. Again and again, rape victims will ask us if something can be done in this area, and it would be nice to be able to tell them, "Yes, there can be something done," and they can be told definitively, one way or another, whether their assailant does or does not have AIDS. These statutes would allow for that. Without a doubt, the statutes would be challenged, probably on Fourth Amendment grounds, but we are rather confident that they would be upheld. They have been upheld in both California and New York.

MS. WALDOR: Excuse me, Mr. Redden -- and for the record as well -- what is the current constitutional status of taking blood in a non AIDS-related situation; a sampling, say, in another type of assault or a homicide?

MR. REDDEN: As long as there is probable cause to believe that blood will produce some type of relevant competent evidence, the courts have consistently authorized prosecutors to secure that for evidential purposes. So that is another reason we feel why, in the AIDS testing area, as long as you have the foundation of probable cause, there will not be a constitutional problem with respect to its admissibility.

There is another aspect to this issue of rape victims being exposed to AIDS, and I don't think that is addressed in the document that was provided to the Commission. This deals with the issue of whether or not there should be some type of enhanced punishment for an individual who commits a sexual offense at the time that he either has AIDS or has AIDS and knows he has AIDS. This has come up on a number of occasions.

We struggled with the issue of whether or not an assailant who has AIDS and knows he has AIDS could be charged with something beyond the mere sexual assault. Specifically, we struggled with the idea of whether that assailant could be charged with something like attempted murder. We have

essentially come to the conclusion that he could not be, because attempted murder requires a purposeful mental state; that is, his purpose would have to be to kill. At this juncture, all we would have would be speculation as to whether his purpose was simply to rape or sexually assault, or whether it was to kill as well. With that state of affairs, we really would not be in a position to prove beyond a reasonable doubt that the individual's purpose was to kill.

So we are left with simply charging that individual in the same way that we would charge an individual who did not have the AIDS virus and did not, in addition to committing the offense of rape, with all that entails, also expose his victim to the danger of contracting a fatal disease. Therefore, it leads us to the thought that some consideration should be given to a provision, perhaps a sentencing enhancement provision, that if the assailant, in addition to committing the sexual assault, knew that he was a carrier of AIDS or the HIV virus, and nonetheless committed the sexual assault, he will be exposed to some additional penalty above and beyond that which is normally associated with the penalty for the sexual assault. It would be akin to the enhanced sentencing that goes along with the Graves Act, or something of the like.

On another topic-- This is not a topic that pertains solely to assaults against women, but may have, or we feel will have, significance in the domestic violence area, and that is with our aggravated assault statute.

There is somewhat of a significant gap in the aggravated assault statute between second degree aggravated assault and a disorderly person's offense. Second degree is based on the infliction of serious bodily injury which requires the risk of death, serious permanent disfigurement, or a protracted loss from impairment of a bodily member or organ. If you don't meet that strict test, you have merely bodily injury, and you go from a second degree offense to a simple

assault. There is nothing in the middle ground, unless, of course, a weapon is involved, in which case you have a third degree offense.

Very frequently in the domestic violence area you will have an assault by a husband or by a boyfriend where the woman does suffer some injury which is certainly beyond that which is mere bodily injury, which is any type of pain or any type of impairment, but does not rise to the more serious level of serious bodily injury. As things stand now, that can only be prosecuted as a disorderly person's offense, in the absence of some other type of activity. We do not have the ability to prosecute that type of assault on an indictable level.

So, again, we suggest that some consideration be given to adopting a middle ground type of aggravated assault that would, nonetheless, be an indictable offense. The problem is a definitional one of describing a type of injury less than serious bodily injury, but more than mere bodily injury. We make the suggestion, in the document we have supplied to the Commission, that a term such as, "substantial, but less than serious bodily injury," be utilized.

We have also, on occasion, in the domestic violence area-- We have had occasions where women have come to us seeking to obtain a restraining order pursuant to the Prevention of Domestic Violence Act, but technically they do not fall within the definition of a victim of domestic violence under the Prevention of Domestic Violence Act. That Act defines a victim, among other things, as being someone who had cohabited, or is cohabiting with the defendant, or a former spouse, or someone who had a child with the defendant at some time in the past. We have had women come to us who have not had that type of a relationship, but nonetheless had some type of relationship where their ex-boyfriend will not accept, or be contented with, a break in the relationship, and there is a series of harassing incidents leading up to violence. Under

the terms of the statute, that woman is not in a position to apply for the temporary restraining order provided for in the Domestic Violence Act.

We think this could be remedied rather easily by simply giving a municipal court judge or a superior court judge the authority, upon the signing of a complaint, to issue at that time a temporary restraining order. After the matter is heard, and if there is a conviction, that temporary restraining order could be made permanent. Even if there wasn't a conviction, if there was a failure to prove the allegation to the criminal standard of beyond a reasonable doubt, the court still could enter a permanent restraining order if the court were satisfied by the lesser standard, by a preponderance of the evidence, that the assaultive behavior occurred.

In a somewhat related vein, we are concerned about those individuals who repeatedly violate restraining orders. These are the individuals who we think are very dangerous. These are the individuals whose activities very often lead to murder. I don't have any statistics available to me, but I can tell you from my experience that very frequently individuals are seriously injured or murdered, even though there was a restraining order outstanding. There was a case in Essex County not too long ago where a woman was shot to death at her place of employment, despite the fact that only several weeks before a restraining order had been issued and served on her husband.

Therefore, what we would like to see is, when we have these individuals who repeatedly violate restraining orders, that there be a special provision for them where there is a mandatory extended term for a fourth degree crime, which would be a five-year sentence. But it would be mandatory, not discretionary with the court. We realize there has been a feeling by some that there may be too many mandatory sentences being adopted by the Legislature, in all areas of criminal

law. It is not something that we necessarily think is a correct criticism, but we are sensitive to those who sometimes say, "It is not always a solution to a problem to adopt a mandatory sentence." We acknowledge that, but in this one area, where you have someone who presents what we think to be a substantial danger, and confirms that by additional violations of a judge's order, that it would be appropriate to use that type of extended mandatory term in that situation.

MS. WALDOR: Entitling them to a jury trial?

MR. REDDEN: This would be a sentencing. They would have to be convicted first upon a second violation. Now, whether or not you would be entitled to a jury trial would depend on the nature of the violation of the restraining order. A violation of a restraining order that does not involve any other illegal activity aside from the mere contact, is only a disorderly person's offense. But one which involves actual contact then becomes a fourth degree offense. It is those we are concerned with, where the defendant goes beyond merely contacting the beneficiary of the restraining order; where he goes and commits either a disorderly person's offense or some other offense. That raises it to the level of the fourth degree. Once you have multiple fourth degree crimes, then you should have a mandatory extended term. It shouldn't take two, as it does normally under the extended term provision. One prior violation would be sufficient. It should be something that is not discretionary with the court; it should be something that is mandatory.

We also briefly discuss in our handout the issue of possession of child pornography and penalizing that. There is an Assembly bill pending -- Assembly Bill No. 263 -- and we suggest that that should be adopted. Right now we have no law which criminalizes or penalizes the mere possession of child pornography. We suggest that that should be remedied.

There are two other areas which we address, which it is our understanding that a representative of the Attorney General's Office will speak on, so I will just briefly mention them.

One is, a specific crime for punishing assaults on pregnant women. We have seen, on a number of occasions -- sometimes in the domestic violence area, but an area removed from the domestic violence area -- an individual assaulting a pregnant woman with the obvious purpose of either damaging the fetus or causing a miscarriage. These assaults are usually characterized by blows to the abdominal area of the pregnant woman.

Because of this definitional problem I mentioned before, with serious bodily injury under the aggravated assault statute, and also because of the fact that a fetus is not regarded as a person under our criminal law, we, on many occasions, have difficulty prosecuting this type of an attack as an indictable offense, and we are forced to downgrade it to a disorderly person's offense. We would like to have the ability to prosecute that type of an offense as a crime, and we discuss that in our handout.

As I said, I believe a representative of the AG's Office will also speak on that.

There is one other area that a member of the Attorney General's Office will deal with that I would just like to mention because we support it as well. We believe that when we deal with the area of biased crime, that gender should be included in the area of biased crime. Right now we have certain statutes that either provide enhanced punishment for biased types of activity, or are specifically aimed at biased activity. That is the harassment statute. The penalties are elevated if the crime is motivated because of the victim's race or ethnicity. There is another statute that makes criminal threats aimed at someone because of his or her race or

ethnicity. We believe that gender should be included in that area.

There is also another issue that comes up along this line that we think should be considered. When a judge sentences someone, the judge has to consider the aggravating and the mitigating factors, and they are set out by statute. It is through a weighing process of those items that a judge decides where a sentence should be established within a certain range. Absent from the aggravating factors is any reference to the fact that the motivating, or a motivating reason for the crime was race, ethnicity, or gender. It seems to us that those types of offenses that are motivated by those types of motives, or because of that type of hatred, are especially detrimental to our society. That should specifically be established as an aggravating factor. So, the aggravating factors would have a provision which would say, in essence, that: If the crime -- whatever the crime might be -- is motivated because of the victim's race, ethnicity, or gender, then this would be one of the items that would weigh heavily against the defendant at the time of sentencing.

MS. WALDOR: Mr. Redden, aren't all the gender-based acts-- At the moment, don't the acts themselves include gender as a consideration? Is there an example of -- I don't mean to put you on the spot -- an example of gender-based aggravation that would be outside-- In other words, the sexual assault is gender based, and that considers gender based in the statute.

MR. REDDEN: Obviously, and obviously in that type of a situation, the aggravating factor would not kick in because you couldn't double count the aggravating factor. But you could have a situation where there would be a crime that was committed, not necessarily sexual in nature, against a woman because a woman is a woman, or vice versa, because a man is a man.

For example, if somebody were to attack and beat a woman without involving any type of sexual contact or sexual penetration, that would be the type of offense where the aggravating factor would kick in. In fact, we point out in our paper -- and I don't want to unduly prolong this -- that under the aggravated assault statute there are certain status crimes that elevate a simple assault into an aggravated assault. For example, if the victim is a police officer, or if the victim is an emergency service personnel on the job, if the victim is a teacher on the job, the offense is elevated from a disorderly person's offense to a crime.

Along that area of consideration might be given, if we are going to elevate the offense because of the victim's status, perhaps if the reason someone is a victim is because of their race, or because of their ethnicity, or because of their gender -- that is why they are attacked -- maybe there should be an elevation provision in that case, just as there is now one is somebody is a police officer or a teacher or a medical service worker.

There is one more area I would just like to touch on. We mention it in our paper. In comparison with some of these other areas, it may seem minor. Some may even think it is frivolous, but it is not because it is a problem we come across, not every day, but on occasion, and there is not a ready answer for us.

We frequently get calls from, usually, the local police departments about a problem in their city or their town with a Peeping Tom. There used to be a statute under 2A which specifically prohibited and penalized Peeping Tom types of activities. There is no such statute under 2C. There was an attempt to prosecute this type of activity under the harassment statute, but that was rejected by the Appellate Division because the harassment statute requires that the victim be aware of the harassing conduct. It also requires that the

defendant intend that the victim be aware, and that, of course, is just the opposite of what a Peeping Tom normally does. We tried to use the trespass statute, but that doesn't really work because the trespass statute requires you to intrude within a structure, and normally a Peeping Tom is outside of the structure looking in.

It is somewhat frustrating when you get calls from local police officers saying, you know, "We have this guy who was doing this. What do we charge him with?" and there is nothing that fits in. It happens a couple of times a year.

That is basically all I have, unless the members of the Commission would have any questions.

SENATOR WYNONA M. LIPMAN (Chair): Thank you, Mr. Redden. Do any of the members of the Commission have any questions? We will start with you, Roberta.

MS. FRANCIS: Hi. I am Roberta Francis, Director of the State Division on Women. I'm sorry I missed the beginning of this.

I am particularly interested in your comments about making sex a category in the hate crimes statute. New Jersey has a very good one, but it doesn't have gender as one of the categories. I think perhaps eight other states do, and only Minnesota asks for a count on crimes on that basis. Do you know of any experience in other states that would reinforce our doing this?

MR. REDDEN: No.

MS. FRANCIS: Or anything against it? I guess there has been--

MR. REDDEN: I have no empirical documentation on it one way or the other. I mean, it just seems to me that it is an anomaly not to include gender in those categories. I don't see any reason to leave it out.

MS. FRANCIS: Well, I guess what I understood was that there has been hesitancy simply because it would open up such a

huge number of crimes being looked at under this. But the sense is that it is a category that should be included on the whole, and states are doing it one by one, as I understand it.

MR. REDDEN: I don't view that as a problem. I don't think that would be a practical problem. I mean, you know, we screen literally hundreds of cases every day in Essex County for the purpose of determining whether a case really warrants prosecution on an indictable level. This would just be another aspect to our screening function to decide whether there is sufficient proof that there was motivation for the crime based on gender.

MS. FRANCIS: Just for the record, the Center for Women Policy Studies in Washington has done a very good study arguing for including that category, and saying that there are certainly very empirical measures you can use to determine whether it is a hate crime based on gender. So that certainly supports what you said.

SENATOR LIPMAN: Mr. Redden, in speaking to Mr. Mulvihill, he said that your report from Essex County would include a report from the AG, from the Criminal Justice part. Are these suggestions you have given us from the AG also?

MR. REDDEN: No. There will be somebody here from the Attorney General's Office. I am speaking only on behalf of the Essex County Prosecutor's Office. There will be an overlap, as I mentioned, in the sense that I understand that the AG's Office will also speak with regard to gender biased crimes, which we just mentioned. They will also, I understand, speak in support of some type of offense penalizing assaults on pregnant women. Their presentation, I understand, will be broader than that, but there is that overlap between us in those areas. We both independently support legislation in those areas.

ASSEMBLYMAN BROWN: Mr. Redden, your comments about the category of crimes for assaults on pregnant women-- I know

your paper seems to say that between serious bodily injury with a weapon and somewhere below that-- There is an ocean in-between, and one area that the ocean contains is this pregnant women suggestion. Do you think that legislatively we could do it by simply saying in our definition of serious bodily injury that it would include any assault on pregnant women, rather than trying to define that ocean you talk about?

MR. REDDEN: That could be done. You could do it either way. You could have the broad definition of some type of injury between serious bodily injury and mere bodily injury, which is one of our suggestions that should be considered. But, even putting that aside as you suggest, there could be a separate category of offenses where the defendant intends to cause injury to a pregnant woman; specifically, he intends to prompt a miscarriage or he intends to injure the fetus. That would be the definition of an assault on a pregnant woman. The defendant would have to have the purpose to do that, or engage in conduct which was reasonably likely to have that result.

If he did cause that result, that would elevate it a degree. So, if the assault was done, but there was no injury, it would only be a third degree. If the assault was committed and there was injury, that would elevate it, or if there was a miscarriage, that would elevate it to a second degree.

ASSEMBLYMAN BROWN: Mr. Redden, are you saying that presently because of the absence of any definition related to assaults on pregnant women that there is a difficulty in bringing, like, serious prosecutions against people who are involved in this kind of crime? For instance, what would you charge them with now? What would you prosecute them for now, with the present statutory tools you have? Obviously, as the Legislature, we are trying to fill the necessary void. What I am trying to find out is, what is the hole you would like to see us fill in the statutory scheme in this regard?

MR. REDDEN: The problem is primarily in cases where an injury does not result. If an injury results, in the sense that there is a miscarriage, if it goes that far, if there is a serious injury, we can prosecute under the normal second degree. But if there is no immediate injury of any magnitude to the woman, then we are reduced to a disorderly person's offense.

For example, there was a case we had recently where it didn't involve domestic violence, it involved some relatively young people. They were adults, but young people. There was a fight, and one woman grabbed another woman and held her arms behind her, while a third woman kicked her in the adominal area when she was pregnant. No injury that we could causally prove to this incident occurred. But, in our view, it was a very cruel act, a very nasty act, an act that we would prefer prosecuting on an indictable level, rather than just downgrading it to a disorderly person's offense.

On occasion in the domestic area when a husband has struck out at his spouse who was pregnant without necessarily causing injury, again, in those areas, if it is warranted, we would like to have the ability to prosecute that as a third degree offense, rather than just downgrading it to a disorderly person's offense.

ASSEMBLYMAN BROWN: Mr. Redden, presently, you know, simple assaults, if you put a police officer in the category, it gets upgraded. Could we do the same thing, put pregnant women in that same kind of list with those categories?

MR. REDDEN: Well, we thought about that, but you could, theoretically-- Anger could be aimed at a pregnant woman, but, really, it could be a blow, say, to her shoulder. It would not endanger the fetus; was not intended to endanger the fetus; was not intended to cause any type of significant harm, such as causing a miscarriage, or anything like that. They are the things that we think aggravate this type of

conduct, and make us say, "We think we should be able to prosecute this as an indictable."

Now, if somebody just assaulted a woman who was pregnant, but in such a manner so as not to endanger the fetus, or not to risk a miscarriage, those types of incidents we would not be interested in elevating simply because of the status of the victim.

ASSEMBLYMAN BROWN: All right. Thank you.

MS. WALDOR: What about potential future damage? An assault may not result in a miscarriage, but if a woman is early on in her pregnancy, who is to predict that eight months from that date the baby won't be injured? That is the first part of my question.

The second part, sort of related to that, is: Is it necessary that the actor have knowledge of the pregnancy? Aren't there situations where they take their victim as they are?

MR. REDDEN: Well, there is a men's rea aspect to the proposed offense which is consistent with our normal policy in the criminal area. The men's rea would be either you were acting with the purpose to cause a miscarriage or damage to the fetus, or you were acting in such a way where it was reasonably likely to do that. So, it is not a strict liability crime. I would have a tendency not to want to have a strict liability offense in this area, because I frankly don't think it would be warranted and, in our experience, that is not the type of problem that we see coming to us that we want to address.

In other words, if we had somebody who, for some reason, assaulted a woman but had no idea she was pregnant, the assault was not aimed at any fetus because they didn't know the person was pregnant, and by the same token, for the same reason they didn't want to inflict a miscarriage, that type of individual is not the type of individual, in our view, who warrants the more serious sanction of an indictable offense

and, if injuries occur to the fetus, a second degree, which is a very serious offense which carries the presumption of imprisonment. I think it would be overreaching and would bring people within the ambit of a criminal statute, who probably shouldn't be in that statute.

SENATOR LIPMAN: Okay. Melanie, any questions?

MS. GRIFFIN: No, I don't have any questions. Thank you.

MS. FRANCIS: This may take just 10 seconds, but there is talk of adding stalking as a crime to the domestic violence law. Would that cover your Peeping Tom situations?

MR. REDDEN: That is the first I have heard of that. I am not sure what is meant by "stalking." Would stalking be equated to peeping? I don't know.

MS. FRANCIS: I believe California's domestic violence law has that.

ASSEMBLYMAN BROWN: That's interesting, because I talked about introducing a stalking bill on the heels of the California legislation. I was told that we had a bill that addresses the stalking situation.

SENATOR LIPMAN: It is about to come out of the Senate now.

ASSEMBLYMAN BROWN: About to come out of the Senate?

SENATOR LIPMAN: Yes.

All right. Thank you so much, Mr. Redden. Everybody has his testimony, right? (affirmative response) Okay.

MR. REDDEN: Thank you.

SENATOR LIPMAN: Jackie Marich, Advisory Council on Domestic Violence.

J A C K I E M A R I C H: Good afternoon. I have to take my glasses off to read, so that is the last I will see of the panel.

The Advisory Council on Domestic Violence was reactivated in 1987 with the passage of S-1318. It is intended

to bring coordination and coherence to New Jersey's statewide efforts in the area of domestic violence. The 19-member Council includes: the Directors of the Division on Women, the Division of Youth and Family Services, the Division of Economic Assistance; the Commissioner of the Department of Education; the Attorney General; the Administrative Office of the Courts; representatives from Legal Services of New Jersey; the Police Chiefs Association; the Prosecutors Association; the Crime Prevention Officers Association; the Hospital Association; the Violent Crimes Compensation Board; the New Jersey Coalition for Battered Women; and Domestic Violence Survivors.

Our legislative charge requires that we monitor the effectiveness of laws concerning domestic violence and make recommendations for their improvement; that we review proposed legislation and make recommendations to the Governor and the Legislature; study needs, priorities, programs, and policies throughout the State; ensure that providers and the community are aware of needs and services; and make recommendations for community education and training programs.

Our first efforts as a Council were driven by the first two sections of our charge. We looked closely at the Prevention of Domestic Violence Act; held public hearings throughout the State; and found numerous problem areas in the implementation of the law. Approximately 150 battered women, client advocates, attorneys, medical professionals, police, prosecutors, and concerned citizens presented testimony based on their experience with the existing law. The results of these hearings became the impetus and the content of S-2230, which was signed into law in November 1991, thereby giving New Jersey the strongest domestic violence law in this country.

In addition, the Supreme Court prepared a Procedure Manual to direct the implementation process. This, too, was guided by the testimony obtained at those public hearings. The Council is now actively involved in monitoring the

implementation of the law, with its presence on both county and the statewide working groups. We, as members of the Council, are doing training statewide for police, judicial, and court personnel, as well as the community at large. We are encouraging further training on domestic violence through interactions with the State and county Departments of Health, Probation and Parole, prosecutors, and attorneys.

We monitor the services available to survivors of violence and support the increase of resources to such programs and to shelters. We have upgraded the need to educate, train, and raise public awareness from a subcommittee function to the responsibility of the whole committee, and it is in this direction that our work for the coming year is focused.

Presently, we have a tentative schedule to evaluate the effectiveness of the 1991 amendments through a simplified version of our original public hearings in the spring of 1993. We are also exploring a collaborative effort with the Department of Education to develop family life curricula specific to the problem of domestic violence. We are continually reaching out to the community to make them aware of the law; of the criminal and civil remedies to domestic violence; and the need for increased community involvement to assure that not just the letter of the law, but its intent become apparent to victims and potential victims, perpetrators and potential perpetrators.

We have created a most comprehensive legal tool to address domestic violence. We now need to instill in our citizenry the will to make it work. We can now protect, but how will we prevent? The Advisory Council is committed to a proactive stance on ending violence in the lives of women. We submit it is a mistake to focus solely on law enforcement, punishment of assailants, or even on sheltering victims as the final answer. It is a mistake to focus on domestic violence as solely a women's issue, or as a children's advocates' issue, a

doctors' issue, a lawyers' issue. It is not a mental health problem; not solely an educational issue. It is not a police problem or a relationship issue. It involves great cost to those who suffer and those directly affected. It is a societal issue and a community's problem.

In the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant. Research suggests that wife beating results in more injuries that require medical treatment than rape, auto accidents, and muggings combined. Battering often occurs during pregnancy. In just one hospital emergency department, 21 percent of pregnant women had been battered. These women had twice as many miscarriages as nonbattered women. It has been estimated that 30 percent of all rape victims are battered women. FBI data indicate that 30 percent of female homicide victims are killed by their husbands or boyfriends. This translates into the death of four women per day in this country at the hands of their male partners.

A California study of state prisons found that 93 percent of women who had killed their mates had been battered by them. Sixty-seven percent of those women indicated homicide resulted from an attempt to protect themselves or their children. Research results suggest that battering is the single most common factor among mothers of abused children. Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate 1500 times higher than the national average in the general population. Some of the emotional effects of domestic violence on children include: taking responsibility for the abuse; constant anxiety that another attack will occur; guilt at not being able to stop the abuse or for loving the abuser; and fear of abandonment

Research states that 63 percent of adolescent males incarcerated for homicide killed the man who was abusing their mother. Boys who witness domestic violence grow up more likely

to batter their partners. Girls who witness their mother's abuse have a higher risk of being battered as adults. Industry loses \$3 million to \$5 million annually from absenteeism due to domestic violence, and battered women may comprise a significant percent of the homeless population. It is estimated that in New York City, 20 percent to 40 percent of the homeless persons are battered women.

This brings us to the very subject matter of this hearing. Domestic violence is simply a symptom of a far deeper problem in this society in which women are devalued and cut out of the loop of power. Recent events made apparent to us all through extensive media coverage underscore the very shaky infrastructure on which equality for women is built in this society. The Federal gag rule on abortion counseling; the Anita Hill/Clarence Thomas hearings; the William Kennedy Smith/Patricia Bowman trial; the St. John's University rape trial; and the proliferation of assaults on our own State University campus, make clear to us that women are not safe to pursue their interests, their careers, their education, or even their personal decisions without oppression.

The Advisory Council on Domestic Violence submits to this hearing panel that domestic violence and women abuse, in all its varied forms, is a gender-biased crime, and furthermore, until this society assures that basic needs are met, basic equity is unreachable. We must have adequate, accessible health care. We must provide reliable appropriate child care. We must make available safe, decent, affordable housing. A quality education and job training must be every citizen's right. Full employment at a living wage must be attainable, and until it is realistic assistance programs must exist to support individuals working toward that end.

Racism, classism, and sexism work hand in hand to provide violence a place to happen. We recommend that these

issues be recognized as the root of domestic violence and of all violence. We can stop it only when we stop these practices.

Thank you.

SENATOR LIPMAN: Thank you very much, Ms. Marich. Do any members have questions for Ms. Marich?

MS. FRANCIS: I just have one comment about your comment early on about prevention. You said we can now protect, but how can we prevent?

MS. MARICH: I think one of the most important issues that I am sure the panel is aware of, but which is of great concern for us-- We pass wonderful legislation and fail to attach an appropriation, which is a problem for everyone, from the prosecutors down to the service programs. That certainly would have been helpful.

MS. FRANCIS: I guess that was my question, which I know has no answer: How do you begin to allocate resources, when we all know prevention is the only way to get at the root of the problem, and yet people are hurting today, and are in need of protection? There is no real answer, but maybe you have a perspective you could--

MS. MARICH: Well, I think we feel that we have to address all the issues that create violence, or allow violence to happen in this society. It is not simply a matter of domestic violence; it's a psychological, pathological response in society. It is the basic inequities in our system. Those inequities focus toward women because of their place in this society, and they are the root of violence. To stop violence and to have the intent of the law, which is prevention, by its very name happen, we are going to have to address those issues.

MS. FRANCIS: And the resources for the Advisory Council on Domestic Violence are in the category of being fairly nonexistent, right?

MS. MARICH: Yes.

MS. FRANCIS: For the record.

MS. MARICH: For the record, they are nonexistent. We have, I think, done an admirable job with everyone's volunteer effort.

MS. FRANCIS: Thanks. Very good.

SENATOR LIPMAN: Thanks very much, Ms. Marich.

Ms. Evelyn Ortner, Founder of Unity Group, Inc. -- on domestic violence. Ms. Ortner?

Ms. Marich, may we have your remarks?

MS. MARICH: (speaking from audience) I believe I gave them to you already.

SENATOR LIPMAN: Are these your remarks? (holding up papers)

MS. MARICH: There were only a couple of copies.

SENATOR LIPMAN: Oh, all right. Maybe, Melanie, we could get some copies?

MS. GRIFFIN: Do you want them now?

SENATOR LIPMAN: No, no, not now. All right, Ms. Ortner.

E V E L Y N O R T N E R: Thank you. I appreciate the opportunity to address this estimable group. I am the Founder and Executive Director of the Unity Group, Inc., an advocacy organization for battered women and their children.

Prior to founding Unity, I had been an adviser and speech writer for then Secretary of Health and Human Services, Margaret Heckler. As such, my area of concentration was women's issues, domestic violence in particular. During this period, I met with most of the movers and shakers in the field, and worked closely with Secretary Heckler and the Department of Justice when the 1984 domestic violence laws came into being. Even then the Federal government had disseminated materials and recommended training for professionals in all disciplines -- the judiciary, the clergy, educators, health care providers, law enforcement, etc. -- with the intent of raising the

consciousness of everyone to the pervasiveness of the scourge of domestic violence. Then Surgeon General Koop referred to domestic violence as the number one health problem in the United States and the leading cause of death and injury to American women. And, as of November 12 of last year, we in New Jersey are now blessed with a new and tougher domestic violence law which mandates this training.

But we must be ever vigilant and never rest on our laurels. We are still talking training eight years later. There is much to be done, as long as there is even one woman languishing in her private hell. When we consider that every 15 seconds a woman is being abused in this country, we know that we have not come a long way, baby. In fact, that way is strewn with bodies, some dead, some crippled for life, mentally and physically, all victims of an insidious tyrant, the abuser, making a sham of the motto, "The land of the free, and the home of the brave."

As we speak, there are literally thousands of women who are being held hostage in their own homes. Though there may not be bars on the windows and doors to keep them in, they are not necessary because there are invisible bars which keep them prisoners. Those invisible bars control the minds of these victims, and they are stronger than any iron bars could be. Through the means of mind control, brainwashing, undue influence, or coercive persuasion-- Call it what you may, it is all one and the same, and results in the same. The battered woman remains hostage to the abuser.

Let me cite as an example Patty Hearst, perhaps the first well-known abuse victim in recent times. She was asked why she didn't leave when left alone by the SLA. Her response was, "I could not leave because I, Patty Hearst, was not there. I was Tonya then. If I had been Patty Hearst, yes, of course, I would have left. But I wasn't, and therefore it was not possible." And before there was Patty, there was "Alice in

Wonderland," who, when questioned by the caterpillar about her identity, replied, "I can't explain myself, sir, because I am not myself, you see." Like far too many of us, the caterpillar replied, "I don't see." Perhaps some of the following will help all of us to see better.

A team of doctors which was responsible for rehabilitating returning prisoners of the Korean War concluded that all hostages were subjected to what they termed, "the three Ds." Obviously, each case can vary on a scale of 1 to 10, but the path to total subjugation of the victim, any victim, is through debilitation, dependency, and dread.

Starting with debilitation, the captor begins to program his victim to ensure that she does not escape. First and foremost, the victim must be isolated from family and friends, thus depriving her of the support system she requires to resist his pressures. Verbal, emotional, physical, and sexual abuse are standard. Humiliation, degradation, denial of food and sleep, plus ongoing threats, are all part of the procedure, which soon enough will reduce any free person to a slave-like condition. One's belief system, one's mores, one's past life, are all slowly being torn away. These techniques emphasize the complete omniscience of the captor. Gas lighting techniques are employed, so that the victim begins to believe that nothing is ever as she views it. He will tell her what is real and what is not. Nothing she does is ever right. She walks on eggs hoping that she will please, but that is pure fantasy, for what is right in the morning is definitely wrong in the evening. An occasional indulgence provides motivation for compliance, as the victim continuously hopes for change.

Now we are at the second "D," dependency. The victim is his. She knows it is futile to resist; that her well-being depends entirely upon how well she can satisfy the ever-changing demands of her oppressor. The slightest deviance can incur wrath and severe punishment, and it is always her

fault, and she always provoked him, and she always made him do it. This woman lives in a constant state of panic and uncertainty, what Dr. Saul Scheingold has termed, "soul murder." He says soul murder is the deliberate attempt to eradicate, or compromise, the separate identity of another person. Victims of soul murder remain, in large part, possessed by another, their souls in bondage to someone else.

Having successfully trained his victim, she now lives in terror or dread, the third "D." It overwhelms the victim as she realizes that she might die; that there are no bounds to this monster's depravity. He has threatened not only her, but their children, her family, and even her friends. All will be condemned to his violence if she ever deviates from his rules, his demands. Thoughts of leaving are out of the question. Survival is the only priority. Many battered women think of themselves as sacrificial lambs, remaining prisoner to protect others.

I have often drawn the comparison between the victims of the Holocaust and the victims of domestic violence. I am pleased to note that Dr. Robert J. Lifton and Dr. Samuel Klagsbrun have also made this comparison; the macro as opposed to the micro, but is it really the micro? After all, the Hitler Holocaust had a beginning and an end, whereas the victimization of women, like a median strip, seems endless.

Anyone undergoing the three Ds is a dehumanized being and is unable to distinguish herself as a separate person, and is often unable to distinguish right from wrong. These women are survivors, the same as Holocaust survivors. They do what they need to do in order to survive.

Unfortunately, there are those ignorant among us who insist, and persist, in calling the battered woman a masochist. That is a shocking, blatant lie, and one of which the public must be disabused. No battered woman wants to be

hurt. She is no different from you or me. Do you want to be hurt? I don't think so.

Please listen to these words of a battered woman: "From my own experience, as well as from what I have gathered through conversations with other battered women, I can say that it is the social misperception of these women as masochists that is largely responsible for holding them victim to the abuse they endure. We become embarrassed to admit publicly to being in an abusive relationship, lest we be labeled "masochists." Far more frightening than the threat of another beating, is the prospect of the public humiliation that our already fragile egos would be forced to endure. Better then to stay. Until society can recognize the complicated and largely individual reasons that women remain in abusive situations, they will continue to do so, making society as guilty of the abuses as is the batterer himself.

And from an expert, Dr. Paula Caplan, from her book on the subject, "Women's behavior that is often thought to be masochistic, should instead be attributed to the following traits: the ability to delay gratification and wait for rewards through effort; the capacity to put other people's needs ahead of one's own; the belief, based on past experience, that one should have limited expectations; and the effort to avoid punishment, rejection, and/or guilt. These same behaviors that are defined as masochistic in women, would be defined quite healthily as sacrificial or courageous or facing realities, or hard work, in men." Talk about a double standard! At any rate, there it is, from the expert and the victim herself.

If we do not start at birth to support our children, particularly our female children, to develop a sense of self-esteem and assurance of selfhood, we are delinquent parents and should not be surprised or blaming when one child becomes a victim. If you are taught to be a victim, you will

be one. Is it any wonder that battered women do not leave, and if they do they are all too frequently faced with the possibility of being stalked; and, worse than that, the possibility of being killed? Battered women need to know that should they have the courage to leave, that they can be safe. They should be able to trust the system, but too often they are rewarded with a system that backfires, and violence and death are too frequently the result.

Attitudes must change. We must stop minimizing the crimes committed against women. Further research into the problem is superfluous and ridiculous. We all know what needs to be done. Let us get on with saving lives and stop the flow of money which is foolishly spent on studies. Elie Wiesel has said, "In times of evil, indifference to the evil is evil. Neutrality always helps the killer, not the victim." Let us not recede into neutrality; let us all act. We must insist that the new domestic violence law be enforced.

It must be mandatory that law enforcement agencies, legislators, prosecutors' offices, etc., etc., which are mandated to provide, but which all too often divide, actually do what they are intended to do. There should be no reason or any excuse for professionals upon whom the public depends to ignore or exacerbate the pain and problems of their clients because they are ignorant. Ignorance is no excuse.

I am going to avoid recounting some of the things that Mr. Redden described very well and go on to another point. We must listen to the admissions of certain professionals. In the "Family Law Quarterly" dated Summer 1991, in an article on custody and child abuse by Meridith Sherman Fahn, she concludes that the system is inadequate; that the legal process must be updated, or we will be unable to protect our children.

And from the medical view, there appeared in "JAMA" August '90, an article describing the inadequacies of

physicians, hospitals, and especially emergency room staffs in reporting cases of abuse. In 90 percent of the interactions, physicians failed to obtain a psychosocial history, failed to ask about a history of abuse, and failed to address the question of the woman's safety. This failure to make inquiries means that the physician has failed the patient, and has, in fact, ignored the most serious threat to her life and well-being. At the same time, he or she has also closed the door to any preventive measures. Furthermore, failure to acknowledge physical abuse is psychologically damaging in and of itself. Dr. Anne Flitcraft says that this reluctance on the part of the doctor increases the patient's isolation and discourages her efforts to leave the abuser. Risk of mental illness is very high among battered women.

Now for a few other ideas: First is the need for a data base which would record all pertinent statistics about abusers, any abuser; for example, a child molester. Anyone who works in day care, or any other facility which brings that person in close contact with children, should be licensed, fingerprinted, and photographed, and a comprehensive file of his history should be permanently recorded in a data base. This would prohibit, or at least make very difficult, the possibility of abusers traveling from state to state, changing their identities along the way, but not their abominable practices. Similarly, all of the above would apply to anyone with even a single record of battering or domestic violence conviction of any sort. Having this information would greatly enhance a victim's prospect for justice in our system, and could save lives.

I am happy to report that a fingerprinting bill has now been passed. It requires fingerprinting in all cases of persons arrested for offenses involving domestic violence.

However, neither a national nor an international data bank exists as of now, and that is what is sorely needed. At the moment, Israel is the only nation which requires fingerprinting of anyone who works with children.

I also believe with Dr. Edward Ross that all females need to know how to defend themselves, psychologically as well as physically. Programs could be introduced at preschool levels and continue throughout the school system. Recreation departments could offer ongoing programs for women of all ages. Starting with the bully in the sandbox who one day will surely become the abuser in some woman's bedroom, we must put a stop to the earliest stages of abusive behavior by just saying, "No, it isn't acceptable anymore."

There is also a great need for more support groups. Battered women complain that they cannot find groups near enough to their homes. Support groups should be available at no charge in every community, and they should meet during the day, as well as during the evening hours.

When men torture, rape, and murder women in ways that women never do to men, the incidents are understood to be the mayhem of crazies. I fail to comprehend why it is that battering seems to be perceived as a public outrage only when it is the victim who kills the abuser. No one is outraged when and if a private citizen, threatened with his life by a stranger, kills in self-defense. Of the incarcerated women, 30 percent have been incest victims, and 70 percent have been abused physically, sexually, and emotionally. Women do not ask for special treatment. Quite the opposite, they are simply asking for the right of self-defense, which men enjoy.

Since society neglects to provide these victims with protection, it is society which is responsible when the victims see that there is no way out; that they must take it upon themselves to end the violence perpetrated against them. They try to leave and are tracked down like animals and brutally

killed, or they stay and they are killed, or lead a kind of living death. Many of these women are languishing in prison today, all part of the long list of the thrice punished, and I ask you why? Some enlightened governors are now pardoning and releasing these women, using the battered women's syndrome as their defense. Nevertheless, women receive harsher, longer sentences than do the men who are incarcerated. In other words, if a man does it, it's okay. Well, I say it is not okay.

There are laws to protect animals from abuse, and they have rights. We fight wars to protect the integrity and the right to freedom of other nations. But what are we doing to protect the millions of battered women who are hostages in their own homes? Don't they have rights? Jefferson said: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." Where are the statesmen today who utter such words? And the Talmud teaches us: "He who saves a single person saves the world, and he who harms a single person harms the world."

Let us give this instruction careful consideration and take up this cause. If we stand together and determine to save ourselves, save each other, and save our children, only then can we ensure and save our future.

Thank you.

SENATOR LIPMAN: Thank you. Starting with Roberta, questions?

MS. FRANCIS: Just a variation on your discussion of hostages: I heard of the Stockholm Syndrome which evolved out of an incident in Sweden where, I guess, in a bank people were held hostage and they began to identify with the captor and do all kinds of conciliatory things. Has that analysis been applied to battered women also?

MS. ORTNER: Yes, absolutely.

MS. FRANCIS: And it fits in with what you were talking about?

MS. ORTNER: Absolutely.

SENATOR LIPMAN: I am not going to skip anyone, but I just have a short question: Has your group put out any literature?

MS. ORTNER: Yes.

SENATOR LIPMAN: It has?

MS. ORTNER: Yes, indeed, and I would be very happy to send it to you.

SENATOR LIPMAN: Yes, please send us something. We would like that.

MS. ORTNER: I will be delighted to. We are an all volunteer, nonprofit organization. I believe you and I actually had some conversations when I was in D.C., but you may not recall. I happily do.

Thank you very much for the opportunity. I'm sorry I have to leave.

SENATOR LIPMAN: Oh, just a second. Are there any more questions from anyone else? (no response) All right. Thanks, Ms. Ortner, very much.

MS. ORTNER: Thank you.

SENATOR LIPMAN: I am not sure I am saying this correctly, but is Ms. Betsy Labagnara here? Is she still here, or has she left -- L-A-B-A-G-N-A-R-A? (no response) We will proceed then to Ms. Susan Denning.

S U S A N D E N N I N G: Hi, good afternoon. My name is Susan Denning. I would like to thank you for the opportunity to address this panel on the issue of sexual harassment.

During the past 12 years, I have been working to increase awareness about sexual harassment. After all the court cases, hearings, and publicity, I still find a great deal of confusion, misunderstanding, and ignorance surrounding this issue.

I began my work in 1980, when I developed the nation's first comprehensive program to deal with sexual harassment for

the New York City Department of General Services. I started the program with an agencywide survey that demonstrated that 35.4 percent of the women and 17.5 percent of the men had experienced sexual harassment during their careers. The response indicated a need for a specific policy condemning such behavior, and a special procedure which would handle complaints in a sensitive, confidential manner.

I wrote a policy and designed a procedure which was implemented by my agency. I accepted complaints, completed investigations, and worked with both parties conciliating agreements. In addition, I developed an awareness training program to sensitize employees on the issue, and supervisors on how to handle sexual harassment in the workplace.

Following implementation of this program, Mayor Edward I. Koch issued a citywide policy and directed all mayoral agencies to institute a procedure and a policy modeled on the one I had developed. I then assisted in training representatives from each agency on policy and procedures. After the program was in place for a year, I conducted a follow-up survey. I found that sexual harassment was cut in half for women. It went from 19.2 percent to 9 percent, and from 12.5 percent to 3.5 percent for men.

Sexual harassment is an issue that many people still don't get. Unfortunately, I find many people in a position of power who think they understand the problem and think they are handling the situation effectively, when, in fact, they are not. I also meet people who are uncomfortable in their work or academic environment because of sexual harassment, but they have no idea that they can complain, or where they can complain.

I have worked with people who feel threatened by the guidelines and believe that government wants to regulate their sex lives. There are people who feel that sexual harassment is normal behavior and must be tolerated. I know young people who think that women are completely equal in today's world, and

that the problem does not exist. Yet, they are unhappy in the sexually charged atmospheres of their workplace or their educational institutions.

I also talk to many women who are afraid to speak out because they are afraid of being penalized, ostracized, criticized, or blamed. Many watched the Thomas/Hill hearings, and they believe that the law was not written to protect them. After the Thomas/Hill hearings, I thought consciousness would be raised. Though more people seem to be aware of sexual harassment, they do not seem to recognize it when they see it. Very few people understand the terms *quid pro quo*, hostile environment, reasonableness, or unwelcome. I even find people who do not understand the terms sexual or discrimination.

Sound bites and comments at the office have not given people the information they need about this issue. The EEOC guidelines state: "Prevention is the best tool for elimination of sexual harassment." An employer should take all steps necessary to prevent sexual harassment from occurring, such as: affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title 7, and developing methods to sensitize all concerned.

By using the word "should," the EEOC has left informing employees, sensitization, establishing a policy and procedure, up to the whim of the employers. By extending these same guidelines to schools under Title 9, the EEOC and the Department of Education, Office of Civil Rights, leave these responsibilities to the whim of the academic institution. With the decision in the Vincent case, the Supreme Court also stopped short of mandating policies and procedures, and never addressed informing students or employees about their rights.

I am here today to suggest that the State of New Jersey could improve sexual harassment legislation by mandating

employers and schools to issue a specific sexual harassment policy, and procedures to enforce these policies and procedures fairly, equitably, and expeditiously, and to sensitize employees and students to the issue of sexual harassment, and inform them about the specific policy and procedures. Ideally, this should be mandated to every employer in the State of New Jersey, but if this request is too drastic, those who do business with the State, or those who receive State funding, should be required to comply with these terms.

A statewide coordinator in the Division of Civil Rights could monitor this law by having each company or school submit an outline of their program for review, and by random checking of corporations and schools. I suggest that a specific policy and procedure be written for sexual harassment to underscore the employers' specific condemnation of this crime. I have found that many companies and schools have just tacked sexual harassment on to their EEO policy and procedure. This does not bring attention to the real problem. It treats sexual harassment simply as another form of sexual discrimination. Sexual harassment is unwelcome sexual behavior. It is an abuse of power; it is a subtle rape, and it has to be treated as such.

I have also found that many companies apply their procedure for personnel complaints to sexual harassment complaints. This usually requires complainants -- I'm sorry -- requires that complaints be filed directly with the supervisor first. In many cases of sexual harassment, the problem is frequently with the supervisor, which essentially leaves the employee with no one to take her complaint seriously.

Though these three steps may be viewed as an additional financial burden by some companies, they do not carry the onerous expense that some critics find with other legislation. Employers may also find implementation more cost-effective than allowing sexual harassment to cut worker

productivity or to create unnecessary stress on the job and increased absences, or to force experienced employees to transfer or resign. In 1980, the Federal government estimated a loss of \$90 million a year to sexual harassment. In addition, as the Vincent case pointed out, it is beneficial for employers to have a policy and procedure that is fairly and expeditiously enforced. Should a charge be filed, the employer's liability may be minimized.

Though there are plenty of published resources available to assist employers in writing specific sexual harassment policy and procedures, most companies and schools have legal counsels to give guidance on this issue. The State might also refinance the technical assistance and educational function of the Division of Civil Rights, which I understand has been eliminated in recent years. The State could also grant the Division on Women financing to do some technical assistance and/or education.

As I have previously stated, I discovered a significant increase in perceived sexual harassment -- a significant decrease in perceived sexual harassment after employees were given awareness training. This result has been documented by other studies in Minnesota and Massachusetts as well. I also found in many cases of alleged sexual harassment that perpetrators were not aware that their behavior was seen as harassment. Countless times I would interview alleged harassers and confront them with the charges. The perpetrators would admit the behavior, but would express utter disbelief that the victim had complained. They did not think their behavior was offensive; quite the contrary. In most cases, they thought it was welcomed and expected.

Once the complaints were explained, most harassers were apologetic and no further problems were reported, even upon follow-up with the employees six months later.

It seems that informing employees about this issue would solve a great deal of trauma for everyone involved. Victims would not struggle with the problem or the stress of filing a complaint. If harassment caused by ignorance or insensitivity could be eliminated, employers would not have to spend money or time dealing with it. In addition, less people will have complaints on their personnel records.

Several school districts across the country have faced lawsuits over sexual harassment. Many have been required to establish policy statements and establish procedures. In addition, some have incorporated sexual harassment awareness training into their curriculum. With the recent Supreme Court decision -- Franklin vs. Quinnet Public Schools -- students can now sue for damages. It may be in a school's best interest to take the issue seriously and act. I would like to see schools required to issue policies and procedures. They should be required to distribute these to students, and to inform students about the issue of sexual harassment. Ideally, every school should have a portion of its curriculum devoted to the issue of sexism.

Underlying sexual harassment in every other issue this panel is investigating is the issue of sexism. If we could promote more understanding and communication and cooperation between the sexes at an early age, we might be able to reduce the risk of violence against women. The State might consider issuing a grant to the Division of Civil Rights, or again, the Division on Women, to develop a model program that New Jersey family life or health teachers could incorporate into their classes at the junior or senior high school level. Sexual harassment or other issues of violence could be addressed in these classes.

Taking positive action, establishing a policy condemning this behavior, and enforcing a procedure in sensitizing people to the issue, have been effective in

reducing sexual harassment. Sadly, ignoring an issue as sensitive as sexual harassment seems to be the course of action most companies and schools prefer to take. You can make this an issue that cannot be ignored in the State of New Jersey.

Thank you for your time. I would be happy to answer any of your questions.

SENATOR LIPMAN: Questions anybody?

MS. FRANCIS: I would like, for the record, to say that while everything you say sounds very good to me-- You and I have not met before, so the Division on Women entries here were not anything that were set up.

I think you have analyzed it very well. It goes back to the question I asked Jackie Marich, too. When we talk about investing in prevention -- which is what you are talking about with awareness training and technical assistance and that sort of thing -- it is just so very difficult to identify resources for prevention. It is almost a triage system, and that gets to be put in the third section.

The tread that runs through domestic violence and sexual harassment and the other issues we will hear about of the hierarchy of power of male over female, sometimes shows up in this a little more -- a little less clearly, because you do have cases of female harassment of male employees. Do you see any-- Well, again, about 5 percent, perhaps, of domestic violence victims are male.

MS. DENNING: It is about 4 percent of females harassing males.

MS. FRANCIS: Okay. That is what I was wondering. Can you clarify for us that that really does -- that that is not an exception that really undercuts what you were saying here?

MS. DENNING: I don't think so. I think that about 90 percent of it is males harassing females.

SENATOR LIPMAN: Any questions, Assemblyman Brown?

ASSEMBLYMAN BROWN: No, I don't have anything.

SENATOR LIPMAN: Thank you very much.

MS. DENNING: Thanks.

ASSEMBLYMAN BROWN: Madam Chairman, if I may-- Is Lieutenant John Lavook here yet? (affirmative response) I would just ask, Madam Chairman, if we could take Lieutenant Lavook, because I would like to hear his testimony now, so he can probably get back to the Police Department, and then we can take the others, if that is okay?

SENATOR LIPMAN: Certainly. What's his name?

ASSEMBLYMAN BROWN: Lieutenant John Lavook, from the Newark Police Department -- the Sex Crimes Unit. He just got in, and this way we can get him back to work.

SENATOR LIPMAN: All right.

L I E U T E N A N T J O H N L A V O O K, J R.: Good afternoon, ladies and gentlemen. A little background about myself: I am employed by the Newark Police Department, and have been for the past 26 1/2 years. My experience as related to sex discrimination concerns prostitution. I have been involved with prostitution and vice-related crimes for the past six or seven years. Basically, prostitution comes in two primary categories: First would be forced prostitution, which generally involves a pimp. Second is self-indulging prostitution, for whatever reason.

We will deal with three main categories during my talk. Please just bear with me for a while. The first would be forced prostitution, where a pimp is involved. It can be either male or female. Mainly, a pimp is a male who is charged with promoting prostitution. Pimps normally are found around bus stations, train stations, and taverns, looking for potential possibilities, innocents, mainly females. The majority of the females are out-of-town girls who are befriended by the pimp, not realizing the motive behind his smile and friendliness. The majority of the females fall into

this category. The pimp generally should avoid in-town girls who are street smart. They basically do not follow the pimp's wishes.

Once a female accepts the pimp's assistance, the problems begin. At this point, the abuse begins, which is either physical abuse or mental abuse, or even sexual abuse. Now the pimp exercises his dominance and control to make the female subservient to himself. As we go along and the pimp has exercised dominance over the female, he proceeds to train the female for sexual exploitation. Primarily, obedience to the pimp is assured through physical abuse acquired through beatings, or mental abuse, for from the initial stage the female learns that all the money earned in her trade goes to the pimp. What little he gives her is for cosmetics, medical purposes, or meals.

Normally the pimp will supply the following: lodging in hotel, motel, or boarding house, and clothes. The pimp will assist and teach the female how to dress the part. Drugs are supplied up to a degree. Medical expenses are provided for beatings or abuses sustained by the female from the Johns, or even the pimp himself, and also for abortions. He will supply bail money and legal representation at times, as well as transportation. He supplies them with sex if needed, and protection from the Johns, competing pimps, other prostitutes, and, at times, felons. Pimps supply the least amount of money possible to the females to exercise complete dominance over them.

From a real case which occurred approximately two years ago-- Consideration should be, and must be, given to the following -- this is an actual case: A female was apprehended for prostitution during an operation, at which time she did solicit an undercover police officer. The female was white, 15 years old, of Indian extraction. She was abducted off of an Indian reservation in Minnesota. Later the female, after

proceedings, was transported back to the reservation by the Bureau of Indian Affairs. With the cooperation of the female, it was learned that she was abducted off of the reservation; secondly, she was transported across state lines; thirdly, she was physically beaten several times; fourthly, she was sexually assaulted numerous times; and finally, she was forced into prostitution by the pimp.

Subsequently, the pimp, with the cooperation of the female, was arrested for the following charges: abduction, promoting prostitution, aggravated sexual assault, and aggravated assault. Bail was set at \$100,000 by the judge. Charges, as stated before, against the pimp were dismissed in court due to the lack of prosecution. As for why, the lack of prosecution stated it was on the grounds that there was no supporting Federal statute for kidnapping or abducting off of a Federal Indian reservation. No original report of abduction was executed by the Indian police unit. Generally, females and males alike will stray from the reservations and visit other reservations over a short period of time, or even long periods of time. They feel it is unnecessary to execute a report if a female is missing, especially if she has left the reservation on other occasions.

Indian reservation laws at this time are controlled internally by the Indian Chiefs Tribunal, and enforcement is handled by the Indian police unit. With all of the above abuse sustained by this 15-year-old girl -- physical, sexual, and mental -- where was the justice for her? No one wanted to get involved or to follow through.

The second class of prostitution would be the unforced prostitution. These cases usually do not involve pimps. Categorizing them, they would be as follows: independent workers. They worked at one time for a pimp, but decided to go solo, some reasons being: extensive abuse by the pimp, physically, sexually, or mentally; an insufficient amount of

money for their personal needs; drug habit too large; or thrown out by the pimp for lack of cooperation due to pregnancy, or just too worn out for his needs. Independents find prostituting lucrative in one way or another: drug addicts, who need a fast and large cash flow to support their habits.

Prostitutes work out of hotels, casinos, and resorts. They are known as "call girls," or "high-class hookers." We have nymphomaniacs whose psychological cravings force them into this type of work. Welfare mothers: Mothers who frequently run out of money in the middle of the month, and see that this form of work satisfies their needs at the time until the next welfare check is available. The money obtained is generally used for the following: to pay the rent, buy food for the children, and Pampers. They abuse their own bodies in this fashion.

Generally, all prostitutes are subject to the following abuses: physical beatings by Johns who are not satisfied or who are demented; robberies by Johns and others who find them easy prey; homicide or killings by demented individuals -- Johns, rival prostitutes, or even pimps; aggravated assaults -- cuttings, stabbings, again by Johns and others; and finally assaults -- some thrown from moving vehicles for denial of a John's wishes, etc., etc.

Now I will delve into an area which is very, let's say, unknown by the public. I will just call it, at this time, the "hidden abuse element," or the "innocent abuse element." This is something you should give considerable consideration to. This involves Johns.

The hidden element we will call the "transference of certain diseases," whether treatable or nontreatable, to an unsuspecting third party or parties, mainly female, or wives, without their knowledge of the prior activity of their mates. Johns are people who seek sexual satisfaction from a prostitute for money, whether married or not. They can be residents of

the area; they can be nonresidents. At present, some of the diseases contracted are: syphilis, gonorrhea, the HIV virus or AIDS, or, finally, whatever else may be contracted.

On occasion, the male, or John, then supplants the disease secretly to an unknowing spouse or mate. The female has been physically abused, without a thorough knowledge of any potential outcome. Secondly, if there are children involved in the home, you may have the transference of the disease to them. Thirdly, on an infant yet to be conceived-- What is the possibility of them contracting this same disease? All of these are abuses.

From this approach, you have a female or a wife at home who then contracts this disease from the unfaithful husband or mate. This, in itself, is an abuse to the unknowing female body, which must be medically treated, or, in some cases, is deadly. I don't think a male would knowingly transfer a disease of this nature to his mate knowing the outcome. This is still abuse to the female.

Looking around at this crowd, I would venture to say that approximately 70 percent to 80 percent are out-of-towners. You may say that this is an inner-city problem, but it isn't. As we know, Newark has a high rate of the HIV virus among its prostitutes, which is similar to any other big city. Prior experience within the Police Department -- the statistics of which I do not have at this time -- suggests that the majority of Johns are nonresidents or suburbanites. That means they take the disease with them wherever they go. If they contract a disease, they take it home with them to the suburbs. That means you, or most of you, are in jeopardy.

To deter these activities, Newark has printed the names and addresses of the Johns in the City paper -- in an attempt to control this activity. Through the years, many

divorces have been caused from the mere learning of this behavior by her partner.

Over the years, arrests have included, but are not limited to, the following: lawyers, doctors, dentists. We had an ex-judge from out West; police officers, mainly out-of-towners -- the reason being that Newark police officers know what is going on in the City; firemen, both local and out-of-towners; rabbis, priests, politicians, storekeepers, businessmen, alarm specialists, city sweepers, correction officers, and construction workers.

These John operations are done approximately four days a month. Numerous arrests have been made. However, there remain 26 or 27 days of the month where no arrests are made. These are the Johns who were not apprehended. Again, with the high rate of the HIV virus in prostitutes, contraction of this disease is very high, and the effects are taken to the suburbs.

I thank you for your time and your cooperation.

SENATOR LIPMAN: Thank you. Roberta? Don't leave, Lieutenant.

MS. FRANCIS: I don't necessarily always have to lead off, but I appreciate it. You know I always have something to ask, right?

When you called a category "unforced prostitution"-- I know you would not necessarily try to claim it as unforced for people who, perhaps, need to support a family. You know, there are forces operating. Particularly I am interested in whether you know anything more about women-- You said there was a category of nymphomaniacs, where psychologically they are driven to that. Do you know if there are statistics as to how many of those women might have been sexually abused, as children probably, or, you know, abused in some way so that, in effect, they are--

LIEUTENANT LAVOOK: Normally we do not deal with the statistics of it. What we do is just arrest them, and the

follow-through is done by someone in the court system. We talk to the girls, and after a while you lock the same girls up over and over again. You can befriend them in a way. They are a vital source of information for us. They will more or less turn around and say, "Oh, we got caught this time." It is like a game to them. Sometimes they get caught, and sometimes they don't.

As for abuse, we have incidents where mothers will send their children out as prostitutes to just obtain money, possibly, for a drug habit, or whatever. But a lot of times, like I was saying before, with the welfare mothers-- More or less you would feel sorry for them. We always figure that by the middle of the month, they turn around and they need Pampers for the babies. I, for one, do not like denying a baby a Pamper. I can't. We try our best. Sometimes we might look the other way and let the girl go about her business, but at other times we can't.

MS. FRANCIS: I guess what I am trying to point out is, you can say forced prostitution is where you have a John standing right there, obviously--

LIEUTENANT LAVOOK: Right.

MS. FRANCIS: --but there are many other ways that a woman might be forced into it by other, forces, let's say, which we should maybe consider are operating, too.

MS. WALDOR: Out of curiosity -- and again, I don't mean to put you on the spot, sir-- You indicated that other than the normal procedures that the law allows you at this point in arresting Johns, publishing Johns' names, and arresting pimps, do you have any suggestions in terms of legislation that would ease your burden at all?

LIEUTENANT LAVOOK: I would say to turn around and make it a little easier for us to lock the Johns up. One reason is, we cannot, unless the girl testifies against a John -- which they very seldom do-- Maybe with certain

restrictions, certain actions by the pimp would allow us to lock them up. That is the only easy way out of that.

SENATOR LIPMAN: Is that the only question you have?

MS. WALDOR: I agree with him.

SENATOR LIPMAN: Go ahead, Assemblyman.

ASSEMBLYMAN BROWN: Lieutenant, in terms of getting at the pimps-- Right now you are saying that if the girls won't testify you have a tough time going after the Johns -- and the pimps both, or is it one or the other?

LIEUTENANT LAVOOK: Right now our procedure is that unless we see the girl actually giving the pimp the money, we cannot include him in the crime. We have to catch him dropping off several girls at a certain location, and then watch until the girls return to the car and give the pimp money. See, the pimp, in a way, restricts the girls from too much activity. He limits them to a certain amount of money. This enables them to stay in a certain area, and they cannot leave that area. A lot of girls want to leave, but they have no money to leave.

ASSEMBLYMAN BROWN: I guess we, as the Legislature, have to look at trying to define what is criminal about their actions, I guess in a more general way, to help you.

LIEUTENANT LAVOOK: Right.

ASSEMBLYMAN BROWN: Because apparently you are telling us that unless you see the money change hands between them, it is a difficult case for you to make.

LIEUTENANT LAVOOK: Normally the pimp has scared the girl to a degree where she will never give up the pimp. She is deathly afraid of him.

MS. WALDOR: Johns do not have access to the pimps, so it is a limited scope of whom they can interrogate with respect to the pimps.

ASSEMBLYMAN BROWN: I thought he was saying that he would also have difficulty prosecuting the Johns if the girls did not cooperate as well.

SENATOR LIPMAN: And make a complaint.

ASSEMBLYMAN BROWN: See, if the girl won't--

LIEUTENANT LAVOOK: Normally the proceeding with the Johns is-- Newark has a good history. Normally the John will turn around and plead out to that. He will plead guilty to the charge. But there are hidden aspects there. If he does contract a disease-- He is supposed to go for a test. Whether he does or not, we have no follow-through on that. Now, he might be taking the disease to the suburbs, or wherever, but we just turn around and we--

Normally they fine the Johns \$500 and they give them, I believe, 300 hours of community service, which, in itself, will just not deter the guy. The majority of Johns, when they drink, will repeat the act. They will come back into the City again. We had one fellow who came and tried to proposition a girl three times. He got locked up three times. We asked him, "Don't you remember the girl?" and he said, "No."

ASSEMBLYMAN BROWN: Lieutenant, maybe we ought to give a reference to various physicians for AIDS counseling, along with the other things--

SENATOR LIPMAN: Right.

ASSEMBLYMAN BROWN: --we do, and that might have some impact on them.

LIEUTENANT LAVOOK: The basic normal person would go along with you, but they are kind of devious out there. They are not going to listen to you.

MS. WALDOR: Even as a condition of probation pursuant to the sentence? I know that is unenforceable, yes.

LIEUTENANT LAVOOK: If there is a follow-up on it, yes.

MS. WALDOR: I understand.

LIEUTENANT LAVOOK: But it has to be rigid.

MS. WALDOR: And, unfortunately, there are not the funds to do that either.

LIEUTENANT LAVOOK: Right.

SENATOR LIPMAN: Lieutenant, you made the remark that most of the prostitutes in this area have an HIV infection. It may not be the virus. How do you know this?

LIEUTENANT LAVOOK: Just from articles we see in the newspaper, and whatever.

SENATOR LIPMAN: You don't know any prostitutes--

LIEUTENANT LAVOOK: I have been familiar with several girls in the past who had the virus and they told us in the beginning. As a matter of fact, one girl told us that she is going to keep doing what she is doing, because she contracted the disease from a John. She is just going to keep giving it out to somebody else.

SENATOR LIPMAN: I just want to remark here that, one time in Trenton, a number of legislators wanted to lock up the prostitutes indefinitely because they tested HIV positive. There has been no thought about doing that in Newark, right?

LIEUTENANT LAVOOK: No.

SENATOR LIPMAN: Thank you. Okay, one more question: Recently I talked to a judge. He said that most of the cases that came through his court on this issue were young girls, like 10 to 14. Recently, it has been attacks on children. What is your experience with that?

LIEUTENANT LAVOOK: We have had a small number of young females. I explained to you before about the 15-year-old Indian girl. I would venture to say that maybe about 5 percent of our girls -- maybe even less than that -- are under the age of 15.

Normally what happens is, for some reason maybe the pimps, or whoever, get these girls and take them to Atlantic City possibly, or to a bigger city. In the past, we used to turn around-- We used to have rigid enforcement on prostitution here in Newark. It got so severe with the girls that they would move to Elizabeth. Elizabeth would have a problem for several months, and then they would turn around and

the judge would administer severe sentences to them, which would force the girls back to Newark. It is just a game of pushing them back and forth.

SENATOR LIPMAN: All right. Is everybody satisfied? (affirmative response) Okay. Thank you very much, Lieutenant.

We are going to go to Sharon Eure, Alisa Grossman, and Kathy Franz, from the Women's Rights Litigation Clinic, regarding sexual harassment in housing. All right, who's first? Which one are you?

S H A R O N E U R E: I'm Sharon Eure.

SENATOR LIPMAN: You're Sharon Eure, all right. Are we going to get in direct order, Alisa Grossman and Kathy Franz?

MS. EURE: No. What is going to happen is, I am going to give you a brief introduction.

SENATOR LIPMAN: If you are going to introduce them, fine. Proceed.

MS. EURE: Oh, okay. Good afternoon. My name is Sharon Eure. I am a student in the Women's Rights Litigation Clinic located here at Rutgers Law School.

In light of the Senate hearings concerning Justice Thomas, Americans were alerted to the fact that sexual harassment does occur in the employment context. Likewise, it also occurs in the housing context. In fact, sexual harassment, in both the housing and the employment contexts, is another example of violence against women, because it involves a violation of women's bodily integrity. For example, in both of these situations, a person such as a landlord or an employer uses his position to force a female victim to submit to his unwelcome sexual advances.

Further, although the clearest example of sexual harassment occurs when an employer or a landlord makes unwelcome physical contact with his victim, women are also injured when their employer or landlord makes unwelcome sexual comments to them. Moreover, the problem may be worse in the

housing context because many of the victims are poor and have children. In addition, many of the female victims do not speak English. As a result, they are not inclined to do anything that would jeopardize their tenancy. Consequently, even though sexual harassment is a real problem, victims rarely file claims against their landlords.

This trend continues, despite the fact that women do have legal options. For example, the courts have interpreted New Jersey's law against discrimination, 10:5, and the Federal statute, the Fair Housing Act, 42-USCS, section 3604-B, to prohibit sexual harassment. In addition, landlords are prohibited, pursuant to New Jersey Statutes Annotated 2A:42-10-10, from evicting a tenant because she has filed a claim against her landlord under a State or Federal law.

Today the Clinic, in an effort to reverse this trend, has arranged for several witnesses to testify as to their experiences. At this time, I would like to introduce our first two witnesses. First we will hear from Ms. Lillie Maurice, followed by Ms. Patricia Morin. And at the conclusion of their testimony, Ms. Alisa Grossman will give our closing remarks.

Thank you.

SENATOR LIPMAN: Thank you very much.

L I L L I A N M A U R I C E: Hi.

SENATOR LIPMAN: Hi. How are you?

MS. MAURICE: I'm Lillian Maurice, and I work for the Irvington Tenant Organization as Executive Secretary. We are tenants and small homeowners. We are a nonprofit membership organization within the community specifically regarding housing problems, and we are actively involved in working to strengthen our rent ordinance and property maintenance regulations to ensure fair and equal protections for all tenants and their families.

From time to time, we hear about landlords and/or their managers or superintendents who violate tenants' rights in many ways, including making sexual advances. The big problem -- as I am sure you are already aware -- is the reluctance of women to talk openly about this type of harassment. Their fear of retaliation is probably justifiable. Working women either do not want, or cannot afford to take time off from their jobs to attend court or administrative hearings.

We have little statistical evidence to show you, but we have had experience, particularly with a building where we were helping them to get organized. We held a meeting with the tenants in the basement at 15 38th Street. This is in Irvington. The building was owned at that time by I&S Investment Company. It was only after the meeting that one woman came up to me and whispered, so that no one could hear, that Mr. Grossman, the manager, was coming into her apartment trying to solicit sexual favors. This was a married couple with a new baby, but the husband was at work and during the day Mr. Grossman, knowing she was alone and vulnerable, would come and bother her.

She did not want to alert her husband, or to make it public. She wanted to know what to do. She later called our office to say that the situation was getting impossible and they had to move out, which they did a month after that. It was a loss for our organization, because they had become members and wanted to be active in helping to organize their own building. Mr. Grossman has since been removed, after we made many complaints and called the building owner.

Unfortunately, we did not think to call on the Women's Rights Litigation Clinic at that time, and it was only later that we became aware of the educational brochure that the Clinic had put out. We sent for a number of copies and we have

been disseminating them, or people can come in and pick up a copy at our office.

One woman came in to report problems in her apartment that needed repair, and nothing was being done. By the way she hesitantly told me about it, I sensed that something else was involved, so I asked her very directly, "Was he bothering you?" She looked embarrassed, and shook her head, "Yes," closed her eyes, and said she didn't want to talk about it. She didn't want to make a fuss, one of the more problematic areas of landlord harassment we find in the two-, three-, and four-family buildings which are owner occupied.

According to this brochure (witness holds up brochure), on page 7, dealing with the Fair Housing Act, it says that does not apply in the case of two-, three-, and four-family houses where the landlord is in residence, but that is exactly where the landlords feel most empowered to enter any tenant's apartment at will, tell the tenant what they don't like about the apartment, or about who comes to visit them, and so on. They have the keys and they use them. They insist that there is a law that you have to give the key to the landlord. We were told that there is no such law either that you do or you don't. Okay? That law does not exist. But landlords insist they know of such a law and, you know, they intimidate the tenants that way.

Tenants are familiar with the owner who comes to the door for the rent every month, and many times demands cash payments only. He will not accept a check or a money order. Information on security deposits is not forthcoming, and tenants now live out their security deposits -- which is not supposed to be lawful -- because they have no expectation of getting their money back when they move out, from these property owners.

The only complaints we have been urging our tenants to address until now-- We have told them that they can file a

complaint in the municipal court for illegal entry. Tenants at 9 Chatman Place were having trouble with the superintendent, who gently knocks on the door and then uses his key if you don't answer right away. One of the tenants did file a municipal court complaint when she came out of the shower and saw the superintendent facing her in her living room. The small fine was paid, and again the tenant found it necessary to move out.

Our belief is that these problems are not only the responsibility of women. In our opinion, we would like to see men take the responsibility of talking about, and working toward, ending the battering and sex discrimination against the other 50 percent of the population, and I am sorry that most of the men have walked out.

In the Boston/Cambridge area, they have groups, one of which is named MESA -- which stands for Men to End Sexual Assault -- and another called EMERGE. They do consulting services to men who batter women. It is men talking to men. I hope we can hear the same thing from groups in Essex County, New Jersey.

The Women's Rights Litigation Clinic is important to us, and we know how difficult it is to win a court case, especially for our single-parent families. For our purposes, we would like more community participation from the Clinic, in addition to the litigation. Educational work by way of forums on sexual abuse in our area and talking to women on their home ground, we feel, would help them to know that there is an avenue they can come to without the fear of facing this problem alone and unprotected.

Everyone knows about Anita Hill and what she had to go through once the story became public. How do we empower women to speak out, when most of the landlords, managers, and superintendents they deal with are men? As far as we know, there is a court set up for domestic violence, but even in

landlord/tenant court, tenants have no standing. They listen to the landlords. Sometimes they allow the tenants to defend themselves -- protect themselves -- but especially if it is a woman, they do not bother to listen too much.

Head-of-household mothers have a twofold fight. They have to fight the assault on their ability to provide decent, safe housing for their families, and the assault on the basis of sexual discrimination.

Thank you.

SENATOR LIPMAN: Thank you. Let me see now, would you like us to take the young lady who is managing the panel now, or after the whole panel--

UNIDENTIFIED SPEAKER FROM AUDIENCE: I think your car now needs-- We have a car parked at the meters that go off at 4:00, and the police come.

MS. MAURICE: They have copies, and they will submit those copies.

SENATOR LIPMAN: Wait just a minute. Let me see if Roberta has a question.

MS. MAURICE: Oh, good.

MS. FRANCIS: No, although I thought your examples were good. I appreciate that. Do you have experience with other tenant organizations, so you would know that your experiences reflect pretty much of what goes on?

MS. MAURICE: Yes. Before I came, I talked to the Bloomfield Tenant Organization -- the head of it -- and also one of the women on the Board of the East Orange Tenant Organization. They have very similar problems, you know, the same things, because the landlords have property-- They are the same landlords in Irvington and in East Orange and in Newark, some of them. It is the same landlords and the same management they hire.

I want to thank you for listening, because I think your panel is doing a beautiful job.

SENATOR LIPMAN: Was it with your help that one of the landlords you spoke to us about left -- was since dismissed, as you said?

MS. MAURICE: His manager was dismissed.

SENATOR LIPMAN: His manager was dismissed. Was it--

MS. MAURICE: Yes, the one-- He was a big man; he was very intimidating and he bothered a lot of tenants, but this was the only lady who came and told us about it.

SENATOR LIPMAN: When she came and told you about it, that triggered your interference? That is what I am trying to find out.

MS. MAURICE: That's what we do.

SENATOR LIPMAN: Oh, I see, on her behalf. Thanks very much.

Okay, next, please?

P A T R I C I A M O R I N: My name is Patricia Morin. Bear with me, this isn't easy.

I found it necessary to come here today because--
(witness starts to cry)

SENATOR LIPMAN: It's all right, you know.

MS. MORIN: I'm almost there.

SENATOR LIPMAN: Well, we want to hear it.

MS. MORIN: I am a victim of sexual harassment in the home. I live here in Newark, New Jersey. I lived in an apartment house which was a four-family home. The landlord lived upstairs, and I lived downstairs. I did not have a telephone at the time. I lived alone.

The landlord was the owner and the occupant of the house, as I said, so I got to see him often. In February, I advised my landlord that I would be late on the rent because work was very slow. I told him that I had applied for unemployment, and he said, "Well, that's okay. I understand." We talked about the problem with unemployment now and how work was difficult, and he said, "Don't worry about anything. It's

fine." I promised him that I would be paid by the next month, and as soon as work would pick up as well, then, of course, everything would be okay.

Well, at 5:20 that morning my landlord knocked at my door. It appeared at that time that there had been some emergency or something urgent that needed to be tended to. Because on the surface he appeared to be a very trustworthy and very nice man, a very accommodating man, I had no reason to distrust him, so I opened the door. At that time he entered my house and asked me if anyone was there. Because I was half asleep, I said, "No," looked around nervously, and sat down. He offered me \$520 to give to his wife to pay the rent. He said that if I didn't, I would probably have to move, and he didn't want to see me having to leave.

I told him, "No, I won't do that." Again he repeated, "I really hate to have to see you go." Thereafter, he told me that for a year of my tenancy he had been interested in me. He claimed that he was in love with me, and he thought it would be a perfect arrangement if I went along with him. Later that morning he offered me \$100, because he refused to leave. I kept telling him to leave, but he refused to leave. Later on he offered me \$100 to sleep with him and to spend the day there with him. I refused again.

Thereafter, there were two-and-a-half hours of sexual harassment, with this man continually trying to put his hands on me, touching my body, getting me away from the windows so I couldn't attract attention -- two-and-a-half hours of total degradation and humiliation, until he finally left at 8:45 a.m. I made a promise to myself that I would never trust another man as long as I lived. I kept the doors locked. I would not answer them, not even for his wife. Thank goodness I had had the locks changed, because this man wasn't finished.

Because he had no access to me at that point, he waited approximately three or four more days, and on or about

the 11th of February, at 1:31 in the morning, there was a knock at my door, and again there was my landlord demanding entrance. Again I said, "No." He continued to try my doors and try to break into my home, to force his way through the doors with master keys, and whatever else. Thank God I had had the locks changed, or he would have gained entrance.

Finally, because his master keys did not work, the locks could not be jolted, he went to his garage and he grabbed something to bring back with him which indicated to me at that time that he would probably break the door down if he had to. It was my belief that if he did that I would have been sexually assaulted again, only this time perhaps raped. I had to jump out of my first floor window and run down to the Lincoln Avenue Police Department in order to get some help, because, as I said, I had no telephone. Two police officers came back with me that night and found him at my back kitchen door, standing there apparently trying to break in again.

I confronted him in front of the police officers, and I was immediately, by his reaction, given the indication that perhaps this had happened before and nothing would come of it, because he wasn't even the least bit nervous. He didn't seem to have any kind of guilt or remorse. He wasn't afraid at all, and he treated it as though it had not even been mentioned. He went on to further insist upon my giving him a key. I refused. He told the police officers at that time, as well as myself, that if I didn't render a key so he could have entrance to my apartment, he would take it upon himself to again change the locks, only this time so that he could have a key.

I tried to go to the police, and I filled out complaints against him a while later -- about three or four weeks later. I can tell you that the most degrading thing that can happen to anyone is for somebody to tell you that you must go along with the sexual demands, because: a) You have very little money, so where are you going to go if he tells you you

have to leave? And b), you don't have a phone. It's perfect, as he said, because you can't call the police, can you? Also, because you have no husband or no boyfriend, little family, and not that many friends, there should be no reason in the world why he would not feel that this is a perfect opportunity.

Well, I still had me. I am a person. I am a human being, and I have rights and I have feelings. This is my body, and no one -- no one has the right, under any circumstances, to put their hands on me, or to force me into anything that I do not go along with. I didn't have a lot in the way of material possessions, and obviously, not a lot of money, but I had myself, and I pride myself on not being promiscuous; of not being the kind of woman who would lower her pride and her dignity for anything. What he did to me psychologically is far greater-- As I remember telling the Women's Litigation, this could not have been any worse on me psychologically than if he had actually committed felonious sexual assault, because I have never been so angry and degraded in my life.

My whole life has now been turned around. I found a new apartment. I was out until 11:00 at night looking for an apartment, determined that I wasn't going to stop living and functioning as a human being because of this individual. I found an apartment, but it isn't my home as the other one, I thought, was. That was also very painful for me. This was my home, my private little sanctuary; a place where I could feel safe and be in and have my things and have my little cats, and he took that away. He had no right.

I now, as you can see, am not in the best psychological condition. I get very, very depressed and, unfortunately, this is one of my depressed days. Other times I get very angry and aggressive. All I keep thinking to myself is, "He had no right. This is my body. This is me. He had no right." You shouldn't have to have a boyfriend or a roommate

or feel unsafe in your own home. You shouldn't have to have someone living with you to prevent this from happening.

One of my other criteria when I went to look for an apartment was that the landlord did not live there; that he didn't even live in the neighborhood. I had to get a lock. I paid over 100 bucks for a lock. The guy said, "You're crazy. The door isn't that safe." I didn't care, I needed it. I won't ever live anywhere without a phone. I don't care. I have one now, but even at that I don't feel safe. All I say to myself is, "What if he finds me? What if he tries this again, since he is so certain he is going to get away with it?" I say to myself, "Now you live on the third floor. Let me find something like a ladder, so that if I have to dive out of the third floor window, I won't die on my way to someone's home for help."

You think of these things, and you say, "There are other women out there. There have to be. There has to be a way that he must have done this before, because he doesn't act the least bit concerned." It's got to stop. We're people. We have the right to be people and to have our dignity and our pride and our morals. No one has the right to take those things away from you. I only had me, and that was mine. It belonged to me. He tried to take that away, and to an extent, he did. I think of it now, and I think that the most dangerous thing of it all, is that this man, who appeared on the surface so respectable, so nice, so trustworthy-- I would never in my entire life have felt that he would have ever been capable of such a thing. Now I think to myself, "How many other men are out there supposedly nice on the surface?" I will never, never trust a man again -- never.

I mean, it sounds exaggerative, but it is true. The anger, the headaches, the trouble sleeping-- For that whole month before I could find another apartment, I slept at my daughter's house because I was afraid to sleep in my own home.

It was obvious that a police officer telling him what he did was wrong was not enough. I knew he would do it again. I was so angry that I even threatened to do bodily harm to this man, or worse, if he tried.

You have to understand that what happens to a person psychologically is far greater than anything physical that this man could possibly have done to me. It has to be stopped. I know there have to be a lot of other women out there who have gone through this. They should not be forced to compromise their morals or their dignity or their pride for something like this, to hold onto their homes, or to hold onto their jobs.

No, no, I'm very sorry. I can't agree with that. It took all I had to come here, but if it helps anyone else, if it stops anyone, my having brought this to your attention to make stronger laws, something effective enough so that these men will be even afraid to try this again, maybe other women won't have to go through that kind of degradation and humiliation; the fear that if they dare to run out of the house to get help, they will actually suffer worse than what they are suffering then, at that particular time, whatever it is that he is doing to them, you know, and knowing that the neighbors are going to find out, and having to have to explain at your job why you moved, after you claimed you loved this place so much.

Now I have an apartment; I don't have a home. Now I am overtired and stressed out. I have a headache. I am not me. He took a part of me away from me, and he had no right. He violated me as a person, but he also violated my rights as a human being. This cannot be permitted to happen to anyone else.

Thank you.

SENATOR LIPMAN: Thank you very much. Wait such a second. Roberta, do you want to ask her some questions?

MS. FRANCIS: I am not sure if this is something you would want to answer, or perhaps Sharon. Lillian mentioned that units like yours are not covered by the Fair Housing Act.

I am just wondering-- While it wouldn't help your immediate situation at 5:20 in the morning, what might you suggest could be done relative to having, at least, the law cover these kinds of situations?

MS. MORIN: I think it should be very clear that sexual harassment in any housing, under any circumstances, whether it be a four-family, a two-family, or a very large building, such as a 53-unit building, that -- under no circumstances -- should a landlord be allowed to commit these acts against women. It shouldn't really have any relevance, where you live or how big the house is. The fact is, what this person is doing is wrong, and it shouldn't be permitted under any circumstances.

MS. FRANCIS: I'm wondering-- I am speculating, and I don't know the law enough, but is there anyway a hate crime using gender as a category law could get into housing law, or is that more on--

SENATOR LIPMAN: Do you want to answer, Ms. Grossman?

A L I S A G R O S S M A N: Yes. I believe, under the New Jersey law against discrimination, that if an apartment building, or a home, has two units or less, it is excluded -- under New Jersey law -- unless they receive Federal funds. I believe that is what the law is. It is under 10:5. I would have to look at it further. But the Federal Act is four units.

I have some suggestions in here, too, so-- (referring to written statement)

MS. FRANCIS: Okay.

SENATOR LIPMAN: Are you going to follow Ms. Morin now?

MS. GROSSMAN: Yes.

SENATOR LIPMAN: Okay, all right. Thank you so much, Ms. Morin.

MS. GROSSMAN: Hi.

SENATOR LIPMAN: Hi.

MS. GROSSMAN: My name is Alisa Grossman. I am a third year law student working in the Clinic. Although you only heard two women speak today -- especially Pat's moving testimony -- there are many others who are experiencing sexual harassment in housing. In fact, just yesterday I received a call at the Clinic from a woman whose super let himself into her apartment at 5:30 in the morning. She was sleeping, and woke up to find the super standing over her bed. This woman was able to get the super out of her apartment and call the police. However, there are many other women who are experiencing this very same situation.

I am now going to turn to what we can do to help these women. The Clinic has some suggestions as to what could be done.

We must make clear that owners of buildings should take all steps necessary to prevent sexual harassment by any of their agents, such as supers or managers, just as Title 7 regulations require employers to take all steps necessary to prevent sexual harassment in the workplace.

According to the EEOC, employers should affirmatively raise the subject of harassment, express strong disapproval of it, develop appropriate sanctions, inform employees of their right to raise, and how to raise harassment claims, and develop methods to sensitize all concerned. Owners of buildings should be required to take similar actions to those of the employers. They should have educational programs in place for their staff, express strong disapproval of harassment, inform all tenants of their rights by distributing a pamphlet at the time of rental, and ensure that a poster be placed in a conspicuous area which makes clear that all forms of sex discrimination, including sexual harassment, are illegal. A similar poster is already required for other kinds of discrimination by the Administrative Code, Title 13, Chapter 8, Subchapter 1.3.

Further, the Division on Civil Rights should ensure compliance by requiring owners to report to the Division on what policies or procedures are in place to eradicate sexual harassment in their building. Since owners of buildings with 25 units or more must file a report with the Division concerning racial composition of the building, according to the Administrative Code 13:10-2.2, it would not be a great burden to further require reporting on policies and procedures implemented regarding sexual harassment.

The administrative agencies of the State, such as the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, should also help to eliminate sexual harassment by requiring any person or organization which receives moneys from them to adopt an affirmative policy against sexual harassment.

Lastly, we must be sure that female tenants know what their rights are. There are many ways that the State can educate tenants. For example, when a woman is given her certificate indicating her eligibility for Section 8 housing, she could easily be given a simple pamphlet that explains what her rights are regarding sex discrimination. Similarly, when a woman applies for public housing, she can also get a pamphlet. All tenants should know that they will not lose their homes, and that they will have a remedy in the legal system.

The Women's Rights Litigation Clinic would be happy to work with the Commission on developing reporting requirements, policies on sexual harassment, and an educational program for female tenants.

Thank you for your time. Do you have any questions?

SENATOR LIPMAN: Very good. Those are great suggestions. Do you want to say anything, Roberta?

MS. FRANCIS: Unless I missed it when you were running through that, you still don't picture how we could get down to the lowest occupancy levels.

MS. GROSSMAN: Well, when I said that owners of buildings should be required to take those actions that employers are required to take under Title 7, we could have the employers -- or, the owners of buildings, even of four units or less, have educational programs in place. I mean, maybe the requirements should be less stringent, because you don't want to put such a severe burden on these kinds of landlords. I guess that is why the Federal statute and the New Jersey statute limit what their requirements are. I do think they could still hang a poster up saying that sex discrimination is illegal, and I think they could distribute a pamphlet, or a flier -- I gave samples of these to the woman over there -- in Spanish and in English, stating that sex discrimination and sexual harassment are illegal. I don't think that would be too much of a burden.

MS. FRANCIS: But in terms of their liability there would still be a difference remaining, because they are not as liable under certain laws?

MS. GROSSMAN: Right. I think the law against discrimination provides that if they receive Federal funds they would be liable. I don't know if you would be interested in changing that section of the law against discrimination, which would encompass all owners of buildings if that provision was taken out.

SENATOR LIPMAN: If that provision was taken out?

MS. GROSSMAN: If the provision that only owners of buildings who receive Federal funds--

SENATOR LIPMAN: I see about the number of units -- I got it -- with Federal funding.

MS. GROSSMAN: If you just made it all owners of buildings-- Essentially that is what it would be.

Thank you.

SENATOR LIPMAN: Thank you very much. Was that the end of the panel?

MS. GROSSMAN: Yes.

SENATOR LIPMAN: All right, thanks. That was very good. Thank you.

Let's see, where are we now? Ms. Peggy Foster, United Hospitals Medical Center, Sexual Assault Unit. Hello.

PEGGY FOSTER: Hi. I am Peggy Foster from United Hospitals. I welcome the opportunity, and I thank you for the opportunity to talk today.

Today I am going to talk about our most vulnerable population -- little children who really cannot defend themselves against sexual harassment or sexual assault. We have heard very poignant testimony here today. I have children who I see every single day, who are between the ages of three and five, who cannot get up here and say what happened to them.

The amount of sexual abuse in this State is absolutely alarming. The amount in just this town and just this county that I see on a day-to-day basis is absolutely beyond my day and my hours in the day. Every day I see three to four children who have been sexually abused. These are not just allegations. These are children who come with lacerations, with sexually transmittable diseases. We treat all of them; we test all of them. We see chlamydia; we see syphilis; we see gonorrhea. We see it in the mouth; we see it in the vagina; and we see it in the penis.

We have children who are HIV positive. Not necessarily are many of those as a result of sexual abuse, but they can be. This is something that I became so conscious of. Even our seven-year-olds today are asking me do I think they are going to get the AIDS virus. Children used to ask me, when they were eight years old, whether I thought they may be pregnant. Now I have to concern myself not only with pregnancy, but with HIV.

The numbers-- When I tell you that we see 1000 children every year at Children's Hospital, at the United

Hospital Medical Center, we are just one hospital in this State; we are just one hospital in this county. These are a lot of children, and these children are going to grow into adults. It is so important that we address their problems as children, so that when they grow into adults they can get the medical and emotional treatment that is absolutely necessary for them to grow up as whole human beings.

As we all know, sexual assault/sexual abuse is not something we can ever forget. Even when you are three you remember; when you are five you remember. We certainly know you remember when you are 10 and 12. So it becomes something that they must live with as a memory. But I certainly believe, because I am an optimist, that we can do something so that it does become a memory and is something they can live with, and something where they can be whole human beings.

But none of this can be without the proper medical treatment and the recognition that this does exist. We have come a long way, because I do see children. When I first got started at United Hospitals with the Sexual Assault Unit some 16 years ago, adults came forth, and they are still coming forth. But now children are capable of coming forth. This is so important, because if we can do anything for treatment, we need to break a cycle here. We can break the cycle with the treatment of children. In order to have whole adults, it begins with the treatment of children.

Now, when you talk about sexual harassment, children suffer from this greatly because sometimes it takes a child a very long time to say what happened. Sometimes they are very threatened. They really do not always believe that adults will protect them because they are so threatened by someone who says, "Don't tell." When a child is threatened, sometimes it is two to three years before he or she can come forth and say what happened to them. But they have lived with the fears for two or three years. So when we talk of children, we talk about

encouragement of telling the truth; encouragement of getting help quickly.

In New Jersey, we do get help. We get help from the State Department of Health, Division of Immunology. They have been helping us a great deal through the years. They recognized, many years ago, the needs of children. But despite their help, whoever thought that in our meager beginnings in 1975 of 200 children a year, that we would grow to over 1000 children a year? So the State really has to recognize that our smallest citizens are our most vulnerable citizens, and are citizens who need the most help.

So, we do need more funding. We need funding for medical care for sexually transmittable diseases, and then, after all of this evaluation and all this determination, and after we have assessed that the child has been sexually abused, we cannot drop that child then. We really need to begin to care for the emotional well-being of that child and the treatment.

I have a couple of other things to say -- if I may? -- not just about children, but about this problem of sexual abuse and rape, as we know them, and sexual harassment. Some of us have gotten very used to terms. We use the terms "acquaintance rape" and "child rape." We use other terms that have to do with rape -- "date rape." That is a very common term.

Sexual assault is sexual assault whether you know the person or you don't know the person. Very often, we have gotten used to these terms, and what we are doing by using these terms is minimizing it. Date rape is just as important, or probably more important, because the trust has been lost the same as with someone who rapes us as a stranger. All rape, all sexual abuse, all sexual harassment have to be recognized. We have to be careful about just putting them into little, little terms that kind of minimize it.

So I speak to you all today, and recognize that no matter what term we use, when one is touched by another human being it is a very important thing. It is often the first time for that victim. We hear about this all the time. Myself, I see so many every day. As legislators, as Commissioners, as people who have to read the literature about this subject, for that person -- for that child, that adolescent, that adult -- this is an incredible experience for them. It happens to them, and it is always new. It is something that is so personal that it cannot be related to anything that one reads about. We have to become much more conscious. We are becoming desensitized by the media.

It is good what the media has done. It has brought us all out, and people do report. But every day we turn on the news, and every day we hear another report. Some people are very famous; some are just horrible cases. But we do hear about it every day. We cannot be desensitized, because we know it is out there all the time. It is out there all the time. People are coming forth. More treatment is needed. The cycle must be broken. We must provide more moneys for people to get well. I truly believe that if we can treat these people, there is going to be less of a mental health problem, and less of an HIV problem; less gonorrhoea, less chlamydia, and our fertility rates would start going up, and that would be wonderful for whole human beings.

I thank you.

SENATOR LIPMAN: Thank you. Questions? (no response)

I would like to ask about the rate of HIV among these children.

MS. FOSTER: Well, we are just beginning to see a few cases at this point, of children who have been assaulted. But, as you all know, the testing period is quite long and we have to continue to test. We do testing every three months --

three, six, nine, and after a year. Now it is beginning to happen. I hope this is not a trend.

We have a few cases, not a lot of cases that are HIV positive. We do have a lot of cases where we find chlamydia and gonorrhea, not so much syphilis.

SENATOR LIPMAN: But those are curable -- all of those?

MS. FOSTER: All the others are curable. With HIV we are having a difficult time, as you all know, as far as finding a cure. We sustain life with certain drugs for a period of time, but there is no cure.

SENATOR LIPMAN: Are you able to do any counseling of these children who have been hurt -- raped?

MS. FOSTER: Yes, we do counseling. We have special programs for the children at Children's Hospital, and we do provide counseling. We need to provide a lot more counseling than we do, because our numbers are increasing so much every year. But we do do it.

SENATOR LIPMAN: All right. Thanks very much for coming.

Is Ms. Nancy Demanski here? (affirmative response from audience)

N A N C Y D E M A N S K I: Good afternoon.

SENATOR LIPMAN: Good afternoon.

MS. DEMANSKI: I have to apologize in advance. I am not a public speaker, so--

SENATOR LIPMAN: That's all right.

MS. DEMANSKI: I come to you as a former victim of domestic violence. When I was told of this hearing, I was asked if I could give some input on what I felt was an area that was being overlooked and which I felt very strongly about. There are so many different aspects to talk about and that you could get into.

I began my domestic violence relationship in the year -- about 1977, and I was unable to get out of it until 1986.

The only reason why I was able to get out of it was because I came-- My family was from New Jersey, and we moved away. We moved to the State of Colorado. One Christmas, when I came back for a vacation, he began to beat me up in my mother's home, so my parents had no choice but to-- They couldn't ignore the situation that had come before them. In the past, I had been in battered women's homes and stuff, but since I was out in Colorado, I wasn't really able to get on my feet because I had no support from my family.

In December '86 when he started to beat me up and they allowed me to stay here, he went back on the plane -- back to Colorado. I then went to get custody of my children, and this and that. Well, the day of the custody hearing I was informed by my legal counsel of this law which was in effect that he could have me brought back to Colorado for purposes of custody and this and that and the other thing. If I had ever been brought back there, I would have never been able to survive. There would have been no way.

Well, the morning that we went for the custody hearing-- He had been sent notice that he was to appear for that, although I know it was not necessary for him to be there, since he lived out-of-state. I informed him of that, but he chose to ignore it and came to my home, where I was staying with my mother and father at the time. He came into my home. I was the only one home with my children, and he told me that he was going to take the children from me, and take them to someplace where I would never be able to find them. This was a threat that he made over the years constantly -- that he was going to take the kids from me and I would not know where they were. This was beyond the physical and mental abuse that he used to do anyway.

I got the cops to the house. The cops, in essence, told me, at that point, that I really didn't have a leg to stand on. At that point, I didn't have any papers in my hand

saying that they were in my custody, or anything like that. Luckily I had a brother-in-law on the police force, who, at that point, called in to the officers in my home and told them, you know, to back me up. The police then helped me to get out of my house so I could get up to my attorney's office and sit there until I could get the temporary visitation, temporary restraining order, and everything else I needed. If I didn't have the aid of my brother-in-law, the police officer, the officers would not have helped me at all.

That is why, when I see these laws that are coming through now -- domestic violence laws -- I am so happy. You don't know what it is like to try to get help and have officers come and do nothing about it.

Anyway, the reason I came here to speak is, the New Jersey law, Code 2C:13-4, the interference with custody -- that law that would mandate you to go back to another state for the custody hearing-- When we left there, we came here as a couple, and I went for custody here. Okay? He didn't know, thank God, that he had the power to go to the courthouse out there to file this complaint against me. If he had, he would have been able to bring me back there. If he had been able to do so, either I would still be in that relationship now, or I would be dead because I committed suicide, or dead because he killed me. Or, I would have killed him and I would be in jail, because there was no living with it. At that point, all of my options would have been exhausted.

I want to go on to tell you that, because I was able to stay here, I went on, in '87, and entered college, and completed college in three years. A year-and-a-half ago I got a job as a probation officer for Hudson County. While I was in school I met a gentleman -- a wonderful man -- and we got married. Since that time, last September, the Superior Court of New Jersey granted the adoption of my children by my

husband. Things couldn't be better for me. If this law had gone into effect, there is no way-- There is no way.

What I am trying to say is, this law is so general. It can't be so general. There has to be-- Even fugitives from out-of-state get a chance to be heard in the state they are found in, whether they can be extradited or not extradited. Why can't a woman who is a victim of domestic violence have the same right?

I will go on to say that since the time I was separated, my former husband is a fugitive of four warrants; three out of Colorado, one out of here. One for failure to pay child support here. Of course, most of these people don't pay child support anyway. But the fugitive warrants for Colorado, which I find are so typical-- One of them is a second degree assault charge on a new-- Well, it wasn't a spouse, but it was the woman he was living with. She was smart enough to go ahead and press charges. I know that nowadays the domestic violence laws out in Colorado have become better, too. I mean, she was a much stronger person than I was. I was not able to go through it and to press these charges. I tried to. I had the cops at my house I don't know how many times. They just told me there was nothing I could do about it.

When you are considering and looking at the law, interfering with custody-- I realize that last year it was made from a misdemeanor to an indictable offense now. It is absurd. There has to be some way to segregate the people who are literally kidnapping their children versus someone who is just trying to settle in another state in an area where they will have some support.

That is all I have to say.

SENATOR LIPMAN: Questions? (no response) Thanks very much for coming, Ms. Demanski.

MS. DEMANSKI: Thank you.

SENATOR LIPMAN: Mr. Larry Lustberg, Director, Gibbons Fellowship in Public Interest and Constitutional Law. I am not going to try to name his law firm -- Crummy, DelDeo, Dolan, Griffinger & Vecchione. I did it!

L A W R E N C E S. L U S T B E R G, ESQ.: Good afternoon. My name is Lawrence S. Lustberg. I am the Director of the John J. Gibbons Fellowship in Public Interest and Constitutional Law at the law firm of Crummy, DelDeo, Dolan, Griffinger & Vecchione, in Newark, New Jersey. The Gibbons Fellowship is a program funded by Crummy, DelDeo which provides representation to individuals and groups in matters of public interest, or in cases which present issues of constitutional law.

Founded in 1990, the Fellowship has undertaken or participated in major civil and criminal cases in areas such as: homelessness, freedom of speech, the death penalty and other criminal procedure issues; prison conditions, separation of church and state, discrimination against persons with AIDS, police brutality, school finance, consumer fraud, and domestic violence. In addition to myself, the Gibbons Fellowship is staffed by one and, beginning in September, a second full-time attorney. The Fellowship benefits in particular from the supervision of the Honorable John J. Gibbons, who was Richard J. Hughes' Professor of Constitutional Law at Seton Hall Law School, and formerly Chief Judge of the United States Court of Appeals for the Third Circuit.

The Gibbons Fellowship has long been interested in issues regarding violence against women, which is the subject, I understand, of today's hearing. In particular, the Fellowship has provided advice and representation to the New Jersey Coalition for Battered Women and to women referred by that organization in a number of areas. One of these has been the admissibility of evidence of battered women's syndrome in criminal cases. Recently John Jacobi and I wrote an article on

the subject which has been published by the "Seton Hall Law Review," and I have brought a bunch of copies of it for the Commission.

That article addressed the scope of the passion provocation defense under New Jersey law, and expresses our concern that that defense is not being made available to battered women. The defense, which transforms a homicide from murder to manslaughter, is a creature of statute codified as N.J.S.A. 2C:11-4B. It mitigates, but does not completely excuse criminal behavior if, and only if, "A homicide which would otherwise be murder under section 2C:11-3 is committed in the heat of passion resulting from a reasonable provocation."

Just by way of a little background: The passion provocation downgrade requires that four elements be present: First, that the defendant be provoked; second, that the provocation is adequate; third, that the defendant not have cooled off before the slaying; and fourth, that the defendant not have had time to cool off before the slaying. As you can see, the first and third of those elements are subjective; that is, they turn on whether the defendant was actually provoked and whether she actually had time to cool off. The second and fourth elements are objective. They depend upon whether the provocation was objectively reasonable and whether it was objectively reasonable for the defendant not to have cooled off.

Evaluation of these objective elements is based upon the determination of whether the defendant acted as a reasonable person would have. This defense is frequently raised by women who have been brutally beaten for long periods of time by their spouses or mates. Although these beatings may not have been sufficiently imminent to give rise to a defense of self-defense, these women claim that their history of being abused provoked them into acting as they did, and formed their belief that they did not have time to cool off before slaying their abusers.

In a recent decision, however, the Appellate Division of the New Jersey Superior Court dramatically cut back on the availability of this argument. In State vs. McClain, the defendant attempted to introduce evidence that she was a battered woman suffering from battered women's syndrome. This syndrome, which is well-recognized in the mental health field, has been defined by the Supreme Court of New Jersey, in the landmark case of State vs. Kelly, as a series of common characteristics that appear in women who are abused physically and psychologically over an extended period of time by the dominant male figure in their lives.

The syndrome explains why battered women act as they do, including why they often do not leave their batterers. Experts on battered women's syndrome are able to shed light on how otherwise normal women respond to the abnormal stimuli of repeated beatings, exploding the stereotypes and myths which otherwise plague a judge's or jury's assessment of a battered woman's behavior.

In Kelly, the Supreme Court of New Jersey held that battered women's syndrome evidence was admissible to show both that a defendant actually believed that her life was in danger, and that her belief was reasonable. In McClain, however, the Appellate Division ruled that evidence of battered women's syndrome was not admissible to show that the defendant was reasonably provoked. The Court found that evidence of battered women's syndrome was irrelevant on the question of whether the victim's conduct was adequately provocative, because that inquiry requires application of the objective reasonable person test.

Characterizing battered women's syndrome as some peculiar mental or physical characteristic not possessed by the ordinary person, the Court held that evidence of battered women's syndrome did not go to the reasonableness of the defendant's actions. Following a line of cases to the effect

that reasonableness cannot be judged from the point of view of a defendant who is so mentally disturbed as to be unreasonable, the Court held that the contention that the defendant was provoked by the victim's conduct solely from her viewpoint as a battered woman, as opposed to the objective view of a reasonable person under the same circumstances, has been specifically rejected in this State.

This is an extraordinary holding. Essentially, it stands for the proposition that battered women are unreasonable people, rather than reasonable people subjected to abnormal circumstances. Based upon this conclusion, it prevents battered women from showing why, based upon expert evidence, they behaved as they did, instead of as a person who had not been subjected to such beatings would have behaved.

Our article attempts to show how this holding is both legally unsupportable and psychologically unsound. It undermines -- that is, the decision -- centuries of legal precedent providing for an objective standard which, in fact, accounts for a defendant's circumstances. One would think that this would include the critical circumstances of having been a battered woman. It flies in the face of the Supreme Court's ruling in Kelly and the unanimity of opinion regarding the admissibility of expert testimony of this sort, and it inaccurately characterizes battered women as abnormal, unreasonable people, when clinical evidence shows that this is just not so.

This Commission must, in order to fulfill its mandate, be aware that a New Jersey statute, in this case, N.J.S.A. 2C:11-4b, is being interpreted in a way that is not only prejudicial, but is also insensitive to battered women. These women are victimized by their spouses or mates. Often they are victimized by law enforcement or court personnel who do not take their complaints seriously. They should not also be victimized by a legal system which prevents them from

demonstrating that their actions were reasonable, in light of what they had gone through.

The Supreme Court of New Jersey chose not to hear an appeal from the Appellate Division decision in McClain. The Gibbons Fellowship program, however, remains committed to undoing the effects of that dangerous decision. We have begun our efforts through scholarship which we hope the courts will rely on in refusing to follow McClain. We will continue to monitor appeals in an effort to find another case presenting the same issue, which we hope we can convince the Supreme Court to consider.

If legislative reform is required, we will be happy to assist in drafting and lobbying. We stand ready to work with the Commission on Sex Discrimination in the Statutes to assure that New Jersey statutes are not interpreted to require that courts ignore the horrible reality of domestic violence.

Thank you.

SENATOR LIPMAN: Thank you very much. Cathy, are you ready?

MS. WALDOR: Larry, there are no other cases right now after McClain? I thought there--

MR. LUSTBERG: I don't know of any that are up. We are in touch with the Appellate Section of the Public Defender's Office so we can find out when these cases come up, but as far as I know, there are none at this point.

MS. WALDOR: I have not read McClain, but did it indicate that it was a limited holding, or is there anything to move it away from Kelly, or separate it from Kelly?

MR. LUSTBERG: Well, it was distinguishable from Kelly because Kelly was a defense case and McClain was a passion provocation case. So it is distinguishable, but that is not really a basis to distinguish it. I mean, that is a difference that shouldn't make a difference. It held squarely that being a battered woman means that you are unreasonable and anything

you do cannot be considered reasonable under the prongs of that statute. It is an outrageous decision. Its effects could certainly be held to exist in the self-defense area. You know, our concern is that it could effectively wipe out Kelly.

MS. WALDOR: Did the Court make reference to McClain specifically limiting Kelly?

MR. LUSTBERG: The Court attempts to specifically limit Kelly by misconstruing a footnote in Kelly. My fear is that if no one does anything with it statutorily perhaps even, that it could really wipe out the whole defense.

MS. WALDOR: Is that what you are suggesting in terms of perhaps legislative aid from this Commission -- pursuing the avenue of legislation that would entitle a party to the use of the battered women's syndrome without limitation?

MR. LUSTBERG: That's right, without limiting it to subjective prongs. In other words, I don't know whether legislation would be appropriate at this point. The Supreme Court has not had a chance to look at this. But I fear that legislation may be a proper avenue that we have to pursue here. If it is, the legislation I would have in mind would be something that would make clear that battered women's syndrome evidence is relevant to showing whether a woman was acting reasonably on a particular occasion.

MS. FRANCIS: I have a--

SENATOR LIPMAN: I was going to tell him that the best thing I heard today was his offer to help draft such legislation.

MR. LUSTBERG: I would be happy to do it.

SENATOR LIPMAN: I will remember that.

MS. GRIFFIN: I just wanted to ask if you would put this in the homicide statute, or if you would extend it to assault as well, because I know there are battered women who are in jail--

MR. LUSTBERG: Sure.

MS. WALDOR: For not killing their spouses.

MR. LUSTBERG: Yes, we know that. It could either be in the rules of evidence, you know--

MS. WALDOR: Justification principles--

MR. LUSTBERG: Yes.

MS. WALDOR: --in the beginning of 2C.

MR. LUSTBERG: Right, or it could be in justification principles. I have to say I have not given thought to where it would go in the Code or in the Rules of Evidence, but certainly any of those would be a possibility.

SENATOR LIPMAN: Roberta?

MS. FRANCIS: My question was something I know about, but not specifically because I am not an attorney. I know when we are talking about sexual harassment, lately we're saying there has been a reasonable woman standard articulated, not a reasonable person standard. Does that have any bearing on this? Is that an avenue to pursue?

MR. LUSTBERG: I don't know. I think that would be a hard thing to draft, but certainly that is what underlies all this; that somehow the objective standard the courts have developed -- and this objective standard has literally been in our legal system and in the Anglo-American legal system for centuries and centuries-- It is something that is certainly biased towards men and towards men's perspectives. I think part of what we were trying to explore in this article was the notion that it should be at least applicable to battered women and, of course, to all women.

MS. FRANCIS: In fact, that's interesting, because as you were going through your testimony my first thought -- where a question was forming in my mind was, those four criteria, was it for--

MR. LUSTBERG: Passion provocation.

MS. FRANCIS: Passion provocation. Having time to cool off implies that your nature is the kind that will ignite

and then have to cool off. That may be a male kind of orientation. A woman in a situation of provocation may, in fact, not ignite at that time and, therefore, the cooling off isn't as applicable. But, in fact, what she may do in her own defense is what we would see happens in the battered women's syndrome. So even that-- I was starting to think of the gender analysis of that. Then when I realized you were talking reasonable person, and I know courts have moved toward a reasonable woman's standard in some cases, I am wondering if that is another avenue for us to pursue here?

MR. LUSTBERG: It may be. I agree with you about the cooling off argument. In fact, that was an issue in this case. Once expert testimony couldn't be presented on the issue of battered women's syndrome, a lot of the defendant's actions in this particular case really didn't make sense. I mean, here was a person, in this particular case, who had had years and years of psychological abuse. But the statute is written as if anticipating a response to a particular incident, to a particular threat. The problem with battered women's syndrome is that it isn't only one incident that happens at one discrete time. It is a long series of events that culminates in a particular conflagration. I think, really, the statutes don't take into account that type of syndrome. That is why it is so important that expert testimony be able to get in front of juries in these types of cases.

MS. FRANCIS: This is getting away perhaps from the fine points of the law, but talking about the hostage kind of parallels, and so on, do you say that what a hostage does is commit murder rather than strike in self-defense, if, at a given moment when the captor is sleeping, the hostage attacks?

MR. LUSTBERG: I should say that that really goes to the self-defense issue more than it goes to the passion provocation issue, but courts have been very hesitant to justify homicides by women in those situations. I mean, you

see, if you read the casebooks, hundreds and hundreds of cases where, you know, battered women would kill their sleeping spouses or mates. Generally, those women do significant jail time.

MS. FRANCIS: Yes. Thank you. That is very interesting.

SENATOR LIPMAN: Thank you.

MR. LUSTBERG: Thank you very much.

MS. WALDOR: See you Monday night?

MR. LUSTBERG: Yes. It should be fun.

SENATOR LIPMAN: Ms. Regina Braham, New Jersey Battered Women's Services, on dating violence.

R E G I N A B R A H A M: I would like to thank you for the opportunity to speak on the problem of teenage dating violence. My name is Regina Braham, and I am the Community Education Coordinator for the Jersey Battered Women's Service in Morris County.

Since 1984, I have been designing and implementing training programs on domestic violence, but in 1987 I codesigned a Dating Violence Education and Counseling Program for Teenagers. Last year, the Program reached over 4000 students, as well as a wide range of parent and educator groups. It has also been featured nationally on several television shows and in The New York Times.

JBWS is a private, nonprofit agency that provides services for battered women. After it established adequate services for battered women and their children, we began speaking to high school classes, thinking that we would do prevention. But as we gained more experience, we recognized a serious gap in our Program. We were ignoring the violence that teenagers were already encountering in their own dating relationships.

In one of our first classes, a 16-year-old girl had a bruised and swollen eye. The teacher confided in us that she

felt certain that it was her boyfriend who was abusing her. The vivid experience of seeing this girl was followed by countless others. Students, parents, teachers, guidance counselors responded to our early discussions of abusive dating relationships with sighs and nods of recognition, as they shared stories with us.

A review of the literature confirms our belief that the frequency and severity of dating violence demands our attention. Though the studies vary widely in method and design, one after another shows an alarmingly high rate of violence in dating relationships of high school and college students. Studies in high schools find that 9 percent to 41 percent of students have at least one experience with dating violence. That is 1 in 8. Among college students, the frequencies are even higher, with a range of 16 percent to 36 percent.

I think perhaps what is most important about these statistics is that they make it impossible for us to characterize dating violence as bizarre, isolated acts committed by deranged individuals. They compel us to broaden our view and acknowledge the normative aspects of dating violence.

Anyone familiar with adult battering would not be surprised at who the victims of dating violence are. Just as it is estimated that 95 percent of victims in domestic violence are women, the same seems to be true in dating violence. In the U.S., a woman is more likely to be assaulted, injured, raped, or killed by her male partner than by any other type of assailant. An abuse that occurs in marriages often began while dating.

In summary, adolescents are subject to many of the same sexual expectations that perpetuate violence against women in adult, intimate relationships. The highest risk factor for becoming a victim of dating violence is being female. In

addition to sharing common roots with domestic violence, it is also a potentially life-threatening problem. In the U.S., 600 teens die each year as a result of dating violence. Many of the dynamics in teenage dating relationships mirror those of adult relationships. As in spouse abuse, it is the same pattern. The male uses physical, emotional, verbal, and psychological abuse to gain power and control over his female partner.

Also, there is some consensus in the literature around dating violence that the more involved, intimate, committed, long-standing relationships are more likely to contain violence. In other words, as a dating relationship becomes more marriage-like, there is an increased risk of violence. But despite the similarities, there are also differences. Teenagers are not adults. Their relationships are different than adult couples who share their homes, children, extended families, incomes, and the commitment of marriage. We know that teenagers confront many unique barriers to separating.

The main barrier that I want to point out for today -- and there are more included in the testimony -- is that of the legal options. As difficult as it is for an adult battered woman to find protection through the legal system, for teenagers the system is even less accessible. In New Jersey, the Prevention of Domestic Violence Act is a civil remedy which provides protection to battered victims. It does not, however, include minors, with the exception of those who have been declared emancipated by the court. Also, it does not include dating couples unless they have, or currently live together. Obviously, this excludes the vast majority of teenagers involved in violent dating relationships.

Our Program in Morris County addresses the special needs of teenagers through a comprehensive counseling and education component. Our educational programs have reached thousands of students, parents, and professionals. But the

teenage girls who approach our counselors and call our hot line need more than preventative education and counseling. They need protection. Teenage boys need to learn that their violent behavior is not only inappropriate, but illegal. Dating violence is just an early form of domestic violence, and if we are to end domestic violence, we just stop dating violence.

Thank you.

SENATOR LIPMAN: Very good. Questions?

MS. WALDOR: I can't disagree with anything she says.

SENATOR LIPMAN: No, we can't disagree.

MS. FRANCIS: I was just about to say -- and I don't have a question-- Excuse me, but I just have to insert here that yesterday I heard Gloria Steinem speak at Ramapo College. She talked very clearly about the way the relative power of male over female is so interwoven with sexuality, the way it is eroticized and the rationale for that; that when you tell one sex that it is superior, and tell the other sex that it is inferior, and that is not true, you can only enforce it through intimidation, and ultimately violence. It is very complex. It is not a 25-word-or-less analysis, but it really-- What you were saying made me realize, even more, that that is just one other place we see the face of this dynamic working. When you say that is an early form of domestic violence, they really are--

SENATOR LIPMAN: Yes, it is.

MS. FRANCIS: --hand in glove. I just had to say that because it fits so well with what I just heard yesterday.

MS. BRAHAM: Yes. I also learned today-- I understand there are three states that have laws that protect teenagers who are victims of dating violence.

SENATOR LIPMAN: I was just going to ask that.

MS. WALDOR: She read your mind.

SENATOR LIPMAN: Yes, she did read my mind.

MS. BRAHAM: I believe they are Pennsylvania, California, and Colorado. I don't have the answers as to what the legal -- what the legislation should look like for teenagers, but what I am asking today is that hopefully maybe this Commission could look into that; see what other states are doing, what the legislation looks like, how it is being implemented; and how it is being enforced.

SENATOR LIPMAN: Pennsylvania, Colorado, and which other?

MS. BRAHAM: And California. That is to the best of my knowledge.

MS. WALDOR: I was not aware-- To tell you the truth, until you spoke today I had not considered this. To say I was not aware is not true, but, no, I had not considered this. I thank you personally for enlightening me.

SENATOR LIPMAN: Thank you.

MS. BRAHAM: Thank you.

Detective Paul Hart is here, who also works in the Program on Dating Violence. He is--

SENATOR LIPMAN: Yes, I was just going to ask if he was here. Is that you? (affirmative response from audience) All right. Do you want to follow Ms. Braham, please?

P A U L H A R T: First of all I would like to say that I appreciate the opportunity to be able to testify and offer some insights from the male perspective, which, unfortunately, in this particular area, whether it is violence against women or dating violence or child abuse, tends to be lacking.

I did not set out on a crusade to get involved in this particular issue, as I have in other things I have gotten involved in, or had been involved in in my career in law enforcement, which ended in December of 1992 -- 1991, I should say. Basically what happened is, as part of my duties as a detective and juvenile officer with the community I was serving, I became involved in educational programs with our

high school, not the typical "Say no to drugs" types of programs that were being done by very capable officers in our department, as well as others, but in looking at some things that I thought were more socially relevant not being addressed by the predominantly male law enforcement establishment.

I, along with Regina, was doing a personal safety program in our high school, going back about six or seven years ago now. That is when we first met and started comparing notes. I was doing just basic personal safety. Anybody who does personal safety has to understand that the most at-risk people in this country today are women, whether they are young, old, or in-between. As I started to address the problem, I started to hear what the kids were telling me and started to become sensitive to what I was seeing in the media, especially about this issue of teenage dating abuse and violence. A lot of times when I speak to teen and adolescent groups, the introduction is one of date rape. I have always kind of tried to shy away from that, simply because the issue of date rape has gotten a lot of media attention. And what happens to audiences is, as soon as that is said, the little light goes on and everybody realizes that what we are talking about is an offensive, wrong type of behavior to be involved in, and they kind of shut you out. So they don't hear what you really are saying about the issue -- the true issue of teenage dating abuse and violence and who it really affects.

As Regina and I started comparing notes on this particular case she mentioned -- the young girl who was in the class with the black eye, whose boyfriend, by the way, was also in the class, and at one point in time got up and walked out because he had heard enough -- we started to realize that the same dynamics that I was seeing as a police officer dealing with adult domestic violence, and that she was there to talk to our young people about, were occurring, in fact, in their relationships. Within a year or two after that, we became very

involved in a dating violence case in Jefferson Township, which is where we were working at the time -- or where I was working at the time. As a result of that, I ended up calling because I didn't have as much information as I wanted. I was interested to see if there were other people who were experiencing some of these same perspectives.

I ended up calling "Seventeen" magazine. I have two daughters who are now 21, so I kind of had a personal interest, as well as a professional interest in this particular area. I called "Seventeen." I just picked it up on the newsstand. I knew it to be a relatively legitimate magazine as far as what they addressed, especially with teen and adolescent girls. I called the editor in New York, who I had never met before, never talked to before -- just out of the blue. Basically what I said to this editor was this:

"We're dealing with a case here in Jefferson Township where we've got X, Y, and Z going on, these types of dating abusive -- dating violent relationships. Has your magazine ever been involved in any stories relative to this, or are you aware of this problem also?" Do you know what they said? They said, "We're glad you called, Detective Hart, because it is interesting. Last year we had a writer who did a story with 13- and 14-year-old girls." The title of the story, if I remember correctly, was: "Why Do I Need a Boyfriend?" -- the great societal pressure that we are putting on young girls to have these very exclusive dating relationships, even at 13 and 14 years old. What they said was that their writer had interviewed five girls, and of the five of them, three had already been beaten up by their boyfriends. So I knew we were on the right track talking about this issue.

I continued to do those programs up until several weeks before I left the police department. I continue to do those programs now. Basically the more structured program that Regina does is a little bit different than the one that I do,

although we incorporate the same things. Basically what we try to do is go into high schools, primarily to coed classes, and talk to the young people about the dynamics of dating relationships, and relate that to adult domestic violence, with the hope that what we can do is prevent the adult end of it.

I would like to say that we get through to as many of the boys -- to as many of the males -- as we do to the girls, but I know in my heart that that is not right. We don't. I can see it in the kids; I can see it in the responses. Inevitably when you do these programs and you delineate what socially we are telling women and females and what socially we are telling males and boys, it is very stereotypical. One of the exercises we do is to take a blackboard and ask the girls and the boys to list what they think of each other. What is our society telling us that women or girls should be? Then we get, "They are nurturing, they are soft, they are caring, they are," you know, "submissive." Then when we went to the male side, of course, we would get the very stereotypical, "They are in charge, they are in control, they are strong," and all of those things, which tells me that in the last 20 or 25 years we have been talking about this issue, we really have not made any headway.

One of the things that has kept me very involved in this is that I see a real lack of men who are speaking out about this issue. I am not talking about people who are making a living doing it. I am talking about fathers talking to sons. People such as myself, police officers-- I have been through the law enforcement career. I know what the reality is inside. I can tell you this: If the State did not mandate law enforcement response to domestic violence, you would be beating your head against the wall to get most male cops to do what they need to do. That's the truth.

I could go on and on, and I am not bashful. I would just like to read you some questions that I got from sixth,

seventh, and eighth graders -- not high school students, but junior high school students -- when I did a program relative to these issues. I think this will kind of sum up what we are talking about -- again, these are questions from sixth, seventh, and eighth graders -- what we have done to them already, and why we set up this whole domestic violence situation in adult relationships:

If a girl aged 12 to 14 goes out with a man -- a boy or a man who is between 19 and 23 and they do stuff and she has sex, can the girl get him on rape?

If your boyfriend, after breaking up with you, harasses you both physically and verbally, can you take him to court, or report him if he doesn't stop?

This is always a great one. This always gets a chuckle from the audience: Is it true that girls are more violent and more likely to commit a sexual crime, as I have heard? I would like to know who was talking to that young girl or young boy.

What would happen if you had sex with a 19-year-old and you were 13?

Why do people make a big deal about a 12-year-old girl going out or dating an 18-year-old boy?

And a classic: What is wrong with dating violence if they both want it?

I think those kind of speak to why we need to be addressing these issues with our teens and our adolescents, and probably even talking to the younger kids about stereotypical roles in our society and how we view them. I don't know if you are aware of it or not -- I just, for the first time -- I am not a real big follower of MTV. I tell groups that I still like rock and roll. But I don't get the time that maybe I would have had in other days to watch it that much. The number one requested video on MTV this week was by a group called Ugly Joe. The song is very graphic and very specific and deals with

the victimization of this guy's girlfriend. That is what we are dealing with. I think we have to consider the whole societal pressure.

I would close with just reading one more thing. I always tell groups that I speak with, especially kids who look at me, and I know it-- They say, you know, "Here's a 45-year-old cop standing up there. What's he know, and why do we need to believe him?" I came from the generation that said, "Don't believe anybody over 30," but age we do. My response to them was simply this: "If you don't believe me, if you don't think that what I am saying is true, read your local newspapers for 30 days. Let's start counting the bodies of the girls." I understand that we just found our missing New Jersey girl down in Gainesville. I can only empathize with what her parents must be going through now, with her in a shallow grave.

Having two who are 21 on a college campus 2500 miles away can certainly get your attention as a parent. This issue of dating relationships and why we need to address it at the young ages that both Regina's group and I have, is kind of summed up in this letter to Dr. Brothers in yesterday's Star-Ledger. It reads:

"Dear Dr. Brothers: My son's best friend was accused of date rape by a lovely young woman in the senior class of our high school. My son says his friend admitted to this, even bragged about it, but my son refuses to come forth in the young woman's defense. He stands by his friend, and says that if called to the trial, he would lie for him.

"I am not even sure that my son thinks what his friend has done is wrong. Both my son and his friend are ball players on the local team." Haven't we heard that jock story before? "Is he right to stand by his friend?"

I think the first thing that leaves me shaky in my head is why we need a mugger, a female, in today's society with everything that is going on. I would have to write to Dr.

Joyce Brothers to ask if her son's loyalties are maybe misplaced.

I will close by adding this: Personally -- personally -- I believe that the levels of violence against women in this country perpetrated day in and day out by men is a national disgrace. I voice that concern to anyone who will listen. Until we get more men willing to stand up and be counted and talk to their daughters and talk to their sons about what behavior is appropriate and what is not, I think it is just going to continue. We need to start talking about it; we need to start acting on it; and we need to start doing it now.

What I would ask this Commission to do is to sincerely consider -- as we did in Morris County with the Task Force on Domestic Violence, with the subcommittee I sat on, the Education Subcommittee -- providing some funding and some guidance along the lines of educating our young people, not just in hitting the schools, kind of slipshod as we have done. I know Morris County makes a real good effort of it. They have done a lot of work. I have had the opportunity to be in other school systems throughout the State, and it is amazing when you stand there and talk to these people, including teachers-- We forget sometimes that teachers -- even though they are adults and they are involved with kids -- come from their own biases and their own backgrounds. One of the big problems we see with dating -- abusive relationships is that very often they are seen and observed in the schools on a daily basis, and teachers don't take it for what it is. They don't see the potential. They don't see the danger, and they don't understand it. We have viewed teenage relationships as transient in nature and it will all be over and done with. Unfortunately, we are losing a lot of young girls to this phenomenon.

The day after I did the last program, which was for the New Jersey Coalition of High School Students in Long Branch at the Hilton-- The day after was the day that the 14-year-old

girl in Paterson told her boyfriend that she wanted to break up with him in the car. He turned around with a sawed-off, 12-gauge shotgun and shot her point blank in the face and killed her. Anyone who has ever seen anybody who has been shot in the head with a 12-gauge shotgun can understand how devastating that is. There is just nothing there. I wondered, when I read that, if any of the kids I talked to in that program were from the Paterson area and how they must have felt.

It is easy to talk about the issues, but we need to get out and we need to do a lot more than we are doing right now.

With that I will close. Thank you.

SENATOR LIPMAN: Cathy Waldor?

MS. WALDOR: Detective?

MR. HART: Yes?

MS. WALDOR: Obviously you have been in law enforcement -- you said in Jefferson Township -- for some time, but you have retired.

MR. HART: Actually, I started out in East Orange, and then went to Jefferson.

MS. WALDOR: Then you will understand what I am about to say. I used to work the Essex County court system, and I remember that Morris used to have this also. Do you remember "stranger to stranger" crimes? We used to tag them "stranger to stranger" crimes.

MR. HART: Right.

MS. WALDOR: Do you remember -- and this just occurred to me as you were talking -- that they were considered more serious and got first attention -- "stranger to stranger" crimes -- back in the old days?

MR. HART: Under the old 2A statute--

MS. WALDOR: Under 2A?

MR. HART: The statute was, "theft from a person." That was graded more than just a theft. It was where there was

physical contact, where purse snatchings and stuff were considered a higher degree of crime than normal thefts.

MS. WALDOR: And even in an assault situation, we used to have markings in Essex County -- S&S, "stranger to stranger" -- and it got more severe consideration--

MR. HART: Because the--

MS. WALDOR: --than a friendly or a domestic -- a pre-DV statute, just an assault, which is strange. It just occurred to me that we used to do things that way.

MR. HART: And that attitude prevails. It prevails in law enforcement to this day with the majority of police officers who are charged with dealing with domestic violence situations on a daily basis. That is why I said if it weren't for the mandatory responses that are required, and some watchdogging on the part of the State Police and other organizations, you would be fighting an uphill battle, because most cops do what they need to do on a routine basis.

The problem, when it comes to the juveniles, as Regina said, is that there is nothing built into the statutes for these kids. The juvenile system is difficult, at best, to get results in quickly. The particular case we worked on, which actually they did the story on in "Seventeen" magazine-- You don't read about Jefferson, but the story is about our girls. It is called, "Victim of Love." We waltzed this kid into-- This kid was about 5'2" and weighed about 98 pounds. He was 6'2", 205 pounds. If he wanted to go into a high school classroom and bring her into the hall and talk to her, that is exactly what he did, because there were no teachers who were going to stop him.

Ultimately, we brought him before a Family Court judge on three separate occasions, with her and her mother present. We tried to explain the situation, and what I heard the judge say was, "Hey, you're a good-looking guy. Why don't you just go out and find yourself another girlfriend and leave her

alone?" Come on! He had about as much sensitivity to this issue, about as much insight into the problem, about as much concern for the potential to this young woman's safety, as the man in the moon -- as the man in the moon.

MS. WALDOR: My point, I suppose, is -- and along the same lines -- in actuality, in a juvenile or a nonjuvenile situation, a complaint can be filed against a relationship partner for harassment or assault in a nonrelationship setting--

MR. HART: Exactly.

MS. WALDOR: --but it does not get the same attention as a "stranger to stranger" assault or harassment.

MR. HART: You are correct on that. The other thing we must keep in mind in the juvenile system is, simply because of the sheer numbers we are dealing with, what we have done is, we have built in a number of nonjudicial diversions. We've got: juvenile conference committees; we've got prejudicial conferences, or intake service conferences as they are known in some counties; we've got a number of steps that are built in before a case even gets to court.

What I think would be more appropriate is that once the situation-- If a young woman comes into a police headquarters with her parents, or even without her parents, and voices this complaint to law enforcement authorities, there needs -- all the way up the line -- to be some type of flag that goes up and says, you know, "Wait a minute. This is a dating abusive, violent situation. We really need to--" You know, "We can't just send it down for a screening and have the Probation Department say, 'Well, send it to the Juvenile Conference Committee, and maybe in two or three months they will get to it, and we'll deal with it.'"

We need somebody in the system -- all the way up the line -- recognizing it for what it is, and saying, "This is a problem," recognizing the inherent problems, especially with the kids being in school together, and so on and so forth, and

moving it along relatively quickly; and not having it end up in a diversion where the girl and her parents may be heard, may not be heard. Maybe they will know it went on, maybe they won't. It needs to go before a Family Court judge, someone who is aware of these problems, someone who is sensitive to the issues, someone who can say to the boy, "No more. Knock it off," not, "Go get yourself another girlfriend." That's what we need. We need training--

MS. WALDOR: I am just wondering if legislation is going to cure that. I suppose education is important, as well.

MR. HART: You're exactly right. Believe me, 23 years as a cop, I am not a big-- You know, I am not a big cheerleader for the criminal justice system. I believe that the key is education, and the key is getting into the schools very early, letting-- If you can't get to the guys-- If you can't get to the boys in the class, fine; they are going to do what they are going to do anyway. But give the girls the information, so that when they start to date someone at 14, or 15, or 16 years old, they know what the indicators are; they have had someone come in and say, "This is what you need to look for, ladies. If you don't believe me, let's take a look at this video. Let's read some of the newspapers. I'll convince you," so that this little light goes off. The best thing they can do-- What I told every group that I have ever talked to is, "The best thing you can do is get out of the relationship, because you are not going to change him."

MS. WALDOR: I'm talking about educating the judiciary, as well.

MR. HART: Well, I agree 100 percent.

MS. WALDOR: I think that is really a key factor in enforcing anything.

MR. HART: Exactly. Prosecutors, law enforcement personnel, Family Court judges, all need at least some

sensitivity training so they will at least have some understanding of what the dynamics of these situations are.

Unfortunately, we still have situations, but they are decreasing simply because of the notoriety the cases have gotten. But I can tell you that within the last several years in Morris County, we had a judge who released an offender on bail; reduced the bail without checking with the judge who set the bail. The offender left the county and went out and killed his wife and his mother-in-law. So, because of those types of situations, I think there is a response by the system, but it certainly isn't happening in the juvenile system.

SENATOR LIPMAN: May I ask, how much influence does a video like "Ugly Joe" have?

MR. HART: Well, if you have seen it, it has a tremendous impact simply because the music is geared toward the thing we talked about. The target audience of this particular music is adolescent males between 14 and 16 or 17 years old. So what it does is reinforce-- Take a look at-- I mean, when professional wrestling started -- and we wonder where kids get their ideas-- When professional wrestling went on television in the early to mid-'50s, it was late-night, adult entertainment. Now I think it is on every channel, every day, all the time. I don't know. You can't put a television on and not see wrestling. What is portrayed there, as far as the male image-- What is portrayed is loud, boisterous, obnoxious, violent behavior, and that is more the norm than not. That is what we are seeing, and that is the problem.

All the women in the world can stand around and complain about what the problem is, but it will not be until more men start getting up and saying, "Hey, enough is enough"-- Then you can start talking about why men set themselves up to continue this absurdity. The fact that we can categorize all the women-- If you look at why men are so -- seem so out of touch with this problem, it is because we

categorize women. The women who end up raped, the women who end up dead, are those other women. They are the women who-- "What was she doing out late in the parking lot anyway?" You know, "Why was she going to the bar with him? Why did she go to the hotel room with him? Why did she go back to the dorm room with him?" It wasn't their wife, and it wasn't their daughter, and it will never be.

We convince ourselves, as men, that that will never happen. If you take a look at the statistics on divorce in situations where a wife has been raped-- Those marriages very, very seldom make it. It has more to do with male ego than anything else. So, there is a lot that needs to be done, a lot that needs to be understood.

All I have ever said to the kids I have talked to -- to the girls -- was: "You better pay attention, because if you have been victimized once by your boyfriend, or your future husband, and you come to the system, the way the system is now, we are going to do you all over again real quick." That wasn't easy to say as a cop. I had a lot of the other cops upset; they didn't know how I could say that. But that is the truth, for women in this country today.

MS. FRANCIS: There are all kinds of questions that arise from your comments--

MR. HART: Yes.

MS. FRANCIS: --so we could keep going. I just want to say, one reason we keep going is because it is so gratifying to hear a male saying these things.

SENATOR LIPMAN: Yes.

MS. FRANCIS: I want to put on the record again that, so often we feel as though we are just talking among ourselves, and that is the point you have made so strongly.

MR. HART: There are a few males out there; few and far between, unfortunately.

MS. FRANCIS: We know that.

MR. HART: Hopefully, through speaking out, we can convert some others and get them thinking about what they really need to be thinking about.

MS. FRANCIS: That was really what my question was: How do you, as a man, see getting through to other good men to say that this is -- to say, "This is not a women's problem; it is society's problem. We are of the class that perpetrates, so it is our problem specifically"?

MR. HART: That is why I think the educational route is very, very important. What we learned with the drug programs, what we are seeing with the DARE programs now, is, you can't go into a senior class in high school and start teaching kids the evils of drugs and why they shouldn't do it. You really have to start early. That is what the DARE program, which has been so successful, is doing. You can't go to adult males-- Unfortunately, it is kind of like we have to write off an awful lot of adult males at this point in time, but you have to take the ones you can. You have to go back, and you kind of have to start over with the younger kids, and start saying, "Hey, we need to start thinking about this. We need to start communicating" -- a different perspective of the male myth than what we have been doing for a long time, and get out of the John Wayne type of syndrome.

MS. FRANCIS: I just have to raise one other point which entered my mind. I said this to someone the other day: During the '60s, you know, during the Civil Rights Movement, many white people felt strongly in favor of the Civil Rights Movement; felt gratified to be working on that; felt, you know, that we were all in that together. It seems there is so much less perception on the part of males that women's rights are a similar kind of rights movement, and that even if you are male, you are not female, just as I was white and not black, nevertheless, I felt in tune. It seems there are very few men who feel in tune with the real human rights dimension of what

we are talking about. I don't know if we could put our finger on what that difference is there. Maybe we have come around to a way of--

MR. HART: I think it is called, "male ego."

MS. FRANCIS: I guess, but we have come around to a way to make men hook in more to the human rights fight that it is about. I don't know. It is just something that occurred to me the other day.

MS. WALDOR: I'll tell you the answer to that.

MS. FRANCIS: Okay. Off the record?

MS. WALDOR: Yes.

MS. FRANCIS: Thank you, Mr. Hart.

MS. WALDOR: Thank you very much.

SENATOR LIPMAN: Thank you very much, Detective. You answered a lot of questions for us.

Ms. Patricia Leuzzi, from the Attorney General's Office. We heard you were coming.

P A T R I C I A L E U Z Z I, ESQ.: The quintessential male organization, I guess.

SENATOR LIPMAN: Yes.

MS. LEUZZI: My name is Patricia Leuzzi. I am an attorney, and I am Special Assistant to Attorney General Del Tufo. I am here today representing the Department of Law and Public Safety and the Attorney General. I thank the Commission for offering us this opportunity to submit comments to you on this issue.

The Attorney General has a strong interest in eliminating violence against all of New Jersey's citizens, and is particularly concerned against those incidences which are perpetrated against women.

Before I go into the body of my testimony, which does include some specific legislative measures that the Attorney General is in support of, I would like to respond to the question you asked about educating other men to participate in

these issues. I would like to take it from the perspective of elected and appointed officials. I can only speak about this Attorney General, because that is the only experience I have had. But I think it is incumbent upon those of us who believe, or have an interest in such issues as these -- women's rights specifically -- to ask appointed officials and others who are running for office about these things and their commitment to these things.

It is very interesting, because Attorney General Del Tufo does not view these issues as being separate and apart from his responsibility and authority to eliminate violence against New Jersey citizens. Women are part of that citizenry, so he is interested in understanding where these incidences arise and what he can do to eliminate them.

So my answer to the witness before me is, I think it is important to get to the people who set the agenda, to have them be the ones who are advocating, because, after all, realistically, it is those people who are in the positions of policy-making who add credence to these things and integrate them into mainstream issues, which I think is what we are trying to do.

As I said, these comments I am going to make were determined by Attorney General Del Tufo, in coordination with some of the Divisions within the Department of Law and Public Safety, most notably the Division on Civil Rights, the Division of Criminal Justice, and also his legislative counsel. In addressing these matters, we would like you to understand that the Attorney General is approaching his comments from the standpoint of those areas over which he has authority, and that these are matters which are, or can become, violent acts against women.

The first thing we want to address has to do with biased crimes, most commonly known as "hate" crimes. Currently, it is an enhanced criminal act if an assault is

committed with animus or ill will toward an individual on the basis of race, color, religion, sexual orientation, or ethnicity. The Attorney General, in looking at the simple assault and harassment sections of the Criminal Code, supports amending those sections to include gender and disability.

The way it would work is, normally if simple assault and harassment include this additional element, the crime would be one of the fourth degree. And if the defendant were to commit any other crime acting with the same bias toward, and with the purpose to intimidate on the basis of disability or gender, the defendant would be subject to an extended term of imprisonment. With the exception of sexual assault and sexual contact, offenses that necessarily involve the selection of a victim on the basis of gender and are a violation of personal autonomy inherently related to gender, extended terms for gender-biased crimes would be available on the same basis as extended terms for other crimes motivated by bias or hatred.

Essentially what this is, is to say that gender -- and we are including disability in this thought, although I know that is not primarily the purpose of this hearing -- would extend and enhance -- would extend the basis upon which you could bring a charge, and also would extend -- could potentially extend to sentence.

MS. FRANCIS: Excuse me. Would you please repeat, "A selection of victim based on gender and--" The second condition you said would define it, right?

MS. LEUZZI: Okay.

MS. FRANCIS: I didn't mean to interrupt, but I wanted to make sure I had it.

MS. LEUZZI: Certainly. With the exception of sexual assault and sexual contact, offenses that necessarily involve the selection of a victim on the basis of gender, and a violation of personal autonomy inherently related to gender.

MS. FRANCIS: Okay.

MS. GRIFFIN: So, you would exclude those from the hate crimes legislation? I'm sorry.

MS. LEUZZI: Let me say it another way to you: If you take the body of conduct that gender bias would include, it includes all of these acts where you would select a victim on the basis of gender, and this other condition, excluding sexual assault and sexual contact. My sense is that that is the initial position of the Attorney General. I think that, as always, he is open to discussion on those matters. But at this point, sexual assault and sexual contact-- The statistics show that they are, in the main, perpetrated against women. With a hate crime, the issue is an exhibition of ill will or animus toward the victim because of that characteristic.

So, the part that needs to be developed more is, what does it add to say that this crime, which is generally perpetrated against women, is also a biased crime? So we need to fully -- more fully explore that.

Second, we are concerned about assaults on pregnant women. We have seen a notable increase in the number of cases in which a defendant has directed an attack upon a pregnant woman with the apparent purpose of either injuring the fetus or causing a miscarriage. Of course, that kind of conduct is exemplified through directing the physical attack, or the physical assault directly around the abdomen or in some fashion that would bring about miscarriage or injury.

We think this conduct is especially abhorrent. A specific statute should be enacted to include this type of criminal behavior. Of course, we would have to approach this carefully, because 2C would have to be amended in a way to codify this criminal conduct, but at the same time not transgress on the reproductive rights issues involving a fetus. The theory would be, we are talking about criminal conduct which is perpetrated with the intent of interfering with a pregnancy, perhaps without getting into the issue of the fetal rights, and the like.

Next we want to talk about the Office of Victim Witness Advocacy. Sixty-six percent of victims of crime are women. Within the Division of Criminal Justice we have the Office of Victim Witness Advocacy. The program accomplishes four basic things: First, they advocate on behalf of women with legal, social, and medical systems. In terms of what the need is, what they attempt to do is to provide women with information about the criminal justice system.

Secondly, they assist with safety issues throughout the process. Women victims receive information about sources of economic support. They also receive help to ensure equitable and sensitive treatment. It is a very difficult situation. It is recognized that because the majority of victims are women, the Office provides support so that women are not discouraged by the slowness or complexity of the process. For battered women this means the need to empower them to begin an action to change the power imbalance, either marriage, or whatever the relationship is, which they are in that is abusive, or empowerment toward self-sufficiency, which may be effective in reducing or eliminating the violent victimization they are undergoing.

Another purpose the program has -- which was mentioned by the prior witness -- has to do with major public education and law enforcement training functions. I think, you know, this is what we are interested in doing, and certainly with your support we would want to enhance it. But there is a component -- there is a need to provide public -- or issue an awareness to law enforcement in these various issues we have been discussing: domestic violence, sexual assault, including date rape and acquaintance rape and dating abuse, as well as incest victims, to help them to address the myths by providing the facts and the options available, and by providing outreach to both victims and potential victims.

So what we are talking about there is a two-sided educational process: one for the people who are providing the law enforcement and support, and secondly to the victims.

Thirdly, this Office engages in prevention efforts directed at both the public and the targeted high risk groups, and attempts to work with State, county, and local programs through policies and activities at different levels of law enforcement, prosecution, social services, and other agencies.

Lastly, this Office of Victim Witness Advocacy provides State and Federal funds to other programs serving domestic violence and sexual assault victims, which I know you are very aware of. In Fiscal Year 1992, a total of \$1,002,759 of Federal funds were allocated by this Office towards sexual assault and domestic violence.

The last issue we want to discuss has to do with sexual harassment in the workplace, and I understand that you received testimony from other groups on this issue. The Division on Civil Rights enforces the law against discrimination to include sexual harassment and, of course, you want to think expansively. Sexual harassment does not only include employment, but it also extends to the areas of housing, public accommodation, and contractual and business relationships.

Sexual harassment is illegal. In the first instance, it is a civil violation. Per se, then, it would mean that it would not be treated in the Department as an act of violence, which is not to say that sexual harassment cannot move into violent acts. Violent acts are unwarranted, unjust acts of force against an individual. That is how we distinguish between violence and a civil conduct that would be exploiting a power relationship. The issue there, in terms of our thinking, is that if you are being victimized by sexual harassment that begins as a civil violation and it moves into criminal conduct, which is unjust or unwarranted force, then you are talking

about a criminal violation. From the civil rights standpoint, we should be educating victims, and others, those who perhaps would be the perpetrators, that this is the exposure, or this is the way to be thinking about these issues.

Women of color may be more subject to sexual harassment than white women, even though all women are subject to sexual harassment. What occurs are additional racist assumptions, such as the belief that African-American women are exposed to sexual activity at an early age, which makes them more sensuous, which makes them more accepting, and are not as upset by sexual harassment. There are also other examples which all women suffer from which have to do with blaming the victim, and there are other myths which also would increase minority women's increased exposure to conduct of this nature.

Moreover, women of color tend to be in the lowest paying and lowest status positions, both economically and on the job, which also increases their vulnerability and limits their options when they are harassed.

There is a new flavor of the month with respect to sexual harassment. It is called "hostile work environment." Hostile work environment is defined as the creation and the allowance, if you will, of an environment by coworkers, clients, customers, and employers, which has the result of harassing an individual. Hostile work environment is a violation of Title 7. It is, therefore, recognized in the law.

Unfortunately, we expect that 50 percent to 90 percent of women, and 15 percent of men, will experience some sexual harassment at some time in their careers. But less than 2 percent will come forward and file a complaint. These are statistics that the Division on Civil Rights advances.

A total of 283 sexual harassment complaints have been received by the Division between July 1, 1987 through March 3, 1992. There was an increase of 153 percent of sexual harassment complaints most recently, and we believe it is

possibly because of the national attention given to the sexual harassment issue because of the confirmation hearings of Clarence Thomas.

The law against discrimination is one of the most stringent civil rights laws in the country. The enforcement mechanisms which are currently available are adequate, according to the Division.

I am saying this as a segue, because what you have asked for are legislative measures. We have given two examples of amendments to see which is the Criminal Code which would take care of some issues we think are very egregious. But then with respect to something like sexual harassment, we have these statutes on the books. I am not going to say anything to you that you don't already know. Much of the problem is the budget support to enforce these things. We are concerned about increasing statutory authority which may be assigned additional responsibility, without including the ability to perform those responsibilities.

One issue that the Division on Civil Rights has been looking at is increasing the penalties for the first and second offenses from-- They are currently \$2000 and \$5000. Under Federal civil rights legislation, penalties can be assessed up to \$25,000 and \$50,000. So as a deterrent, that may be an area you might want to look at.

In conclusion, again we thank you for giving us this opportunity. If there are two messages we want to convey, they are in the area of amending the criminal sections which have to do with criminal misconduct directed against women in their capacity as women. And secondly, to exercise, not necessarily caution, but, I guess, careful thinking if you are going to amend statutes and not give us the tools or the support we need to enforce those statutes.

The Attorney General is also the chief law enforcement officer for the State, and he takes his task very, very seriously.

Thank you again. If you have any questions, I will be glad to answer them.

SENATOR LIPMAN: Questions, anyone? We got your message about the budget.

MS. FRANCIS: Patricia knows I always have questions about the-- We have talked before about the hate crimes bill adding the category of sex, which you have a bill in to do?

SENATOR LIPMAN: Yes, we have that lined up.

MS. FRANCIS: How do you think we should pursue the further exploration of what we have talked about, which is, if you would eliminate sexual assault-- Sexual contact, was it?

MS. LEUZZI: Right, sexual assault and sexual contact.

MS. FRANCIS: If you eliminate them as falling under-- Say we added the category gender but didn't allow those crimes to be defined as hate crimes-- I think we would be missing a large piece of what causes rape, which is, a lot of us would contend, misogyning, you know, that it is a hate crime against a women. Your question, though, was well posed: What would it be asking for, then, in terms of a civil penalty -- I mean, a criminal penalty? What additional penalty would we want if we wanted it to be a double whammy of a crime? Is that what you are posing there?

MS. LEUZZI: Well, I think we have to approach it from different perspectives. It would be helpful for you to understand how we think about it, because it is not solely from the standpoint of the hate crimes situation. I think clearly the Attorney General supports that these acts, if they are motivated in part -- or if the State meets its burden of proof that it is an exemplification of animus or ill will toward this individual because of this protected category, then there should be enhanced penalties and the possibility of an extended sentence.

If, as a matter of course, every sexual assault is also charged as a hate crime, in terms of prosecuting that, it

becomes problematic. So what we would have to do is think through, certainly, which is not to say -- notwithstanding that the majority of sexual assaults are perpetrated against women-- I mean, that is the fact. If you are going to say that by the very nature of it we have these proofs that show it is because of hatred against them, that is one issue. But another way of approaching it is to say, with a specific incident, if you have evidence to believe that in addition to this act of violence it was directed against this individual because of his or her gender -- and because we are including gender, it means men and women, as well -- then perhaps that is the way to approach it. But again, the part that is problematic is, it would be to take these crimes, which in the main are against women--

MS. FRANCIS: And call every one of them, yes--

MS. LEUZZI: --and to say they automatically also become hate crimes.

MS. FRANCIS: Right. Again, I am speaking only for myself, but I am not sure that we would contend that every act of sexual assault or rape should be a hate crime, but we would not want it left out of the possibility of being called a hate crime.

MS. LEUZZI: Right.

MS. FRANCIS: As I cited a while ago, the Center for Women Policy Studies has a really good analysis of the kinds of criteria which would help to define what makes a crime a hate crime.

MS. LEUZZI: Right.

MS. FRANCIS: And I think that, you know, there is probably a lot of fruitful exploration we could do to make sure we include what should be included, without including what shouldn't necessarily be included in hate crimes under that. But, it is heartening to hear of support for putting the category there.

MS. LEUZZI: Right. I think the first step-- There does not seem to be any dispute that this change -- this amendment needs to happen. It is excellent that you already have something there.

SENATOR LIPMAN: Also, about the pregnant woman-- If it can be proven that the attack against her fetus, I guess, is intentional, that is a hate crime, too, isn't it?

MS. LEUZZI: Okay. The way I would want to approach that, though, would be this way: If we have to, we will get involved in this, but the issue is the crime is not against the fetus. If you do that, then you are imposing personhood.

SENATOR LIPMAN: But only women can have fetuses inside.

MS. LEUZZI: I understand what you're saying.

SENATOR LIPMAN: Yes.

MS. LEUZZI: However, I think the suggestion at this point is to approach it from the standpoint of -- and I do understand what you're saying-- It gets into the same sort of argument. You can only commit certain crimes against women.

SENATOR LIPMAN: Yes.

MS. LEUZZI: Only a woman is going to be pregnant.

SENATOR LIPMAN: That's right. That is what I'm--

MS. LEUZZI: This is really difficult to say, but you can certainly commit a violent act against a woman, without saying, "I have a personal hatred against women." It can be against a woman, with an attempt to interfere -- with the intent of interfering with her pregnancy.

I understand what you're saying, but I don't think-- It's apples and oranges. I don't think we want to mush them together.

SENATOR LIPMAN: Yes, yes.

MS. FRANCIS: Well, it is the challenge of enforcing the whole hate crime statute, I would think, where given an absolutely identical act of violence against a -- even the same

member of, say, a racial or ethnic group-- You know, one given act might be a hate crime, and the other identical act might not, and the law must-- The system must figure out how to identify that Act A was, because the person shouted epithets, done in a real hate crime pattern, whereas the second act was-- Unfortunately, this poor person happened to be walking down the street and was mugged for the dollars he was carrying. So, that challenge-- I think we should keep that subtlety, you know, that ability to differentiate with these kinds of assaults against pregnant women, too, because some definitely would be, and some would not. But, it is a real challenge.

SENATOR LIPMAN: Right.

MS. LEUZZI: I think that on these other issues, well, the generic issue of the hate crimes, we really need information on that issue. As you said, Bobbie and I spoke about this some months ago. It is something, in terms of the literature, or whatever the research is, or what the theory is-- We need information on it.

Thank you.

SENATOR LIPMAN: Thank you very much for coming.

MS. FRANCIS: Thank you.

SENATOR LIPMAN: I guess we will go next to Ms. Betty Hickey, Associate Director of Instruction and Training, New Jersey Education Association.

UNIDENTIFIED SPEAKER FROM AUDIENCE: She is not here yet.

SENATOR LIPMAN: She is not here yet? Okay. Maria, I see you are here. You are from the Center for Hispanic Policy, Research and Development. Maria Vizcarrondo DeSoto.

M A R I A V I Z C A R R O N D O D e S O T O: Good afternoon, Senator Lipman, and members of the panel -- Bobbie.

MS. FRANCIS: We work in the same Department.

SENATOR LIPMAN: Yes.

MS. VIZCARRONDO DeSOTO: My name is Maria Vizcarrondo DeSoto, and I am the Director of the Center for Hispanic Policy, Research and Development. The Center for Hispanic Policy, Research and Development, formerly the Office of Hispanic Affairs, has the charge to address the needs of the Hispanic community and to prepare the local and State governments to meet the challenge to seek the empowerment of this population, which is expected to play a critical role in New Jersey society in the next century.

The Center's general mandates include: the administration of grant dollars to Hispanic community-based organizations; to provide technical assistance and referral services aimed at empowering Hispanic community-based organizations and their efforts -- in the rest of my comments I may refer to them as CBOs, but it is community-based organizations I am referring to -- creating training and employment opportunities for Hispanic college interns who are seen as a source of potential leadership; and finally, and one of our most recent efforts, to try to conduct and support research on Hispanics in New Jersey, and, in that aspect, trying to have the Center become a central repository for data on Hispanics, in order to be able to undertake research, advocacy, and development efforts.

For the past 15 years, with a modest appropriation, the Center has primarily focused its energy on the administration of grants to Hispanic community-based organizations, providing direct social services ranging from child care to elderly programs to economic development projects. Despite the limitations of funding, the Center did develop various initiatives that target the other components of its mission; in particular, research, advocacy, and development. Some of these initiatives were as follows:

The publishing of the document entitled, "Where Are They?" which is a report on the underrepresentation of Hispanics in State government.

Also, in 1988 and 1991, we prepared agency profiles on Hispanic community-based organizations, which reviewed and assessed the state of those agencies in relation to the present social and economic climate, and future needs. These were prepared and distributed to all the Commissioners in the State, and all the legislators.

We also created the Entrance for Community Service, a summer program initiated in 1988 to address the needs -- to recruit Hispanic professionals for careers in public service by providing work opportunities for Hispanic college students within government.

In the summer of 1991, we established the first Hispanic Leadership Fellows Institute, a program developed in partnership with Rutgers University. The objective of this program was to focus on the skills and leadership development of Hispanic college students, and provide the opportunity for policy analysis. A monograph of the students' articles from this Institute looking at different issues and policies as they impact on Hispanics is presently in production with a college review board.

And finally, a major part of our work is providing technical assistance and training for Hispanic community-based organizations. These sessions have encompassed grant management, proposal writing, information and referral, and long-range planning. In addition, as mentioned previously, the Center is attempting to develop a resource data base and resource library, with the goal of becoming a central repository of data on the status of Hispanics.

The Hispanic community in New Jersey is set at about 750,000, and is projected to surpass the million mark before the end of the decade. This represents 10 percent to 13 percent of the State population. There are approximately 50 established Hispanic agencies in the State of New Jersey. The definition of "established" as we are referring to it here, is

to agencies that have 501(c)-3 status and are registered with the Department of State.

The Center for Hispanic Policy, Research and Development presently funds 26, or 50 percent of those existing agencies. I should note that of those agencies, more than 40 percent are run by women, and almost 90 percent of all staff of all Hispanic agencies -- the staff people are also female.

With a budget of approximately \$1 million, the Center provides grants in aid that serve primarily as donor match for contracts established between Hispanic agencies and the Division of Youth and Family Services of the Department of Human Services. Due to budgetary constraints, the Center provides a limited number of straight grants for innovative new programs.

These agencies -- the Hispanic agencies in the State of New Jersey -- are located in three regions: 60 percent are located in the north; the other 40 percent are an indication of the growth pattern of the Hispanic population in the central and southern regions of the State. The Hispanic community-based organizations serve a critical role in the Hispanic community. In fact, these agencies have been referred to as the "lifeblood" of that population because of the relationship of their existence to the evolving needs and development of that target group.

In this context, these agencies serve as models for the focus of my brief remarks. As State agencies look toward addressing the needs of women in crisis, whether it is short term or long term in the transition of crisis to adjustment during this fiscally austere time, I think there is a lesson to be learned from the Hispanic CBO community that maximizes results by coordination of effort and resources. There are various initiatives for women in crisis within State government, yet there is little evidence of collaboration or coordination of these efforts to maximize the impact they can have locally.

The Department of Human Services, the Department of Health, and the Department of Community Affairs all provide programs specifically geared to women in crisis. However, there seems to be little effort to coordinate these activities in a systematic way that could help to stretch the resources and the programs' scope. Nowadays the typical Hispanic community-based organization depends greatly on collaborating with other service providers in order to meet the burgeoning demands for services in their communities. In fact, many of our funding sources encourage this approach as a most effective and efficient means of expediting service delivery. Yet, we do not practice what we preach.

I further submit to you the example of the working relationship between the Center for Hispanic Policy, Research and Development and the Division on Women as a model of coordination with respect to both women and ethnic concerns. The Division and the Center developed a partnership following the passage of the Hispanic Women's Demonstration Resource Center Act, Bill No. 2678. The Commission played a tremendous role, working with the Hispanic Women's Task Force of New Jersey, in getting this legislation passed. As a result of this legislation, funds were established and were administered through the Division on Women, to establish three Resource Centers for Hispanic Women.

One of the things that I think was most effective about this -- most effective in that process -- was that the Center for Hispanic Policy was very involved with the Division and the establishment of an Advisory Board for the Hispanic Women's Resource Centers, to help to identify community-based organizations that could host those particular centers. So, that partnership included an active participation of staff from the Center in that Advisory Board, and also established the precedent where the Director of the Division on Women played an active role on the Advisory Board of the Center for Hispanic

Policy, Research and Development, both giving input to not only policy development, but also program development.

The Center was resourceful in helping to identify the potential host agencies that could house and support the Hispanic Women's Resource Centers. Both Directors of the Division and the Center collaborate and cooperate on special events and forums, so that both ethnic and the women's agenda in general are infused into many of the activities that both participate in, such as the Hispanic Women's Task Force Forum and the League of Women's Voters' Conference, for example.

This effort has enriched both of the Divisions in their work and has helped to consolidate an agenda that meets the needs of two very special target groups. If this approach were followed by other State agencies, I am sure we could maximize our outcomes even during these very difficult times.

In the long term, a team approach will be critical to the work of policymakers, planners, and service providers as they seek to eliminate violence against all women, most importantly, as those incidences continue to grow. We look, in particular, at the situation with the growth and the need for services relative to violence against women -- Latino women -- because we are moving toward a multicultural society, and in meeting both the linguistic and cultural needs of the burgeoning Latino population in this State, for example, it will need to be a high priority on the agenda as the number of Latinos in crisis grows.

We are a long way from meeting the basic needs of these women, because, for example, in Essex County, which has the largest Hispanic population in this State, there are no bilingual staff at the shelter, yet data shows that approximately 40 percent of the Hispanic population in Essex is Spanish monolingual.

When talking to people at the women's hot line, it has been indicated that there is a major problem because the

incidence of Latinos seeking help in Essex County has steadily escalated over the last number of years. In addition to that, one of the things that concerned me as I did some research, was that the following counties have absolutely no bilingual staffing at their shelters: Atlantic, Burlington, Cape May, Cumberland, Salem, and Warren Counties.

In my earlier remarks I indicated that the largest growth of the Latino community during the past decade was in southern New Jersey, yet there is obviously a void in services in those areas. It should be noted that many shelters are now providing bilingual services for Latino women, but still they are not dealing with the cultural needs of these clients that would make intervention and long-term services more effective in empowering these women. This very same problem is taxing the local courts and legal services agencies in their efforts to deal with the tremendous influx of women into the system, especially women who do not have English as a first language.

The fact that the Uniform Crime Report does not keep information by ethnic breakdown further exacerbates the problem as it relates to social planning to alleviate the situation. The statewide bilingual hot line is a step in the right direction, but that service can only be truly effective if local services are available.

Another point about that is, in speaking to staff at the bilingual hot line, they indicated that there is a very, very low usage, or utilization of that particular service. That also indicates that there must be some problem with identifying or passing on the information that this bilingual hot line even exists. It should be apparent that there is a greater crisis looming if we do not address this very critical issue.

It almost seems imperative for someone at the State level to organize an interagency service network that would bring together the essential actors in this scenario; in

particular: the Administrative Office of the Courts, the Attorney General's Office, the Department of Human Services, the Department of Health, the Department of Education, the Office of the Public Advocate, and the Department of Community Affairs, which could pool their resources and pull together to deal with the linguistic and cultural needs of women in crisis by targeting all of the important areas in the process of liberating these women, everything from law enforcement and legal entities to the social services and empowering resources needed to save these women and their families.

If we are sincere about eliminating sex discrimination and dealing with the issue of violence, we must understand that race and ethnic discrimination is an integral part of the lives of women of color, and that we cannot divorce this reality in our effort to deal with all women.

I thank you for the opportunity to share these brief remarks, and I hope you will seriously consider my recommendations. I am open for any questions.

SENATOR LIPMAN: Maria, when you say "shelters," are you discussing the urban centers?

MS. VIZCARRONDO DeSOTO: Yes, in discussions with them. We did a survey over the last week while getting in contact, especially looking at those areas where there is a large Hispanic population -- 10 percent or more -- and those that apparently by the end of the decade should grow anywhere from 10 percent to 15 percent. It was interesting to find that in those areas Essex in particular, which has the largest Hispanic population, did not have anyone on staff able to address the needs.

Right now you have programs -- like the Department of Human Services provides a special grant to the Puerto Rican Congress of New Jersey, for instance -- to provide a number of workshops, seminars, and opportunities to address dealing with the issue of Latino women, in particular those who do not have

English as a second language, in addressing service providers around the State to train them in working on the cultural aspects. That is all well and good, but it seems sort of like it is in a void if you have that particular service, yet the other piece of just being able to have the staffing to deal with that issue is sort of left hanging like a loose end.

I know there are a variety of pieces. I keep bringing up the issue of the Division and the Center because there is another thing that I think makes it much more complete; that is the fact that those centers we are working with, with the Division are housed in agencies that have a multitude of services that can be very helpful, and they are housed in Hispanic agencies where the cultural and linguistic needs are being met.

Also, the Division created something that I think is very important, and that is that they have a network of the service providers at those Resource Centers who meet regularly in Trenton. They always invite the Center for Hispanic Policy's staff to be part of that, just to bring them up-to-date on issues and do some technical assistance and training on that aspect. That has worked very well. I must say -- and I am sure Bobbie will agree with me -- it is not even a matter of dollar resources. It is just a commitment that we have made to make sure that these centers work. I think if you look at that model, that could be a tremendous model to duplicate in other instances throughout the State.

I guess my big concern is that on days when we know we can go to the Appropriations Committee and bring up issues about the fact that we need more dollars-- In the event that more dollars are not there, I think there could still be a tremendous effort made by bringing a lot of the State agencies together that are providing some services, to look at how they could sort of join us. I know they are doing this in developing a uniform employment and training program. It is

being done in a variety of other areas -- economic development and others -- which are very critical. But obviously, the whole issue of services to women -- and the growing population of women in this State are women of color, in particular women who do not speak English-- That is a human resource that we have to address to find ways of helping to empower.

SENATOR LIPMAN: I would like to talk to you a little more on this subject, and Bobbie, too, to find out how we can bring these agencies together.

MS. VIZCARRONDO DeSOTO: Absolutely.

MS. FRANCIS: There are all kinds of laudatory things I would like to say about your analysis, because I think it is really on target. We have talked about the frustrations of having to work with so few resources, and yet what it takes is a real, openly expressed commitment for the State government to do that coordinating better. You know, if the commitment comes, perhaps some of the resources would soon follow -- we would hope -- but that has to be set.

I was interested in your having found out about the State hot line having relatively few calls -- or a relatively small demand for its Spanish capability, because we feel good about the fact that it is bilingual. But obviously, there is a lot more outreach that needs to be done.

I just wanted to share with you that we had one of our educational materials, what we call a "palm card," just a very small, little piece of literature, which said what your rights were and to call the hot line, and so on. We had a little -- just one sentence on it in Spanish, saying, you know, "If you need help, call," and it had the hot line number. We are now redoing that, and we are going to have separate palm cards in English and entirely in Spanish. We are going to have a new piece of educational material, and obviously then we have to make sure that it gets into the right places to be distributed. But we are going to be doing a little better on

that. We just constantly need to be finding out, even if what is there is not doing the job it needs to do.

MS. VIZCARRONDO DeSOTO: What I find very interesting is, a couple of months ago I was invited to make a presentation -- it was being done by the Administrative Office of the Courts -- looking at the whole area of volunteers in court intervention, and the fact that they do not have-- They are trying to find ways of recruiting more Latino volunteers to work in the court system.

One of the interesting things I see is that sometimes things are so blatantly obvious, and yet people do not address them. But I remember talking to one person, who said, "Oh, we need more volunteers in Newark. We don't even know where to go." The one thing I brought to their attention, and they sort of looked at me surprised-- I said, "Do you realize that Newark has six Hispanic community-based organizations that maybe you should tap to start at least looking at finding some source?" because, really, the community-based organizations -- the Hispanic community-based organizations -- seem to be what everything sort of revolves around. Whether or not a woman--

I remember, as Director of ASPIDA, a woman-- You know, ASPIDA deals with educational counseling and leadership development. A woman came to me with her daughter because she had been raped by her boss. I found it very interesting-- Obviously, I didn't tell her it was interesting, but what amazed me was-- I said to the woman, "Why didn't you think about going to the police, or going to the prosecutor's office?" She said, "I felt I had to go someplace where I felt I could trust someone." So she chose an agency that had no relationship to that kind of an activity. Of course, we helped to facilitate services to that particular young woman, but that is just an indication that, oftentimes you may think that a Hispanic community-based organization, just because it does day care, that it does not deal with anything else. But I assure

you, the members of the Hispanic community will come to that agency whether or not they realize-- They feel there is someone there whom they can trust, someone they can relate to, so they move in that direction. I am seeing that a number of agencies are coming to us -- State agencies -- looking for support in that. One of the things that I obviously see is that there really needs to be some effort at coordinating.

The other point I just want to make before there are any other questions is, the Hispanic Women's Task Force is in the process now of putting together some data and research, and are coming out with a particular position on an array of issues relating to women and violence. That should be coming out sometime in June. It will be presented for the first time at the National Council of La Raza Conference in Los Angeles in mid-July, but it will be available. I will make sure that a copy is submitted to the Commission, as well. It is going to be a very thorough look at a variety of issues anywhere from job discrimination to violence against women and the whole issue of services to Latino women in relation to services that are available in the local area.

MS. FRANCIS: That's great. In fact, my one other question -- and we can obviously explore it in more detail outside this context -- is on ways you would suggest that agencies like ours, you know, doing our domestic violence prevention, and so on, can do better outreach. How can we address our programs to speak to the larger community? You just gave one example of going to the CBOs in a given area, working through them even if they aren't domestic violence shelters, or, you know, they are not directly hooked to the issue -- to really work through them because the community comes to them. I guess there are other ways we could explore that.

MS. VIZCARRONDO DeSOTO: One other way is-- The local Hispanic community organizes itself statewide in a variety of

ways. One is obviously -- and you are familiar with this -- the Hispanic Women's Task Force, which touches-- You know, you are talking there about a membership that deals with everything from education through social services to private businesses. This could be tapped, as well, because there is a core of women there made up of volunteers within their own communities.

You also have the Hispanic Directors' Association, which represents all of the agencies, even those that we do not fund. There are about 50 bona fide operating agencies throughout the State that meet on a regular basis in Trenton. In fact, they meet at the Department of Community Affairs the first Tuesday of every month. It would be a tremendous opportunity to make arrangements to have representatives from all of those agencies, you know, within the Department of Human Services-- I think Human Services is a real critical one. I think DCA-- Because we tend to be much more involved more directly with the community, we tend to be more out there, but Human Services, with its resources, its array of services-- I mean, just DYFS and a variety of other places are where most of the services come from. You know, pulling in those and the areas in relation to law enforcement, which are, right now, very critical.

My husband happens to be a Superior Court judge here in Essex County dealing with family issues, and he just-- I can see the frustration he has from day to day because you really don't know where to direct some individuals, since many times they come up with so many problems. In fact, most of what he is dealing with are issues of domestic violence. It is amazing how he can sort of informally refer people, but he says there has to be a better way of doing this, because it is just getting-- It is just devastating the system day to day.

MS. FRANCIS: Again, I don't want to go on at length, but I know that when we get into multicultural kinds of issues, there needs to be a certain sensitivity to one culture

especially, which is purportedly the dominant culture, not telling other cultures, "You have to do it our way." It is a very difficult component when we are doing multicultural things. I guess what I am also interested in is knowing how it can be done so it is not looked on negatively in terms of, like, intervention in another culture. I mean, there are just all of those considerations that have to be taken into account.

MS. VIZCARRONDO DeSOTO: Well, there is a lot of planning that has to be done in that area, because some of the things people have done in the past-- I have noticed, because I came out of a community-based organization-- I was a director for years and most of my experience was working in community-based organizations. I think, you know, at least the advantage of knowing there is someone you can speak to in your language is a tremendous--

MS. FRANCIS: Sure.

MS. VIZCARRONDO DeSOTO: I mean, that is the entry. That is the immediate resolution of the problem. As we know, if a woman goes to a shelter the first thing she needs is to be able to talk to someone about it, but then it is sort of planning what she is going to do from that point on--

MS. FRANCIS: Yes.

MS. VIZCARRONDO DeSOTO: --and maybe even the rest of her life, and the direction she is going to take.

That is where you really need to-- I think there has to be better recruitment done, number one, of-- It is not only knowing Spanish, but having someone who is real sensitive to the culture; basically, Hispanic professionals who can work in that capacity, or do a lot of training with women so they can understand culturally. It is not only the Hispanic issue. As other groups start to develop here, you know, the East Indian culture that is growing a lot in the Passaic County area, and others, not only the Latino community-- You need to have people who can really-- There must be ongoing training.

MS. FRANCIS: Right.

MS. VIZCARRONDO DeSOTO: It is not just a language issue; it is a real cultural sensitivity issue that has to be understood.

MS. FRANCIS: Yes.

MS. VIZCARRONDO DeSOTO: One of the things I think happens is that people try to shortcut that because it is not a process that you can just sort of-- It is not like picking up a computer and learning how to operate it. It is a longer process. You know, it is an overall thing you have to go through. I think that is what makes it a little bit more difficult. But if we are really going to make an impact, that is the direction I think we must go in.

MS. FRANCIS: Great. I just wanted to make sure that you knew that was a concern of mine -- which I think you knew already.

SENATOR LIPMAN: Thank you so much for coming, Maria.

MS. FRANCIS: Thanks, Maria.

SENATOR LIPMAN: Ms. Mary Ann Wong, National Association of Social Workers. Oh, I got her just as she came in the door.

Is Betty Hickey here yet? (no response) I don't think so. I think Mary Ann will be our last witness.

MS. FRANCIS: No, Karen King.

SENATOR LIPMAN: She's not here yet.

MS. FRANCIS: Well, she wasn't scheduled until 6:30.

SENATOR LIPMAN: Well, we'll hear from Mary Ann Wong.

M A R Y A N N W O N G, MSW: Hello. Can you hear me?

SENATOR LIPMAN: That is not a mike.

MS. WALDOR: That is for the recording machine.

SENATOR LIPMAN: So you will just have to speak loudly.

MS. WALDOR: But you have to use that mike so the machine can pick you up.

MS. WONG: Okay. Members of the Commission, I am really grateful to be here today to have this opportunity to testify about the issue of incest.

I represent the National Association of Social Workers, New Jersey Chapter. I counsel survivors of incest, and I am also Co-Chair for the Children's Committee of the NASW. I am also a survivor myself, so I know firsthand the terror, the rage, the horror, the pain of what was done to me. Professionally, I deal with clients every day who go through indescribable suffering; whose lives, whose very core beings are altered because of this crime.

Before I get into that, I want to first define incest clinically. It is any inappropriate sexual behavior that is forced upon a child by parents, other members of the family, authoritarian figures, such as teachers, ministers, or any other trusted person, such as a baby-sitter or a neighbor. These acts range from voyeurism to actual rape. But whether a child was touched or not, the abuse is far-reaching with long-term consequences. If not detected early on, with treatment early on, the healing and recovery process can last a lifetime.

Therefore, I emphatically stress how crucial it is to establish statutes that will: 1) Detect and provide early treatment for victims; 2) detect and treat the offender so that he or she will not repeat the offense; and 3) abolish the statute of limitations, due to the deep repression of these crimes from the victim's conscious memory and the lengthy time it takes for a victim to be ready to face not only her abuser, but the entire court proceedings.

Incest affects every part of the victim, every part of her life. Number one, the trust is betrayed. Whom can she trust when she is violated by those she has been taught she can trust? Her trust boundaries are violated.

There is low self-esteem, if any at all, because of the feelings of powerlessness because she is unable to stop the abuse. Oftentimes, she is told that it was her fault. For many, there is the inability to do productive work, sometimes of any kind. It can be that decompacitating. There is a general sense of pervasive fear, not feeling safe anywhere; not feeling safe at home or outside of the home; not knowing where to turn. Most likely, the child is not believed, so she ultimately does not know truth from lies, her own or others'. There is also a feeling of shame involved.

Some of the other consequences are eating disorders. Sometimes a person eats to just fill up so she feels that the physical sensations can fill up the emptiness that is inside; can provide a barrier between her and her abuser. Sometimes it is anorexia, where they starve themselves because they do not want to become sexual women.

There is also the high likelihood that the victim will abuse others, or choose a partner who will abuse her children. Thus incest is multigenerational and intergenerational. In the more severe cases, there is development of multiple personalities, a defense mechanism that provides protection for the victim by allowing her to split into many different selves. There are also sexual disorders, either fear of sex, dysfunctional sex, or promiscuity, which, according to Wendy Moltz (phonetic spelling), in the "Sexual Healing Journey," is the last thing to heal.

The list goes on, but what I want to do right now is to cite a few of the cases I have worked with to validate these consequences, as well as point out the lengthy treatment process involved in working with victims.

The first case: A 46-year-old Afro-American woman, who has come with me today, and who has agreed to let me tell her story. She came to me four years ago. In the first session, she disclosed that she had been raped at age 13 by a

brother-in-law in whose home she lived. She told her father of the abuse, and she was moved to another sister's home. However, it was not further disclosed why she moved, and therefore the family thought she was just being fussy, or that she could not be satisfied. She moved many times after that, because in the next sister's home she was raped by a nephew within a year.

She had been in one-and-a-half to two years of therapy with me before she admitted to having multiple personalities. At that time, she numbered five. We have found more since then. When a person is multiple, I know there has been very severe abuse, whether it is in her conscious memory or not. The last few months, after four years of intensive weekly therapy with me and a weekly support group, this woman is finally remembering more of her abuse, more violent in her earlier life. So far she has remembered oral rape at age five to six by an uncle who lived with her. Then later on again, after her mother had passed on, her father's girlfriend forced her to participate in sexual orgies. She does not know if this is all. Memories are still coming. Four years into treatment, and now she is finally getting some of the more deeply repressed memories out.

Let me take a moment to explain memories. The victim regresses to the time of the perpetration of the act. It is as though it were happening right now. Memories are not only visual, but physiological, auditory, and olfactory.

Several weeks ago, this woman called me on the phone. That is when she remembered about the sexual orgy. She described to me later on that she crawled into her bedroom, took the phone, hid under the bed, locked her bedroom door, and was whispering to me because she was afraid the door was going to be broken open and she would be hurt again. This is now real it is for these survivors.

Anything can trigger these memories. We don't know; the patient -- the client does not know; the survivor does not know, for sure, and it can be triggered at anytime, anywhere. It can be a doily on a couch, anything. It can be something somebody says that just triggers them back and they regress to that time. It parallels the posttraumatic stress syndrome associated with war veterans. Since sexual abuse causes bodily injury, injury that the mind buries deep within its recesses, the physical pain of the abuse surfaces with remembering the events. So if there has been injury, they feel it all over again as though it were happening again right now.

It is absolutely crucial that someone going through this be in treatment so that the clinician can track her, can be with her, so that the person does not feel alone like she was when this happened -- really happened the first time. It is not safe for them, sometimes, to have these memories alone. Because they feel it is happening right now, they could do something to hurt themselves or others. It can go as extreme as suicide.

For this particular client, I recommended four weeks of inpatient treatment at a hospital facility so she could have 24-hour supervision. You can see with this case how intense and how in-depth this recovery process is. It is also very costly to be in years of therapy, something I feel should be paid for by the abuser.

Case two came in to see me because she thought she had a phobia or eating disorder. As I began to treat her, she disclosed that between the ages of 13 and 15 her father would watch her dress every morning. As you know, that is the age when girls are so sensitive to their changing bodies. He would also try to go into the bathroom when she was there. At the time, her mother was an untreated alcoholic. She also had a sister, who had been abused before. Her mother didn't do

anything, so she knew that had she even disclosed this, she would not be safe, so she kept it all in.

Luckily for her, at the age of 15, her mother stopped drinking. She was one of the lucky ones. Her mother not only stopped drinking, but she divorced her father. Even so, my client's symptoms of phobia and the eating anxieties surfaced during her first year of college, the first time she was ever away from home in a place she was not familiar with. She couldn't eat in public without feeling paranoid. Her stomach would just tighten, and even if she did eat she couldn't retain the food. During treatment, she connected that people watching her eat-- She connected it to her father watching her dress. This woman was never touched or raped, yet you can see how it has affected her. It was such a delayed reaction, even though her mother believed her and took action.

But, I want to point out the difference in the ages of the two cases. Whereas the 46-year-old is just beginning the intense part of her therapy, the younger woman, for the most part, is living a normal life as a young adult. She was with me for three years. The last I heard she was in a relationship. She had just gotten out of college and was looking forward to a career in social work. So, the sooner the victim is treated, the faster the recovery.

Case three: This one shows the continued intergenerational and multigenerational cycle of abuse when it goes untreated. I speak of my own abuse. I had always known of my physical abuse, and I spent many years in therapy dealing with it. But the sexual abuse only surfaced two years ago for me. I was 47 years old at the time it surfaced. I remember that another member of my family had told me of her abuse about 15 or so years ago. I didn't think anything of it then. I didn't know enough about child sexual abuse to even think that there was a connection with me, or anything.

When I remembered what she told me, I began to wonder if I had been abused and didn't remember. Now, I had been in therapy, as I mentioned, for a good 10 years. I went back to my therapist and I asked her to regress me. It was at that time that I remembered being beaten and being used as a sexual object, because the abuser would use the beatings to attain orgasm. As I was remembering this, I felt such shame it just pervaded from the inside of my body to my skin. I felt like a thing. I felt like I really didn't have to be there; anybody would have done, because it was simply for his sexual pleasure. Yet, when I remembered this, so many things fell into place: My fear of sex; abusive fantasies -- and I couldn't understand why I was having them; being afraid of a man's face when he orgasmed. I never connected these things to that. I just thought this man was going crazy, because at three and four -- my age when this first happened to me -- I didn't know what sex was.

When I told my grown children about this, my daughter started telling me about her abuse during her early teens. As a mother, I was just horrified that this had happened to her; that I didn't know and couldn't help her; couldn't keep her safe. She has also, by the way, given me permission to tell you this. Her abuse was verbal and emotional, having to repeatedly listen to a male relative's sexual exploits in very graphic detail.

The consequences to her was deep shame manifested in her whole body. She would blush. Her whole body would blush and turn red anytime sex was mentioned. She said she would feel "icky." That is how she described it. She said it was like the inside of her body and the outside were like molasses; that she could just never cleanse herself, never let it go. It was just always there.

Since I didn't know of my own abuse until recently, I didn't know the signs, and she did not tell me because her

abuser told her not to tell. So you can see, when it is not treated, it has far-reaching consequences, further than we can even know. The secrecy of the act, as well as the admonition not to tell, come with implied or explicit threats, which further hinders acknowledgement of this crime, thereby preventing early detection and treatment.

This is why we need to work to abolish the statute of limitations around bringing a case to court, because sometimes it takes so long to remember, and then it takes another few years to be prepared to go to court with this, because the abuser -- I'm sorry, the victim, not only faces her abuser, but sometimes the court system can be abusive in the questions asked.

In New Jersey alone, 1990 figures showed 1545 substantiated cases of child sexual abuse, accounting for 93 percent of all cases of child sexual abuse, and multiple abuse cases which included the sexual, 2311. This was last year only, and in one State. It is believed that the numbers are higher for 1991, although those figures have not been published yet. What is frightening is that many cases go unreported because of the secrecy that shrouds it. Those reported are not always substantiated because children are often not believed.

I think the implications of incest to society are dire. National figures are reaching epidemic proportions. One in every three girls is sexually abused by the time she reaches 18. Think of what this means to us: a society of scared people with low self-esteem, who are potentially dangerous to themselves and to others.

I came to this country from China at the age of three-and-a-half, and I am very grateful to be here. I am very grateful to be given this opportunity to speak out for these injustices. I know in China I could not have done this without life-threatening consequences. Oppression of women and children, of all peoples, lead to the weakening of society.

Let us instead continue to build a strong nation by protecting the rights of our most precious resource, our children.

Thank you very much.

SENATOR LIPMAN: Thank you very much, Ms. Wong. Cathy?

MS. WALDOR: I do have one or two questions, if I may--

SENATOR LIPMAN: Ms. Wong, would you please stay there?

MS. WALDOR: --one of which is a follow-up on testimony we heard last week also on this from two different sets of people -- one woman and then two women together. They seemed to differ in the percentage of child sexual abusers who are male. One thought it was perhaps somewhat evenly divided between men and women, and yet the other thought it was predominantly men. Do you know how we are tallying that?

MS. WONG: I don't have the actual figures, but my knowledge is that there are more males as offenders than females. But you see, again, this is the problem with reporting. Most of the reported cases are of male offenders. I think that has to do with some of the stigma around female offenders.

MS. WALDOR: My corollary to that was to wonder how many women who would abuse children might, themselves -- well, of either sex, but particularly how many women might have been abused themselves?

MS. WONG: Most likely they are married to partners who would abuse, so it is still passed down into generations. I'm sorry, but I do not have the figures for that.

MS. WALDOR: I had one other thought which came to mind as you said at the end that at least one statistic says that one in three girls will be sexually abused by age 18. I got a glimpse in my mind of the reports -- Carol Gilligan's work on young women moving into adolescence and how self-esteem drops off and so on. Do you have any knowledge of whether work that is being done in terms of just self-esteem is being hooked

into incidents -- possible incidents -- of sexual abuse related to that?

MS. WONG: I am not sure I understand your question. Are you saying that if they come in for low self-esteem that there might be incest involved?

MS. WALDOR: Yes. I guess what I am trying to put together is work that is being done fairly academically just more from even looking at young women in education, that they achieve up to about age 11 equally with boys, and then it tends to drop off, and that also correlates to a drop in their self-esteem. They are coming at it from a more, just general sociological or educational -- or what are we doing to acculturate our girls so that their self-esteem drops off? I have not yet heard anybody say that one component they might be looking at is an incidence of sexual assault being hooked into that drop off in self-esteem. So I just didn't know if you had heard any putting of those two ideas together.

MS. WONG: I have not heard of putting those two together, but you see, clinically, child sexual abuse and incest are still very new, even to our profession. We desperately need people who are more trained and have more of an expertise in this field. We are trying very hard to get that expertise. So I doubt that it is-- You know, that is my own personal opinion. I don't know for sure. Don't quote me on that.

MS. WALDOR: No. It just struck me that I know of the other initiative, too, and I have never seen them put together.

MS. WONG: I tend to think that it has not been correlated because of the secrecy around incest and child sexual abuse. It does not hit just one socioeconomic level or any specific race. It is really-- It goes all over the board. So I think that has not been correlated.

MS. WALDOR: Just one other thing: When you gave the clinical description of incest, it was broader than my perception of it.

MS. WONG: Yes.

MS. WALDOR: I picture it as being associated with family or guardian or, you know, an authority figure maybe, but not going further afield to neighbors and so on.

MS. WONG: That is the traditional definition of incest. That is why I was very careful to say that was the clinical definition. We expanded that definition because we found that many times the consequences, the symptoms, the ways of treatment we use are the same.

MS. WALDOR: Okay. Thank you.

SENATOR LIPMAN: I just want to tell you that Senate Bill No. 257 is proceeding through the Legislature now. That bill extends-- It cuts off the statute of limitations for that kind of reporting and charging, which you would like to see happen.

MS. WONG: Yes, excellent. Very good.

MS. GRIFFIN: May I just ask a question?

SENATOR LIPMAN: Sure, Melanie.

MS. GRIFFIN: When we were listening to testimony on that bill, which, as Senator Lipman said, extends-- It still has a two-year statute of limitations, but it extends it until after reasonable discovery. There was some implication by some of the Senators that the victims should have known it was happening, or really knew and somehow had some motivation for hurting their parents. I also read that therapists plant the idea of incest in their disturbed clients.

Now, I don't agree with any of that, but I wonder if there is an official answer to those objections, because they do come up. I mean, it is all part of the backlash against victims, obviously, in our minds. But, is that a usual-- I guess I am asking for a clinical analysis of the people who would say that, in a sense, but is there an answer to that?

MS. WONG: That's a good question. I think that because there is such secrecy involved, and because it does

happen at all socioeconomic levels, that, first of all, you don't know if the person you are talking to is an abuser, or has been abused, or whatever, you know. They may not even know it. I think it is easier to put it back on the victim.

I get very angry when I hear something like that, because these victims, myself included, have been victimized enough. That is one particular reason why it takes so long for victims to come and disclose, or to take a case to court, because-- When I work with clients, I have to prepare them that they are going to have to expect some kind of abuse from the court -- "abuse" in quotes, okay? -- just from the mere fact of the questions that are asked. If it goes to court, then the defense lawyer tries to put the victim in the wrong. They have to really be psychologically prepared. There is no fast way to do that.

As far as victims getting back at their parents, you know, to me, this is such a horrible thing. I see people suffering with this every day. I mean, it took a lot for me to come up here to disclose about my abuse and about what happened to my daughter. You know, it is really hard for me to imagine that they would just do it to get back at the parents. I am not saying that that is not some small, little component, but I think most of the time they simply do it because it makes them feel like they are taking care of themselves, and they are standing up for themselves, maybe for the very first time, and it is very empowering. It takes a lot of treatment to even get them to look at that. It takes years of treatment to get them to maybe even confront their abuser. I have had people with me for four or five years who still go back to their families and have not said a word. How they do it, I don't know, but somehow they close it off, and it is their decision..

So, you know, I can't see it. I think it is the same thing as sexual harassment. It is the woman asking for it.

MS. FRANCIS: This is maybe just a corollary, but this interests me, too, because we want to counter this. Clinically, the validity of memories that would come through the regression process-- Is there a real, solid underpinning for the validity of those memories? If you could say clinically, "Look, this doesn't come up out of fantasy" -- Freud -- "it comes up because it really happened--"

MS. WONG: All right, I can answer that in two ways: One is, when the person is in regression, she is actually acting out that age. I mean, she is there. It is not like she is telling me a story and making it up and saying this is what happened. She is actually experiencing it and going through it and reliving it at the same time. So I can't see how that couldn't be true, because the expression of their bodies, the expression on their faces are just too real for them to make it up; for them to act that part out.

And, of course, the other validity is, I always ask them to see if it happened to other members of their families. Oftentimes, that has happened, so that validates it. I know the client who is here has started speaking to her sisters and other members of her family, and it has been validated for her that there has been other abuse.

MS. FRANCIS: In fact, is it the minority of cases, probably, where there is only one victim? That sounds like a leading question; I shouldn't ask it that way. But is it usually that there has been more than one victim of the same abuser?

MS. WONG: From my clinical experience, yes, that is what I have found. Sometimes, though, the other people may not have remembered yet, so then you wouldn't know. Okay?

MS. FRANCIS: Right, true.

SENATOR LIPMAN: Thank you very much, Ms. Wong, for coming.

MS. WONG: Thank you.

SENATOR LIPMAN: We will now have, I think our last person to speak, Ms. Karen King, a businesswoman.

K A R E N K I N G: I was just asked the other day to come here, so I wasn't exactly sure what issues needed to be addressed. The other day at the hearing on discrimination--

SENATOR LIPMAN: And women in business.

MS. KING: Right. We were talking a little bit about how women can be sexually harassed and asked to sleep with people in order to get orders, and things of that sort. That wasn't really what I addressed in the paper I have given you.

SENATOR LIPMAN: It's all right.

MS. KING: Okay. What I am concerned with even more than that-- That is something that I can deal with as an adult. One thing that bothers me is how divorced women and their children are treated by the courts.

SENATOR LIPMAN: We want to hear about it.

MS. KING: It makes me wild. I am a single mother with sole custody of two children. My daughter, Kristen, was born in 1981. Kristen was the result of a long-term relationship I had had with a man whom I never married. He pays no support for Kristen. Kristen has, however, met him. She does know who he is, and so forth.

I married a man in 1985 and had a child by him, a son. After I married, I worked at a job and paid all of the expenses for a marital residence. I saved money to enable my husband and myself and our two children to purchase a home. My husband put his money into investment properties, which he owned with a partner. We bought a house in 1986 with the help of a loan from my parents. After purchasing the house, my husband became quite abusive to me and my daughter. I learned about how abusive he was to my daughter after the divorce.

The police had been contacted twice relating to domestic violence. I had gained a restraining order against my husband. We went through marriage counseling, and I was

hopeful that our problem could be resolved. In the winter of 1987 and 1988, my husband's abusiveness reached a point that I could no longer endure. I tried to find out from our attorney what measures I could take, but he could not advise me due to the fact that he represented both my husband and myself at previous times. I contacted a resource center for battered women, and they gave me the name of an attorney who could represent me. I retained the attorney and filed the appropriate papers.

In June of 1988, an attorney representing my former husband persuaded a Somerset County judge to dismiss the restraining order protecting me from my former husband. My former husband proceeded to contact me with menacing threats that were abusive and vulgar. In desperation I went to the municipal judge, who issued a temporary restraining order. The county judge who had dismissed the previous restraining order would only issue a permanent restraining order on the condition that my former husband's attorney was in agreement with it. In other words, they worked out a deal. I was forced to agree to my former husband's terms as presented by his attorney.

I was divorced in March of 1989. Some of the terms of the divorce as set forth by my former husband's attorney included: father to pay \$50 per week child support; father to pay half of all medical expenses; father to provide a \$100,000 life insurance policy; and father to have visitation every Wednesday and every other weekend. My former husband earns in excess of \$50,000 per year. He has never contributed more than his \$50 per week. My son has several medical problems. One of the conditions involves severe respiratory problems. He has missed an extensive amount of school due to illness.

During visits to Florida to his maternal grandparents, my son's health improved tremendously. After noting this development, I explored the option of obtaining employment in my field in Florida. I was offered two excellent sales

positions. The fact that my son's health improved so much and my financial situation would improve greatly, and the proximity to my parents who could assist me with the care of my children and reinforce family ties, were instrumental in my decision to move to Florida.

I informed my former husband of my decision to move to Florida and the reasons for my decision. I was then contacted by my former husband's attorney. The attorney notified me that my former husband would refuse to allow me to take my son with me to Florida, unless I agreed to his conditions. As part of my former husband's terms for granting me permission to move out-of-state with my son, my former husband has made the following offer so that the issue can be settled amicably, and I attached a copy of his attorney's letter to my written statement. It is in the back.

They would let me move to Florida, basically, if I would allow my son to come to New Jersey alternating holidays; spend half of Christmas vacation -- Mike would spend half of Christmas vacation in New Jersey; he would spend spring break with his father; he would spend one month vacation with his father in the summer; and his father would be entitled to visit him in Florida. I had no problem with any of these things, however often he wanted to see him. The catch is this: He wants me to be solely responsible for paying the entire cost of five round-trip tickets, whenever he decides he wants to have him come up.

He wants the restraining order removed. Okay? I don't understand why he is pushing so hard to have this restraining order removed. And he wants the child support of \$50 per week continued, and an agreement that: "Ms. King shall not make an application for an increase in child support for a period of five years from the date of this agreement."

It is obvious that my former husband is only interested in what he can gain from this situation. He shows

absolutely no concern for his own son. He does not show interest with regard to his own son's health, education, or financial well-being. I mean, I have given him copies of medical bills. The medical bills that I personally laid out are in excess of a couple of thousand dollars. He hasn't -- not a penny; not a single penny.

Until I decided to move, my former husband showed little interest in his son. He refuses to uphold his financial responsibility for his own son's medical or educational expenses. He has never seen his son for a Wednesday visitation. He pushed so hard for it, but never once has he seen him. He does not attend school meetings, Little League games he plays in, or any other functions involving the child. I think he showed up at two or three Little League games, you know, for whatever reason. He has never taken his son to the doctor or even helped him with his homework. For a weekend visitation, the father has never had his son stay with him. The father leaves the child at the paternal grandmother's for the entire weekend.

Even though I have sole custody of my children, I must have either the permission of the courts or the permission of the father, whose only concern is that of saving his money. The father has shown no regard for his son's health, education, or general welfare. The most important thing to this father is to continue paying an unrealistic \$50 per week.

The law needs to reflect concern about the abusive treatment women receive every day. Do you treat your wife, or would you like your daughter treated in this manner? It is time for this Commission to do something about it now. I don't know if this even applies to the Commission.

SENATOR LIPMAN: Yes, it does.

MS. KING: You know, my attorney tells me, "Well, you have to have a court order. You have to have his permission." And it is going to cost me \$20,000 to go to court. Why?

Because you have to have psychiatrists' reports saying it would be beneficial to the kid; you have to have studies done as far as the educational system; and all of this other stuff. He doesn't even care; I mean, he really doesn't care. He is doing this to harass me.

MS. FRANCIS: I think that is probably the reason why it really ties into what is being looked at. Last week we had testimony on things like nonpayment of child support being one sort of "violence" also. These are the kinds of things that all interrelate in systematic ways in which treatment of women keeps the oppression going. So, in that sense, it does apply.

MS. KING: Do you know what it is? Fortunately, I am in my own business, and I do pretty well. But there are a lot of women out there who are just at the mercy of their husbands. I mean, if they are not paying the medical bills, and they are not paying the child support, who suffers? I mean, it is the children.

SENATOR LIPMAN: This is such a strange situation -- a strained situation. I am wondering why he didn't ask you to give him alimony or something.

MS. KING: He did. Let me tell you what happened: When I first--

SENATOR LIPMAN: He did?

MS. WALDOR: Now you're reading her mind.

MS. KING: --started my company -- I started it in 1987 -- we were having some problems, so I put the company in my parents' names. Well, he was trying to get half of the company. When I separated from him, I told him, "You can have everything. I just want out of this marriage. You can have the house; you can have everything." And he answered, "You are going to be in the street. I will make sure that you never survive," I mean, threats like you wouldn't believe. He came after me, in front of the children, with a screwdriver, okay? My son mentioned it to him at one time, and he said, "Oh, your

mother must be mistaken." And yet the courts are willing to lift restraining orders. Not that a restraining order means that much if somebody really wants to hurt you; it is just a piece of paper. But at least it means that the courts are willing to stand behind you. They are trying to say, "You are not supposed to do that."

When I called the police to my house, they said, "Well, you better call your attorney in the morning and see what he says." I said, "Well, I want to press charges." "Well, you better talk to your attorney first." Now I understand that the law has been changed.

MS. FRANCIS: I was about to ask when this was.

SENATOR LIPMAN: When did this happen? We changed the law last year.

MS. KING: Well, this continued to happen. I mean, he used to call me on the phone up until about last summer, and then I guess his attorney must have told him, "You better not do that." I had a caller I.D. and everything, so it would show who called. But isn't that terrible that you have to be afraid to pick up your own phone?

SENATOR LIPMAN: Yes, it is.

MS. KING: So anyway--

SENATOR LIPMAN: It hasn't happened-- He hasn't annoyed you since last summer?

MS. KING: He hasn't annoyed me since about November, actually.

SENATOR LIPMAN: That is when the law went into effect, Melanie.

MS. GRIFFIN: That's right; November 12 was when the law went into effect. I don't know whether he got some more legal advice relative to that or not.

SENATOR LIPMAN: I think she can also move, can't she?

MS. GRIFFIN: She should be able to.

SENATOR LIPMAN: You should be able to go to Florida.

MS. KING: You know, I don't understand it. Sometimes I think what the attorney says, that they are just trying to-- I know the real estate market is slow, so they have to make it some other way.

MS. GRIFFIN: I would shop around for an attorney.

MS. KING: Okay, thank you.

SENATOR LIPMAN: Melanie-- You can call her at the Commission. Melanie is the Executive Director. I'm offering her services.

MS. KING: Yes, if I could find out--

MS. WALDOR: I think the Committee on Women in the Courts--

SENATOR LIPMAN: Oh, really?

Well, thank you very much for coming this evening. I see you have the children.

I think this about ends our testimony for today. I am reaching out: There is no one else who wishes to tell us anything more, is there? (no response) All right, okay.

Thank you all so much for coming.

(HEARING CONCLUDED)

APPENDIX

New Jersey State Library

ESSEX COUNTY PROSECUTOR'S OFFICE

MARCH, 1992

PROPOSED LEGISLATION REGARDING THE PROTECTION
OF WOMEN FROM VIOLENCE

Set forth below are a number of areas in which we believe legislation can be adopted which would serve to further protect women from violent acts. These proposals are based on our experience in responding to domestic violence and sexual assault cases on a daily basis.

As can be seen from a review of the topics, the proposed changes are not necessarily restricted in their impact to cases in which women are victims. Nonetheless, we believe, based on our experience, that these proposals would have the greatest effect in cases in which women are victims and therefore their adoption would substantially further the effort to protect women from violence.

**CREATION OF A NEW AGGRAVATED ASSAULT
OFFENSE FOR CASES IN WHICH THE
VICTIM SUFFERS SUBSTANTIAL INJURY
BUT THE INJURY DOES NOT AMOUNT
TO SERIOUS BODILY INJURY**

Our aggravated assault statute (N.J.S.A. 2C:12-1) distinguishes between assaults involving "serious bodily injury" and mere "bodily injury". "Serious bodily injury" is strictly defined as:

bodily injury which creates a
substantial risk of death or which

causes serious, permanent
disfigurement, or protracted loss
or impairment of any bodily member
or organ. [N.J.S.A. 2C:11-1b]

On the other hand, "bodily injury" is broadly defined as meaning

physical pain, illness or any
impairment of physical condition.
[N.J.S.A. 2C:11-1a]

If a defendant inflicts, or attempts to inflict, "serious bodily injury", the defendant is guilty of a second degree crime and faces, ordinarily, a 5 to 10 year sentence. But, if the defendant inflicts or attempts to inflict "bodily injury" and does so without using a weapon, the defendant is guilty of only a disorderly persons offense which carries a maximum sentence of six months. Only when a weapon is used in conjunction with causing or attempting to cause "bodily injury" is a defendant guilty of a crime.

This statutory scheme creates a wide gap in cases in which a weapon is not used. Depending on the nature of the injury caused or intended, the defendant is guilty of either a relatively serious offense or a relatively minor offense. There is no middle ground to cover those cases in which more than mere "bodily injury" is caused but less than "serious bodily injury" occurs.

This problem arises with some frequency in the domestic violence area. A husband or boyfriend may beat his wife or girlfriend and inflict substantial pain, suffering, and injury.

Yet because the defendant did not use a weapon and because of the strict definition of "serious bodily injury" prosecution of the assault as a crime, as opposed to a disorderly persons offense, is impossible.

This problem could be remedied by creating a new third degree aggravated assault for cases in which "substantial bodily injury," short of "serious bodily injury," is caused or attempted. Proof of "substantial bodily injury" would not require evidence of permanent, protracted disability, as does "serious bodily injury." On the other hand, it would require more than any pain or impairment of physical condition. What would be required would be substantial pain or substantial impairment of physical condition - i.e. more than fleeting or momentary pain or impairment of condition.

MANDATORY AIDS TESTING FOR SEX OFFENDERS

Rape victims are justifiably concerned about contracting AIDS as a result of the crime. However, at present there is no specific statutory or decisional law in New Jersey which would entitle a sexual assault victim to obtain the results of blood tests of the defendant. Moreover, in order to insure full receipt of grant funds under the Crime Control Act of 1990, states are required to adopt an AIDS testing statute by October of this year.

There are presently a number of proposed bills in this area, and the Division of Criminal Justice is in the process

of proposing legislation to address this concern. Among other things, the proposals authorize a court to order the defendant to submit to a blood test when there is probable cause to believe that there was an exchange of bodily fluids between the victim and the defendant.

While such legislation undoubtedly will be challenged, other courts have upheld AIDS testing under similar circumstances. People v. Thomas, 529 N.Y.S.2d 429 (Co. Ct. 1988), Johnetta J. v. Municipal Court, 267 Cal. Rptr. 666 (Cal.App. 1 Dist. 1990). We believe that a sexual assault victim's right to know whether his or her assailant carries the AIDS virus is as compelling as it is obvious. Such legislation should, therefore, be supported.

ASSAULTS ON PREGNANT WOMEN

Unfortunately, we have seen a notable number of cases in which a defendant has directed an attack upon a pregnant woman with the apparent purpose of either injuring the fetus or causing a miscarriage. Such cases are normally characterized by blows to the area of the pregnant victim's abdomen. Due in part to the definitional problem associated with the term "serious bodily injury" and also due in part to the fact that a fetus is generally not considered to be a person, it is often difficult to successfully prosecute a defendant for a crime (as opposed to a disorderly persons offense) in such cases.

This conduct is especially abhorrent and a specific statute should be enacted to properly punish those who engage in such

cruel acts. Such a statute could provide that any person who causes bodily injury to a pregnant woman with the purpose to injure the fetus or under circumstances which are reasonably likely to result in injury to the fetus is guilty of a third degree crime unless the defendant actually caused injury to the fetus in which case the defendant is guilty of a second degree crime.

PENALIZING POSSESSION OF CHILD PORNOGRAPHY

At present our obscenity statutes do not penalize the mere possession of child pornography. This is probably because the Legislature was concerned about the constitutionality of such a provision. However, in Osborne v. Ohio, 110 S.Ct. 1691 (1990), the United States Supreme Court held that a state can prohibit the possession of such material without violating the right to privacy. There is a bill (Assembly No. 263) pending which would make possession of child pornography a fourth degree crime. We believe such a provision is needed as it will serve to further protect children from the exploitation and damage inherent in child pornography.

**EXTENDING RESTRAINING ORDERS TO
THOSE WHO ARE NEITHER COHABITANTS
OR SPOUSES OF THE VICTIM**

The Prevention of Domestic Violence Act of 1990 provides for issuance of temporary and permanent restraining orders at the request of a "victim of domestic violence". The statute

defines a "victim" as one "who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member or a person with whom the victim has a child in common."

This definition does not apply to an ex-girlfriend if she neither lived with nor had a child with her ex-boyfriend. Nevertheless, we frequently see cases in which such an ex-girlfriend is harassed or assaulted by a former boyfriend. Because the ex-girlfriend does not fall within the definition of a domestic violence victim the provisions for a restraining order in the Prevention of Domestic Violence Act are inapplicable. This presents a problem, for the ex-girlfriend is often just as fearful of, and just as endangered by, her ex-boyfriend as a "victim of domestic violence" is by his or her cohabitant or spouse.

This problem could be addressed by specifically authorizing Superior and Municipal Court Judges to enter temporary and permanent restraining orders against those who commit acts of violence, including simple assault, terroristic threats and harassment. A temporary restraining order could be issued upon the filing of a sworn complaint. It would remain in effect until the criminal or disorderly persons matter was disposed of. The temporary restraining order would become final if the defendant was convicted or if the court, in spite of any acquittal of the defendant, is satisfied of the truth of the charge by a

preponderance of the evidence.

**ENHANCED PENALTIES FOR REPEATED
VIOLATIONS OF RESTRAINING ORDERS**

A violation of a restraining order is a disorderly persons offense or fourth degree crime depending on whether the conduct constituting the violation also constitutes a crime or disorderly persons offense.

Those who repeatedly violate a restraining order are especially dangerous since by their conduct they have demonstrated an intention to disregard the court's order and to continue to harass or assault the victim. Such conduct strikes at the heart of the Prevention of Domestic Violence Act and must be dealt with severely. Accordingly, second and subsequent violations should be exposed to mandatory extended terms.

PROHIBITING "PEEPING TOM" ACTIVITY

Under Title 2A, "Peeping Tom" activity was specifically prohibited by N.J.S.A. 2A:170-31.1. This statute was repealed when Title 2C was adopted. There is no provision in Title 2C which directly addresses this problem. The harassment statute (N.J.S.A. 2C:33-4) requires that the victim be aware of the offender and there must also be proof that the offender intended to annoy the victim, which probably is not the case since the offender's purpose is to act surreptitiously. Similarly, the trespass statute is of little use since it requires an entry

into a structure.

This problem could be addressed by adoption of a statute similar to the former N.J.S.A. 2A:170-1. In fact, such legislation was proposed by Assembly Bill No. 2989 in 1988 but not enacted.

GENDER MOTIVATED OFFENSES

In certain instances our statutes provide for enhanced punishment when race, religion, ethnicity or sexual orientation is, in whole or part the motive for the offense. See, e.g. N.J.S.A. 2C:33-4. In other instances, our statutes specifically condemn conduct which threatens a victim with violence on the basis of race, color, creed, or religion. N.J.S.A. 2C:33-10.

It would seem to be a logical and proper extension of these statutes to include gender within their ambit. Thus when the victim was harassed, or threatened because of his or her gender, the added punishment provided by these statutes could be imposed.

In this regard, it should be noted that the list of aggravating factors which a court must consider in deciding the length of sentence (N.J.S.A. 2C:44-1a) does not include a provision regarding the victim's race, religion, gender, or ethnicity. This should be remedied by providing that if the offense was motivated, in whole or part, by the victim's race, religion, ethnicity, color, gender, or sexual orientation, this shall be considered as an aggravating factor at the time of sentencing.

Similarly, it might be noted that in certain instances our assault statute up-grades simple assaults to indictable offenses because the victim is a police officer, teacher, or medical services provider. N.J.S.A. 2C:12-1b(5). However, there is no similar provision for cases in which the assault is motivated, in whole or part, by the victim's race, religion, ethnicity, color, gender, or sexual orientation. Again, we suggest that it would be appropriate to include such a provision in the assault statute.

The Advisory Council on Domestic Violence was reactivated in 1987 with the passage of S-1318 (Lipman). It is intended to bring coordination and coherence to New Jersey's efforts to address the issue of domestic violence from a statewide perspective. The 19 member council includes: the Directors of the Division on Women; the Division of Youth and Family Services; the Division of Economic Assistance; the Commissioner of the Department of Education; the Attorney General; and representatives from Legal Services of N.J.; the Police Chiefs' Association; the Prosecutors' Association; the Crime Prevention Officers Association; the Hospital Association; the Violent Crimes Compensation Board; the New Jersey Coalition for Battered Women and domestic violence survivors.

Our legislative charge requires that we:

- * monitor the effectiveness of laws concerning D.V. and make recommendations for their improvement;
- * review proposed legislation and make recommendations to the Governor and Legislature;
- * study needs, priorities, programs and policies throughout the State;
- * ensure that providers and the community are aware of needs and services, and
- * make recommendations for community education and training programs.

Our first efforts as a Council were driven by the first two sections of our charge. We looked closely at the Prevention of Domestic Violence Act, held public hearings throughout the State

and found numerous problem areas in the implementation of the law. Approximately 150 battered women, client advocates, attorneys, medical professionals, police, prosecutors and concerned citizens presented testimony based on their experience with the existing law. The results of these hearings became the impetus and the contents of S-2230 which was signed into law in November 1991, thereby giving New Jersey the strongest domestic violence law in this country. In addition, the Supreme Court prepared a procedure manual to direct the implementation process. This too, guided by the testimony obtained in those public hearings.

The Council is now actively involved in monitoring the implementation of the law with its presence on both county and the statewide working groups. We are as members of the Council doing trainings statewide for police, judicial and court personnel as well as the community-at-large. We are encouraging further training on D.V. through interactions with the state and county departments of health, probation and parole, prosecutors and attorneys. We monitor the services available to survivors of violence and support the increase of resources to shelters and programs. We have upgraded the need to educate, train and raise public awareness of D.V. from a subcommittee function to the responsibility of the whole group and it is in this direction that our work for the coming year is focused. Presently, we have a tentative schedule to evaluate the effectiveness of the 1991 amendments through a simplified version of our original public hearings in the Spring of 1993. We are also exploring a

collaborative effort with the Department of Education to develop Family Life curricula specific to the problem of D.V. We are continually reaching out to the community to make them aware of the law, criminal and civil remedies to D.V., the need for increased community involvement to assure that the not just the letter of our law - but its intent - becomes apparent to victims, potential victims, perpetrators and potential perpetrators. We have created a most comprehensive legal tool to address D.V. We now need to instill in our citizenry the will to make it work. We can now protect - how will we now prevent?

The Advisory Council is committed to a proactive stance on ending violence in the lives of women. We submit it is a mistake to focus on law enforcement, punishment of assailants, or even sheltering victims as the final answer. It is a mistake to focus on domestic violence as solely a woman's issue, as a child advocate's issue, as a doctor's issue, a lawyer's issue. It is not a mental health issue; not solely an educational issue. It is not a police problem or a relationship issue. It is rather a societal issue and a community's problem. It involves great costs to us all and great suffering to those directly affected.

- In the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant.
- Research suggests that wife-beating results in more injuries that require medical treatment than rape, auto accidents, and muggings combined.
- Battering often occurs during pregnancy. In just one

hospital emergency department, 21% of pregnant women had been battered. These women had twice as many miscarriages as nonbattered women.

- It has been estimated that 30% of all rape victims are battered women.
- FBI data indicate that 30% of female homicide victims are killed by their husbands or boy friends. This translates into the death of four women per day at the hands of male partners.
- A California study of state prisons found that 93% of women who had killed their mates had been battered by them; 67% of those women indicated homicide resulted from an attempt to protect themselves or their children.
- Research results suggest that battering is the single most common factor among mothers of abused children.
- Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate 1500% higher than the national average in the general population.
- Some of the emotional effects of domestic violence on children include:
 - taking responsibility for the abuse;
 - constant anxiety (that another beating will occur);
 - guilt at not being able to stop the abuse or for loving the abuser;
 - fear of abandonment.

- Research states that 63% of adolescent males incarcerated for homicides, killed a man who was abusing their mother.
- Boys who witness domestic violence grow up more likely to batter their partner. Girls who witness their mother's abuse have a higher risk of being battered as adults.
- Industry loses \$3 - 5 million dollars annually from absenteeism due to domestic violence.
- Battered women may comprise a significant percent of the homeless population. It is estimated that in New York City 20 to 40% of homeless persons are battered women.

This brings us to the very subject matter of this hearing. Domestic violence is simply a symptom of the far deeper problems of a society in which women are devalued and cut out of the loop of power. Recent events made apparent to us all through extensive media coverage underscore the very shaky infrastructure on which equality for women is built in this society. The Anita Hill/Clarence Thomas hearings, the William K. Smith/Patricia Bowman trial, the St. John's University rape trial and the proliferation of assaults on our own State University campus make clear to us that women are not safe to pursue their interests, their careers, their education or even their personal decisions without oppression.

The Advisory Council on Domestic Violence submits to this hearing panel that ~~prevention~~ of domestic violence, and woman abuse, in all its varied forms, is a gender based crime. And, furthermore, until this society assures that basic needs are met, basic equity is unreachable. We must have adequate,

accessible health care, We must provide reliable, appropriate child care. We must make available safe, decent and affordable housing. A quality education and job training must be every citizen's right. Full employment at a living wage must be attainable. And, until it is, realistic assistance programs must exist to support individuals working toward that end. Racism, classism and sexism work hand in hand to provide violence a place to happen. We recommend that these issues be recognized as the root of domestic violence, and of all violence. We can stop it only when we stop these practices.

THANK YOU. I APPRECIATE THE OPPORTUNITY TO ADDRESS THIS ESTIMABLE FORUM. I AM THE FOUNDER AND EXECUTIVE DIRECTOR OF THE UNITY GROUP, INC., AN ADVOCACY ORGANIZATION FOR BATTERED WOMEN AND THEIR CHILDREN.

PRIOR TO FOUNDING UNITY, I HAD BEEN AN ADVISOR AND SPEECHWRITER FOR THEN SECRETARY OF HHS, MARGARET HECKLER. AS SUCH, MY AREA OF CONCENTRATION WAS WOMEN'S ISSUES, AND DOMESTIC VIOLENCE IN PARTICULAR. DURING THIS PERIOD, I MET WITH MOST OF THE MOVERS AND SHAKERS IN THE FIELD AND WORKED CLOSELY WITH SECRETARY HECKLER AND THE DEPARTMENT OF JUSTICE WHEN THE 1984 DOMESTIC VIOLENCE LAWS CAME INTO BEING. EVEN THEN, THE FEDERAL GOVERNMENT HAD DISSEMINATED MATERIALS AND RECOMMENDED TRAINING FOR PROFESSIONALS IN ALL DISCIPLINES: THE JUDICIARY, CLERGY, EDUCATORS, HEALTH CARE PROVIDERS AND LAW ENFORCEMENT, ETC., WITH THE INTENT OF RAISING THE CONSCIOUSNESS OF EVERYONE TO THE PERVASIVENESS OF THE SCOURGE OF DOMESTIC VIOLENCE. THEN SURGEON GENERAL KOOP REFERRED TO DOMESTIC VIOLENCE AS THE #1 HEALTH PROBLEM IN THE U.S. AND THE LEADING CAUSE OF DEATH AND INJURY TO AMERICAN WOMEN.

AND AS OF NOVEMBER 12 OF LAST YEAR, THANKS TO SENATOR LIPMAN, WE IN NEW JERSEY ARE BLESSED WITH A NEW AND TOUGHER DOMESTIC VIOLENCE LAW WHICH MANDATES TRAINING, BUT WE MUST BE EVER VIGILANT AND NEVER REST ON OUR LAURELS. WE ARE STILL TALKING TRAINING EIGHT YEARS LATER. THERE IS MUCH TO BE DONE AS LONG AS THERE IS EVEN ONE WOMAN LANGUISHING IN HER PRIVATE HELL.

WHEN WE CONSIDER THAT EVERY 15 SECONDS A WOMAN IS BEING ABUSED IN THIS COUNTRY, WE KNOW THAT WE HAVE NOT COME A LONG WAY, BABY. IN FACT, THAT WAY IS STREWN WITH BODIES, SOME DEAD, SOME CRIPPLED FOR LIFE, MENTALLY AND PHYSICALLY. ALL VICTIMS OF AN INSIDIOUS TYRANT, THE ABUSER, MAKING A SHAM OF THE MOTTO "THE LAND OF THE FREE AND THE HOME OF THE BRAVE." AS WE SPEAK, THERE ARE LITERALLY THOUSANDS OF WOMEN WHO ARE BEING HELD HOSTAGE IN THEIR OWN HOMES. THOUGH THERE MAY NOT BE BARS ON THE WINDOWS AND DOORS TO KEEP HER IN, THEY ARE NOT NECESSARY BECAUSE THERE ARE INVISIBLE BARS WHICH KEEP HER PRISONER. THOSE INVISIBLE BARS CONTROL THE MINDS OF THESE VICTIMS AND THEY ARE STRONGER THAN ANY IRON BARS COULD BE. THROUGH THE MEANS OF MIND CONTROL, BRAINWASHING, UNDUE INFLUENCE OR COERSIVE PERSUASION -- CALL IT WHAT YOU MAY -- IT IS ALL ONE AND THE SAME, AND RESULTS IN THE

LET ME CITE AS AN EXAMPLE, PATTY HEARST, PERHAPS THE FIRST WELL-KNOWN ABUSED VICTIM IN RECENT TIMES. SHE WAS ASKED WHY SHE DIDN'T LEAVE WHEN LEFT ALONE BY THE SLA. HER RESPONSE WAS, "I COULD NOT LEAVE BECAUSE I, PATTY HEARST, WAS NOT THERE. I WAS TANIA THEN. IF I HAD BEEN PATTY HEARST, YES, I WOULD HAVE LEFT, BUT I WASN'T AND THEREFORE IT WAS NOT POSSIBLE." AND BEFORE THERE WAS PATTY, THERE WAS ALICE IN WONDERLAND, WHO WHEN QUESTIONED BY THE CATERPILLAR ABOUT HER IDENTITY REPLIED, "I CAN'T EXPLAIN MYSELF, SIR, BECAUSE I'M NOT MYSELF, YOU SEE." LIKE FAR TOO MANY OF US, THE CATERPILLAR REPLIED, "I DON'T SEE."

PERHAPS SOME OF THE FOLLOWING WILL HELP ALL OF US TO SEE BETTER. A TEAM OF DOCTORS WHO WERE RESPONSIBLE FOR REHABILITATING RETURNING PRISONERS OF THE KOREAN WAR CONCLUDED THAT ALL HOSTAGES WERE SUBJECTED TO WHAT THEY TERMED THE 3 DS. OBVIOUSLY, EACH CASE CAN VARY ON A SCALE OF 1-10, BUT THE PATH TO TOTAL SUBJUGATION OF A VICTIM, ANY VICTIM, IS THROUGH DEBILITATION, DEPENDENCY AND DREAD. STARTING WITH DEBILITATION, THE CAPTOR BEGINS TO PROGRAM HIS VICTIM TO INSURE THAT SHE DOES NOT ESCAPE. FIRST AND FOREMOST, THE VICTIM MUST BE ISOLATED FROM FAMILY AND FRIENDS, THUS DEPRIVING HER OF THE SUPPORT SYSTEM SHE REQUIRES TO

RESIST HIS PRESSURES. VERBAL, EMOTIONAL, PHYSICAL AND SEXUAL ABUSE ARE STANDARD. HUMILIATION, DEGRADATION, DENIAL OF FOOD AND SLEEP PLUS ON-GOING THREATS ARE ALL PART OF THE PROCEDURE WHICH SOON ENOUGH WILL REDUCE ANY FREE PERSON TO A SLAVE-LIKE CONDITION.

ONE'S BELIEF SYSTEM, ONE'S MORES, ONE'S PAST LIFE, ARE ALL SLOWLY BEING TORN AWAY. THESE TECHNIQUES EMPHASIZE THE COMPLETE OMNISCIENCE OF THE CAPTOR. "GASLIGHTING" TECHNIQUES ARE EMPLOYED SO THAT THE VICTIM BEGINS TO BELIEVE THAT NOTHING IS EVER AS SHE VIEWS IT. HE WILL TELL HER WHAT IS REAL AND WHAT IS NOT. NOTHING SHE DOES IS EVER RIGHT. SHE WALKS ON EGGS, HOPING THAT SHE WILL PLEASE, BUT THAT IS PURE FANTASY, FOR WHAT IS RIGHT IN THE MORNING IS DEFINITELY WRONG IN THE EVENING. OCCASIONAL INDULGENCES PROVIDE MOTIVATION FOR COMPLIANCE AS THE VICTIM CONTINUOUSLY HOPES FOR CHANGE.

NOW WE ARE AT THE SECOND D - DEPENDENCY. THE VICTIM IS HIS. SHE KNOWS IT IS FUTILE TO RESIST, THAT HER WELL-BEING DEPENDS ENTIRELY UPON HOW WELL SHE CAN SATISFY THE EVER-CHANGING DEMANDS OF HER OPPRESSOR. THE SLIGHTEST DEVIANCE CAN INCUR WRATH AND

SEVERE PUNISHMENT AND IT IS ALWAYS HER FAULT AND SHE ALWAYS PROVOKED HIM AND SHE ALWAYS MADE HIM DO IT.

THIS WOMAN LIVES IN A CONSTANT STATE OF PANIC AND UNCERTAINTY, WHAT DR. SAUL SCHEINGOLD HAS TERMED "SOUL MURDER." HE SAYS, "SOUL MURDER IS THE DELIBERATE ATTEMPT TO ERADICATE OR COMPROMISE THE SEPARATE IDENTITY OF ANOTHER PERSON. VICTIMS OF SOUL MURDER REMAIN, IN LARGE PART, POSSESSED BY ANOTHER, THEIR SOULS IN BONDAGE TO SOMEONE ELSE."

HAVING SUCCESSFULLY TRAINED HIS VICTIM, SHE NOW LIVES IN TERROR OR DREAD, THE THIRD D. IT OVERWHELMS THE VICTIM AS SHE REALIZES THAT SHE MIGHT DIE, THAT THERE ARE NO BOUNDS TO THIS MONSTER'S DEPRAVITY. HE HAS THREATENED NOT ONLY HER, BUT THEIR CHILDREN, HER FAMILY AND EVEN HER FRIENDS. ALL WILL BE CONDEMNED TO HIS VIOLENCE IF SHE EVER DEVIATES FROM HIS RULES, HIS DEMANDS. THOUGHTS OF LEAVING ARE OUT OF THE QUESTION. SURVIVAL IS THE ONLY PRIORITY. MANY BATTERED WOMEN THINK OF THEMSELVES AS SACRIFICIAL LAMBS, REMAINING PRISONER TO PROTECT OTHERS.

I HAVE OFTEN DRAWN THE COMPARISON BETWEEN THE VICTIMS OF THE HOLOCAUST AND THE VICTIMS OF DOMESTIC VIOLENCE. I AM PLEASED TO NOTE THAT DR. R. J. LIFTON AND DR. SAMUEL KLAGSBRUN HAVE ALSO MADE THIS COMPARISON. THE MACRO AS OPPOSED TO THE MICRO, BUT IS IT REALLY THE MICRO? AFTER ALL, THE HITLER HOLOCAUST HAD A BEGINNING AND AN END, WHEREAS THE VICTIMIZATION OF WOMEN, LIKE A MOBIUS STRIP, SEEMS ENDLESS.

ANYONE UNDERGOING THE 3 DS IS A DEHUMANIZED BEING WHO IS UNABLE TO DISTINGUISH HERSELF AS A SEPARATE PERSON AND OFTEN IS UNABLE TO DISTINGUISH RIGHT FROM WRONG. THESE WOMEN ARE SURVIVORS IN THE SAME WAY THAT HOLOCAUST SURVIVORS ARE. THEY DO WHAT THEY NEED TO DO IN ORDER TO SURVIVE.

UNFORTUNATELY, THERE ARE THOSE IGNORANT AMONG US WHO INSIST AND PERSIST IN CALLING THE BATTERED WOMAN A MASOCHIST. THAT IS A SHOCKING, BLATANT LIE AND ONE OF WHICH THE PUBLIC MUST BE DISABUSED. NO BATTERED WOMAN WANTS TO BE HURT. SHE IS NO DIFFERENT FROM YOU AND ME. DO YOU WANT TO BE HURT? I DON'T THINK SO. PLEASE LISTEN TO THESE WORDS OF A BATTERED WOMAN. "FROM MY OWN EXPERIENCE, AS WELL AS FROM WHAT I HAVE GATHERED

THROUGH CONVERSATIONS WITH OTHER BATTERED WOMEN, I CAN SAY THAT IT IS THE SOCIAL MISPERCEPTION OF THESE WOMEN AS MASOCHISTS THAT IS LARGELY RESPONSIBLE FOR HOLDING THEM VICTIM TO THE ABUSE THEY ENDURE. WE BECOME EMBARRASSED TO ADMIT PUBLICLY TO BEING IN AN ABUSIVE RELATIONSHIP LEST WE BE LABELED MASOCHISTS. FAR MORE FRIGHTENING THAN THE THREAT OF ANOTHER BEATING IS THE PROSPECT OF THE PUBLIC HUMILIATION THAT OUR ALREADY FRAGILE EGOS WOULD BE FORCED TO ENDURE. BETTER THEN TO STAY. UNTIL SOCIETY CAN RECOGNIZE THE COMPLICATED (AND LARGELY INDIVIDUAL) REASONS THAT WOMEN DO REMAIN IN ABUSIVE RELATIONSHIPS, THEY WILL CONTINUE TO DO SO -- MAKING SOCIETY AS GUILTY OF THE ABUSES AS IS THE BATTERER HIMSELF." AND FROM AN EXPERT, DR. PAULA CAPLAN, FROM HER BOOK ON THE SUBJECT: "WOMEN'S BEHAVIOR THAT IS OFTEN THOUGHT TO BE MASOCHISTIC SHOULD INSTEAD BE ATTRIBUTED TO THE FOLLOWING TRAITS: THE ABILITY TO DELAY GRATIFICATION AND WAIT FOR REWARDS THROUGH EFFORT, THE CAPACITY TO PUT OTHER PEOPLE'S NEEDS AHEAD OF ONE'S OWN, THE BELIEF, BASED ON PAST EXPERIENCE, THAT ONE SHOULD HAVE LIMITED EXPECTATIONS, AND THE EFFORT TO AVOID PUNISHMENT, REJECTION AND/OR GUILT. THE SAME BEHAVIORS THAT ARE DEFINED AS MASOCHISTIC IN WOMEN WOULD BE DEFINED QUITE HEALTHILY AS

SACRIFICIAL, OR COURAGEOUS, OR FACING REALITIES, OR HARD WORK, IN MEN."

TALK ABOUT A DOUBLE STANDARD! AT ANY RATE, THERE IT IS FROM EXPERT AND THE VICTIM HERSELF. IF WE DO NOT START AT BIRTH TO SUPPORT OUR CHILDREN, PARTICULARLY OUR FEMALE CHILDREN, TO DEVELOP A SENSE OF SELF-ESTEEM, AN ASSURANCE OF SELF-HOOD, WE ARE DELINQUENT PARENTS AND SHOULD NOT BE SURPRISED OR BLAMING WHEN OUR CHILD BECOMES A VICTIM. IF YOU ARE TAUGHT TO BE A VICTIM, YOU WILL BE ONE.

IS IT ANY WONDER THAT BATTERED WOMEN DO NOT LEAVE? AND IF THEY DO, THEY ARE ALL TOO FREQUENTLY FACED WITH THE POSSIBILITY OF BEING STALKED AND WORSE THAN THAT, THE POSSIBILITY OF BEING KILLED. BATTERED WOMEN NEED TO KNOW THAT, SHOULD THEY HAVE THE COURAGE TO LEAVE, THEY CAN BE SAFE.

THEY SHOULD BE ABLE TO TRUST THE SYSTEM, BUT TOO OFTEN THEY ARE REWARDED WITH A SYSTEM THAT BACKFIRES AND VIOLENCE AND DEATH ARE TOO FREQUENTLY THE RESULT. ATTITUDES MUST CHANGE. WE MUST STOP MINIMIZING THE CRIMES COMMITTED AGAINST WOMEN. FURTHER RESEARCH

INTO THE PROBLEM IS SUPERFLUOUS AND RIDICULOUS. WE ALL KNOW WHAT NEEDS TO BE DONE. LET US GET ON WITH SAVING LIVES AND STOP THE FLOW OF MONEY WHICH IS FOOLISHLY SPENT ON "STUDIES."

ELIE WIESEL HAS SAID, "IN TIMES OF EVIL INDIFFERENCE TO THE EVIL IS EVIL. NEUTRALITY ALWAYS HELPS THE KILLER, NOT THE VICTIM."

LET US NOT RECEDE INTO NEUTRALITY, LET US ALL, ACT. WE MUST INSIST THAT THE NEW DOMESTIC VIOLENCE LAW BE ENFORCED. IT MUST BE MANDATORY THAT LAW ENFORCEMENT AGENCIES, LEGISLATORS, PROSECUTOR'S OFFICES, JUDGES, ATTORNEYS, HEALTH CARE PROVIDERS, SOCIAL SERVICE AGENCIES (WHICH ARE MANDATED TO PROVIDE BUT WHICH ALL TOO OFTEN DIVIDE), EDUCATORS, CLERGY, ALL, WITHOUT EXCEPTION, SHOULD BE TRAINED IN DOMESTIC VIOLENCE DYNAMICS AND ISSUES.

THERE SHOULD BE NO REASON NOR ANY EXCUSE FOR PROFESSIONALS, UPON WHOM THE PUBLIC DEPENDS, TO IGNORE OR EXACERBATE THE PAIN AND PROBLEMS OF THEIR CLIENTS BECAUSE THEY ARE IGNORANT.

IGNORANCE IS NO EXCUSE.

ARREST IS NOW MANDATORY IF THERE IS EVIDENCE OF PHYSICAL INJURY OR "PROBABLE CAUSE" TO BELIEVE VIOLENCE HAS OCCURRED OR A WEAPON

IS INVOLVED. AND NOW, JUDGES MUST AWARD CUSTODY OF A CHILD TO THE NON-ABUSIVE PARENT, PENDING A REGULAR CUSTODY HEARING, AND THEY CANNOT ALLOW THE ABUSER BACK INTO THE HOUSE UNLESS REQUESTED BY THE VICTIM. ALSO, THE DEFINITION OF AN ABUSER NOW COVERS ANY PERSON WHO IS A PRESENT OR FORMER HOUSEHOLD MEMBER, NOT ONLY SOMEONE RELATED BY BLOOD OR MARRIAGE. REPEAT OFFENDERS ARE NOW REQUIRED TO SERVE 30 DAY JAIL SENTENCES. AND, THERE IS NO LONGER AN "IN HOUSE" RESTRAINING ORDER UNDER WHICH THE ABUSER WAS ALLOWED IN THE HOUSE BUT ORDERED TO STAY AWAY FROM THE VICTIM. TOO MANY DEATHS OCCURRED AS A RESULT OF LAXITY IN THE LAW.

ALL WELL AND GOOD, BUT LISTEN TO THESE ADMISSIONS BY SOME OF THE PROFESSIONALS: IN THE FAMILY LAW QUARTERLY DATED SUMMER 1991 IN AN ARTICLE ON CUSTODY AND CHILD ABUSE BY MEREDITH SHERMAN FAHN, SHE CONCLUDES THAT THE SYSTEM IS INADEQUATE, THAT THE LEGAL PROCESS MUST BE UPDATED OR WE WILL BE UNABLE TO PROTECT OUR CHILDREN.

AND FROM THE MEDICAL VIEW, THERE APPEARED IN JAMA, AUGUST 90, AN ARTICLE DESCRIBING THE INADEQUACIES OF PHYSICIANS, HOSPITALS AND ESPECIALLY EMERGENCY ROOM STAFF IN REPORTING CASES OF ABUSE. IN

90% OF THE INTERACTIONS, THE PHYSICIANS FAILED TO OBTAIN A PSYCHO-SOCIAL HISTORY, FAILED TO ASK ABOUT A HISTORY OF ABUSE AND FAILED TO ADDRESS THE QUESTION OF THE WOMAN'S SAFETY. THIS FAILURE TO MAKE INQUIRIES MEANS THAT THE PHYSICIAN HAS FAILED THE PATIENT AND HAS IN FACT IGNORED THE MOST SERIOUS THREAT TO HER LIFE AND WELL-BEING. AT THE SAME TIME, HE OR SHE HAS ALSO CLOSED THE DOOR TO ANY PREVENTIVE MEASURES. FURTHERMORE, FAILURE TO ACKNOWLEDGE PHYSICAL ABUSE IS PSYCHOLOGICALLY DAMAGING IN ITSELF. DR. ANNE FLITCRAFT SAYS THAT THIS RELUCTANCE ON THE PART OF THE DOCTOR INCREASES THE PATIENT'S ISOLATION AND DISCOURAGES HER EFFORTS TO LEAVE THE ABUSER. RISK OF MENTAL ILLNESS IS VERY HIGH AMONG BATTERED WOMEN.

AND NOW I BRING YOU SOME OTHER IDEAS. THE FIRST IS THE NEED FOR A DATA BASE WHICH WOULD RECORD ALL PERTINENT STATISTICS ABOUT ABUSERS, ANY ABUSER. FOR EXAMPLE, A CHILD MOLESTER. ANYONE WHO WORKS IN DAY CARE OR ANY OTHER FACILITY WHICH BRINGS THAT PERSON IN CLOSE CONTACT WITH CHILDREN SHOULD BE LICENSED, FINGERPRINTED, PHOTOGRAPHED AND A COMPREHENSIVE FILE OF HIS HISTORY SHOULD BE PERMANENTLY RECORDED IN A DATA BASE. THIS WOULD PROHIBIT OR AT LEAST MAKE VERY DIFFICULT THE POSSIBILITY OF

ABUSERS TO TRAVEL FROM STATE TO STATE CHANGING THEIR IDENTITIES ALONG THE WAY BUT NOT THEIR ABOMINABLE PRACTICES. SIMILARLY, ALL OF THE ABOVE WOULD APPLY TO ANYONE WITH EVEN A SINGLE RECORD OF BATTERING OR A DOMESTIC VIOLENCE CONVICTION OF ANY SORT. HAVING THIS INFORMATION GREATLY ENHANCES A VICTIM'S PROSPECTS FOR JUSTICE IN OUR SYSTEM AND COULD SAVE LIVES. I AM HAPPY TO REPORT THAT A FINGERPRINTING BILL HAS NOW BEEN PASSED. IT REQUIRES FINGERPRINTING IN ALL CASES OF PERSONS ARRESTED FOR OFFENSES INVOLVING DOMESTIC VIOLENCE. HOWEVER, NEITHER A NATIONAL NOR AN INTERNATIONAL DATA BANK EXISTS AS OF NOW, AND THAT IS WHAT IS SORELY NEEDED. AT THE MOMENT, ISRAEL IS THE ONLY NATION WHICH DOES REQUIRE FINGERPRINTING OF ANYONE WHO WORKS WITH CHILDREN.

I BELIEVE, ALONG WITH DR. EDWARD ROSS, THAT ALL FEMALES NEED TO KNOW HOW TO DEFEND THEMSELVES, PSYCHOLOGICALLY AS WELL AS PHYSICALLY. PROGRAMS COULD BE INTRODUCED AT PRE-SCHOOL LEVEL AND CONTINUE THROUGHOUT THE SCHOOL SYSTEM. RECREATION DEPARTMENTS COULD OFFER ON-GOING PROGRAMS FOR WOMEN OF ALL AGES.

STARTING WITH THE BULLY IN THE SANDBOX WHO ONE DAY WILL SURELY BECOME THE ABUSER IN SOME WOMAN'S BEDROOM, WE MUST PUT A STOP AT

THE EARLIEST AGE TO ABUSIVE BEHAVIOR. WE ARE JUST SAYING, "NO. IT ISN'T ACCEPTABLE ANYMORE!"

THERE IS A GREAT NEED FOR MORE SUPPORT GROUPS. BATTERED WOMEN COMPLAIN THAT THEY CANNOT FIND GROUPS NEAR ENOUGH TO THEIR HOMES. SUPPORT GROUPS SHOULD BE AVAILABLE, AT NO CHARGE, IN EVERY COMMUNITY AND THEY SHOULD MEET DURING THE DAY AS WELL AS DURING THE EVENING HOURS.

WHEN MEN TORTURE, RAPE, AND MURDER WOMEN IN WAYS THAT WOMEN NEVER DO TO MEN, THE INCIDENTS ARE UNDERSTOOD TO BE THE MAYHEM OF CRAZIES. I FAIL TO COMPREHEND WHY IT IS THAT BATTERING SEEMS TO BE PERCEIVED AS A PUBLIC OUTRAGE ONLY WHEN IT IS THE VICTIM WHO KILLS THE ABUSER. NO ONE IS OUTRAGED WHEN AND IF A PRIVATE CITIZEN, THREATENED WITH HIS LIFE BY A STRANGER, KILLS IN SELF-DEFENSE. OF THE INCARCERATED WOMEN, 30% HAVE BEEN INCEST VICTIMS AND 70% HAVE BEEN ABUSED, PHYSICALLY, SEXUALLY AND EMOTIONALLY.

WOMEN DO NOT ASK FOR SPECIAL TREATMENT, QUITE THE OPPOSITE. THEY ARE SIMPLY ASKING FOR THE RIGHT OF SELF-DEFENSE WHICH MEN ENJOY. SINCE SOCIETY NEGLECTS TO PROVIDE THESE VICTIS WITH PROTECTION,

IT IS SOCIETY WHICH IS RESPONSIBLE WHEN THE VICTIMS SEE THAT THERE IS NO WAY OUT, THAT THEY MUST TAKE IT UPON THEMSELVES TO END THE VIOLENCE PERPETRATED AGAINST THEM. THEY TRY TO LEAVE AND ARE TRACKED DOWN LIKE ANIMALS AND BRUTALLY KILLED, OR THEY STAY AND THEY ARE KILLED -- OR LEAD A KIND OF LIVING DEATH. MANY OF THESE WOMEN ARE LANGUISHING IN PRISON TODAY, ALL PART OF THE LONG LIST OF THE TWICE PUNISHED, AND I ASK YOU WHY? SOME ENLIGHTENED GOVERNORS ARE NOW PARDONING AND RELEASING THESE WOMEN, USING THE BATTERED WOMAN'S SYNDROME AS THEIR DEFENSE,

NEVERTHELESS, WOMEN RECEIVE HARsher, LONGER SENTENCES THAN DO THE MEN WHO ARE INCARCERATED. IN OTHER WORDS, IF A MAN DOES IT, IT'S O.K. WELL, FRIENDS, I SAY IT IS NOT O.K.

THERE ARE LAWS TO PROTECT ANIMALS FROM ABUSE, THEY HAVE RIGHTS. WE FIGHT WARS TO PROTECT THE INTEGRITY AND THE RIGHT TO FREEDOM OF OTHER NATIONS. BUT WHAT ARE WE DOING TO PROTECT THE MILLIONS OF BATTERED WOMEN, HOSTAGES IN THEIR OWN HOMES? 'DON'T THEY HAVE RIGHTS? JEFFERSON SAID, "I HAVE SWORN UPON THE ALTAR OF GOD ETERNAL HOSTILITY AGAINST EVERY FORM OF TYRANNY OVER THE MIND OF MAN." WHERE ARE STATESMEN TODAY THAT UTTER SUCH WORDS?

THE TALMUD TEACHES US THAT HE WHO SAVES A SINGLE PERSON, SAVES THE WORLD AND HE WHO HARMS A SINGLE PERSON, HARMS THE WORLD.

LET US GIVE THIS INSTRUCTION CAREFUL CONSIDERATION. LET US TAKE UP THE CAUSE. LET US STAND TOGETHER, DETERMINED THAT WE WILL SAVE OURSELVES, THAT WE WILL SAVE EACH OTHER, THAT WE WILL SAVE OUR CHILDREN, BECAUSE ONLY THEN CAN WE ENSURE AND SAVE OUR FUTURE. STOP ABUSE!

THANK YOU.

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Good afternoon, my name is Susan Denning. I would like to thank the you for the opportunity to address the panel on the issue of sexual harassment. During the past 12 years, I have been working to increase awareness about sexual harassment. After all the court cases, hearings and publicity, I still find a great deal of confusion, misunderstanding and ignorance surrounds this issue.

I began my work in 1980 when I developed the nation's first comprehensive program to deal with sexual harassment for the New York City Department of General Services. I started the program with an agency-wide survey that demonstrated 35.4 percent of the women and 17.5 percent of the men had experienced sexual harassment during their careers. The response indicated a need for a specific policy condemning such behavior and a special procedure which would handle complaints in a sensitive, confidential manner. I wrote a policy and designed a procedure which was implemented at my agency. I accepted complaints, completed investigations and worked with both parties conciliating agreements. In addition, I developed an awareness training program to sensitize employees to the issue and instruct supervisors on how to respond to sexual harassment in the workplace.

Following implementation of this program, Mayor Edward I. Koch issued a City-wide policy and directed all mayoral agencies to institute a procedure. I then assisted in training representatives from each agency on policy and procedures. After the program was in place for a year, I conducted a follow-up survey and found that sexual harassment was cut in half for women, 19.2% to 9% and went from 12.5% to 3.5% for men.

Sexual harassment is an issue that many people still "do not get". Unfortunately, I find many people in positions of power who think they understand the problem and think that they are handling the situation effectively when in fact, they are not.

I also meet people who are uncomfortable in their work or academic environment because of sexual harassment but they have no idea that they can complain or where to complain.

I have worked with people who feel threatened by the guidelines and believe that the government wants to regulate sex lives. There are people who feel that sexual harassment is normal behavior and must be tolerated. I know young people who think that women are completely equal in today's world and that the problem doesn't exist anymore, yet they are unhappy with the sexually charged atmospheres of their workplace or educational institution.

I also talk to many women who are afraid to speak out about this problem for fear that they will be penalized,

ostracized, criticized or blamed. Many watched the Thomas-Hill hearings and believe that the law was not written to protect them.

After the Thomas-Hill hearings, I thought consciousness would be raised. Though more people seem to be aware that sexual harassment exists, they do not seem to recognize it when they see it. Very few people understand the terms *quid pro quo*, hostile environment, reasonableness, and unwelcome. I even find people who don't understand the term sexual or discrimination. Sound bites and comments at the office have not given people the information they need about this issue.

The EEOC guidelines state:

"Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned."

By using the word "should", the EEOC has left informing employees, sensitization, establishing a policy and procedures up to the whim of employers. By extending these same guidelines to schools under Title IX, the EEOC and the Department of Education's Office of Civil Rights leaves these responsibilities to the whim of the academic institution. With the decision in the Vinson case, the Supreme Court also stopped short of mandating policies and procedures and never addressed informing students or employees about their rights.

I am here today to suggest that the state of New Jersey could improve sexual harassment legislation by mandating employers and schools to:

1. issue specific sexual harassment policies and procedures
2. enforce these policies and procedures fairly, equitably and expeditiously
3. sensitize employees and students to the issue of sexual harassment and to inform them about the specific policy and procedures.

Ideally, this should be mandated for every employer in the State of New Jersey. If this request is considered too drastic, those who do business with the State or receive any

State funding should be required to comply with these terms. A State-wide coordinator in the Division of Civil Rights could monitor this law by having each company and school submit an outline of their program for review and by random checking of corporations and schools.

I suggest a specific policy and procedure be written for sexual harassment to underscore the employer's specific condemnation of this crime. I have found that many companies and schools have just tacked sexual harassment on to their EEO policy and procedure. This does not bring attention to the real problem. It treats sexual harassment simply as another form of discrimination. Sexual harassment is not discrimination because of sex, it is unwelcome sexual behavior. It is an abuse of power, a subtle rape, and needs to be addressed as such. I have also found that many companies apply their procedure for "personnel" complaints to sexual harassment complaints. This usually requires complaints be filed with the direct supervisor first. In the case of sexual harassment, the problem is frequently with the direct supervisor and essentially leaves the employee with no one to take her complaint seriously.

Though these three steps may be viewed as an additional financial burden by some companies, it does not carry the onerous expenses some critics find in other legislation. Employers may also find implementation more cost effective than allowing sexual harassment to cut worker productivity or to create unnecessary stress on the job and increased absences or to force experienced employees to transfer or resign. In 1980, the Federal Government estimated a loss of \$90 million a year to sexual harassment related job problems. In addition, as the Vinson case pointed out, it is beneficial for an employer to have a policy and procedure that is fairly and expeditiously enforced. Should a charge be filed, the employer's liability may be minimized.

Though there are plenty of published resources available to assist an employer with writing a specific sexual harassment policy and procedure, most companies and schools have legal counsel who could give guidance on this issue. The State might also refinance the technical assistance and educational function of the Division of Civil Rights which I understand has been eliminated in recent years. The State could also grant the Division of Women financing to do technical assistance and/or education.

As I have previously stated, I discovered a significant decrease in perceived sexual harassment after employees were given awareness training. This result has been documented by other studies in Minnesota and Massachusetts, as well. I also found, in many cases of alleged sexual harassment, that perpetrators were not aware that their behavior was seen as

harassment. Countless times, I would interview alleged harassers and confront them with the charges. The perpetrators would admit to the behavior but expressed utter disbelief at the victims' complaints. They did not think their behavior was offensive, quite the contrary, in most cases, they thought it was welcomed and expected. Once the complaints were explained, most harassers were apologetic and no further problems were reported, even upon follow-up with the complainants 6 months later. It seems that informing employees about this issue would solve a great deal of trauma for everyone involved. Victims would not struggle with the problem or the stress of filing a complaint. If harassment caused by ignorance or insensitivity could be eliminated, employers would not have to spend money and time dealing with it. In addition, less people will have complaints on their personnel records.

Recently, several school districts across the country have faced lawsuits over sexual harassment. Many have been required to issue policy statements and establish procedures. In addition, some have incorporated sexual harassment awareness training into their curriculum. With the recent Supreme Court decision, *Franklin v. Gwinnett Public Schools*, students can now sue for damages. It may be in the schools' best interest to take this issue seriously and act. I would like to see schools required to issue policies and procedures. They should be required to distribute these to students and to inform students about the issue of sexual harassment.

Ideally, every school should have a portion of its curriculum devoted to the issue of sexism. Underlying sexual harassment and every other issue this panel is investigating, is the issue of sexism. If we could promote more understanding, communication and cooperation between the sexes at an early age, we might be able to reduce the risk of violence against women. The State might consider issuing a grant to the Division of Civil Rights or the Division of Women to develop a model program that New Jersey family life or health teachers could incorporate into their classes at the junior and senior high school level. Sexual harassment and other issue of violence could be address in these classes.

Taking positive action; establishing a policy condemning this behavior, enforcing a procedure, and sensitizing people to the issue have been effective in reducing sexual harassment. Sadly, ignoring an issue as sensitive as sexual harassment seems to be the course of action most companies and schools prefer to take. You can make this an issue that cannot be ignored in the State of New Jersey.

Thank you for your time. I would be happy to answer any questions you may have.

Lt. John Lavook Jr.
March 30, 1992

PROSTITUTION AND ABUSE:

To sell the services of one's self or another for purposes of sexual intercourse and/or activities, etc.

Prostitutes come in two (2) primary categories:

1. FORCED prostitution which generally involves a pimp.
2. SELF-INDULGING prostitution for whatever reason.

I. FORCED PROSTITUTION: Pimp involved can be male or female. Most commonly however the pimp is a male who is charged with promoting prostitution.
2C:34-1 STATES - 1

Pimps are usually found around bus stations, train stations and taverns looking for potential "customers."

- a. The majority of females are out of town girls who are befriended by the pimps not realizing the motive behind his smile and friendliness. The majority of females fall into this category. The pimp generally shys away from in-town girls who are "street smart."
- b. Once the female accepts his assistance, the problem begins. At this point the abuse begins which is either physical or mental abuse or even sexual abuse. Now the pimp exercises his dominance and control to make the female subservient to himself.

Once the pimp has exercised dominance over the female, he proceeds to train the female for sexual exploitation. Primarily, obedience to the pimp is assured through physical abuse acquired through beatings or mental abuse.

From the initial stage, the female learns that all the money earned in her trade goes to the pimp. What little he gives her goes for cosmetics, meals (food) or medical costs.

The "pimp" supplies the following:

1. Lodging in hotels, motels, or boarding houses
2. Clothes - the "pimp" will assist in teaching the female how to dress the part
3. Drugs - are supplied up to a degree
4. Medical expenses for beatings or the like sustained by the female from the "Johns" or even the pimp himself and abortions.

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5. Bail money, legal representation when necessary
6. Transportation - flashy cars (he will drop them off and then pick them up)
7. Supplies them with sex if needed
8. Protection from the johns, competing pimps, other prostitutes and at times felons (robbers, etc.)
9. Pimp supplies the least amount of money to the female to exercise complete dominance over her

From a real case which occurred approximately two years ago...

Consideration must be given to the following:

Female was apprehended for prostitution during an operation at which time she did solicit an under-cover police officer.

Female: white/15 years old/of Indian extraction was abducted off an Indian reservation in Minnesota.
Said female was later transported back to the reservation by the Bureau of Indian Affairs.

With the cooperation of the female, it was learned:

1. Abducted off reservation
2. Transported across state lines
3. Physically beaten (several times)
4. Sexually assaulted (numerous times)
5. Forced into the prostitution by the pimp

*CHARGES AS STATED BEFORE AGAINST THE PIMP WERE DISMISSED IN COURT DUE TO LACK OF PROSECUTION - PIMP WAS RELEASED

LACK OF PROSECUTION - ON THE GROUNDS THAT THERE IS NO SUPPORTIVE FEDERAL STATUTE FOR KIDNAPPING OR ABDUCTING OFF A FEDERAL INDIAN RESERVATION.

NO ORIGINAL REPORT OF ABDUCTION WAS EXECUTED BY THE INDIAN POLICE UNIT. GENERALLY FEMALES & MALES ALIKE WILL STRAY FROM THE RESERVATIONS AND VISIT OTHER RESERVATIONS FOR SHORT PERIODS OF TIME AND EVEN LONG PERIODS OF TIME. THEY FEEL IT IS UNNECESSARY TO EXECUTE A REPORT IF A FEMALE IS MISSING, ESPECIALLY IF SHE HAS LEFT THE RESERVATION ON OTHER OCCASIONS.

INDIAN RESERVATION LAWS AT THIS TIME ARE CONTROLLED INTERNALLY BY THE INDIAN CHIEF'S TRIBUNAL AND ENFORCEMENT IS HANDLED BY THE INDIAN POLICE UNIT.

WITH ALL THE ABUSE SUSTAINED BY THIS 15 YEAR OLD GIRL, (PHYSICAL, SEXUAL AND MENTAL) WHERE IS THE JUSTICE FOR HER? NO ONE WANTED TO GET INVOLVED OR FOLLOW-THROUGH.

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II. UN-FORCED PROSTITUTION: Involves cases of no pimps
READ 2C:34-1 - 2 yellow

Categorizing these would be as follows:

1. INDEPENDENTS - worked at one time with a pimp and decided to go "solo."
Some reasons being:
 - a. extensive abuse by the pimp (physically, sexually or mentally)
 - b. insufficient amount of money for their personal needs
 - c. drug habit too big
 - d. thrown out by pimp for lack of cooperation, pregnancy or simply "worn-out" for his needs
2. OTHER INDEPENDENTS who find prostituting lucrative in one way or another.
3. DRUG ADDICTS who need the fast and large cash flow to support their habits.
4. MOB CONTROLLED PROSTITUTES - work hotels, casinos, resorts (known as Call Girls and/or High Class Hookers).
5. NYPHOMANIACS who psychologically crave sex thereby forcing them into this type of work.
6. WELFARE MOTHERS who frequently run out of money in the middle of the month and see this form of work satisfies their needs for the time (until next welfare check is available). Money obtained is generally used for:
 - a. Paying Rent
 - b. Buying food for children
 - c. Pampers

NOTE: IN THIS MANNER THEY ABUSE THEIR OWN BODIES TO SATISFY THE NEEDS OF THEIR FAMILIES

Generally all prostitutes are subject to the following types of abuse:

- a. Physical beatings by "Johns" who are not satisfied or demented
- b. Robberies - both by Johns and others who find them easy prey
- c. Homocides/Killings - by demented individuals (Johns, rival prostitutes or even pimps)
- d. Aggravated Assaults - some thrown from moving vehicles for denial of Johns' wishes, etc.

III. ABUSES - THE HIDDEN (OR INNOCENT) ELEMENT: I consider this the MOST IMPORTANT.
READ 2C:34-1 - 3 yellow (INVOLVES JOHNS)

Hidden elements we will call the transference of certain diseases whether they be treatable or non-treatable, to an unsuspecting third party or parties (mainly females or wives) without the knowledge of the sexual activities of their mates.

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JOHNS are people who seek sexual satisfaction from a prostitute in exchange for money (some married, some not). They can be: 1. Residents of the area or 2. Non-residents (out of towners).

At the present time, diseases contracted are:

- a. gonorrhea
- b. syphilis
- c. HIV Virus - AIDS
- d. Multitude of others (i.e. crabs, etc.)

On occasion, the male or "John" would then transmit a disease "secretively" to an unknowing spouse or mate. The female has been abused physically.

If there are children involved (living in the home or unborn), a transference of a disease may affect them. CHILD ABUSE!

With regard to the conception of a child, the child may face numerous problems. Again, CHILD ABUSE!

Inasmuch as most husbands/mates would not want these diseases transmitted to their families perhaps more open (forum type) discussions addressed to these Johns would help facilitate this problem.

Looking among this crowd, how many reside out of town? RAISE OF HANDS
How many live locally? " " "

One might say this is an inner-city problem...BUT IS IT? I SAY IT ISN'T.

As we know, Newark does have a high rate of the H.I.V. Virus among the prostitutes. Similar to any big town. Prior experience with the P.D., the statistics of which are not available at this time, show the majority of Johns are non-residents or suburbanites.

If they contract these diseases, they take them home with themselves to the SUBURBS. That means you or most of you could be in jeopardy. To deter these activities, Newark has printed the names and addresses of Johns in the city paper to attempt to control these activities.

Through the years, many divorces have been caused after the mate had learned of the behavior of his/her partner.

Arrests have included but were not limited to the following:

- a. lawyers
- b. doctors
- c. dentists
- d. ex-judges
- e. police officers (mainly from out of town)
- f. firemen (local and out of towners)
- g. Rabbi's
- h. Priests
- i. politicians

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- j. store owners
- k. businessmen
- l. alarm specialists
- m. city sweepers (drivers)
- n. correction officers
- o. construction workers

While performing the John Operation, approximately four days per month produced numerous arrests while 26 or 27 days a month yielded no arrests. (THESE ARE THE ONES WHO WERE NOT APPREHENDED)

Again with the high rate of H.I.V. virus in the prostitutes, contraction of this disease is very likely and the effects of these transactions are being taken to the suburbs.

Thank you for your time and consideration.

Hearing Testimony
on behalf of Irvington Tenants Organization

March 27, 1962

My name is Lillian Maurice and I work at the office of the Irvington Tenants Organization as Executive Secretary. We assist tenants and small homeowners as a non-profit membership organization within the community, specifically regarding housing problems and are actively involved in working to strengthen our Rent Ordinance and property maintenance regulations to ensure fair and equal protections for all tenants and their families.

From time to time we hear about landlords and/or their managers or superintendents violating tenants rights in many ways, including some sexual advancements. The big problem, as I am sure you are already aware, is the reluctance of women to talk openly about this type of harassment. Their fear of retaliation is probably justifiable and working women either do not want to or cannot afford time off from the job to attend court or administrative hearings.

We have little statistical evidence to show you but we have had experience with a building where we were helping them organize. We had a meeting with the tenants in the basement of 15 - 38th Street owned at that time by I & S Investment Co. with offices in Maplewood. It was only after the meeting that one of the women came up to me and whispered, so that no one should hear, that Mr. Grossman, the Manager, was coming into her apartment trying to solicit sexual favors. This was a married couple with a new baby but the husband was at work and during the day Mr. Grossman, knowing she was alone and vulnerable, would come and bother her. She didn't want to alert her husband or make it public, wanted to know what to do. She later called our office to say that the situation was getting impossible and they were moving out. It was a loss for our organization because they became members and wanted to become active in helping to organize the building.

Unfortunately, we did not think to call on the Women's Litigation Clinic at that time and it was only later that we became aware of the educational brochure the Clinic put out. We send for a number of copies and have been disseminating it or people pick it up at our office. One woman came in to report problems in her apartment that needed repair and nothing was being done. By the way she hesitatingly told me about it, I sensed something else was involved and asked her directly, "Was he bothering you?" She looked embarrassed, shook her head "yes" and said she didn't want to discuss it, didn't want to make a fuss.

One of the more problematic areas of landlord harassment we find is in the 2, 3 and 4-family buildings which are owner occupied. According to the brochure (page 7) the Fair Housing Act does not apply here, but this is where landlords feel empowered to enter any tenant's apartment at will, tell the tenant what they don't like about the apartment, who comes to visit them, etc. They have the keys and use them. Tenants are familiar with the owner who comes to the door for rent every month, and many times demands cash payments only. Information on Security Deposits is not forthcoming and tenants are now living out their security because they have no expectation of getting their money back when they move out.

The only complaints we have been urging our tenants to address until now is to file a complaint in the Municipal Court for illegal entry. Tenants at 9 Chapman Place were having trouble with a Superintendent who knocked gently and then used his key if there was no immediate answer. One of the tenants did file a Municipal Court complaint when she came out of the shower and saw the Superintendent facing her in her living room. The small fine was paid and again the tenant found it necessary to move out.

① The Women's Litigation Clinic is important to us and we know how difficult it is to win a court case, especially for our single parent families. For our purposes, we would want more community participation from the Clinic in addition to the litigation. Educational work by way of forums on sexual abuse in our area, talking to women on their home ground we feel could help them know that there is an avenue they can come to without the fear of facing this problem alone and unprotected. Everyone knows about Anita Hill and what she had to go through once the story became public. How do we empower women to speak out when most of the landlords, managers, superintendents they deal with are men? As far as we know, tenants have no standing in the courts. Head-of-household mothers have a twofold fight - assault on their ability to provide decent, safe housing for their families and - assault on the basis of sexual discrimination.

① Our belief is that these problems are not only women's responsibility. In our opinion, we would like to see men take the responsibility of talking about and working toward ending the battering and sex discrimination against the other 50% of the population. In the Boston and Cambridge area there is a group named MESA which stands for Men to End Sexual Assault and another called EMERGE who do consulting services to men who batter women.

Women's Rts Litigation Clinic
Rutgers Law School

Testimony

Conclusion:

My name is Alisa Grossman and I am a third year law student working in the Clinic.

Although you only heard 2-~~3~~ women testify here today, there are many others who are experiencing sexual harassment in housing. In fact, just yesterday I received a call at the Clinic from a woman whose super let himself into her apartment at 5:30 in the morning. She was sleeping and woke up to find the super standing over her bed. This woman was able to get the super out of her apt and lock herself in until the police arrived. How many other women are facing these same problems?

I am now going to turn to what we could do to help these women. The Clinic has several suggestions as to how sexual harassment in housing may be decreased or eliminated.

We must make clear that owners of buildings should take all steps necessary to prevent sexual harassment by any of their agents just as Title 7 regulations require employers to take all steps necessary to prevent sexual harassment in the workplace.

According to the EEOC, employers should affirmatively raise the subject of harassment, express strong disapproval of it, develop appropriate sanctions, inform employees of their right to

raise and how to raise harassment claims and to develop methods to sensitize all concerned.

Owners of buildings should be required to take similar actions to those of employers. They should have educational programs in place for their staff, express strong disapproval of harassment, inform all tenants of their rights by distributing a pamphlet at the time of rental and ensure that a poster be placed in a conspicuous area, which makes clear that all forms of sex discrimination, including sexual harassment, are illegal. A similar poster is already required for other kinds of discrimination by the Administrative Code title 13, chapter 8, subchapter 1.3.

Further, the Division on Civil Rights should ensure compliance by requiring owners to report to the Division on what policies or procedures are in place to eradicate sexual harassment in their building. Since owners of buildings with 25 units or more must file a report with the Division concerning racial composition of the building, according to NJAC 13:10-2.2, it would not be a great burden to further require reporting on policies and procedures implemented regarding sexual harassment.

The administrative agencies of the state, such as the Department of Community Affairs and the NJ Housing & Mortgage Finance Agency, should also help to eliminate sexual harassment in housing by requiring any person or organization who receives monies from them to adopt an affirmative policy against sexual harassment.

Lastly, we must be sure that female tenants know what their rights are. There are many ways the State can educate tenants. For example, when a woman is given her certificate indicating her eligibility for Sec. 8 housing, she could easily be given a simple pamphlet that explains her rights. Similarly, when a woman applies for public housing, she can also get a pamphlet. All tenants should know that they will not lose their homes and that they have a remedy in the legal system.

The Women's Rights Litigation Clinic would be happy to work with the Commission on developing reporting requirements, policies on sexual harassment and an educational program for female tenants.

Thank you.

ARE YOU A
VICTIM
OF
SEXUAL HARASSMENT
IN
HOUSING?

IT IS AGAINST THE LAW FOR YOUR LANDLORD OR ANY BUILDING EMPLOYEE TO:

- * Make unwelcome sexual remarks or advances
- * Ask for sex in exchange for repairs or a decrease in rent
- * Threaten you with eviction unless you provide sexual favors
- * Punish you for rejecting sexual advances

*DO NOT BE A VICTIM!
YOUR LANDLORD CANNOT EVICT YOU!*

WHAT YOU SHOULD DO:

- * Let your harassers know that you do not like what they are doing
- * Keep a diary of what has happened and what you have done to try and stop it
- * Talk with other tenants in your building to see if they are experiencing the same problems

FIND OUT YOUR RIGHTS: All calls are confidential!

Women's Rights Litigation Clinic
Rutgers School of Law
15 Washington Street
Newark, NJ 07102
(201) 648-5637

¿ HA SIDO USTED
UNA VICTIMA
DE
HOSTIGAMIENTO SEXUAL
EN
SU VIVIENDA?

ES ILLEGAL QUE UN DUEÑO DE EDIFICIO O SUS AGENTES:

- * Le haga avances o comentarios sexuales desagradables
- * Le demande actos sexuales a cambio de reducir la renta o hacer reparaciones
- * La amenaze con evicción si no se somete a los avances sexuales
- * La castigue por rechazar avances sexuales

NO SEA UNA VICTIMA!
EL DUEÑO NO LA PUEDE DESALOJAR DE SU VIVIENDA

LO QUE USTED DEBE HACER:

- * Digale a sus hostigadores que a usted no le gusta lo que le están haciendo
- * Mantenga un diario de lo que le ha pasado y cómo ha tratado de terminar los dichos avances o comentarios
- * Hable con otros tenientes en su edificio para ver si ellas tienen los mismos problemas.

SEPAN QUALES SON SUS DERECHOS

Todas llamadas son confidenciales

Women's Rights Litigation Clinic
[Clinica De Derechos De Mujeres]
Rutgers School of Law
15 Washington Street
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State of New Jersey

COMMISSION ON SEX DISCRIMINATION IN THE STATUTES

Statement of Lawrence S. Lustberg, Esq.
Director, John J. Gibbons Fellowship in Public Interest
and Constitutional Law
Crummy, Del Deo, Dolan, Griffinger & Vecchione

My name is Lawrence S. Lustberg. I am the Director of the John J. Gibbons Fellowship in Public Interest and Constitutional Law at the law firm of Crummy, Del Deo, Dolan, Griffinger & Vecchione in Newark, New Jersey. The Gibbons Fellowship is a program, funded by Crummy, Del Deo, which provides representation to individuals and groups in matters of public interest or which present issues of constitutional law. Founded in 1990, the Fellowship has undertaken or participated in major civil and criminal cases in areas such as homelessness; freedom of speech; death penalty and other criminal procedure issues; prison conditions; separation of church and state; discrimination against persons with AIDS; police brutality; school finance; consumer fraud; and domestic violence. In addition to myself, the Gibbons Fellowship is staffed by one and beginning in September a second full-time attorney. The Fellowship benefits in particular from the supervision of the Honorable John J. Gibbons, Richard J. Hughes Professor of Constitutional Law at Seton Hall Law School and formerly Chief Judge of the United States Court of Appeals for the Third Circuit.

The Fellowship has long been interested in issues regarding violence against women, which is the subject of these hearings. In particular, the Fellowship has provided advice and representation to the New Jersey Coalition for Battered Women, and women referred by that organization, in a number of areas. One of these has been the admissibility of evidence of battered woman's syndrome in criminal cases. Recently, John V. Jacobi and I wrote an article on this subject which has been published by the Seton Hall Law Review. Copies are available for your consideration.

The article addresses the scope of the passion/provocation defense under New Jersey law, expressing our concern that it is not being made available to battered women. That defense, which transforms a homicide from murder to manslaughter, is a creature of statute, codified at N.J.S.A. 2C:11-4(b). It mitigates but does not excuse criminal behavior if and only if "a homicide which would otherwise be murder under section 2C:11-3 is committed in the heat of passion resulting from a reasonable provocation."

By way of background, the passion/provocation downgrade requires that four elements must be present: first, the defendant must have been provoked; second, the provocation must be adequate; third, the defendant must not have "cooled off" before the slaying; and fourth, the defendant must not have had time to "cool off" before the slaying. As you can see, the first and third elements are subjective: that is, they

turn on whether the defendant was actually provoked and whether he or she actually had time to cool off. The second and fourth elements are, however, objective: they depend upon whether the provocation was objectively reasonable and whether it was objectively reasonable for the defendant not to have cooled off. Evaluation of these objective elements is based upon a determination of whether the defendant acted as a reasonable person would have.

This defense is frequently raised by women who have been brutally beaten for long periods of time by their spouses or mates. Although the beatings may not have been sufficiently imminent to give rise to a defense of self-defense, these women claim that their history of being abused provoked them into acting as they did and informed their belief that they did not have time to cool off before slaying their abusers. In a recent decision, however, the Appellate Division of the New Jersey Superior Court dramatically cut back on the availability of this argument.

In State v. McClain, 248 N.J. Super. 409 (App. Div. 1991), the defendant attempted to introduce evidence that she was a battered woman, and suffered from battered woman's syndrome. This syndrome, which is well-recognized in the mental health field, has been defined by the Supreme Court of New Jersey in the landmark case of State of Kelly, 97 N.J. 178 (1984), as "a series of common characteristics that appear in

women who are abused physically and psychologically over an extended period of time by the dominant male figure in their lives." The syndrome explains why battered women act as they do, including why they often do not leave their batterers. Experts on battered woman's syndrome are able to shed light on how otherwise normal women respond to the abnormal stimuli of repeated beatings, exploding the stereotypes and myths which otherwise plague a judge's or jury's assessment of a battered woman's behavior. In Kelly, the Supreme Court held that battered woman's syndrome evidence was admissible to show both that the defendant actually believed that her life was in danger and that her belief was reasonable.

In McClain, however, the Appellate Division ruled that evidence of battered woman's syndrome was not admissible to show that the defendant was reasonably provoked. The court found that evidence of battered woman's syndrome was "irrelevant on the question of whether the victim's conduct was adequately provocative because that inquiry requires application of the objective 'reasonable person' test." Characterizing battered woman's syndrome as "some peculiar mental or physical characteristic, not possessed by the ordinary person," the court held that evidence of battered woman's syndrome did not go to the reasonableness of the defendant's actions. Following a line of cases to the effect that reasonableness cannot be judged from the point of view of a defendant who is so mentally disturbed as to be unreasonable,

the court held that "the contention that defendant was provoked by the victim's conduct solely from her viewpoint as a battered woman, as opposed to the objective view of a reasonable person under the same circumstances, has been specifically rejected in this State."

This is an extraordinary holding. Essentially, it stands for the proposition that battered women are unreasonable people, rather than reasonable people subjected to abnormal circumstances. Based upon this conclusion, it prevents battered women from showing why, based upon expert evidence, they behaved as they did, instead of as a person who had not been subjected to such beatings would have behaved.

Our article attempts to show how this holding is both legally unsupportable and psychologically unsound. It undermines centuries of legal precedent providing for an objective standard which, in fact, accounts for a defendant's "circumstances;" one would think this would include the critical circumstance of having been a battered woman. It flies in the face of the Supreme Court's ruling in Kelly and a unanimity of opinion regarding the admissibility of expert testimony of this sort. And it inaccurately characterizes battered women as abnormal, unreasonable people, when clinical evidence shows that this is just not so.

This Commission must, in order to fulfill its mandate, be aware that a New Jersey statute, in this case N.J.S.A. 2C:11-4(b), is being interpreted in a way that is not only

prejudicial, but is also insensitive to battered women. These women are victimized by their spouses or mates; often, they are victimized by law enforcement or court personnel who do not take their complaints seriously. They should not also be victimized by a legal system which prevents them from demonstrating that their actions were reasonable in light of what they had gone through.

The Supreme Court of New Jersey chose not to hear an appeal from the Appellate Division decision in McClain. The Gibbons Fellowship Program, however, remains committed to undoing the effects of that dangerous decision. We have begun our efforts through scholarship which we hope courts will rely on in refusing to follow McClain. We will continue to monitor appeals in an effort to find another case presenting the same issue, which we hope we can convince the Supreme Court to consider. If legislative reform is required, we will be happy to assist with drafting and lobbying. We stand ready to work with the Commission on Sex Discrimination in the Statutes to assure that New Jersey's statutes are not interpreted to require that courts ignore the horrible reality of domestic violence.

TEENAGE DATING VIOLENCE

submitted by

Regina Braham, A.C.S.W. and Laura Prato, A.C.S.W.
Jersey Battered Women's Service, Inc. (JBWS)

I would like thank the committee for this opportunity to speak on the problem of teenage dating violence. My name is Regina Braham and I am the Community Education Coordinator with the Jersey Battered Women's Service, Inc. (JBWS).

Since 1984, I've been designing and implementing training programs on domestic violence for police, court personnel, social workers, mental health professionals, teachers, guidance counselors, health care workers, medical students.

In 1987, I co-designed a dating violence education and counseling program for teenagers. Last year the program reached over 4,000 students, as well as a wide range of parent and educator groups. I am the co-author of the article "**Coordinating a Community Response to Teen Dating Violence**," from the recently published book, Dating Violence and co-author of Breaking Patterns, A Manual on Teenage Dating Violence, which is being distributed throughout the country.

The JBWS Dating Violence Program was featured twice in the **New York Times** and received extensive television coverage, including **Good Day New York** (Fox 5) and **WCBS Channel 2 News**, the **NBC Sunday Today Show**, **Jane Wallace Live** (WKYW), and the **Jane Pratt Show** (Fox 5).

I have a Master's of Social Work degree from Rutgers University and has worked in the area of rape and domestic violence counseling and education since 1977.

JBWS is a private non-profit agency that provides services for battered women including a 24-hour hotline, emergency shelter, individual and group counseling for women, legal advocacy, children's services, community education and counseling for abusive men.

After establishing adequate programs for battered women and their children, JBWS began speaking to high school classes about domestic violence. Initially, our goals were to 1) prevent teenagers from entering into abusive relationships when they reached adulthood and 2) address those students who were **witnessing** violence in their own homes.

As we gained experience, we recognized a serious gap in our program--we were ignoring the violence teenagers were already encountering in their own dating relationships. In one of our first classes, we saw a 16 year old girl with a bruised and swollen eye. The teacher confided in us that she felt certain her boyfriend was abusing her. The vivid experience of seeing the bruised teenage girl was followed by countless others. Students, parents, teachers and guidance counselors responded to our early discussions of abusive dating relationships with nods and sighs of recognition as they shared their stories with us.

PREVALENCE OF DATING VIOLENCE

A review of the research literature confirms our belief that the frequency and severity of dating violence demands our attention. Though studies vary widely in method and design, one after

another show an alarmingly high incidence of violence in the dating relationships of high school and college students. Studies of high school students have found from 9 percent¹ to 41 percent² of students having at least one experience with dating violence. Among college students, frequencies appear even higher, with a range of from 16 percent³ to 36 percent⁴ of students surveyed experiencing some of form of courtship violence.

Perhaps what is most important about these statistics is that they make it impossible for us to characterize dating violence as bizarre, isolated acts committed by deranged individuals. They compel us to broaden our view and to acknowledge the normative aspects of dating violence--the expectations and patterns of behavior between men and women which support and perpetuate abuse.

WHO ARE THE VICTIMS?

This should not come as a surprise to anyone familiar with adult battering. It is estimated that 95 percent of the victims of domestic violence are women.⁵ In the U.S., a woman is more

¹ Bruce Roscoe and John Callahan, "Adolescents' Self-Report of Violence in Families and Dating Relations." *Adolescence*, Vol. 20, No. 79, Fall 1985, pp. 545-553.

² Network Against Teenage Violence, *Dating Violence Survey*. Family Crisis Shelter, Box 1893, Williston, ND, 58801.

³ James Makepeace, "Gender Differences in Courtship Violence Victimization." *Family Relations*, Vol. 35, July 1986, pp. 383-388.

⁴ Katherine E. Lane and Patricia Gwartney-Gibbs, "Violence in the Context of Dating and Sex." *Journal of Family Issues*, Vol. 6, March 1985, pp. 45-59.

⁵ Bureau of Justice Statistics, *Report to the Nation on Crime and Justice: The Data*, Washington, D.C., Office of Justice Programs, U.S. Department of Justice, Oct. 1983.

likely to be assaulted, injured, raped or killed by a male partner than by any other type of assailant.⁶ Abuse that occurs in marriage often begins while dating. There is no magical transformation between adolescence and adulthood which changes women into victims and men into abusers. Instead, the sex role differences in strength, status and power that create battering are already established by the time one is an adolescent.

In summary, adolescents are subject to many of the same sex role expectations that perpetuate violence against women in adult intimate relationships. The highest risk factor for becoming a victim of dating violence is being **female**.

DOMESTIC VIOLENCE AND DATING VIOLENCE; THE SAME BUT DIFFERENT

In addition to sharing common roots with domestic violence, dating violence is also a potentially life threatening problem. In the U.S., six hundred teens die each year as a result of dating violence.

Many dynamics of violent teenage dating relationships mirror those of violent adult relationships. As in spouse abuse, in dating violence the male uses physical, emotional, verbal and psychological abuse to gain power and control over his female partner.

There is a consensus in the literature that "involved, intimate, committed, long-standing

⁶ Angela Browne and K. R. Williams, "Resource Availability for Women at Risk: Its Relationship to Rates of Female-Perpetrated Partner Homicide." Paper presented at American Society of Criminology Annual Meeting, Nov. 11-14, Montreal Canada.

relationships are more likely to contain violence."⁷ In other words, as a dating relationship becomes more marriage-like, there is an increased risk of violence.

Despite the obvious areas of commonalities in domestic violence and "courtship" violence, significant differences also exist. Teenagers are not adults--their relationships are different than those of adult couples who share homes, children, extended families, incomes and the commitment of marriage. We know that teenagers confront many unique barriers to ending an abusive dating relationship.

SPECIAL CHARACTERISTICS OF DATING VIOLENCE

- One reason is fear. Many times the victim's boyfriend will threaten to hurt her if she breaks up with him. Or, he may threaten to hurt any other boys she dates. It is not uncommon for him to threaten suicide if she leaves him. How can we expect a teenage girl to handle such a threat? A teenage girl we counseled observed "He won't let me break up with him."
- Identifying an abusive relationship can be difficult at any age. For teenagers, their lack of experience and self doubt make negotiating relationships outside of their family even more difficult. For example, when does mutual sexual encouragement and exploration become coercion/forced sex?

⁷ Bonnie E. Carlson, "Dating Violence: A Research Review and Comparison with Spouse Abuse."

- The developmental task of adolescents to separate from their parents can act as an obstacle to their requesting assistance from them. Asking for help may be perceived as a failure to handle problems and make decisions independently. ("Why didn't you just break up with him the first time he hurt you?")
- Many teenagers are reluctant to discuss an abusive relationship with parents because they don't want to worry or disappoint them.
- Victims may fear that their parents (most often, their father) will react violently when they learn of the abuse, placing themselves and the abusive boyfriend at risk of harm. They may also be reluctant to give up control of the situation if they believe parents forbid the relationship to continue (which is not always inappropriate).
- Although teenagers seldom share a home or children, their love relationships are intense and loyalty to one another valued. Teenagers often feel that adults minimize the significance of their love relationships.
- Because of the increased strength and significance of peer relationships characteristic of adolescence, lack of peer support and approval may contribute to the victim's self doubt and confusion. For example, high school friends of a girl we counseled empathized with her boyfriend's distress when she attempted to break up with him. "He loves you...why are you ruining his life?" they

questioned.

- As difficult as it is for (adult) battered women to find protection through the legal system, for teenagers the system is even less accessible. In New Jersey, the Prevention of Domestic Violence Act is the civil remedy which provides protection to victims. It does not include minors, with the exception of those who have been declared emancipated by the court. It also does not include dating couples unless they have or currently live together. Obviously, this excludes the vast majority of teenagers involved in violent dating relationships.

CONCLUSION

The JBWS Teenage Dating Violence Program addresses the special needs of teenagers through our comprehensive counseling and educational components. Our educational programs have reached thousands of high school students, parents and professional groups.

But the teenage girls who approach our counselors or call our hotline need more than preventive education and counseling, they need protection. Teenage boys need to learn that their violent behavior is not only inappropriate...but illegal. Dating violence is just an early form of domestic violence. If we are to end domestic violence, we must stop dating violence.

TESTIMONY

before the
COMMISSION ON SEX DISCRIMINATION
IN THE STATUTES

Submitted by
Mary Ann Wong, MSW, Co-Chair
Children's Committee
National Association of Social Workers, NJ Chapter
March 27, 1992

Members of the Commission, Ladies and Gentlemen, I am really grateful to have this opportunity to testify to the importance of statutes in the area of incest. I not only counsel survivors of incest, I am one myself. I know firsthand the terror, the pain, the rage of what was done to me. And, professionally, I deal with clients everyday who go through indescribable suffering, whose whole lives, whose very core, are altered because of this crime. But, before I get into that, I want to first define incest clinically - it is any inappropriate sexual behavior forced upon a child by parent, other family members, authoritarian figures (e.g., teacher, minister) or any person that a child believes she can trust (e.g., neighbor, babysitter). These acts range from voyeurism to actual rape. But, whether the child was touched or not, this abuse has far reaching, long term consequences that take a lifetime to heal, especially if it is not detected and treated early. I, therefore, emphatically stress how crucial it is to establish statutes that will: (1) detect and provide early treatment for victims, (2) detect and treat the offender so that he or she will not repeat the offense, and (3) abolish the statute of limitations due to the deep repression of these crimes from the victims' conscious memory and the lengthy time it takes for a victim to be ready to face not only the abuser but the entire court proceedings as well.

Incest affects every part of a victim's person: (1) trust is betrayed - whom can she trust when she has been violated by those she was taught to trust; (2) there is low self-esteem, if any at all, because the victim is unable to stop the abuse, rendering feelings of powerlessness which turn inward to depression or self-abuse; (3) for many, there is the inability to do productive work; (4) there is a general sense of pervasive fear, not feeling safe anywhere; (5) most likely, the child is not believed, so she ultimately feels shamed and cannot distinguish truth from lies; (6) eating disorders; (7) there

is the likelihood of the victim abusing others or choosing a partner who abuses her children, thus, incest is multigenerational: (9) in the more severe cases, the development of multiple personality disorders, a defense mechanism that provides protection for the victim by splitting into many different "selves"; and (9) sexual disorders, which according to Wendy Maltz in The Sexual Healing Journey, is the last thing to heal. The list goes on. What I'd like to do is to cite some case histories that validate these consequences as well as point out the lengthy treatment process involved in working with victims.

CASE I: A 46 year old Afro-American woman, who is here with me today and who has agreed to let me tell her story, came to me four years ago. In the first session, she disclosed that she had been raped at age 12 by a brother-in-law, in whose home she lived after her mother had died. Upon telling her father of the incident, she was then moved to another sister's home and was again raped a year later by a nephew. One and half to two years into therapy, she admitted to having multiple personalities. When a person is multiple, I know there is severe abuse, whether or not it is in her conscious memory or not. The last few months, after almost four years of weekly individual therapy and a continuing weekly support group for survivors, this client is finally remembering earlier and more violent abuse - oral rape at five to six by an uncle and being forced to participate in sexual orgies by her father's girlfriend. She still does not know whether or not there is more.

Four years into treatment before she is having memories! Let me take a moment to explain memories. The victim regresses back to the time the abuse actually took place and believes it is happening right now. Memories are

not only visual, but physiological, auditory and olfactory. Almost anything can trigger these memories at any time, anywhere. It parallels the post-traumatic stress syndrome associated with war veterans. Since sexual abuse causes bodily injury, injury that the mind buries, the physical pain of the abuse surfaces with remembering the events. It is absolutely crucial that someone going through this be in treatment so that the clinicianⁿ can track her. It is not safe to do it on her own because she could hurt herself or someone else.

For this particular client, I have recommended four weeks in-patient treatment at a hospital facility so that she can have 24 hour supervision. You can see with this case study how intense and in-depth this recovery process is. It is also costly to be in years of therapy, something I feel should be paid for by the abuser.

CASE II: A 19 year old white female came into see me because of what she thought was a phobia and eating disorder. As I began to treat her, she disclosed that her father would surreptitiously watch her while she dressed every morning from age 13 to 15, the time girls are most sensitive to their changing bodies. He would also come into the bathroom when she showered. At the time, her mother was as yet an untreated alcoholic. The abuse stopped at age 15 when she disclosed to her mother who had finally stopped drinkin^Kg. She is one of the lucky ones; she was believed and her mother divorced her father, , but an older sister was not - the mother hadn't stopped drinking soon enough to protect her. Even so, my client's symptoms of phobia and eating disorders occurred during her first year of college, the first year she was ever away from home. She couldn't eat in public without feeling paranoid. During treatment, she connected people watching

her eat to her father watching her dress. This woman was never touched or raped, yet she developed an intense delayed reaction to the abuse. She came to me for a total of three years and has completed her treatment. I point out the difference in the ages of the two cases - whereas the 46 year-old is just now beginning the intense part of her therapy, the younger one is, for the most part, living a normal life as a young adult. The sooner the victim is treated, the faster the recovery.

CASE III: This one shows the continued multigenerational cycle of abuse when it goes untreated. I speak of my own abuse. I had always known of the physical abuse and spent many years in therapy dealing with that, but the sexual component surfaced for me only two years ago - I was 47 years old then. I remembered that another member of my family told me of her abuse 18 years ago, but would not tell me who it was. At the time, I didn't think anything of it and also didn't know enough about child sexual abuse. When I remembered what she'd told me, I began to wonder about me. I went back to my therapist and asked to be regressed, at which time I remembered being beaten and my abuser orgasming. I felt like an object, a thing, completely dehumanized. Yet, so many things fell into place for me - my fears around sex, abusive fantasies, etc.

When I told my grown children about this, my daughter started telling me about her abuse during her early teens. She has also given me permission to disclose this. Her abuse was verbal, having to repeatedly listen to a male relative's sexual exploits in graphic detail. The consequences to her were deep shame manifested in her entire body blushing and feeling "icky" around sex. Since I did not know of my own abuse until recently, I did not see the signs, and she did not tell me because her abuser told her not to.

Abuse is often passed down intergenerationally, and the secrecy of the act as well as the admonition not to talk with implied or explicit threats, further hinders acknowledgements; therefore, preventing early detection and treatment. This is why we need to work to abolish the statute of limitations around bringing a case to court.

In New Jersey alone, 1990 figures showed 1,545 substantiated cases of child sexual abuse, accounting for 92 o/o of all cases of child sexual abuse. Multiple abuse cases which include the sexual component number 2311. This is only one year, only one state. It is believed that the numbers are higher for 1991, although they are not available yet. What is frightening is that many cases go unreported because of the "secrecy" that surrounds it and those reported are not always substantiated because children are often not believed.

The implications of incest to society are dire - national figures are reaching epidemic proportions - one in every three girls are sexually abused by the time they reach 18. Think of what this means to us - a society of scorned people with low self-esteem, who are potentially dangerous to themselves and others. I came to this country from China when I was three and half, and I am very grateful to be here, in a nation where I, as a woman and as a human being, can speak out for the injustices I see. I know that there would be life-threatening repercussions to myself and my family had I stayed in China. Oppression of women and children, of all peoples, leads to a weakening of the society. Let us, instead, continue to build a strong nation by protecting the rights of our most precious resource - Our Children.

I, Karen King, being duly sworn, state as follows:

I am a single mother with sole custody of two children. My daughter, Kristen King, was born in 1981. Kristen was the result of a long term relationship I had had with a man but never married. He pays no support for Kristen.

I married another man in 1985. After the marriage, I worked at a job and paid all the expenses for our marital residence. I saved money to enable my husband and myself to purchase a house. My husband put his money into investment properties which he owned with a partner. We bought a house in 1986 with the help of a loan from my parents.

After purchasing the house, my husband became quite abusive to me and my daughter. The police had been contacted twice relating to domestic violence. I had gained a restraining order against my husband. We went through marriage counseling and I was hopeful our problems could be resolved.

In the winter of 1987-1988 my husband's abusiveness reached a point that I could no longer endure. I tried to find out from our attorney what measures I could take, but he could not advise me due to the fact that he represented both my husband and myself at previous times. I contacted a resource center for battered women, and they gave me the name of an attorney that could represent me. I retained the attorney and filed the appropriate papers.

In June of 1988, an attorney representing my former husband, persuaded a Somerset County Judge, to dismiss the restraining order protecting me from my former husband. My former husband proceeded to contact me with menacing threats that were abusive and vulgar. In desperation, I went to the Municipal Judge, who issued a temporary restraining order.

The County Judge who had dismissed the previous restraining order would only issue a permanent restraining order, on the condition that my former husband's attorney was in agreement with it. I was forced to agree to my former husband's terms, as presented by his attorney.

I was divorced in March of 1989. Some of the terms of the divorce as set forth by my former husbands attorney include: father to pay \$50.00 per week child support, father to pay half of all medical expenses, father to provide \$100,000.00 life insurance policy , father to have visitation every Wednesday and every other weekend. My former husband earns in excess of \$50,000.00 per year. He has never contributed more than his \$50.00 per week.

My son has several medical conditions. One of the conditions involves severe respiratory problems. He has missed an extensive amount of school due to illness.

During visits to Florida to his maternal grandparents, my sons health improved tremendously. After noting this development, I explored the options as to obtaining employment in my field. I was offered two

excellent sales positions.

The fact that my son's health improved so much, my financial situation would greatly improve and proximity to my parents who could assist me with the care of the children and reinforce family ties, were instrumental in making my decision to move to Florida.

I informed my former husband of my decision to move to Florida and the reasons for my decision. I was then contacted by my former husband's attorney. The attorney notified me that my former husband would refuse to allow me to take my son with me to Florida unless I agreed to his conditions. As part of my former husband's terms for granting me permission to move out of state with my son, my former husband has made the following "offer" so that the issue can be settled amicably.

1. I would be permitted to relocate to the State of Florida with my son.
2. My former husband would have the right to have his son come to New Jersey for alternating holidays including long weekends.
3. Half of Christmas vacation to be spent in New Jersey with father.
4. Spring break each year to be spent in New Jersey.
5. One month visitation with father in New Jersey each summer.
6. Father entitled to visitation with son in Florida.
7. Ms. King would be solely and exclusively responsible

for paying the entire cost of five round trip airline tickets for son to visit father in New Jersey each year.

8. Prior to moving to Florida, restraining order to be removed.

9. The child support of \$50.00 per week to continue and the agreement that Ms. King shall not make an application for an increase in child support for a period of five years from the date of this agreement.

It is obvious that my former husband is only interested in what he can gain from this situation. He shows absolutely no concern for his own son. He does not show interest in regards to his sons health, education or financial well being. He is only concerned about money and how little he should pay.

What about the fathers responsibility as a parent for the well being of their child? Until I decided to move, my former husband showed little interest in his son. He refuses to uphold his financial responsibility for his own sons medical or educational expenses. He has never seen his son for a Wednesday visitation. He does not attend school meetings, little league games, plays or other functions involving his child. He has never taken his son to the doctor or even helped him with his homework. For weekend visitation, the father has never had his son stay with him. The father leaves the child at the paternal grandmothers for the entire weekend.

Even though I have sole custody of my children, I

must have either the permission of the Courts or the permission of the father, whose only concern is that of saving his money. The father has shown no regard for his son's health, education, and general well fare. The most important thing to this father is to continue paying the unrealistic \$50.00 per week child support.

The laws need to reflect concern for the abusive treatment women receive everyday. Do you treat your wife or would you like your daughter treated in this manner? It's time for this commission to do something about it NOW!

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Karen King

SCHACHTER, TROMBADORE, OFFEN, STANTON & PAVICS

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

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September 26, 1991

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Frederick J. Sikora, Esquire
The Arch Plaza
51 Mt. Bethel Road
P.O. Box 4623
Warren, NJ 07059-0623

Re: Bradley v. Bradley
Our File #K661

Dear Mr. Sikora:

Mr. Bradley has authorized me to make an offer to amicably settle the issue of Ms. King's request to relocate the child of the marriage to Florida. This letter is for settlement purposes only and may not be used for any purpose other than settlement negotiations. The offer made in this letter is without prejudice to all of my client's rights.

1. Ms. King would be permitted to relocate to the State of Florida with Michael.

2. Mr. Bradley would have the right to have Michael come to New Jersey to be with him for visitation on alternating holidays including: Memorial Day, Labor Day, Fourth of July, Thanksgiving and Easter. These would include the long weekends associated with those holidays with the exact times to be agreed upon by the parties.

3. Half of the Christmas vacation each year to be spent with Mr. Bradley in New Jersey.

4. Spring break each year to be spent with Mr. Bradley in New Jersey.

5. One month visitation with Mr. Bradley in New Jersey each summer; and Mr. Bradley will notify Ms. King by June 1 of each year as to the exact month he has chosen.

SCHACHTER, TROMBADORE, OFFEN, STANTON & PAVICS

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

Frederick J. Sikora, Esquire
September 26, 1991
Page Two

6. On two weeks notice to Ms. King, Mr. Bradley would be entitled to visitation with Michael in Florida, at specific times to be mutually agreed upon by the parties.

7. Ms. King would be solely and exclusively responsible for paying the entire cost of five round trip airline tickets for Michael to visit his father in New Jersey each year. The parties would mutually agree upon arranging the exact details for the airline tickets for each trip.

8. Michael's report cards and his evaluations from teachers (if any) would be mailed directly to Mr. Bradley in addition to being mailed to Ms. King. Mr. Bradley would also have the right to meet with Michael's teachers and the school staff at the discretion of Mr. Bradley, the teachers and the staff.

9. Mr. Bradley would be kept advised by Ms. King as to the status of Michael's feet.

10. Mr. Bradley would be kept advised at all times as to the address and telephone number where Michael can be reached in Florida.

11. Mr. Bradley would have liberal and reasonable telephone contact with Michael.

12. Until Ms. King moves to Florida, Mr. Bradley would have the right to pick up Michael and drop off Michael at the Greenbrook residence.

13. The child support of \$50 per week as set forth in paragraph #3 of the Dual Judgment of Divorce shall continue; and the agreement that Ms. King shall not make an application for an increase in child support for a period of three years shall be extended for an additional period of five years from the date of this agreement.

Please advise as soon as possible as to your client's position regarding this settlement proposal.

Very truly yours,

SCHACHTER, TROMBADORE, OFFEN,
STANTON & PAVICS, P.A.

By: 

MICHAEL J. STANTON

MJS:jrh
cc :Mr. Thomas Bradley

73X



April 3, 1992

Testimony provided to :

Commission on Sex Discrimination In The Statutes
226 West State Street
CN 095
Trenton, New Jersey 08625-0095

Submitted by: Carol A. Loscalzo, ACSW

The following is the position of The National Association of Social Workers--New Jersey Chapter, regarding violence towards women. This statement addresses the issue of sexual victimization, specifically child sexual assault. As we are sure you are aware, according to the most reliable studies of the incidence of child sexual assault in the United States, at least one out of three girls and one out of seven boys will be sexually assaulted by the age of eighteen. In 75% to 95% of child sexual abuse cases, the offender is known to the victim, and is someone whom the child trusts or loves. It is therefore no surprise that the problem is a pervasive one which affects its victims not only as children, but into adulthood. Survivors of child sexual assault suffer from many symptoms, including anxiety, depression, inability to trust, guilt, inability to maintain long-term relationships, sexual problems, nightmares, flashbacks, dissociation, eating disorders, and suicidal ideation. Many survivors have coped with their childhood victimization by repressing all memories of their abuse. Only as adults do they recover their memories of the sexual assault, frequently for the first time in their lives making sense of the many difficulties they have had in their lives. The recommendations listed below are prepared by social workers who treat child and adolescent survivors of child sexual abuse as well as adult survivors. The recommendations are not in any particular order. Each stands on its own merit and addresses a problem which is very real for women who are struggling to cope with their own child sexual abuse or that of their children.

1. **Abolish or significantly extend the statute of limitations in criminal cases pertaining to child sexual abuse.** As we understand it, if the abuse occurred before December, 1981, it is not possible to prosecute. If the abuse occurred after that date, the current statute of limitations is five years after the eighteenth birthday or up until age 23. In the case of rape, the statute of limitations is five years from the date of the rape. While many victims always remember their victimization, they are not in a position to participate in prosecution because they have not progressed far enough in their healing. To complicate the situation, many victims do not remember their abuse until they are in adulthood (studies have shown the average age of discovery to be between 29 and 49). A more liberal time for prosecution to occur would allow for the survivor to heal enough to have the strength to cooperate with the legal process. The

experience of many social workers who treat survivors of incest, is that offenders have abused many children within the same family. In a recent inquiry to a family services agency in a Northern county, a woman was looking for help to cope with the abuse perpetrated by her father on her three now adult children. At last count, at least eight adults had disclosed that he had sexually abused them. None of the abuse was within the current time for criminally prosecuting. The women felt that the father was probably continuing to abuse children, although no formal report had ever been made.

2. **As was proposed in recent legislation, establish a statutory civil action for incest.** Currently, there is no statute specific to incest. Such legislation should include a broad definition of incest as is used by therapists who work with survivors. The definition that is commonly used is any sexual abuse of a child by a relative or other person in a position of trust and authority over the child. This definition would include parents, grandparents, uncles, aunts, stepparents, adoptive parents, stepuncles, stepgrandparents as well as family friends. Civil remedies would make it possible for survivors who do not want to pursue criminal prosecution to recover financial restitution for their therapy, to get a written apology and to compel their abuser to get appropriate therapy. As in criminal prosecution, the statute of limitations should be flexible to allow for the special circumstances of the crime or case.

3. **Written impact victim statements should not be shared with the defense attorney.** In cases where there has been either a conviction by trial or plea bargain agreement, victims are now allowed to write an impact statement to be sent to the judge. It has come to our attention that these statements are shared with the prosecutor and the defense attorney, thus giving the convicted offender access to the statements of the victims. In one recent instance in a Northern county, the defense attorney, at a sentencing, used a victim's statement to minimize the offenses for which his client had been convicted. Use of victim impact statements by the defense severely increases a victims feeling of betrayal. In addition, victims of sexual assault have often been threatened by the offender. The sharing of the written statements, seriously compromises the ability of the victim to use this vehicle to express her feelings about the crime and the sentence. Confidentiality of the written statement would assure that the victim had a platform to share her thoughts and feelings, free of fear of reprisal.

4. **The Violent Crimes Compensation Board, the statewide agency charged with determining the amount of compensation payable to victims should be funded so that victims of crime can be compensated for out of pocket unreimbursed or unreimbursable medical expenses, loss of earnings or support, and counseling services.** In June 1991, VCCB announced severe cutbacks in reimbursing victims and their families. These cutbacks ignore the statutory maximum award of \$25,000 and set up limitations on counseling for victims and co-victims. This ignores the extreme need of child victims and their non-offending mothers (the most frequently reported

sex abuse is where the father or step-father is the offender). After disclosure of sexual abuse, the father who is frequently the breadwinner is justifiably removed from the home, leaving the mother to cope with the aftermath of disclosure. Leading experts in the field report that treatment of child and adolescent victims and their non-offending mothers is very lengthy and frequently includes groups, family and individual counseling as often as twice per week. Given the added responsibilities of the mother and the usual decrease in income due to the father's absence, it is unrealistic to expect that the mother can pay for counseling for her child and herself. Anything less than the statutory maximum award re-victimizes the victim and the co-victim.

5. **Programs should be established which will help non-offending mothers of child victims of sexual assault to meet the needs of their families.** This recommendation is related to part 4, however it is envisioned that funding could be available to help women who find themselves as the sole support of their families as a result of disclosure. In the experience of social workers around the state who work with these women, emergency and long term financial help is frequently needed for child care, transportation to therapy, food, and mortgage or rent payment until the woman is able to make plans to cope with the new situation.

6. **It is recommended that the confidentiality of communications between a victim and her counselor (P.L. 1987, Chapter 169, approved July 8, 1987) be extended to all counselors who work with victims. At a minimum, this privilege should be extended to all programs who receive VOCA (Victims of Crime Act) funds.** The current law defines victim counselors and victim counseling agencies very narrowly so that these agencies would only service victims. This definition eliminates family service agencies and mental health centers which have large victim counseling programs funded by VOCA, as well as a range of other services. Currently, counselors in these agencies have been compelled by court order to disclose confidential information. To quote from law, "Counseling of violence and victims is most successful when the victims are assured their thoughts and feelings will remain confidential and will not be disclosed without their permission....whether or not they are able to afford the services of private psychiatrists or psychologists." Victims of rape and all sexual victimization should be able to seek counseling secure in the knowledge that their private thoughts and emotional reactions are within the context of privileged communication.

7. **It is recommended that the Commission study the area of allegations of child sexual abuse by young children, especially when custody issues are involved.** In instances where mothers seek to protect their children from such allegations, women are frequently accused of "coaching" the child and fabricating the allegation. There have been many instances statewide where non-offending mothers have lost custody of their children because they have raised allegations of child sexual assault, but have not been able to protect their children. In many of these cases

their financial resources have been no match for the resources of their spouses. The power inequity of women versus men has been highlighted by these cases. To quote the July, 1991 issue of the Coalition Reporter, the newsletter of the New Jersey Coalition For Battered Women, " 'Protecting' parents of sexually abused children, and battered women with children in New Jersey are at risk of losing custody. Some of the children in these cases are unprotected because of some courts refusal to review all relevant facts or believe the reports of MD's and therapists. Some are the victims of experts who believe that any allegation of sexual abuse by children of divorcing parents is due to "brainwashing". Some are the victims of experts who are afraid to write a convincing report fearing censure or law suit. Most are the victims of sexual stereotyping by trusted professionals: Judges, guardian ad litem, lawyers, therapists, child protection workers, and sex crime investigators." The magnitude of this issue cannot be underestimated. For a careful review of this topic, the 1989 book, ON TRIAL: America's Courts and Their Treatment of Sexually Abused Children, by Billie Wright Dziech and Judge Charles B. Schudson (Beacon Press, Boston) is highly recommended. It is hoped that a careful study of this issue will lead to protection of the rights of non-offending mothers and their sexually abused children.

8. It is recommended that the State of New Jersey consider mandatory registration of convicted sex offenders. Sex offenders often pose a high risk of re-offending. Currently law enforcement has no central registry to consult when conducting investigations. It is also not possible for employers of schools and day care centers to determine if a prospective employee has a history of sex offense. A registry would ensure that women and children would have some protection from convicted offenders.

Thank you for the opportunity to send written testimony. We would be happy to answer questions regarding any of the recommendations.



New Jersey Education Association 180 W. State Street P.O. Box 1211 Trenton, NJ 08607-1211 (609) 599-4561 FAX: (609) 392-6321

TESTIMONY FOR THE COMMISSION ON
SEX DISCRIMINATION IN THE STATUTES
March 27, 1992

Thank you for the opportunity to speak on the issue of violence against women. The statistics in the United States on rape and violent acts based on gender are truly alarming.....

- . A reported forcible rape occurs every 6 minutes
- . A woman is beaten every 18 seconds
- . One out of every 4 women will be raped during her lifetime
- . 10% of the rapes reported are against men
- . Over the last decade, the incidence of rape has increased 4 times faster than the total crime rate
- . Approximately 40% of women recently surveyed, have been sexually harassed at work
- . Reports of student sexual harassment among junior high and senior high school peers are increasing and in a majority of cases, a boy is harassing a girl
- . While girls and boys are more or less equally exposed to forms of physical and emotional abuse, girls confront sexual abuse at 4 times the rate of boys

Because of the serious nature of this topic it is very difficult to limit testimony; however, I will address, in detail, several areas of educational concern and provide a brief list of suggestions for dealing with other aspects of violence against women.

The first area of concern is sexual harassment as it particularly relates to school systems. It depresses me to report that sexual harassment is alive and well in educational institutions. The comprehensive report issued by the AAUW, "How Schools Shortchange Girls", and the recent Supreme Court decision in *Franklin vs. Gwinnett County Public Schools* substantiate this claim. The areas of primary concern are sexual harassment of school employees and of school students. School districts must do a better job of training their own employees about state and federal guidelines dealing with sexual harassment and must offer a confidential, bias free method of dealing with employee concerns and complaints. This is just not happening in New Jersey public schools. Additionally, school districts must take a greater responsibility for the way students treat each other during school hours. Sexual Harassment is prohibited under Title IX, yet sex-based student interactions are often common place in schools. Many times school authorities simply equate the verbal comments and harassing behavior that girls endure as typical "boy behavior" and not serious misconduct.

The following suggestions need to be put in place:

- 1) We must strengthen the enforcement of Title IX.
- 2) School districts should be required to report on a regular basis Title IX compliance to the Civil Rights Division of the United States Department of Education.
- 3) We must amend New Jersey Title VI to make sure it includes explicit guidelines for dealing with sexual harassment and discrimination based on sexual orientation.
- 4) The Office of Equal Educational Opportunity (NJ Dept. of Ed.) should have the funds and staff available to monitor and insure Title VI compliance.

Secondly, I would like to address the degree to which violence against women is accepted by our own culture and the roles that schools may have to play in addressing this concern. As stated in the AAUW Report, "school curriculum must help girls to understand the extent to which their lives are constrained by the fear of rape, the possibility of battering.....boys must be helped to understand that violence damages both the victim and the perpetrator and that violence against women is not in a somehow-more-acceptable category than other violent acts". There is not one simple curriculum that will adequately address this concern; however, a comprehensive approach involving several teaching strategies may succeed.

Schools must set the proper tone by emphasizing the need for concern and respect of others. The curriculum must be expanded to provide students with the opportunity to discuss personal experiences, deal with value issues and learn appropriate communication skills as part of the regular curriculum. Both boys and girls need to be taught how to express their feelings, how to deal with their emotions and how to listen to others. All very valuable skills for a person living in a democratic society. Other concerns can be addressed in the health and social studies curriculum. Sex education must be expanded to include an understanding of sexuality as well as sexual development. Social studies programs need to include activities such as: discussion of domestic violence as a social issue and the use of sex in today's advertising.

Thank you for the opportunity to share NJEA's strategies with the Commission and in closing, we would like to offer the following suggests:

1. The concept of Women's Health Networks, which some hospitals have started, could be expanded to provide 24 hour "hotline" number services so that abused women or rape victims would be provided with both immediate health services and support counseling system information.
2. Make sure that New Jersey statutes clearly define sexual harassment as a form of sex discrimination. Assembly Bill A-1156 (Baer) may address this concern.
3. Increase penalties for rape cases involving injury, weapons or kidnapping.
4. Amend the "Prevention of Domestic Violence Act of 1990" to provide for court mandated counseling of both victims and offenders.
5. Amend the Bias/Hate Crime Act to include gender bias as a form of discrimination.
6. Schools must be required to set up sex harassment guidelines for both employees and students.
7. Make gender-related violence a civil rights violation entitling the victims to sue for damages.

TESTIMONY BEFORE THE
COMMISSION ON SEX DISCRIMINATION
IN THE STATUTES

MARCH 27, 1992

Good morning/Good afternoon to Senator Lipman and members of the panel.

My name is Maria Vizcarrondo-De Soto and I am the Director to the Center for Hispanic Policy, Research and Development.

The Center for Hispanic Policy, Research and Development (formerly the Office of Hispanic Affairs) has the charge to address the needs of the Hispanic community and to prepare local and state government to meet the challenges of the year 2000 as it seeks to empower this population which will play a critical role in New Jersey's society in the next century.

The Center's general mandates include:

-The administration of grant dollars to Hispanic community-based organizations.

-Technical assistance and referral services aimed at empowering Hispanic community-based organizations.

-Creating training/employment opportunities for Hispanic college interns (a source of potential leadership).

-Conducting and supporting research on Hispanics in New Jersey.

For the past 15 years, modest appropriations have dictated the workplan of the Center to focus primarily on the administration of grants to Hispanic community-based organizations providing direct social services ranging from child care to elderly programs. Despite those limitations, the Center did develop various initiatives that targeted the other components of its mission: Research/Advocacy and Development. Some of these initiatives were as follows:

-The publishing of WHERE ARE THEY? A report on the underrepresentation of Hispanics in State Government, December 1987.

-AGENCY PROFILES, 1988 and 1991: A review and assessment of the state of Hispanic community-based

organizations in relation to the present social and economic climate and future needs, this was prepared and distributed to all commissioners and legislators.

- "INTERNS FOR COMMUNITY SERVICE"

PROGRAM: An annual summer program initiated in 1988 to address the need for Hispanic professionals for careers in public service by providing work opportunities for Hispanic college students with government.

- THE HISPANIC LEADERS FELLOWSHIP

INSTITUTE-1991: A program developed in partnership with Rutgers University. The objective was to focus on the skills and leadership development of Hispanic college students and provide the opportunity for policy analysis. A monograph of student articles from the Institute is presently in production by a college review board.

- TECHNICAL ASSISTANCE TRAINING FOR HISPANIC COMMUNITY-BASED ORGANIZATIONS:

These sessions have encompassed grant management, proposal writing, information and referrals and long range planning. In addition, the Center has developed a Hispanic

resource data base and resource library with the goal of becoming the central repository for data on the status of Hispanics in New Jersey.

The Hispanic community in New Jersey is set at approximately 750,000 and is projected to surpass the million mark before the end of the decade. This interprets to 10-13% of the State population.

There are approximately 50 established Hispanic agencies in the State of New Jersey. The definition of "established" in this case refers to agencies that have 501 (c) 3 status and are registered with the Department of State.

The Center for Hispanic Policy, Research and Development presently funds 26 or 50% of existing Hispanic agencies. With a budget of approximately \$1 million the Center provides grants in aid that serve primarily as a donor match for grant contracts established between the Hispanic agencies and the Division of Youth and Family Services of the Department of Human Services. Due to budgetary constraints, the Center provides a limited number of straight grants for innovative new proposals.

These agencies are located in the three regions of the State with 60% located in the North. The other 40% are an indication of the growth pattern of the Hispanic population in the **Central and Southern** regions.

The Hispanic community-based organizations serve a critical role in the Hispanic community. In fact, these agencies have been referred to as the "lifeblood" of that population because of the relationship of its existence to the evolving needs and development of that target group.

In this context, these agencies serve as models for the focus of my brief remarks.

As the state agencies look towards addressing the needs of women in crisis whether it is short term or the long term in the transitional period from crisis to adjustment during these fiscally austere time, I think that there is a lesson to be learned from the CBO community that maximizes results by good coordination of effort and resources.

There are various initiatives for women in crisis within state government yet there is little evidence of collaboration or coordination of these efforts to maximize the impact.

The Dept. of Human Services, Dept. of Health and the Dept. of Community Affairs all provide programs specifically geared to women in crisis however, there seems to be little effort to coordinate these activities in a systematic way that can help stretch the resources and the program scope.

Nowadays, the typical CBO depends greatly on collaborating with other service providers in order to meet the burgeoning demand for services in their communities. In fact, many of our funding sources encourage this approach as the most effective and efficient means of expediting service delivery. Yet we don't always practice what we preach.

I further submit to you, the example of the working relationship between the Center for Hispanic Policy, Research and Development and the Division on Women as a model of coordination with respect to both women and ethnic concerns.

The Division and the Center developed a partnership following the passage of the Hispanic Women's Demonstration Resource Center Act Bill 2678 which provided funds to establish three regional Resource Centers for Hispanic women.

That partnership included the active participation of staff on the respective Advisory Boards to give input to policy as well as program development.

The Center was resourceful in helping to identify potential host agencies that could house and support the Hispanic Women Resource Centers.

Both Directors collaborate and cooperate on special events and forums so that both ethnic and women's agenda are infused into many of the activities that both participate in such as the Hispanic Women's Task Force Forum and the League of Women's Voters Conference for examples.

This effort has enriched both divisions in their work and has helped to consolidate an agenda that meets the needs of two special target groups.

If this approach were followed by other state agencies, I am sure that it would maximize the outcomes.

In the long-term a team approach will become critical to the work of policy makers, planners and service providers that seek to eliminate violence towards women.

We are moving towards a multicultural society and meeting both the linguistic and cultural needs of the burgeoning Latina population in this state for example will need to take a high priority in this agenda as the #'s of Latinas in crisis grow.

Yet, we are a long way from meeting the basic needs of these women. For example, Essex County which has the largest Hispanic population in the State has no bilingual staff at its shelter yet the data shows that approximately 40% of the Hispanic population in Essex County is Spanish monolingual. The women's hotline has indicated that this is a major problem because the incidence of Latina's seeking help in Essex County has been steadily escalating over the last # of years.

In addition, the following counties have no bilingual staff in their shelters: Atlantic, Burlington, Cape May, Cumberland, Salem and Warren Counties. In my earlier remarks I indicated the largest growth of the Latino community during the past decade was in Southern NJ.

It should be noted that many shelters are now providing bilingual services for Latina women but still they are not dealing with the cultural needs of these clients that would make intervention and long term services more effective in empowering these women.

This very same problem is taxing the local courts and legal service agencies in their efforts to deal with the tremendous influx of women into the system.

The fact that the uniform crime report does not keep information by ethnic breakdown further exacerbates the problem as it relates to social planning to alleviate the situation.

The statewide bilingual hotline is a step in the right direction but that service can only be truly effective if the local services are available.

It should be apparent that there is a greater crisis looming if we do not address this very critical issue.

It almost seems imperative for someone at the state level to organize an interagency service network that would bring together the essential actors in this scenario. In particular:

- Administrative Office of the Courts

- The Attorney General's Office

- Dept. of Human Services

- Dept. of Health

- Dept. of Education

- Public Advocate

- Dept. of Community Affairs, can pool their resources and in pulling together deal with the linguistic and cultural needs of women in crisis by targeting all those important areas in the process of liberating these women from law enforcement and legal entitics to the social services and empowering resources needed to save these women and their families.

If we are sincere about eliminating sex discrimination we must understand that race and ethnic discrimination are an intricate part of the lives of women of color and that we cannot divorce this reality in our efforts to deal with all women.

I thank you for the opportunity to share these brief remarks. I hope you will seriously consider my recommendations.

5920H

THE FORGOTTEN POPULATION

There are many different faces of women in today's society. Many women are among the working force. It took a lot of powerful women to help overcome the struggles of women being accepted into the working force. Services for women have always been limited. In time, a lot of this has changed.

Many of these women have been neglected because of what they are: prostitutes. People fail to realize that these women are human beings that have chosen to earn their living a different way. When people hear the word prostitute, they think of a dirty uneducated woman who is standing on a street corner.

During my outreach, I have met many young ladies who have been prostitutes or still are prostitutes. 1 out of 6 prostitutes surveyed revealed that they come from very healthy backgrounds and have a good education. Two of these women have nursing degrees. During our outreach in December of 1991, several agencies were wary of performing this task; the task of offering education about AIDS prevention to this group. The ladies I spoke with were more receptive than some high school and college students that I have approached about AIDS Education.

One young lady stands out in my mind. When approaching her to give her a Safe Sex Pouch which contained AIDS literature, condoms, dental dams, a bleach kit, a NJ AIDS Hotline information card, and an invitation to attend a Holiday Dinner which was sponsored by the AIDS Education Consortium of Camden and Burlington Counties. This dinner was strictly for the "Ladies of the Night". With tears in her eyes, this young lady's exact response was, "I can't believe this. All the time I have been working on the corner no one has ever thought of us like this." Her next response was, "everybody thinks we enjoy doing this, if they only knew!"

For the prostitute who is in an addiction, whether it be alcohol or drugs, their road to recovery is almost impossible. Addiction treatment is very expensive and good long term treatment is barely accessible to the lower income person. The waiting list for a bed for the indigent person is extremely long. Where does this person start picking up the pieces while waiting for this bed?

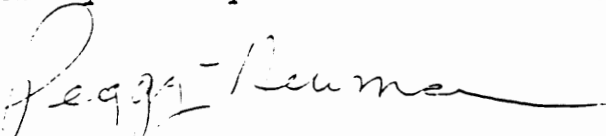
So many of these women are homeless due to one reason or another. To get into the system or to apply for a job you need an address or a reliable phone number. It just keeps them down and out. If they only had a resource to help guide them in a new direction.

Many of these women are out there for deeper reasons than sex or drugs. This needs to be recognized so that we can start making services more available to these women.

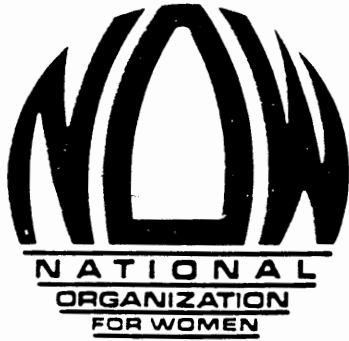
Diseases such as syphilis, gonorrhea, and AIDS could be under much more control if this population were made to feel more like human beings when asking for help instead of made to feel like trash.

The Education Consortium has attempted to reach out to this population and has been successful in doing so. More support from our state could make this a better situation.

Thank you for your attention concerning this matter.

A handwritten signature in cursive script that reads "Peggy Neumann". The signature is written in dark ink and is positioned above the typed name.

Peggy Neumann
Health Educator/Outreach Worker
AIDS Coalition of Southern New Jersey



NOW - NJ

NATIONAL ORGANIZATION FOR WOMEN OF NEW JERSEY

114 W. State Street, Trenton, New Jersey 08608
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TESTIMONY OF DONNA PULUKA, NOW-NJ PRESIDENT TO NJ COMMISSION ON SEX DISCRIMINATION IN THE STATUTES CONCERNING VIOLENCE AGAINST WOMEN

A woman in the United States today faces a shockingly high likelihood of being the victim of a violent crime because of her gender. Every 15 seconds, a woman is beaten by a male partner, every 6 minutes, a woman is raped, and up to one-half of the nation's woman may have been sexually abused as children, most by a male relative.

Women and girls are targeted for many types of violence because of their sex. These violent attacks enforce and maintain the disadvantaged status of women as a group. Because of gender-based violence, women and girls in this country are relegated to a form of second-class citizenship. Just as a democratic society cannot tolerate violence motivated by a victim's membership in a minority racial group, and must pass special laws to combat such oppression, so too we need effective federal laws to combat violent crimes motivated by the victim's gender. (NOW LDEF Fact Sheet, NYC, NY)

The Violence Against Women Act is federal legislation designed to offer protections and a civil remedy to victims of gender-based crime. NOW-NJ urges this commission to support passage of this bill as well as state legislation which would create a safe environment for women or a legislative remedy for the victim of gender-based violence.

The term "violence against women" in our opinion, is not limited to physical violence addressed by the above mentioned bill. It is also important to acknowledge in this term the non-physical, yet violent results of society's systemic oppression of women. Oppression through discrimination and exclusion is still prevalent in today's bus-

iness world. NOW believes we are seeing excessive manifestations of violence in the political and legislative arena lately in New Jersey. Again, while not physical, these are attacks allowed by society against a specific class of citizens, thus keeping them without power. Some examples include:

1. The inability of any administration to implement the age-old pay-equity study regarding state employees.
2. The consistently understaffed departments in the Division of Youth & Family Services, the agency charged with protecting children and women from abuse.
3. The also understaffed departments in the Division on Civil Rights, the agency responsible for investigating claims of discrimination and sexual harassment in the workplace.
4. The inability to pass Gender Balance Legislation which would mandate inclusion of women in the political process statewide.
5. The continuous attack on abortion rights through restrictive legislation, specifically designed to stop abortion among certain groups.
 - a. Parental notification/consent is a way to control young women and also endangers their lives when they seek alternate methods of abortion.
 - b. Waiting periods are another way to hurt and control young or poor women without transportation.
 - c. Denying funding is a way to close clinics and keep the young or poor from obtaining abortions.
 - d. The lack of a clinic access bill which would help keep clinic doors open to everyone.
6. The recent passage of a Welfare Reform package with a provision which blatantly attempts to control the reproductive rights of women receiving AFDC.

NOW-NJ strongly believes this expanded definition of the term "violence against women" is merited and urges this commission to focus on the variety of topics outlined herein in any study on this topic.

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March 28, 1992

TO: New Jersey Commission on Sex Discrimination

The following is my statement to the Commission in response to the request for input from the public regarding violence against women. I request that it be included in your report.

Recently, there have been numerous letters in the local press from many men who have been victimized by the misuse of the domestic violence laws against them. As an attorney I am personally aware of many cases involving these abuses of the law. I attended the Friday, March 27th hearing; I listened through more than two hours of testimony and I read the list of presenters and witnesses, however I did not hear or determine that anyone would speak about protecting the fundamental human rights, the property and the dignity of the frequently accused male/defendant.

The important issue of what happens to the MALE defendant when a domestic violence complaint and order is issued requires closer attention. It is a well known and documented fact that most men who are subjected to a restraining order are instantly rendered homeless, and without any support except perhaps from family and friends. In many instances they are removed and restrained from their place of business which is often located in or near their homes. Their property and possessions are left behind exposed to plunder by their "wives" or "girlfriends" who often embezzle funds from joint checking accounts, and who destroy and/or discard the man's personal property (such as clothes, collectibles and tools) as they act out their anger and rage against the hapless husband/manfriend.

Local police generally ignore the man's pleas when advised that these outrageous acts are taking place; they usually tell him to get lost, "Take it to Family Court" or threaten him with arrest if he tries to protect his property. No part of the restraining order specifically prohibits the female from destroying the man's property, stealing and/or embezzling joint funds. There is no warning against prosecution for perjury if the woman lies or makes false statements in the initial complaint because perjury is so common it is condoned as a matter of course in Family Court. Instead the full weight of the legal system falls on the side of the female complainant and against the man/defendant. Unless the accused man retains an attorney experienced in "domestic violence", who immediately intervenes for him, there is no property protection or relief available to the accused man.

By the time the estranged couple gets to Court, the female has been cajoled, convinced, and urged by domestic violence intake workers, her attorney, the NJBWS and a host of other caring females to ask for nothing less than complete banishment, symbolic castration and punishment of the now confused and helpless man. The form of

restraint (read *punishment*) is often suggested to the Judge *ex parte* by the D.V. intake staff who have assisted the woman/accuser.

Witness the recent lemming-like spectacle of 80 or more Morris County lawyers volunteering their legal assistance to "battered" women. No need to ask if there is a similar program for "battered" men, anywhere in this State. Once a man has been arrested, booked, bailed, labelled and banished, **even if he is found to be innocent of any wrongdoing his life is ruined forever by the "domestic violence" process.**

The following questions need to be investigated immediately:

1. Why are representatives from the NJBWS allowed to wander the halls and courtrooms in every county soliciting "battered" women for their services, but representatives from men's advocacy groups are threatened with removal from the courthouse and arrest for similar solicitations of male defendants?;

2. Why are men not provided with similar free legal assistance when served with a domestic violence complaint?; Why are there no shelters or temporary housing for the men who are thrown into the street by the frequent false accusations of their wives/female friends?;

3. Why is no protection given or security bond required, (which is required in any other situation involving personal injunctions) for the protection of a man's possessions and property when the INITIAL domestic violence complaint is filed against him?;

4. Why are the few counselling programs that are available to accused men and their families taught from the feminist point of view, viz. that the man is **always** the potential abuser, and **he** needs to change his behavior? The woman, in typical feminist fashion, is almost never held responsible for her acts, regardless of how bizarre her behavior may have been.

The tragic fact is that a man who is accused of domestic violence **instantly forfeits all of his personal and property rights, without any recourse.** He has no legal or police protection against the vengeful acts of an angry spouse or girlfriend who wants to destroy his property, his investments, and ultimately his responsibility as a father with his children.

Just like the politically correct buzz phrases: "child abuse," "rape", "incest" and "sexual harassment"; the phrase "domestic violence" has become a mystical incantation, subject to no question or inquiry. Any unfortunate male who is falsely accused of this statutory crime can rightfully assume he will be found guilty of some kind of criminal behavior. Note that even though the law refers to the prohibited acts as **criminal** in nature the standard of proof has been reduced by caselaw to a **preponderance of the evidence.** *Roe vs. Roe, App. Div'n. 1992.* So much for the man's constitutional rights and due process of law! Even if the evidence shows him to be blameless, in most cases the female accuser will be asked by the Judge if she wants a restraining order **anyway** because there is a "potential" for abuse/violence between the parties!

Tyranny in any form is a violation of the human spirit and the adoption of any social or political philosophy which creates a special class of protected persons is morally reprehensible. Feminism is a social philosophy which (judging by the writings and statements of its principal proponents) uses anger and paranoia towards men as its *raison d'être*. Its warped expression through the so-called "domestic violence" laws has become a malicious practice of legally sanctioned counter-abuse against men. Its unchecked influence must be stopped from destroying families and innocent children when a minor behavioral problem can be resolved by using less drastic remedies.

Most men are not rapists, murderers, alcoholics or abusers of women and children. However, the feminists would have us believe that every man is a potential abuser of women; therefore **any man's** behavior is suspect for that reason. This type of reasoning is patently absurd and destructive of the established social fabric. There must be an end to the now commonplace exaggerations, propaganda, hysteria and mass delusion about family violence which has been popularized by the feminists and their obsequious friends and advocates in the Family Courts and the Legislature.

I offer the following suggestions to reduce family violence:

1. Enactment of legislation requiring mandatory premarital counselling and compatibility testing before a marriage license can issue. A waiting period of approximately three months should elapse before the marriage can take place in a civil or religious ceremony; an increase in the marriage license fee would cover the expected administrative costs and the resultant bureaucracy needed to implement this law.

2. A thorough investigation into the number of "domestic violence" complaints that have turned out to be false, baseless or not sustainable by the complainant. Such investigation should also include a determination of what has happened to the **tens of thousands** of men who have been forcibly removed from their homes; particularly how they managed to survive after being banished from their homes and businesses. How many of them became homeless, ill, hospitalized, unemployed, or a welfare recipient? What relief was given to them? How many of them *died* as a direct result of the loss of their home, job and family support? No government agency has addressed these important issues affecting the male/defendant.

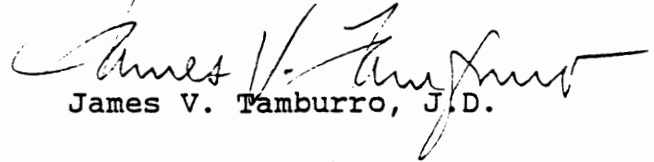
3. Amendment of the Domestic Violence law to warn any complainant that she/he is subject to prosecution for perjury if they make false statements in the complaint or in later proceedings.

3A. Strict enforcement of the perjury and contempt statutes and Court Rules in the Family Court. This would end the now common practice of condoning lies and false, exaggerated claims in the certifications and complaints in matrimonial and "domestic violence" proceedings.

Unfortunately, violence between men and women exists, but violence between humans has always existed. However, enacting more regressive legislation will not change the behavior of a single person, male or female. We must explore the use of practical and cost-effective means to inhibit and perhaps prevent this societal dilemma. But we must never ignore or abandon the basic human rights of every person, the

dignity of the individual and the constitutionally protected freedoms that are guaranteed to all persons, male and female, in this country.

Respectfully submitted,


James V. Tamburro, J.D.

phc: New Jersey Council for Children's Rights

Sen. John Dorsey

Sen. Walter Kavanaugh

Assemblyman Robert Martin

Assemblyman Alex De Croce

Assemblyman Gerald Zecker

Comments to The Commission on Sex Discrimination

I would like to start by giving you a brief introduction of who I am. My name is Justita Lynne Wilson. I am a thirty one year old, married mother of three boys. I attained a BA degree from Douglass College in 1988 in Public Health Administration. I recently applied to Rutgers Graduate school. I intend to attain a M. Ed. and concurrently a Ph.D. I currently serve as the parent representative to the CHA's, Children's Assessment and Resource Team for Camden County. I serve in the same capacity to the governing council, L.I.C.C.

I also have a civil case pending against my abusive father for sexually abusing me from the age of four until I was twenty two years old. I am a survivor of incest.

I have come today to speak to you about the bill 6187 that addresses the issue of survivors rights to pursue legal remedy against their abusers, especially child and repressed the enormity of their abuse call the statute of limitations.

This is a very important piece of legislation. It shows us that the issue of sexual abuse, no matter how uncomfortable and no longer be overlooked or left unacknowledged. It represents an awareness and understanding of the sensitive issues involved. This crime has been perpetrated throughout history and unfortunately against the members of our society, that are the most defenseless, children.

Statistics indicate that 38% of women and 27% of men will suffer from childhood sexual abuse. But a statistic that is more indicative of the need for this particular bill is not the sheer number of cases but that only 28% of the women for instance will have the abuse reported. There is one more important figure I want to point out. Of the reports that are made 25% are purposeful disclosures, 75% are accidental.

What this says to me is that children do not talk about sexual abuse when it happens to them. Many of us faced with limited options and even more limited knowledge due to our age or circumstances shove away the memories. I repressed the knowledge of my abuse. My abuser started at such a young age that it was basically programmed into me. If you get up every day, you eat, you get dressed, and your father molests you, it becomes second nature. There is no question in your mind that this is not a part of every day life. And for me, when the questions started to arise, so did the threats. "They will take you away"; "You'll never see us again"; "Your mother will leave us"; "You'll be responsible for breaking up the family." The perpetrators may make threats against the child's favorite toy, doll, pets, sibling, the list goes on. What I am trying to highlight is the fact that along with the sexual piece, there is an additional trauma being experienced by the child, emotional abuse. There is also substantial studies that indicate the retarding of appropriate developmental growth at the point the abuse begins. What that means for the survivor is that if the abuse started at age 10, they

will need to go back to that age in order to begin their healing process. The healing process is long and arduous. It may take many years in order to regain any sense of normalcy.

I would be remiss not to address the hereditary component. I do not mean that we inherit this like we do eye color. But I do mean that if we do not stop the abuse in our generation it passes on to the next. There are numerous cases of the father abusing the daughter or son and then their children. We must also consider that each affected child is at risk of becoming an abuser or a pedophile. By supporting those who are willing to take a stand and stop the abuse and the abuser, you are helping generations to come and more importantly the next generation. I have personal knowledge of this area. I began to remember my abuse when I saw evidence of my childhood being created. We do not have enough evidence to convict my father for molesting my sons. They were both overboarded, we got divorced, but I did still have a child support agreement. They know that identification is a sick man, who will not seek help for his illness.

All of these facts being considered, we can begin to see the plight of sexually abused adults. They need court therapy, also to support (often new) spouses or alcoholics, and they might also need some financial help. I often give this analogy to help people understand the need for this type of legislation. If you leave your house today and cause a car accident, you can assume the following will happen. The person injured will receive the cost of the medical expenses, they will receive reasonable pain and suffering cost and additionally they will receive compensation for lost of work during their recovery. This bill gives survivors the same consideration. It allows us to recover our cost of therapy, some financial support during our recovery time and some remuneration for pain and suffering. I also quickly point out that there is not enough money in the world to compensate someone for the loss of their childhood, the memories, or the fun. There is not enough money in the world to make the pain and suffering of going back through the abuse in order to lessen the effects it has on their daily life. I also want everyone to know that for the rest of my life, I will be a survivor of childhood sexual abuse. It will never go away. It will never stop affecting me. I will never completely heal. I will for the rest of my life struggle with the memories, the flashbacks, and the enormous sense of loss that no one or any amount of money can make good or make easier to bear. I have been given a life sentence for a crime committed against me, when I was completely dependant and completely defenseless.

I want everyone to know that survivors are not "after money." By deciding to sue my father, I sustained a loss that I did not anticipate. Once my family became aware of my intentions, they cut themselves off from me. My mother sided with her husband. The family for many reasons, including their inability to face their own worst decision it best not to get involved with me. Even now, the few who do contact me, do with a sense of secrecy. I had to build a

new support system, a new family.

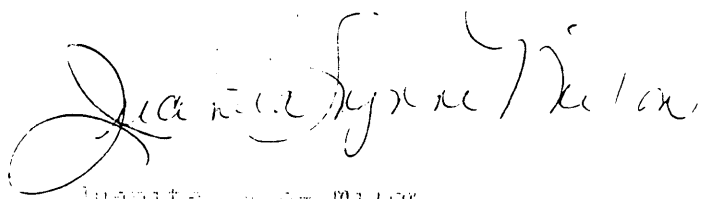
What the ability to sue does allow us to do, is to demand that we be held accountable for the actions of those who we entrust and love, be it spouse, be it child, be it parent, be it boss so that we may begin to change our present and future. It holds us out the blame and responsibility that we have carried on the person to whom it belongs. He will hurt and have been victimized. We seek the ability to sue so that we hold our perpetrator accountable publicly.

There are some additional benefits to this bill. It makes others aware of our betrayers sickness. The potential for continued abuse is addressed. Often times other members of the family and community need to be cautioned so they can take appropriate measures to protect their children. We can hope that by taking legal measures, we could possibly prevent the abuse of other children. Statute suggests that each perpetrator averages approximately 12 victims. Any action that could potentially limit their access to other children that be viewed as beneficial.

Another important part of this legislation is the shared responsibility it gives to the non-offending parent or perpetrator. Nonacknowledging the behavior and consequences or allows the abuse to continue, shows that the perpetrator had significant impact into the dysfunctional environment of the abused child was faced with. Making this legislative approach to the legal action allows the survivor access to assets that might be protected if held in joint names through marriage. The non-offending person should be held responsible. Although their role is more esoteric, it is essential that we understand that they also contribute to our suffering. Their inability to act and stop the abuse permits the abusive activity to continue.

In conclusion, I would like thank the commission for allowing me to speak before them. Although I acknowledge my participation as being important in terms of disseminating information; it is very cathartic for me. Each time I am able to speak about my terrible secret it lessens the pain. Every time I speak and I am heard and believed it helps unravel the confusion I felt as a child. I know there are so many others victims of childhood sexual abuse whose voices are not able to speak yet. If I am able to contribute to them having legislation that recognizes their pain and gives them the outlet they will so desperately need when they find their voices, my suffering has meaning.

Respectfully submitted,



Juanita Lynn Miller

