

Crime, Civil Rights, and Clinton: Women's Rights in the Crime Bill of 1994

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On September 13, 1994, President Bill Clinton signed the Violent Crime Control and Law Enforcement Act, a landmark piece of legislation intended to fight crime through a broad variety of methods and initiatives. The bill was significant in its balance of Republican and Democratic ideals and also in its inclusion of the Violence Against Women Act (VAWA) as Title IV, the first piece of major federal legislation to address the issue of gender-based violence.

The Crime Bill in National Context

Until Clinton became president, Republicans and Democrats had been stuck in a “strict vs. soft” debate in which the two parties argued over different approaches to reducing crime. Republicans generally focused on punishment and the Democrats on prevention. The crime bill, however, resulted in a combination of these approaches, increasing federal funding for crime prevention while also expanding the scope of criminal punishment. The VAWA, by aiming at both preventing and punishing violence against women, is an example of this new but rare method of forming legislation during the Clinton years.

In the early 1990s, high-profile issues such as the Anita Hill-Clarence Thomas controversy and the O.J. Simpson murder case dramatically brought sexual harassment and domestic violence into the public spotlight. The ‘nineties were a time when women already comprised a large proportion of the workforce, thus increasing the number of on-the-job sexual harassment incidents. Anita Hill represented this trend when she went public with an accusation that her boss, Clarence Thomas, sexually harassed her while working as his assistant at the Equal

Employment Opportunity Commission (EEOC).¹ This high-profile controversy would not have caused such a national frenzy had Thomas not been nominated to the Supreme Court, but the media's focus on the matter raised awareness of the prevalence of sexual harassment in the workplace and other gender-based abuse. Although Thomas was appointed to the Supreme Court despite Hill's testimony, her refusal to keep quiet about her experience was a milestone for women's rights. Anita Hill's own belief that "women must be viewed as equally important as men" contributed to a nationwide trend that encouraged women to run for office and become more involved in their communities. In fact, a record number of women ran for Congress in the 1992 elections: five of eleven female candidates won seats in the Senate and twenty-four additional women were voted into the House of Representatives.² Emboldened by the many women's rights victories of 1992, many victims of sexual abuse began to stand up for their rights and demand that perpetrators be forced to take responsibility for their actions. After the Hill-Thomas issue, sexual harassment claims more than doubled, increasing from 6,127 in 1991 to 15,342 in 1996.³

While workplace harassment was prevalent in all sectors of society, domestic violence, battering, and rape were often seen as problems more common to low-income communities. The economic recession of 1990-1992 certainly raised violence-spawning family tensions, but cases such as the murder and abuse of Nicole Simpson showed middle class Americans that these crimes occurred not only in impoverished communities, but also in their own neighborhoods.

The national spotlight on crime was not focused only on cases of sexual harassment and family violence, however. The media portrayed America as a country living in fear of crime - in

¹ "Then and Now: Anita Hill," CNN.com, 19 June 2005, <<http://www.cnn.com/2005/US/01/03/cnn25.tan.anita.hill/index.html>>

² "An Outline of the Anita Hill and Clarence Thomas Controversy," George Mason University Center for History and New Media, <<http://chnm.gmu.edu/courses/122/hill/hillframe.htm>>.

³ "An Outline of the Anita Hill and Clarence Thomas Controversy."

all its forms. And it was not just Americans' quality of life that was said to be affected by crime, but the economy as well.

In December 1993, *Business Week* published a cover story titled "The Economics of Crime," which claimed that violent crime was costing Americans \$425 billion per year.⁴ This national concern about crime can be seen in the 1990s trends of installing home security systems and purchasing anti-car theft inventions such as "The Club." Americans were dedicating significant portions of their income to protecting themselves from crime, and the cost to imprison criminals and care for their victims was taking a toll on the economy. The cost of crime was affected not only by what the government paid to punish criminals and help victims, but also by the effects of rape and domestic violence on a victim's ability to work. As Elizabeth Purdy has written:

Throughout the 1990s as Congress was in the process of preparing to enact legislation on violence against women, they heard firsthand evidence of the economic aspects of violence against women. They learned from employers that battered women are often absent from work and are less productive than other women, [and that] that many victims of rape are so traumatized they lose their jobs.⁵

The time was ripe, in the early 1990s, for Congress to enact some sort of legislation to deal with the national problem of crime and gender-based violence. Because child abuse and domestic violence accounted for one third of the cost of crime in 1995,⁶ Congress recognized that addressing these issues through legislation was imperative to reducing crime and its impact on the economy. The statistics brought forth by crime researchers provided evidence that state

⁴ "The Economics of Crime," *BusinessWeek*, December 13, 1993, Clinton Presidential Library Records, Bruce Reed Crime Series: Box 79, Folder 11.

⁵ Elizabeth Purdy. "The Violence Against Women Act." *The Encyclopedia of the American Supreme Court*. Ed. David Shultz. Facts on File, Inc. New York: 2005. p. 500.

⁶ Fox Butterfield, "Survey Finds that Crimes Cost \$450 Billion a Year," *New York Times*, April 22, 1996.

and local efforts to fight and prevent crime were insufficient. The spread of crime had created a national emergency, and in the minds of Democrats and Republicans alike, it needed a federal solution.

The History of Domestic Violence in the U.S.

Prior to the women's movement of the 1960s and 1970s, domestic violence was not a topic widely discussed within society or government: "Most states allowed a man to beat his wife as long as the item used was no thicker than his thumb....," writes Elizabeth Purdy. "As society changed, victims of acceptable violence expanded to include female partners and girlfriends."⁷ Because the toleration of female abuse had become the norm, state and local authorities usually chose to ignore or downplay cases of domestic violence well into the 20th century.

Although the federal government did not seriously begin to address domestic violence until the 1980s, many organizations and agencies had begun to examine the magnitude of family violence in America prior to this time. Research conducted since the late 1970s provided evidence that domestic violence was one of the most widespread crimes in the country. The United States Commission on Civil Rights, along with the Senate Committee on Human Resources, began conducting research on domestic violence in 1978.⁸ The early studies spurred more research on family violence, sexual harassment, and domestic abuse, the results of which contributed to a national demand for federal legislation addressing the punishment and prevention of such crimes.

⁷ Elizabeth Purdy, p. 499

⁸ David A. Ford, "Controlling Violence Against Women: A Research Perspective on the 1994 VAWA's Criminal Justice Impacts," National Institute of Justice, July 2002. Page 4.

Studies found that previous methods of dealing with domestic violence mildly were not sufficient to punish the perpetrators – a police officer could not prevent a man from repeatedly beating his wife merely by chastising him or giving him a warning. Arresting an accused abuser or rapist as soon as possible, however, had a greater effect in deterring him from future assaults.⁹ The results of these studies shed light on the ways in which Congress could enact laws addressing domestic violence. Legislators and public officials certainly realized that, because arrest was the most effective way to deter criminals, they had an opportunity to fight crime by creating federal legislation that would strengthen law enforcement nationwide.

In 1984, the Family Violence Prevention and Services Act, along with the Victims of Crime Act, provided federal funds for women's shelters and services, domestic abuse research, and victim compensation.¹⁰ While these acts were significant in helping to pave the way to increased women's rights, they were not far-reaching enough to effectively battle crimes against women. Because they focused more on helping victims recover from harm and avoid further abuse, they did little to change the way that batterers were punished. The information available by the early 1990s, however, provided insight into how domestic violence and sexual assault could best be addressed by legislation, strengthening the argument that strict punishment was necessary to deter criminals. These results were considered in the development of the Violence Against Women Act, which contrasted greatly with previous federal efforts. Instead of merely providing assistance to victims of domestic violence, the VAWA sought to fight the crime from many different angles: prevention tactics, increased punishment and prosecution, strengthened law enforcement, and improved resources such as shelters, health services, and counseling centers.

⁹ David Ford, p. 6

¹⁰ Elizabeth Purdy, p. 499

Senator Biden and the Beginnings of the VAWA

Senator Joseph Biden, Jr. (D) of Delaware, first began the fight against domestic violence during the 101st Congress in 1990, when he introduced the first Violence Against Women Act. Biden's original VAWA (S. 2754) was comprised of three main sections: Safe Streets for Women, Safe Homes for Women, and Civil Rights for Women.¹¹

The Civil Rights provision was perhaps of most importance to Senator Biden. As a supporter of feminism, he believed that rape and sexual assaults should be classified as civil rights crimes. Noting that 97% of rape and domestic crimes were committed against women, he expressed the belief that rape is a hate-crime because a woman can become a victim simply because of her gender. Studies of rape often concluded that rape (and other methods of violence against women) fit the criteria of a hate crime because "the characteristic the victim is targeted for is an immutable one; that is, the person cannot change [her gender]."¹² Biden argued this case when introducing his bill to the Senate in 1990:

A rape or sex assault should be deemed a civil rights crime, just as hate beatings aimed at blacks or Asians are widely recognized as violations of their civil rights. This bill attempts to fill a gap in our civil rights laws by defining gender-motivated crimes as bias or hate crimes and amending Federal civil rights laws to say that such attacks violate a woman's civil rights.¹³

The Civil Rights provision of the Biden's proposed VAWA allowed victims of gender-based violence to take their cases to federal court and sue their perpetrators for compensatory

¹¹ "The Violence Against Women Act of 1990 (S. 2754)," Statements on Introduced Bills and Joint Resolutions (Senate - June 19, 1990), Library of Congress, <<http://thomas.loc.gov/cgi-bin/query/F?r101:12:/temp/~r101EXLBnu:e31229>>

¹² Barbara Perry, *Hate and Bias Crime: A Reader*, (New York: Routledge, 2003), p. 272.

¹³ "The Violence Against Women Act of 1990 (S. 2754),"

payment. Although this provision was intended to provide judicial rights to female victims who may have otherwise been overlooked by state courts, granting federal court access to rape suits would later become quite controversial.

Senator Biden knew that it would take time and dedication to eventually get the Violence Against Women Act passed. Senator Orrin Hatch (R) of Utah co-sponsored the bill, working with Representatives like Barbara Boxer and Charles Schumer to gain support for the bill in the House.¹⁴ For several years, Biden and the bill's co-sponsors tried to get other lawmakers on board by researching gender-based violence and providing information to convince other senators and representatives of the issue's importance.

Senator Biden and his advisor, Victoria Nourse, also published reports such as *Violence Against Women: A Week in the Life of America* (1992) and *Response to Rape: Detours on the Road to Equal Justice* (1993) to show lawmakers the devastating effects of rape and gain support in Congress for his bill.¹⁵ By taking the time to compile this research and report the grave circumstances of millions of women and young girls nationwide, Biden showed Congress that he was serious about getting his anti-violence bill passed.

Several other tactics were used to influence legislators to support the VAWA. By emphasizing that occurrences of rape and domestic violence were far worse than most people realized, the VAWA's sponsors shed light on the enormity of the crime. Senator William Cohen, a Maine Republican, addressed the Senate on June 26, 1990, providing statistics on rape and domestic violence, such as the fact that, in America, a woman is raped every 6 minutes and another is beaten every 18 seconds. He argued that the crime is even worse than studies show:

¹⁴ Susan Lewis, Ph.D, "Ten Years of VAWA Strengthening Anti-Sexual Violence Work." *The Resource Newsletter of the National Sexual Violence Resource Center*, Spring/Summer 2004.

¹⁵ Susan Lewis

“While the statistics are shocking, the reality is even worse. It is estimated that less than half of all rapes and even fewer domestic assaults are ever reported.”¹⁶

Studies conducted in the late 1980s and early 1990s had found that estimated rape statistics were never complete. Dr. Mary P. Koss, a public health professor at University of Arizona, reported in 1992 that only 16 percent of rapes were ever reported to law enforcement.¹⁷ Although Koss’s studies were controversial (she reported in 1985 that one in four college females has been a victim of rape or attempted rape)¹⁸ they contributed to a national movement in which the prevalence of rape was brought into the public eye.

In each of the years 1990, 1991, and 1993, versions of the VAWA were introduced in both the Senate and the House of Representatives. On August 3, 1990, Representative Boxer introduced the House version of the VAWA (H.R. 5468) which was referred to various committees and subcommittees but never went further. In 1991 and 1993, Biden and House sponsors of the VAWA introduced the bills again but in both cases they were treated just as they had been in 1990.¹⁹ During the formation of President Clinton’s omnibus crime bill in 1993, however, Biden saw a perfect opening to get his bill passed. As the Senate Judiciary Committee Chairman and a major author of the president’s crime bill itself, Senator Biden had no problem making the VAWA a component of the bill.

Pat Reuss, who worked for the National Organization for Women Legal Defense & Education Fund (NOWLDEF) at the time of the VAWA’s formation, believes that the VAWA passed due to its lack of public exposure (and therefore its lack of controversy). “VAWA passed

¹⁶ “S. 2754—Violence Against Women Act (Senate - June 26, 1990),” Congressional Record, Library of Congress, Thomas.loc.gov. <<http://thomas.loc.gov/cgi-bin/query/D?r101:1::temp/~r101EXLBnu::>>

¹⁷ Mary P. Koss, “Rape and the Justice System: The Grand Illusion,” Michigan State University Community Assessment Tool, <http://vip.msu.edu/theCAT/CAT_Author/MPK/justicecritique.html>

¹⁸ Amanda Goldrick-Jones, *Men Who Believe in Feminism*, (Westport, Conn.: Greenwood Publishing Group, 2002) p. 118.

¹⁹ Library of Congress, <<http://thomas.loc.gov/>>

in part because it was politically risky to oppose support for anti-violence work,” she said. “And its passage appeared improbable.”²⁰

Regardless of the controversy that occurred in the debates over the crime bill, the VAWA itself did not face much opposition. Presidential papers even show that, in the master plan of the crime bill’s formation, the VAWA ranked much lower than other crime bill priorities.²¹ It was neither popular enough to get on the legislative agenda itself, nor was it unpopular enough to be defeated once it did get on that agenda. Although the VAWA did not spur much heated debate, the congressional history of Biden’s attempts to get it passed are evidence that, had the VAWA not been placed in the crime bill, it may have never been given full attention.

The Crime Bill and Its Legislative Process

To fully understand the importance of the President Clinton’s crime bill, one must understand the political climate in 1994 and the complications that contributed to the long process of forming a successful omnibus anti-crime bill.

When President Clinton took office in 1993 (and throughout his campaign speeches before), he emphasized the need for more federal crime legislation. Because it was one of the top concerns of American voters – regardless of partisanship, race, class, or gender – Clinton knew that he had a responsibility to the public to tackle crime.

In August 1993, Clinton proposed what he believed to be the most important efforts to reduce crime through federal legislation. By requesting a crime package that would help local police forces hire 100,000 new officers, expand the list of federal crimes punishable by the death

²⁰ Susan Lewis

²¹ “Memorandum for Attorney General Janet Reno,” Clinton Presidential Library Records, Bruce Reed Crime Series: Box 71, Folder 10.

penalty, and increase gun control, President Clinton gave Congress a head start on the formation of a broad and - he hoped - bipartisan piece of legislation.²²

Although both the Senate and the House of Representatives quickly responded to the president's request for anti-crime legislation, it took over a year for Congress to form and approve the final product. The Senate's first attempt at the bill was successful and achieved the goals that the president had set forth. The Senate passed the bill in November 1993, but the House took a different approach, passing several smaller bills pertaining to the issues of most importance to fighting crime.²³ By March 1994, the House of Representatives (led by House Judiciary Chairman Jack Brooks) compiled its previously approved bills to form a larger crime bill, H.R. 4092, which was similar to that which Senate Judiciary Committee Chairman Biden had gotten passed in the Senate in November. Although both of these bills were similar in their scope and variety of crime-fighting methods, the House chose not to address the issue of gun control, leaving out an assault weapons ban. The Senate bill contained both the assault weapons ban and a provision that would establish a "crime trust fund" to ensure that the federal funding for the crime programs would be managed effectively.²⁴

The House-Senate Conference on the crime bill took place in July 1994. In this conference, negotiators from both legislative houses bargained over the differences between the House bill and the Senate bill. The conference resulted in larger amounts of funding than either bill had originally called for: The bill would cost \$33 billion, keeping the Senate's assault weapons ban and leaving out the House's controversial Racial Justice Act – a provision that would have allowed prisoners of racial minority groups to protest if they believed they were

²² "Lawmakers Enact \$30.2 Billion Anti-Crime Bill," *Congressional Quarterly Almanac*, Volume L, 103rd Congress, 2nd session. Ed. Jan Austin. Washington, DC, 1995. 273.

²³ "Lawmakers Enact \$30.2 Billion Anti-Crime Bill," p. 274-5

²⁴ "Lawmakers Enact \$30.2 Billion Anti-Crime Bill," p. 282

discriminated against before being sentenced to capital punishment.²⁵ The most expensive aspects of the revised bill were those that would fulfill Clinton's promise of "100,000 cops" with \$8.8 billion, provide \$9.7 billion for prison construction, and \$7.6 billion in crime prevention²⁶

Because of the broad scope of the crime bill, Republicans and Democrats both had their share of disappointments. Many members of Congress were forced to accept certain unappealing provisions in order to keep those that were most important to them. Many Republicans, for example, did not agree with the assault weapons ban, but some put this opinion aside in order to get more important provisions passed, such as the expansion of local police forces or the construction of more prisons. The scope of the also bill created much conflict, as Democratic Representative Charles Schumer noted during the early days of the bill's formation: "Gun control gets the liberals on board but repels many conservatives," he said. "And the death penalty and habeas corpus have the converse effect."²⁷ The compromising nature of the bill therefore required lawmakers to consider which issues were their priorities. Everyone was guaranteed to be satisfied with at least one portion of the bill, but to achieve passage meant that everyone would have to give up something.

Because of this give-and-take in the formation of the final bill, both parties became somewhat split in their support for – or opposition to – the crime bill. While many Republicans supported the provisions to strengthen prisons and the death penalty, ultraconservative lawmakers felt that their responsibility to protect their constituents' right to bear arms took precedence over other issues. This standard led many NRA-supported Republicans to split from the more moderate members of their party who supported the bill.

²⁵ Katharine Q. Seelye, "Provision on Death Penalty Is Slowing Anti-Crime Bill," *New York Times*, June 26, 1994.

²⁶ "Lawmakers Enact \$30.2 Billion Anti-Crime Bill," p. 281

²⁷ Clifford Krauss. "'93 Crime Bill Still Faces '92 Problems,'" *New York Times*, September 13, 1993.

Although the Republicans experienced a bit of a split over the crime bill, the unity of the Democratic party was more crucially affected. Many Southern Democrats sided with the conservative Republicans in opposing gun control, causing them to vote against the bill. Ultraliberals, on the other hand, were so opposed to the death penalty that not even their support for provisions such as the assault weapons ban and community policing was enough to convince them to support the bill. Many members of the Congressional Black Caucus disfavored the bill after the Racial Justice Act was removed, believing that the death penalty expansions (without the racial justice act) would allow capital punishment to continue taking the lives of many African-Americans who may have been treated unequally in the courts.²⁸

Despite these disagreements, one of the only aspects of the bill that did not cause intraparty division, the Violence Against Women Act, survived the first conference in July. As a provision of the Senate's bill, the act had been of great importance to Senator Biden, who had originally introduced it in 1990. While the House had not included this act in its draft, it accepted it in the conference and the act became part of the final bill.²⁹

In August 1994, supporters of the crime bill expected an easy passage of the conference bill, but they were shocked when a group of the bill's opponents – both Republicans and Democrats – succeeded in blocking the bill by defeating the Democrats on a procedural vote to bring the bill to the House floor.³⁰

Although this defeat was a major blow to the Democratic leadership as well as President Clinton, the crime bill was not abandoned. In the Clinton administration, the legislative process usually did not require the president to play a major part after he laid out his bottom line. As Bruce Lindsey noted in an interview: “As we were negotiating back and forth with the House

²⁸ Seelye

²⁹ “Lawmakers Enact \$30.2 Billion Anti-Crime Bill,” p. 283

³⁰ “Lawmakers Enact \$30.2 Billion Anti-Crime Bill,” p. 284

and the Senate he would not be directly involved until there was some sort of a problem.”³¹ And when the problem arose with getting the crime bill passed in the House, Clinton immediately took action. Angry with the defeat of the bill, the president demanded that Congress return to work until an agreement could be reached and the crime bill could be passed. Criminals “are not going to take a vacation,” Clinton said, and neither should Congress.³² After the initial defeat, the president became even more involved in making changes to the crime bill and convincing its former opponents to support it with some minor changes.

The stiffest opponents of the crime bill, Clinton knew, could not be swayed. Those who were opposed to the death penalty would vote against the bill for that reason, and those opposed to the assault weapons ban would not be likely to cast their votes in favor of the bill either. In the second conference report, the congressional negotiators (and Clinton) did not focus on changing any major aspects of the bill or on bringing opposing lawmakers over from their extreme stances. Instead, they focused on a few moderate Republicans whose opinions they could sway by making minor changes to the bill.³³

President Clinton was most committed to keeping the assault weapons ban in the bill, ignoring his advisers’ suggestions that the assault weapons ban be removed or significantly altered.³⁴ Although retreating on the issue of gun control would have allowed the bill to pass easily, Clinton refused to succumb to conservative wishes and instead focused on minute details that could bring the crime bill a few more votes.

Instead of changing any major provisions of the bill, the second conference agreed to cut about 10 percent of the bill’s funding, specifically from those provisions designed to combat

³¹ Bruce Lindsey, interview, Little Rock, Arkansas: William J. Clinton Presidential Library, 12 July 2007.

³² Reuters, “Excerpts from Clinton’s remarks on crime bill vote,” *The New York Times*, August 11, 1994.

³³ Douglas Jehl. “White House sees a compromise set on the crime bill,” *The New York Times*, August 18, 1994.

³⁴ “Lawmakers Enact \$30.2 Billion Anti-Crime Bill,” p. 273

crime through preventive measures. The resulting conference report granted \$30.2 billion for the crime bill, \$3.3 billion less than the funding allotted in the first conference report.³⁵ The major aspects of the bill – the 100,000 cops initiative, the assault weapons ban, the prison construction plans, and the death penalty provisions – emerged from the second conference completely unscathed or only minimally changed. These changes were enough to gain the votes of 35 Republicans, giving the bill enough votes to pass in the House.

By signing the crime bill on September 13, 1994, President Clinton succeeded in a more than year-long attempt to combat national crime with a large-scale piece of federal legislation. His national image was certainly bolstered by the eventual success of the crime bill, but one can only suppose that, had the crime bill not been saved after the second conference, Clinton would have had a harder time winning re-election in 1996. By sponsoring the crime bill with its liberal and conservative elements, Clinton appealed to citizens on both ends of the political spectrum. Although he was often at odds with the most liberal members of his party, he pleased most Democrats by refusing to back down on gun control and other liberal crime-control methods, such as crime prevention and education programs. On the other hand, he emphasized his image as a crime fighter by demanding firmer punishment for criminals and calling for larger, more effective law enforcement.

The Violence Against Women Act was included in the final version of the bill, although it lost some funding in the second conference. The funding for this provision was cut from \$1.8 billion to \$1.6 billion, a difference that probably did not do much to undermine the effectiveness of the VAWA.³⁶ The inclusion of the VAWA within the crime bill was of great importance to its effectiveness. Had the act been proposed on its own – separate from the crime bill – controversy

³⁵ “Lawmakers Enact \$30.2 Billion Anti-Crime Bill,” p. 285

³⁶ “Lawmakers Enact \$30.2 Billion Anti-Crime Bill,” p. 285

over the amount of funding and various programs may have caused it to be ignored as it had been in the past. In the big picture of the crime bill, the domestic violence provision was not of great controversy. Chances are, many lawmakers who would have opposed the act were too busy protesting the death penalty or the assault weapons ban to pay much attention to the VAWA.

Provisions of the Crime Bill and the VAWA

When constructing both the overall crime bill and its component, the VAWA, lawmakers realized that crime needed to be fought from many different angles. The VAWA and the crime bill as a whole did this by enacting methods of harsher punishment, increased protection and services, prevention programs, research, and education. Each method served to reduce the harm done to victims, the community, and the economy in family violence.

By establishing preventive methods and strengthening law enforcement, the VAWA decreased the number of incidents of domestic abuse, thus decreasing the cost of imprisoning criminals. On the other hand, the increased prison terms, along with the “three strikes, you’re out” provision of the crime bill, ensured that violent criminals and repeat offenders were kept in prison longer. These provisions added to the price paid by the federal government to imprison criminals, but at the same time alleviated the burden placed on health care providers and women’s shelters when women are repeatedly abused. The grants provided to shelters and other battered women’s services allowed organizations to care for victims quickly and more efficiently. These services, along with the security of being free from a previous abuser, gave victims of sexual violence a better chance at moving on with their lives and the ability to once again contribute to society as a regular citizen.

The grants provided by the crime bill worked in harmony with the provisions of the VAWA. By granting federal money to organizations at state and local levels through STOP

grants (for Services, Training, Officers, Prosecutors), the crime bill strengthened the fight against sexual and domestic abuse by building more supportive relationships between state, local, and federal governments and organizations. With a total of \$26 million available in these grants in 1995, each state was eligible for \$426,000 to combat violence by establishing crisis centers, domestic violence hotlines, and volunteer centers and by hiring therapists, victim advocates, and prosecutors to assist victims of domestic and sexual abuse.³⁷

Another way in which the crime bill helped decrease domestic crime was by increasing policing. The COPS program (Community Oriented Policing) sent into America's neighborhoods not only more police officers, but officers who were educated on issues of domestic violence and better prepared to deal with crimes of domestic and sexual abuse. By providing larger numbers of police who did far more than patrol neighborhoods in squad cars, the bill attempted to cut down not only on domestic violence but also on the myriad of other crimes that the crime bill was intended to address. Because community policing required officers to patrol neighborhoods on walking beats,³⁸ community members became aware of the presence of law enforcement on their streets. Taking cops out of their squad cars and putting them in contact with the community built stronger relationships between law-abiding citizens and the police, while also making clear to criminals that their actions were less likely to go unpunished.

While many doubted President Clinton's promise to put more 100,000 cops on America's streets, in May of 1999 the COPS office (which was created within the Department of Justice after the crime bill was signed) celebrated their 100,000th police officer hired since COPS funding began in 1994.³⁹ The presence of more police in neighborhoods and communities, as a

³⁷ "\$26 Million In Violence Against Women Grants Awarded and President and Attorney General Announce VAWA Director," U.S. Department of Justice, March 21, 1995.

³⁸ Sam Meddis, "Reno sees clear sailing for crime bill," *USA Today*, August 3, 1994.

³⁹ "COPS History," U.S. Department of Justice, Community Oriented Policing Services, cops.usdoj.gov

result of Clinton's "100,000 cops" provision in the crime bill, contributed to an environment in which domestic violence was less concealable and more difficult to get away with.

Other promises of the crime bill and the VAWA were delivered to the American public soon after the passage of the crime bill. In March 1995, President Clinton appointed former Iowa Attorney General Bonnie Campbell to direct the newly-established Violence Against Women Office within the Department of Justice. Almost a year later, in February 1996, the domestic violence hotline began operating, providing free, 24-hour assistance to those in situations of domestic and sexual assault.⁴⁰

By establishing lasting domestic violence programs within both the Department of Justice and the Department of Health and Human Services, Clinton ensured that domestic violence would continue to be an issue of great concern within the federal government and that the VAWA would be upheld and made as effective as possible.

Presidential Politics and the Crime Bill

Some would suggest that Clinton wanted to balance his agenda politically by sponsoring a piece of legislation as tough as the crime bill in an attempt to gain more support from those who criticized his unsuccessful efforts to create a massive new universal health care plan in 1993 and 1994.⁴¹ While universal health care was a controversial issue that failed to win support for the president, the argument goes, crime was an issue of major importance through which Clinton could emphasize his more conservative stance and receive bipartisan support.

⁴⁰ "President Announces Nationwide Domestic Violence Hotline," HHS News: U.S. Department of Health and Human Services, Feb. 21, 1996.

⁴¹ *West's Encyclopedia of American Law, 2nd edition*. Lehman, Jeffrey; Phelps, Shirelle. Detroit Gale Group, 2005. Page 234.

The measures of the anti-crime bill that put more police on the street, applied capital punishment to a wider variety of major crimes, and launched a stronger fight against drugs were successful in emphasizing President Clinton's ability to take a tough stand in fighting crime. While the bill was notable for these more conservative methods of combating crime, the Clinton administration was able to appear somewhat liberal at the same time, expanding the rights of women by including the VAWA. By supporting this act, Clinton gained support from many liberals and women's rights activists who may have otherwise opposed the crime bill due to its more conservative segments.

The presence of domestic violence in President Clinton's own life also may have had some influence on his support for the VAWA. As a child, Clinton often witnessed the drunken rampages of his alcoholic stepfather against his mother. One of these incidents resulted in his stepfather pulling out a gun and shooting in the direction of Clinton's mother, just missing her. His stepfather spent the night in jail for this action, and Clinton forgave him. But Clinton also admitted that he knew that "something more poisonous than alcohol drove [his stepfather] to that level of debasement."⁴² Surely this first-hand experience with domestic violence helped influence President Clinton to sponsor the VAWA and all of its efforts to protect women's safety.

Although Clinton was able to appeal to more liberal Democrats by including the VAWA and the assault weapons ban in his massive crime bill, his national support may have been hurt by his contradictory support for both conservative and liberal ideas. While the crime bill was notable for combining clashing ideologies and making them work together, its wide spectrum of liberal and conservative provisions created confusion about where the President stood, contributing to a decline in his approval ratings. Clinton's ideals did not completely fit those of

⁴² Bill Clinton, *My Life*, page 20.

his party in Congress, and he certainly did not share all the views of the Republicans. His centrist way of addressing crime put him somewhere in between both parties, pitting him against some of his previous supporters and gaining at least temporary support from some previous adversaries.

Although his basic intent was to create a bill that would combat crime in ways never before put into effect, Clinton may have lost some support by dividing his constituency. Leaving the death penalty out of the crime bill surely would have prevented the loss of support from members of his own party who were strictly anti-capital punishment. On the other hand, had he not argued for the assault weapons ban, Clinton would have had more support from moderate Republicans and anti-gun control Democrats, such as those in the South. In fact, it is likely that the assault weapons ban accounted for much of his low approval in late 1994, when only 27 percent of Southern white men approved of the President's job efforts.⁴³

The Effects of the Crime Bill on Democrats in Congress

The 1994 Crime Bill had an enormous effect not only on Clinton's image but on Congress as well. Just months after the bill was signed, the midterm elections of 1994 took Congressional control out of the Democrats' hands for the first time since 1954. Many factors contributed to this upheaval: President Clinton's low approval ratings, Democratic scandals, slow progress on important issues such as health care reform, frustration with government, and divisions within the Democratic party itself. All of these factors are important in judging what (or who) is responsible for the Republican take-over, but it is certain that the legislation passed or at least introduced in the 103rd Congress played a part in molding the opinions and actions of voters.

⁴³ Gary C. Jacobson, "The 1994 House Elections in Perspective," *Political Science Quarterly*, p.208.

Some claim that the results of the 1994 midterm elections are evidence that Americans were sick of “big government” and wanted a change. Many Americans were frustrated with large federal expenditures that used their tax dollars.⁴⁴ The large amount of federal spending that funded the crime bill represented this trend, causing some voters to resent the Democrats’ big spending habits and doubt the government’s ability to positively affect their lives through these efforts.

But crime was not the only major issue that influenced the voters’ support for Republicans in 1994. The administration’s proposal for health care reform had revealed to many Americans that the Clinton administration – and many Democrats – simply did not share their views. By pushing for an expensive, highly bureaucratic universal healthcare program, Clinton and many Democrats in Washington lost the support of many independent voters. And by failing to enact it, they disappointed many voters within the Democratic party.

Just as some were driven to abandon the Democrats because of the belief that the federal government was spending too much money, others were focused on their Constitutional right to bear arms as expressed in the Second Amendment.

Wayne LaPierre, former chief executive officer of the National Rifle Association, said that the fear of losing freedom was a driving force that led Americans to vote the Democrats out of office in the midterm elections: “It was a deep fear of federal government encroachment,” he said. “You didn’t see voters support candidates who voted for the crime bill or the Brady Bill, but they sure voted against politicians who supported these measures.”⁴⁵ In LaPierre’s view, voters

⁴⁴ Andrew E. Busch, “Political Science and the 1994 Elections: An Exploratory Essay,” *PS: Political Science and Politics*. American Political Science Association: 1995.

⁴⁵ Persinos, John F. “Brave Newt world - Newt Gingrich; analysis of the congressional election held on Nov. 8, 1994,” Dec-Jan, 1994.

who admired the legislators who passed these laws did not care about the issue enough to rally behind them, but those who were upset about the laws made an impassioned effort to change party control of government.

Those who truly opposed the gun control measures may have been the source of a majority of votes that Democrats lost to Republicans. By passing the Brady Bill and the assault weapons ban within the crime bill, the Democrats lost the votes of many Southern white males, who had historically voted as Democrats but began to vote Republican in presidential elections during the Nixon and Reagan years. Southern Democrats had for some time been much more conservative than the national Democratic Party, but the harsh blow to their right to bear arms was the final straw in pushing some of these voters to support Republican candidates for all federal offices, not just for president.⁴⁶

Perhaps the nature of the Democratic Party itself was partly to blame for the loss of power in 1994. As seen in the passage of the crime bill, the Democrats were often split into different groups according to their ideologies: the black caucus, the white Southerners, the liberals, and the centrist “New Democrats” were constantly divided over important issues and legislation. This disorder resulted in slower progress, more confusion within Congress, and a reputation among some voters for simply not getting things done. Some Democratic legislators favored gun control, the Brady Bill, and universal health care. These liberal beliefs pitted them against the more conservative party members and the “New Democrats.”

The Democrats’ legislative “attacks” on conservative values gave Republican challengers the bait needed to hook the remaining right-leaning Democrats. By emphasizing the disorganization of the Democratic Party, the corruption of its leaders, and the liberalism of the

⁴⁶ Jacobson

103rd Congress' agenda (including gun control), Republican candidates were able to win over many voters. The anger felt by many Second Amendment-supporting citizens contributed to the high Republican turnout on election day, placing congressional Democrats in the minority for the first time in 50 years.

Defeat of the VAWA

Christy Brzonkala, a student at Virginia Tech, became the first woman to use the VAWA to file suit against her attackers.⁴⁷ After allegedly being raped by two football players in 1994, her freshman year, Brzonkala took the matter to the university's justice system, which dismissed one of the men and suspended the other, Antonio Morrison, for sexual assault. Morrison was re-admitted later that year after appealing the school's original conviction. Because Christy Brzonkala was unsatisfied with the way the school handled the case, she filed suit against both of her alleged attackers as well as Virginia Tech in the U.S. District Court for the Western District of Virginia.⁴⁸

Brzonkala sued her attackers using the civil rights provision of the VAWA, which states that victims of gender-based violence may sue their perpetrators in a federal court to gain recompense for the cost and damages of the crime.⁴⁹ The District Court and then the Supreme Court dismissed her complaint, concluding on May 16, 2000 that this provision of the Violence

⁴⁷ Brooke A. Masters, "No Winners in Rape Lawsuit; Two Students Forever Changed by Case That Went to Supreme Court," *The Washington Post*, 20 May 2000, final edition.

⁴⁸ Christopher A. Anzalone, "United States vs. Morrison," *Supreme Court Cases On Gender and Sexual Equality, 1787-2001*, (Armonk, N.Y.: ME Sharpe, Inc., 2002).

⁴⁹ *Violent Crime Control and Law Enforcement Act of 1994*, 104th Congress, Violence Against Women Act (Title IV): Subtitle C: Civil Rights for Women. <http://thomas.loc.gov/cgi-bin/query/F?c103:1:./temp/~c10312WE3t:e466297:>

Against Women Act (§13981) was in fact unconstitutional because it violated the commerce clause.⁵⁰

The civil rights provision asserted that violating the civil rights of women through crimes of rape, domestic abuse, and sexual violence adversely affects interstate commerce. Studies had shown that large numbers of women affected by rape had later quit or been fired from their jobs due to severe depression and anxiety. In Brzonkala's case, when she learned that her rapist would be returning to Virginia Tech for her sophomore year, she dropped out. As of 2000, Brzonkala still had not returned to college and was working as a bartender in Washington, D.C.⁵¹

The Supreme Court's decision did not seem to be about whether Christy Brzonkala was entitled to sue the offenders. The matter was more about the issue of state and federal control. "If the allegations here are true, no civilized system of justice could fail to provide her a remedy for the conduct of respondent Morrison" Chief Justice William Rehnquist wrote. "But under our federal system that remedy must be provided by the Commonwealth of Virginia, and not by the United States."⁵² By ruling that victims of sexual assault cannot file suit against their offenders in a federal court, the Supreme Court rejected the intent of the VAWA to protect victims of gender-based violence when state laws provide insufficient remedies.

Although this was the only provision of the VAWA that the Supreme Court addressed in the case of *U.S. vs. Morrison*, the legitimacy of the entire act was dampened by the ruling.

Successes of the VAWA

⁵⁰ "Summary of U.S. vs. Morrison," Clinton Presidential Library Records, Bruce Reed Domestic Policy Council Subject File: Box 129, Folder 7.

⁵¹ Masters

⁵² Frank J. Murray, "Sex-crime litigation held to state courts; Not tied to commerce, justices rule," *The Washington Times*, 16 May 2000.

Although the Supreme Court's ruling seemed to put a dark cloud over the VAWA, the programs laid out by the act continued to progress after its initial signing in 1994. Studies have since proven the VAWA's effectiveness with data on domestic violence. In 2005, the U.S. Department of Justice announced that family violence rates had dropped by over one-half from 1993 to 2002, "from an estimated 5.4 victims to 2.1 victims per 1,000."⁵³

The act was later reauthorized in 2000 and again in 2005 with unanimous support from Congress. The programs created and supported by the funding of the VAWA are still thriving. The National Domestic Violence Hotline is an example, receiving more than 16,000 calls each month.⁵⁴

Although the problem of crime is still an issue of everyday life in America, the anti-crime legislation created during the Clinton administration has created avenues through which federal, state, and local governments can work together to make America safer. By creating nationwide progress in the treatment and enforcement of women's rights, the VAWA is an example of successful legislation that creates lasting change. While the incidence of gender-based violence still affects the lives of many Americans, the efforts of lawmakers and law enforcement have contributed to the success of the VAWA and ensuring that the fight against crime goes on.

⁵³ "Rate of family violence dropped by more than one-half from 1993 to 2002," U.S. Department of Justice, Bureau of Justice Statistics. June 12, 2005.

⁵⁴ National Domestic Violence Hotline, "Support the National Domestic Violence Hotline," ndvh.org.
<<http://www.ndvh.org/support/index.html>>