

DOMESTIC VIOLENCE

HEARINGS
BEFORE THE
SUBCOMMITTEE ON SELECT EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
SECOND SESSION
ON

H.R. 7927 and H.R. 8948

TO AUTHORIZE THE SECRETARY OF HEALTH, EDUCATION,
AND WELFARE TO ESTABLISH A GRANT PROGRAM TO DE-
VELOP METHODS OF PREVENTION AND TREATMENT RELAT-
ING TO DOMESTIC VIOLENCE, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C.,
ON MARCH 16 AND 17, 1978

use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*



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TESTIMONY BEFORE
THE HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON SELECT EDUCATION

ON

THE DOMESTIC VIOLENCE PREVENTION & TREATMENT ACT (H.R. 7927)

and

THE FAMILY VIOLENCE PREVENTION & TREATMENT ACT (H.R. 8948)

March 17, 1978

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I have been asked to speak about the problems specific to the rural battered woman. As a legal services attorney in an office that serves eight counties in Eastern Kentucky, I am confronted daily with the overwhelming and seemingly insurmountable problems she faces. Because of the efforts of countless women throughout this Country, I am able today to address problems unique to women in one area, in order that any legislation be responsive to them instead of being forced to recount, once again, horror story after horror story, in hopes of convincing you that a problem exists. While increasing consciousness of the problem is reaching the rural areas as well as the urban, most of my efforts on a local level have been aimed at exposing the enormity and frequency of the problem. And while statistics have been difficult to come by nationwide, documentation of the problem in urban areas has been far more available than in the non-urban. Little national attention has been focused on the unique situation of women in rural areas, and consequently few statistics exist.

As part of a campaign to pass State legislation some investigation of the incidence of the problem in Eastern Kentucky was made. As a result of that investigation, it is my opinion that there is little difference in the rate of wife abuse nationwide. Our findings have been in conformity with statistics gathered in other areas of the Country. These findings coincide with my belief that the problem of battering men exists in our society at all levels. It cuts across class, race, ethnic and geographical lines with such an even hand (fist) that were it a positive phenomenon it would be applauded by civil rights groups across the Country. The social conditions unique to each area and to each cultural group do not cause wife abuse; they do exacerbate it, and make solutions more difficult, but neither the poverty nor the culture of Appalachia is the cause of wife abuse. Too many studies have shown the equally high, or even higher rate of abuse among middle class men¹ for me to swallow the myth that the problem is confined to the barefooted mountain woman, children hanging to her long

skirts, waiting for her moonshine swilling hillbilly husband to come home and beat her. This view is no more true, and no less ethnocentric, than the notion that our chicana sisters can "tolerate" more violence because their culture is a violent one.

Nevertheless, the poverty and the isolation suffered by many Appalachian women do circumscribe the solutions to the problem. They and other factors unique to each cultural or geographic group must be faced when creating solutions for these groups.

In one county served by our office the county seat has no police force. The State Police Post is twenty miles away. While there is a Sheriff, neither she, nor her husband, who is her Deputy, are known to do much more than collect the taxes. Yet according to the County Attorney, in the past year the incidence of rape has increased by 80% and of wife abuse by 40%².

In Perry County, a coal county with a population at last count of approximately 25,000, we surveyed the incidence of battered women using the few sources available to us³. An examination of all the warrants issued by one of the three Magistrates in the County was made. We were refused access to the files of the outgoing County Judge and, upon inquiry of the new administration, we were informed that all of his records had been destroyed. We were also unable to go through the records of the other two Magistrates. However, we were informed by both the Magistrates whose files we did survey, and by the County Sheriff's Department, that his warrants accounted for between 90 and 99 percent of all warrants issued in the County.

A count was made of all the warrants issued for a violation of any of the provisions of Chapter 508 of the Kentucky Penal Code which is entitled Assaults and Related Offenses. We also counted the number of warrants issued for "Drunk and Disorderly Conduct" since in our experience warrants are often written for this offense in a domestic violence situation. We then counted the number of warrants for each of these crimes which

was issued against a male upon the complaint of a female.

Complaints by females against males accounted for 154 of a total of 295, or 52.2% of all charges of the above offenses. Over half of all the warrants issued for the three degrees of assault were issued upon the complaint of a female against a male defendant. (See Appendix) But these warrants represent only the very tip of the iceberg. Seeking a warrant is a woman's last resort; it is a much more serious step than asking for immediate help from a law enforcement agency. For many women in the mountains, getting a warrant involves hours of travel. If she is lucky she may have a car and know how to drive it, or she may have a neighbor who can bring her into town. Otherwise, stuck up a hollow, often without a phone, she is without recourse. If the Magistrate or the County Judge is out, she must search for him, often spending the entire day; the police having already told her that without the warrant they are powerless to help her. Once she finds the appropriate official her problems are similar to those of her sisters across the country; refusal to take her situation seriously, harrassment, etc. She is told to get a divorce, get a temporary restraining order, get a lawyer, in short, get help elsewhere.

Another revealing statistic comes from examining our divorce caseload. Under present Kentucky Law no ground for divorce need be proved, only a showing that the marriage has suffered an irretrievable breakdown is necessary. Therefore, we are unaware of the motives of many of the women who come to us seeking a divorce. However, of those women who do offer a reason, over 33% specified "beatings". Since many women are reluctant to talk about their husbands' abuse, I believe the actual percentage is considerably higher. In Floyd County, another coal county in Eastern Kentucky, it is estimated by a woman who has been doing domestic relations work in a legal services office for years, that at least 50% of her divorce clients have been beaten⁴.

Other surveys in rural areas indicate similar rates of abuse. In North Carolina, 50% of the women referred for psychiatric evaluation by the medical personnel at a rural clinic were victims of abuse. Yet of the sixty women referred only four were known by the person referring them to be victims of abuse⁵.

As I mentioned earlier, I believe these statistics are in conformity with statistics nationwide. A study of divorcing couples in Cleveland showed similar results⁶ and a survey in Washenaw County, Michigan, a County with a population ten times that of Perry, yielded similar statistics from a search of the assault warrants⁷.

There are factors though, that are unique to this area and to rural areas in general, that combine to create serious problems for the battered women. These include: isolation, strong extended family ties and lack of services.

Women often live up hollows separated from law enforcement, medical, legal, and counseling assistance by long distances and often impassable roads. Many women in the mountains do not drive, nor are cars available to many people though they do drive. Lack of a telephone adds to the problem and many of my clients are literally trapped miles from the nearest source of help.

Though I don't know whether the predominate residential pattern in Appalachia is patrilocal, it has been my experience that many of my battered clients live surrounded by their husband's kin. I have talked to women who have been held captive by their husbands, with the tacit (and sometimes overt) assistance of other family members. It is not unusual for a whole hollow, or creek branch, to be composed of just one family; each brother's wife is the outsider and she can often expect little support from her husband's family. Strong ties to her own family also operate to trap the rural women. For the woman who grows up in a small community with all of her family close to her, to be forced to leave that community in order to live in peace, is often unacceptable. And rightly so; there is

no justice in a situation which forces her to leave family and friends because of her husband's criminal acts. However, in many cases that is what happens. Even temporary shelters, once they become established in our area, will doubtless be found at great distances from many women's homes. While her city sister may have a long subway ride back to the old neighborhood and her support network, the mountain woman may find her only refuge a few counties away.

Family is also important in mountain politics, and whose girl or boy one is may have a more direct impact on one's life than it does in the city. I do not mean to imply that family is any less important in big city politics; the Saltonstalls and the Lodges are to Boston what the Turners and the Grahams are to Breathitt County. However, a woman calling for help from the police in a large city is likely to be met with a stranger who displays the indifference and even outright hostility we have come to expect from police officers answering a domestic call. Hopefully, training and selection of personnel can change this. But in a small community a woman's call may well be taken by a brother, cousin, or friend of her husband's; or it may be answered by the Sheriff against whom her family politicked. There is no such thing as anonymity in a small community.

This brings up another problem which those of us in rural areas will soon face. While big city shelters often maintain the secrecy of their locations for years, such a thing would be impossible in a small community.

Small communities have nowhere near the resources to draw upon that the larger cities do. That means that in many instances we will be creating from scratch what other areas can achieve through coordination of existing efforts. For example, counseling services are scarce where I work and so woefully inadequate as to border upon the criminal. In our area mental health services are limited to one quasi-state agency which has

been under the continuing scrutiny of both Federal and State officials. Services are notoriously bad. A community our size cannot support the services of someone in private practice and therefore, in reality, services just do not exist. Although one of the mandated services of the agency is marriage counseling, my one experience with them involved a worker telling my hysterical client to go home, that she had "marital problems". She knew she had marital problems, that's why she was there.

When innovative programs to address the problems of abuse victims are begun, they suffer from lack of resources. A group of health professionals in a nearby county began an Abuse Line to take calls from victims. The group has had serious attrition problems however, due mainly to fear by the volunteer counselors that they were inadequately trained to handle a crisis. Calls to agencies and groups throughout the State have failed to turn up even one that was willing to send an individual trainer to these women. Instead they expect a number of car loads of women to travel hours to the city in order to accomodate one urban dweller.

As far as temporary shelter facilities go: there are none. In Kentucky there is one shelter for battered women. It is located in Louisville, a large city. A survey of over fifty agencies in three counties in the Eastern part of the State turned up only two groups, both church affiliated that could accomodate or provide temporary financial support for a battered woman and her children.

In addition to those factors which I have listed, two enormous problems common to the area make the battered women's situation close to hopeless. In order to begin to address her problems we must see them in the context of the total social, and economic environment in Appalachia. That means sky high unemployment, particularly for women, and it means a severe housing shortage.

How can we expect to eradicate the problem of wife abuse, which I believe is based in a large part on the social and economic

inequality of the sexes, without providing economic independence for women? How can we expect a woman who has no way of assuring her own and her children's safety without leaving a violent home to do so when there is literally nowhere to go, and no way to support herself once she's gone.

Perhaps more so than in urban areas a comprehensive solution for battered women in rural areas means the creation of job training and jobs once the training is done. Unemployment figures in the eight Eastern Kentucky counties served by our office in 1973 were 9.1% while the state as a whole had a rate of 4.1%⁸. And in 1975 while the rate in Kentucky for white men was 5.8 the rate for white women was 8.7% and for non-white it was 14%⁹. By combining these statistics its easy to see that the unemployment rate for women in the mountain counties is extremely high. Aside from the few stores, offices and restaurants that employ women, there are virtually no jobs available. The few factories which once employed women in light manufacturing are closing, as one did recently in Floyd county leaving approximately 300 women out of work¹⁰. Past attempts by the Federal Government to deal with the situation have been inordinately unsuccessful. In 1967, for example, Kentucky Manpower programs were able to find jobs for fewer than one-third of those people trained¹¹.

The housing shortage in Eastern Kentucky is another situation with which many battered women must eventually cope. Between World War II and 1965, this area lost three million people to the Northern cities¹². That trend has reversed itself, though, and in the five-year period between 1970-1975, Eastern Kentucky experienced an in-migration of 41,000 people for a 9% growth in population¹³. According to statistics gathered by the Appalachian Research & Defense Fund of Kentucky it will take seventeen years at the present rate of investment to meet the current need for housing in Perry county alone¹⁴. Those statistics do not take into consideration either population growth or deterioration of present housing.

The statistics point out the urgent need for post shelter housing and services for battered women, as well as the urgent need for temporary shelters.

Directing my comments specifically to the legislation before this Committee I would like to make a few remarks, first in regard to the agency chosen to administer any program and then generally.

I see both advantages and disadvantages to ACTION, although I believe that by airing the problems they can begin to be effectively combated. Let me begin with them.

A complaint I am sure you have heard before is the fact that the Bill does not provide a living wage for the community volunteers. While a commitment to community people doing this kind of work is commendable, the stipends offered say to people, in effect, "You've been doing this work for free so far, why should we pay for it". The government must be willing to show by its actions and appropriations that it believes the plight of the battered woman to be a serious social problem, and it must put its money where its beliefs are. Too long have grass roots groups been working long hours at little or no pay, at tasks the government has sworn up and down are vital to the nation. VISTA size stipends indicate one more refusal of the government to aid in bringing the wage level and standard of living in this area up to the national. In Perry County alone almost 40% of the families live at below the poverty level¹⁵. Until the federal government indicates by aggressive action that it believes in fair compensation, it serves as an example for private industry to continue to pay sweatshop wages. With stipends the size of those proposed by the Bill only the area's few members of the middle class will be able to afford such positions. In an area of predominately unemployed and working poor, battered women's programs will suffer the same bias that now infects the state social service agencies and leaves them totally unresponsive to those they serve.

Secondly, while paid community workers are a necessity here, we need more than just personnel. We need hardware. We need buildings for shelters, we need cars and jeeps, we need telephones. Without help from the federal government in financing these acquisitions we won't get them. The mini grant program in ACTION is just too small to serve these needs. In rural areas, particularly, but throughout the nation also, grants from private foundations to do the sort of work contemplated by the Act, have been scarce. In addition, we in Appalachia have virtually no access to local governmental funding. The need for substantial start up money is critical, and a commitment to continued funding, should it be necessary, is a must.

Lastly, and a problem I feel I must mention, is ACTION's reputation in the communities which our office serves. Perhaps no where in America is the word "VISTA" viewed with such suspicion as it is in Appalachia. The experience of people there with one federal "helping" program after another has been bitter, and it is my firm belief that any new one must be a good one; otherwise it would be better to have none at all.

On the other hand, ACTION, as a small agency, still has the potential to be responsive to local people. It avoids the middle level of money funneling and allows grants to be made directly to the community.

RECOMMENDATIONS

FUNDING

- I. There must be some commitment through statute, regulation or policy that the special needs of each geographical, cultural and ethnic group be considered. For rural areas this means acknowledgement of the following when making funding decisions:
 - a. The historical lack of funds in rural areas and the consequent lack of services.
 - b. The extreme difficulty in rural areas of obtaining other than federal funds.
 - c. Need in rural areas, particularly, for more than just personnel, we need buildings, cars, telephones.

2. Federal dollars should go directly to the providers of services to battered women, not to some intermediary or study project.

LOCAL CONTROL

1. The commitment expressed in the Bill to use local people must be strictly complied with. Too long have outsiders and professionals been directing the course of community projects in Appalachia, and too long have they been considered the "experts" in its problems. One prime example of that is my testimony here today. Only because my program can pay for me to come here and only because it could pay for my attendance at a conference in Louisville, where I met people involved nationally, am I here today. I'm not an expert on battered women in rural areas — but I know plenty of them. There must be funding available for local, grass roots workers to get to national hearings and to conferences. There must also be a commitment that such meetings be held in places accessible to rural women. There must be a commitment to send trainers and resources to us.

OTHER AGENCY INVOLVEMENT

1. Until battered women are considered a priority for every kind of service including housing, employment, medical care, education, counseling, day care, and until there are enough of those services of decent quality for everyone in this county, all the money for shelters, and all the special programs will be merely the bandaid treatment of surface wounds.

TERRORISTIC
THREATENING

HARRASSMENT

ASSAULT 1
ASSAULT 2
ASSAULT 3WANTON ENDANGERMENT 1
WANTON ENDANGEMENT 2DRUNK AND DIS-
ORDERLY CONDUCT

ALL CRIMES

	TOTAL%		TOTAL %		TOTAL %		TOTAL %		TOTAL %		TOTAL %	
COMPLAINTS	89		22		83		35		66		295	
FEMALE COM- PLAINANT, MALE DEFEND- ANT	45	50.6	9	41	44	53	16	45.8	40	60.7	154	52.2
FEMALE COM- PLAINANT, MALE DEFEND- ANTS WITH SAME LAST NAME	18	20.2	2	9	27	32.6	8	22.9	22	33.3	77	26.1

APPENDIXPerry County
Statistics

FOOTNOTES

1. Start and McEvoy, "Middle Class Violence", Psychology Today, Nov. 1970 p50-52 and "The Battered Women Syndrome" symposium presented at the American Psychological Association Convention.
2. Conversation with McKenley Morgan County Attorney, Leslie County, Ky. Mar 9, 1978.
3. Housing Element 77, Ky River Area Development District, April 1977, p37.
4. Estimate by Kay Hall, A.R.D.F. Prestonsburg, Ky.
5. Presentation by Kit Munsun at seminar in Louisville, Ky. sponsored by Kentucky Crime Commission.
6. George Levinger, "Source of Marital Dissatisfaction among Applicants for Divorce", American Journal of Orthopsychiatry (October 1966), p.804-806. Cited in Del Martin p.15.
7. Fojtik, Kathleen M, Wife Beating: How to Develop a Wife Assault Task Force and Project, N.O.W. Domestic Violence and Spouse Assault Fund Inc. (Ann Arbor; 1976) p21.
8. Kentucky Development Data Series, vol.16, State Summary.
9. U.S. Bureau of Census, Census of Population General Social and Economic Characteristics 1950-1970 and Geographic Profile of Employment and Unemployment, 1975
10. Winerip, Mike "When This Month Ends So Will Their Jobs", Louisville Courier-Journal Dec 17, 1977 p.B5
11. Branscome, James, The Federal Government in Appalachia (The Field Foundation, 1977) p34.
12. Branscome, at 28
13. Ibid, at 28
14. A.R.D.F. Position Paper, prepared for Congressional Rural Caucus, Nov 10, 1977
15. Housing Element 77, at p37

END