

Women's eNews

Battered Women Gain Protection on Military Bases

Run Date: 08/29/03

By Marie Tessier
WeNews correspondent

Civilian protective orders are now enforceable on military bases, closing a dangerous loophole in the legal system that has frustrated advocates for decades.



Deborah D. Tucker

(WOMENSENEWS)--U.S. military spouses and battered women's advocates will now have a new tool if confronted with an anticipated surge of domestic violence among servicemen returning from tours of duty in and around Iraq and Afghanistan.

Civilian protective orders are now enforceable on military bases, closing a dangerous loophole in the legal system that has frustrated advocates for decades.

However, the new law on protective orders is still being implemented at military bases and advocates expect there will be difficulties enforcing it on every military base in the coming months and years.

"Theoretically, the law should make everyone safer as of the day the president signed the bill," says Deborah D. Tucker, the civilian co-chair of the Pentagon-based Defense Task Force on Domestic Violence. "But every installation commander is going to have to know about it, and local district judges are going to have to learn about it, and advocates and victims are going to have to know about it. That's a lot of people to educate and that's the next step." U.S. Representative Robin Hayes, a North Carolinian Republican, who sponsored the bill in Congress changing the law, says, "This was a necessary step to make zero tolerance for domestic violence a reality."

Hayes' interest in the issue was sparked during the summer of 2002, when a string of five homicides of Army wives and ex-wives in and around Fort Bragg, N.C., made national headlines. Hayes--whose district encompasses the Fort Bragg base and surrounding areas--arranged hearings and problem-solving sessions that brought together Army officials, an existing Pentagon task force on domestic violence, local law enforcement and advocates for battered women.

Advocates have long proposed--and the Pentagon task force more recently has supported--broader reforms in victim services, such as guaranteeing confidentiality in counseling and medical services. Advocates and the task force would also still like to see the military's judicial and disciplinary systems be reformed to promote earlier intervention in domestic-violence cases, thus perhaps preventing serious injuries, and to hold offenders more accountable.

Law Closes a Legal Loophole

The more narrow law signed by President George W. Bush in December closed a loophole caused by the exemption of military installations from the "full faith and credit" provisions of the U.S. Constitution. While these provisions extend protective orders issued by local civilian

Women's eNews

courts across state lines, the power of those court orders had evaporated at the border of a military base. For example, victims who needed protection from harassment and abuse while shopping at the commissary, going to an office job, reporting for their own military service, or living in on-base housing, had to convince commanders to issue a separate military protective order, advocates and military officials say.

While commanders have always had the authority to enforce the provisions of a civilian protective order, that power has been used only at the most progressive bases, says Deborah D. Tucker, executive director of the National Center on Domestic and Sexual Violence.

"With this law, it tells the military that we don't have to have our own debate about the necessity of protecting a particular individual," says Tucker. "It really helps everyone involved to do the right thing and takes the commander's role out of the picture."

Critical Time for Battered Women

The change in the law comes at a critical time for battered women in the military and for battered women in a current or former relationship with a serviceman, says Christine Hansen, executive director of The Miles Foundation in Newtown, Conn., which provides victim services and advocacy on issues related to domestic violence in the military. "We see more domestic violence after a deployment than prior to a deployment," Hansen says. "It's a period of time when an abuser is trying to reinstate his control."

As is true for a battered woman in any situation, the most dangerous time is when she takes steps to leave a relationship, advocates say. Four of the five women killed near Fort Bragg in 2002 were taking steps to end their marriages, according to news reports.

"When an abuser is overseas, that woman is going to have more freedom, more independence, than what she can have when he's home," Hansen says. "She might even have used the deployment time to make her plan to leave the relationship and that can lead to a real escalation."

Research indicates that family violence rises during the first month that an abuser returns home from deployment, says Hansen.

Next Hurdle: Serving the Papers

The Miles Foundation's Hansen warns that, while the protective-order law is a step in the right direction, changes in law and procedure on military bases related to terrorism and war have created additional problems for battered women seeking to enforce orders of protection.

For example, serving a protective order is more difficult at most military bases since September 11 because of tougher security rules, Hansen says.

"With all the concern about terrorism, the informal process for serving legal papers is even more protracted than in the past," she says. "It can be a real hurdle for victims and it depends on how willing the commander is to make that individual available to accept the papers."

Marie Tessier is a freelance journalist who writes frequently about violence against women.

Women's eNews

For more information:

Defense Task Force on Domestic Violence:

<http://www.dtic.mil/domesticviolence/>

Women's eNews--

"General: The Good Soldier Doesn't Beat His Wife":

<http://womensenews.org/article.cfm/dyn/aid/479>

Women's eNews--

"Pentagon Says Military Domestic Violence Must End":

<http://womensenews.org/article.cfm/dyn/aid/742/>

Copyright 2004 Women's eNews. The information contained in this Women's eNews report may--with the prior written authorization of Women's eNews--be published, broadcast, rewritten or otherwise distributed. To obtain permission, send an e-mail to permissions@womensenews.org and provide the publication or broadcast date and the name of the newspaper, magazine, radio or television station, cable network, Web site, newsletter or list serve where it will be replicated. Please include the approximate size of the audience you intend to reach.

Women's eNews is a nonprofit independent news service covering issues of concern to women and their allies. An incubator program of the Fund for the City of New York, Women's eNews is supported by our readers; reprints and licensing fees; and the Fund for the City of New York, the Teresa and H. John Heinz III fund of the Heinz Family Foundations, the John S. and James L. Knight Foundation, the Barbara Lee Family Foundation, the Rockefeller Family Fund, The Helena Rubinstein Foundation, the Sister Fund, the Starry Night Fund. The donations from readers are critical to our success. They are an important measure that we are serving our audience--the yardstick that our foundation supporters will measure us by. Donate now by going to <http://www.womensenews.org/support.cfm>