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Current Status of Federal Law Concerning Violent Crimes Against Women and Children: Implications for Cult Victims

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Abstract

The author presents key provisions of The Victims of Trafficking and Violence Protection Act of 2000, which is federal legislation divided into two Acts. In Parts I and II of this article, the author describes how The Violence Against Women Act of 2000 reauthorized critical grant programs created by the Violence Against Women Act of 1994, established new programs, and strengthened federal laws. In Part III of this article, the author explains that The Trafficking Victims Protection Act of 2000 prevents the trafficking of women and children. In Part IV the author suggests how both Acts have implications for cult members or former members of cultic groups.

At the 1997 AFF national conference, as a luncheon speaker, I spoke about the Violence Against Women Act and state and federal antistalking laws. In 1998, also as a luncheon speaker at the AFF national conference, I addressed related legal issues.¹ Since then, there have been changes in these laws, which in this paper I will describe and relate to the situation of cult victims.

My original thesis in my 1997 & 1998 speeches was that there are no specific laws that protect women from cults, nor are there specific laws that women can use as remedies against cults *per se*. But I maintained then, as I do now, that cult victims may use certain legal remedies that are available to society at large.

I. Overview: History of the Victims of Trafficking and Violence Protection Act of 2000

In 1994, Congress passed the Violence Against Women Act ("VAWA 1994"),² which was unprecedented. It helped to create community-based programs to prosecute domestic violence as a crime. As a result of the 1994 legislation, the Violence Against Women Office ("VAWO") of the Office of Justice Programs, United States Department of Justice was created in 1995.³ The VAWO's purpose is to "lead the national effort to stop domestic violence, sexual assault, and stalking of women."⁴

The VAWO works with the Office of the U.S. Attorney to ensure enforcement of federal criminal statutes. It also administers grants to states, Indian tribes, and local communities amounting to over \$270 million.⁵

Why does the legislation focus primarily on women as victims of crime? At the time of the VAWA 1994 enactment, national reports showed that women, more often than men, were more likely to be victims of stalking, rape, and other such crimes.⁶

On October 28, 2000, President Clinton signed The Victims of Trafficking and Violence Protection Act of 2000 ("2000 Act").⁷ The 2000 Act "improves legal tools and programs addressing domestic violence, sexual assault, and stalking. The Act reauthorizes critical grant programs created by the Violence Against Women Act of 1994 and subsequent legislation, establishes new programs, and strengthens federal laws."⁸ Specifically, the VAWO provides grants to victim advocates and law enforcement for programs such as: "emergency shelter[s], law enforcement protection, and legal aid."⁹ The 2000 Act also

addresses the trafficking of women and children. The VAWO "is leading efforts nationally and abroad to intervene in and prosecute crimes of trafficking in women and children"10 Thus, the 2000 Act is divided into two Acts: the Violence Against Women Act of 2000 ("VAWA 2000") and the Trafficking Victims Protection Act of 2000 ("TVPA 2000").

A. Federal Civil Remedy Struck Since VAWA 1994

VAWA 1994 created a federal civil remedy for women who were victims of physical violence.¹¹ A significant provision allowed women to sue their abusers for monetary damages.¹² Today, the federal civil remedy is no longer available. In my 1998 article in the *Cultic Studies Journal*, I had described a case that was winding its way through the federal courts called *Brzonkala v. Va. Polytechnic & State University*.¹³ In that case, a college student brought a federal civil lawsuit against male students who had raped her in her dormitory room. The case was eventually heard by the United States Supreme Court, which struck down, in a sharply divided 5-4 decision, the section of VAWA 1994 that provided civil remedies for women who bring suit against their attackers.¹⁴ The Court held that Congress overstepped its power when it gave women the right to sue their attackers.¹⁵

Congress must base its legislative enactments upon particular clauses or amendments to the Federal Constitution.¹⁶ For the VAWA 1994, Congress had drafted the legislation, and this particular provision, based upon the right of Congress to regulate activity among states when that activity affects interstate commerce as this right is conferred under the Commerce Clause of the Federal Constitution.¹⁷ Unfortunately, the Supreme Court held, in part, that the Commerce Clause of the Federal Constitution did not provide Congress with authority to enact the civil remedy provision of the VAWA.¹⁸ The majority held that the provision at issue¹⁹ failed to regulate activity that substantially affected interstate commerce,²⁰ and, furthermore, that "[g]ender-motivated crimes of violence are not, in any sense of the phrase, economic activity."²¹ Additionally, the Court held that the provision at issue "contains no jurisdictional element establishing that federal cause of action is in pursuance of Congress' power to regulate interstate commerce."²²

The attorney from NOW Legal Defense Fund, who represented the plaintiff in the case, said that the Act's civil remedy "gave women a way to take matters in their own hands."²³ In response to the decision, the attorney was particularly concerned with the Court's "rejection of Congress's findings about the harmful effects that rape and domestic violence have on employment and other interstate commerce."²⁴

In response to the court decision, Attorney General Janet Reno issued a news release stating that she was:

deeply disappointed by the Court's ruling, but that decision does not affect the other important aspects of VAWA, including our responsibility to implement the criminal provisions of VAWA. Nor does it affect Congress' authority to re-authorize and improve VAWA. I urge Congress take prompt action to get [the VAWA 2000] passed to end violence against women.²⁵

B. New Bill Pending

Currently, there is a Congressional bill pending that seeks to restore the Federal civil remedy for violent crimes that are gender-motivated.²⁶ In order to pass constitutional muster, the bill identifies three possible triggering events for this kind of lawsuit. One is that the abuser or the victim travels in interstate or foreign commerce, or uses a facility or instrumentality of such, or the abuser employs a weapon or drug that has traveled in interstate or foreign commerce. Another triggering event is that the offense interferes with commercial or other economic activity in which the victim is engaged. The third event is where the offense was committed with intent to interfere with the victim's commercial or other economic activity.²⁷

C. Decrease in Intimate Partner Violence

The Attorney General announced last year that the Bureau of Justice Statistics released a Special Report on Intimate Partner Violence indicating that violence against women by intimate partners fell by 21% from 1993-1998.²⁸ While that figure is encouraging, the Attorney General nevertheless stated that it is still high: "intimate partner violence made up 22% of violent crime against women" during that period.²⁹ "In 1998, women made up nearly 75% of the 1,830 intimate partner murder victims. And the percentage of female murder victims killed by intimate partners has remained constant at about 30% since 1976."³⁰

II. The Violence Against Women Act of 2000

When Congress reauthorized the VAWA³¹ in 2000, it reappropriated money to fund the numerous programs originally created under the VAWA 1994 as well as new programs. Mental health and legal professionals who assist victims of cults should be aware of the programs that are available to women and children who have been abused by someone they know. Additionally, mental health and legal professionals may be interested in applying for grants to establish programs or to perform research studies. The website for the VAWO includes information about grants provided to states and local communities.³² One can click on a map of the United States and view what each state has received, as well as individual program summaries.³³

In addition to the numerous programs it authorizes and reauthorizes, the VAWA 2000 expands definitions for certain legal terms. These terms and improved definitions may be useful for members attempting to bring civil claims against other cult members or leaders, and for prosecutors who attempt to win convictions against cult members and their leaders. Highlights of the VAWA 2000 are:³⁴

A. Dating Violence

Historically, prosecutors have had difficulty securing convictions against abusers who have dated their victims.³⁵ The VAWA 2000 provides a better definition for the term "dating violence," which will aid prosecutors in their work.³⁶ The term and its improved definition have been added to several grant programs administered by VAWO that seek to encourage arrests and reduce violence.³⁷

The definition of "dating violence" as it now appears in the current VAWA 2000 is: "violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim."³⁸ The existence of such a relationship is determined by the following factors: "1) length of the relationship; 2) type of relationship; and 3) frequency of interaction between the persons involved."³⁹ Various programs created and funded under the VAWA 2000 now include prevention and prosecution of "dating violence."⁴⁰

Personal relationships between cult members and leaders may involve "dating violence." This improved legislation may provide assistance.

B. Interstate Domestic Violence

The VAWA 2000 clarifies language pertaining to the crime of "Interstate Domestic Violence."⁴¹ In this crime, the offender is the "spouse or intimate partner" of the victim. The offender travels in interstate or foreign commerce with the "intent to kill, injure, harass, or intimidate" his victim or he causes the victim to travel in interstate or foreign commerce.⁴² This new language brings the provision more solidly under the Commerce Clause of the Federal Constitution.⁴³ With this crime, the offender commits or attempts to commit a violent act against the spouse or intimate partner.

Note that "spouse or intimate partner" is now defined as: "a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, [or] a person who cohabits

or has cohabited as a spouse with the abuser."⁴⁴ This expansive definition could be applied to many abusive cultic relationships.

C. Interstate Stalking

The VAWA 2000 clarifies certain Interstate Stalking⁴⁵ provisions of the VAWA 1994 to bring it more solidly within the ambit of the Commerce Clause of the Federal Constitution.⁴⁶ The new provision adds that the offender had the intent to "kill" or to "intimidate another person," and both the old and the new provisions include that the offender had the intent to "injure" or "harass."⁴⁷ In both the old and the new law – the victim must have had a "reasonable fear of . . . death . . . or serious bodily injury" to herself or immediate family member.⁴⁸ Included within the provisions of this crime is the use of "the mail or any facility of interstate or foreign commerce."⁴⁹

The VAWA 2000 reauthorizes the grants to improve processes for entering data regarding stalking and domestic violence.⁵⁰ Grants are available for improved local, state, and national crime information databases.⁵¹

D. Legal Assistance for Victims

The VAWA 2000 authorizes the Attorney General to make grants to provide legal assistance for victims of domestic violence, stalking, and sexual assault.⁵² Last Fall, \$23 million⁵³ in grants were made available to private nonprofits, Indian tribal governments, and law school clinics as eligible grantees; for Fiscal Year 2001, Congress has appropriated \$31.5 million to Legal Assistance for Victims.⁵⁴ According to VAWO, the programs help victims with

securing and enforcing protection orders, divorces or separations, spousal and child support orders and resolving child custody and visitation conflicts. Funds can also be used to help victims with access to benefits and health care, housing and employment. In addition, grant funds can be used to recruit [and] train attorneys who provide pro bono civil legal assistance to domestic violence victims.⁵⁵

These services should be useful for women who cannot afford to pay the fee of their attorney.

The first year that grants were distributed for this purpose was in 1998.⁵⁶ Since then, there have been successful clinics and more applications each year.⁵⁷ The grants were distributed in all 50 states, three territories, and the District of Columbia.⁵⁸

The civil legal services are paired with domestic violence victim advocacy programs⁵⁹ – for example, a hospital and a law school clinic.⁶⁰ Thus far, none of the legal clinics have targeted a cultic population.⁶¹ The deadline for fiscal year 2001 has passed, but posting will be made December 2001 or January 2002 for grant applications.⁶² Mental health or legal professionals may call the Department of Justice to be placed on a mailing list for grant opportunities, or log onto a website for information.⁶³

E. Shelter Services for Battered Women and Children

VAWA 2000 reauthorizes the shelter services for battered women and children created under VAWA 1994 at \$175 million for fiscal years 2001-2005.⁶⁴

F. Transitional Housing Assistance for Victims of Domestic Violence

The VAWA 2000 creates a new grant program for transitional housing assistance for victims of domestic violence.⁶⁵ The program is to be administered by the Department of Health and Human Services authorized at \$25 million for fiscal year 2001.⁶⁶

G. National Domestic Violence Hotline

VAWA 2000 reauthorizes the National Domestic Violence Hotline⁶⁷ at \$2 million for fiscal years 2001-05.⁶⁸

H. Grants to Encourage Arrest Policies Program

The VAWA 2000 reauthorizes the grants to Encourage Arrest Policies Program;⁶⁹ Congress has appropriated \$33.9 million for Fiscal Year 2001.⁷⁰ Last Fall, ninety-four communities in 41 states and the District of Columbia received nearly \$29 million to continue their efforts in arresting batterers and in enforcing protection orders.⁷¹ The grants program "fosters collaboration among law enforcement officers, prosecutors, judges and victim advocates to treat domestic violence as a serious crime."⁷² Among other things, grants are distributed for programs that aim to: facilitate widespread enforcement of protection orders; develop and strengthen policies and training for police, prosecutors, and the judiciary on domestic violence and sexual assault against older individuals and individuals with disabilities; and strengthen legal advocacy services for victims of domestic violence.

For example, these funds are being used to educate criminal justice personnel about domestic violence and how to improve the handling of domestic violence cases.⁷³ Computer tracking systems are being developed and coordinated to ensure improved communication among police, prosecutors and the courts. Funds are also being used to create specialized units in police departments and prosecutors' offices that focus on domestic violence.⁷⁴

These grant programs were first started in fiscal year 1998.⁷⁵ As of last Fall, 176 jurisdictions participated in the program, with at least one jurisdiction in almost every state receiving funding.⁷⁶

Thus, individuals seeking to obtain court orders of protection from an abusive partner, in or out of a cultic relationship, should have an easier time than in the past in obtaining it and having it recognized. The VAWA 1994 and the VAWA 2000 sought to encourage states to respect protective orders from sister states.⁷⁷

I. Grants to Combat Violent Crimes Against Women

The VAWA 2000 reauthorizes the Combat Violent Crimes Against Women programs at \$185 million for the fiscal years 2001-2005;⁷⁸ Congress has appropriated \$209.7 million for Fiscal Year 2001.⁷⁹ STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants are one of the largest funding programs in this area.⁸⁰ Among other things, the VAWA 2000 establishes four new purposes for which funds may be used:

- 1) to support statewide, coordinated community responses;
- 2) to train sexual assault forensic medical personnel examiners;
- 3) to develop, enlarge, and strengthen programs to assist law enforcement, prosecutors, courts and others to address and recognize the needs and circumstances of older and disabled individuals who are victims of domestic violence and sexual assault;
- and 4) to provide assistance to victims of domestic violence and sexual assault in immigration matters.⁸¹

For instance, STOP funds may be used to "develop domestic violence units in police departments and prosecutors' offices and develop computerized systems to identify and track arrests and protection orders."⁸²

STOP grants have been awarded to all "50 states, the District of Columbia and five territories to encourage cooperation among law enforcement, prosecution and victim service providers to improve the response to domestic violence, sexual assault and stalking."⁸³ VAWA 2000 also provides that courts may be eligible to receive STOP grants.⁸⁴

J. Studies Related to Violence Against Women

The VAWA 2000 requires that the Attorney General conduct national studies and report to Congress on "State laws that address discrimination against victims of domestic violence and sexual assault related to the issuance of insurance policies."⁸⁵ The Attorney General is also required to conduct a national survey of "plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace relating to domestic violence, stalking, or sexual assault."⁸⁶ Congress has appropriated \$5 million for Fiscal Year 2001 for studies related to violence against women.⁸⁷

Recently in New York City, Mayor Rudolph W. Giuliani signed into law an ordinance prohibiting employers from "firing or refusing to hire people who are threatened, stalked or attacked by a current or former spouse, significant other or roommate."⁸⁸ Nationwide, it is estimated that there are 30,000 to 40,000 incidents of on-the-job violence annually where the victims know their attackers intimately.⁸⁹

K. Rape Prevention and Education

The VAWA 2000 reauthorizes and expands its grant program for rape prevention and education at \$80 million for fiscal years 2001-05.⁹⁰ Rape prevention grants focus on educational seminars, hotlines, training for professionals, preparation of informational material, and education about drugs used to facilitate rape.⁹¹ Grants are available for the education and training of judges and court personnel on subjects such as custody and visitation issues in families with domestic violence and evaluating expert testimony in custody and visitation determinations involving domestic violence.⁹²

L. Title III – Limiting the Effects of Violence on Children

1. Safe Havens for Children Pilot Program

The VAWA 2000 creates a pilot program making grants available to states, units of local governments, Indian tribal governments, and nonprofit organizations to provide supervised visitation of children in domestic violence, child abuse, sexual assault, and stalking cases.⁹³ The VAWA 2000 authorizes \$15 million for fiscal years 2001-02.

2. Reauthorization of Victims of Child Abuse Programs

The VAWA 2000 reauthorizes a program whereby courts appoint Special Advocates for children at \$12 million for fiscal years 2001-05 (Court Appointed Special Advocate Program).⁹⁴ It also reauthorizes training programs for judicial personnel and practitioners specializing in child abuse (Child Abuse Training Programs) at \$2.3 million for fiscal years 2001-05.⁹⁵ Furthermore, it reauthorizes grants for televised testimony at \$1 million for fiscal years 2001-05.⁹⁶ Congress has appropriated \$14.5 million for Fiscal Year 2001 for Victims of Child Abuse Programs.⁹⁷

3. Report on Effects of Parental Kidnapping Laws in Domestic Violence Cases

The VAWA 2000 requires a study and report to Congress on federal and state laws relating to parental kidnapping and child custody.⁹⁸

M. Other Provisions

The VAWA 2000 establishes a national Domestic Violence Task Force "to coordinate research on domestic violence and to report to Congress . . ."⁹⁹ The legislation also includes laws that protect battered immigrant women,¹⁰⁰ as well as older and disabled women, from domestic violence.¹⁰¹ Grants are available to schools for campus security.¹⁰²

III. The Trafficking Victims Protection Act of 2000

The newly enacted Trafficking Victims Protection Act of 2000¹⁰³ ("TVPA 2000") relies extensively upon the efforts of the President and federal agencies. The aim of the trafficking provisions is to "combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims."¹⁰⁴

In enacting TVPA 2000, Congress's findings were that "the degrading institution of slavery continues throughout the world."¹⁰⁵ Additionally, Congress found that "[a]t least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year."¹⁰⁶ Although "[m]any of these persons are trafficked into the international sex trade, often by force, fraud, or coercion,"¹⁰⁷ trafficking is not limited to the sex industry. Congress also found that "[t]his growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide."¹⁰⁸

A critical finding of Congress was that the "[t]rafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude and other forms of forced labor has an impact on the nationwide employment network and labor market."¹⁰⁹ This finding is significant because a court is less likely to strike the Act if it is grounded solidly upon the Commerce Clause of the Federal Constitution.

The TVPA 2000 requires the President to establish an Interagency Task Force to Monitor and Combat Trafficking¹¹⁰ and to establish an Office to Monitor and Combat Trafficking¹¹¹ within the Department of State. It charges the President to measure and evaluate the progress of trafficking prevention, protection, and assistance to victims.¹¹²

To prevent trafficking, the President may take such initiatives that will enhance economic opportunity for potential victims – lending programs, training in business development, and job skills training.¹¹³ These programs are authorized based upon the findings of Congress that persons most vulnerable to trafficking are women and children who are uneducated, poor, and with little job skills.¹¹⁴ Programs should also aim to retain children in schools and to educate persons who were victims of trafficking.¹¹⁵

To aid in prosecuting these crimes, the TVPA 2000 directs the Attorney General and other federal agencies "to expand benefits and services,"¹¹⁶ including legal services, to "victims of severe forms of trafficking,"¹¹⁷ regardless of victims' immigration status.¹¹⁸

The TVPA 2000 authorizes grants to states, tribal governments, local governments, and nonprofits "to develop, expand or strengthen"¹¹⁹ services for victims of trafficking. (Professionals engaged in assisting cult members may be interested in looking into grant opportunities.) It requires that federal regulations be promulgated to ensure that victims of trafficking are provided with shelter, medical care, assistance and protection, and that they have access to information.¹²⁰ While in the custody of the Federal Government, measures are to be taken to "protect trafficked persons and their family members from intimidation and threats of reprisals"¹²²

The TVPA 2000 requires the President to withhold "nonhumanitarian, nontrade-related foreign assistance"¹²³ to countries that fail to comply with the Act's "minimum standards"¹²⁴ for the elimination of trafficking.¹²⁵

The TVPA 2000 strengthens the prosecution and punishment of traffickers by defining certain crimes for the first time. The crime of "Forced Labor" was given definition that includes the use of "threats of serious harm to, or physical restraint against," another person, "by means of any scheme, plan, or pattern . . . by means of . . . abuse or

threatened abuse of law or the legal process."¹²⁶ Violators face fines or imprisonment up to 20 years, or both.

Just like any other organized entity that forces the labor of persons, cults may be punished for the crime of Forced Labor. While researching an article¹²⁷ regarding children and cults, I found that children whom I interviewed complained about being forced to work for the church in which they were raised. A young man whom I interviewed told me that all members of his church were compelled to work in the church business of carpet and floor cleaning, upholstery work, woodwork and painting. This particular individual was forced to do manual labor for the church from the time he was 12 years old, for which he was never paid.¹²⁸ He observed that the church dissuaded its members from attending college because it would lose the labor of young people.¹²⁹ There are many examples like this one. The issues for prosecutors and for the courts would be whether the kind of conditions that I just described meet the elements of the crime of Forced Labor.

Another new provision criminalizes sex trafficking of children.¹³⁰ The provision is based upon the Commerce Clause.¹³¹ The offender either "recruits, entices, harbors, transports, provides, or obtains by any means a person" (in other words, the offender being the primary actor) or "benefits, financially or by receiving anything of value from participation in [such] venture" (in other words, the offender benefits from the crime).¹³² The offender must "know[] that force, fraud, or coercion . . . will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act. . . ."¹³³ This language indicates that the offender is liable in absence of knowledge that the victim is under 18. The punishment, depending upon the age of the child, ranges from a fine to life imprisonment.¹³⁴

IV. Implications for Cult Members or Former Members

Cult members or former cult members could utilize the new federal laws and programs discussed above to seek justice for wrongful acts committed against them. For example:

A. The VAWA 2000 provides better definition for the term "dating violence," which will aid prosecutors in their work. Under the Act, various programs include prevention and prosecution of "dating violence." These programs may benefit cult members who find themselves in situations where dating violence occurs by another member or leader. The statutory definition, "violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim," could assist prosecutors in securing convictions against cult members or leaders with whom victims have close relationships. In the past, prosecutors would have a difficult time convincing juries that a live-in companion or a social acquaintance should be convicted of a violent crime, and that would have been true for cultic relationships as well. Under this new definition, prosecutors would have more arsenals. (For further detail, see II A above.)

B. The VAWA 2000 clarifies language pertaining to the crime of "Interstate Domestic Violence." Where a cult member or leader travels in interstate or foreign commerce, such as crossing a state border, with the "intent to kill, injure, harass, or intimidate" a fellow cult member or former one, such offender has committed a crime. The statutory language as to the relationship between the offender and the victim could be broad enough to encompass cultic relationships where the offender and victim were married, or share a child, or who cohabit together. (For further detail, see II B).

C. The VAWA 2000 clarifies language pertaining to the crime of "Interstate Stalking." Under the new law, conceivably prosecutors could build a criminal case against a stalker, who is a member or leader of a cult, who stalked another cult member or stalked someone in an attempt at recruitment. Under this new law, the prosecutor must show that the

offender had the intent to "kill," "intimidate another person," "injure," or "harass" the victim. For further detail, see II-C.¹³⁵

D. Cult members or former members could seek legal assistance for civil matters from programs established by grants authorized by the VAWA 2000, called "Legal Assistance for Victims" programs. The money for these programs established pairings of medical facilities, for example, with a law school legal clinic. Cult members or former members who wish to seek legal assistance for orders of protection, divorce, child support could approach a VAWO program in their community. The website for VAWO could provide useful information. (For further information, see Part II D above.)

E. Cult members or former members may also be in need of shelter services for battering or for transitional housing assistance as a result of domestic violence. Federal money and programs have established shelters and assistance. (For further information, see Part II D-F above.)

F. Cult members or former members may be assisted by the new trafficking laws of the TVPA 2000, which authorizes grants for services of victims of trafficking. In addition to services that may be provided locally, the federal law provides for the prosecution and punishment of traffickers. Hypothetically, cults could fall within the category of "forced labor," which the federal statute targets. The federal statute also encompasses sex trafficking of children, which may apply to certain cultic groups. (For further information, see Part III above.)

V. Conclusion

The foregoing is an outline of the highlights of federal legislation and programs relating to crimes against women and children. Our individual states also have enacted laws to protect victims of crimes of domestic violence, sexual assault, rape, and stalking. Thus, many of the crimes written into the Federal Violence Against Women Acts of 1994 & 2000 are also addressed by state law. One purpose for enacting federal legislation is to provide uniformity to our laws, to encourage uniformity in law enforcement and prosecution, and to encourage cooperation from sister states in recognizing orders of protection. The federal law also helps to provide money for programs that filters down to the local communities.

I encourage mental health and legal professionals to look into grant money that will become available next winter for studies and programs that could be formed in their communities. Those who know someone experiencing violence at home may want to direct them to law enforcement or appropriate victim service agencies.

Notes

1. The *Cultic Studies Journal* published the speeches in article form: Robin A. Boyle, *Women, the Law, and Cults: Three Avenues of Legal Recourse--New Rape Laws, Violence Against Women Act, and Antistalking Laws*, 15(1) C.S.J. 1 (1998) [hereinafter Boyle, *Three Avenues*]; Robin A. Boyle, *How Children In Cults May Use Emancipation Laws To Free Themselves*, 16 C.S.J. 1, 10-11 (1999) [hereinafter Boyle, *Emancipation*].
2. Violence Against Women Act of 1994, Pub. L. No. 103-322, Title IV, 108 Stat. 1902 (codified in scattered sections of 18 & 42 U.S.C.) (1994) [hereinafter VAWA 1994].
3. See Catherine Pierce, Acting Director, *About the Violence Against Women Office, available at* <http://www.ojp.usdoj.gov/vawo/about.htm> (last visited August 3, 2001) [hereinafter *VAWO Release*]. For more information about VAWO, contact: VAWO/ 810 7th Street, NW/ Washington, DC 20531/ telephone: (202) 307-6026; fax: (202) 307-3911.
4. *VAWO Release, supra* note 3.
5. *See id.*
6. *See Boyle, Three Avenues, supra* note 1 at 2 (citing Bureau of Justice Statistics Special Report, U.S. Dep't of Justice, Pub. NCJ-154348, *Violence Against Women: Estimates from the Redesigned Survey 1* (Aug. 1995)). The report stated that for domestic violence crimes women were approximately six times more likely than men to experience violence committed

by an "intimate." The incidence of domestic violence increases in poor families and for younger women, ages 10 to 29.

7. 22 U.S.C.A. § 7101 (West Supp. 2001).
8. *VAWO Release*, *supra* note 3.
9. *Id.*
10. *Id.*
11. VAWA 1994, *supra* note 2.
12. 42 U.S.C. § 13981(c) (1994); see Boyle, *Three Avenues*, *supra* note 1, at 25.
13. Boyle, *Three Avenues*, *supra* note 1, at 26-28 (citing *Brzonkala v. Va. Polytechnic & State Univ.*, 935 F. Supp. 779 (W.D.Va. 1996), *rev'd*, 132 F.3d 949 (4th Cir. 1997)).
14. *United States v. Morrison*, 529 U.S. 598 (2000) (*Morrison* is the companion case that was decided along with *Brzonkala*). Chief Justice William H. Rehnquist wrote the decision. He was joined by Justices Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy and Clarence Thomas.
15. *Id.* at 627; see Brook A. Masters, 'No Winners' in Rape Lawsuit; Two Students Forever Changed by Case That Went to Supreme Court, *The Wash. Post*, May 20, 2000, at B1.
16. See *Morrison*, 529 U.S. at 607.
17. U.S. Const. art. I § 8, cl. 3.
18. *Morrison*, 529 U.S. at 609-10.
19. Specifically, § 13981 of VAWA 1994, 42 U.S.C. § 13981 (1994).
20. *Morrison*, 529 U.S. at 610-12.
21. *Id.* at 613.
22. *Id.*
23. Joan Biskupic, *Justices Reject Lawsuits For Rape; Court Again Limits Congress's Power*, *The Wash. Post*, May 16, 2000, at A1 (quoting Martha F. Davis).
24. *Id.*
25. News Release, Statement of the Attorney General on Reauthorization of the Violence Against Women Act (May 2000), available at <http://www.ojp.usdoj.gov/vawo/collected.htm> (last visited August 3, 2001) [hereinafter *Release, Reauthorization of VAWA*].
26. H.R. 429, 107th Cong. (2001) (sponsored by Representative John Conyers D-MI).
27. See *id.*
28. See *Release, Reauthorization of VAWA*, *supra* note 25; see also News Release, Intimate Partner Violence Against Women Declined From 1993 Through 1998: One-third of All Murdered Females Were Killed by Partner (May 17, 2000), available at <http://www.usnewswire.com/OJP/docs/ipv.txt> (last visited August 3, 2001).
29. *Release, Reauthorization of VAWA*, *supra* note 25.
30. *Id.*
31. The Violence Against Women Act of 2000, Pub. L. No. 106-386, 114 Stat. 1491 (2000) (to be codified in scattered sections of 8 & 42 U.S.C. [hereinafter *VAWA 2000*]).
32. VAWO, available at <http://www.ojp.usdoj.gov/vawo/about.htm> (last visited August 3, 2001).
33. *Id.* In the left column will be an option for "State-by State VAWO Grant Activities." Click there and then click on individual states of your choice.
34. The highlights are summarized from the web site of the U.S. Department of Justice, Office of Justice Programs, located on the web at <http://www.ojp.usdoj.gov/vawo> (last visited August 3, 2001).
35. See Boyle, *Three Avenues*, *supra* note 1, at 6-11 (discussing the difficulties in prosecuting sex crimes committed by someone whom the victim knows).
36. VAWA 2000 § 1109.
37. VAWA 2000 added the term "dating violence" to programs such as the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and the Grants to Reduce Violent Crimes Against Women on Campus Program. VAWA 2000 §§ 1108, 1109.
38. VAWA 2000 § 1109.
39. *Id.*
40. See *supra* note 32 for webpage.
41. VAWA 2000 states that an offense of interstate domestic violence is: (1) a person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner . . . (2) A person who causes a spouse or intimate partner to travel in

interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner . .

VAWA 2000 § 1107(a).

42. *Id.*
43. For example, the VAWA 1994 act used the phrase "State line," whereas the VAWA 2000 uses "interstate or foreign commerce or enters or leaves Indian country." VAWA 2000 § 1107(a)(1); 18 U.S.C. § 2261(a)(1)(1994). Another change is that the VAWA 2000 act includes that the offender in subdivision (1) possessed the intent to kill, while the VAWA 1994 only refers to the intent to injure, harass, or intimidate. VAWA 2000 § 1107(a)(1); 18 U.S.C. § 2261(a)(1)(1994).
44. VAWA 2000 § 1107 (amending 18 U.S.C. § 2266).
45. VAWA 2000 § 1107 (amending 18 U.S.C. § 2261).
46. VAWA 2000 reads: "Whoever (1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country." VAWA 2000 § 1107(b). Whereas, the VAWA 1994 provision read: "Whoever travels across a State line." 18 U.S.C. § 2261A (Supp. V 1999).
47. VAWA 2000 § 1107(b); 18 U.S.C. § 2261A (Supp. V 1999).
48. Contrasting VAWA 2000 with VAWA 1994.
49. VAWA 2000 § 1107(b)(2) (amending § 2261A).
50. VAWA 2000 § 1101(a)(3)(A)(iii).
51. *See id.*
52. VAWA 2000 adds Title II – Strengthening Services to Victims of Violence – Legal Assistance for Victims. VAWA 2000 § 1201.
53. News Release, *Justice Department Awards Over \$23 Million For Civil Legal Assistance To Victims of Domestic Violence* (Oct. 19, 2000), available at <http://www.usnewswire.com/OJP/docs/ojp000114.html> (last visited August 3, 2001) [hereinafter *Legal Assistance Release*].
54. Telephone Interview with Frances Cook, Attorney Advisor, U.S. Dep't of Justice (May 4, 2001) [hereinafter *Cook*].
55. *Legal Assistance Release, supra* note 53.
56. Telephone Interview with Corrin Ferber, Program Administrator for Domestic Violence Victims' Civil Legal Assistance Grant Program, U.S. Dep't Of Justice (April 27, 2001)[hereinafter *Ferber*].
57. *Id.*
58. *See Legal Assistance Release, supra* note 53.
59. *Id.*
60. *See Ferber, supra* note 56.
61. *Id.*
62. *Id.*
63. For information about grants – call (202) 307-6026. Log onto the website at: <http://www.ojp.usdoj.gov/fundopps.htm>.
64. VAWA 2000 § 1202(a).
65. *Id.* § 1203.
66. *Id.* § 1203(f).
67. The National Domestic Violence Hotline is: (800) 799- SAFE or (800) 787- 3224.
68. VAWA 2000 § 1204.
69. *Id.* § 1101(c)(2).
70. *See Cook, supra* note 54.
71. News Release, *VAWO, Almost \$29 Million in Justice Department Funds Continue Local Efforts to Address Domestic Violence* (Nov. 8, 2000), available at <http://www.usnewswire.com/OJP/docs/ojp117.html> (last visited August 3, 2001).
72. *Id.*
73. *See id.*
74. *See id.*
75. *See id.*
76. *See id.*
77. VAWA 2000 § 1101(a)(2)(B); 18 U.S.C. § 2265(a).

78. VAWA 2000 § 1103 (reauthorizes STOP grants).
79. *See Cook, supra* note 54.
80. OJP Resource Guide Third Edition – 4: Preventing Violence Against Women, *available at* <http://www.ojp.usdoj.gov/resguide/chap4.htm> (last visited August 3, 2001).
81. VAWO at http://www.ojp.usdoj.gov/vawo/laws.vawo_summary2.htm (last visited August 3, 2001).
82. News Release, VAWO, *Justice Department Awards Over \$162 Million to States, Rural Communities and Colleges and Universities to Address Violence Against Women* (Oct. 12, 2000), *available at* <http://www.usnewswire.com/OJP/docs/ojp000113.html> (last visited August 3, 2001).
83. *Id.*
84. VAWA 2000 § 1102(a).
85. *Id.* § 1206.
86. *Id.* § 1207.
87. *See Cook, supra* note 54.
88. Tim Pareti, *Employer Awareness: Lawyers can Help Ward Off Liability When Domestic Violence Spills Into Workplace*, A.B.A. J. 70 (May 2001).
89. *See id.*
90. VAWA 2000 § 1401(c)(2).
91. *Id.* § 1401(a).
92. *Id.* § 1406.
93. VAWA 2000 § 1301.
94. *Id.* § 1302(a).
95. *Id.* § 1301(b)
96. *Id.* § 1301(c)
97. *See Cook, supra* note 54.
98. VAWA 2000 § 1303.
99. *Id.* § 1407.
100. *Id.* § 1501 et. Seq.
101. *Id.* § 1402
102. *Id.* 1108. A National Institute of Justice Research Report released in December 2000 announced findings by researchers that estimate more than 350 rapes per year occur on a college campus with approximately 10,000 female students. Bonnie S. Fisher et al., *The Sexual Victimization of College Women*, NIJ, Dec. 2000, *available at* <http://www.ojp.usdoj.gov/nij/pubs-sum/182369.htm>. (last visited August 3, 2001).
103. Victims of Trafficking and Violence Protection Act of 2000, 22 U.S.C.A. § 7101 (West Supp. 2001). You may find it on the web at: <http://www.ojp.usdoj.gov/vawo/laws/vawo2000> (last visited August 3, 2001). It is referred to as Division A of the larger piece of legislation, and the VAWA 2000 is Division B.
104. 22 U.S.C.A. § 7101(a).
105. *Id.* § 7101(b)(1).
106. *Id.* § 7103(e).
107. *Id.* § 7101(b)(2).
108. *Id.* § 7101(b)(3).
109. *Id.* § 7101(b)(12).
110. *Id.* § 7103(a).
111. *Id.* § 7103(e)
112. *Id.* § 7103(d)(2)
113. *Id.* § 7104(a).
114. *Id.* § 7101(b)(4).
115. *Id.* § 7104(a)(4).
116. *Id.* § 7105(b)(1)(B).
117. “Severe Forms Of Trafficking In Persons” is defined as: (A) sex trafficking in which a commercial sex act is induced by fraud, or coercion, or in which the persons induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
Id. § 7102(8) (A) & (B).

118. *Id.* § 7105(b) & (e).
 119. *Id.* § 7105(b)(2).
 120. *Id.* § 7105(c).
 121. *Id.* § 7105(c)(1)(C)(i).
 122. *Id.* § 7107(a).
 123. "Minimum Standards" is defined as: (1)The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking. (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault. (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense. (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.
Id. § 7106(a). This requirement does not go into effect until 2003.
 124. *Id.* § 7107(a)(1).
 125. *Id.* § 7109(a).
 126. Boyle, *Emancipation*, *supra* note 1, at 10-11.
 127. *See id.*
 128. *See id.*
 129. 22 U.S.C.A. § 7109(a).
 130. It reads: "Whoever knowingly (1) or in affecting interstate commerce . . ." *Id.*
 131. *Id.*
 132. *Id.* §1591 (a).
 133. *Id.* §1591 (b).
 134. *See Boyle, Three Avenues*, *supra* note 1, at 28-31 (describing developments in the antistalking laws).

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