

(Personal information deleted 7/26/2011)

1/29/02

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Mr. Gwinn,

I appreciate your response dated July 17, 2001, to my earlier letter concerning domestic violence. I have given it considerable thought. This letter;

1. Addresses the disparity between San Diego City Attorney's Office domestic violence (DV) conviction rates and conflicting information.
2. Suggests that DV related systems need reform to move forward toward reducing DV and gender neutrality.
3. Offers constructive gender neutral resolutions and suggestions for reducing gender bias and DV.
4. Gives substance to the assertion that the San Diego City Attorney's Office appears to practice gender biased administration of justice.

In response to my assertion that men and women batter each other similarly, you wrote,

"That statement belies the facts, the research and fifteen years of specialized prosecution by our office. The vast majority of heterosexual domestic violence relationships involve a male primary aggressor. Indeed, since 1986, our Domestic Violence Unit has consistently and successfully prosecuted male perpetrators in 90-95 percent of our cases. Consistent with this local evidence, 95 percent of our 911 calls from children identify the male as the perpetrator of the violence in the home."

It would be interesting to know how you conclude 95% of your 911 calls from children identify a male as a perpetrator? According to San Diego Police management information system (MIS) and Automated Regional Justice Information System (ARJIS) personnel¹, 911 calls are not tracked by age of caller. I was told, the only way such information could be extracted was through an extensive study of individual reports, which to their knowledge had not been done or requested. While such studies may exist, I could not find any on a local, state or national level.

According to Sgt. Dan Plein, San Diego DV Unit, in 1999, San Diego women accounted for 18% of domestic violence arrests ("Domestic Violence 2000" Conference, June 2001). According to other San Diego Police personnel, last year (through December 31, 2001), there were approximately 11,014 domestic violence police cases of which 2,217 involved a female suspects; or, slightly over 20%. Clearly, San Diego women account for no less than one-fifth of DV incidents in San Diego. Even if we disregard the hundreds of credible empirical studies which show that men and women batter each other with similar rates elsewhere, the San Diego City Attorney's Office's conviction rates are disproportionate by gender with respect to verifiable local DV incident and arrest rates. So, why doesn't such DV conviction rates, particularly for men, more closely resemble contradictory data and local arrest rates?

¹ Unnamed references are intentional herein.

Simply offering a steadfast conviction that “*the vast majority of heterosexual domestic violence relationships involve a male perpetrator*” to justify a 90-95% male conviction rate, belies the question. Phil Cook, author of *Abused Men-The Hidden Side of Domestic Violence*, provides some revealing insights in his attached letter². But, other matters contribute to the disparity, too. These matters need closer examination if good meaning and fair minded operatives within the justice system and women industries want to reduce the adverse consequences of DV. They include but are not limited to, serial reporters, false accusations, protective order violations, the absence of sensible arrest laws, police officer expectations (job fulfillment), and institutional myopia.

Serial Reporters

ARJIS does not distinguish or track serial reporters or perpetrators. So, DV incident reports, responses, and cases reflect such information and skew related data in repetitious and misleading ways contributing to a misrepresentation of DV involvement by gender. A serial reporter is not the same as a serial perpetrator, in that the serial reporter may file several complaints regarding the same alleged perpetrator, despite which gender under reports more than the other. Hence, incident rates are greater than individuals committing acts of DV.

According to a MIS representative, one San Diego police division conducted a study on serial reporters several years ago, but the study was not available for my review. Though, I was told by a department representative that serial reporters are common and comprise a significant number of DV incidents. Surely, some of your offices’ DV convictions are for serial perpetrators.

Resolution: Modify related data gathering methods to track and reflect serial reporters and perpetrators by gender and type; so this problem can be determined and consequences analyzed. Otherwise, DV data are skewed in reckless and irresponsible ways.

False accusations:

ARJIS does not record or distinguish false accusations. When a DV incident becomes a case, but the case becomes moot because of a false accusation, the incident (and, case, if opened), still records as a DV occurrence, though there is no offsetting charge for false accusation. Since most false accusations are arguably perpetrated by women (substantiation below), DV datum is again skewed at the expense of men. And, false accusers are seldom if ever charged with filing false complaints or perjury, though the act itself is an act of DV and causes emotional and economic violence of devastating proportions. If false accusations were treated as seriously as other related acts, the incidence of female perpetrated domestic violence will increase dramatically, and further denigrate the assertion that the “vast majority” of DV perpetrators are men. Additionally, those falsely accused will not be statistically enumerated as perpetrators, which will cause an associated decrease in gender statistical tallies, mostly for men.

While there appear to be little empirical data with respect to false accusations, related literature is full of antidotal information, civil suits have been filed, attorneys are well aware of the situation, news stories regularly surface, and the problem has been recognized as significant by several judges, including at least one appellate court.

False accusations commonly persecute men and manifest in matters of child abuse, custody, protective order violations, divorce, paternity, and sexual assault, including rape. While not necessarily DV related, 349-416 prisoners sentenced to murder since 1900 were later found innocent³ and of the roughly 350 men executed for murder by states, one in seven was later found

² Mr. Cook’s opinions are his own; except, when in my sole opinion they may concur with mine.

³ Michael Ross, *How Many Men Will Be Killed?*, American Bar Association, Human Rights, Individual Rights and Responsibilities, Volume 23, Number 3 Summer 1996

not guilty.⁴ In Los Angeles alone last year, approximately 4,200 men were erroneously identified as deadbeat dads because women provided wrong address information to child support enforcement.⁵

The “sex-abuse” trump card is heavily played, in large part because attorneys and women advocates recommend it. Such attorneys and advocates explain to clients, that the mere suggestion of sexual or other abuses is sufficient to sway a court, despite fact.

Ralph Underwager, Ph.D., is a clinical psychologist who spent 44 years counseling sexually abused children. He has conducted extensive research on the subject and is widely published and recognized as an expert in the field. In his experience, at least 65% of such claims are false and 35% are found inaccurate.⁶

British Columbia and Ontario, Canada, track intentional sexual assault false accusations which “at a bare minimum” run 6.7%; or about 41 Ontario and 29 B.C. women each month.⁷

A Washington attorney specializing in domestic violence and family law, says that as high as 11 out of 12 related allegations are false and primarily committed by women. Another family law attorney told me that the practice of subtle encouragement toward false accusation is so pervasive, that attorneys are obligated to raise the issue in the best interests of their client. Meaning, attorneys explain to prospective victims that a previous history of partner perpetrated violence is in the clients’ best interest, particularly in child custody cases. Such attorneys probe client backgrounds ferreting out anything that can be construed as a violence, substantiated or not.

The Court of Appeals recently ruled that a Maryland man did not owe child support arrears because DNA tests proved he was not the child's father. He was released from his obligation to pay support, but not retroactively made whole. In this precedent setting case, the mother lied when she swore she had no sex with other men the year before giving birth.⁸ Many states, if not all except Maryland, obligate men in such cases, but hold harmless women.

False paternity claims are so common that wrongly accused fathers are referred to as “Duped Dads.” DNA labs routinely report 30%⁹ of men tested fail to establish paternity; or, 30% of women falsely accuse a man of being the father. How high would the number climb if all alleged biological fathers took a DNA test? Certainly, the number would be considerably higher.

The judicial system, in a weird Twilight Zone twist of paternity false accusation perversity, requires male victims to make hard cash installment payments to female perpetrators who freely admit committing the worse possible sex crime, rape of a child. Boys under the age of consent are required to pay child support for eighteen or more years to adult female rapists who become pregnant because of their crime; an act such women may freely admit with little fear of meaningful criminal accountability.

Ample evidence shows that women file false accusations against men at devastating rates. Such women seldom receive a meaningful criminal or civil sanction for the devastation they cause, even for rape. By allowing such egregious behavior, our legislative, social service, media, and justice systems reinforce the notion women can abuse at will without accountability. Conversely, men lose families, friends, jobs, reputations, and health--they suffer anxiety, depression, powerlessness, erroneous arrest, and economic ruin through a system which holds them accountable and puts them in jail for the fraudulent activities of others.

⁴ Allen Keys Show, FOX, January 25, 2002

⁵ Greg Krikorian, *Reformed Child Support System Termed a Success*, Los Angeles Times, January 8, 2002

⁶ Sandford and O’Connell, *Divorced Dads*, Penguin Putnam, Inc., 1998, p 210-11

⁷ Christie Blatchford, *Crying Wolf*, National Post, September 8,2001

⁸ Arlo Wagner, *Court frees man from child support order*, The Washington Times, January 20, 2002

⁹ Mark Dunn, *Ex-wife sued in fatherhood row*, The Harold Sun (AUS), September 11, 2001

No wonder American male suicide rates are four times greater than women? In Australia, where the definition of abuse is inclusively male violence against women, suicide is the leading cause of violent deaths for men. Exactly how many more men must die before abusive women are held accountable for their fraudulent actions? If you reject this notion, go to the Clerk's office at 220 West Broadway and read Derrick Miller's file. Then, wonder to what extent his ex-wife's apparent false claim of \$8,800 child support arrears might have contributed to him blowing his brains out on the courthouse steps with a wad of court papers in his hand on January 8, 2002.

Resolution:

5. *Hold perpetrators of false accusations accountable, including those in the system that encourages or allow such behavior. This can be done by enforcing existing perjury and false complaint laws.*
1. *Ensure penalties for false accusations are more than the harm caused. People would then think seriously about consequences before acting.*
2. *Modify related data gathering and analysis methods to track and reflect false accusations by gender and type so this problem can be better determined and studied with respect to consequences.*

Protective order violations

Domestic situations involving child abuse, custody, divorce, paternity, sexual assault, vengeance, money, drugs, alcohol, and other disharmonies may result in restraining orders; which might be based on false testimony, too. I was told by San Diego police personnel that restraining order violations are recorded as DV incidents. If so, DV statistics must be more heavily influenced by falsehoods than above; again, to the primary detriment of men.

People requesting protective orders frequently return to their partners while a protective order is in affect. Psychologists argue the "abuse syndrome," which is not gender specific, catapults victims back to their abuser.

Kentucky Judge Megan Lake Thornton started throwing such women in jail. She reasoned, what's fair for the gander is fair for the goose. The judge simply tired of seeing the system abused by "women," who request unilateral protective orders then return to their partners while the order is in affect. Women advocates were outraged.¹⁰ The advocates apparently prefer the system that allowed Massachusetts resident Ken Newell to be arrested without probable cause 27 times for protective order violations trumped up by his vindictive ex-wife.¹¹ How many judges, prosecutors, and legislators are as honest or brave as Judge Thornton?¹²

¹⁰ Brian Carnell, *Judge Fines Women for Violating Restraining Orders They Asked For*, Harold Leader, January 3, 2002

¹¹ Ed Oliver, *Police Violate Law by Arresting Without Probably Cause*, The Massachusetts News, October 16, 2001

¹² The Banner, Newsletter of Fathers and Families, April 2000, included in large part as printed:

Massachusetts District Court Judge Milton H. Raphaelson delivered three surprisingly candid lectures in February entitled, "Where is the pendulum now? The gender bias in our courts." Speaking at Becker College in Worcester, Judge Raphaelson commented on a broad set of legal issues confronting men.

In discussing the widespread abuse of restraining orders, Judge Raphaelson identified the central problem as "...not an epidemic of domestic violence, but an epidemic of hysteria about domestic violence." He also stated that when abuse does occur, alcohol and substance abuse treatment are often indicated rather than a batterer's treatment program, but that judges are reluctant to order such treatment out of deference to battered women's advocates. He wryly noted that even when a man is victimized, the "Victim Witness Advocate" still stands beside the woman in the courtroom.

Judge Raphaelson, a graduate of Boston College Law School, is the First Justice of the District Court in Dudley. In reference to his unusual candor, he said that he had only seven months remaining on the bench and that there was nothing "they" could do to him.

The implications of this remark are chilling. If Judges are afraid to speak out about anti-male bias from fear of a feminist backlash, they are also likely to be afraid to make decisions from the bench impartially.

This idea seems to be supported by the recent remarks of Judge Malcolm Jones, who retired last February. Retirement apparently is a liberating experience for judges. Judge Jones was quoted concerning 209A restraining orders in the March 24 Standard-Times as follows, "It's a necessary law, but it's an abused one. I've seen it used too many times as a leverage in divorce cases, not for women in imminent fear of physical danger. One third of them are not legitimate, merely used as an 'I'll fix you!'"

Resolution: Encourage the use of non discretionary mutually inclusive protective orders holding all parties responsible for violations, respectively. No excuse justifies abuse permits.

Dual arrest procedures

In your letter, you reasoned that the few women you prosecute for DV have usually experienced domestic violence in previous relationships. Or, some women have previously been victimized and therefore should be excused for committing violence later, which is more accurate. Similar logic propelled some states to ban dual arrest procedures, despite the adverse consequences of such failed reasoning. Like single restraining orders, states banning dual arrest procedures extended a right to abuse to alleged victims.

In jurisdictions using dual arrest procedures, men and women are arrested about the same rate; which closely mirrors the wealth of credible scientific work that makes clear men and women instigate and abuse each other at similar rates. While primary aggressor mandatory arrest systems exclude some women who have previously been abused, they most assuredly exclude men similarly situated. A person's experience with abuse should not be used as license to abuse, regardless of gender.

San Diego (SDPD) officers are required to arrest the primary aggressor where there is evidence of physical harm. In such incidents, someone must be arrested or officers can be held liable and subjected to disciplinary action. I asked an officer how such dilemmas are resolved when injury to both parties exists yet there is no clear evidence of primary aggressor. The officer side stepped the question by saying, "Well, someone's going to jail. I'm not risking my career and family." I asked, "Probably the man?" After hesitating, the officer replied, "Probably. Someone's going and it won't be me." During a similar discussion with another officer, I was told that, all things appearing equal, his "bias" would be to arrest the man. A third SDPD officer said that he doesn't usually have difficulty determining the primary aggressor, "If one of them has a small scratch or bruise, the other person goes to jail." He also said that 60% of the primary aggressors he arrests are women, but he said that may be unique to his experience or district in which he worked; and, that perpetrators tend to file more DV complaints as they became more knowledgeable, or sophisticated, about related laws, particularly in divorce and custody cases.

Recommendations: Dual arrests should be permitted when arresting officer(s) find no clear evidence of primary aggressor. Otherwise, the probability of leaving the instigator home with the kids unnecessarily increases and puts officers in more precarious situations.

Job fulfilment and career advancement

To maximize performance and job satisfaction police officers and prosecutors need to experience positive outcomes. Officers know that men arrested for DV have a significantly greater chance of being seriously sanctioned than women. Prosecutors know it is easier to convict a man than a woman, particularly when confronted with a woman's arsenal of abuse-excuse legal defenses. And, selecting the prosecutor with the most convictions under their belt as prosecutor of the year causes difficult cases to dismiss for easier ones; and, everyone knows it is easier to convict men than women. From a purely procedural perspective, it simply makes more sense to arrest and prosecute men.

Judge Jones, who was Associate Justice in the Bristol County Probate and Family Court, reportedly believes there is a need to revamp the 209A law to prevent it's abuse. Yet, there is no evidence known to us that Judge Jones handled 209A complaints any differently than other judges.

The fear of the feminist backlash is obviously strong. To resist it, it is apparently not enough for a judge to understand in his heart that the law is being abused. One-sided feminist pressures will only be overcome when the fatherhood movement generates equal pressures on the courts in the direction of fairness and impartiality.

Such subtle distinctions can be overcome partly by more extensive gender neutral training of prosecutors and police. However, such institutionalized bias cannot be overcome entirely without honest recognition of the problems associated with female DV perpetrators. San Diego police officers are some of the best in the country. They deserve better support from prosecutors.

Recommendations:

1. *Hold women and men equally accountable for similar acts.*
2. *Use gender neutral qualitative benchmarks rather than inherently biased quantitative measures to determine prosecutor of the year.*

Institutionalized Gender Bias

You wrote,

"We do, however, on rare occasions . . . prosecute the female perpetrator. The only complicating factor is that many of our female perpetrators have been victims of domestic violence in prior relationship incidents."

Gender neutral application of the law, requires recognition that many perpetrators have been victims of domestic violence in prior relationship incidents, not just women.

You asserted, with respect to Murry Straus, that his work had been "*discredited by most credible researchers,*" which I could not confirm.

The way I understand it, the 1980 study by Murray Straus, Richard Gelles, and Suzanne Steinmetz surveyed over two thousand American homes and revealed that severe abuse was committed virtually equally by men and women. Minor, but recurring, violence was also similar, with 11.6 per cent of women and 12 per cent of men reporting that they hit, slapped, or kicked their partners.

At the time, those working in the embryonic family violence field had a choice to include male victims or shout down the data, which they did. By shouting down the data and accusing the scholars of failed methods, gender feminists protected the idea that men are perpetrators and women are victims. The findings had to be discredited or financing fledgling women industries could be threatened, including a contraction of burgeoning gender feminist post graduate women curriculums through which misandry could be preached from the publicly funded bully pulpit of antipatriarchy. Therefore, women industries' sympathizers rushed to accuse Straus and Gelles, who were the primary authors, of shoddy research; they did so by threatening to kill Mr. Gelles, mounting a campaign to keep Steinmetz from securing tenure, and falsely accusing Straus of spousal abuses. Are these the credible women industry researchers relied upon to discredit Straus?

After considerable pressure, Straus and Gelles reworked their survey questions and sampled several thousand households again. Their findings were virtually the same, with the additional discovery that women initiated aggression as often as men. About a quarter of the relationships had an exclusively violent male, another quarter had an exclusively violent female, and the rest was mutually aggressive. Women attacked again. According to Mr. Gelles, he received his last threat in 1990, several years after completing the second study.

Consider the recent treatment of bestselling author, Christina Hoff Sommers, resident scholar at the American Enterprise Institute. Stanley Kurtz in the December 5, 2001, issue of The National Review, wrote,

"Sommers was delivering an invited speech at a conference on 'Boy Talk' (a program sponsored by the Center for Substance Abuse and Prevention [CSAP] of the Department of Health and Human Services) when CSAP official Linda Bass summarily interrupted, and commanded Sommers to end her talk. Minutes later, as Sommers was forced by a hostile crowd to defend her claim that scientific studies should be used to help evaluate the effectiveness of government drug-prevention programs, Professor Jay Wade, of Fordham

*University's Department of Psychology— an expert on 'listening skills'— ordered Sommers to 'shut the f*ck up, bitch,' to the laughter of the others in attendance. Having been muzzled by Bass and put upon by the crowd in a manner well outside the bounds of civilized discourse (and with not a move made by those running the conference to chastise Professor Wade) Sommers had little choice but to leave— effectively ejected from a government conference, simply for airing her views.”*

Perhaps, some of the participants at the CSAP conference, like Professor Wade or Linda Bass, are the credible researchers whereto you speak concerning Straus?¹³

You asserted Straus's methodology “*skewed data in reckless and irresponsible directions.*” How could his work be any less reckless or irresponsible than the findings of pseudo-social scientists who canvas only residents of female occupied domestic violence shelters or rely on questionable criminal justice statistics, which are inherently flawed?

Antidotal information and horrific stories from abuse shelters may be true enough, but in no way are they objective or representative of abuse in America, or, for that matter, San Diego; particularly, since no such shelters exist for men. Criminal justice reporting systems vary from jurisdiction to jurisdiction and are not all consistent with Federal Criminal Justice Information System (CJIS). The FBI doesn't even include male rape victims within the statistical definition of rape. Sommers CSAP conference experience indicates that women industries have considerable influence at the federal level and very little interest in validation of their work.

The anti-patriarchy genre is fat with non scientific studies, factoids, purported social scientists, and derisive comrades who bemoan scientific method as patriarchal hogwash, many of which or who have been debunked but not reported in the press, since debunking is nowhere as sensational as the misrepresentations.

Remember the finding that one in four women in college has been a victim of rape or attempted rape? Gender feminist Gloria Steinem spearheaded the Ms. Magazine project which was directed by Steinem's compadre in arms, Mary Koss. Of course, after the sensationalism died down Ms. Steinem came to admit that over 70% of the women interviewed were unaware they had been raped while over 40% were still dating their alleged attacker.¹⁴ Gender feminist women industries' representatives simply expanded the definition of rape and included terminology that has nothing to do with being raped. Much like the expansion of DV laws over the past 20 years.

My favorite of many widely reported hysteria pandering women industries' factoids is that women are most at risk in their own home, because of violent husbands. Women are actually safest in her own home when married. According to a twenty-year Bureau of Justice study on intimate relationship violence, in 1996, the declining rate of violent victimization of women per 1,000 was 36, which is by any measure a small number, nonetheless tragic. Of the 36, only 7.5% or, less than 3 (2.7), were intimate victimization's, some arguably in lesbian and people of ambiguous sex relationships. The remaining 28 victimization's were by relatives (2.8%), strangers (11.8%), and friends/acquaintances (13.7%). A positive way to view this study, is that 96% (1000 - 3.6

¹³ So outlandish was Sommer's treatment that Charles G. Curie, the Bush administration's administrator of the Substance Abuse and Mental Health Services Administration, formally sent a letter to National Review Online responding to the controversy. He was appalled at what happened and acknowledged that Sommers was "censored" and "silenced" by government officials, for which he apologized.

At issue is millions of dollars in women industries' federal grant funds and CSAP's reputation for lax controls with respect to fund expenditures and verifiable project outcomes. Loosely put, Sommers made the case that "Boy Talk" was nothing more than another publicly funded educational effort to disenfranchise boys from their masculinity while offering no substantive relief with respect to the drug problem, since there was no evidence to support that the existing program, "Girl Talk," had any positive impact on reducing drug use in children, either.

Subsequently, Kurtz called for the abolishment of the Center for Substance Abuse and Prevention, reasoning that, "CSAP is . . . wasting \$484 million dollars of the taxpayers money on useless, quite possibly counterproductive, programs that have little or nothing to do with drug use and everything to do with indoctrinating America's youth with multiculturalist and feminist orthodoxy's."

¹⁴ The 1997 United States Department of Education study, *Campus Crime and Security*, found 1,310 forcible sex offenses on U.S. campuses in one year; or, about one rape per year per campus *if all* "forcible sex offenses" are considered rapes; scientific findings considerably less sensational than Ms. Magazines histrionic discovery of thousands upon thousands of campus victims.

rounded) of American women may not experience intimate violence; or, substantially less than 1% (36/7.5=.0027; or, 1/4 of 1%) of women are victimized by spouses, excluding those who underreport, which is a contentious amount at best.

Interestingly, datum is for victims 12 and older; so, with respect to spousal (adult) abuse, the rate is even less than 1/4 of 1% per 1,000; or, less than one. It would be interesting to know what the results of this twenty-year study might have been if the definition of men and women started at some generally accepted legal definition of adulthood, rather than including children and adolescents within in the definition of men and women.¹⁵

San Diego based Relationship Training Institute conducts "Domestic Violence 2000," (DV2000) a five-day workshop for DV professionals wanting certification as a DV provider. I paid my \$500 and took the course last summer. It was good DV-gender training and was the catalyst for my earlier letter to you.

Susan Storm, MFCC, Supervisor, San Diego County Probation Department, as I recall, was the only speaker to make a gender neutral presentation, though police Sgt. Dan Plein was close to perfect, too. No other speaker left me with such recollections, including the representative from your office.

More to the point, participants spent one day at a downtown shelter. Late in the afternoon the group was presented with three interesting talks from female DV victims. Another DV2000 workshop is scheduled for March, 2002. So, I e-mailed Executive Director, Dr. David Wexler, and volunteered to speak as a survivor of female perpetrated abuse. Dr. Wexler, e-mailed back,

"We do plan on paying attention to the reverse phenomenon in this year's workshop, specifically by offering expanded training on working with female perpetrators and by more specific referencing of the experiences of male victims. I probably will decline your offer to present at the training, but I appreciate your efforts to highlight these issues. I assure you that we will honor this perspective."

Any such in-depth discussion of female perpetrators will be a positive addition for which Dr. Wexler should be commended. Missing, though, is any forethought of expanding the training with respect to male victims, other than referencing some of their experiences. It also appears that male victims may be less valued than female victims, since my offer to speak was declined. The phrase "reverse phenomenon," is bothersome, perhaps because it leaves the impression that those in DV women industry have just realized women perpetrate violence, which clearly emanates from institutionalized gender bias.

Particularly disconcerting is your comment with respect to the findings of a National Center for Disease Control study, which is, "Most troubling. . . was the conclusion that larger reductions in the killing of men have been found than in the murder of women." One would think that any reduction in the rate of killings would be cause for celebration, but you found it "troubling" that there was a reduction in killing men rather than women.

To make matters worse, you omitted a small finding or two from the twenty-year study by the Department of Justice; which shows that while women die more often than men from intimate relationships, from 1976 to 1996, of 446,370 victims of murder and non negligent manslaughter, 340,687 (76.3%) were men and 105,175 (23.7%) were women.¹⁶ Maybe if men had outreach and support services, there would be a reduction in the killing of women?

Even so, the San Diego Domestic Violence Council has not insisted on shelters and support programs for men, aside from anger management training. Though, I noticed on their web site that the link "Men's Forum" goes to a page which says "Another Man Against Violence Against Women."

¹⁵ Bureau of Justice Fact Book, *Violence by Intimates, Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*, U.S. Department of Justice, Office of Justice Programs, 1998, p.38.

¹⁶ Bureau of Justice Fact Book, *Violence by Intimates*, U.S. Department of Justice, Office of Justice Programs

Interesting gender neutral stuff, don't you think? Are not you or someone from your office a member of the Council?

You wrote,

"It is my earnest hope that you will honestly evaluate thousands of years of human history and conclude that patriarchy¹⁷ and male privilege have played a dramatic role in the subjugation of women across the globe. Domestic violence is, at its core, about power and control. For most of human history, that power and control has been exercised predominantly by men over women. Our Domestic Violence Unit will and should not ignore the role culture, and society have played in producing violent abusers."

Mr. Gwinn, I am not privileged and have played no role in subjugating women across the globe. In fact, I have affirmatively done just the opposite. But, I'm painfully aware of those who attempt to subjugate others to biased Women Industry beliefs and foist guilt through historic association; many of whom hold public office and should consider work where they can do less damage.

It appears your "*fifteen years of specialized prosecution*," includes achieving the first conviction without a willing witness, championing laws allowing DV victims to be charged with criminal sanctions for failure to testify, and pioneering the use of child protection services to compel victim testimony under the threat of victims losing their children. Aren't those the sort of things you were talking about in your references to patriarchal subjugation of women and the exercise of power and

¹⁷ So, Mr. Gwinn, how do you figure patriarchy causes domestic violence in today's society? Surely, you are aware that women abuse children at considerably higher rates than men, particularly single women head of households. Women also abuse seniors more than men and outlive them by six or so years in the process. Then there's the little thing about women controlling 65% of the wealth and spending \$83 out of every \$100 spent in America. Most health dollars go to women, including for research and prevention, but more men die or are injured in work related injuries. Let's not forget that lesbians are quite capable of beating each other without the help of a man. Women industries arguably created the welfare state, divorce industry, decimation of families, deadbeat parent industry, reverse institutional gender bias, and numerous other contemporary systemic contributors to domestic anger and associated violence, not patriarchy. Though, all that's another discussion, for sure; but, patriarchy did get us a good piece down the road even if the trip were a mite rough.

Fairness and equity are not strong suits of women industries. Then again, many believed in slavery, too; much like today when men are dragged in handcuffs from their homes, forced to support other people's children; have their hard earned money, assets, licenses, and reputations taken away; put out of work, jailed, and emotionally battered if they don't hold the party line because of others who lie about this or that?

Don't you find it just a bit disquieting that four-year-olds are being classified sex offenders? Is it possible there may be a relationship between anti-masculinity primary school curriculums and unhappy boys who open fire with automatic weapons between *Introduction to Antipatriarchy* and *Proper Jail Etiquette for Boys Under Twelve*?

Doesn't it bother you that perhaps thousands of wrongly accused men every year unknowingly end up on sex offender lists without due process, a fast track method for getting the names removed, or remedies against their accuser(s). Is there any system so sacrosanct that people like Derrick Miller have to put a gun to their head on the court house steps?

How about those reservists traipsing around the mine fields in Afghanistan falling further behind in child support payments? Can they look forward to jail, bankruptcy, and deadbeat dad status when they come home a hero missing body parts; or, should they get a part time job delivering pizza in Kandahar?

How would you like being one of those 4,200 Los Angeles men arrested every year because someone gave a wrong address, intentional or otherwise; or, a 12 year old male rape victim who spends most of his young life indentured to a rapist because she got pregnant?

Try understanding Ken Newell who learned that due process means bend over and pay until broke for the repeated false accusations of a vengeful ex-wife?

Might such things contribute to anger and associated violence; or, is it all simply because a bunch a rich elitist anal retentive beer guzzling guys thought or think of women as disposables, like our current culture does men, particularly poor ones?

Doesn't it seem odd that men are held accountable for things over which they have no control while women are not held accountable for much of anything? Do you really think Paul Jones or Monica Lewinski got the wrong end of the stick in the Oval Office?

Have you read gender feminist writings on patriarchy and contracts?

Can you understand the questionable thinking of the National Organization of Women (NOW) exploiting the deaths of over 3,000 people at "Ground Zero" to lobby for jobs or establishing a defense fund for estrogen deficient baby killer Andrea Yates; or, why NOW puts on legislative full court presses in states with pending legislation regarding false accusations or restricting parental obligations to biological fathers?

While pain is relative, American men have more than their fair share and need some honest help, not more misandristic unsubstantiated and misdirectional guilt ridden socio-psychobabble or quicker routes to jail. Until you grasp the interrelatedness of the systemic causes of anger, your goal of further reducing DV may be elusive. Domestic violence, Mr. Gwinn, comes in many forms and reasons, none of which have anything to do with patriarchy.

(Whew that was cathartic. It's OK Dr. Wexler, I can still handle an audience, but perhaps you can refer someone to help with this overbearing paranoid delusional passionate denial thing-a-whichy? Maybe if I just change, my name to Newt everything will be fine. Then again, maybe I just don't like injustice and institutional myopia.)

control, regardless of the justification? Be that as it may, such specialized terrorism, which in this instance impacts primarily women, is disquieting and arguably no better than the abuse it is designed to stop.

In the crusade to stamp out DV, how many individuals and families have been destroyed and impoverished by rigid arrest procedures, misuse of protective orders, overzealous prosecution, false accusations, and women industries' dogmatists? Considerably more than were saved, I suspect. Police officers have told me that current DV laws do incredible harm by throwing cash strapped families into total despair and impoverishment; a phenomenon I have witnessed and heard of numerous times. The notion that DV must be stopped at any price, including the sacrifice of innocents, is unconscionable, despite gender, historical perspective, or paternalistic favor.

Institutional gender bias is expressed through intolerance to opposing ideas; it presupposes unilateral correctness while cloaked in defensive minimization's, falsehoods, disinformation, and secrecy. Much like, as you say, "*sophisticated male batterers always claim self-defense.*" Has it occurred to you, that some may be telling the truth? Do all sophisticated women lie, or just sophisticated males? If the later, I was never violently abused and you cannot be trusted. Continuing your logic, I guess the hundreds of thousands of women (you do the math, it's probably millions) who intentionally falsely accuse men aren't very sophisticated; which doesn't say much for their advocates and lawyers or, make sense. Frankly, if I were a woman, I would be insulted--no, livid, at such sexism.¹⁸

For the reasons above and those in my first letter (attached), it is my opinion, that your anti-patriarchal feelings cloud your judgment with respect to the administration of gender blind justice.

Resolution: Persistence, truth and open dialog.

This and the letter from Phil Cook (attached) show why the San Diego City Attorney's Office conviction rate for male DV perpetrators is disproportionate from related empirical data and other jurisdictional experiences which show similar rates of male and female battery. False accusations may account for most of the disparity. The remainder, in significant part, may be caused by (1) lack of adequate criminal justice statistical gathering, reporting and analysis for serial reporters and perpetrators, false accusers, and misuse of protective orders (2) failure to hold people responsible for false accusations and misuse of protective orders (3) restrictive DV arrest policies, and (4) wrongful sexist beliefs about men, which cause a gender biased coloration of law.

I would appreciate it if you would provide the following information, some of which was requested earlier;

1. How many DV advocates are assigned to the City Attorney's Office, and, if any, how many are male?
2. Does your staff receive sensitivity training with respect to issues related to male victimization (heterosexual or gay), if so to what extent and by whom?
3. Does your office assertively support and promote gender neutral terminology in community education, if so, how and through which venues?
4. How many men and women (separately) did your office prosecute last year for false accusation or perjury in DV related cases?
5. How many DV related cases are dismissed or demoted to lesser charges annually because of false accusations; how many for men and how many for women?
6. How many women and men (separately) did your office prosecute and convict last year for DV related offenses?

If you really want to, as you say, "*move forward to reduce family violence in San Diego,*" then . . .

¹⁸ I know a sophisticated woman who can change your mind--quickly, but I don't recommend the experience.

1. Oppose any social legislation, common law, policy, procedure, rule, guideline, program, or action that isn't wholly gender neutral in context and *application*; and, to the extent that you have direct influence and control, ensure such are administered equitably with similar accountability for all, including existing ones.
2. Affirmatively seek the reversal, repeal, or modification of existing legislation, common law, policy, procedure, rule, guideline, program, or action that isn't wholly gender neutral in context and application; even those you may have lobbied to create.
3. Honestly consider the "Resolutions" included herein and work to refine them through system acceptance and implementation.
4. The next time you publicly speak re DV, talk about "survivors of abuse," rather than "women and children victims of abuse."
5. Be more aware of not only what you say, but what you don't.
6. Become an outspoken leader on behalf of equitable services for both men and women.
7. Help hush the hate speech within in the women industries.
8. Publicly denounce gender rumor mongering.
9. Encourage gender neutral educational programs that recognize and respect differences.
10. Involve yourself and staff in local men groups as you might for women groups and encourage related agencies and women groups to do the same.
11. Affirmatively seek out and involve male DV survivors in related groups (policy, advisory, planning, steering), panels, workshops, and women industries' jobs and volunteer opportunities.
12. Insist that all promotional materials endorsed, sponsored, or produced by your office are devoid of gender bias and slander, explicit or implicit.
13. Show compassion for all DV survivors.
14. Make a concerted and public effort to demonstrate the gender neutral application of law that you assert.
15. The next time you plan a public event, like the one you sponsored so men could acknowledge "*the role they must play in stopping violence in the home,*" plan one for women that focuses on acknowledging their behavior. Then bring the groups together to encourage common understanding. It's a mutual problem.
16. Encourage processes that bring our community closer together rather than further apart.
17. Answer questions people ask regarding your DV policies and procedures, otherwise, an appearance of aloofness or secrecy is created.
18. And, please, quit misrepresenting the DV problem by proudly proclaiming that you convict 90-95% of the men you prosecute; by omission of qualifiers, such representation contributes only to the problem and panders a politically correct audience, even if unwittingly.

Let me leave you with the thoughts of Gladden Schrock, who teaches a course at Bennington College in Massachusetts titled, Contemporary Hysteria: the Drama of Righteous Gullibility;

- The tidal wave of false domestic-abuse allegations stems from a hysteria that seduced the major moral watchdogs of our culture.
- The hysteria has overwhelmed the normal checks and balances of due process, critical thinking, scientific methodology or cautionary public discourse.
- It (the hysteria) allowed a zealous bypass of due process, gave monetary incentive to accusations, mandated disclosure of suspicious evidence and offered total immunity and anonymity to any person who for any reason wished to make an allegation of abuse.

Sincerely,

Harry A. Crouch

Attachments: Cook ltr 1/28/02, open ltr from Erin Pizzey, Gwinn ltr 7/17/01, Crouch ltr 6/25/01.

Mayor Dick Murphy, City Manager, Michael T. Uberuga Council Members, (Donna Frye, Scott Peters, Byron Wear, Toni Atkins, George Stevens, Brian Maienschein, Jim Madaffer, and Ralph Inzunzo);

District Attorney Paul J. Pfingst, Dr. David Wexler, Sgt. Dan Plein, Susan Storm, Richard Gelles, Phil Cook

hc/two typos corrected 1/30/02 ("clams" to claims, p. 4; "or" to of, p. 11).