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Interviewee: Judy Wang

Interviewer: Dawn Walsh

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Project: Montana Feminist History Oral History Collection

Dawn Walsh: Hello, this is Dawn Walsh with the Montana Feminist History Project. I'll be interviewing Judy Wang, who is the City Attorney here in Missoula, Montana. We are in Judy's office, at the City Attorney's office, at City Hall in Missoula, Montana. The date is May 15, year 2001. Hi, Judy.

Judy Wang: Hi, Dawn.

DW: Thank you so much for being here.

JW: You're welcome.

DW: So, I'd like to start out the interview with asking you some personal information about where you were born, and grew up, and went to school.

JW: I was born in Oakland, California. When I was three my parents moved to Minneapolis, Minnesota, and I completed all of my pre-college education in Minneapolis. Graduated from high school in 1970, decided I wanted to go to the mountains to go to college, and came out to Missoula, Montana in 1970, and pretty much have stayed ever since. My undergraduate degree ended up in Nursing, and I graduated from Montana State University with a Bachelor of Science in Nursing in 1974. I worked, came back to Missoula, worked at Community Hospital for a year and a half, and then decided to join the Peace Corps. Spent two years teaching medical-surgical nursing in the Peace Corps in Belize, (unintelligible).

Then came back to Missoula, got married in a marriage that didn't work out. Spent several years working at St. Patrick's Hospital, in the Intensive Care Unit—the whole time thinking, you know, I'd really like to be a lawyer, I really want to be lawyer, that's what I've been thinking about doing, frankly, since I was a sophomore in college. Finally, decided to get around to do it in the early eighties. Went to Law School here in Missoula, graduated from Law School in 1984. Spent one year clerking for a Workers Compensation Report Judge in Helena. Spent a little bit over a year working for a plaintiff's firm in Whitefish. Then came back the City Attorney's office, where I had worked as an intern in Law School, and I've worked as a prosecutor here, basically—I've been here since 1986, late, late 1986.

DW: Ok. Since this is the Montana Feminist History Project, I'd like to ask you about feminism itself, and how you would define that for yourself. Do you consider yourself a feminist, and how does that come into your work?

JW: I definitely consider myself a feminist. I guess, it's sort of a funny topic, because when I first started here as a City Attorney, I would not have. I'm not a—how would you say it—an educated feminist. I don't think I'm an ignorant feminist, but they didn't have feminism classes when I went to college. When I started here, I didn't think I was a feminist, and I wasn't sure if I thought feminism was a good idea. I'm truly an on the job feminist, and from seeing domestic violence from a prosecutor's perspective, is how I became a feminist, and just on the job learning it and working it. My favorite definition of feminism is a little bit of a joke, but sometimes with feminism we don't have lots of jokes, so it's good that we have some every once in a while. My favorite definition is, "feminism is the novel concept that women are people." I like that, it fits. It's not that we think that we're better—and, frankly, women are different—but we are people, and as people we have rights, and feelings, and goals, and aspirations, and we shouldn't be tromped on, because we're women.

DW: Ok. So, now, you mentioned a domestic violence cases that you work at as a prosecutor, so how did you come to work on domestic violence issues?

JW: Again, it just sort of was an evolutionary process. At this office, we do have a large domestic violence caseload. Historically, domestic violence cases are not easy cases for anyone to work on, and they're not cases usually in high demand for anyone to work on. It just sort of evolved that I developed a knack, I like working with victims. I like working on domestic violence cases. Then, for quite a few years now I've been the supervisor in the office, so I get to assign the cases, and I do most of the domestic violence cases for the city. I don't do them all, but I do the vast majority.

DW: So you said that there's a large domestic violence caseload here in Missoula, is it larger than elsewhere in Montana, larger than the national average? What does that mean?

JW: I don't know what the per-capita domestic violence, supposed good rate, bad rate, whatever rate is. I don't know that that number has been defined. The city of Missoula does somewhere in the neighborhood of two hundred thirty to two hundred eighty domestic violence cases a year. I think our high was two-eighty. When I started in 1987, we did sixty-five cases a year, so the number has gone up a lot. It has, it was pretty much a steady progression, and it's leveled of the last few years. That factor, or that number, it's both an important number and it's not. There's much domestic violence that never gets reported, we never see, and we have nothing to do with. Another factor that can go into that number that's important is aggressive domestic violence officers may do more arrests, but we may not necessarily get conviction. So, there are some places that tout that they have a 100% conviction rate, or a 98% conviction rate, and frankly, I don't know that that's always a good thing. Under the law if someone is frightened, and made to feel like they're just about to be assaulted, that is an assault. But if you have a recanting victim, which you often have in domestic violence cases, in a case where the whole case was being frightened in the first place, and now they say they weren't frightened, it was a terrible misunderstanding. That's going to be a very difficult case to

go ahead with. So, I guess in a round about way, what I'm saying is sometimes the numbers can be deceiving, because it could be you have a better program if you have a lower success rate, because you're arresting aggressively, though you can't necessarily get a conviction in everyone of those cases. We do take domestic violence cases seriously; we try hard. We try to work with victims, give them information, give them resources so they can make informed decisions.

DW: Right. Nonetheless, there is a big jump in the number of cases from when you first started out, to what you have now. So, can you just fill us in on what it was like in '87—is that when you first started? What was sort of the landscape, if you will, around this issue, in terms of the process and attitudes?

JW: It's been a steady evolutionary process, and I guess, I don't know that I can absolutely handpick exactly where we were in '87. But prior to '87, back in the seventies, early eighties, basically the sentiment was let's just split them up, and unless it was really, really, really, really terrible, like a felony, let's not arrest anybody. By '87, we'd gotten past that, and there were some arrests being made, but not necessarily an effective plan for working with victims, and an effective plan for dealing with cases when the victim can't work with us. Now, we're certainly not perfect, there's always issues we need to work on, and things we need to do better, but basically most every step of the way, everybody is saying, "Boy, victim, this is what happened, this is what I'm going to do. It'd be really nice if you though it was a good idea, what I'm going to do. But I really don't care what you think about what I should do, and I'm going to make an arrest if there's probable cause there. The City Attorney is going to prosecute it, if there's probable cause, and they believe they have a beyond a reasonable doubt case. We'd like you to work with us, but if you can't, that's okay to."

DW: So the emphasis is on prosecuting, whether the victim is...

JW: Can participate or not. The best term of ours is evidence-based prosecution, some people call it victimless prosecution, but there is a victim, whether the victim can work with us or not. So, victimless really isn't a good term. But it is based on the evidence that we can collect, review, and present to a court. I can't say by any means we have a 100% conviction rate, again, because sometimes we charge tough cases. But we take them all seriously; we try to work with all victims.

DW: Okay. So, what would you say has attributed to the increase in caseload over this amount of time?

JW: That would be many factors. Some of that is probably public education, and the public being more aware of domestic violence. By no means does everyone think it's a crime, but there is a greater percentage of people that think it is a crime. There's better reporting. I think officers steadily take it more seriously, and are more likely to make an arrest, and are more likely to be tuned in to concerns. Just this last week, I had officers write in a report, the particular report is irrelevant to the discussion, but they were talking about how they were

evaluated the case based on the different emotional responses they observed. A particular person didn't exhibit any signs of fear, but predicted that their children would act in a certain way. The children were, with the other spouse, the children weren't reacting in the way that the first parent predicted that they would, but were reacting in a positive, bonding way with the parent that they said was very abusive. Anyway, it was, I thought, very high-level observations they were reading. Obviously, officers look for physical injuries, complaints of pain, stuff like that, but they were doing a very good emotion analysis, and trying to determine how to best resolve a case partly based on what they observed emotionally of the parties involved.

DW: And, now, what type of training do the officers go through for this work?

JW: Another excellent question. All officers go through the Montana Law Enforcement Academy. I don't know how many weeks long it is now; it's perhaps eight weeks long. There is a domestic violence segment in it. That segment is taught partially by the Law Enforcement Academy, and partially by Montana State Coalition Against Domestic Violence. My personal humble opinion is that segment is still not as big proportionately as it should be, but it has steadily gotten bigger, and I've seen new officers coming out of the Academy with new good ideas and positive attitudes towards domestic violence. So, I think that's a really good thing. I have taught many, many, many classes on domestic violence, most of the department, I think has attended a class that I've taught on domestic violence. Though, now I haven't taught one for, probably, a couple years, so there's probably a number of officers who are fairly new, who haven't been to one. But I've had refresher classes on domestic violence, basic classes on domestic violence, evidence-based investigation of domestic violence, working with domestic violence victims—I've taught many classes.

DW: Okay. As we know, this is one of the social issues that really came to light as a result of second-wave feminists, feminism, I think. So, would you consider the training the officers are going through, a feminist training? Do you see threads of feminist thought in the training, and threads of what women were trying to do in the late sixties, early seventies?

JW: Threads, yes. Police departments are by definition paramilitary organizations, and they tend to be filled with pretty conservative people, both women and men. I think there are definitely threads of feminism, but if we called it feminism, we're probably going to offend more people than we're going to reach. For example, if I'm teaching officers, and I go in and say, "Ninety-eight percent of a perpetrators are men, and two percent are women,"—which I think is not an accurate statistic, I don't think that's quite where it is—that's going to offend everybody at the get go. Though, that is based on feminist research, and there are a lot of people that are real committed to that, but if we go in and say, "This is an issue an issue about power and control, and one person exerting power and control." It seems sort of counter intuitive, but stay away from the gender stuff, most of the time, not always, but most of the time it's more effective to teach and change behavior, then if we go in and say, "Women are being treated badly, and it's men who are doing it." Though that may be a true statement,

that's going to alienate so many people, I think I'd go with not going to change behaviors or attitudes.

DW: So what do you think then does change behaviors and attitudes?

JW: Experience. One thing, I think, a lot of officers see, especially the ones who have been on a long time, the ones who have really been on a long time, they see that making arrests, if nothing else makes their job easier, because they don't have to go back so often. Eventually someone either goes to prison, or somebody gets out of the relationship—and the relationship is not the cause of the cause of the violence, I know that—but they see that that is an effective tool. I think when these laws were initially enacted in the eighties, everybody was like, well why are you doing this, you know what we've been doing works just fine, and they see now that it doesn't. If dynamics are taught, power and control, that they can see, and then when they investigate they see, if they don't separate a couple properly during their investigation, and they see him yell at her or see him raise an eyebrow at her, or see him gesture at her, and they've been taught power and control, they go, wow I get it, and then they separate them better, and they get a better read about what's going on.

DW: So they are taught, as you're saying, about power dynamics, but not necessarily in very gendered terms.

JW: Yeah. Again, I work with a conservative organization. If I present something and say, "This is feminism and this is right," and I'm very forceful about it, I'm probably going to alienate a lot of people. But if present those same concepts, but in a less strident way, I'd probably have a better chance of getting through.

DW: Right. Ok. And now, what about yourself personally, can you reflect on how your understanding and views of domestic violence has changed from when you first started doing this work, to now?

JW: I guess I don't see a huge change. I guess, pretty early on, I saw that this was a problem; that it needed to be taken more seriously. I think I've developed some more tools in my toolbox, so that I have a better way of dealing with it. I can give an example, of how I've changed. Way back when I graduated from college in the first place, shortly after I graduated from nursing school, a very nice woman that I'd gone to nursing school with, came over to my house with a black eye. She happened to be very, very good-looking, and she was married to a very, very good-looking guy, and I did everything wrong. I mean it's just embarrassing to think about it. I said, "Well, what'd you do to make him mad?" I asked her to stay with me, which was probably a good thing for her, but probably was an unsafe thing for me. I don't recall if he came by, but if he would had come by, I would have let him in and I would have put them together in a room. I mean I just did absolutely everything wrong. I said things like, "Well, he's so in love with you. Everyone can see that, and you're such a lovely couple. You're both so cute." And I

just said—so, I can say from then till now, I've moved worlds. I didn't have a clue, and I should look up my friend and make sure she's still ok, because I certainly didn't give her any help at all.

DW: So then how did you embark on the learning process to an understanding, what are the right things to do?

JW: I recall a case that I tried, back in the late eighties, I don't remember exactly when, but I remember it was before I'd been to any classes. They teach lots of classes to prosecutors—yes, you can prosecute a domestic violence case whether or not you have a victim. I tried one of those cases, before I ever went to one of those classes. I had a case where a victim had beaten, and had literally left town within hours of the beating, and was long gone, couldn't be found. I had some eyewitnesses, and I remember looking at the file, and thinking, well this is a terrible assault. This was a bad thing to happen. Someone needs to do something about this, and guess what, I'm someone. I just put the case together with the witnesses I had, and I did get a conviction. And you know, it wasn't the first case in the United States that had been done like that, but I'd never heard that anybody else had done. It just seemed like, well of course this makes sense, this is an offense, someone was hurt badly, and I need to do everything I can to hold this offender accountable. So, I did, and as I recall I got a conviction.

DW: And so, just over the years you've gone through your own trainings as well and now you are doing the training yourself, but where did you yourself go through training on this issue?

JW: I've been through quite a few domestic violence conferences nation-wide, there have been less in Montana, but I've to many of the ones that there have been. I have been blessed with being sent to a number of different conferences, sometimes by the state, sometimes the federal government from somewhere came up with some school, and wanted me to go and so I went.

DW: So let's talk specifically about the laws on this issue, and how they've changed since you've been in this position, and how you have been part of that change.

JW: I sort of stumbled into the legislative end of things. I had done a number of domestic violence cases, over a number of years, and about 1992, I thought, well you know, there is a number of things we could tune up, and just make the laws better. There're just some things that aren't quite right. I wrote, I don't know how I had the time, but I wrote a proposal and got some ideas down, and I sent it out to a few people, I believe Janet Cahill up in Kalispell was one of them, I'm not sure. My proposal got sent, somehow, to the Women's Lobby, and they found a sponsor—I can't remember her name, a woman from Helena, a very, very nice woman—who carried the bill. I got a phone call in the middle of the session saying, "Your bill is coming up. Will you come testify?" I went to testify—Senator Yellowtail was the Chair of the Senate Judiciary Committee at that point of time as I recall—and I thought, well this is kind of a nice process, this is neat. The law is changing, some ideas I had are becoming law, and this is a good thing. That bill passed, and was quite successful.

There were a number of ideas I had for that bill that whoever drafted into final bill form, didn't utilize, and didn't incorporate. So, in '95, the next session, I thought, well you know there's still some other things that we need to work on, that they didn't do in '93. There wasn't really any communication between, I had some kind of raw ideas, and then someone, probably within the legislative council, put many of those ideas into law, and then it became a bill, and then it was enacted. But some of my ideas were ignored, so in '95, I was quite a bit more aggressive, tried to talk to some other people, tried to help find a sponsor, and we did some major revisions of the domestic violence laws. Then by '97, I was sort of in the track of doing it, and in 1997 we, I was the primary drafter, but there was a committee of people who participated by this time and gave ideas, and we all talked and shared what it was we should be doing, and how to improve laws best.

In 1997, the bill was drafted to do some major revamping to orders of protection, at that point in time they were called temporary restraining orders. There were some glitches in definitions. There were, I don't recall the exact wording, but it was possible to be a victim of domestic violence and not eligible for an order of protection, or vice versa. We just went through and tried to clean those things up, make things more simple. Basically orders of protection, or they were called restraining orders at that point in time, were a subsection of a divorce statute, and then they tucked stalking victims there, and so it became, from a legal perspective, very nonsensical. You could never have been married to your abuser, or your abuser could be a stalker that you had no connection with whatsoever, and you had to go to a divorce statute to get an order of protection. So, that bill in '97 set up an entire order of protection code section, so it was logical, and orderly, and made sense, and there were certain protections allowed to victims who qualified, and that was enacted as well.

In 1999, the main bill that we worked on changed some provisions about sexual assaults. Prior to 1999, for a number of the sexual assault crimes, it was required that there be proof presented that either the victim or the perpetrator was sexually gratified by the offense. Again feminist theory, we all know that there are many sexual assaults that have nothing to do with sexual gratification. Some of them, there is sexual gratification, it's easy to prove, but there are some times, where there is no sexual gratification, especially with a small child, or whatever. If the offender can prove that they were not gratified, then it no longer became an offense. So in '99, the changes were made that an offender can commit a sexual assault for a number of reasons, including sexual gratification, but also if they do it to humiliate or degrade the victim that still is an offense. That particular bill probably had some of the more emotional responses from legislators. I remember one of the senators making a comment, and just about breaking into tears, saying, "I'm so glad. We should have done this many, many years ago. I'm so glad you guys are proposing this, at this point in time. This is something that's very, very important." One other comment, we have had very strong bipartisan support on most of the domestic violence legislation. There are some issues that we can't go into with some of the conservative members of the legislature, basically staying away from same-sex types of issues, because they've been very clear that the support would no longer be there. Especially with the sexual

assault legislation in '99, one of the main sponsors was very conservative, not as fired up about the bill at the beginning of the session, basically said, you know, "I think you guys do really good work. I trust you. I'm sure this is a good bill. I don't have time to study it. You're going to have to present, and present it effectively, because I just don't have time to do all this work," and by the end of the session was pounding on tables, and oratorical, and very, very interested and fired up. That's a good social change.

Then in 2001, we worked on a bill that revamped domestic violence counseling. There were quite a few bills in 2001, but the main one that I worked on was House Bill 313. A huge section of House Bill 313 was taken out in the House, and then probably half of the bill survived. It increases the amount of counseling a domestic violence offender has to complete upon conviction, creates some communication networks between the court system and the counselors, so that they have information—so a hypothetical offender, who went into counseling and said nothing happened, the counselor will have a copy of the police report, and say, "Whoa, whoa, whoa, something did happen. It was very violent. This is what it was." And can see those reports without violating confidentiality. Also, a section was added to the domestic violence law, partner assault law, that says that it's a factor at sentencing if the offense happened in front of a minor. There were some big sections of that particular bill that were taken out in the House, and that was primarily the mental health groups that opposed it. (unintelligible).

DW: And why is that?

JW: That's a really big question. A number of reasons, we tromped on some professional toes without ever intending to. We had some general guidelines for counseling that were taken out, that were based on a lot of studies, and a lot of work that we had done. We had a Ph.D. student, who has done a lot of domestic violence counseling, draft the proposals or give me—I did the actual drafting—but draft the ideas and guidelines for the counseling, and the mental health professionals were vehemently opposed to having parameters. They wanted to have very open, wide open, no guidelines for what kind of treatment they would give to offenders. Our perspective was there are certain studies, we're not trying to shove anybody into a square hole, but there are studies that have indicated generally what's effective, and I think some general guidelines for most offenders would be a good idea, and those were not enacted. The rest of the bill was.

Up until 2001, the legislative track record had been pretty darn good, pretty much laws had not been amended much at all. The one, I kind of hinted at it earlier, the one issue is the conservative end of the legislature, which has been very, very supportive of violence against women issues, is adamantly opposed against coverage for same-sex relationships. My personal perspective on that is we are not going to be successful on that particular issue. As long as we don't raise it and go to battle on it, we have strong we have strong bipartisan support. Since we aren't going to be successful on it, maybe now is the time to not do anything about it, and let it set until there is a time.

DW: So, I want to go back to the very beginning when you talked about the ideas that you had, could you say what those ideas were?

JW: You know, I don't remember all of them. Back in '93, I know that either in '93 or '95 there was an unconstitutional section of the domestic violence law, and it was actually something that was favorable to prosecution, but if something's unconstitutional it doesn't make any sense to leave it in. So that was one of the tune-up kinds of things we did. Between '93 and '95 we cleaned up some of the definition things, as I mentioned. I don't recall exactly what the wrinkles were, but there was at least a group of people who would be eligible for an order of protection but not eligible for criminal protections. It seems like the definitions should be consistent. It just makes sense that if you're a partner of someone, you're a partner whether you're asking for an order of protection or if you're asking that someone be criminally charged, or an officer's investigating that someone be criminally charged. I believe it was in '95, we changed the name of the crime of assaulting one's partner. The name of the crime was formally called domestic abuse, and the name was changed to partner assault, and that hasn't been necessarily uniformly well received. The reason behind the name change is that domestic abuse basically trivializes what can be a terribly serious crime, and partner assault is more consistent with the criminal justice system, that if you assault someone that an assault of that kind of person. Rather than domestic, which sounds homelike, and abuse, which sounds like maybe you fell down, or maybe it was an accident. It doesn't sound like an intentional crime.

DW: You've said a couple times how you have experienced the bipartisan support of domestic violence bills. Now what about sexual assault bills, are those two received differently? Is there sort of societal understanding or views held about domestic violence that differ from sexual assault and sexual violence?

JW: Boy, I haven't worked on, we did work on the sexual assault bill in '99, other than that I haven't worked on sexual assault issues as much. I know in '99, there was initially some, "Oh, is this really necessary? Aren't you worried about getting offenders that really didn't do anything convicted?" But that came around pretty quickly and pretty well, and as I recall the bill in '99 made it out of the Senate unanimously. I guess one thing that I have seen over time from '93, again I've worked on enough sessions that I don't remember every detail about every session individually, but in '95, '97 there was a sentiment from a number of people that, "Why don't you *girls* go get it right, and quit coming back and bugging us. Just get your laws correct, and then quit; we're real busy people." To be fair, the legislature hears from many, many people who all passionately believe in whatever issue it is that's their important issue, and of course our issue is tremendously important. But everyone feels that way, and they're approached by everyone, so that's a logical sentiment. I guess the reason I'm making the point is that was a real clear emotion we saw very, very clearly mid-nineties, even to '97, and we didn't—

[End of Side A]

[Side B]

JW: Most of the domestic violence bills did very well, and the numbers were astounding. They were huge votes, and huge, very strong bipartisan support. We have had Republicans carry bills a number of sessions now, and some sessions we've had one Democrat and one Republican, and then other sessions we've had two Republicans.

DW: So, I want to talk about the people themselves who are involved in domestic assault cases, the men and the women. Now, can you comment on changes that you've seen the people go through, in terms of their own understanding of what is happening within domestic assault? Have you noticed any change, are women just socially more aware of this issue, and try and address it more? Do the men, are they tuned in more to the seriousness of the crime? Do you know what I mean, things like that?

JW: I don't know that I can accurately peg that. I think that there is more social awareness generally. I don't know that that translates to any particular case. One thing that sort of muddies the water is that partly, or largely, because of legislative work the penalties have gone up, which is, I think an important part of social change. Years ago if you just got a slap on the hand, and basically got a stop sign fine for beating up your wife, it trivializes the whole offense. I think sometimes it's difficult to get offenders—we don't get offenders to plead guilty, that's not quite the system works, they chose to plead guilty if that's the most appropriate option for them—but sometimes offenders are more likely reluctant to do that, because the penalties have become significant. They went from trivial to, some people say—some people scream at me—and say, “Oh, penalties are way too tough, you can't possible get people to plead guilty to that kind of stuff,” and then other people say, “What are you doing? You've been working on legislative stuff, why aren't these people going to jail for six months?” So it runs the whole gamut. Because I've worked on legislation, I've heard both ends.

DW: Right. So, what do you personally think about the penalty? Do you think it's too strict, or not strict enough?

JW: Another really good, simple question that doesn't have a really good simple answer. It's an evolutionary process, and I think we are about where we need to be now. I know one of the things that's sort of a sarcastic joke in Montana is that, “if you assault your dog, the second assault is a felony, and if you assault your wife, the third is the first time you have to worry about going to prison.” The problem with that analogy is that I think the animal statute—and I just don't have energy to take on the animal statute, to—I think the animal statute is wrong. It's written more severely than it should be. I think we always need to be looking at domestic violence laws, the way I see legislation—and I'm starting to digress a little bit—but legislation should lead societal change, but if it's way out there and society is miles behind, everyone's just going to ignore the law. If it's way behind society, then it's not doing what it should. But it needs to lead it effectively and be a ways ahead, but not too far out there. I hear less phone calls, I get less phone calls from mothers of offenders, and husbands of offenders, and bosses of

offenders that this is, “no big deal, and she’s really a bitch, and it’s really her problem. She was drinking and she battered the kids, and blah, blah, blah...” I still get those phone calls, but I probably get less of them than I used to. But there are some states that have penalties that are worse than ours, there are some states that have penalties are lesser. I think, in my humble opinion, from my perspective, there about where they should be right now.

DW: So, where are they, if you could?

JW: A first or second offense assault on a partner of family member is a misdemeanor, a third offense, which means there’s been two convictions, is a felony. A misdemeanor offense carries up to a year in jail, up to a thousand dollar fine. A felony carries up to five years in prison, and up to five thousand dollars in fines. I’m never on the felony end, so I don’t recall—counseling has been required at twenty-five hours plus and assessment, and with House Bill 313 that just went through October 1, counseling requirements will go up to forty hours along with an assessment. Offenders can be required to go on probation with a probation officer, if there are programs available. Missoula County has a probation officer program for misdemeanors; Missoula City does not. I think that’s one of the places that we really need to be looking at is we are sentencing people to appropriate things, we need to make sure that the sentences happen.

Dawn Wash: How did the counseling programs for the offenders come about? Were you a part of that development?

JW: I don’t recall exactly when... Even in ’91 offenders were required to get twenty-five hours of counseling. I’m not sure if the original, I believe the original statute was enacted in ’85. I’m not sure if the original statute required counseling or not. What we were trying to do this year is do a substantial revamp of counseling, and make sure that the people who did the counseling got continuing education, were certified as specialist in the domestic violence counseling field. We had a program to have that phased in, and that was all taken out.

DW: Um, that too bad. Are you going to try again, the next time, for some of that?

JW: I don’t know that I’m going to. It was a fairly unpleasant session on the mental health end, rather than from the legislators. The legislators were very, generally, very, very supportive.

DW: What about any type of supporter counseling for the victims? Are there systems in place for them?

JW: Another really good question. That’s an issue that’s come up nationwide, and occasionally comes up in Montana, although it hasn’t come up in big way, whether or not victims should be mandated into any kind of counseling. At least from my perspective, we cannot require someone who’s a victim of a crime to get counseling. That penalizes their behavior, says, “either your crazy or bad, you need to go get fixed by somebody.” What we can do is give them tools, give them ideas, give them resources where they can go get help if they choose to do so. I

guess the counter-argument to that is that victims need parallel counseling to offenders, so that they don't undercut it. I don't necessarily disagree with that, we just can't mandate that someone who has been victimized by a crime—If someone is a bank teller and gets robbed by a bank robber, are we going to say, "Ok, all you tellers need to go get counseling now." I mean, it's so ludicrous when we separate out a different example. But there are programs at the YWCA. Probably more of the victim-end counseling tends to be lay counseling, peer counseling kinds of issues. Oftentimes victims have just simple issues to deal with and they've been living in a crazy world, with a very abnormal sense of normalcy for so long. They just need to have normal values reinforced, be told that being beat up is not normal, being told that you're worthless is not normal, being told that you're ugly is not normal. Just have those kinds of values reinforced, so that they can get a more normal base.

DW: That's a really interesting question about mandating counseling with the victims, because on the one hand I can see how they will need counseling, just having undergone that, but what is the message, as you say if we tell them they have to. It's very tricky.

JW: It's not to say that there wouldn't be benefits to mandating counseling for victims, there would be. It's sort of the basic premise that it's based on is wrong, so even if there's some nice little side benefits to something that's wrong, it's still wrong. Another issue that's come up in other states in the country, and I believe some states have enacted legislation is mandatory reporting. Right now children, I think the three issues that are mandatory reporting in Montana, is kiddy abuse, elder abuse, and gunshots, and knife wounds. We don't have a mandatory reporting statute for domestic violence. I believe California enacted a law that basically if someone goes into an ER, and they have reason to believe that it's a domestic violence case they have to call the police. Again, there's good news and bad news. The good news to that is that you are getting some criminal justice help, and some criminal justice intervention in a case where there otherwise might not be any. The bad news, I think outweighs the good news, in that someone who may be totally cut off and only gets help from the hospital will never go to the hospital again, and odds are quite good, except in extraordinary case, that the criminal justice system isn't going to be able to charge anyone and intervene effectively. So, on balance, I think it's a bad idea. There has been at least some talk of proposing legislation like that in Montana. I know I was approached in '99 and asked to draft something, and said, "Boy, I can't." I see that there are some interesting issues there, but I think, on balance, it's a bad idea. I guess one other legislative issue that's been looked at—and again I'm not the only one working legislative issues, there are a number of people who have done a lot of work, probably most notably Tootie Welker in Thompson Falls. Then a few years ago, Janet Cahill, who was more active and did a lot of work on legislative issues, and then there've been a whole lot of other people. We impaneled a big committee, we worked on primary aggressor language in probably '97, I don't remember for sure, and we just impaneled a whole lot of peace officers and asked them, "Ok, what kinds of things do you look for when you determine who is the person who is the major problem in an incident?" We enumerated a bunch of factors, worked on them, hammered them out, and that's what became law.

DW: Now, you brought up the issue earlier about same-sex domestic assault, or abuse, violence, but that the legislature's not ready at this point to deal with that, but nonetheless, do you receive cases of same-sex assault, and how do you deal with those then?

JW: We don't see as many as I think there probably are out there, everything is under reported. Not everything, not every crime is ever going to be reported in law enforcement, but without having the numbers to back it up, I think same-sex assaults are way under reported, even more than other under reported crimes. We do see them sometimes, because same-sex relationships don't have the protections of the domestic violence laws doesn't mean that there wasn't an assault. If anyone is assaulted they are entitled to have the abuser charged with an assault, just the extra protections that go with domestic violence laws, such as primary aggressor, preferred arrest, no bail, enhanced penalties, those are don't flow. Another thing that we have done commonly with same-sex relationships, oftentimes if the relationship is over there is stalking behavior going on, and stalking is a offense that can be charged, a person can get an order of protection based on stalking. Stalking does not depend on any kind of relationship at all. So, oftentimes there is stalking there, and oftentimes that's the route that we go.

DW: Can you comment on same-sex relations between males or females? Do you get similar amount of reporting and dynamic, or is there just not enough reported to comment?

JW: I can't say that I've seen a whole lot of different dynamics between men and women, but I don't see that many of the cases. I have seen women victims of women perps that were very, very frightened, and I've seen men victims of men perps that were very, very frightened. Oftentimes the dynamics are very, very much the same to other domestic violence, and sometimes there's even a worse wrinkle in that some of the victims are worried about getting kicked out of the closet. So, it's all the regular stuff, and then a little bit of extra stress besides.

DW: Since we're talking about sexuality and gender, and we know now that there is this huge intersection between, you know, race, class, gender, sexuality, and you can't just talk about the one without incorporating the other. So, could you just comment on these intersections within this work of domestic assault?

JW: I think nationally they've pretty clearly concluded that financial troubles, it is not a cause of domestic violence, but it can be a trigger. So, rich people, domestic violence happens with rich people as well, but we are less likely to get the call, because rich people don't tend to live right on top of each other, and neighbors aren't going to hear someone screaming. We're more likely to have the call be stopped by somebody being savvy and smooth with either—and 911 dispatchers are quite sharp and they send people out, and they get passed most stuff—but somebody who is very well educated, totally in control, may be able to convince a 911 dispatcher that there really isn't a problem and you really don't need to send any one. Then they are more likely to convince an officer that nothing really happened. Depending on how far they live out, which could be consistent with a more wealthy person, they may be able to calm everything and get everything just fine, so that everything looks ok by the time the officer gets

there. There is domestic violence, and then I guess the fourth factor is with a more wealthy home, money problems are a trigger that can exacerbate or trigger domestic violence given all the other things that are going on, and if somebody has lots of money then that's one trigger that just doesn't exist. We're more likely to see domestic violence, we're more likely to get a call in a poor home where it's more likely neighbors will hear it, and more likely to be investigated. Montana has a homogenous population, but we have pretty small numbers of minorities. We do see a significant number of minorities involved in violent relationships, but I have no idea where that is statistically, if it's disproportionate or not. I just don't know. It would make sense that, especially if there was an interracial relationship, anything that increases stress in a relationship isn't a cause of domestic violence, but it can be a factor. I guess the one way that Montana domestic violence stands out, at least a bit compared to the national stats I've seen on domestic violence, is most of the time at least one of the people has been drinking, with the cases we see criminally, not necessarily the cases that go to a shelter. But we have lots and lots alcohol abuse. Again it's not a cause, but it is a trigger, it's a factor that makes it more common.

DW: Now I want to ask you a question about sort of the future if you will, so if you just have the ideal set-up right now in terms of where you want this issue to be at societally, what would that look like?

JW: Ideally it wouldn't happen. Ideally people would have equal power and equal say, and one person wouldn't be exerting power and control over another. I think we're a long ways away from that, but ideally that's where it would be. Ideally I wouldn't have to be working on this.

DW: This is a huge question, but what just what are some of the things that it will take for us to get there, in your opinion?

JW: Women to be treated like people, women to not be objectified, violence to quite being glorified. I never watch TV and I go to movies occasionally, and I'm just totally grossed out by what I see, because I'm not exposed to it all the time. But in commercials, women are airheads and guys come in and save things. I mean a woman can't even wash her clothes right, she needs to a guy tell her how to do it, or she needs to have Mr. Clean come in and tell her how to clear her bathroom. It's so patronizing on so many levels, and it's everywhere. Again I hardly ever watch TV, but oftentimes they will mix sex, and love and violence, and something will start out to be a violent thing, and then sort of turn into a love thing, and it will sort turn into a sex thing. They are not the same, they are not reflections of the same, they are not the same, and it shouldn't be brought up. It makes sense that kids will be confused by all that.

I guess I'm getting old so I'm getting more conservative, but one thing that troubles me, girls have so many double standards right now. Girls are the fashion, one of the fashionable ways to dress is like Madonna, which the conservatives say is looking like a slut—well if you look like a slut, you're going to get laid—well our society is telling girls that that's the fashionable way to dress. I don't like it, personally, but why such confusing standards. Guys aren't expected to

expose every single part of their anatomy at all times, and then be judged on it, how good or bad it is, and then be criticized because they were exposing it in the first place. Women have just so many confusing issues on so many levels, and it's so complicated. They're reinforced for being cute and nicely dressed, or evenly sluttily dressed, and guys just don't have to deal with those things. If a guy's cute it's a bonus, if he's not it's a so what. If a woman is cute that's essential, and if she's ugly it's like why does she exist.

DW: Oh...there's a long way to go. So what is it that keeps you going, keeps you motivated, inspired to do this work?

JW: I've had a few women tell me I saved them, and it just doesn't happen. That's pretty common. I guess two other things that I've worked on that we haven't talked about, and I'll just talk about it a little bit. I've worked with the Missoula Family Violence Council for quite a few years. We're a tiny little non-profit that's a community organization. We're trying to work on domestic violence issues on a bunch of different levels. We chronically don't have enough money; we chronically don't have enough energy, everybody's tired, everybody's overworked. But one of the coolest things, I think we have done is three years now we have put on a puppet show for second graders—that's what the picture in my window is. It's two little bears, which curiously enough are non-gendered, who fight over toys and basically learn how to play together effectively. Peggy Meinholtz is a professional puppeteer from Seeley Lake, who puts on the show. I think it's probably one of the most important things we could possibly do, because second graders are young enough that hopefully we can change some behavior. Who knows, if we change one kid, if we change one kid in ten years that's a great thing. We have heard some feedback from some playground workers hearing kids say, "Now Beanie wouldn't do it that way, and Red wouldn't do it that way." So, that's our goal. It has a vaguely domestic violence theme, but we work very hard to make sure that the show is not "bad dad" kind of stuff. It's just violence is not ok, violence does not solve problems, in fact violence creates problems. At the very end kids are encouraged to give answers, and one of the answers every group has always given is if you're having problems call 911. She has a little toy cell phone, and it's very, very cute. But that's a pretty neat thing.

DW: And then you wanted to talk about something else as well?

JW: I think that's it, the puppet show and the Family Violence Council. The Family Violence Council is a group of people; we're always trying to raise community awareness. We've done a whole lot of things, I don't even know if I can list them all. We give out an award to a peace officer every year for doing great police investigations in domestic violence cases. We run a couple contests in the high schools, and we have a billboard every year to celebrate violence free families. We try to support educational events on domestic violence. We have a booth at the fair; we have a table at the mall. We do the puppet show. At our next meeting we're going to talk about a target group, and try to figure out how to most effectively channel our energies. It could be we are going to target the faith community, and see if we can reach out to ministers. We did do a class with ministers quite a few years ago, and maybe it's time to do that again. Or

perhaps we're going to target the media. Sometimes the way media addresses violence gets really trivializes it, minimizes it, sometimes totally ignores it. It could be that, that's one thing our group might target. (unintelligible).

DW: So, who all is involved in the Family Domestic—

JW: Family Violence Council. Law enforcement, the shelter, Crime Victim Advocates, we have a couple university professors who have been very active, 911, some just plain old community people who are concerned about domestic violence, educators. We have had faith-based people, I guess one of the professors is pretty active in the faith-based community right now. It's basically an open-ended group that's people who are concerned about domestic violence, and trying to, on a community level with a tiny non-profit, address that.

DW: Sounds great. So we have just a few minutes left it looks like, so I want to just bring it back to the personal level. If you could comment the meaning that you've gleaned from the experiences you've had working on this case, and how it has affected maybe your view of the world and how you go about (unintelligible)?

JW: I worry a lot about some people. Sometimes I'm really blunt with people and say, "I don't want to wake up in the morning and see your name in the obits." I made a comment about (unintelligible) earlier, sometimes seeing the world through feminist eyes is sort of a sad way to see the world. There's an awful lot of sexism, and there's a lot of pain and hurt. Sometimes it would be easier to just laugh at the blond jokes instead of being the grumpy crab in the corner who doesn't see anything funny. I mean we need to find humor wherever we can, because sometimes being a feminist is sort of a humorless place to be. I mean that there's so much humor that's based on women being stupid or having big boobs. That takes care of three quarters of all of the good jokes. I have friends who will seek me out, "I heard a joke today Judy, and it wasn't sexist. Can I tell you?" There's so little. It's funny, but it's sad to. It's a very, very sexist world. But then, it's what I said at the beginning about training, if you get on that soapbox, and you're very, very strident, that's all you talk about. You may be absolutely right, and you may be god blessed at doing the exact right thing, but you're also going to shut everybody down and turn them off, and not change anything.

DW: Yeah, that's how I define mine.

JW: It's a balance, and you've got to hit you own personal balance of what you can do without throwing up.

DW: Well it's just so fascinating, because that balance, that line gets drawn by different women within feminism itself, and has caused so many schisms within the feminist movement, as you're well aware. So, it is a huge issue within social change. How much do you push, and when, and to what extent?

JW: And social change is what it's all about. I think working on law is incredibly important. I know, I've had some people say, "Ah, who cares about the law. We need to do social change." Well social change and law are part of the same thing. But we need to change our community, and we need to get to the point where some guy who's whining at a bar about the broad who won't be with him anymore needs to have some other guy say, "Give it up pal. Move on, get a life, she's done with you. Maybe she's a bitch, maybe she's not but guess what she's out. Do something else." We need the buddy at the bar, instead of saying, "I can't imagine how she could leave you. You deserve a woman like that. I'd be really pissed off to. You ought to do something to show her how pissed you are." You know, that's where we need to be. We're not there yet.

DW: Well that's for all the work you do in this area.

JW: Thanks, it's kind of fun.

DW: Ok, is there anything else you want to add?

JW: No.

DW: Okay.

[End of Interview]