

National Clearinghouse for the Defense of Battered Women

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How it all began: A brief history of the National Clearinghouse

This piece was written by Sue Osthoff, the Director and co-founder of the National Clearinghouse for the Defense of Battered Women, for the tribute book created to commemorate the organization's 10th Anniversary. Barbara Hart, a long-time battered women's activist, innovative attorney, and staff member of the Pennsylvania Coalition Against Domestic Violence, was the other co-founder of the National Clearinghouse.



The National Clearinghouse for the Defense of Battered Women opened its doors in 1987. Well, okay, we didn't *exactly* "open our doors" — we didn't even have an office back then! Nor did we have a penny to our name. What we had was an amazing group of people who knew that *something* had to be done to help battered women who were ending up facing criminal charges. We all knew what was happening. Battered women were not being protected; their pleas for help were often ignored by the police, the courts, and others in their communities. Yet, when they protected themselves or their children, or were forced into "criminal activity" by their batterer, the criminal justice system vigorously prosecuted them.

We knew that many battered women, once they became defendants, were not receiving good legal representation, nor were they receiving the support they needed and deserved. Back in the late 1980s, relatively few battered women's organizations worked with battered women charged with crimes or with women in prison. Most women defendants did not participate actively in their own defenses, and many of their attorneys were not uncovering their experiences of abuse (or, if they did, they didn't understand its relevance to the woman's legal defense). The courts were trying to figure out if testimony by a witness with expertise about battering and its effects was admissible to support a battered woman's defense claim. Meanwhile, more and more battered women were getting convicted and sent to prison.

We *had* to do something to stop this injustice. We started small: Hmm, why don't we write a little manual to help advocates do better work on behalf of battered women charged with crimes? We talked to more people and our little project started to expand. Why address only advocates? Why not write something for defense attorneys and expert witnesses as well? Until Barbara Hart — ever the visionary! — said, "Why don't we just start an organization? We could talk to all the smart people on this issue across the country and get them to tell us everything they know and send us everything they have ever written. Then we could provide technical assistance to those people out there who don't know what they are doing and we could hook them up with others who do. I mean, really, why should everyone have to reinvent the wheel? We could collect all the relevant and important information and send it out to those who need it." Yes, we could. And that's pretty much what we've been doing for the last 10 years.

We were very fortunate that so many of "the smart people on this issue" were right here in Pennsylvania. Our founders included some of the best and the brightest defense attorneys,

battered women's advocates, researchers, jury trial consultants, expert witnesses, and former battered women defendants in the country. Many others with the expertise we needed were friends and colleagues of our founding members. Collectively, this group brought their wisdom and experience, excellent politics, clarity of vision, and so much heart to the development of the National Clearinghouse.

This founding group of, admittedly, strange bedfellows (battered women's advocates don't usually work closely with defense attorneys) set an important precedent that embodies one of our organizational principles. We are bridge-builders; we hope to facilitate relationships and communication among groups and individuals who might otherwise be unwilling to work together. These partnerships can — and do — help develop broader and more active strategies that promote and increase safety and justice for battered women. Bridge-building is a role we've taken very seriously over the years — just look at the breadth of people who are sponsoring this event!

We had lots of talent, energy, and great ideas when we started the National Clearinghouse, but we didn't have *any* money! That didn't stop us! (It's probably a good thing we couldn't foresee how difficult raising money for "our issue" was going to be. We were too naive to be as scared as we should have been!) Throughout our early years, it was touch and go whether our doors would stay open or not. A few brave foundations and many generous individuals helped us get through those times. We could *never* have known that the federal government would give us a big ol' multi-year grant (a three-year grant in 1993 and a five-year grant in 1996)!

Now, ten years after the founding of the National Clearinghouse, we wish we could report that things have improved for battered women charged with crimes. But they have not. In some ways, things have actually gotten worse. The current "tough on crime" political climate and the ongoing erosion of defendants' rights make it very difficult for defendants today — including battered women defendants — to maintain hope and find justice. We still have our work cut out for us.

Ten years ago, we had a pretty clear vision of *why* we needed to do this work and *how* we wanted to do this work. As we begin our second decade of operation, we will go on doing whatever we can to help battered women charged with crimes. We are committed to doing *something* to end the injustice. And we shall.

I began working with battered women charged with crimes in 1984 while at Women Against Abuse (WAA), one of Philadelphia's battered women's organizations. I recently found a note I wrote on my last day of work there. It's dated August 21, 1987:

Working with battered women defendants has been, in many ways, the most difficult and wonderful thing I have ever done. Watching woman after woman get chewed up by the same criminal justice system that failed to protect her from the abuser she eventually killed or assaulted produced more than my share of outrage. But I was also incredibly lucky. I got to meet some of the strongest, most wonderful women in the work. Women who shared so much with me and taught me so very much, many of whom are currently in prison.

Although I am leaving WAA, I am not leaving the work. We've started up a new organization.... We will be gathering information to assist battered women defendants and other members of their defense teams to develop creative and useful strategies for use both in and out of courtrooms. We will provide technical assistance for defense teams working on these cases. I will be working with Barbara Hart and a bunch of wonderful people from across the country. It is very exciting and more than a bit terrifying!

I think the reason why so many people across the country are eager to participate in this project is because they, too, understand how poorly battered women defendants are faring in court. We must do something to assist battered women defendants in their search for justice.

To all of you working to end violence in the lives of women and children: Keep up the good work. And remember to keep asking the hard questions; it how we all grow and move forward.

Working with battered women can be very difficult, but very important. We need to help battered women help themselves so they never become defendants in criminal cases.