

Advocates push gender-neutral domestic-violence laws

Court case, pending legislation, moving forward

MALCOLM MACLACHLAN | CAPITOL WEEKLY

Men's advocates say they have moved closer to their goal of gender-neutral domestic-violence laws in the past week.

First, a group of men who say they were battered and threatened by their wives got their day in court this past Friday. The four plaintiffs in *Woods v. California* say they were denied their constitutionally mandated equal protection as they sought shelter services and police safeguards.

Meanwhile, lobbyist Mike Robinson said that he has found multiple sponsors to draft legislation that would amend California's domestic-violence laws to apply to "victims," rather than only to women. He said the language has been approved by the Legislative Counsel. There are several Republicans who have said they are willing to sponsor the legislation, Robinson said, but he is trying to line up a Democratic co-author.

The *Woods* case was heard by Sacramento Superior Court Judge Lloyd Connelly. It does not seek any damages, but instead is meant to force gender-neutral law enforcement and services across key sections of the state's government, health and penal codes.

While the lawsuit has a wider focus than his legislation—and he is not a plaintiff—Robinson said that in many ways they are working toward the same goal. He said that Connelly's initial ruling and statements have shown that he is likely to agree that it is unconstitutional that California's domestic-violence statutes can only apply to women.

"The message is real clear that the statute is going to get struck down," Robinson said. "It would be in the Legislature's best interests to reform it themselves."

After the two-hour hearing, Connelly gave both sides until March 2 to reply to several issues that came up. He is asking the plaintiffs' attorney, Marc Angelucci, to submit a supplemental brief addressing the plaintiffs' legal right to bring suit, as well as answer some other technical questions.

Both Robinson and the *Woods* plaintiffs said that they are not trying to cut off services to battered women. The issue, they claim, is that there are next to no shelter services for battered men.

Plaintiff Ray Blumhorst said that his case began several years ago when his marriage was falling apart. His wife hit him with a bookstand when he wasn't looking, he said, putting him on crutches and leaving him with a slight-but-permanent limp. Days later, when the police got involved, he was the one who got arrested, even though he'd never lifted a finger against his wife.

The reason, he said, is that as a 6'1", 210-pound veteran, he looked far more intimidating than his average-sized wife. Sure he might have won a wrestling match against her, he said, but she was the one initiating violence—and increasingly using weapons.

"We're not saying there aren't a lot of bad, abusive men out there," Blumhorst said. "But there has been a very biased picture in the media and the law."

Blumhorst said he sought shelter services for his own safety, but repeatedly was denied by shelters that received state funds but serve only women. He later sought services again, this time in order to prove his point for a legal case; that case was thrown out in March of 2005 by the Second District Court of Appeal, which ruled he lacked the legal standing to file a suit.

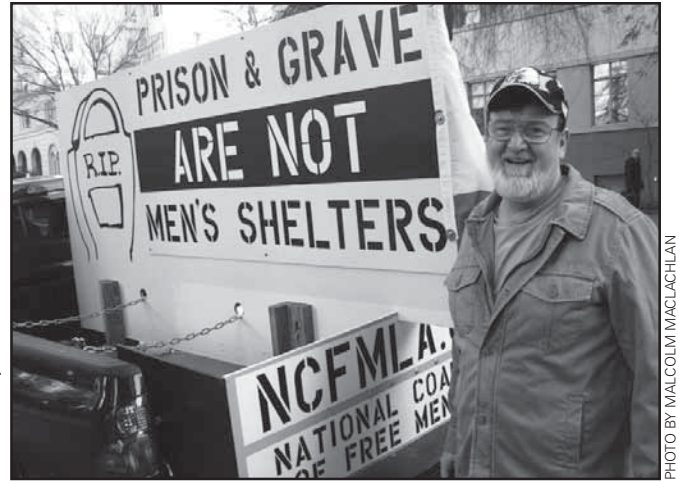
In October of 2005, he joined with three other plaintiffs who claim similar experiences. Angelucci said the four are merely seeking equal protection under the law—and this does not necessarily mean that women's shelters be opened wholesale to men.

The problem, he said, is that there is a severe disparity in the services. There are 98 women's shelters receiving state money, while there are only three shelters in California that accept men. One provides only hotel referrals; a men-only shelter in Yreka accepts no state funds.

"Men travel hundreds of miles because no one else will take them," Angelucci said.

Underneath this legal issue is a festering mistrust between men's and women's advocates. Robinson and allies such as therapist John Hamel say that men have been involved in the helping the women's shelter movement since its beginnings in Britain the early 1970s, but that it has been "hijacked by feminists" and turned "ideological." This mistrust goes both ways.

"There is a definite sense that people are organizing to take away funding for violence against women's services the same way affirmative action has been attacked," said Jovida Guevara-Ross, executive



Plaintiff Ray Blumhorst said he was assaulted by his now-former wife—then denied police protection and shelter services.

director of Community United Against Violence. She said that arguments that domestic-violence rates are nearly the same between men and women ignore several important factions, including the greater physical harm usually inflicted on women.

CUAV works on domestic-violence issues in the gay and lesbian community. Many people have argued that the increasing prevalence of shelter services for gay men has also provided resources for straight men.

In fact, the National Coalition of Free Men, a group Blumhorst is involved in, tried to use a Rebecca Cohn bill on domestic violence in the gay and lesbian community to get the gender parity they seek. AB 2051 imposes a fee on the state's domestic-partner registry to fund services for battered gay and lesbians, similar to the same way that women's shelters get funding from state marriage licenses. Geoff Kors, executive director of Equality California, said that the Coalition's efforts failed because they went against the intent of the bill and tried to tap the wrong source of funding.

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Gaming

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thing we do," said Chumash spokesperson Frances Snyder. "These folks are very wealthy and have a lot of time on their hands."

The Chumash were one of 61 tribes that negotiated gaming compacts with the state in 1999, and is currently capped at 2,000 slot machines at its Chumash Casino Resort in the town of Santa Ynez.

Last year, the governor negotiated new compacts with five of those gaming tribes: the Agua Caliente, the Morongo, Sycuan, Pechanga and San Manuel groups. The agreements, which were announced in the closing days of last year's legislative session, stalled in the Assembly, would add as many as 20,000 slot machines over time—if they eventually are ratified by the Legislature. If the new deals are approved, that likely would encourage more renegotiations—like the one the Chumash are asking for.

The governor faces a tough task convincing the Legislature to sign off on the compacts, but that hasn't stopped other tribal groups from coming forward with their own requests.

What has the Santa Barbara neighbors of the Chumash so agitated is a copy of the minutes from a tribal meeting in September,

which have been circulating among gaming opponents.

According to the minutes, tribal chairman Vincent Armenta said the tribe is asking for 5,000 more machines and a 10-year extension on their compact. In the document, Armenta says the tribe had "received several letters of support for this re-negotiation and will be sending our term sheet back to the governor in the next couple of weeks." But Armenta warned, "We have met with the governor's office but there has been no progress yet."

After POLO got its hands on this information, the group asked the members of the Santa Barbara County Board of Supervisors to pass a resolution placing a moratorium on more gaming in the county. And it began demanding answers about what it calls the "ongoing negotiations" between the governor and the Chumash officials. "The governor's office has been absolutely stonewalling us," said Herthel.

But it's not clear that the "ongoing negotiations" have been all that ongoing.

"Generally we can't comment on the status of negotiations, or even confirm whether they are happening," said governor's press aide Darrell Ng.

Chumash representatives wouldn't confirm the substance of the meeting min-

utes, but sent a statement from Chairman Armenta.

"In 2006, we were initially part of the group that had informal discussions with the Governor's office. At that time, we asked for the same thing that other tribes asked for. However, we dropped out of that group and are not in discussions with the Governor's office."

Frank Molina, a former chief of staff to Assembly member Simon Salinas—now working for the Santa Ynez band—confirmed that the meeting did take place in the fall. And the tribe got a letter back from the governor's office in December. "But it was basically, 'We can't do anything this year. We'll get back to you when we can,'" Molina said.

The tribe currently is involved in a lawsuit with POLO over its purchase of 6.9 acres of land near its current casino. The tribe says it wants to build a museum and public park on the property—not expand its casino operations onto the parcel.

A little more information might help ease the minds of local government officials. When contacted by the Capitol Weekly, Santa Barbara County Supervisor (and former state Assembly member) Brooks Firestone said that all he knew was that "there are strong rumors of a significant expansion" of Chumash gaming.

"The whole direction has been toward community-tribal agreements," said Firestone, adding that he's concerned about any deal that moves forward without community input.

"Nothing happens without an agreement locally, that was my impression."

The governor says the five pending compacts would bring over \$500 million into state coffers. That number is dubious according to the Legislative Analyst's Office.

Last year, the compacts died in the Assembly in part because Democrats wanted more labor protections included. The compacts have also worried some who say that the state doesn't have the resources to give adequate oversight to the expanding gaming industry.

Of course, simply asking for help from the governor's office is a far cry from having a deal.

But the anxiety surrounding even very preliminary negotiations provides a good indication of just how rancorous the debate over any new compacts will be.

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