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Jacqueline Druar

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**THE BRZONKALA CASE & THE
VIOLENCE AGAINST
WOMEN ACT OF 1994**

BY JACQUELINE DRUAR

In May 1995 Christy Brzonkala filed suit against two Virginia Tech football players, Antonio Morrison and James Crawford. She alleged that in 1994 Morrison and Crawford raped her in their dormitory room. A Montgomery County grand jury decided against the indictment of the two men because there was lack of probable cause. Virginia Tech conducted an internal investigation and found insufficient evidence to take action against Crawford. However, Morrison was found guilty of sexual misconduct and suspended for two semesters. Morrison appealed and eventually his punishment was reduced to a one-hour counseling session. Both men returned to school the following semester and were allowed to play football.¹ Brzonkala filed suit against the University for sexual discrimination claiming that Crawford and Morrison received gender-based preferred treatment. On Friday February 25, 2000, after years of litigation, Christy Brzonkala and Virginia Tech agreed to settle the suit for \$75,000.²

Brzonkala had also filed suit in federal court against Crawford and Morrison under the Violence Against

¹ Frances Thrasher, *Violence against women case reaches Supreme Court*, The Collegiate Times Virginia Tech, (Jan. 18, 2000).

² Frances Thrasher, *Violence against women case reaches Supreme Court*, The Collegiate Times Virginia Tech, (Feb. 29, 2000)

Women Act of 1994 (VAWA). This congressional act allows a victim of gender-based violence to sue in federal court for civil damages. After four years of hearings, Congress passed the act based on the idea that there was sufficient evidence to show that violence against women is a serious national problem and state and local officials have not properly addressed the issue. Congress agreed to spend \$1.6 billion over six years to fund state and local programs to reduce violence against women. Congress also approved the passage of new criminal statutes that punish perpetrators of interstate domestic violence. However, the most publicized portion of the act is the "civil rights" section, which allows victims of gender-based violence to sue their assailants in a federal civil court. It is the civil rights provision of the act that is currently being scrutinized in the Supreme Court on the basis of its constitutionality.³

In the Brzonkala case, U.S. District Judge Jackson L. Kiser and the Fourth Circuit Court of Appeals both found the civil rights provision of the Violence Against Women Act to be unconstitutional. Brzonkala then appealed to the Supreme Court and the case is currently in progress.⁴

Brzonkala's attorneys have argued in front of the Supreme Court, that Congress rightly enacted the VAWA under the Commerce Clause and the Equal Protection Clause. Julie Goldscheid, attorney for Brzonkala, justified the constitutionality of the VAWA under the Commerce Clause by

arguing that women who are threatened by violence are limited in their abilities to participate in interstate commerce, such as travel and employment.⁵

Many Americans oppose the VAWA, partly because the act gives Congress the power to use the Commerce Clause to regulate areas that are traditionally reserved for the states. Others feel that the VAWA will have little impact on reducing gender-based violence because most perpetrators of these crimes have few assets and suing in civil court would not be too beneficial.⁶

Regardless of the direct impact the VAWA may have on this particular case, the VAWA does have clear benefits on the whole. The act sends a message to Americans that Congress and the Federal government recognize there is a problem in with gender-based violence in our country and that they are willing to investigate solutions to the problem. It is likely that there will be more legislation in this area in the future as well.

³ Stuart Taylor Jr., *Congress, The Court, And Violence Against Women*, The National Journal, Inc., (Jan. 8, 2000).

⁴ *Id.*

⁵ Frances Thrasher, *Violence Against Women Case Reaches Supreme Court*, The Collegiate Times Virginia Tech, (Jan. 18, 2000).

⁶ Cathy Young, *Federal Attention Rape Suits Fuel Showdown Over State Rights, Violence and Gender Issues*, Chicago Tribune, (Jan. 20, 2000).