

*"But the zealous interest the police frequently exhibit the physical details of a rape case is only partially in explained by the requirements of the court. A woman who is raped in Berkeley was asked to tell the story of her rape four different times "Right out in the street," while her assailant was escaping. She was then required to submit to a pelvic examination to prove that penetration had taken place. Later, she was taken to police station where she was asked the same questions again:*

*"Were you forced?" "Did he penetrate?" "Are you sure your life was in danger and you had no choice?" This woman had been pulled off the street by a man who held who held a 10-inch knife at her throat and forcibly raped her. She was raped at midnight and was not able to return to her home until five in the morning. In her words,*

*"The rape was probably the least traumatic incident of the whole evening. If I'm ever raped again, . . . I wouldn't report it to the police because of all the degradation . . ."*

*"Rape is an act of aggression in which the victim is denied her self-determination. It is an act of violence which, if not actually followed by beatings or murder, nevertheless always carries with it the threat of death. And finally, rape is a form of mass terrorism, for the victims of rape are chosen indiscriminately, but the propagandists for male supremacy broadcast that it is women who cause rape by being unchaste or in the wrong place at the wrong time -- in essence, by behaving as though they were free."*

**Quotes reprinted from "Rape: the All-American Crime" by Susan Griffin, Ramparts, Sept. 1971**

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herself up, the police lose physical evidence.

What does Moreland suggest a woman should do if she is being attacked? "If the man is in her house a woman must play it by ear; she can make a judgment on whether or not to submit to it or fight. Out on the street a woman should scream, kick, scratch," Moreland says.

#### DA's hope for fight

The District Attorney's office, and the prosecuting deputy D.A.'s hope a woman will fight—and show visible marks of it.

Lane County Deputy D.A. Dave James says he'd rather prosecute a rape case where the woman has been injured: a slashed arm, a broken ankle, a black eye.

Police gather the evidence; the D.A.'s office makes the decision on whether or not to prosecute the case.

The criminal procedure of a rape or any other case runs something like this:

1. The police bring the case over to the D.A.'s office. A preliminary decision is made on whether or not to charge the accused. In District Court the accused is told his rights and assigned a lawyer if he needs one.

2. A preliminary hearing is held as to whether the accused ought to be bound over to the Grand Jury. If the D.A. has enough evidence this hearing does not preclude the D.A. from going straight to the Grand Jury.

3. The Grand Jury decides whether or not a crime has been committed. It may bring back a "true" or "untrue" bill and may reduce original charges. From here on the charge is formal.

4. The actual trial may be reset several times due to inevitable problems, James explains, a witness is out of town or sick, a policeman has to testify in another case, etc. Felonies are tried in Circuit Court, misdemeanors in municipal or district court.

The criminal procedure can drag on for up to three or four months, James says. A raped woman can expect to tell her story several times to the police, to go through several D.A. interrogations, to testify at the hearing, to be questioned by the Grand Jury, to be interviewed before the trial and then to be put through questioning again at the open trial.

And, James admits, "the woman is on trial. The jury is testing her morals; how willing she is to sleep with anyone — her promiscuousness."

The question is, James says, "how much force does a woman have to do to stop this? Let's say she was put in fear, the problem is in proving force. The less a woman does the harder it is for us to prove force." This explains why the D.A. likes to see physical injury on the woman, and on the rapist.

While the woman's morals are on trial, "it is inadmissible evidence to talk about the morals of the man," James says. Nor can a man's prior convictions be shown as a tendency to commit a crime. "They can only be used to weigh the credibility of the witness if he testifies on the stand," James says.

James says the D.A.'s office may use the lie detector test, inadmissible evidence in court, to test the sincerity of the raped woman's statements and as a result in deciding whether or not to prosecute the case.

James points out that the jury takes the woman's actions into serious considerations. Hitchhiking girls "are unfortunately taking a chance" of getting raped in the most juries estimations, he says.

#### The legal breakdown of sex crimes:

**Rape 1—Intercourse in which there is physical force or threat of force or the victim is under 12 years old. Maximum sentence 20 years.**

**Rape 2—Intercourse where the victim is incapable due to mental incapacity to consent, or is under 14 years old. Maximum penalty 10 years.**

**Rape 3—Intercourse with someone under 16 years old—no force. Similar to the former "statutory rape" charge. Maximum penalty five years.**

**Rape is a felony.**

**Sexual abuse or sexual contact:**

**Sexual Abuse 1—Threat or force is used, or victim is under 12. A felony.**

**Sexual Abuse 2—Victim is under 18 or lack of mental capacity as above. A misdemeanor.**

**Other misdemeanors: contributing to the sexual delinquency of a minor, sexual misconduct (both for engaging in sexual or deviate intercourse with someone under 18), and public indecency.**

#### Horton: "difficult to prove"

District Attorney-elect Pat Horton recognizes rape as "one of the most difficult crimes to prove — and one of the easiest to allege."

As a prosecuting attorney, Horton says, the answer is a better attitude by the prosecution: "try to pay more attention to the victims and listen to them more."

"To say there should be more rape prosecutions is a reactionary type attitude," Horton says.

He advocates instead "listening in good faith to the victim. There is a tendency by the prosecution and by police to interject their own morals into the handling of the case." Horton calls, for example, the number of men a woman may have slept with irrelevant in whether or not she has been raped.

But Horton admits he has served as a defense attorney for men charged with rape and from that point of view he cites a problem that it is difficult for the jury to have any sympathy for the defendant. And Horton points out there may be "other motivations which led a witness (the woman) to tell a story which may or may not be true."

This is the law's attitude — it's no wonder Y expresses worry. Y says, "I'm afraid that if I was attacked again my record would be held against me." Y's only record is that she has been attacked in the past — and her assailant got away with it.

X, too, talks about the legal aspects of rape. "The scariest thing," she says, "is that most women don't know" about the legal hassles. "The Grand Jury's move made me a liar — I shouldn't have to turn to violence" to see justice.

The Women's Clinic, held Sunday evenings at White Bird Clinic, wants to organize a rape squad to offer counseling and advice to raped women.

Interested women can contact Linda at 344-3341, can leave a message at White Bird or can come to Women's Clinic, 5 to 9 p.m. at 341 E. 12th.