



Family Concerns

"Bridging the Information Gap"

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FIFTY YEARS AGO THE GENERAL STATUTES OF KANSAS PROVIDED ABSOLUTE PROTECTION FOR WOMEN AND CHILDREN

The "de facto" lowering of the age of consent in Kansas has devastating effects:

Before the infamous Kinsey report on human sexuality, rape was a heinous crime punished by life imprisonment, long sentences and even death in some states. The protection of women and children was of paramount importance to the territory of Kansas and later is reflected in Kansas law. As a result of "sweeping changes" in the law brought about by the imposition of the Model Penal Code in Kansas in the seventies ostensibly to codify and simplify the laws, Kansas statutes have burgeoned from three laws to over ten statutes dealing with human sexuality. Most of these, under the present system of sentencing guidelines in Kansas, also instituted to codify and simplify sentencing, have served to be used as plea bargain tools for prosecutors to get a sure conviction on *something* and for defense lawyers to get reduced sentences for their clients. The Kinsey report, which stated that scientific evidence proved that most of the population was participating in what was termed aberrant and illegal behavior anyway and that laws needed to be changed to reflect that. As a result, a rape victim now had to *prove* that she did not give consent to the rape and there must either be evidence to that or witnesses. Force must be proven or it is not rape but a lesser crime. Therefore a woman had to undergo a trial of sorts to show that she was intimidated, threatened or beaten into submission for a rape charge to hold up. *Consent* also became a factor... Kinsey said he proved through his so-called "child studies" that children are sexual from birth and under certain circumstances actually benefit from a sexual encounter from an adult; that they can give consent. Kinsey's "science" has since been proved to be faulty as well as criminal (he recorded pedophile's abuse of children as his basis for childhood sexuality) and discredited, yet the law still cites to him and to his disciples as a basis for making law.

What difference does this make to Kansas citizens?

A thirteen-year-old Lawrence, KS girl who was raped by several men while under the influence of alcohol supposedly gave *consent* to the sex according to a

recent decision by a judge in Douglas County. The presumable minimum penalty for rape under state law is thirteen years; two of these rapists received sixty days in jail and probation. Having sex with someone less than thirteen is considered statutory rape in Kansas whether consent is given or not but Judge Paula Martin of Douglas County considered that since the girl was close to fourteen and the defendants were close to being minors she would grant a "departure" from the sentencing guidelines. An eighteen-year-old defendant who was seventeen at the time of the rape received thirty months in custody after pleading guilty to attempted rape. However, his sentence was suspended and he was placed on probation for five years with sixty days in jail. A fourth defendant was sent for evaluation at the State Security Hospital in Larned, Kansas. Judge Martin said that she considered factors in the girl's participation (consent); the co-defendants sentences and one of the defendant's lack of a criminal record. One of the defense attorneys argued that the victim got drunk on purpose, and then later exaggerated her own level of intoxication because she was able to remember details from that night.

The epilogue

As a result of having to testify three times and facing another trial of the fourth man, the victim spend most of the week of January 17th in the hospital recovering from slashed arms and wrists as a result of an emotional breakdown. Her mother said the incident was triggered by the judge's finding that she was an "active participant" in her rape . . . remember that Kansas law calls any scenario of sexual encounter with a girl under fourteen as statutory rape. The judge, coming under increasing criticism by the community said that these cases are "among the hardest I have ever heard." At least one supporter of the judge's departure in the sentencing guidelines was Forrest Swall, an assistant professor emeritus in the School of Social Welfare at Kansas University. He defended the sentence claiming that the minimum guideline of thirteen years would serve no purpose in protecting other victims of rape. Apparently he too has fallen victim to the Kinsey mentality.

[Information taken from the **Lawrence Journal World**; articles by Eric Weslander]