

The Social Problem of Sexual Assault

*The urgency of the continuing search for new approaches to the cause, prevention, and cure of delinquency is reflected in three current studies: **How Many More Victims? Society and the Sex Criminal**, by Gladys Denny Shultz (Lippincott. 363 pp. Bibliography. \$6.95); **Sex and Crime**, by Clinton T. Duffy with Al Hirshberg (Doubleday. 203 pp. \$4.50), and **Sex Offenders: An Analysis of Types**, by Paul H. Gebhard, John H. Gagnon, Wardell B. Pomeroy, and Cornelia V. Christenson (Harper & Row. 923 pp. Bibliography and Annotated Charts. \$12.50). Their significance is evaluated by Judge Anna M. Kross. Commissioner of Correction of the City of New York, she was cited last year by President Lyndon B. Johnson on behalf of the Women's National Press Club "for her initiative in helping bring about major reforms in New York City's correctional system."*

By ANNA M. KROSS

IN ADDITION to its impact on the general public, a sexual offense, which in essence is an assault upon the person and upon human dignity, needs to be viewed in terms of its effect upon the victim, the treatment of the offender, and the causative factor. Although these mutually interactive facets cannot be considered one without the other, each of the books herein examined does place its emphasis on one or the other, so that a reading of the three volumes tends to bring the whole subject into sharper focus.

Gladys Denny Shultz, an author and former editor of *Ladies' Home Journal*, writes from the vantage point of an intended victim who miraculously, mainly by her own ingenuity, was saved from the final indignity of the rapist's thrust. Her vivid style propels the reader through the opening narrative portion of her book to the no less absorbing consideration of the many theoretical and practical questions that the horrifying experience raised in her analytical mind. Her subsequent inquiries led her to consult with leading legal, judicial, and penological authorities, both in person and on the ever-expanding bookshelves.

How Many More Victims? stresses the need for scientific research geared toward both prevention of sexual assaults and effective treatment of sexual offenders. But the author's solicitude for the victim is equally strong. As she points out:

To date... more concern and attention have been accorded the accused man, whether guilty or not guilty, than the victim. In all my reading, I have come upon only one writer who has dealt with the emotional burden laid upon the woman who has been the object of a forcible sex attack. Several studies have been made of child victims of sex offenders, but mainly from the stand-

point of trying to learn to what extent the child had invited, or had been an active collaborator in, the offense. There has seemed to be little interest in finding out what the effects are for the unwilling victim who has been attacked without warning, subjected to an unutterably nasty, horrifying, degrading ordeal against her will and through no fault of her own, and left alive.

Save for the aggravated psychopath who finds pleasure in boasting of his deeds, apprehended sex offenders commonly defend themselves by implying that they were just innocent bystanders, wrongly accused. For such cases, which boil down to the unsupported word of the victim against the unsupported word of the accused man, Mrs. Shultz suggests psychiatric and psychological examination of both, the findings to be entered as part of the court record.

Leaving all to the haphazard workings of a law based on misconceptions, and administered by persons who are ruled by prejudices of one kind or another, fails to protect the victim, the community, and the sexually sick man, in a real sense. For it is no kindness to a sick man to let him run free and commit more and more serious crimes, until he arrives at the ultimate one. Judge [Morris] Ploscowe [in his book, *Sex and the Law*] has said that a man who will forcibly rape a woman unknown to him will also commit murder, and the record would appear to bear him out in this.

All these books deal fairly comprehensively with the nature and cause of sex offenses and the violence that accompanies many categories. Their consensus is that, particularly under conditions that exclude all normal heterosexual contact, neither present-day punitive incarceration nor even modern psychiatric research has yet evolved a cure for a large proportion of the men convicted of serious sex offenses.

As I can testify from my own experience of twenty years on the Criminal Court Bench and almost a full dozen years as Commissioner of Correction of the City of New York (the largest municipal penal system in the world, having both men and women prisoners), imprisonment *per se* is perhaps the least effective cure that has ever been devised for almost any social ill, particularly sexual offenses. True security for the community can be spelled out in two words: prevention and rehabilitation.

Mrs. Shultz examines at length the role that forensic medicine should play in our attack on what has up to now been an apparently insoluble problem. Socio-medical and psychiatric examinations should, she advises, be made routinely in all states—as they already are in some—before the trial of individuals charged with crimes that indicate a strong possibility of mental illness, particularly in cases of sex offenses. It is, asserts Mrs. Shultz, peculiarly the job of organized women to ensure that our



Clinton T. Duffy —
parental responsibility.

future handling of such problems will be more enlightened and productive of good results than has heretofore been the case. In Wisconsin it was the women's organizations, she notes, which furnished the major impetus in bringing that state's excellent system into being. After all, she emphasizes, the goal of women is their own safety and that of their children.

Women's organizations such as the Women's Clubs, the League of Women Voters, and the P.T.A., which have had experience in legislative matters, could serve as a focal point, drawing in the men's organizations, the bar, the medical associations, the labor unions, the welfare agencies, experts of many kinds.

Recognizing that many cogent reforms have been introduced by men, Mrs. Shultz remarks that there is no law which says that men, singly or in groups, may not initiate such an effort.

Well over two decades ago the General Federation of Women's Clubs introduced a program like that advocated by Mrs. Shultz, with forty-eight State Federations—together with the member Federations of the District of Columbia and Alaska—joining forces in the fight to prevent delinquency. Toward this end they launched a Youth Conservation Program, concerning which President Harry S. Truman wrote: "The

General Federation of Women's Clubs deserves heartfelt thanks for what it is doing. . . . There is no problem more significant in its bearing on the future." If this program had continued as forcibly and effectively as it started, the rising tide of juvenile and adult delinquency might well have been stayed. But too many of the good women lost interest in the denizens of the wrong side of the tracks, forgetting that crime is a major communicable disease which finds the artificial boundary line no barrier to its spread. With this new call to arms by Mrs. Shultz one may hope for a dedicated response that will put the women of our country back where they belong: in the vanguard of the fight for the legislative and judicial reforms as well as the scientific procedures in which our hope for a future healthy community lies.

The involvement of women in these problems is not neglected by Clinton T. Duffy in his book, *Sex and Crime*. A long-time member of the California Parole Board and the architect of many solid penological achievements, the famous ex-warden of San Quentin approaches the matter in terms of individual parental responsibility:

Motherhood is a demanding job which requires a delicacy of balance which some women seem unable to achieve. They are either too hard or too soft,

too disparaging or too approving, too permissive or too strict, too cold or too warm, too distant or too protective.

The complete objectivity that Mr. Duffy appears to demand of mothers if their children are to grow up as healthy and law-abiding citizens is quite a formidable requirement—particularly since the father's role is discussed only briefly, whereas the "Mother Problems" are accorded a full chapter.

PEOPLE who get into trouble because their sex problems are "more than they can handle," says Mr. Duffy, make up the vast bulk of our prison population. By itself that statement might stand unchallenged, but his expansion of its implications to include, for instance, every second-story man does seem somewhat excessive—despite the interesting corroborative case histories that are presented. Though the sex drive is certainly acknowledged as the strongest human urge, and with the sex offender more often than not obsessively and compulsively so, the hunger drive—not alone for food—is often equally strong and would seem to be the major factor in many cases of house-breaking. Man's drive to attain certain business and societal status even to the extent of employing illicit means frequently seems to be operative quite beyond any sexual involvement, except in the purely Freudian sense.

Mr. Duffy describes psychotherapy in the California prison system and its occasional good results. Strange as it may seem, he points out, it is only in prison that some men have found anyone to care what happens to them, anyone to try to straighten them out. He traces ethnic crime patterns in a manner that at times seems more eclectic than real, perhaps because the statements are more positive than any proof adduced in these pages.

The question of the criminal abortionist arises in *Sex and Crime*, as it does in the other two books under consideration, even though the incidence of convicted abortionists is relatively low due to the unwillingness of the victims to testify against persons often regarded as minor saviors by those who turn to them for a way out of their personal dilemmas.

. . . the quickest cure for illegal abortion [writes Mr. Duffy] is to make it legal, for, like drinking and gambling, it cannot be legislated out of existence. Laws or no laws, women will have abortions; and it stands to reason that the practitioners who perform them had better be licensed physicians, not less than three, who know what they are doing. . . . Countries where abortion is legal have practically eliminated these murderous quacks.



"For heaven's sake, Lovelace, my boy, make up your mind!
Do you want to be a cavalier or do you want to be a poet?"

niversal legalization of both birth control and abortion would, Mr. Duffy observes, go far toward eliminating at the source those elements of our population that seem to have the greatest tendency toward criminal eruption.

No child should be asked to start life with a rapist for a father and a weakling for a mother, any more than a child should be asked to start life on welfare, or in a family too large for a father to support, or in illegitimacy, or with a crippling illness or handicap, or as the product of a home that obviously never had a chance.

In a relevant and precedent-making ruling during the month of June 1965 the New York State Court of Claims held that a child born as the result of a rape of a state mental patient may sue to recover damages for having been brought into the world. This case, which is regarded as a test of the state's duty to perform requested therapeutic abortions, would, if upheld on appeal, establish New York as the first state to recognize wrongful birth as a legitimate cause for legal action. The trend of the times is obvious, and we must never forget the vast debt that all humanity owes to the heroic labors of Margaret Sanger and her dedicated co-workers, who did not hesitate to implement their vision in the face of early twentieth-century obloquy and even jail sentences. To the latter-day endeavors of the Planned Parenthood pioneers we are also indebted. Just as the barriers against dissemination of birth-control information are falling in one center of opposition after another, so too the new ability to examine such questions openly brings ever closer the day when our abortion laws will include due consideration of the health and welfare of the child and the economic and social condition of the family.

Mr. Duffy lays great stress on research aimed at prevention. In common with all modern penologists, he would like to see the day when we can spot a future offender before he gets into trouble. He advocates psychiatric clinics for children and grownups of all ages everywhere, as there are in some areas of our more progressive states," and cites reports that indicate the crime potential of children as young as four and five years of age can be detected. These conclusions are supported by the prediction tables in the monumental study by Sheldon and Eleanor Glueck published by Harvard University Press, *Predicting Delinquency and Crime*.

"We need a nationwide reassessment of our prison systems," admonishes Mr. Duffy, "for we must place in them the missing link between the partial rehabilitation results that exist today and the sensational results that could exist



"This is a recording. Your call cannot go through as dialed."

tomorrow. This link is the awareness of the importance of sex as the prime factor of emotional control." Following this premise through to its logical conclusion, Mr. Duffy decries our present system of imprisonment that prohibits any sex life except homosexuality. All convicts, he declares, are potential homosexuals, and most homosexuals are potential convicts; close confinement in a prison atmosphere causes many latent homosexuals to become active. "We should be thinking more in terms of prevention than of justification, of treatment than of toleration, of assistance than acceptance."

Mr. Duffy convincingly advocates that conjugal visits be permitted in all prisons; though found exceedingly effective in other countries, they are allowed in only one of our own states. "Even normal, well-adjusted men," he notes, "find it difficult to get along without women. Is it any wonder that convicts, most of them unstable, poorly adjusted, and anything but normal, find it impossible?" In Mr. Duffy's opinion, a family prison community would aid greatly in preparing the offender for his

return to the free world. With his family still intact, with his status as head of the family maintained, with work through which he can pay his prison board, with concomitant family counseling to supplement his own newer understanding of laws and mores attained through judicious psychotherapy, the prisoner and his whole family, the author believes, would emerge from the experience better able to be productive, useful, and law-abiding members of society.

MRS. Shultz and Mr. Duffy emphasize the fact, supported by some chilling examples, that child molesters are among the felons most difficult to treat and least likely to be cured. Whether detected or not, and far too often he is not, a child molester is a constant repeater and, if not actually insane, is likely to be a sex psychopath with no control over his own actions. Both authors agree that one obvious answer is for society to exercise far stricter control over such persons.

Whether sexually motivated violence is itself actually on the upward swing, or whether the inquiring reporter and the apprehending officer and even the complaining witness have become less restrained in relating the circumstances, is at this time still a moot point. But there can be little question that the new freedom in examining all facets of sex

(Continued on page 46)

"No child should be asked to start life with a rapist for a father and a weakling for a mother."

—Clinton T. Duffy.

The Rising Cost of Overkill

Arms, Money, and Politics, by Julius Duscha (Ives Washburn. 210 pp. \$4.50), and **Perils of Peace: Conversion to What?**, by Donald W. Cox (Chilton. 215 pp. \$4.95), deal with current and future problems raised by the enormous proportion of money and productive capacity now devoted to our defense program. Arthur E. Burns is professor of economics at George Washington University in Washington, D.C.

By ARTHUR E. BURNS

THIS country's succession of \$50-billion annual defense budgets prompted the writing of these two books. Both authors are worried about such expenditures, but for different reasons.

Julius Duscha is perturbed by the massive waste of resources and the distortion of the economy, consequences that are tolerated and indeed encouraged by the political and economic interests which thrive on anxiety over national security. While Donald Cox is also aware of these problems, he is primarily disturbed by the question of how our present large-scale military production might eventually be converted to peaceful purposes. His concern may seem premature and perhaps exaggerated, but the issue is a real one. The cancellation of a Skybolt program or the closing of an Air Force installation have already given us a foretaste of what we would face in the event of a general arms limitation.

All government expenditure programs raise the cost-benefit question. Defense costs are enormous, and so are the benefits that may be gained—or sacrificed. Duscha points to this country's vast nuclear overkill capacity. What benefits are obtained by increasing this capacity, or refining it marginally, at great cost year after year? Duscha sees few, if any. What benefits would result from a partial diversion of resources to other public purposes? Duscha sees many, and their loss is the real cost of needlessly large defense programs.

These are important questions, but, as Duscha observes, Congress brushes them aside in its haste to approve defense appropriations, while civilian programs usually receive detailed debate and criticism in committees and in both

houses. In probing the causes for this contrasting behavior, Duscha contends that a political-military-industrial-labor complex has emerged with deep vested interests in the continuation and expansion of the defense program. The White House, the Congress, even city hall make political capital out of defense contract awards. Both contractors and labor unions have obvious stakes in this business, as do the military services. Politically, defense comes to be viewed in part as a "public employment" program, sanctified in the name of national security, not open to serious question or review. Waste is the result, which Duscha examines in detail, along with the efforts of Defense Secretary McNamara to curb it.

His book deserves serious attention, but some qualification as well. There is a margin of needless cost in the defense program and politics is partly to blame. At the same time there are political pressures working the other way. The services rarely get all they ask for, and they are sometimes ordered to close installations. As Duscha so well brings out, political advantage is taken of national security requirements; but does this on balance materially affect the total outlays, or merely their regional distribution?



Some of the well-publicized costs (wastes) have nothing to do with political chicanery or indifference. Some weapons systems fail to meet expectations; some are canceled before completion at great cost. Technological uncertainties and rapid obsolescence account for much of this. In retrospect this looks like waste and poor judgment. But when the commitments were made the programs were judged necessary and the costs reasonable. This *ex post*, *ex ante* distinction is essential in any appraisal of the problem. *Ex post* we usually spend too much; *ex ante* we can never be sure. We need a continuing critical debate, as Duscha urges in company with *The Wall Street Journal*.

His is not the old-fashioned attack on the machinations of the "munitic makers" and their excessive profit. Duscha's cast is larger and the pay-off are more subtle and diverse. With defense so deeply enmeshed in politics with vast numbers of jobs at stake as well as the economic health of so many communities, resistance to reduction is formidable and, world tensions being what they are, respectable.

GIVEN this state of affairs, Cox's concern with large-scale conversion has a touch of unreality about it. Few are interested in the problem and least of all the major defense contractors, most of whom could not survive the pressure of competitive commercial markets. A few Senators, some Congressmen, scattered groups in executive agencies, and small groups of academic people look to the distant day when arms control and reduction will face this country with a conversion crisis. But conversion to what? This is the neglected question which Cox proceeds to answer. He proposes a Pentagon for Peace with massive powers and appropriations to mobilize defense contractors for the pursuits of peace. These include the building of cities in Antarctica, bringing water and people to the deserts, establishing industry and resorts under sea, exploiting jungle resources, developing poor nations, exploring the moon, rebuilding urban America. This is GM's Futurama and more to boot.

Conversion of this type and scale is the product of an imaginative mind. But some questions arise. Most of the resources presently committed to defense are unlikely to be suited to Antarctic jungles, the deserts, or even the urban slums. Assuming they could be adapted, their present geographical concentration is inappropriate for the future tasks. And do these tasks meet public needs and private wants? There must if we are to avoid a sophisticated work relief program financed through cost-plus-fixed-fee contracts. "Conversion to what?" is still to be answered.