

PHONE: 1-717-787-3569

TO: GALINA MILOHOV, ROOM 106, SOUTH OFFICE BUILDING FAX:1-717-783-1579

FROM: VICTORIA A. BROWNORTH

PHONE: 1-215-848-9341

I wish that I could be there in person today to testify against what I believe is totally wrong-headed legislation.

As a victim/survivor of rape and as a writer and as a feminist I believe strongly that it is important that the names of rape victims be made public, along with the names of all other victims of crime. The reasons for this are many, but all have to do with the victim herself---with enfranchizing her, empowering her and ultimately, healing her from an assault most of you cannot imagine.

In our society it is the victim of rape who is on trial, who is the real accused; she is accused by the society of somehow being a participant in the crime against her. The notion and common practice of keeping the names of these women out of the press (although they are a matter of public record and can be revealed at any time) is a contributing element in that perception that the woman herself is at fault. By making her name a "secret," we as a society imply that she has something to hide.

I wish that I could stand before you all at this time and tell you that I and other women who have survived the vicious assault of rape have nothing to hide. We are victims of a violent crime, but like a person who is robbed on the street or in their home, we have in no way asked that this crime be perpetrated against us. We are the arbitrary victims of criminals.

2-----MILOHOV/BROWNORTH

The majority---approximately 90%---of women do not report rapes to the police. Yet there is in place today an informal policy of keeping rape victims' names from the public eye. The reason these women do not report the crimes against them has nothing to do with their fear that their names will become public. Rather it has to do with a legal system which, from start to finish, disenfranchizes the rape victim and offers her no recourse against her attacker. Most women know that although one in three of them will be raped in her lifetime and the U.S. Justice Department statistics estimate that a rape occurs every six minutes, fewer than ten percent of all rapists are every charged. And fewer than 20% of those are convicted. Yet rape is also the most recidivist violent crime: over half of all convicted rapists will rape again within three years of their convictions. (All U.S. Justice Department statistics.)

What these statistics tell us is that the rape victim feels victimized by a system that is set up to protect her attacker and not her. Her fear is not that the local newspaper will print her name.

If victim/survivors of rape---like myself---could depend on the justice system to pursue rape with the same fervor other violent crimes are pursued, if we could feel that there was an attempt at protecting us from this crime by making a statement with arrests and sentencing of offenders that rape is a very

3-----MILOHOV/BROWNORTH

serious crime, then having our names in the newspaper would not be an issue. Because everyone around us would know that this was a crime perpetrated against a victim---not the smarmy complicitous act that rape is portrayed as today.

In contemplating legislation to prohibit newspapers and other media from publishing the names of rape victims you do tremendous damage to these women. You take away their right to be recognized as legitimate victims of violent crime. You perpetuate the societal misperception that rape is a sexual rather than violent crime. You tell every woman who has been victimized by a rapist that the crime against her is a dirty secret that must be kept hidden. You tell the rest of society that the crime of rape is somehow different from other violent crimes. And ultimately, you offer the victim nothing to help her heal from the attack against her.

If legislation is to be promoted to help address the fact that every single person at these proceedings knows at least one woman who has been raped, then it should be in the area of real, not implied, protection of the victims.

Keeping the name of myself and any other woman who has been raped out of the newspaper is a red herring---it doesn't make rape seem any more serious, it does nothing to cut down on the number of rapes committed, it does nothing to insure that more rapists are arrested, tried and convicted. It merely puts the burden of blame---the burden of the secret---on the victim.

4-----MILOHOV/BROWNWORTH

Such legislation may make the legislators feel better about rape victims. It may offer them something to show women voters at election time. But it is legislation without substance and we women will not be fooled by it. This proposed legislation simply offers women the theory of protection, not the substance. It is not the newspapers who rape us, it is the men in our communities ---some of them men we know and some of them strangers---who have been allowed by our society to believe that raping a woman is not serious. That it can be "payment" for dinner, that it can be "payment" for being "teased". Or that it can be simply because she was there.

Rape is a result of violence. There is nothing sexual about it as any woman who has been raped can attest and any man who has raped a woman will attest. And as a victim of a violent crime, a woman should be able to have her name in a local newspaper and not feel shamed by that fact.

We need legislation regarding rape in our society, there is no doubt about that. But we need legislation with teeth, legislation that will protect women by offering them recourse against those who perpetrate crimes against them.

This legislation is easy, what you are proposing today. It looks like you are doing something for the woman victim, it looks like you are outraged. But your outrage should be directed at every man who rapes, not at the newspapers that want to print the story. Your outrage should be for the millions of American women ---your daughters, wives, mothers, sisters, secretaries, collegeaus, grandmothers, neighbors and so on who are the victims of this crime.

5-----MILOHOV/BROWNORTH

I urge you all to consider legislation regarding rape, but not this legislation. Victim/survivors need to be able to have our voices heard, to be enfranchized by our system of justice. I urge you to support change in legislation that would work toward that goal. If you truly believe that the crime of rape is not the fault of the victim, then don't consider legislation that blames her. Ask any woman who has been raped what she wants most and the answers will be the same: justice.

Justice will not come from keeping our names secret. Justice will only come from giving the victim back her voice and giving her weapons---in the form of legal remedies---to fight back.

Victoria A. Brownworth

26 September 1991

Victoria A. Brownworth is a Philadelphia-based writer and editor. Her writing on the issue of rape has appeared in the Philadelphia Inquirer, the Washington Post, the Philadelphia Daily News, the Philadelphia City Paper and a variety of other national publications.