

The Kennedy 'Rape' Case

by Murray N. Rothbard

Once again, various grinchers have interfered in our quiet enjoyment – this time in the delicious scandal of yet another case involving the Kennedy family, a Kennedy compound, 4 A.M. parties with assorted females, and an alleged rape to substitute for a non-alleged drowning. But now we aren't allowed to enjoy anything free of the external imposition of several Moral Problems.

Problem One: Was it or was it not evil and unconscionable for NBC and the *New York Times* to follow the lead of the tabloid *Globe*, and reveal the Name of the alleged rape victim? (P.S., it's PATTY BALDWIN, dammit, and so there!) The almost universal consensus of all pundits and right-thinkers, including all sides on *Crossfire*, is Yes, it was evil. Sorry, folks, I don't see it. The prime business of the media is to report the news, to report what will be to the interest of the readers or viewers. Was the public interested? Hell, yes. And the silly polls in which the vast majority of the American masses denounced NBC and the *New York Times* is a lot of malarkey. It was merely the public registering their Official rather than their Real Selves to the grinchers and pests who constitute the pollsters.

Suppose that a girl were murdered, or simply and non-sexually mugged and robbed on the Kennedy compound. Would it have been immoral for the media to reveal the name of the victim then? Why? In a sense, *anything* the media reports "invades the privacy" of those whose activities constitute news. Are we to ban all reporting whatever except public relations handouts?

But that is indeed the logic of the absurd view that the media must get the rape victim's *agreement* to publish her name. For that means that everyone in all walks of life would have a veto power on his or her name ever being mentioned.

The now-fashionable feminist view holds that rape is *only* a crime of violence, equivalent to mugging, that sex is not involved, and therefore rape should be treated like any other crime. Since no one (I hope) advocates withholding the names of all victims whatever from the public, then feminists should consistently favor revealing an

alleged rape victim's name. Yet, curiously, only the egregious Alan Dershowitz (and, to give her credit, Karen DeCrow) takes the consistent feminist line on the Palm Beach rape case. Most feminists hold that since a "stigma" unfortunately continues to attach itself to a rape victim, that the name should not be disclosed. In that way, the feminists can have it both ways: protect the alleged rapee, and keep on yammering about rape having nothing to do with sex.

In my view, the feminist position is balderdash. Violence is of course an inherent aspect of rape: that's why it's a *crime*. But *also* inherently connected with rape is a sex act, which is what distinguishes rape from assault, mugging, etc. Rape is sex plus violence; why is it difficult to get this point across?

There is another point here. The alleged Palm Beach rape was not simply private, and its reportage was not the result of intrepid investigative reporting into private affairs. The rape became public as soon as PATTY BALDWIN reported it to the police and charged William Kennedy Smith with the crime. The public is surely entitled to know about all public charges and actions, including this one.

Moreover, the name of the accused raper, William Kennedy Smith, has been plastered all over the media, to the jeers and ridicule of a large section of the American population. If PATTY BALDWIN'S good name must be protected at all costs, why is it OK to publicize and jeer at William Kennedy Smith? Even if there is a stigma attached to the rapee, surely there is far more of a stigma attached to the alleged raper. So are we supposed to withhold *his* name too? Will we be left with sort of bowdlerized "reporting"?

A young woman was allegedly raped last night at the compound of a famous political family in Palm Beach. The famous uncle of the alleged raper was named as chasing a girl at 4:00 A.M. clad only in T-shirt (or blue oxford-cloth shirt, as the case may be).

To his credit, Pat Buchanan was the only person I have heard worrying about the news damage to the Kennedy family, and he is not exactly a long-time Kennedy admirer. Pat, too, denounced revealing the name of PATTY BALDWIN on the charming, old-fashioned ground that rape, precisely because sex is involved, carries a public shame with it for the victim.

But I don't think this gentlemanly consideration outweighs the media's obligation to report the news, and the public's right to know public events.

Problem Two: Rape is coercion and therefore a crime, and therefore it was unconscionable of the *New York Times* to reveal the rather sordid past and present of PATTY BALDWIN, her kid out of wedlock, her inveterate bar-hopping, etc.

Apart from the fact that these sordid details are intrinsically interesting

in themselves, *are they really* irrelevant to the fact that rape is coercion? It is true, very true, that rape is coercion, and that rape is a crime, *regardless* of the sexual or virtuous status of the victim, that is, whether she is a nun, a monogamous wife and mother, a swinging single, or a hooker. But the virtuo-status of the rape victim is relevant to important considerations: (1) the credibility of the victim as witness, and (2) the degree of punishment to be levied upon the criminal.

By its very nature, rape – *in contrast* to mugging or simple assault – almost always takes place without witnesses. If PATTY BALDWIN charges that Willie Kennedy Smith raped her, are we to believe her? Remember that criminal convictions can only take place if the charge is proven beyond a reasonable doubt, and hence the credibility of the victim must be vital to reaching a verdict. Take two hypothetical cases: A: a virtuous nun or married lady charges Willie Kennedy Smith with rape; or B: a bar-hopping party girl, picked up at 3:00 A.M. agrees to go on for drinks and other frisky activities to the Kennedy compound, and then, after some cuddling, charges rape. Isn't it reasonable to conclude that Female A's charge is more credible than Female B's? Especially, if I might revert to PATTY BALDWIN, when the girl seems to have made off with a valuable Kennedy urn at the same time as the supposed rape?

A separate and also relevant point occurs when the judge or jury is handing down punishment for a crime. Punishment differs in proportion to the severity of the crime, and most of us agree that someone clubbing a victim and making off with his gold watch deserves a more severe punishment than a kid stealing a grape from a fruit-store. Is it then unreasonable to assert that coercion taking place *after* lots of drinks, a 4:00 A.M. return for drinks and hi-jinks at the fellow's home, *and* consensual cuddling is less reprehensible than attacking and raping a stranger on the street? Note that I am not saying that "leading the guy on" justifies or exculpates later coercion and rape; but it should mitigate the severity of the crime and the ensuing punishment. Which is why most people have the sound instinct that "date rape," while reprehensible and indeed criminal, does not reach the deeply reviled status of "stranger rape."

So perhaps momma's caution about visiting guys in their homes late at night had something to say for it after all?