

AN OPEN LETTER TO WHOOPI GOLDBERG

Dear Whoopi;

Yesterday on "The View", you said Roman Polanski pleaded guilty to "unlawful sex with a minor", but it wasn't "rape rape". So I've been wondering -

What the hell is "rape rape"?

I know you said your point was to articulate the nature of the crime to which he pleaded guilty - which is entitled "unlawful sex with a minor" - but you said it was somehow DIFFERENT from "rape".

It isn't.

"Unlawful sex with a minor" IS the crime of child rape in California.

So again - I ask you - how is "rape rape" different from "rape"?

Regular folks understand "rape" to mean "sexual penetration without consent" - and of course, consent is irrelevant when the victim is a child.

The law says "rape" means: "sexual penetration".

The dictionary says "rape" is: "forced sexual intercourse".

No matter which definitional source you use, Whoopi, Polanski "raped" his victim.

So I'm trying to understand what you meant when you say it wasn't "rape rape".

Did you mean to say it wasn't "real rape"?

What wasn't "real" enough about the crime for you, Whoopi?

A 45 year old man forced his penis into a 13 year-old child's vagina - and then he forced his penis into her anus. Is this "rape" but not "rape rape"?

The victim was not only a child, she was also intoxicated because Polanski gave her booze and drugs before the crime. The child protested - told him to stop - but he continued. She was incapacitated to a point where she could barely walk, much less defend herself against her 45 year-old attacker. Is that enough for "rape rape", Whoopi?

What would have done it for you? If he'd used a knife? If he'd jumped on her in a dark alley instead of a bed? If it had happened at a homeless shelter instead of the mansion of a famous Hollywood actor? If he'd had to remove a trenchcoat before committing the crime, rather than silk underwear from a fancy shop on Rodeo Drive?

What if the victim had been a little black girl he grabbed from a triple decker in the poorest part of Los Angeles? Would that have been "rape rape", Whoopi? Or would you have still offered the same lame excuse you came up with on The View - that "people in other countries see things differently" when middle-aged men force themselves on children.

If it's true that 13 year-old kids in France are so disrespected they can anticipate being attacked by men - you can and should condemn the practice - not chalk it up to a "cultural difference" - as if to suggest that the United States might evolve one day to a period of enlightenment when we will be "liberated" enough to celebrate the sexual abuse of children.

Your audience is filled with women who need and deserve the empowerment that is possible in a show like yours. Cultural values are created, in part, through the dissemination of ideas. You had a chance to explain to millions of people why the personal autonomy, bodily integrity and liberty of all women and children is at stake when even one rapist is not held accountable for his actions. At a minimum, you could have explained how backward we really are in this country - and how the epidemic of rape and child sex abuse serves as a kind of domestic terrorism that interferes with the freedom of millions of people who are affected by the disproportionate failure of our legal system to redress sexual violence. According to a study submitted to Congress in support of the Violence Against Women Act in the 1990s, by then Senator Joseph Biden, only 2% of rapists spend even one day behind bars. Violence against women and children is grossly underreported and underprosecuted, and the data consistently shows that crimes against property are punished much more harshly than crimes against female bodies.

Rather than highlight this profound and pervasive injustice, you bemoaned the fact that Mr. Polanski was compelled to flee the United States after pleading guilty to child rape, but before being sentenced, because he was about to be go to jail for "a hundred years".

Although many people would argue he deserved such a sentence (and under California law today, but not back then, drugging and raping a child would expose Mr. Polanski to a mandatory minimum term of 25 years behind bars) because he was allowed to plead guilty to only one of six felonies with which he was originally charged - he faced no more than four years behind bars, and some reports say the judge intended to impose a sentence of only a few weeks of incarceration.

Mr. Polanski arrogantly decided that he shouldn't spend any time in jail, and he fled this country spinelessly for a nation he knew would not extradite him for his crime. If it's true, as has been reported, that he took off because he thought it was unfair that he should go to jail after his lawyer worked out a "no jail" deal with the prosecutor, he had a right to withdraw his guilty plea and go to TRIAL - not FRANCE.

That Mr. Polanski would show such disrespect for this country's legal system is a reason to punish him MORE, not less, for his crime. It may be a decades-old case, but it bears stating the obvious that the law should not reward fugitives for their successful efforts to evade justice.

Nonetheless, Mr. Polanski is a man of wealth and influence, and child victims of violence don't vote or have any money. Which is why people like you, Whoopi, are so quick to say things that degrade children. Admit it Whoopi, you'd be talking out of the other side of your mouth if filmmaker Polanski were garbage man Polanski.

Next time, try reading the Constitution BEFORE speaking on this topic. There's nothing in there that says people of power and influence should not be held accountable for their crimes. In fact, try focusing on the 14th Amendment for a few minutes - especially the part about how all citizens are entitled to the "equal protection" of the laws. Then try reading some of our most basic court decisions that discuss how the law is supposed to protect the weak, and deter the cunning.

You have a 13 year-old granddaughter, Whoopi. What does she call you? "Nana"? "Grandma"? What if she told you that she had been "raped" by a 45 year-old man who stripped her naked and then penetrated her private parts even as she cried "no". Would you correct her for using the word "rape"? Would you say, "Sorry sweetheart - what happened to you was not a 'rape rape'".

No matter how hard some people try to make the crime seem harmless - - it really is quite simple if you think about it the way someone famous once did: "rape is to sex what a punch in the mouth is to a kiss". It's true that not all punches knock teeth out - but nobody ever says "it wasn't a 'punch punch'".

I will say one thing, Whoopi - in your defense. Maybe we SHOULD give up the term "rape" altogether, and start calling it "bodily enslavement". We could put it in the Constitution instead of the statute books as a violation of fundamental civil rights.

I'm thinking if we had initially codified the crime in law where it truly belongs - under the umbrella of civil rights - you might have stopped yourself before saying "it wasn't a violation of civil rights civil rights".

Can you see how dumb that sounds, Whoopi?

I hope so - because you are an important voice for women and children and I want you to sound smart.

Yours truly,

Wendy Murphy