

HOW DOES OUR NATION CONFRONT PRISON RAPE:

THE MORAL AND ETHICAL QUESTIONS

THE CHAIRMAN: Any other questions?

Thank you. Yes?

MS. STEMPLE: I'm sorry. Would it be possible to just make one comment about this issue concerning prison violence and whether rape is just really just the same thing?

THE CHAIRMAN: Yes.

MS. STEMPLE: I would argue that it's pretty different, in fact, and pretty unique and that's because rape, unlike violence, is a way that sexuality is being managed in prison. And by that I mean when we look at men's prisons, it's not simply the case that there are these random incidents of rape that are happening in the same way that violence might happen between two people who have an altercation.

What we see again and again is that the people who perpetrate rape in prison maintain their heterosexual identity by silencing their victims. And so I would disagree with Mr. Horowitz that

homosexuality is beside the point. I think it's actually very central and about, in fact, a third of the survivors, the male survivors who write to us, identify as gay. They're victimized. They feminized and victimized because of their sexual orientation. So they're identified as gay and they're intentionally subjected to rape because of that.

And again I would sympathize with the perpetrators themselves even though they are the ones who are initiating technically same sex contact, yet too, because of the subculture of rape in prisons, they get to maintain their heterosexual identity in prison.

I think until we look deeply at that subculture of rape and, again, as one that is different from violence. Until we totally look at that, we won't get the fundamental roots of the problem. Thank you.

MR. HOROWITZ: One learns as a witness every bit as much as one -- indeed one learns more from listening than from talking and here, at least for me, it's a perfect example that I think

everything that Lara has said is fair and right. Some violence is a process of altercation. That's different from the kind of rapes that we see, but I met it in terms of a form of control by which a handful of predators maintain control over whole prison systems that prison administrator just guard from the outside to make sure none of the violence seeps out into public attention. And in that sense, I think of rape and some of the extreme forms of violence is synonymous, but I think Lara's points, as ever, are right on point.

But I do also say that, of course, the issue of homosexuality is very much instinct in this. My judgment is that it was very interesting before this statute was enacted many organizations spent much more time in dealing with what I may call the politically correct form of the problem of male guards raping females than they did on the more common and often the more brutal form of the problem, not to take away from the evil of prison officials raping female prisoners. And that was because organizations needed to cover themselves. Nobody is for this. But in Washington the least

important thing I found is whether people are for you or against you.

What's important is how high up on the in-box the problem is, what the level of priority gets assigned here. And I think many Human Rights organizations and many cheerful and caring observers were afraid to deal with the root problem because they thought it might unleash waves of anti-gay sentiment in the country. So that was the really the purpose of my remarks.

I think, yes, the victims are feminized. The whole issue of sexual identity is instinct in it. But dealing directly as this commission has and these witnesses have with male and male rape didn't take place as much as it should have and I think that's one of the great things about the passage of this legislation that the country has confronted that issue. And as we do, and thanks to your leadership, it will not be seen as casting any negative light on homosexuality or homosexual lifestyle.

It is out in the world, outside the prisons. That culture may be subject to cultural debate, but

it is as different from chalk as to cheese what takes place inside of prisons.

THE CHAIRMAN: I think what both of you say has some merit. Before I got my life on track, I was in the juvenile justice system and as a result of that was associated with individuals who engaged in predatory behavior. And my experience is that some of those individuals not only were aggressively violent towards other people, but also were aggressively sexually violent towards other people. So I think that while what you both say have some merit, and obviously the motivation for maybe rape in prison in some instances is separate, I think there is some common denominator in reference to the incentive that people engage in violence whether it be for sexual reasons or otherwise.