

by Kay Potter (1971). An article first published in a pamphlet issued by Women Against Rape. **by Kay Potter**

(Editors Note: This article was taken from the pamphlet Stop Rape) which was first issued in 1971 by Women Against Rape. Stop Rape was widely distributed within the women's movement and served to change the way our society looks at rape.)

Rape could happen to you, no matter your age, color, wealth or marital status, but then you know that already since it is a fact that in the United States one rape is reported every fourteen minutes it is important that you should also know what will probably happen to you if you have to report a rape.

Once you have been raped the agony has just begun. In your state of shock and misery, you will be treated as though you are the criminal; your every action will be watched by people who presume that you are a liar. You must be prepared for this treatment if you are to have any chance of convicting the man who raped you. Even then it won't be easy; I know from experience.

After the rape has happened, call the police. You must do this immediately: the police will never believe you have been raped if you don't notify them immediately. Give them a description of the rapist, anything at all that you can remember. This will be even more difficult than you might think because repeat rapists know how important the description is and make every effort to keep you from being able to identify them. But try: height weight, clothing, type of build, color of skin and hair, facial oddities, anything at all including the direction you last saw him running. If he had a car, any information about it is important. You should begin now noticing what people and cars look like in case you ever need to use such information.

As soon as you have called the police the description is put on the police radio and any officers in the area that aren't at Biff's can begin looking for suspects.

There are a lot of things not to do immediately after you have been raped which are also very important and against all of your instincts. Remember, nobody cares about your instincts or feelings in this case. Do not destroy anything that may be evidence. This means don't take a bath. You will undoubtedly feel filthy but dirt, cuts, bruises and sperm (in short, your whole body) are considered evidence. You must live with the evidence of the rape until it has been officially recognized. You certainly must not change your underwear because it may be ripped or have sperm on it.

It is a good idea to call a friend right after you have called the police. There are several reasons for this besides your needing comfort. A friend should be given a complete description of your attacker to help your memory along at the show-up, the pretrial hearing and the trial. If she is a good friend she will probably come over and write down everything you can remember about the whole rape which would be even more helpful. If you don't have any friends who are willing to be out after dark, write it down yourself. You'll need it again and again. If your friend does come she can babysit for your children when the police take you away, which is what will happen next.

Policemen who come to your home after a rape are instructed to take you directly to a hospital. You can of course go to the hospital yourself and avoid contact with them but then the description of the rapist does not get sent out to the squad cars. If you refuse to go to the hospital with the police it counts heavily against you at the trial no matter what your reasons. These policemen merely fill out a preliminary report about your rape. There is a simple form that they fill out by checking certain boxes. You do not need to go into any detail with them because you will just be exposing yourself to them for their vicarious sexual thrills.

You will be taken to a hospital where you will wait for a policewoman who will take your whole statement and write another fuller report. This policewoman makes the determination of whether or not a crime has been committed. It is also her job to gather evidence, including any of your clothing which is ripped. If she is a sympathetic woman at all this is the time you can break down and cry. You may as well because it will be your only chance. However, don't let loose too much because if she determines that in fact you have been raped she will order a vaginal examination for sperm and lacerations. The doctor who performs it will undoubtedly have no time for your feelings. One woman who was raped by four men and cried at her vaginal exam was yelled at by the doctor for being -"such a baby".

First thing in the morning you will be at police headquarters if they have picked up a suspect who fits your description. You will talk to another policewoman who will take your full statement again. You can tell already how important it is that your memory is clear and accurate. You may or may not be shown the suspect's picture but if he has been picked up you will have to identify him in person at a line-up or show-up as the police say. At the show-up, there will be an attorney for the suspect to make sure his rights are protected, the policewoman who conducts the proceedings and you.

I went to a freight-type elevator with the policewoman and the court-appointed attorney for the suspect. The doors opened and there were about five men standing around in their shirt sleeves:

one had on a uniform The place looked and smelled like a gym. We turned right into a long hall with an open door at the end. I could hear the sounds of a lot of men, I didn't know when I was going to be confronted by the man who had attacked me,-I didn't know which of these men were criminals. I had only slept two hours since he attacked me because the police said I had to be here at 8 A.M. I didn't know what was happening at all and nobody told me.

The policewoman was very busy. She spoke to several men as we passed. She was obviously doing her job as she led me into a medium-sized room which had a long window-glass running its length. We went to the right into a tiny locker room. She said I could sit down on one of the grey wooden benches and she left. The room was cold. I felt that my skin was the same grey enamel as the lockers.

The policewoman returned and led me back into the larger room; there was a very bright light on the other side of the glass. The policewoman told me that the suspects would be brought in and that if I could identify one of them I should tell her his number. She also told me that none of the suspects would be able to see me.

A door opened and five men filed in. There was no sound from any of them and they all looked at their feet.

The policewoman instructed them to stop, each standing in front Of a number on the wall behind him. You know what it looked like from watching television. What you don't know is what it felt like and how hard it is to identify someone under those conditions.

The lights on the men were very bright. When he attacked me he had come out of the shadows. He honestly didn't "look the same". I had to remember what I had seen and see it all again in this light and this place. I really just 'wanted to forget everything at this point. Then I realized that although he couldn't see me he certainly could hear me when I gave his number.

I was cold and alone and afraid. Afraid I would identify the wrong man; afraid he would jump through the glass and kill me when he heard my voice; afraid I would be sick right there and ruin all the control I was fighting so hard for.

After you positively identify a suspect at a show-up, the policewoman fills out the forms to get a warrant. Both of you will go to the prosecutor's office where a warrant will be issued on the charges. Then you will both go to the clerk's office and swear that the charges are true. Then you can go home and lie awake nights wondering if he got out on bail.

After some period of time (it will be shorter if he is waiting in jail for this trial) you will have to appear at the pretrial hearing. This is theoretically the time when it will be determined if there is enough evidence for a real trial. This is actually the time when the behind-the-scenes plea bargaining goes on. The rapist's attorney will try to get him off with less punishment by pleading guilty to a lesser charge, sometimes called copping a plea. If this is done, you will never have to testify because the case will never actually come to trial. Obviously this plea bargaining influences the statistics we have on rape since many rapists plead guilty to something else.

You will be pressured to let the rapist cop a plea because the prosecutor doesn't really want to prosecute this case anyway. You have little to say about this as you are only the complaining witness for the state.

One interesting aspect of the pretrial hearing is the case in which the repeat rapist refuses to plea bargain. He goes on insisting that he is innocent and hoping that you would rather let him go free than take the witness stand in a real trial. He has been through a real trial and knows that you have good reason to be afraid.

Months later on the day of the trial you will meet the prosecutor for the first time and he will read the information of your case for the first time. He will take you to a conference room and ask you to tell him the events of the rape. That's all he will do. You will return to the court room and sit. A while later he will take you again to the conference room to ask if you are sure that you want to prosecute as the defendant is willing to plead to a lesser charge now.

Although I had been in a court room at the pretrial hearing, I was still upset to arrive on time for the trial and find that no one was in the court room but the guards. They would give me no information about where the prosecutor was. About half an hour later two men arrived and hurried to the two tables near the bench.

They both looked very busy. Neither of them acknowledged me at all, although I was the only woman in the courtroom. One of the men turned out to be the prosecutor who was supposed to function as my lawyer. I knew this because when a friend asked me before the trial if I had a lawyer, I called the policewoman to find out if I needed one. She assured me that the prosecutor would take care of me.

He didn't know my name. He couldn't read the writing on the report. He tried for two hours to get me to let the defendant cop a plea. I kept saying that if he didn't want to go to trial then he

shouldn't. He kept saying that Of course it was my decision but he would strongly suggest that we bargain. I repeated that if he didn't feel we had a good enough case to go to trial then he shouldn't. He treated me as though I were a hostile witness because I wanted to go through with the trial. Finally he called the policewoman, who backed me up but it didn't make him happy. These conversations with the prosecutor took almost all morning. Then they called the jury. The prosecutor did not challenge any of the potential jurors. He just sat there doodling.

Then there was a lunch break.

After lunch I was told I would not be allowed in the court room until after I had testified. I was put in a small room at the side of the court room with the policemen who were also to testify for the prosecution. While we sat there, they passed the time by telling war stories.

Eventually I was called to the stand. The moment that the door opened to the court room I felt that I was in a play. I had to make, my entrance and my costume was all wrong. I wished that I had worn something very plain and sweet so that I would have looked like the "girl next door". It may have helped make me "more believable" to the jury.

On the witness stand I had to wear a microphone; no one had told me about that or I would have rehearsed with one. The prosecutor treated me with overt dislike. He asked me questions that he knew I could not answer and made me look stupid to the jury. The defense attorney further encouraged this attitude with his condescending tone of voice.

When I finally escaped from the witness stand, I felt that I had been forced to misrepresent myself. My performance got no applause. I fled to the small green room again. I feel now that this was a mistake because I did not hear the rapist's testimony and when he lied I missed the chance to react for the benefit of the jury. Also, when I was recalled to the witness stand I did not understand the importance Of the questions I was asked.

I still wish I had asked all my friends to go to court 'With me instead of feeling ashamed to want their help. I needed to make the jury, prosecutor, defense attorney and the judge understand that I was a person with friends who would support her.

If you insist on going on with the trial you will find that the rapist has a right to choose either a trial with a jury or with just a judge. He will invariably choose a jury: partially because juries don't know as much about the law as judges but more importantly to make you relive the whole

awful rare in every living detail before a group of strangers who presume that at the very least the defendant did not do it but more usually that you are lying.

Even if everyone, including the defense, concedes that sexual intercourse did take place between you and the rapist on the night in question, you will be appalled to hear that it wasn't rape at all.

Probably the most common defense against rape (short of proving that the rapist was busy helping his aging mother wash dishes at the time) is to agree that sexual intercourse happened and that you instigated it in some way. You slyly inveigled him into the alley, begging him to hold a knife to your throat, encouraging him with little animal noises while he tore away your clothing and ripped your vagina to shreds. Later, because you were a woman scorned, you charged him with rape in a furious vendetta against all men.

The jury will agree with this reasoning, find the rapist innocent and he will go out on the streets again.

You see "the burden of proof" is on the state in a rape case. Rape cases are difficult to prove because it is your word against his. A robbery or an assault could also be your word against his but these cases are easier to prove. You will never be told why this is so but you might guess, especially if you have been raped. Rape cases are more difficult to prove because the male prosecutor doesn't believe you at all but instead sides with the rapist. All of this subconsciously, of course. The defense attorney gleefully claims that you are a sexual temptress. The men on the jury agree because after all it could have been one of them up there as the defendant. The women on the jury also agree because they all know that rape doesn't happen to nice girls; it has never happened to them nor to any of their friends (as far as they know).

And so the rapist will go free to rape again and this trial will never even be admissible in evidence against him when he rapes again because he was not convicted.

The prosecutor told the judge, after the innocent verdict, that I was very frightened of the defendant. The judge told the defendant that since he was a smart fellow who didn't want to get in any more trouble he should stay away from me.

The defense attorney told me that he was sure that the defendant wouldn't bother me again.

"But then, he never bothered me in the first place. Right?" I said.