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ANOTHER ABC-TV EDITORIAL MOVIE

Statutory rape is the crime committed by a man who has sexual intercourse with a minor girl under the "age of consent" (which varies in different states from 10 to 18 years of age). It is based on the assumption that, since young girls can be taken advantage of by sexually-experienced men, whether or not the girl "consents" to the intimacy is irrelevant because the man (presumably since he is older and an "authority" figure) has the where-withal to induce her consent.

For the past decade, the feminist movement has tried to eliminate such laws for two reasons. First, these laws constitute impedimenta toward their goal of a totally sex-neutral legal system; only a male can be prosecuted for this crime, and only a female can be his victim.

The second reason why the feminist movement opposes such laws was best stated by the U.S. Commission on Civil Rights in its 1977 report on "Sex Bias in the U.S. Code." This report said that a law designed "to protect weak women from bad men" is "offensive because of the image of women it perpetuates."

In 1981 the U.S. Supreme Court upheld the constitutionality of statutory rape laws against a challenge that they are sex discriminatory. In a 6-3 decision, the Court upheld a California law making it a felony for a man to have sexual intercourse with a woman under age 18 who is not his wife.

Justice Rehnquist, author of the decision, noted that the risk of pregnancy is a deterrent to females, while males have no such natural deterrent. The criminal sanctions on males, however, serve to equalize the deterrents.

The decision was much criticized by the feminists as upholding a sex-discriminatory law. Likewise, the dissenting Justices argued that the California law was based on "outmoded" sexual stereotypes. The California Legislature disagreed and rejected a proposal to amend the statutory rape law to make it sex-neutral (although a number of other states have made this crime sex-neutral).

Now comes ABC-TV's latest piece of prime-time entertainment/editorializing, a two-hour movie called "When She Says No." The title was a deception. The woman named Rose said "yes" in a hundred ways over several hours; she invited three men into her hotel room for what they thought was "recreational sex" engaged in by consenting adults, and then two days later she initiated a criminal prosecution of the three for rape.

While the dramatization presents the issue from both male and female viewpoints, the movie comes off as an editorial in behalf of the woman. The audience is led to believe that the men should be convicted of rape because they should not have relied on her consent, even though she pursued and flirted with them all evening, led them on, freely invited them into her hotel room, and voluntarily undressed herself.

The feminists, who for ten years have opposed the laws designed to protect the virtuous girl under age 18 from predatory Don Juans, now want the law to protect a woman like Rose from what is colloquially known as "date rape." Yet Rose was no child; she was 30 years old, a divorcee, and a Ph.D. university instructor.

The feminists' double standard is fascinating. They want a girl of 12 or 13 years to be able to consent and let her seducer go scot-free. But they want a woman of 30 to be able to consent at midnight and then change her mind two days later and prosecute her erstwhile friends for criminal rape.

Rose claimed that her apparent consent was "forced" and therefore shouldn't be recognized in law as a "yes." But how was she "forced" since there was no physical violence? After coaching by her feminist lawyer, she claimed that the intercourse wasn't her fault because society had conditioned her to take orders from men -- first her father, then her husband, then the male professor who headed her department.

But aren't such notions of the "weaker sex" really old-fashioned "stereotypes" from which the modern woman has been freed? Certainly a woman who has spent ten years in the feminist atmosphere of a university campus should be totally liberated from any need to have society protect her from what Rose conceded was her own "stupidity."

The ABC-TV movie was a dramatization of the feminist ideology that women are the helpless victims of a power structure in which men have the power and the authority while women are psychologically trained to obey. In truth, Rose was just a lonely 30-year-old woman who craved male attention at any price, even from three men whose unattractiveness was matched only by their lack of affection.