

Society must stay vigilant against child sex abuse

September was not a promising month for children relying on society to protect them from child sex predators.

It started with a meeting of the U.S. Sentencing Commission in Chicago. Several federal judges testified that sentencing guidelines for possession of child pornography were too severe; they were assured by Commissioner Beryl Howell that the issue "is on our priority list for the coming year." The current sentencing guidelines call for defendants found guilty of possessing child pornography to be sentenced to 57-71 months in prison.

Two weeks later, the Oregon Supreme Court issued an opinion in two child sexual abuse cases. In both cases, the defendants were found guilty of first-degree sexual abuse, which carries a mandatory 75-month prison term under Measure 11. Despite the fact that Measure 11 was passed by an overwhelming number of Oregon voters to ensure that minimum sentences for certain crimes (including child sexual abuse) were imposed, the state Supreme Court trumped Measure 11 with a Constitutional argument and decided that 16- and 17-month



WARREN BINFORD Commentary

sentences were more "proportionate" to the crimes committed.

Two days later, Roman Polanski was arrested in Switzerland on a warrant for a child sex crime he pleaded guilty to in 1978 (he fled the United States before he was sentenced and has been living a privileged life in Europe ever since). Just as disturbing as Polanski's conduct before, during and after his crime against his child victim is the number of people who have passionately defended him.

We might not be too shocked to hear that Woody Allen defends Polanski. After all, Allen promptly relocated to Europe himself after it became public that he was having a sexual relationship with (and later married) his own quasi-step-daughter Soon-Yi Previn.

Nor is it unthinkable that France's culture minister Frédéric Mitterand, who himself admitted to paying for sex with "young boys" in

Thailand, was "too emotive" (his words) in his public reaction to the news of Polanski's arrest for extradition.

But how does one explain Polanski's support from Nicolas Sarkozy, Martin Scorsese, David Lynch and Melissa Gilbert of "Little House on the Prairie" fame? And to hear Whoopi Goldberg argue on "The View" that what Polanski did was not "rape-rape" is truly confounding.

The unsealed grand jury testimony of Polanski's young victim tells us that Polanski gave her alcohol and drugs and then penetrated her vaginally, anally and orally without her consent and despite the fact that she repeatedly told him, "No." If that isn't child rape, I don't know what is.

Despite the fact that Polanski only spent 42 days in jail and fled to Europe before he was sentenced, his apologists have argued that he has "served his time" and should be left alone.

Since when did we become a world of apologists for child sex predators? Is this a sign of advancement for Western civilization or more evidence of its decline?

After all, Western civilization has banned sex with children for thousands of years. The

ancient Romans sentenced to death those people who raped or seduced minors. Those who even tried to seduce children were exiled. The English banned child sex crimes as early as the Middle Ages and Americans have criminalized sex with children for hundreds of years.

Here in Oregon, "carnal knowledge" of children always has been illegal, starting with our state's first criminal code. In fact, that first child sex law called for a sentence of three to 20 years. Would today's Supreme Court consider that sentence "disproportionate"?

This is no time to downplay child sexual abuse. According to the U.S. Department of Justice, 1 million children in the U.S. have been child victims of pornography, and studies consistently show that 15-25 percent of girls and 5-15 percent of boys in our society are sexually abused before reaching adulthood.

In the world of Internet child pornography alone, there are approximately 1 million images depicting children being sexually abused currently available, and 200 new images are posted daily. While the number of images is rapidly increasing, so is their brutality.

The number of Internet images depicting violent sexual abuse of children has quadrupled since 2003.

And where are our judges, political leaders and, ahem, creative geniuses in this rampant pedophilia? They are defending, downplaying the conduct of and excusing our children's sexual predators.

Thank goodness we still have our prosecutors. After the federal judges appeared before the U.S. Sentencing Commission last month and suggested the need for a reduction in sentences for child pornography possession, a U.S. attorney testified to the "striking dissonance" between the sentences sought by prosecutors and those imposed by judges. After all, he explained, prosecutors worry that judges will reduce whatever sentences the prosecutors recommend. He diplomatically suggested that "all involved" should be better educated about this issue.

Our children can only hope.

Warren Binford of Salem is a law professor at Willamette University, where she directs the Clinical Law Program and teaches international children's rights and the child and family advocacy clinic.

She can be reached at wbinford@willamette.edu.