



Written by [Dave Bohon](#) on January 11, 2012

Justice Department Expands Federal Definition of Rape

A [Department of Justice press release](#), too graphic to quote verbatim, noted that the “longstanding, narrow definition of forcible rape, first established in 1927, is ‘the carnal knowledge of a female, forcibly and against her will.’” That definition, the DOJ pointed out, excludes a whole host of crimes, including sexual violence of a victim by someone of the same sex, as well as “non-forcible rape.” The new definition, specified in the press release, spells out all of the options.



“These long overdue updates to the definition of rape will help ensure justice for those whose lives have been devastated by sexual violence and reflect the Department of Justice’s commitment to standing with rape victims,” said Attorney General Eric Holder. “This new, more inclusive definition will provide us with a more accurate understanding of the scope and volume of these crimes.”

Vice President Joe Biden, whom the press release called a “leader in the effort to end violence against women,” made an appearance in the DOJ promotion of the updated definition, declaring that “rape is a devastating crime and we can’t solve it unless we know the full extent of it. This long-awaited change to the definition of rape is a victory for women and men across the country whose suffering has gone unaccounted for over 80 years.”

Biden authored the 1994 federal [Violence Against Women Act](#) (VAWA), which increased the federal government’s involvement in crimes against women, and even added a DOJ [Office on Violence Against Women](#). That office’s director, Susan Carbon, noted, “For the first time ever, the new definition includes any gender of victim and perpetrator, not just women being raped by men.” She declared that the change “sends an important message to the broad range of rape victims that they are supported and to perpetrators that they will be held accountable. We are grateful for the dedicated work of all those involved in making and implementing the changes that reflect more accurately the devastating crime of rape.”

Leading the charge in insisting on an updated definition was the [Women’s Law Project](#), whose executive director, Carol Tracy, said that the change “is about properly measuring the extent of rape in America.” She added that it is now time to “direct our attention to preventing rape and aggressively pursuing sexual predators.”

The federal government appears ready to do more than its part to accommodate Tracy’s suggestion. An indication of its keen interest in ramping up its oversight of this violent crime can be seen in Congress’



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approval this year of \$592 million for Biden's VAWA, along with the Family Violence Prevention and Services Act, to address not just sexual assault, but domestic violence, dating violence, and even stalking. Of that amount, reported the Associated Press, "\$23 million goes to a sexual assault services program and \$39 million to a rape prevention and education program administered by the Centers for Disease Control and Prevention."

The DOJ explained that each year state and local law-enforcement agencies submit data on crimes and arrests to the FBI's Uniform Crime Reports, which is then used to track crime trends. The new definition is expected to dramatically increase the data on rape as the new categories are added. For example, noted the [Los Angeles Times](#), the LAPD presently "lists as rape only those assaults that fit the FBI's current narrow definition. Other assaults ... fall, statistically, into other lesser crime categories."

And, reported the [New York Times](#), the NYPD "reported 1,369 rapes in 2010, but only 1,036 were entered in the federal figures. However, the police department in Chicago, which had nearly 1,400 reported sexual assaults in 2010, refused to discard cases that did not fit the narrower federal definition when reporting its crime statistics; as a result, the F.B.I.'s uniform crime report — which reported 84,767 forcible rapes that year — did not include any rapes from that city."

Observers point out that the updated definition will add cases of sexual abuse against minors, such as those allegedly involving former Penn State assistant football coach Jerry Sandusky. Noted the *Times*: "Reported acts like some that Mr. Sandusky has been accused of ... would not be counted in national rape statistics under the old definition, but will be counted in them under the new one."



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