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Behavioral Study of Justice Goldberg and the Supreme Court

David Hanley

munity *must* adopt the land use provisions as outlined above unless it chooses to accept the federal benefit of Federal Flood Insurance.

Second, although the U.S. Department of Housing and Urban Development, through its Federal Insurance Administration, publishes and monitors the land use criteria as well as provides technical assistance to the various communities which request such, it is the communities themselves, *not* the Federal Government, which ultimately adopt the land use criteria for their area.

These two points were the subject of recent litigation in the Federal District Court for the District of Columbia.[21] The case, *Texas Landowners Rights Association v. Secretary of HUD,* was brought as a class action challenging the constitutionality of the NFIP, particularly as it may conflict with the states' rights of sovereignty under the Tenth Amendment. Plaintiffs in the case claimed, in essence, that the "burden" to the communities (not receiving federal financial assistance) is so great if they do not participate in the NFIP, that the program is no longer "voluntary" but "mandatory" in nature. Further, the plaintiffs in *Texas Landowners* contended that the land use management is "federal" and therefore conflicts with the Tenth Amendment.

Relying on the decision in *National League of Cities v. Usury,* 426 U.S. 833 (1976) where the Court held that amendments to the Fair Labor Standards Act conflicted with the state's Tenth Amendment Rights, plaintiffs were not as successful in challenging the NFIP. The Court distinguished *National League of Cities* by stating that there, the provisions of the Fair Labor Standards Act were mandatory while here, the land use management provisions were voluntary in that a community could choose whether or not it wanted to participate. The rationale for this distinction was based upon the Court's opinion that unlike the FLSA, there was a benefit to be derived by participation in the NFIP.

Further, Judge Waddy, relying on the decision in *County of Los Angeles v. Marshall*[22] by Judge Richey just a few months earlier, found that the NFIP, as a benefit program, had "reasonable" conditions attached.

Although *Texas Landowners* has been noticed for appeal to the United States Circuit Court for the District of Columbia in July of 1978, it is significant that Judge Waddy, in his decision, acknowledged for the first time that Congress intended the NFIP to be a benefit program and voluntary in nature. By suggesting that the minimum land use requirements of the NFIP are appropriate as conditions to a federal benefit, the Court has determined that the proper emphasis of the program should be the federal benefit to be derived by the communities and not the "burden" of land management criteria as suggested by the *Texas Landowners* plaintiffs.

Congress apparently has not been inconsistent by rejecting national land use but accepting it *de facto* through the auspices of the NFIP. The courts have remained consistent by concluding that the land use provisions of the NFIP are reasonable conditions to a federal benefit. Thus, the question of whether the NFIP is really national land use in disguise, must be answered: "no."

[21] See: Texas Landowners Rights Association, et al. v. Harris, Civ. Action No. 77-1962 (D.C.Cir.)

[22] 442 F.Supp. 1186 (D.D.C. 1977)

Behavioral Study of Justice Goldberg and the Supreme Court

For the period of 1962 to 1969, the United States Supreme Court has been accused of "judicial activism" and of lacking "judicial self-restraint." Supporters of self-restraint have accused the Justices of overstepping their authority, of making themselves into super-legislators, and of revealing to the public that the decisions which judges pass down are based on personal prejudices and not some higher dictates, such as those of natural law. The "Warren Court" of 1962-1969 is recognized as having been in the vanguard of social progress for it was well ahead of the popularly elected branches of government - the legislative and executive - and even public opinion in such areas as equality of all citizens and the rights of individuals.

Chief Justice Earl Warren and his colleagues led a new revolution in judicial review. They followed almost precisely the guidelines which Chief Justice Harlan Stone set out for future Court action in the famous *Caroline Products* "Footnote." Stone listed the areas in which the Court should intervene to be: (1) the First Amendment freedoms because these were preferred freedoms important to democracy, (2) cases dealing with minorities because their rights are most likely to be overlooked in a government by majority rule, and (3) where the political process is corrupt, for then there is no other recourse available. *United States v. Carolene Products Co.,* 304 U.S. 144, 152 n.4 (1938).

This was the Court on which Justice Arthur Goldberg served. In the three years he was an Associate Justice, Goldberg participated in some of the Court's most important decisions involving judicial activism. Consistently, these were egalitarian in nature and reflected an acceptance by the intellectual elite of the need for human dignity and equality.

Immediately upon his arrival, Goldberg associated himself with the activist position on civil liberties cases, often expressing his views on what he felt should be the proper role of the Court. He asserted that the Courts should take a harder look at the facts of the case before it and measure these facts against the commitment of the Constitution to equality and justice under the law. *Stare decisis,* he felt, placed an undue burden on the Court. In a speech given to the Hastings College of Law, Justice Goldberg illustrated these convictions when he said "And if, as future advocates, you want a tip from me, spend more time on your facts than on your law in arguing before our Court. What you can bring to bear is that infinite detailed knowledge of your case and your conviction as an advocate of having a case that your client is entitled to win."[1]

THE EFFECTS OF THE POLITICAL PROCESS ON THE JUDICIARY

While an activist Warren Court operated as a separate force in government, the complexion of its membership was greatly influenced by political and personal dynamics within both the judicial and, most formidably, the executive branches.

[1] Daniel P. Moynihan, ed., *The Defenses of Freedom* (New York: Harper & Row, Publishers, 1966), pp. 134-5.

President Kennedy nominated Goldberg to the position of Associate Justice in August of 1962, following Felix Frankfurter's announced retirement. Formerly, Kennedy had considered Goldberg for a position on the Court several months earlier when Justice Charles Whittaker resigned. However, Kennedy chose Byron "Whizzer" White to fill the vacant seat. The most obvious reason for the selection of White over Goldberg was the former's close relationship with the President. White had been a Rhodes Scholar during the same years as Kennedy and also served in the Navy with him.

When Felix Frankfurter decided on August 28, 1962, to step down from the Court, Kennedy had already adequately reviewed the possible nominees and Goldberg appeared to be his choice. Henry Abraham in his book, *Justices and Presidents*, says that Kennedy considered appointing his recently designated Secretary of Health, Education and Welfare, Abraham A. Ribicoff, but decided to stick with the qualities which he knew Goldberg possessed. Frankfurter and Warren were consulted by the President about the nomination and both gave their wholehearted support. Goldberg had no trouble winning approval in the Senate Judiciary Committee. In the ratification proceedings on the floor, there was only one vote registered in opposition to his appointment. That vote was cast by Senator Strom Thurmond without public explanation.[2]

Perhaps, the most important factor which led to Goldberg's appointment was, as Attorney General Robert Kennedy stated, that he was "his [the President's] kind of people."[3] The Kennedys considered Goldberg part of their political family; they knew him well and they could be comfortable with him personally, professionally and philosophically. Secondary to this was the fact that Goldberg had capabilities highly recognized in the public arena and, therefore, would fill Frankfurter's seat nobly.

When asked what President Kennedy looked for in his appointees, his brother Bobby made the following comment:

> "You wanted someone who generally agreed with you on what role government should play in American life, what role the individual in society should have. You didn't think how he would vote in a reapportionment case or a criminal case. You wanted someone who, in the long run, you could believe would be best. You wanted someone who agreed generally with your views of the country."[4]

From this, one could presume that Goldberg's strong position on civil liberties issues probably fulfilled Kennedy's expectations.

Abraham calls all Presidents "Court-packers" in their efforts to appoint to the Court those who are ideologically similar to themselves. A possible explanation for each President's efforts to place men of political beliefs similar to their own on the Court could be that they are subconsciously recognizing the importance of the role of the Judiciary in our political system. Through his appointments, the President acknowledges the legitimacy of judicial review and its effect upon statutory law, public policy and, most importantly, public opinion. Therefore, the Supreme Court becomes the center of a political game played by the Constitution's rules of appointment, the players being the appointees for Supreme Court seats, the President, and the Congress. Each player will, in some way, have an effect upon the outcome of the decision-making process of the Supreme Court, no matter how minimal.

An interesting example of the political nature of the game involving the Court is the means by which President Johnson obtained vacancies on the Court. In Goldberg's case, Johnson offered him the prestigious position of United States Ambassador to the United Nations, the position previously held by Adlai Stevenson. Johnson was aware that Goldberg felt he could help find a solution to the Vietnam situation and sweetened the pot by implying that Goldberg would be reappointed to the Court at some future date.[5] Of course, Goldberg never did get a chance for reappointment with Nixon's victory in 1968.

TECHNIQUES FOR VOTING BEHAVIOR ANALYSIS

The Study of Public Law by Walter F. Murphy and Joseph P. Tannenhaus, discusses some of the various techniques available to political scientists in studying the attitudes of members of the Supreme Court. Two of the more useful techniques which are discussed are scaling (see Appendix I) and bloc analysis (see Appendix III). Each technique uses the Justices' votes in various cases to shed some light on the attitudes of those Justices on specific issues.

The scaling technique was first developed by mathematical sociologist Louis Guttman, with his system also used to some extent in the area of psychology. A political scientist, Harold J. Spaeth, improved upon the technique by creating what he labelled a unidimensional cumulative scale. The term "cumulative" implies that an affirmative answer to any specific question indicates also an affirmative answer to all questions ranked below it on the scale. In turn, "unidimensional" implies that a single scale adequately accounts for an entire response to an issue set.[6]

Glendon A. Schubert has taken the techniques developed by Guttman and Spaeth and applied them to the decisions of the Supreme Court in an effort to discover the attitudes of the Justices on specific issues. In his analysis, each vote by a Justice is considered to be a response. In constructing his scale, Schubert used a panel of scholars to identify in which of five categories the votes of each Justice would fall.[7] The five categories Schubert uses are political liberalism, political conservatism, economic liberalism, economic conservatism, and a residual category. These five categories form three actual issue dimensions. The political categories form the civil liberties scale or, as Schubert refers to it, the C-scale. Next is the E-scale or economic scale consisting of the economic categories. Finally, there is a residual issue dimension.

A - 1.00 on any scale means that all of the Justice's votes were conservative in nature. For example, it is apparent from Appendix I that Justice Whittaker voted conservatively on all of the economic cases brought before the Court in 1961. A 1.00 on the scale means all of the Justice's votes were liberal in nature. Thus, a position on the scale greater than zero means that the Justice's overall attitude on that issue dimension was liberal.

[2]Henry J. Abraham, *Justices and Presidents: A Political History of Appointments to the Supreme Court* (New York: Oxford University Press, 1974), p. 258.
[3]Ibid., p. 253.
[4]Ibid., p. 254.
[5]Ibid., p. 259.
[6]Walter F. Murphy and Joseph P. Tanenhaus, *The Study of Public Law* (New York: Random House, 1972), p. 128-9.
[7]Ibid., p. 118.

Schubert identifies the subcomponents of political liberalism as voting in favor of political equality, political freedom, religious freedom, the right to fair procedure, and the right to individual privacy. The subcomponents of economic liberalism are votes in favor of fiscal claims, government regulation of business, the union in union-management disputes, freedom of competition, and the constitutionality of state taxation. A vote against any of these particular issues would be considered conservative. After breaking down each Justice's particular response pattern, Schubert gave it a position on the scale from -1.00 to 1.00.

By using the scales developed by Schubert, the differences between the judical attitude of Justice Frankfurter and his replacement, Justice Goldberg, become more evident. The E- and C-scales, which are used for the purpose of comparing the judicial attitudes, are shown in Appendix I. According to the scales of Schubert in *The Judicial Mind,* Frankfurter ranked fairly high on the C+ side in his earlier years but, as the attitude of the Court became more liberal, his ranking fell rapidly to a C- position. During his final term on the court, Frankfurter was given a position of -0.69 on the C-scale and -0.56 on the E-scale. This meant that in well over fifty percent of his votes, Frankfurter decided against the liberal position in civil liberties and economic cases. Goldberg's civil liberties stance was the important change he brought to the Court.

Designing a coordinate system as in Appendix II with the C-scale as the ordinate and the E-scale as the abscissa, each quadrant can be labeled with a judicial attitude. Schubert did so using the following reasoning:

> What does being politically conservative have in common with being economically liberal? Both attitudes require a respondant to have little sympathy for claims of either economic, political or religious freedom, but instead to believe strongly in the necessity for upholding the authority of the government in cases in which "law and order" -with the emphasis upon "order"-conflict with petitioners' claims to be free from enforced regulation of their behavior in regard to questions of belief, conscience, and economic competition. Such a person believes that society should be protected against the possibility of repetitive depradations by socially maladjusted individuals, while his opposite believes that it is preferable that a guilty person be freed rather than risk having an innocent person falsely convicted. Conflict between freedom and authority is perhaps the most fundamental of political issues, and it certainly does no violence to the usual understanding of political philosophers for us to assume that an ideological dimension of this content represents the political factor in Supreme Court decision-making.[8]

The above rationale was given to describe the authoritarian and libertarian quadrants respectively. About the individualist, Schubert says,

> If we ask what economic ideology is reflected by attitudes of what is conservatism in economics but liberalism in politics, the writings of Mill and Spencer come readily to mind; and if we think of counter-ideology to economic and political laissez-faire, Karl Marx is the obvious spokesman. But the content of liberal ideology has been transformed; the man who today believes with equal staunchness in the log-cabin myth of political liberty and in the Horatio Alger myth of rugged individualism is something of an anachronism; he is a Nineteenth (not a Twentieth) Century liberal. We may well call him an Individualist and his counterpart (in the opposite direction of this dimension) a Collectivist.[9]

As can be seen, Justice Goldberg by taking the liberal position in the majority of political and economic cases falls into the liberal quadrant in Appendix II. Frankfurter, on the other hand, falls into the quandrant of a conservative. This serves to point out the differences in the two men's ideological approaches to the cases brought before them.

The change in judicial attitudes emphasized earlier was also reflected in a change in the bloc structure of the Court which is shown by Appendix III. The blocs on the Court are representative of eighty percent agreement. On Court 60, the Court from the appointment of Stewart in 1959 through to the 1962 term, there exist two important blocs, a conservative bloc, consisting of Harlan and Frankfurter with a high-level of agreement by Whittaker, and a liberal bloc, consisting of Black, Warren, Brennan and tentatively Douglas. Douglas disagreed most frequently with Brennan and agreed most frequently with Black. From the 1962 term of the Court to the 1965 term or Court 61 inclusive, only one bloc existed using the eighty percent criteria for bloc formulation. Essentially liberal, this bloc consisted of Douglas, Warren, Brennan and Goldberg.

It is apparent from this data that the appointment of Goldberg changed not only the balance of the Court towards liberalism on civil liberties (Appendix I), but also strengthened the liberal bloc of the Court (Appendix III). The loss of Frankfurter removed any semblance of a cohesive conservative bloc on the Court. There are many civil liberties cases where a C+ vote was won by a 5-4 majority on Court 61 because of Justice Goldberg's addition to the liberal bloc.

For instance, *Kennedy v. Mendoza-Martinez,* 372 U.S. 144 (1963), a case for which Goldberg wrote the majority opinion, held that a person could not be deprived of his right of citizenship without due process of law. In another 5-4 decision, *Draper v. Washington,* 372 U.S. 487 (1963), the Court said that a Washington state law allowing for a test of frivolity was inadequate to override the right of an indigent defendant to a transcript for use in his appeal. *Gibson v. Florida Legislative Committee,* 372 U.S. 539 (1963), is yet another civil liberties case decided in favor of the First Amendment right to association by a 5-4 majority in an opinion by Justice Goldberg. The most important of the 5-4 majority cases won by the liberal bloc was *Escobedo v. Illinois,* 378 U.S. 478 (1964), forerunner to *Miranda v. Arizona,* 384 U.S. 436 (1966), in which the Court overturned a conviction for murder passed by a lower court because the plaintiff, Escobedo, was not allowed to see counsel when he requested it and was not notified of his right to remain silent.

In civil liberties cases, Goldberg took a strongly positive liberal outlook (Appendix I). In his opinions constituting civil liberties issues, he was in favor of (1) racial equality, *Watson v.*

[8]Glendon A. Schubert, *The Judicial Mind: The Attitudes and Ideologies of Supreme Court Justices 1946-1963* (Evanston: Northwestern University Press, 1965), p. 200.

[9]Ibid., p. 201.

City of Memphis, 373 U.S. 526 (1963), and *Bell v. Maryland*, 378 U.S. 226 (1964), (2) freedom of the press, *New York Times v. Sullivan*, 376 U.S. 254 (1964), (3) religious freedom, *Abington School District v. Schempp*, 374 U.S. 203 (1963), (4) fair procedure rules for ciminal trials, *Draper v. Washington*, 372 U.S. 487 (1963), *Escobedo v. Illinois*, 378 U.S. 478 (1964) and *United States v. Barnett*, 376 U.S. 681 (1964), (5) the right to privacy, *Griswold v. Connecticut*, 381 U.S. 479 (1965), and (6) government restriction in search and seizure cases, *Rugendorf v. United States*, 376 U.S. 537 (1964) and *Aguilar v. Texas*, 378 U.S. 108 (1964).

On economic issues, Goldberg seemed less liberal than his colleagues on the Court, leaning more strongly towards the moderate position. The approach taken by Goldberg in these matters was one of give and take and to recognize, and balance, the needs of both parties to the litigation. The union cases in which he participated are a vivid example of this approach. Goldberg's position on claims of injured workers was essentially conservative. Consistently, he voted against the injured worker because of his conviction that an employer could not possibly check all of the nooks and crannies of his property for safety, *Schenker v. B&O Railroad Co.*, 374 U.S. 1 (1963). Hence, this balancing approach to major labor issues and a conservative outlook on Federal Employers Liability Act (F.E.L.A.) cases contributed to the moderate rating Schubert gave Goldberg on the E-scale (Appendix I).

THE IMPACT OF GOLDBERG'S APPOINTMENT TO THE COURT

On the role of the Supreme Court in American society, Frankfurter was the great commentator on "judicial self-restraint." He was of the opinion that the judicial branch should only intervene when it was absolutely necessary to protect the freedom safeguarded by the Constitution. Rather than intervene, Frankfurter believed that, in most cases, the Court should defer to the state legislatures. *Adamson v. California*, 332 U.S. 46, 68 (1947).

Goldberg's view is quite the opposite on judicial review. Regarding "judicial activism" and "judicial self-restraint," he said,

> "A judge may believe that under the Consitition a court without a jury may not adjudge guilty a defendant charged with a serious criminal contempt. Is he a liberal or a conservative? Is he an activist or a believer in judicial restraint?"[10]

He thus felt that the labels "judicial activism" and "judicial restraint" were convenient but misleading. Still, he took a major role in pushing for a Court decision on the issue of the death penalty and in suggesting the Ninth Amendment as a constitutional source of the right of privacy. *Rudolph v. Alabama*,375 U.S. 889 (1963), and *Griswold v. Connecticut*, 381 U.S. 479 (1965). Frankfurter and other supporters of "judicial self-restraint" would be likely to consider Goldberg's position one of a judicial activist.

As a Supreme Court Justice, Goldberg performed a very important role in American society. As a former Secretary of Labor, he brought a special ability in labor law with him. He also helped the Court in its effort to find a legal rationale for incorporating rights of freedom and equality into the Constitution of the United States. *Griswold* involved a revolutionary new approach to the Ninth Amendment and in *Rudolph*, Goldberg wrote a dissent on a denial of certiorari in which he said that the cruel and unusual punishment clause of the Eighth Amendment makes capital punishment unconstitutional. In an effort at clarity, Goldberg attempted to simplify the rulings of the Court, as in *New York Times v. Sullivan*.

As a judicial activist and a liberal, Goldberg's appointment had a major impact on the movement of the Court and American Constitutional Law into the difficult problems of justice, equality and freedom. This put the Supreme Court in the vanguard of those who were leading the nation toward egalitarianism, perhaps the most pervasive social doctrine of the 1960's.

—David Hanley

[10]Moynihan, p. 151

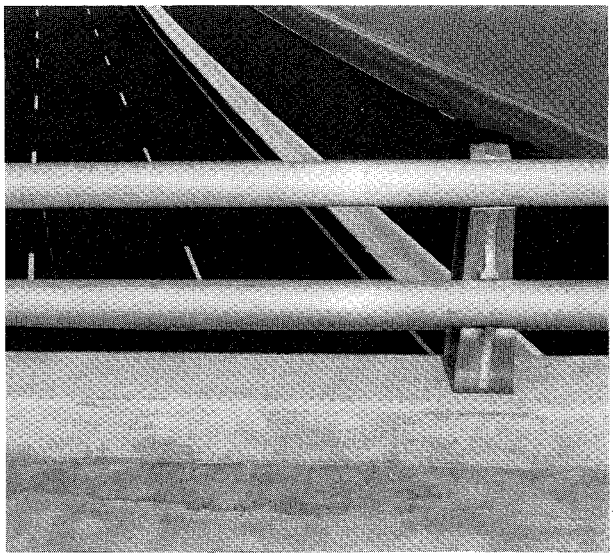

Photo by Robert Schoenfelder

Interagreement Matrix (Court 60)

Appendix I

C-scale

1961 TERM		1962 TERM	
Black	1.00	Douglas	.96
Douglas	.95	Black	.91
Warren	.87	Warren	.83
Brennan	.69	Brennan	.79
Stewart	.28	Goldberg	.70
Whittaker	-.10	White	.11
Frankfurter	-.69	Stewart	-.06
Harlan	-.74	Harlan	-.70
Clark	-.95	Clark	-.83

Source: Schubert, Glendon, *The Judicial Mind: The Attitudes and Ideologies of Supreme Court Justices, 1946-1963* (1965), p. 111-2.

E-scale

1961 TERM		1962 TERM	
Douglas	.82	Black	1.00
Warren	.65	Douglas	.82
Black	.59	Warren	.60
Clark	.35	Brennan	.60
Brennan	.29	Clark	.58
Stewart	-.18	White	.33
Frankfurter	-.56	Goldberg	.07
Harlan	-.82	Stewart	-.38
Whittaker	-1.00	Harlan	-.91

Source: Schubert, Glendon, pp. 137-8.

Appendix II

1961 TERM

individualism 1.00 C+ Black liberalism

Douglas Warren Brennan Stewart

.5

E- -1.00 -.5 .5 E+ 1.00

Whittiker

-.5

Frankfurter Harlan conservatism -1.00 C- Clark

authoritarionism

1962 TERM

individualism C+1.00 Douglas liberalism

Black Warren Brennan Goldberg .5

E- -1.00 -.5 Stewart White .5 E+ 1.00

-.5

Harlan conservatism C-1.00 -Clark

authoritarianism

Appendix III

Interagreement Matrix (Court 60)

	Do	Bl	Wa	Br	St	Cl	Whit	Ha	Fr
Douglas	——	81.4	79.2	75.2	53.5	53.6	43.8	42.2	41.0
Black	81.4	——	88.6	80.0	57.0	63.0	50.0	51.2	49.7
Warren	79.2	88.6	——	89.4	65.6	70.2	54.5	55.6	54.2
Brennan	75.4	80.0	89.4	——	72.5	72.1	59.4	62.5	60.7
Stewart	53.5	57.4	65.6	72.5	——	76.0	79.5	78.8	76.8
Clark	53.6	63.0	70.2	72.1	76.0	——	75.2	76.2	75.3
Whittaker	43.8	50.0	54.5	59.4	79.5	75.2	——	78.7	79.3
Harlan	42.2	51.5	55.6	62.5	78.8	76.2	78.7	——	87.6
Frankfurter	41.0	49.7	54.2	60.7	76.8	75.3	79.3	87.6	——

—80% Agreement Bloc
——Tentative agreement with Bloc

Interagreement Matrix (Court 61)

	Do	Wa	Br	Go	Bl	Whit	Cl	St	Ha
Douglas	——	84.6	82.4	80.0	79.7	70.5	64.6	62.0	44.6
Warren	84.6	——	95.0	87.8	82.3	80.8	73.5	70.5	50.6
Brennan	82.4	95.0	——	89.0	81.2	84.2	75.6	74.0	54.2
Goldberg	80.0	87.8	89.0	——	76.8	75.6	66.3	72.0	53.0
Black	79.7	82.3	81.2	76.8	——	74.8	64.8	62.0	45.3
White	70.5	80.8	84.2	75.6	74.8	——	76.9	76.9	66.2
Clark	64.6	73.5	75.6	66.3	64.8	76.9	——	71.2	69.7
Stewart	62.0	70.5	74.0	72.0	62.0	76.9	71.2	——	72.1
Harlan	44.6	50.6	54.2	53.0	45.3	66.2	69.7	72.1	——

—80% Agreement Bloc

Source: Inter-University Consortium for Political Research

There are two agreement blocs on Court 60. The bloc consisting of Black, Warren and Brennan can be considered to be a liberal bloc because of their position on the 1961 term scales in Appendix I. Harlan and Frankfurter made up the conservative bloc. In addition to this, Douglas and Whittaker can be considered as tentative members of the liberal and conservative blocs, respectively, because their agreement with the members of their respective blocs is nearly eighty percent.

Addendum to the Baltimore City States Attorney's Office: The Sex Offense Task Force

Statistics tend to show that of all sexual assualts that occur in Baltimore City, only a portion of these are even communicated to police authorities. For example, in a recent year, while 485 rapes were reported to the Baltimore City Police, City, Mercy and University Hospitals reported treating over 900 individuals for sexual assault. In an effort to improve the current situation, Baltimore City State's Attorney William Swisher and Deputy State's Attorney Mary Ann Willin have recently succeeded in procuring a one year renewable $113,000 grant from the Law Enforcement Assistance Administration (LEAA) for the purpose of organizing and operating a Sex Offense Task Force Unit within the Baltimore City State's Attorney's Office.

The Task Force, which became operational in October of this year, will be headed by Assistant State's Attorney Edwin Wenck.

The primary task of the Sex Offense Task Force Unit will not only be to prosecute all sexual assaults in Baltimore City, but to place special emphasis on reducing the high incidence of unreported rapes through a co-ordinated effort involving both Baltimore City Hospitals and Baltimore City Police Department.

Recognizing that the rape victim has special needs and problems which have long been ignored, the Sex Offense Task Force Unit will work closely with medical and police agencies to improve and humanize the screening and processing of rape victims once the rape has been reported. Three Assistant State's Attorneys, who will be working exclusively with the Task Force, will be on 24-hour call seven days a week to respond to any rape in Baltimore City. From the moment the prosecutor responds to the call, he is responsible for that case and he will stay with the case until its judicial conclusion. By his immediate and sole intervention into the assault case, it is hoped that the prosecutor will be able to generate the rapport and trust between himself and the rape victim which is so crucial to the recovery of the victim and the successful prosecution of the case. Hence, the victim will regard the state more in terms of a single personality concerned about his/her welfare rather than a cold insensitive prosecutorial bureaucracy that has often been counter-productive to successful prosecutions.

The Sex Offense Task Force Unit has outlined other goals as well. First, the Task Force seeks to improve and standardize a comprehensive method for collecting evidence in rape cases by working closely with medical and police personnel involved in the victim intake process. Secondly, it is expected to have some prosecutorial input into the drafting of legislation pertaining to sexual assault. Thirdly, the Sex Offense Task Force will serve an educational function, counseling local citizen groups and schools as to rape prevention and reporting. Any group interested in having a speaker from the Sex Offense Unit should contact Mr. Edward Wenck at the Baltimore City State's Attorney's Office.*

—Ron Byrd

*(301) 396-5040