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NY sex crimes attorney speaks

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Linda Fairstein, chief of the sex crimes unit of the New York district attorney's office, delivered the keynote speech for the Columbia Law Women's Association's annual Myra Bradwell Day on Tuesday night. About 100 students and administrators attended the lecture.

Fairstein graduated from the University of Virginia Law School, and has worked in the district attorney's office since 1972. She authored the recently published book, "Sexual Violence: Our War Against Rape," which explores the development of rape law during the last two decades.

In her speech, Fairstein first outlined the legal changes she has witnessed since becoming a New York City prosecutor. When she first joined the office, women were forbidden to prosecute some cases in New York state.

"There was not a woman in the state of New York who had ever tried a murder case when I began practicing. We were simply not allowed to practice in the courtroom," Fairstein said.

Today, as chief of the sex crimes unit, Fairstein oversees hundreds of sexual assault cases each year.

Fairstein discussed the legislative reforms that have changed how sexual assault cases are tried in New York. When she began prosecuting sex crimes cases, a victim of sexual assault had to present three independent pieces of evidence to tell

her story to a jury. Fairstein attributed changes in these laws to women's activists.

"There were not many voices in support of the women's movement. These changes really developed because of feminist writings on these issues," Fairstein said.

Fairstein discussed the three original goals that led New York District Attorney Robert Morgenthau to establish the sex crimes unit in 1976. She said the unit was intended to increase the conviction rate for rape offenders, to improve the way victims were treated during a rape trial, and to promote legal reforms in New York.

Fairstein said juries usually decide sexual assault cases differently depending on whether the offenders are strangers or acquaintances.

"Stranger cases should do extraordinarily well in the justice department. They have more than a 90 percent conviction rate whenever they go to trial," Fairstein said.

In addition to trying cases, Fairstein's office trains investigators to probe victims for informa-

tion to help the investigators identify the attackers and make a more reliable and convincing argument before a jury. She said technological advances have improved the office's ability to identify stranger offenders.

"DNA technology matches are an absolute identifying factor and are also used to exclude and exonerate people who might have been wrongly accused," Fairstein said.

Fairstein identified domestic violence and abuse by health care providers as common forms of acquaintance sexual abuse.

"Domestic violence cases are the most under-reported and have the toughest time in the system. The general public doesn't consider [these cases to be] as serious as stranger rape," Fairstein said.

Fairstein concluded her speech by encouraging law students to use their careers to aid society.

"I would urge you to develop dreams about what you want to do with your careers," Fairstein said. "My last point is simply to urge you all to find some way to give back in some way related to so-called women's issues."

After the speech, Fairstein fielded questions from the audience. She recognized the difficulties in investigating domestic violence.

"Domestic violence is the area the criminal justice system is least equipped to deal with and responds to the least well. There are problems with interviewing victims in the presence of offenders," Fairstein said.

Fairstein also commented on her frustration with efforts to lobby state legislators to mandate AIDS testing for convicted rape offenders

who are currently protected by privacy laws, and to change the law which states that marital rape is not a crime.

“We’ve got a big laundry list, and not too much support. [The legislators] look a little stupid and a little lazy,” Fairstein said.

Cori Flam, a second-year law student and co-chair of the Law Women’s Association, said Fairstein’s speech reflected the goals of Myra Bradwell Day.

“I think one of the goals of Myra Bradwell Day is the celebrate women’s achievements and the progress women have made in the legal profession. Her area of expertise and breadth of knowledge covers an area of the law that is very important to women and that has undergone vast changes in the past 20 years,” Flam said. “She embodies the spirit and goals of the day.”

Myra Bradwell Day was established to commemorate Myra Bradwell, who was denied admission to the Illinois Bar by the Supreme Court of Illinois in 1869.

Bradwell’s claim that the State of Illinois had violated her 14th amendment rights was subsequently rejected by the United States Supreme Court. The Court’s decision stated, “the paramount destiny and mission of a woman are to fulfill the noble and benign offices of wife and mother.”



ASSOCIATE PHOTO EDITOR—RICH ALTMAN

Linda Fairstein, chief of the New York City district attorney's sex crimes unit, spoke yesterday at the School of Law.