

Kinsey's Legal Legacy

America's post-World War II generation lived through the sexual revolution of the 1960s. Now, sadly, most of them are living with the consequences of its devastation: abortion, skyrocketing disease, divorce, and sexual dysfunction. Most Americans are unaware that their nation's moral foundation was supplanted, nor do they appreciate that a deliberate effort was engineered to derail American common law, which was constructed on biblical principles to protect and order society's most important building blocks — marriage and family.

Fifty years ago this month, Indiana University zoologist and Rockefeller grantee Alfred Kinsey, the widely acknowledged "father of the sexual revolution," published his unprecedented report on human sexuality, *Sexual Behavior in the Human Male*. Kinsey's theme of "free love" was reinforced by a well-timed media blitz, and the American public was receptive. For the next decade, Kinsey was one of the nation's most popular celebrities (until his premature death in 1956). Cole Porter's hit song popularized Kinsey's sexual liberating anthem of "Anything Goes." But over the second half of the 20th century, America and the Western world learned the hard lesson that, seductive though it be, free love is not free.

In 1954, Tennessee Congressman B. Carroll Reece could clearly see that revolutionary changes were forming on the horizon of our nation's social landscape, and that a principal source of the change was foundation grants encouraging collectivism and internationalism. When Reece began to investigate Kinsey's report and the background of its funding, he discovered a trail leading back to the Rockefeller Foundation. While the Reece Committee was stopped by a bipartisan effort from further investigation, it did offer the following warning regarding the enlarging mission of social scientists in changing our society:

... that there are no absolutes, that everything is indeterminate, that no standards of conduct, morals, ethics,

and government are to be deemed inviolate, that everything, including basic moral law, is subject to change, and that it is the part of the social scientists to take no principle for granted as a premise in social or juridical reasoning, however fundamental it may hereto have been deemed to be under our Judeo-Christian moral system.



Kinsey: Working for an amoral new order.

Kinsey was a vital agent in the transformation of America. The Russian, German, and French revolutions were all preceded by an embrace of sexual anarchy. In such revolutionary models, marriage is undermined first, then the family, followed by private property and governments. Kinsey facilitated, with the fraudulent data of his "studies," the abandonment of absolutes in the "social or juridical reasoning" of America's "Judeo-Christian moral system."

A recent Kinsey biography by James H. Jones, a Rockefeller grantee and former adviser to the Kinsey Institute, reveals that Kinsey himself was a sado-masochistic homosexual on a perverted mission. Trolling through homosexual bars and nightclubs, Kinsey gathered the subjects for his research, drawing disproportionately from those participating in sexual perversions and

other criminal acts. Those acts were then portrayed by Kinsey as both commonplace and natural. Kinsey's mission, Jones writes in *Alfred Kinsey: A Public/Private Life*, was to free America from Victorian "repression." But his wider goal was an amoral new order — possible only if human life is unhinged from the divine.

Kinsey, like Margaret Sanger and population planners of the early 20th century, was a eugenicist who eschewed biblical standards of morality. According to one Kinsey associate: "Kinsey knew a great deal about the Judeo-Christian tradition and he was indignant about what it had done to our culture."

How did the acceptance of criminal sexual behaviors and perversions begin in America? Kinsey's studies were accepted as "scientific authority" to alter the American common law view of marriage. Life's most intimate and personal act was equated with degenerative behaviors as long as it was done between "consenting adults."

Kinsey found help in his effort from liberal French lawyer Rene Guyon of "sex by age eight or else it's too late" infamy. Dr. Harry Benjamin, an international sexologist and an associate of both Kinsey and Guyon, wrote in the introduction to Guyon's 1948 book *Sexual Ethics*:

Many ... sex activities, illegal and immoral, but widely practiced, are recorded by both investigators ... Guyon speaking as a philosopher, and Kinsey, judging merely by empirical data ... [upset] our most cherished conventions. Unless we want to close our eyes to the truth or imprison 95% of our male population, we must completely revise our legal and moral codes.... It probably comes as a jolt to many, even open-minded people, when they realize that chastity cannot be a virtue because it is not a natural state.

With such philosophical inspiration, Guyon developed a deconstructed legal theory, fortifying it with Kinsey's "scien-

tific" data. It was put into the hands of legal radicals like Morris Ernst, an advocate for the new sexual order, who handled revolutionary cases in his war against the American legal order.

Ernst was well credentialed as a legal radical for his service as the American Civil Liberties Union (ACLU) attorney for Alfred Kinsey, the Kinsey Institute, the Sex Information and Education Council of the United States (SIECUS), and Planned Parenthood of America. He had close ties to Supreme Court Justices Brandeis, Brennan, and Frankfurter, and Judge Learned Hand — all influential progressives in moving American law away from the absolute "Judeo-Christian moral system" which protected the sanctity of life, marriage, and family.

In Ernst's 1948 book *American Sexual Behavior and the Kinsey Report*, Kinsey colleague Robert Dickinson noted that "an era of hush-and-pretend in the life of our nation may end" through Kinsey's *Sexual Behavior in the Human Male* and that "virtually every page of the Kinsey Report touches on some section of the legal code ... a reminder that the law, like ... our social pattern, falls lamentably short of being based on a knowledge of facts."

Ernst explained in *Scientific Monthly* why the Kinsey reports were making major inroads in changing American law: "[R]ecently law has reached for scientific tools to aid in its search for truth.... I now say that the Kinsey Report is the single greatest contribution of science to the rule-making part of the law in my lifetime.... The Kinsey Report broke through a mass of taboo."

Ernst advised that every bar association in the country "should establish a Committee on the Laws of Sexual Behavior and consider its own State's legal system in this field...." Soon Committees were established with funding from the Rockefeller Foundation in an effort to overturn the American way of life.

In 1955, the Model Penal Code was completed under the auspices of the Carnegie- and Rockefeller-seeded American Law Institute (ALI), the education arm of the American Bar Association. This "model" was then submitted to state

legislatures for their consideration, with plenty of authoritative support for its implementation provided by Kinsey's flawed scientific analysis. Adoption of the Model Penal Code eliminated and/or trivialized prior sex offenses, eventually aiding the reduction of penalties for abortion, rape, wife and child battery, desertion, seduction, adultery, prostitution, contributing to the delinquency of a minor, soliciting for masturbation, sodomy, public sexual exhibitions, "unfit" parentage, alienation of affection, and obscenity, as well as infanticide, premeditated AIDS/STD transmission, etc.

At the very time the ALI's Model Penal Code was being developed, there was

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a growing public outcry for tightening, not loosening, sexual psychopath laws. But respected magistrate Morris Plascowe, the model code's principal author, argued (based on Kinsey's findings of course) that "When a total clean-up of sex offenders is demanded, it is, in effect, a proposal to put 95 percent of the male population in jail.... Of the total male population 85 percent has had pre-marital intercourse...."

As America's common law was supplanted, legal penalties were "lightened" and new sentencing guidelines were developed. For example, prior to Kinsey rape was extremely serious, a death sentence being required in three states and life in prison in over 18 states. But Plascowe introduced to the legal profession what Kinsey and Guyon had certainly envisioned:

One of the conclusions of the Kinsey report is that the sex offender is not a monster ... but an individual who is not very different from others in his social group, and that his behavior is similar to theirs. The only difference is that others in the offender's social group have not

been apprehended. This recognition that there is nothing very shocking or abnormal in the sex offender's behavior should lead to other changes in sex legislation.... Penalties should be lightened. In the first place, it should lead to a downward revision of the penalties presently imposed on sex offenders.

Biographer James Jones reports that Kinsey died believing that his crusade to promote more enlightened sexual attitudes had not succeeded. Yet in 1957, a year after Kinsey's death, the Supreme Court in *Roth v. U.S.*, a case handled by Ernst, relaxed the once protective American legal definition of obscenity. In

1961, Illinois became the first state to repeal its sodomy statute, and today less than half of the states retain sodomy statutes. In 1973, Dr. Mary Calderone, a leading Kinseyan, was cited in the *Roe v. Wade* decision which legalized abortion. Since *Roe* a staggering 34 million babies have been aborted. Also in 1973, the

American Psychiatric Association removed homosexuality from its list of psychopathologies, and in 1995, pedophilia was removed. Today, Kinsey's fingerprints are all over the current literature of law, medicine, and the social sciences. For example, in Westlaw, a database of the major national law journals, during the period 1982-96, 499 authors cite Kinsey versus 71 citations for the more recent Kinseyans, Masters and Johnson. In the *Science Citation and Social Science Citation Indices*, Kinsey rates thousands of listings, twice as many as Freud.

Continued belief in and use of Kinsey's data may be viewed as a contributing factor to the current exhaustion of our criminal justice system. Authorities who permit the killing of the unborn and release sadistic rapists/murderers back into society, to typically repeat their crimes, represent a system adrift in an amoral abyss and bent on anarchy and national destruction. ■

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Col. Ray, a former Deputy Assistant Secretary of Defense, is the author of Military Necessity and Homosexuality. In writing this article, the author largely drew from Dr. Judith Reisman's definitive book on Kinsey, which is scheduled for release in early 1998.