

The Sadomasochistic Roots of Justice Kennedy's Opinion Sodomy Decision Based On Fraudulent 'Science'

BY JUDITH REISMAN

First of a three-part series

In his distinguished book *The Structure of Scientific Revolutions*, Thomas S. Kuhn, the late MIT philosopher of science, noted that scientists were not always disinterested, "objective" scholars.

Too often, bogus research findings become "fashionable" as scientists and society embrace a revolutionary new paradigm based on deceptive "scientific findings." Consider the "science" of "phrenology," so popular a century ago, which specifically linked intelligence and character traits to skull shape and cranial size.

Lawrence v. Texas is a flagrant, indeed chilling, example of just such a bogus "scientific" revolution, one in which the U.S. Supreme Court is driving the junk science bandwagon, marching America and the world into snake-infested swamps.

For many reasons, any revisionist investigation of history brings to mind Thomas Jefferson, who warned, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

Rick Perlstein noted this ignorance in his ecstatic essay for the *Washington Post*, "What Gay Studies Taught the Court." Perlstein observed, "commentators may have skipped their homework in reporting on the historical foundations of the majority's decision," for, although *Lawrence* was a "momentous" shift in America's moral economy, "[w]hat hasn't been explained is the basis for Kennedy's landmark ruling."

He was correct up to there. The Court based its disastrous sodomy ruling on fraudulent scholarship that deceived six justices. Their ignorance of junk "sex science" and junk history led directly to a grotesque decision that will further promote sex acts that sicken and kill countless people.

Perlstein offered an insider's awareness that conservative lawyers or pundits seldom grasp. The justices, too, "skipped their homework" in considering "the foundations of the majority's decision." Inconceivably, the Court brazenly cited only *secondary* "scientific" authorities for their sodomy ruling.

In fact, tracing Kennedy's opinion back to its origin reveals that the majority relied on only one sex "science" resource as the Court's primary authority on sex and sodomy—namely, the bi/homosexual, sadomasochistic, proven fraud, Prof. Alfred C. Kinsey.

The evidence shows that Justice Kennedy

geneflected to "facts" about sodomy as documented by the American Law Institute's Model Penal Code (ALIMPC) of 1955. Yet the primary source for the sodomy "data" codified as "fact" by the Court in the ALIMPC was Kinsey alone.

Actually, not only did the majority rely on Kinsey as its primary sex science authority, but the "gay studies" historical revisionists the majority cited also relied on Kinsey as *their* primary sex science resource. But let's go back to the ALIMPC. Kennedy opined:

"In 1955 the American Law Institute promulgated the Model Penal Code and made clear that it did not recommend or provide for 'criminal penalties for consensual sexual relations conducted in private.' It justified its decision on three grounds: (1) The prohibitions undermined respect for the law by penalizing conduct many people engaged in; (2) the statutes regulated private conduct not harmful to others; and (3) the laws were arbitrarily enforced and thus invited the danger of blackmail." [Emphasis added.]

In his *Lawrence v. Texas* Amicus Curiae brief to the Court, Kentucky lawyer Ronald E. Ray reported:

'Regarding homosexuality, [ALI Reporter] Schwartz cited the Kinsey Reports as evidence of the frequency of homosexual activity and the senselessness of trying to control it.' Indeed, upon the Kinsey 'research,' many state sodomy laws have been changed or over-

turned."

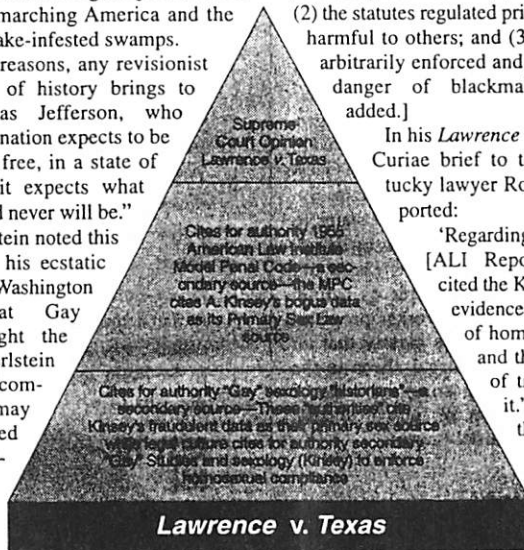
Experts? Hardly. Meticulous scholarly study reveals that *all* of ALIMPC's assertions about the "right" to sodomy came from one alleged "expert"—Kinsey—in *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953).

Chapter 8 of my book, *Kinsey: Crimes & Consequences* (1998, 2000, 2003) fully documents Kinsey's total domination of the "Sex Offenses" section of the 1955 ALIMPC.

But on June 26, 2003, the U.S. Supreme Court enshrined Kinsey's fraudulent data as the revolutionary moral law of our land, even though it *derived from crimes of sexual torture inflicted on at least 317 and as many as 2,035 infants and children*, who "convulsed," "fainted" and tried to escape their abusers. The "expert" Prof. Kinsey, who himself was a barbaric sadomasochist, reported that the little victims "enjoyed" being sexually tortured (*Male*, see esp. pp. 160-161 and p. 180).

Although Kinsey was cited throughout the "Sex Offenses" section of the 1955 ALIMPC six times in 12 pages, the eight pages on

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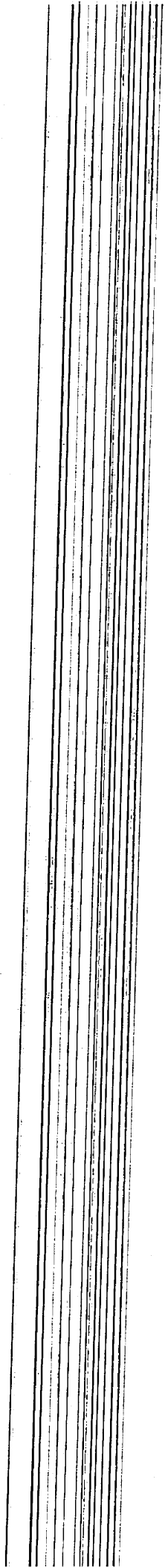
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"Sodomy and Related Offenses" quoted extensively from Kinsey's *Male* volume, with 19 of the 21 quotations in "Frequency of Sexual Deviation" taken from Kinsey. *His sex science data on sodomy are the only ones cited.*

The ALIMPC writers quoted Kinsey's junk science in order to overthrow the Judeo-Christian sexual morality of *The Greatest Generation* and replace it with Kinsey's ideology of sexual anarchy. Kinsey falsely stated in his 1948 book (quoted in the ALIMPC) that 72% of males practice oral sex, 40-50% of farm boys have sex with animals, and that "37% of the total male population has at least some overt homosexual experience to the point of orgasm between adolescence and old age. This accounts for nearly 2 males out of every 5 that one may meet."

And where did Kinsey get these "data" that the illustrious Model Penal Code authors and six U.S. Supreme Court justices so willingly took at face value? It turns out that Kinsey, famed for his sexual "statistics," knew *nothing* about statistics, simply making up what he needed, while passing his young boyfriend off as his "statistician."

In fact, roughly 86% of Kinsey's total male subjects were sexually, criminally or mentally aberrant. For example, Wardell Pomeroy, co-author (with Kinsey) of the

Male volume, stated:

"By the end of 1940 [Kinsey] had recorded more than 450 homosexual histories . . . His Chicago and St. Louis contacts began to spread . . . like the branches of a tree. With 700 histories recorded at this point, his tabulations, curves and correlation charts began to be impressive . . . In autumn of 1940 he describes his prison work: 'I have 1,10 histories from inmates there and can get as many hundreds more as I want.'"

Moreover, the Court's reliance on foreign laws to justify its demolishing our own laws had roots in the 1955 ALIMPC's citation of "Foreign Countries" (p. 162). Among many other ALIMPC references to experts who relied on Kinsey we find an emergent plea to replace the penitentiary with psychotherapy.

Kennedy also stated, for the Court:

"In 1961 Illinois changed its laws to conform to the Model Penal Code. Other States soon followed . . . The sweeping references by Chief Justice Burger to the history of Western civilization and to Judeo-Christian moral and ethical standards *did not take* account of other authorities pointing in an opposite direction. A committee advising the British Parliament recommended in 1957 repeal of laws punishing homosexual conduct. The Wolfenden Report . . . Parliament enacted the substance of those recommendations 10 years later." [Emphasis added.]



Alfred Charles Kinsey (1894-1956)

Kinsey Institute researcher William Simon confirmed

"Kinsey interviewed 18,000 people and used only a quarter of the cases in his two reports,"

meaning data

from only about 4,500 total males and females were actually used for the Kinsey studies. W. Allen Wallis, University of Chicago statistician and former president of the American Statistical Association, said Kinsey's data reveal he did not report on those he said he interviewed. Simon's admission that Kinsey *secretly dumped*

three-quarters of his data coincides with the admission by Kinsey co-author and bogus statistician Clyde Martin. In a private letter (dated Dec. 13, 1990) to Kinsey Institute Director June Reinisch, Martin confessed that criminals and homosexuals and other atypical men were mislabeled in Kinsey's alleged "report" as representing the sexual behavior of your average "human male." Thus, aberrant men were the ALIMPC statistics that changed American sex laws.

Kinsey made a hush-hush trip to England to serve as sex science advisor for the *Wolfenden Report* (even though he is absent from the Wolfenden "Witnesses" list), which extolled *The Kinsey Reports* on its book jacket and quoted his false homosexual data throughout. The ALIMPC and Wolfenden were the key sex/sodomy authorities that Kennedy cited for the Court.

Justice Scalia noted the importance of the ALIMPC: "In relying, for evidence of an 'emerging recognition,' upon the American Law Institute's 1955 recommendation not to criminalize 'consensual sexual relations conducted in private,' ante, at 11, the Court ignores the fact that this recommendation was 'a point of resistance in most of the states that considered adopting the Model Penal Code.'"

The Court needs to revisit this decision in the light of new facts displacing our ignorance: the knowledge that a duplicitous sexual deviant was the primary source used by the United States Supreme Court as their "sex science" authority in *Lawrence v. Texas*.

Jonathan Gathorne-Hardy, one of Kinsey's recent hagiographers, writes in *Sex, The Measure of All Things* (1998) that "The American Law Institute's Model Penal Code of 1955 is virtually a Kinsey document!"

Dr. Reisman is the author of *Kinsey: Crimes and Consequences*.

