



RAPE SHIELD LAWS: NAMING NAMES

Jedidiah Sorokin-Altman

Mr. Sorokin-Altman is a senior at the College, majoring in Government with a concentration in Political Theory/Public Law. In addition to being an Executive Editor for the Law Journal, he serves as the President of the Dartmouth Civil Liberties Union and holds a seat on the Board of Directors of the New Hampshire Civil Liberties Union. The article published here was written for Professor Carol Bohmer's Gender and Law course in the summer of 2004.

I. Introduction

On July 4, 2003, an Eagle County, Colorado sheriff issued a warrant for NBA player Kobe Bryant, alleging that he had raped a 19-year-old clerk at a Lodge & Spa in Cordillera, Colorado.¹ This set off an onslaught of national media coverage that began when Bryant was arrested and continued on past the dismissal of the case, on September 1, 2004. Despite the best efforts of the trial judge, Judge Frederick Gannett, and a July 19, 2004 ruling by the Colorado Supreme Court upholding the gag rule Judge Gannett imposed, the alleged victim's name is hardly a secret.² Although major newspapers, newsmagazines, network TV news stations, and cable TV news stations have not reported her name, word-of-mouth spread the name around the alleged victim's hometown of Eagle, Colorado. Her name was later published in *The Globe* (a national tabloid) and splashed across the internet, readily accessible to a Google search.³

Such intensive press coverage can intimidate women into not reporting rape, an already drastically underreported crime. According to the FBI's Uniform Crime Reports, sexual assault statistics are disproportionately low due to:

fear of court harassment and embarrassing publicity... the victim who fears that her past sexual activities may be exposed in public is less likely to report her rape and pursue prosecution.⁴

In the 1970s, this fear of stigmatization, harassment (both in and out of court) and other well known inequities of rape law were directly confronted by legal reformers.⁵ Following public protests and exposure of these problems, many states enacted judicial reforms.⁶ These included revising rape statutes to be gender neutral, dividing the overall offense of sexual battery into separate charges, stopping the previous practice of judges instructing juries that alleged rape victims' testimony should receive special scrutiny, requiring that victims "resist to the utmost" for the crime to qualify as rape, and instituting rape shield laws that barred the alleged victim's name from being published and stopped prior sexual history from being explored on the stand.⁷ Rape shield laws were particularly popular nationally and most states instituted them in some form.⁸ Despite near universal acknowledgement that rape shield laws were intended to combat a serious and real problem, crucial questions still linger as to the constitutionality of barring the publication of alleged victims names while still allowing

the names of those accused to be published, as well as questions as to whether doing so is a matter of good policy. Upon evaluating the arguments of both sides, one must reluctantly conclude that rape shield laws are not constitutional, nor are they good policy.

II. Public Policy

A. Opposing Publication

There is a strong case to be made for barring the media from publishing the names of rape victims. In 1977, Justice Byron White wrote, "Short of homicide, [rape] is the 'ultimate violation of self.'"⁹ Judge Hutton, of the U.S. District Court for Eastern Pennsylvania, described rape as "a serious violation of a person's body as well as dignity; it's an event which stirs many different emotions. One of them certainly could be embarrassment."¹⁰ Rape may trigger others emotions as well. Some rape victims fear they will be treated as "damaged goods" or, worse, seen as "sluts" if their sexual history is questioned in court and exposed before the public eye.¹¹ Even with rape shield laws which, as Harvard Professor Deborah L. Rhode writes, "protect women from routine grilling in open court about all of their sexual history," it is more than common for defense attorneys to straddle the line between permissible and prohibited areas when cross-examining alleged victims.¹² There is a strong sense that rape victims are "raped twice", once by the assailant and again by the media.¹³ In her book, *Speaking of Sex: The Denial of Gender Inequality*, Professor Rhode cites a district attorney comments: "'Trash the victim' is the only real form of defense in a rape trial, no matter what the law says."¹⁴

According to an August 2002 report by the Department of Justice, most rapes and sexual assaults are not reported to the police.¹⁵ This study claims that sixty-three percent of completed rapes, sixty-five percent of attempted rapes, and seventy-four percent of completed and attempted sexual assaults on female victims are never reported to the police.¹⁶ The National Women's Study found that out of 4,008 adult American women surveyed, seventy-one percent would be "somewhat" or "extremely" concerned about their family knowing they were raped; sixty-nine percent would be "somewhat" or "extremely" concerned about people thinking they were at fault or responsible for being raped, and sixty-eight percent would be "somewhat" or "extremely" concerned about non-family members knowing they were raped.¹⁷ For the reasons above,

regardless of whether or not the law permits them to do so, the media has “almost unanimously agreed” to not identify the names of rape victims in their coverage, at least among the mainstream press.¹⁸ Ninety to ninety-five percent of news organizations have non-disclosure policies which state that rape victims’ names will not be published.¹⁹ Given the societal attitude towards rape, the personally invasive nature of the crime, and the compelling state interest to increase the reporting of rape crimes, it is clear that there is a significant State interest in keeping victims’ names secret.

B. In Support of Publication

There is; however, an equally compelling public policy argument to be made for allowing the media to report the name of alleged rape victims. According to the president of NBC News, Michael Gartner, “society’s incorrect impressions and stereotypes about rape can be eliminated if the press more fully informs viewers and readers about the key facts in a rape case including, in most circumstances, the rape victim’s name.”²⁰ The editor of the *Des Moines Register*, Geneva Overholser, takes the stance that by treating rape differently from other crimes, the media adds to rape’s stigma.²¹ Some argue that withholding victims’ names places them in a separate category from other violent crime victims, “perpetuating sexist stereotypes.”²² The former President of the National Organization for Women (NOW), Karen DeCrow, stated, “now is the time for us to understand that keeping the hunted under wraps merely establishes her as an outcast and implies that her chances for normal social relations are doomed forever more. Pull of the veil of shame. Print the name.”²³ Beyond educational benefit and the reduction of rape’s stigma, some journalists feel that a name would add credibility to the story.²⁴ Mr. Gartner wrote, “[t]he more we tell our viewers, the better informed they will be in making up their own minds about the issues involved.” We do not mean to be judgmental or to take sides; we are merely reporting what we have learned.”²⁵ Not in spite of the stigma rape carries, but because of it, there is a strong public policy argument to be made for publishing rape victims’ names.²⁶

By withholding these names, the media gives premature credence to the accusations, especially when the accused names’ are blared all over the media. Under the United States’ system of law, those accused are assumed innocent until proven otherwise. Printing the name of the alleged rapist but not that of the accuser can “[lead] the reader to conclude that the alleged victim was indeed a true victim and that the alleged rapist is guilty.”²⁷ Harvard Law Professor Alan Dershowitz argues that doing so undercuts “the spirit of the presumption of innocence.”²⁸ While rape is the most underreported crime, it does not mean that all reported instances of rape are true—there are many examples to the contrary.

Furthermore, in cases where allegations are false, publishing the name of the accuser can help to prove the innocence of the accused. Professor Dershowitz points to a case in which a man was put in jail and his name spread all over the media, once he was accused of rape, while the woman’s name was not published.²⁹ In this instance the woman had prior convictions that were public record: eleven false rape complaints in California, and additional false complaints in other jurisdictions.³⁰ If she had not been convicted in California, there would have been no way for the defendant to find out

this information without the accuser’s name being published.³¹ Publishing the accuser’s name allows for people to come forward and submit any false rape complaints that the accuser has filed, just as publishing the name of the accused allows other women to step forward and present evidence that the accused also raped them. Serial liars can be caught with the same tool that captures serial rapists; the sword that is publicity should cut both ways.

III. Caselaw

The U.S. Supreme Court first examined the issue of identifying rape victims’ names in the 1975 case of *Cox Broadcasting Corporation v. Cohn*.³² The father of a deceased rape victim sued the Cox Broadcasting Corporation and others for invading the father’s privacy when the broadcasting company identified the rape victim during TV coverage of the rapists’ trial, in violation of a Georgia statute that prohibited the disclosure of rape victims’ names.³³ The reporter learned the name of the victim from examining the indictment, which was made available to him in the courtroom.³⁴ It was uncontested that the indictment was a public record available for inspection.³⁵

Surprisingly, the Court did not dismiss for lack of standing, even though the father was suing on his own behalf based on the public disclosure of his daughter’s name. The Court rejected Georgia’s contention that due to the compelling state interest involved in protecting victims’ privacy, the statute was a “legitimate limitation on the right of freedom of expression contained in the First Amendment.” Instead, the Court held that due to the First and Fourteenth Amendments, the State cannot prohibit the publication of a rape victim’s name when it is obtained from judicial records, that are themselves open to public scrutiny.³⁶ The Court acknowledged that the State of Georgia made a strong and powerful argument that there is a “zone of privacy surrounding every individual” and that it is “a zone within which the State may protect him [the individual] from intrusion from the press, with all its attendant publicity,” but in the end, the Court found that publishing truth that was already available in a judicial proceeding was not punishable. Justice White’s decision for the Court stated,

We are reluctant to embark on a course that would make public records generally available to the media, but forbid their publication if offensive to the sensibilities of the supposed reasonable man. Such a rule would make it very difficult for the media to inform citizens about the public business and yet stay within the law. It would invite timidity and self-censorship and very likely lead to the suppression of many items that would otherwise be published and should be made available to the public.³⁷

The potential chilling effects and the prior restraint aspect of Georgia’s law were two important factors that led the Court to strike down the law as unconstitutional.

Seven years after the Supreme Court’s ruling in *Cox*, in 1982, the Michigan Court of Appeals issued a ruling in the case of *In re Midland Pub. Co. Inc.*³⁸ In this case, a newspaper publisher filed suit seeking to vacate judicial suppression orders in “certain sexual conduct cases.”³⁹ The court found that the suppression orders at issue did not apply to the media, and thus were not constitutionally prohibited prior restraints.⁴⁰

Instead, the suppression orders were geared towards court personnel to prevent “public disclosure of the official files.”⁴¹ The court found no restraint against media publication because the statute has no sanctions against “non-parties publishing information, no matter how acquired.”⁴² Essentially, although the statute, as written, appeared to potentially apply to newsgathering organizations and reporters, the court examined the manner in which it was actually applied, and found that it met constitutional muster because “the judges of the 75th Judicial District have, through their attorney, claimed no power to gag or discipline the press, and have, in fact, acknowledged that the statute confers no such power upon them.”⁴³

One year after *In re Midland*, the District Court of Appeals in Florida’s Second District, issued its opinion in *Doe v. Sarasota-Bradenton Florida Television Co., Inc.*, in which a rape victim filed suit against a TV station for violating a Florida statute that made it illegal to broadcast identifying information about sexual offense victims.⁴⁴ Judge Campbell’s majority opinion held that it was proper for the district court to dismiss the case because the TV station had lawfully obtained the victim’s name through the public trial; moreover, the statute was inapplicable to the facts of the case because the information (the victim’s name) was already available to the public.⁴⁵ The court left open the option (and hinted that they would allow) of applying the statute to news organizations that published identifying information about sexual offense victims when the information was not yet available for public inspection through prior judicial proceedings or other places.⁴⁶ The court was sensitive to the needs and desires of rape victims, chastising the TV station:

Although we affirm the trial court in all respects, we do so reluctantly because the information disclosed during the television broadcast appears to us to have been completely unnecessary to the story being presented. Withholding the name and photograph of the victim in this case would in no way have interfered with or restricted publication and dissemination of ‘news of the day.’

... We deplore the lack of sensitivity to the rights of others that is sometimes displayed by such unfettered exercise of first amendment rights. While we shall remain ever attentive to protect inviolate these first amendment rights, we do so with the admonition that these rights should not be arbitrarily exercised when unnecessary and detrimental to the rights of others. To do so only reminds us of the proverbial bull in the china shop. We hasten to add that we fully recognize that the appellee here did no legal wrong nor any other conscious or deliberate impropriety, although its actions may have been insensitive. Nevertheless, it is that very lack of any sense of duty to the individual rights of others that concerns us here. Prior to this trial, appellant was simply an ordinary citizen; she lacked fame and prominence, the nature of which might make the publication of her name and visual image newsworthy, but she had the unhappy circumstance of becoming a victim of a crime. The publication added little or nothing to the sordid and unhappy story; yet, that brief little-or-nothing addition may well affect appellant’s well-being for years to come.⁴⁷

Clearly the court found little or no merit to the arguments in favor of publishing victim names; it neglected to consider the possibility that it combats stigma and serial liars. However, regardless of its obvious disapproval of the appellee’s actions, the court found the lower court’s dismissal to be proper.

A case similar to *Doe v. Sarasota* was debated by the Fifth Circuit Court of Appeals in 1989, in *Ross v. Midwest Communications Inc.*⁴⁸ In this case, a rape victim filed a suit claiming that a documentary broadcast by a TV station violated her privacy, but the court found that the reported details were newsworthy details “of legitimate public concern.”⁴⁹ The court found that the use of the victim’s actual first name in the documentary, as well as showing an actual photo of her house, were of “unique importance to the credibility and persuasive force of the story.”⁵⁰ The court rejected Ross’s claim that the rape details were “private facts”, arguing that the details were a legitimate matter of public concern and “‘intriguing’ to a concerned public,” particularly because the documentary focused on “the disclosure of the uncontested, rather than the disputed, details of her rape.”⁵¹ The court did state that their holding was narrow, and that it leaves open the possibility of allowing suits when the rape victim’s name is not as crucial to the story as it was here; it further hinted that the legislature could make state records confidential and punish those who steal them.⁵²

Also in 1989, was the key Supreme Court case of *The Florida Star v. B.J.F.*, the most recent Supreme Court decision to address the issue.⁵³ A rape victim filed suit against *The Florida Star* for publishing her name, which it had obtained legally from a publicly released police report.⁵⁴ The report had been placed in the Sheriff Department’s press room, a room where records were open to the public.⁵⁵ A reporter-trainee had copied the police report word-for-word, and it was then accidentally printed in the newspaper’s “Police Reports” story. At the district court level, B.J.F. was awarded compensatory and punitive damages. The Supreme Court reversed this decision, based on a doctrine established in *Smith v. Daily Mail Publishing Co.* in which the court found that “if a newspaper lawfully obtains truthful information about a matter of public significance then state officials may not constitutionally punish publication of the information, absent a need to further a state interest of the highest order.”⁵⁶ Writing for the majority in *Florida Star*, Justice Thurgood Marshall found that the principle from the *Daily Mail* decision required a reversal of the trial court’s ruling that the statute was constitutional.⁵⁷ Justice Marshall rested his judgment on the fact that *The Florida Star* “lawfully obtain[ed] truthful information,” and that imposing liability on the Star does not serve “a need to further a state interest of the highest order.”⁵⁸ While Justice Marshall acknowledged that “the interests in protecting the privacy and safety of sexual assault victims and in encouraging them to report offenses without fear of exposure are highly significant,” he found nonetheless that, “imposing liability on the Star in this case is too precipitous a means of advancing those interests...[s]elf-censorship is especially likely to result from imposition of liability when a newspaper gains access to the information from a government news release.”⁵⁹

Not every subsequent shield law case adhered to the Court’s ruling in *The Florida Star*. In *Dorman v. Aiken Communications, Inc.*, the Supreme Court of South Carolina ruled on a criminal statute that prohibited publication of the

names of sexual assault victims.⁶⁰ The court found that the statute was sufficiently broad to cover publication by non-print means and thus did not violate the newspaper's equal protection rights, and that the statute was not unconstitutional on its face.⁶¹ The Court did find that the statute created no private right of action—only the State could bring an action under the statute—and thus reversed the case in part and remanded it to the lower court. The decision clearly sent a message that criminally prosecuting the newspaper would have been acceptable, despite the Supreme Court's ruling the previous year in *The Florida Star*.⁶² The court got around *The Florida Star* decision by making an argument that criminally punishing the releasing of rape victims' names is not prior restraint on the press because the statute does not restrain the dissemination of the information in advance, "rather, it seeks punishment *after* the matter is published. [emphasis in original]"⁶³ This legal sophistry appears to be unique to the Supreme Court of South Carolina; although there are still states that prohibit publishing names, they are generally based on the existence of sufficiently compelling state interests.

In *DOE v. Board of Regents of the University System of Georgia*, the Court of Appeals of Georgia found that a newspaper was entitled to release the university police report of an instance of sexual assault, but that Georgia's rape victim confidentiality statute prohibited publishing the name of the rape victim.⁶⁴ The court found that a report of a crime, whether false or true, is public record and subject to disclosure under Georgia's public records law.⁶⁵ On the other hand, the rape victim confidentiality statute "encourages reporting of rape and other sexual assaults so that they be investigated and perpetrators prosecuted," and that the statute "protects only name and identity of victim of rape or sexual assault with intent to rape, and does so only to [the] point where name or identity appears in open court record."⁶⁶ Essentially, the court found that the media has a right to access the state's records, but that the State of Georgia is not required to give the media the name of rape victims—an issue that went unaddressed in *The Florida Star*.⁶⁷

Returning to *People v. Bryant*, the Colorado Supreme Court issued an *En Banc* ruling on July 19, 2004, addressing erroneous release of a trial transcript by court personnel.⁶⁸ The court found that the order prohibiting publication of the transcripts was a form of prior restraint, but it was sufficiently narrow to be constitutional.⁶⁹ The court described rape as being,

among the most intimate and personal-devastating invasions a person may experience in his or her lifetimes. It typically produces emotionally-destructive reverberations for the victim and the

victim's family long after its occurrence. It can destroy the ability of a person to enjoy his or her sexuality with another.⁷⁰

The court continued, asserting that the Colorado statute

protects the sexual assault victim's privacy... keeps the evidence that is not material and relevant from being publicly reported in the future; and... serves the state's interest in prosecuting those accused of sexual assault and protecting the victims of sexual assault while affording defendants a fair opportunity to confront their accusers and hold prosecutors to the burden of proof at the public trial.⁷¹

Although the court acknowledged that the suppression order was a prior restraint of publication of lawfully obtained information, the court read *The Florida Star* as to allow such suppression if there is a sufficiently compelling state interest. Without prior restraint, they contended, harm would be "great and certain."⁷² This novel interpretation of *The Florida Star* certainly violates the spirit of the Supreme Court's ruling, if not the letter. A reading of *The Florida Star* implies that the Court rejected the protection of alleged rape victims as a state interest of the highest order. Nevertheless, it will be interesting to see how other courts deal with similar claims that are certain to follow.

IV. Conclusion

Prohibiting the publication of rape victim's names violates the Constitution and is poor public policy. Despite some contrary rulings such as *Dorman v. Aikens* and the recent *People v. Bryant*, it seems to be fairly clear-cut as a matter of law that publishing the lawfully obtained name of rape victims is constitutionally protected under the First and Fourteenth Amendment. The question of public policy is much less clear. On one hand, suppressing the victims' names can have certain beneficial effects, but those may be outweighed by its negative and far reaching side effects. The possibility of pre-supposed guilt of the accused gravely undermines the tradition and intent of our criminal justice system—first and foremost, the tradition of protecting criminal defendants and preserving presumption of innocence. Furthermore, the publication of victims' names may, at times, lead to the weeding out and discrediting of false accusations, which not only clog the judicial system, but also diminish, to some degree, the weight and credibility of other, valid claims. Considering the constitutional, policy, and moral arguments on both sides as well as the positive and negative consequences, sound judgment dictates the need to allow the publication of alleged rape victims' names.

Endnotes

- 1 TheDenverChannel.com. "Kobe Bryant Trial: A Chronology of Kobe Bryant Case." Web. www.thedenverchannel.com/kobebryanttrial/2544169/detail.html.
- 2 Haddock, Vicki. "Kobe Bryant's Nameless Accuser: Why Should We Even Pretend We're Protecting the Privacy of the Woman Who Says the Basketball Star Raped Her?" *San Francisco Chronicle*. 22 Aug. 2004, E1.
- 3 Ibid.
- 4 *People v. Bryant*, No. 04SA200, Colo. S.Ct. (2004).

- 5 Lindgreen, J. Ralph and Nadine Taub, *The Law of Sex Discrimination* (St. Paul: West Publishing Company, 1993), p. 480.
- 6 Scheb, John M. and John M. Scheb II, *Criminal Law and Procedure* (St. Paul: West Publishing Co., 1994), pp. 136-137.
- 7 Ibid.
- 8 Estrich, Susan, *Real Rape: How the Legal System Victimized Women Who Say No* (Cambridge: Harvard University Press, 1987), p. 80.
- 9 *Coker v. Georgia*, 433 U.S. 584, 597 (1977) (opinion of White, J.).

- 10 *Doe v. National R.R. Passenger Corp.*, 1997 WL 116979, E.D.Pa. (1997).
- 11 Lewin, Tamar, "Rape and the Accuser: The Debate Still Rages on Citing Sexual Past," *New York Times*, 12 February 1993, p. B16.
- 12 Rhode, Deborah L., *Speaking of Sex: The Denial of Gender Inequality* (Cambridge: Harvard University Press, 1997), p. 126.
- 13 Carmody, Deirdre, "News Media's Use of Accuser's Name is Debated," *New York Times*, 18 April 1991, p. A22.
- 14 Rhode, p. 126.
- 15 U.S. Department of Justice, Bureau of Justice Statistics, Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000. (Aug. 2002).
- 16 Ibid.
- 17 Denno, Deborah W., "Perspectives on Disclosing Rape Victims' Names," 61 *Fordham L. Rev.* 1113 (1993).
- 18 Denno, citing National Victim Center and Crime Victims Research and Treatment Center, "Rape in America: A Report to the Nation," 23 April 1992.
- 19 Denno.
- 20 Denno, citing Michael Gartner, "Naming Rape Victims: Usually, There Are Good Reasons to Do It," *USA Today*, 22 April 1991, p. 6A.
- 21 Denno, citing James Warren, "Naming Rape Victims a Debate for Media," *Chicago Tribune*, 18 April 1991, p. 1.
- 22 Denno.
- 23 Denno, citing Karen DeCrow, "Stop Treating Rape Victims as Pariahs; Print Names," *USA Today*, 4 April 1990, p. 8A.
- 24 Denno.
- 25 Denno, quoting Gartner.
- 26 As a side note, withholding the names of rape accusations, in some instances, led to police departments not disclosing instances of rape in their towns. In Buffalo, N.Y., eleven rapes of young (9-16) females went unreported in between February 1990 through May 1991, and in Somerville, MA, a similar policy was discovered in 1990/1991. Authorities in both cities claimed that this was intended to protect the privacy of rape victims, but by not publicizing this information, it denied "potential rape victims [the] information necessary to protect themselves from serial rapists." See Dershowitz, Alan M., "Accuser's Identity Should Be Reported," *Contrary to Popular Opinion* (New York: Pharos Books, 1992), pp. 301-302.
- 27 Dershowitz, Alan M., "Should Rape Victims' Names Be Published?" *Contrary to Popular Opinion* (New York: Pharos Books, 1992), p. 280.
- 28 Ibid, p. 280.
- 29 Dershowitz, Alan M., "Reasons to Publish Rape Victims' Names," *Contrary to Popular Opinion* (New York: Pharos Books, 1992), p. 282.
- 30 Ibid, p. 282.
- 31 Ibid, p. 282.
- 32 *Cox Broadcasting Corporation v. Cohn*, 95 S. Ct. 1029 (1975).
- 33 Ibid.
- 34 Ibid.
- 35 Ibid.
- 36 Ibid.
- 37 Ibid.
- 38 *In re Midland Pub. Co., Inc.*, 317 N.W.2d 284 (1982).
- 39 Ibid.
- 40 Ibid.
- 41 Ibid.
- 42 Ibid.
- 43 Ibid.
- 44 *Doe v. Sarasota-Bradenton Florida Television Co., Inc.*, 436 So.2d 328 (1983).
- 45 Ibid.
- 46 Ibid.
- 47 Ibid.
- 48 *Ross v. Midwest Communications, Inc.*, 870 F.2d 271 (1989).
- 49 Ibid.
- 50 Ibid.
- 51 Ibid.
- 52 Ibid.
- 53 *The Florida Star v. B.J.F.*, 109 S.Ct. 2603 (1989).
- 54 Ibid.
- 55 Ibid.
- 56 *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97 (1979).
- 57 *The Florida Star v. B.J.F.*, 109 S.Ct. 2603 (1989).
- 58 Ibid.
- 59 Ibid.
- 60 *Dorman v. Aiken Communications, Inc.*, 398 S.E.2d 687 (1990).
- 61 Ibid.
- 62 Ibid.
- 63 Ibid.
- 64 *Doe v. Board of Regents of the University System of Georgia*, 452 S.E.2d 776 (1994).
- 65 Ibid.
- 66 Ibid.
- 67 Ibid.
- 68 *People v. Bryant*, No. 04SA200, Colo. S.Ct. (2004).
- 69 Ibid.
- 70 Ibid.
- 71 Ibid.
- 72 Ibid.