

(a)(i), the victim was compelled to submit due to the use of force or threat of force or coercion. I think you and I would agree that if a man held a gun to a woman's head, ripped her clothes off and initiated sexual penetration that you would have rape whether or not she ever said the word "no".

SENATOR CHAMBERS: So then, accepting that, what would be wrong...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...and I'm kind of flying by the seat of my pants, so to speak, since those words in those upper sentences modify this, what would be wrong with putting the victim need not resist verbally or physically where it would be useless or futile to do so because of the...because of force or threat of force or coercion or something to make it clear what it is that makes it futile, not just her determining that...

SENATOR LANDIS: Um-hum.

SENATOR CHAMBERS: ...he's going to do this anyway so I don't need to say anything?

SENATOR LANDIS: For my purposes that's...that concept it seems to me is in the words useless or futile. I can understand why you would pursue that. I'm satisfied with this language. It doesn't mean that there aren't other ways of seeing the language. That's what I...that's the purpose I see in that language and that's the situ...that's a situation that I could describe for you as you asked...

SPEAKER WITHEM: Time.

SENATOR LANDIS: ...me where I think you wouldn't have to have verbal communication.

SPEAKER WITHEM: Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. Again, I want to express to Senator Landis that I did not want to imply or mean to imply that somehow he was not expressing what he knew to be accurate because I know that was the case. I did not know that the committee statement was flawed because the first thing I did was to look at it to see and I had asked David what the