

Institutional Barriers Revisited

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The weather, presidents, opinions all change.

Institutional barriers for rape victims – no change there – still intimidating and impenetrable. In the Spring 2004 Coalition Commentary, some institutional barriers facing rape victims were analyzed. It appeared Institutions were working to do better. Appearances can be deceiving.

The spring article looked at several highly-publicized sexual assault investigations that have taken place in the church, military and world of athletics. All have received intense media coverage and public scrutiny. Yet, as each has recently slipped out of the eye of the media hurricane. Little has changed in the method. Institutions still demean and dismiss rape victims in order to protect their own.

Though the public attention, the review boards and the policy changes seem to indicate a move toward sensitivity and victim's rights, the reality is that victims are still being stonewalled by Institutions, rapists are still walking away free, leaders are still making excuses, accountability is still missing. The more things seem to change, the more entrenched they actually are. It remains difficult for the public to grasp the nature of sexual assault, the trauma suffered by victims, the hurt and isolation caused by institutional barriers.

Athletics

Nine allegations of rape, a reported intimidation of a rape victim and a critical statement against a former female player weren't enough for the University of Colorado to change the leader of its football team. Following a four-month suspension while the school investigated the sexual assault scandal, the University reinstated head coach Gary Barnett.

This reinstatement disempowers female students across the Colorado campus and beyond. It has contributed to a campus atmosphere so poisonous toward victims that the director of the campus rape and gender education program and the director of the victim assistance program resigned. In an additional rebuff to victims, Colorado's Attorney General Ken Salazar announced in May that no charges would be filed in the nine athlete sexual assault cases dating back to 1997. The failure to prosecute these crimes reinforces the difficulty of getting rape taken seriously on a college campus. It undermines victim reporting and reinforces the message that athletes can rape with impunity.

And, as always, those in power get to define the issue. Coach Barnett, party to the long coverup of sexual assaults by his team members, gets to comment on the assaults. In an interview with ESPN, Barnett said, "Rape is a very, very serious crime. And people who commit that crime need to be punished and they need to be punished quickly. There needs to be justice done. Someone needs to pay if this has happened. The second thing that I want to say is this: There's been no one charged; there hasn't been a name come out. We've had two prosecutors. We've had a special prosecutor of the state's attorney general. We've had our own county prosecutor who is a sexual assault specialist and no one has had a charge. And those people are paid to do a job, and they do their job very well." The message is clear: No one has been prosecuted, so no one was raped.

How can rape victims expect to be treated fairly and sensitively when victims are disbelieved and charges are not filed? If acquaintance rape on college campuses is to be taken seriously, the administration must hand out severe punishment for campus leaders that disregard sexual violence. Instead, a green light has been given to perpetrators on the Colorado campus, and a bright red light is flashing for victims who consider reporting.

There is hope that some universities are trying to do better.

The men's and women's basketball coaches at La Salle University in Philadelphia were forced to resign after it was revealed they botched two

separate on-campus rape allegations involving three men's players in the past two years. The coaches, Billy Hahn and John Miller, were placed on administrative leave and then resigned in July.

"When it comes to the safety of our students and our community, there is no room for personal interpretation of our rules," said Brother Michael J.

McGinniss, the school's president, during a news conference.

In June 2004, men's players Gary Neal and Michael Cleaves were charged with raping a 19-year-old girl who was on campus working a basketball camp run by Miller. Neal and Cleaves turned themselves into police. The charges helped bring forward a second allegation of rape against a men's team member.

In April 2003, the coaches reportedly discouraged a women's team member from reporting that a member of the men's team raped her.

While the University's actions should be lauded, the fact that the coaches, who were the first to interact with one victim, did not offer the same support is trouble. Coaches must be better educated in dealing with victims. Universities must not tolerate insensitivity toward rape victims. LaSalle's case, which has received very little media attention, must become the norm instead of the lack of accountability shown by the University of Colorado.

The Judicial System

Studies show that many rapes are never reported. The victim in the Kobe Bryant case can understand why many choose not to report. The judicial system certainly has not respected or protected her. It's eliminated her protection under the rape shield law. It released "sealed" information twice to multiple news organizations by "mistake." After the state Supreme Court ruled that once in the media's hands the information could not be sealed, the information was published across the a variety of media and led to vast discussion on the case and invasion of the victim's privacy. Additionally, the court has twice "mistakenly" posted her name in documents on the court's website. All of these transgressions have come after three people were arrested for threatening to kill the victim. The

judge has apologized to the victim for the mistakes, but words can not take away the trauma caused by the system's errors. An apology certainly doesn't make other victims confident that the judicial system will protect their privacy and safety. The courts must work harder to protect victims.

Church

The Catholic Church talks a good game, but its lawyers are still playing hardball with sexual abuse victims.

The Archdiocese of Portland filed bankruptcy in July to avoid paying victims of sexually abusive churches. The diocese has paid \$53 million to settle 130 abuse cases, but 60 more lawsuits await settlement.

The Diocese claims it only has \$50 million in remaining assets because its 124 parishes control the remaining funds. It's a technique that has been used by major corporations like Texaco and Dow Corning. It's a technique used to intimidate those bringing forward lawsuits. It's a technique that already has rewarded the Church in the trial of former priest Maurice Grammond, who is accused of molesting more than 60 boys during the 1980s. That case has been brought to a standstill by the bankruptcy strategy. It's a strategy that is meant to help the Institution at the expense of the victims harmed by the Institution.

The Portland Diocese controls 124 parishes, two universities, 52 schools and nine hospitals, but still claims it has less than \$50 million. The Diocese has admitted that this tally of assets doesn't include an investment account of almost \$100 million that it says is delegated to special purposes. Lawyers for the victims believe the true assets of the diocese reach almost \$1 billion.

The Portland diocese argues that the assets of its parishes and other entities aren't under its direct control. If the court rules that the parishes and such are under control, which many legal experts expect the court to do, the diocese has said it will appeal. An appeal will likely send the case into years of courtroom struggles. Years of continued trauma for victims abused by priests. Years of delay. Years of forcing victims to accept compromise in order to move forward.

Years of telling victims that haven't come forward that this is the legal hardball they will encounter if they speak up. Sympathy no. Difficulty yes.

Portland isn't alone in lining up legal hurdles.

The Archdioceses of St. Louis, Belleville and Dallas are all bouncing around the responsibility in a case involving former priest Kenneth Roberts and an Illinois man he is accused of abusing in 1984. The St. Louis and Dallas churches have filed motions objecting to the case being filed in Illinois. The Dioceses have argued they don't do business in Illinois. The Belleville Diocese has filed motions saying that Roberts was under the employment of the Dallas diocese at the time of the abuse. The St. Louis diocese has said Roberts was under the direction of the Dallas diocese but had permission to serve as a priest in the St. Louis area from 1968-1994.

For the victim, this legal hot-potato act adds to the trauma. Instead of resolution, the case drags on and the Institution refuses to take responsibility for resolution. Is this the method of conciliation that the U.S. Conference of Catholic Bishops portrayed when it unveiled its Charter to Protect Children? Is this the helpful, victim-focused, compassionate image, Bishop Wilton Gregory portrays when meeting with the media?

The Military

The Air Force Academy rape scandal was a media darling. Cadets alleged 163 allegations of sexual assault from 1994-2004. A confidential survey that reported 1 in 5 female Air Force Academy cadets were raped. But after the public eye looked away and the review boards left, the only cadet charged with rape during the highly-publicized scandal received little punishment. Douglas Meester had been charged with raping a highly-intoxicated freshman female cadet in 2002. The charges were dismissed after Meester pled guilty to conduct unbecoming an officer, dereliction of duty and committing an indecent act. In July, he received a written reprimand and was fined \$2,000. He wasn't expelled. The victim left the academy in 2002 and in a videotaped statement shown to the

court, explained that she is suffering from anxiety and has undergone extensive counseling. A reason for accepting the plea bargain was not to put the victim through any more trauma.

The Academy should focus its efforts on preventing attacks and eliminating its rape-friendly culture instead of working a plea bargain for the only cadet brought up on charges.

The Air Force isn't alone in its heel-dragging response to rape. In May, the U.S. military released a Report of the Department of Defense Task Force on the Care of Sexual Assault Victims. This report confirmed the Pentagon's unwillingness to guarantee confidentiality to victims, help to victims, inability to track trends or numbers of victims and a general lack of urgency in the defense department's response to victims.

The report recommended several changes, but it entirely neglected the immediate needs of victims including rape evidence kits, testing supplies for HIV or pregnancy, medication, victim advocates and other support mechanisms. The recommendations also fail drastically in not outlining a policy of confidentiality to ensure victims the support they need. Nor do they establish a headquarters program manager and chain of command for victim advocates and victim service specialists serving in the military.

Conclusion

The media firestorm of sexual assault coverage has created tremendous educational opportunities for rape victim advocates. It's an opportunity that many have leveraged into speaking engagements and educational presentations. At the local level, one-by-one, advocates have new appointments to make a difference in the local church, courthouse, school or college. Yet, at the national level, Institutions have been painfully slow to incorporate a new environment. Institutions must reverse this glacial pace and advocates must not let them forget.