

# Institutional barriers stand tall

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Despite all these years of protests and outcries, they still stand tall and strong, invisible to most, impenetrable by the few who assail them. They are the institutional barriers designed to stop rape victims from speaking out, from receiving justice. They are the long-established forces built up to oppose those who attempt to speak about rape. And they are part of the fabric of every major male-dominated institution in America - the church, the military, the schools, the culture.

In 2004, the balance of power between men and women still favors men. Men earn more money and possess more power. Men dominate in nearly every institution: business, politics, government, faith, arts, science and education. In nearly every field, every institution, men far outnumber women in leadership and/or ownership. This is sexism – alive and thriving.

A natural outcome of this imbalance is that the culture of most institutions embodies the deficiencies of the culture. Therefore, when sexual violence occurs in a dominant institution, the response to sexual harassment, abuse and assault is from a male perspective. That perspective trades off women and children's experiences of victimization against the male culture that minimizes, obscures or denies those experiences.

This perspective has been showcased in recent high-profile sexual assault/abuse scandals involving three major institutions: the church, the military and the sports world. In each instance, the institution's response mirrored the broader culture that oppresses women and children. The Institution responds to reports of sexual victimization in eerily similar fashion: the victim is met with denial, intimidation, retaliation and apathy.

## **What we know**

Our society's most revered institutions are plagued with incident after incident of abuse, particularly the abuse of women and youth. It's happening. It's real.

### **The Catholic Church**

- 4,392 priests abused 10,667 children sexually according to a study done by the John Jay College of Criminal Justice. More than 63 percent of the victims were abused more than once. Forty percent of the victims abuse spanned at least two years. A national study reported that most child offenders average at least 76 victims. Based on that research the number of victims could be closer to more than 330,000.
- All six dioceses in Illinois have reports of sexual abuse by priests.
- The Boston Archdiocese has paid more than \$85 million in settlements to the hundreds of victims of pedophile priests like John Geoghan and Paul Shanley.
- The Louisville Archdiocese has paid more than \$25 million in settlements to hundreds of victims of abusive priests.

### **Military**

- 163 allegations of sexual assault at the Air Force Academy between 1993 and April 2004, with 12 assaults reported in the past 12 months after the scandal was well publicized.
- In a confidential survey of Academy female cadets, 1 in 5 reported being sexually assaulted.
- In 2003, there were 80 reports of sexual misconduct by troops stationed in Iraq, Kuwait and Afghanistan.
- In 2002, 24 women at Sheppard Air Force Base in Texas sought services at the local rape crisis center after being sexually assaulted.
- Between 2001 and 2003 there were 92 accusations of rape involving Air Force personnel based in the Pacific.

### **Sports**

- 10 women have reported members of the University of Colorado football team raped them between 2001-2003.
- In 2004, Boulder County District Attorney testified in a Grand Jury hearing that the University of Colorado football team uses sex to lure recruits.
- Early in 2004, Dwayne Smith, the starting running back for the University of Wisconsin football team, and Marcus Vick, quarterback for Virginia Tech, were arrested on sexual assault charges.
- Los Angeles Lakers superstar Kobe Bryant is on trial for sexually assaulting a 19-year-old girl in June of 2003.

This is what is happening in America's sacred institutions - church, military and sports. The incidents are numerous. The victims are women and children. There is a pattern to the response. The pattern goes like this: there is denial instead of believing the victim, intimidation instead of cooperating with the victim and the criminal justice system, apologies instead of alliance, cover-ups instead of coming clean, apathy instead of action. It is a pattern the male-dominated Institutions don't change. A pattern that makes reporting rape by a member of an Institution difficult for a victim.

"It [reporting rapes at the Air Force Academy] is all the barriers rape victims face, but they are just heightened and intensified," said Anita Carpenter, Executive Director of the Indiana Coalition Against Sexual Assault, who served on the Independent Commission reviewing the sexual assault scandal at the United States Air Force Academy.

The Institution opposes the victim with its power, money and cultural setting.

"If you legally challenge an abusive cleric, it feels as though he is defended with such enormous resources," said David Clohessy, Executive Director of the Survivors Network of Abusive Priests (S.N.A.P.).

## **Denial**

In the wake of sexual assault/abuse reports, Institutions begin their defense with denial. It is the opening reaction, the initial barrier. In many cases, this is the hardest barrier to move.

Catholic Church leaders simply denied that the priests in question could commit sexual abuse. They denied that priests were pattern abusers. It is denial of this nature that helped enable serial abusers like Geoghan and Shanley to assault dozens of children. The Catholic Church hierarchy reinforced the denial-line, claiming the scandal was a creation of the United States media and that there were not incidents of sexual abuse by priests, certainly not a long history of abuse.

Similarly, within hours of being charged with sexually assaulting a young woman, Kobe Bryant held a major media event to deny that he raped her. He continually offered that he committed adultery, but not rape. His statement was replayed countless times, ingraining itself in the public's mind and casting doubt on the victim's report.

Colorado football coach Gary Barnett took the same path, disputing a police report that documented he told a rape victim he would support the player if charged. "As to the police report released earlier this evening, all I can say is that I believe there are some inaccuracies in the police report, otherwise I will address that in the future if it becomes appropriate," the coach said.

In a flagrant display of denial, Col. Sue Slavec, the Air Force Academy commander formerly in charge of cadet discipline, never saw a "true rape" during her time at the Academy but did see a "frat culture" that led to "nonconsensual activity."

This is one of the most dangerous things about Institutions; often the leaders are so steeped in denial that they cannot entertain the possibility of a rapist in their midst. Acknowledgment of the issue is a crucial step for Institutions and should replace denial as the first response. Education on this issue must start at the top of every Institution. The leaders need to model the proper response, because they set the tone for the culture in an Institution and the example for other Institutions members to follow.

Leaders who minimize a sexual assault victim's experience by denying that rape occurred fail in their role as a leader. The manager of a corporation, the commanding officer in a branch of the military, the coach of a football team has a duty to create an environment supportive of rape reports and protective of victims. Leaders provide victims with information on reporting to law enforcement and seeking services at rape crisis centers.

"It's got to come from the top. [Secretary of Defense Donald] Rumsfeld and [Air Force] Secretary [Dr. James] Roche have to say what we are doing isn't working. We've tried it and tried it and tried it and it's not working. It's going to have to come from the top because there still is very much a sense of not wanting females in the military. It's there much more than I thought it would be. The leadership is going to have to be the vehicle for change," Carpenter said.

When leaders engage in denial, other leaders in the Institution must demand that those in denial be removed. Col. Slavec was one of the four top officials replaced by the Academy in March of 2003. Coach Barnett is currently on administrative leave. Cardinal Bernard Law was forced to resign from the Boston Archdiocese.

## **Intimidation**

Intimidation is another institutional response to rape victims. There are few kind words for a victim. There are glares, blame, more assaults and open hostility. The intimidation tactics multiply the victim's burden.

At the Air Force Academy, victims who reported rapes were punished for minor rules violations and suffered continued harassment by other members of the corp. According to one victim, two cadets raped her in retaliation for reporting a rape by another cadet while attending the Academy's preparatory school. At the Academy, a major barrier to victims was that the cadets raping the female cadets were often their immediate supervisors.

"In the military structure you are supposed to go up the chain of command to report. When it's your commander assaulting you, there wasn't any way to

[report],” Carpenter said. “When they went outside of command, they would get hits, which are punishments. It was a double edged sword, they couldn’t report to command and they couldn’t report outside of command because there were repercussions for them and for their entire squad.”

At the University of Colorado, police reports stated that after a female trainer told Barnett she was raped by a player in 2001, he informed her that he would support the player “100 percent if she took this forward in the criminal process.” The victim did not report the charge.

Female placekicker Katie Hnida, who reports she was raped and sexually harassed while at Colorado, did not take her charges to Barnett. When questioned about the sexual harassment of Hnida, Barnett said, “she was awful [at kicking].” He later apologized for the dismissive statement, but the message was clear: if you’re any good at football, you won’t be raped.

The intimidation facing the victim in the Kobe Bryant case is unprecedented. The victim has been the target of countless threats, and three men have been arrested for threatening to kill her. Her mother recently pleaded to the court to begin the trial as soon as possible because of the harassment perpetrated against her daughter. But the court has yet to set a trial date.

The extensive coverage of the difficulties facing Bryant’s victim has already had a chilling effect on victims - no rapes were reported at the victim’s former college, the University of Northern Colorado, during the first three months of the 2003-04 school year. The university had 12 reported rapes during the same time period for in 2002-03 and 2001-02 school years.

“If I were a victim of sexual assault, and I heard and saw things going on in the media with Kobe Bryant, it would certainly make me think twice about reporting it,” University of Northern Colorado Police Chief Wendy Rich-Goldschmidt said in an interview with the Denver Post.

Institution leaders must stop circling the wagons and firing back at victims who report rape. They must stop playing the blame game. They must stop focusing on the victim’s past sexual history.

Intimidation reinforces denial. If they can get victims to shut up or disappear, the Institution can keep ignoring the violence. They need to examine the real harm done to victims with retaliatory remarks and accusations. When a victim reports rape, the Institution needs to help her report to law enforcement, help her find supportive services, protect her privacy, refrain from casting doubt on her credibility and provide for her safety in the classroom, sanctuary, playing field, locker room - any place within the Institution.

“The first step is to create a culture that enables a victim to speak up,” Clohessey said.

### **Cover-up**

Covering up sexual assault scandals is an art form at the Institutional level. To the victim the cover-up is another barrier in the search for justice.

The cover-up often starts with redirecting the attention onto the victim. At Colorado, most of Hnida’s former teammates have said they never witnessed her being harassed. At the Academy, former classmates and Academy officials have publicly discussed a victim’s past sexual history. And anyone who has a television or Internet access knows the personal history of the woman victimized Bryant.

Another stage of the cover-up is the showy, well-publicized review board to “investigate.”

The makeup of the review boards must be changed if there is to be a shift in the sexism engrained in these institutions. The Institution’s review boards are often peopled with apologists who lack knowledge about the impact of sexual assault and who may have current or previous alliances with the Institution.

“We have to remember that every single [Catholic Church] review board member is chosen by the bishop,” Clohessey said. “They often have impressive resumes, but are not very independent.”

The boards rarely include a victim organization or advocate. The Pentagon’s seven-person independent review board to investigate assaults in the

military included five people with ties to the military. The U.S. Conference of Catholic Bishop's national review board didn't include a single victim advocate. The board established to investigate the University of Colorado included a member who was a devout member of a conservative anti-feminist religious group founded by a former Colorado football coach. For real change, the review boards must be independent and be knowledgeable about sexual assault.

Another tactic in the review board strategy is to initiate multiple review boards.

The Air Force Academy has four boards investigating the abuse of female cadets. Problems with this approach include different powers for different boards, lack of cooperation and lack of power to implement change.

The Independent Commission investigating the Air Force Academy said, "The panel believes that the Air Force General Counsel (Mary Walker) attempted to shield Air Force Headquarters from public criticism by focusing exclusively on the events at the academy. ... Academy and Air Force leaders knew or should have known that this data was an unmistakable warning sign and quite possibly signaled an even larger crisis."

However, because the review is one of four, the Academy can choose to publicize and follow a more favorable review.

"I think that if there was a panel that gave them the changes they want, which isn't much, they would try to take them and put them in place," Carpenter said of the Academy. "They are doing these panels somewhat to placate the masses. ... They want to handle it internally."

Institutions also use the boards to deflect possible investigations by law enforcement. Rarely are sexual abusers linked to Institutions prosecuted. Priests, Air Force cadets, college football players rarely encounter the court system despite sexual abuse or assault reports. The review boards must no longer take the place of the judicial process.

"We know that crimes should be investigated by independent law enforcement professionals, not well meaning church volunteers," Clohessey said.

The U.S. Conference of Catholic Bishops formed a board that developed a plan to handle sexual abuse charges. However, before it could be put into effect, the Vatican removed many of the teeth that could bite offending priests. The Conference eventually produced a Charter to Protect Young People and Minors, and a review board monitored the Charter's implementation. But once again, it was a board without authority to force cooperation. After a yearlong review, the board produced a paper in 2004 that lauded the Church's implementation of the Charter. It produced this review without ever speaking to a victim and based it solely on information provided by the Catholic dioceses.

"Review boards often don't meet with victims. They get their information from the hierarchy that has something to cover-up. The information is often skewed," Clohessey said.

One accomplishment of the Catholic Church board was the selection of John Jay College to report on the charter's implementation. That report did point out flaws in the Charter's handling.

"The College hopes that this accounting will assist the Catholic Church in its efforts to understand the causes and context of the problem and the development of policies and practices that will prevent victimization of children in the future. We also encourage other institutions to engage in such studies to provide a better understanding of the problem of child sexual abuse," said Gerald W. Lynch, President of John Jay College, in a statement.

In its multiple board strategy, the University of Colorado refused to give information-gathering power to its public review board. The board has to ask people to hand over documents and other information. However, the university did give a two-person internal review board the ability to demand and receive all material it wanted from those involved in the incidents. That two-person board is currently refusing to share its findings with the more public board. The public board recently questioned why it exists.

It exists as a ploy.

Institutions need only one completely independent review board. The board should have all the power and cooperation it needs to investigate the

charges. Its membership should be independent of the Institution and familiar with the trauma associated with sexual assault. It should have the power to institute significant change and should not have formal or informal ties to the Institution.

Institutions must take the work of the review boards seriously. The recent scandals are not the first for these institutions. The Catholic Church and the Military bulldozed through sexual abuse scandals during the 1980s. Review boards affected little change. Hopefully, the Institutions will be serious about change this time.

## **Apologists**

Accusations against those associated with an Institution immediately spur “defenders” into action. The character witnesses often go beyond the official representatives of the Institutions to include the congregation, fans, boosters, alumni or other affiliates.

“There is an important but limited pool of people that will rush to the defense of an individual perpetrator. The pool of people that will rush and sometimes feverently to the defense of say a catholic priest for example is much, much bigger,” Clohessey said.

This is the broadest avenue in which to pursue and change. Educating the apologists and hoping they can begin to understand the effects of sexual assault on the victim is the only way to change this view. Changing the public’s knowledge on sexual assault issues is effective even if the Institution lags behind.

“Even if the hierarchy doesn’t change, if a Catholic parent doesn’t let Catholic kids stay overnight in the parish, the kids are safer. If a parent calls 911, instead of calling the Chancellery’s office, the kids will be safer,” Clohessey said. “We can’t minimize how helpful the progress in the secular realm can be.”

For those inside the Institution, mandatory sexual assault education classes should be held. Many universities hold classes of this nature for freshmen and coaches, and all athletes should be required to take part.

Transforming apologists for the Institution into allies of the victim requires leadership by the Institution. If the Institution leaders model respect and accountability, the faithful will follow.

“The easiest thing is to do nothing,” Clohessey said. “Unless there is constant pressure to make it work, constant pressure to weed out abusers, old habits die hard.”

Institutions must eliminate the barriers facing sexual assault victims. The Institutions will be better for treating all its members with equally and justly. The humane treatment of rape victims should become an institution in the Institution.