

Research Shows False Accusations Of Rape Common By [Glenn Sacks](#) (09/17/04) *Co-authored by Marc Angelucci and Glenn Sacks

Despite its many painful and unseemly aspects, the Kobe Bryant rape case and the media storm surrounding it have drawn attention to a severely neglected problem: false rape accusations.

In her recent "Daily Journal" column, high profile feminist professor Wendy Murphy dismisses the problem of false accusations as an "ugly myth," and calls for "boiling rage" activism to address what she perceives as the anti-woman bias of the criminal justice system. Like many victims' advocates, Murphy cannot seem to fathom the possibility that Bryant could be innocent. However, research shows that false allegations of rape are frighteningly common.

According to a nine-year study conducted by former Purdue sociologist Eugene J. Kanin, in over 40 percent of the cases reviewed, the complainants eventually admitted that no rape had occurred ("Archives of Sexual Behavior," Vol. 23, No. 1, 1994). Kanin also studied rape allegations in two large Midwestern universities and found that 50 percent of the allegations were recanted by the accuser.

Kanin found that most of the false accusers were motivated by a need for an alibi or a desire for revenge. Kanin was once well known and lauded by the feminist movement for his groundbreaking research on male sexual aggression. His studies on false rape accusations, however, received very little attention.

Kanin's findings are hardly unique. In 1985 the Air Force conducted a study of 556 rape accusations. Over one quarter of the accusers admitted, either just before they took a lie detector test or after they had failed it, that no rape occurred. A further investigation by independent reviewers found that 60 percent of the original rape allegations were false.

The most common reasons the women gave for falsely accusing rape were "spite or revenge," and to compensate for feelings of guilt or shame ("Forensic Science Digest," vol. 11. no. 4, December 1985).

A "Washington Post" investigation of rape reports in seven Virginia and Maryland counties in 1990 and 1991 found that nearly one in four were unfounded. When contacted by the Post, many of the alleged victims admitted that they had lied.

It is true, of course, that not every accuser who recants had accused falsely. But it is also true that some who do not recant were not telling the truth.

According to a 1996 Department of Justice Report, of the roughly 10,000 sexual assault cases analyzed with DNA evidence over the previous seven years, 2,000 excluded the

primary suspect, and another 2,000 were inconclusive. The report notes that these figures mirror an informal National Institute of Justice survey of private laboratories, and suggests that there exists "some strong, underlying systemic problems that generate erroneous accusations and convictions."

That false allegations are a major problem has been confirmed by several prominent prosecutors, including Linda Fairstein, who heads the New York County District Attorney's Sex Crimes Unit. Fairstein, the author of "Sexual Violence: Our War Against Rape," says, "there are about 4,000 reports of rape each year in Manhattan. Of these, about half simply did not happen."

Craig Silverman, a former Colorado prosecutor known for his zealous prosecution of rapists during his 16-year career, says that false rape accusations occur with "scary frequency." As a regular commentator on the Bryant trial for Denver's ABC affiliate, Silverman noted that "any honest veteran sex assault investigator will tell you that rape is one of the most falsely reported crimes." According to Silverman, a Denver sex-assault unit commander estimates that nearly half of all reported rape claims are false.

The media has largely ignored these studies and experts and has instead promoted the notion that only 2% of rape allegations are false. This figure was made famous by feminist Susan Brownmiller in her 1975 book "Against Our Will: Men, Women and Rape." Brownmiller was relaying the alleged comments of a New York judge concerning the rate of false rape accusations in a New York City police precinct in 1974.

A 1997 "Columbia Journalism Review" analysis of rape statistics noted that the 2% statistic is often falsely attributed to the Federal Bureau of Investigation, and has no clear and credible study to support it. The FBI's statistic for "unfounded" rape accusations is 9%, but this definition only includes cases where the accuser recants or the evidence contradicts her story. Instances where the case is dismissed for lack of evidence are not included in the "unfounded" category. Brownmiller's credibility can be assessed by her assertion in "Against Our Will" that rape is "nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear."

Murphy also contends that the criminal justice system is stacked against women, and that the law reform initiatives promoted during the past three decades have "failed to make a bit of difference in the justice system's handling of rape cases." In reality, feminist advocacy and the now ubiquitous rape-shield laws have made an enormous difference in the way the system treats rape cases.

Some of these changes have been fair, and have led to greater protections for rape victims. However, others have made it more difficult for men to defend themselves, with at times horrifying consequences for the accused.

For example, in December, the Arkansas Supreme Court denied an appeal by Ralph Taylor, who is serving a 13-year sentence for rape. The court held that evidence of the victim's alleged prior false allegations of rape was inadmissible because it was considered sexual conduct within the meaning of the state's rape shield statute. In that case, the defense proffered the testimony of two friends of the alleged victim, both of whom claimed that she had previously falsely accused another man of raping her. The court added that admitting such evidence could "inflame the jury."

In her book "Ceasefire: Why Women and Men Must Join Forces to Achieve True Equality, Boston Globe" columnist Cathy Young details numerous questionable rulings in which potentially innocent men were prevented from properly defending themselves by the rape shield laws which Murphy endorses.

One of these cases concerns an 18 year-old Wisconsin boy named Charles Steadman, who in 1993 was sentenced to eight years in prison for allegedly raping an older woman. Steadman was prohibited from revealing that his accuser was currently facing criminal charges of having sex with minors, and thus had an excellent reason to claim that the sex with Steadman was not consensual. Such evidence was deemed related to his accuser's sexual history and thus inadmissible.

In 1997, sportscaster Marv Albert was accused of assault and battery during a sexual encounter with a woman with whom he had had a 10-year sexual relationship. Albert sought to introduce evidence that his accuser, who had been in a mental hospital six weeks before the alleged assault, had previously made false accusations against men who had left her, as Albert, who was engaged to be married, was planning to do. Albert's offer of proof was denied, compromising his ability to defend himself. Facing a possible life sentence, he chose to plead guilty to misdemeanor assault.

Murphy's dogged attacks on Ruckriegle as a veritable "advocate for the accused" are also without foundation. Far from being a black robed patriarch in league with the defendant, Ruckriegle's rulings were reasonable and, if anything, minimalist. It is not the rulings but the reaction to them by victims' advocates and the media which are worrisome.

For example, Ruckriegle granted a defense motion that Bryant's accuser would not be referred to as "the

victim" in court. Such labeling, as opposed to "alleged victim" or "accuser," undermines the presumption of innocence. However, this motion was hotly contested by both the prosecution and by victims' rights organizations, which filed amicus briefs and complained that Ruckriegle's decision created an anti-woman double-standard.

Ruckriegle also allowed Bryant to introduce evidence that his accuser had had other sexual encounters in the 72 hours before her medical examination for the alleged assault. Bryant's defense team contended that the microscopic vaginal injuries the prosecution claimed were suffered in the alleged assault could instead have been the product of various consensual sexual encounters.

Media commentators labeled the 72 hour decision a "bombshell for prosecutors" that "threatens all women," and likened Ruckriegle to a man who has "tiptoed into a minefield."

Murphy is correct that rape is a horrible crime. But false accusations of rape are every bit as horrible. They are a form of psychological rape that can emotionally, socially, and economically destroy a person even if there is no conviction, especially for those of less fame and fortune than Bryant. The stigma attaches to the falsely accused for life. Few believe them and few care. Prosecutors systematically refuse to prosecute the perpetrators. And victims' advocates like Murphy refuse to see falsely accused men as victims, and instead work to minimize and conceal the problem.

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