

ALAN M. DERSHOWITZ / PRESUMED INNOCENT

# Rape 'victims' sometimes do lie

**A** recent conference about sexual harassment and rape, at which Anita Hill spoke, was titled "Women Tell The Truth."

Of course most women tell the truth, just as most men do. But some women lie, just as some men do.

That is why our legal system demands that all accusations of crime be subjected to the truth-testing mechanisms of confrontation, cross-examination and proof beyond a reasonable doubt.

Our legal system, unlike some others, prefers that 10 guilty go free rather than one innocent be wrongly convicted.

When it comes to the serious crime of rape, it appears that both men and women lie, exaggerate or misremember more often than with other — less emotionally charged — crimes.

According to FBI statistics, in 1990, 8.6 percent of all reported forcible rapes were "unfounded" as compared to a figure of 2.3 percent "unfounded" for all violent crime. The data for 1989 were similar.

Of course, "unfounded" doesn't necessarily mean fabricated, though a significant number of recent rape accusations have turned out to be made up.

Earlier this month, a Dedham, Mass., woman accused four men of rape. Several days later the charges were dropped because the accuser recanted when approached by the district attorney with inconsistent forensic evidence along with information that she had falsely accused other men.

The names of the falsely accused men were published in the press, but the false accuser's name has been withheld.

Last November, St. Paul, Minn., police determined that within one week, two reported rapes were false.

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In the first case a woman reported being abducted and raped by a man who hid in her car as she gave a talk to a chemical dependency treatment group at a local high school. When police checked the story, they found that the treatment group had never heard of her and that she didn't own a car.

In the second case, a 16-year-old girl claimed to have been abducted at a downtown bus stop, imprisoned in a closet and sexually assaulted by a man and his son over a 33-hour period. In reality, the woman had been seen with her boyfriend several times over the 33-hour period and had apparently been bruised by him.

In both cases the women gave police detailed descriptions of their attackers and in both cases the alleged assailants were black.

In Rhode Island, a college student reported that her former boyfriend raped her at gunpoint. She admitted that she made up the entire story after learning that the man she accused was 1,500 miles away at the time.

In New York, a woman who claimed she was raped at gunpoint

was arrested after it was discovered that she had filed 11 false reports of rape.

In Nebraska, a woman was required to broadcast an apology to a man she had falsely accused of raping her in order to "get the attention of her husband."

In Great Britain, a number of highly publicized rape accusations turned out to be false. In one case, a jilted nurse falsely accused her former lover of beating her and also falsely accused his best friend of raping her.

After analyzing several such cases, Angela Lambert, a British journalist, concluded that there are "plenty of reasons why a woman might falsely accuse a man of rape."

She went on to argue that "the belief that all women are truthful and all men are rapists does not prove us good feminists; quite the contrary. It reveals us as prejudiced, narrow-minded and as bigoted as any racist."

The tragic reality that rape is the most underreported of crimes must not blind us to the equally important reality that rape is also the most falsely reported of crimes.

Moreover, "acquaintance" or "date" rape is an area in which differing perceptions may produce inadvertently false testimony about actions that may well fall into the gray area between aggressive seduction and criminal sexual assault.

When it comes to sexual encounters, both men and women often "remember" events differently from what a videotape would show.

The truth-testing mechanisms of our criminal justice system must not be compromised in the service of some "politically correct" nonsense that when it comes to rape only women always tell the truth.

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