



# CMR Notes

ISSUE NO. 83

WWW.CMRLINK.ORG

AUGUST 2006

## How to Distinguish Truthful Allegations from False Ones

# SEX, LIES, AND RAPE

### STAGED SHAYS HEARING SCOLDS MILITARY ACADEMIES

On June 27 Elaine Donnelly and CMR Vice President Jack Yost attended and submitted a statement for the record of a hearing billed with the sensational title, “**Sexual Assault and Violence Against Women in the Military and the Academies.**”

The hearing took place before a **House Government Reform Subcommittee on National Security, Emerging Threats and International Relations**, chaired by **Christopher Shays** (R-CT). It was a stretch for Shays’ subcommittee to host a hearing on the issue, but an aggressive female Democrat, **Diane Farrell**, is challenging Republican Shays for the second time in the November election. The event, which was announced on Shays’ campaign website, appeared staged to showcase a star witness, former **Air Force Academy** cadet **Elizabeth L. (Beth) Davis**.

With Shays’ encouragement, Davis tearfully described sexual assaults and rapes she allegedly suffered at the Academy when she was a freshman. Davis said she was treated with callous indifference.

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For decades the military has managed positive social change faster and better than the civilian world. Progress on racial integration, for example, coincided with the needs of the military. Civil rights goals were advanced without the need to compromise standards or deny that standards had changed.

On the issue of harassment and violence against women, however, the military is losing its bearings and spinning off course. Policy makers are shell-shocked by incoming feminist fire. The condition suggests a new syndrome, “**Post-Feminist Guilt Disorder**” (PFGD) which deserves examination.

The effects of widespread PFGD are most apparent in the Pentagon and some educational institutions, particularly the **U.S. Naval Academy**. Affected officials have forgotten sound principles, and embraced questionable assumptions rooted in feminist ideology. An unfortunate pattern has emerged and become worse. Both men and women, who leaders say they are trying to help, are being demoralized or hurt. Why is this happening, and where will it end?

### *Men are from Mars - Women are “Victims”*

Sexual assaults occur in the military as well as the civilian world. There is nothing in civilian society, however, which duplicates the incomprehensible reaction of military officials who lose all perspective when dealing with this problem. Feeling personally guilty for past abuses of women, officials suffering from PFGD declare “zero tolerance” of all sexual assaults, while implementing questionable policies that depart from core military values.

PFGD first appeared in the aftermath of the 1991 **Tailhook** sex abuse scandal. Prosecutorial excesses traumatized the Navy for years.<sup>1</sup> It reappeared in 2003, when the **Air Force Academy** was rocked by highly publicized charges of sexual harassment, assault, and rape. Academy officials, and members of Congress who questioned them at hearings, seemed to forget basic principles of law, including the presumption of innocence.

Unnamed complainants are labeled “victims” even before legal proceedings determine that a crime has been committed. Publicly named men accused of

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## SEX, LIES, and RAPE (Continued from page 1)

misconduct are treated as “innocent until accused,” and are rarely given the benefit of the doubt.

Since 2003, Pentagon officials have conducted or evaluated seven major investigations of the Air Force Academy and similar sex scandals elsewhere. Talk to anyone involved with this issue, and you will be told that “*Rape is not about sex, it’s about power.*” Most people who repeat the mantra seem unaware that it is a misandrist (man-hating) cliché, derived from the writings of radical feminists such as **Andrea Dworkin**.

Believing that all men are potential rapists, Dworkin wrote “*Intercourse as an act often expresses the power men have over women.*” Seduction and rape are pretty much the same, she said, except that “*in seduction, the rapist often bothers to buy a bottle of wine.*”<sup>2</sup>

Dworkin died in 2005, but her peculiar attitude toward men still influences college women’s studies programs, where students are schooled in man-hating ideology. Woman-centered “victimology” has become a popular career field, and the Pentagon has become a growing “market.” Professional victimologists play on feelings of guilt about past abuses of women. Leveraging those feelings to gain power, prestige, and influence, they seek lucrative Defense Department grants for sensitivity training and victim advocate programs worldwide.<sup>3</sup>

Professional victim advocates have influenced many civilian institutions—not always in positive ways. Opportunities to control and undermine a male-dominated institution, however, are greatest and most worrisome in the regimented military, where everyone must follow orders.

The growing influence of professional victim advocates explains the inability of military officials to deal with sexual misconduct objectively. Instead, they issue periodic policy statements on sexual harassment and violence that frequently reflect discriminatory presumptions. In these directives accusations of sexual misconduct are considered always true, and “victims” earn that sympathetic label just by filing a complaint.

This is dangerous ground, full of emotional landmines that can explode at any time. The volatile situation heightens tensions between men and women, embarrasses the military, and demoralizes people of both sexes who expect consistency and honesty from their leaders.

It is important to discuss this issue objectively, and to help military leaders recover from Post-Feminist Guilt Disorder. Rehabilitation begins with rarely discussed information that feminist victimologists would like to censor completely.

### Victimology vs. Justice

It is a primary tenet of “feminist jurisprudence” that women never lie when complaining of sexual abuse. This delusion is as ludicrous as the notion that all women think alike.

Any man who states the obvious, however, puts his career at risk. Even liberal Law Professor **Alan Dershowitz** was accused of sexual harassment just for discussing in class the possibility of false rape allegations. In 1993 Dershowitz told author **David Horowitz** that he began videotaping classroom lectures on the subject for his own protection, and that other experts in the field stopped teaching rape law rather than take the risk.<sup>4</sup>

According to a report of the Defense Department Inspector General released in 2005, approximately **73%** of women and **72%** of men at the military service academies believe that false accusations of sexual assault are a problem. But military officials keep pretending that the problem does not exist.

### Untruths Without Consequences

**Linda Fairstein**, a former head of the sex-crimes unit of the Manhattan District Attorney’s office, has criticized the doctrinaire belief that women never lie. Writing in *Cosmopolitan* magazine, Fairstein quoted FBI statistics on unfounded claims of forcible rape. These reports, she wrote, occur at rates as high as **9%**, compared to between **1.5%** and **5%** of reports submitted in all other criminal categories. She continued,

*“Having worked in this field for decades, I’ve found this phenomenon especially painful to witness. Innocent men are arrested and even imprisoned as a result of bogus claims, and the precious resources of criminal justice agencies are wasted....[T]hese falsehoods trivialize the experience of every rape survivor.”<sup>5</sup>*

A June 3, 2004, *Washington Post* article titled “Sexual Assaults in Army on Rise” reported the results of a five year study of reports of abuse. The number of “unfounded” cases tripled from **48** to **157** between 1999 and 2003. An Army spokeswoman could not explain why. It is time to find out.

Every allegation is different, and appearances often deceive. Certain indicators should be investigated in order to separate truthful allegations from fabricated ones. Primary motives for false reports, which are not uncommon, include a) Jealousy or Revenge; b) Need for an Alibi; and c) Emotional Problems/Desire for Attention. None of these should be a surprise.

#### a) Jealousy or Revenge

The phrase “woman scorned” is more than a stereotype. Linda Fairstein described several cases in which women “cried rape” in order to have revenge on former lovers. One involved a secretary who accused her boss of assaulting her after hours. The tearful woman seemed very credible—at first—but the man told Fairstein an entirely different story.

His admitted affair with the accuser was documented with a paper trail of travel receipts over a period of two years. The alleged rape occurred on the night that he refused her demand to divorce his wife. When Fairstein confronted the accuser, she admitted to being so upset with her former lover that she wanted to make sure he lost both his job and his marriage.

Accusations motivated by revenge are not uncommon. In a study done in a small Midwestern city over a period of nine years, **Eugene J. Kanin, Ph.D.** found that **27%** of recanted allegations (12 of 45) were filed for purposes of revenge—usually after a real or perceived love affair ended.<sup>6</sup> Dr. Kanin added that because the suspect is always identified to authorities, revenge cases present the highest risk of a miscarriage of justice.

An average of **41%** of accusers over nine years (45 of 109) recanted allegations of rape, even when facing possible penalties for filing false police reports. These recantations did not follow prolonged periods of investigation or interrogations that victim advocates frequently describe as “second assaults.”<sup>7</sup>

Seeking more information on the phenomenon, Dr. Kanin

studied rape reports at two Midwestern universities over the course of three years. Counting only those allegations that were officially recanted by accusers, the study found a false allegation rate of **50%**. The police agency involved, headed by a female investigator, found that in this group revenge was the motive for **44%** of the recanted rape allegations.<sup>8</sup>

## **b) Need for an Alibi**

Sex crime investigator Fairstein compared alibi allegations to Pinocchio's nose—a white lie that grows and grows. She described, for example, a young woman who had traveled with a group and spent the night with a co-worker after drinking with him in the bar. She was not in her room to receive calls from her boyfriend, who instigated a search. This “victim” tearfully accused her co-worker of raping and restraining her in his room. The man was taken into custody, but a paper trail of receipts contradicted the woman's story. The accuser recanted, and investigators recommended psychiatric help for her.

In the military, one of the most egregious alibi allegations occurred in the aftermath of the Navy's infamous 1991 Tailhook scandal in Las Vegas. **Ensign Elizabeth Warnick**, known as “Belly Button Beth” because she allowed drunken aviators to drink tequila from her navel, accused two of her colleagues of gang-rape. Her accusations devastated the careers of the men, but Warnick admitted later that she had lied to mislead her boyfriend about her own behavior at Tailhook.

The Navy's failure to prosecute Warnick for her blatantly false allegation against male officers was an early example of “**Double Standards Involving Women**,” a phenomenon CMR identifies as **DSIW**. Policies based on DSIW hurt women by creating resentment and distrust. Women in the military are not responsible for DSIW, but they frequently get the blame.

## **c) Emotional Problems/Desire for Attention**

The May 2005 saga of “**Runaway Bride**” **Jennifer Wilbanks**, who fled her own lavish wedding and concocted a kidnapping story to explain her disappearance, demonstrates a syndrome psychologists call *pseudologia phantastica*.<sup>9</sup> The disorder, which is not limited to women or rape charges alone, requires identification and treatment, not unquestioning belief.

MSNBC commentator **Tucker Carlson** faced this problem in 2001. A woman he had never met claimed that he had drugged her at a Kentucky restaurant and sexually assaulted her with violence. Many sleepless nights and \$14,000 in legal fees later, the accuser dropped the charges. Carlson survived, but the lives of many men falsely accused never are the same.<sup>10</sup>

The military is not exempt from this unusual but disturbing behavior. At a recent Article 32 hearing to determine the need to court-martial **Spec. Cooper Jackson**, civilian **Ashley Elrod** testified that she made up a story about being raped by a Marine, **Cpl. Justin Huff**. Elrod told the lie to Spec. Jackson, who is accused of kidnapping and murdering Cpl. Huff, the alleged rapist. Spec. Jackson allegedly cut Cpl. Huff's throat and set him on fire. Under oath Ashley Elrod admitted making phone calls in which she lied to military men since she was 15 years old. “*I have low self-esteem*,” she said. “*I need someone to talk to.*” (*Navy Times*, June 26)

False rape accusations also have been filed to extort money from celebrities, to gain sole custody of children in divorce

cases, and even to escape military deployments to war zones. All of these possibilities and more must be objectively considered by investigators, without interference from victim advocates who wrongly insist that women can do no wrong.

## ***Objective Investigation of the Crime of Rape***

Rape investigations are inherently difficult. Sex crimes usually occur in private, with few witnesses. Alcohol dulls memories, and “he said, she said” stories are frequently inconsistent. At the military service academies, personal conduct rules that do not apply in the civilian world create a perverse incentive for alibi reports.

These factors can be mitigated when authorities apply the same investigative techniques that they do in other criminal cases. Visible clues and patterns of behavior help to distinguish truthful allegations from those that are false.

**Charles P. McDowell, Ph.D.**, of the U.S. Air Force Special Studies Division, has incurred the wrath of victim advocates by spotlighting the reality of false accusations. Writing in a publication of the U.S. Air Force Office of Special Investigations, McDowell notes that:

*“The ambiguity of many rape allegations is a genuine test of an investigator's ability; an inherent conflict arises between the investigator's obligation to accept the victim's complaint as legitimate and his obligation to remain open to the possibility that there may be a 'hidden agenda.' ”*<sup>11</sup>

McDowell recognizes that an investigator's questions can make a victim of assault feel wronged again. This is especially so when investigators who have been misled in the past betray suspicion when inquiring about sensitive, personal matters.

The only way to minimize that problem is to understand the dynamics of false rape allegations and, in the process, learn the hallmarks of truthful accusations. This effort is essential not only for women's sake, but to avoid grievous injustice to men who may be severely punished for crimes they did not commit.

Trained investigators recognize “shorthand” cues that are not infallible, but are useful in assessing the validity of complaints. They also recognize that self-esteem is a central feature of human personality. Some people who fail to live up to their own standards try to protect their self-image by denying wrongful acts or offering excuses. McDowell analyzes how some accusers use false accusations as defense mechanisms to protect self-esteem:

*“They do so by selectively 'forgetting' what happened, denying responsibility, projecting blame to someone (or something) else, overcompensating, or by seeking escape in a world of fantasy....When a person falsely claims to be the victim of a crime, an alternative reality is created. The focal point of that alternative reality becomes the crime itself, reducing the role of the "victim" to passive non-culpability.”* (pp. 59-60)

## ***Validating Accusations***

McDowell's article cites findings from a 1983 study of 556 rape investigations in which **27%** were found to be false. Noting certain characteristics that set the two groups apart,

McDowell explained factors that are sometimes but not always present when questionable allegations are made:

- Many people have no understanding of what real victimization actually entails. *"Their imperfect understanding of rape is often transparent, raising the suspicion of investigators who are sensitive to allegations that are either atypical or unrealistic."* (p. 61)
- Some individuals try to restore self-esteem and evade responsibility for their own behavior by fabricating claims of being *"lost, intoxicated, frightened, confused, or otherwise incapable of preventing their victimizations."* These stories are frequently rewarded with the *"protected status"* of *"victim,"* which enlists the support of friends and sympathetic advocates. (p. 61)
- Medical literature acknowledges that some patients make apparently credible but false complaints of physical ailments. False reports of rape, however, are sometimes bolstered by bizarre scenarios or self-inflicted injuries. Law enforcement people accustomed to seeing injuries are usually credulous, but they can recognize questionable characteristics. Self-inflicted wounds, for example, usually avoid sensitive areas or permanent disfigurement of the body. (62-63, 67)
- Seventy-five percent of *confirmed* rape victims in the study said they knew the assailant. About half of the *false* claims involved a non-existent stranger, with another third involving slight acquaintances. The essentially anonymous rapist effectively absolves the complainant of responsibility and affirms her innocence. An unsolvable case also shifts responsibility to the alleged offender and ultimately to the police.
- Genuine rape victims invariably are able to provide detailed descriptions of the rape. Women making false allegations typically are not clear in their descriptions. Some claim that they were unconscious or had their eyes closed. Others provide exquisitely detailed accounts, described with pleasure. Investigators must be cautious, but extreme under- or over-reporting can be suspicious, especially if stories change.

McDowell acknowledges that investigators' questions might upset women who have been sexually assaulted. In a discussion of ways to maintain rapport with women making questionable allegations of rape, he recommends that investigators closest to the complainant remain supportive, professional, understanding and non-judgmental. If unresolved conflicts emerge, they should be raised by a supervisor who assumes and recognizes the complainant's desire to be a responsible person.

Some accusers are relieved when disparities discredit their story because it is exhausting to maintain a lie. Others react with outrage because they need to believe what they have claimed, and fear losing control. In all cases, investigators should work with families to provide emotional support.

## Suspicious Signs

According to Charles P. McDowell, Ph.D. no single element is definitively diagnostic, but a combination of unusual factors suggest the *possibility* of a false complaint. For example:

- Truthful complaints are usually prompt; false ones are delayed for weeks or months.
- False allegations are frequently vague about the nature of the assault, the types of sex acts, level of resistance, and even the place where the alleged assault occurred.
- False accusations usually lack corroborating evidence of violence; i.e., signs of disruption at the crime scene, damage to clothing consistent with a struggle, or serological (blood) evidence.
- Carefully placed wounds reported with indifference may be an indication that they were self-inflicted.
- Complainants with emotional problems sometimes file false reports that "copycat" previous crimes.
- Truthful victims usually report unpleasant details without becoming outraged when asked to corroborate what happened.

McDowell also notes that even those who are emotionally prone to make false allegations can, indeed, be true victims of rape. All the more reason to maintain professionalism, objectivity, and compassion when investigating sexual misconduct and rape. (pp. 71-73)

### Rape by Accusation

Author **Warren Farrell**, a former board member of the **National Organization for Women (NOW)** in the 1970s, made an interesting personal transition from male feminist to an advocate of equality that does not discriminate against men. In his 1993 book *The Myth of Male Power*, Farrell examined the McDowell study and other available reports. *"False accusations are not a rarity,"* he wrote, *"they are themselves a form of rape, and a political hot potato. It will doubtless take a female politician of enormous integrity to confront the issue."*

The armed forces need to find out why indicators of false accusations are so persistent. Extreme feelings of guilt because some military women have been abused (PFGD) are no excuse for denying reality. The first step in solving a problem is to first admit that the problem exists.

**CMR**

### ENDNOTES

1. Elaine Donnelly, *National Review*, "The Tailhook Scandals" March 7, 1994.
2. In 2005 the DoD awarded to **Wellesley College Centers for Women** a \$50,000 contract to study "prospects" for an **Office of Victim Advocate (OVA)** in the Pentagon. Under pressure from CMR, the Wellesley report was rejected by DoD in June 2006.

3. Jone Johnson Lewis, *Your Guide to Women's History*, cited at [http://womenshistory.about.com/od/quotes/a/andrea\\_dworkin.htm](http://womenshistory.about.com/od/quotes/a/andrea_dworkin.htm).
4. Frank S. Zepezauer, "Believe Her! The Woman Never Lies Myth," *IPT Journal*, Volume 6 – 1994. Also "David Horowitz's Notepad: The Intellectual Terror in Our Universities," *FrontPageMagazine.com*, December 10, 2001.
5. *Cosmopolitan*, "Why Some Women Lie About Rape," November 2003.
6. Kanin, *Archive of Sexual Behavior*, Vol. 23(1), 1994, pp. 81-91.
7. Kanin, p. 84. Recanted allegations in this 9-year study varied from year to year, from a low of 27% (3 out of 11 cases) to a high of 70% (7 out of 10).
8. Kanin, p. 90
9. Graham Reed, *The Psychology of Anomalous Experience*, Prometheus Books, NY 1988. In the *Penguin Book of Lies*, pp. 527-529, quoted by The Heretical Press, [www.heretical.com](http://www.heretical.com).
10. Fairstein, quoting Tucker Carlson's book, *Politicians, Partisans, and Parasites*, 2003.
11. *Forensic Science Digest*, "False Allegations," Vol. 11, No. 4, December 1985, p. 56-76.

## SHAYS HEARING *(Continued from page 1)*

ence when she tried to file a complaint of abuse, that upper class female colleagues warned her not to try, and that she was punished and dismissed instead of the man she accused.

A *Washington Post* story (June 27), titled "Ex-Cadet: Little Has Changed at Academies," failed to note that the events described by the emotional Ms. Davis occurred in **1999—seven years ago**. The *Colorado Gazette* had checked allegations made by Beth Davis and other former female cadets on the *Oprah Winfrey Show* in December 2003, and reported that Air Force investigators had discredited most of them. Davis, for example, told the Winfrey audience that she had been coerced into oral sex four times. She didn't say that investigators found e-mail messages showing "it appears victim acquiesced to subject's advances." (May 16, 2004)

None of this mattered to Chairman Shays and his liberal colleagues **Carolyn Maloney** (D-NY) and **Dennis Kucinich** (D-OH), who accepted as completely true and contemporary every allegation made by witness Davis. Calling her a "hero," they promised to have her back for more hearings.

Davis was accompanied by **Christine Hansen**, Executive Director of the **Miles Foundation**, and **Delilah Rumburg** of the **Pennsylvania Coalition Against Rape**, who also co-chaired the **Defense Task Force** that produced a controversial **Report on Sexual Harassment and Violence at the Service Academies** in August 2005. Naval Academy Superintendent **Vice Adm. Rodney Rempt** and other military academy officials had to wait to testify until late afternoon. The Air Force Academy's representative did not respond to accuser Davis's scathing charges, and she was not asked questions about them.

Answers would not have fit the template of this hearing, which was all about emotion and guilt wallowing, at the expense of the military academies. It was not about constructive information and strategies to encourage discipline and support for both women and men. Chairman Shays and other members of his panel seemed solely interested in playing up Ms. Davis's emotional, 7-year old charges, which apparently were not substantiated. (The Air Force Academy issued no response.)

Davis made a number of recommendations that have already been implemented at all of the academies since 2003, combined with several more that would be radical and counter-productive. She also called for more hearings, as if seven major investigations and reports on the subject that have been produced in the past three years were not enough. Anyone alleging sexual abuse at the military academies has access to a huge array of support services. These have not satisfied professional "victim advocates" who are demanding more government contracts, prestige, and power to punish military men who are considered innocent until accused.

## CMR Defends Due Process

In her statement, posted at [www.cmrlink.org](http://www.cmrlink.org), Donnelly defended the service academies, and challenged prejudicial presumptions in the Task Force Report released in August 2005. An accuser should not be automatically labeled a "victim," she said, before it is known that a crime has been committed.

Donnelly criticized the core assumptions and prejudices of most victim advocate groups, which she said are frequently perceived as chauvinistic toward women and hostile toward men:

*"Professional victim advocates frequently confuse one-sided allegations with substantiated crimes, excuse women of the consequences of their own high-risk behavior, demand punishment even when self-proclaimed victims do not report offenses to authorities, and are not satisfied with anything less than courts-martial and convictions, even when allegations are questionable."*

Mrs. Donnelly's statement questioned problematic recommendations in the 2005 Task Force Report, such as higher gender quotas to increase the number of women at the academies. The greater need, she said, is for male officers for the combat arms, such as the infantry and special operations forces.

Donnelly also questioned legal presumptions and actions that interfere with due process rights for persons accused, unnecessary changes in the **Uniform Code of Military Justice (UCMJ)**, and excessive "sensitivity training" programs that heighten tensions between men and women at the Academies.

Her statement also countered Beth Davis's implication that academy women are virtually helpless if abused in any way. Quoting a **2005 Survey** done by the **Defense Department Manpower Data Center**, Donnelly noted that allegations of sexual abuse have dropped at all of the service academies over the past 15 years, and that levels of awareness of what to do if a woman suffers assault range between **90 – 99%**.

Inconvenient facts such as this are not as dramatic as a woman's tears, but they should be taken into consideration before Chris Shays or other members of Congress schedule future spectacles such as this.

CMR

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**CMR CELEBRATION**  
 Thursday, October 12, 2006  
 Washington, D.C.

# Mixed Signals on the Severn

The August 2005 DoD Task Force Report on Sexual Harassment and Violence hit the service academies hard. Naval Academy Trustee and Senator **Barbara Mikulski** (D-MD) berated Superintendent Vice Adm. Rodney Rempt, who panicked as if he was being swarmed by flying monkeys.

Losing all perspective, Adm. Rempt endorsed many troublesome Task Force recommendations, including higher gender quotas, even though the report cited no evidence that more women at the academy would increase their acceptance, and the Navy really needs more men for the combat arms. At the June 27 Chris Shays Show Hearing, Superintendent Rempt announced that percentages of female midshipmen and civilian faculty have increased to **22.8%** and **28%**, respectively. Why?

Adm. Rempt also endorsed controversial changes in the military's legal code, and hinted that he might support repeal of women's remaining combat exemptions. Problematic conduct rule changes and co-ed submarines would undermine Navy interests, but nothing seems more important than pleasing feminist critics and soothing feelings of guilt.

Declaring a "zero tolerance" policy on sexual harassment, Adm. Rempt began the still-pending court-martial of **Lt. Bryan Black**, a USNA instructor, who used graphic profanity in the presence of a female midshipman. Black apologized and she accepted, but Adm. Rempt forced the choice of a court-martial. In the same week, Adm. Rempt invited midshipmen to campus performances of a civilian play called "**Sex Signals**," which uses the same four-letter words Lt. Black did. The interactive play also presents misinformation about "date rape" that conflicts with military law.

In another case, a male midshipman used mild profanity with an angry female colleague who responded in kind. The

man was dismissed and ordered to repay the cost of his education, but the woman graduated normally. Academy spokesmen have denied it ever happened. Why? Deliberate dissembling is worse than common cussing.

On June 6 the Annapolis newspaper **Capital** quoted two unnamed former midshipmen who said they knew a female company commander who did not take the physical readiness test, but lied and said she did. Reporter **Earl Kelly** reported that investigators recommended her dismissal, but Commandant of Midshipmen **Capt. Bruce Grooms** "overrode the decision because 'she is a woman in power' and the Naval Academy is under pressure to recruit and retain female midshipmen." (June 6, emphasis added) "Double standards involving women," or DSIW, hurt women more than men.

The most glaring example of DSIW occurred when prosecutors granted legal immunity to a female midshipman, an admitted binge-drinker, who accused former quarterback **Lamar Owens** of rape in **Bancroft Hall**. The privilege was not necessary or helpful, since it did not lift the fog of alcohol, which blurred both parties' memories of what happened that night. Reasonable doubt remained, so Owens was acquitted of rape. He was convicted of conduct unbecoming an officer, but the jury recommended no punishment. If Superintendent Rempt dismisses Owens but not the accuser, he will end up with a troubled female officer and a muddled message about alcohol, the primary cause of sexual misconduct. That leaves the Academy worse off than it was before.

Men who assault women should be punished. Women who drink to excess or make false allegations should be punished too. Mishandled accusations of rape are not about sex, they are about power—the power of some women over men. ■

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## CMR ACTIVITIES

■ CMR has asked DoD General Counsel **William J. Haynes** to provide documents that would support the Department of the Army's current illicit practice of placing female soldiers in land combat-located units that are required to be all male. These should include a document of approval signed by Defense Secretary **Donald Rumsfeld**, an official advance notice to Congress of proposed rule changes, and an analysis of the effect of proposed rule changes on young women's exemption from **Selective Service** registration. Mr. Haynes has not provided the documents, which apparently do not exist. Under the circumstances, CMR cannot support the long-pending nomination of Mr. Haynes, the

Pentagon's top lawyer, to be a judge on the **4<sup>th</sup> Circuit Court of Appeals**.

■ CMR applauds the July 26 ruling of U. S. District **Judge Ronald B. Leighton**, who dismissed the petition of **Maj. Margaret Witt**, a self-proclaimed lesbian who sought reinstatement as a nurse in the Air Force Reserve. This is the second challenge to the 1993 homosexual conduct law filed since the Supreme Court's controversial **Lawrence v. Texas** ruling that struck down remaining state anti-sodomy laws. Homosexual activists had hoped that that precedent would help to repeal the law, but the statute was not based on state laws that the Supreme Court struck down in 2003. **CMR**

*Center for Military Readiness, P.O. Box 51600, Livonia, MI 48151, phone (734) 464-9430, fax (734) 464-6678. CMR can be found on the Internet at <http://www.cmrlink.org>. CMR President: Elaine Donnelly. Nothing written in the CMR Notes is to be construed as necessarily reflecting the view of the Center for Military Readiness or as an attempt to aid or hinder elections or the passage of legislation before Congress. Copyright © 2006*