

Missoula Study Guide

Missoula by Jon Krakauer

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Summary

“Missoula – Rape and the Justice System in a College Town” by Jon Krakauer is a chronicle of the period in the city of Missoula when a number of University of Montana female students reported to the police that they had been raped by males students, the majority of whom were members of the beloved Grizzlies Football Team. While it is well known that rape victims are often reluctant to report the crimes to the police because of the ordeal they face in the investigation and prosecution of the crime, there was another level of intimidation for the females students at UM.

On more than one occasion, after reporting members of the UM football team to the police for sex crimes, it was the girl, the victim of the crime, who was excoriated on social media for having the temerity to report one of the local heroes to the police. The girls were accused of lying because the players didn't like them or vindictive if the boys had stopped dating them. The Griz fans were so enamored with their football heroes that they refused to believe anything ill of them even despite evidence that was brought forward. The coaches and athletic director were also protective of the boys at the expense of the girls who claimed to be victims of the spoiled, sick young men.

Beyond the specific problems experienced at UM, rape in general is a crime that is treated differently than any other crime. Police are often skeptical of the girl's story – which isn't the case when someone reports a robbery or burglary. Police are often gun shy about pursuing a rape case because prosecutors determine that most rape cases are not winnable and refuse to file charges. And in the rare cases when a rape case gets to trial, the female victim is often portrayed as a bitter and vindictive liar. The cases presented in this book focus on acquaintance rape which represents 80% of all rape cases. Acquaintance rape cases are the most difficult to prove in court.

Several sexual assaults are the focus on the book. Allison Huguet accused Griz football player Beau Donaldson of raping her. They had both been born and raised in Missoula and had been childhood friends. There had never been any romantic or sexual relationship between them. People often remarked how they were like brother and sister. It was a betrayal on more than one level when Donaldson raped her after she fell asleep at a party. Beau Donaldson eventually confessed to the crime and did time.

Cecilia Washburn had dated Jordan Johnson, who was the ultimate Griz player, the star quarterback of raping her. She had dated him a few times but they each had gone their own ways. They were reunited when they ran into each other at a festival and made plans to watch a movie together at Cecilia's house the next day. There was no romantic interest on Cecilia's part or on Johnson's part. However, Johnson did have other things on his mind and he forced himself on her against her protestations. Johnson denied the charges and was acquitted in criminal court.

There were also the cases of Kelsey Belnap who claimed that six Griz players gang-raped her. No charges were brought because it was six to one against her version of the story – the four football players denied it and two eye witnesses disputed her claim.

Kerry Barrett also claims that she was assaulted by a UM athlete although he was found to be not guilty at a school hearing. Kaitlynn Kelly claimed she was not only sexually assaulted but was bloodied and brutalized by a male MU student. There was too much evidence to ignore the assault. The young man was expelled and banned from the campus.

The bright light at the end of the tunnel for these dark times at MU and at other universities across the nation is the improved methodology in handling sexual assault cases and the development of effective training for police officers and prosecutors that have been instituted by the federal government. It has made a difference, although there is still much work to be done.

Part One: Allison

Summary

Two Missoula police detectives, Guy Baker and Mark Blood, showed up at a Christmas party at Office Solutions to talk to Allison Huguet who was the daughter of Kevin Huguet, owner of Office Solutions. Detective Baker told her that they had arrested Beau Donaldson who had confessed to raping her. Beau raped Allison on September 25, 2010. She waited fifteen months before reporting it to the police. It was common for rape victims to keep the crime to themselves due, in part, to the way these crimes are adjudicated in the U.S.

The UM's football team, the Grizzlies, were the pride and joy of the community. That changed somewhat in 2010 when four of Beau's teammates allegedly gang-raped a female student. They claimed she was drunk and that the sex was consensual. No charges were brought against them. In 2011, three football players drugged two girls and raped them. They were not prosecuted either.

An investigation was launched at the request of UM President Royce Engstrom. Diane Barz, a justice on the Montana State Supreme Court, headed the probe and found that there were incidents of non-consensual sex that were not being reported. The U.S. Department of Justice joined the investigation. There were at least eighty rapes that occurred over the last three years that they would be investigating. There were scathing articles about the rapes occurring at UM in the New York Times and Wall Street Journal.

However, the damaging posting on the website "Jezebel" by Katie J. M. Baker outraged Missoulians who thought it was greatly exaggerated.

On September 24, 2010, Allison attended a party at Beau's house with her friend Keely Williams. Allison and Keely drank more than they usually did. As the party thinned out, Allison and Beau were sitting on the couch. She laid her head down on a pillow on Beau's knee. There was nothing sexual. The girls decided to stay the night because they were in no shape to drive. Beau left the room and Allison fell asleep by herself on the couch.

Two hours later Allison woke with her jeans and panties pulled down with Donaldson on top of her. He was raping her. She pretended to be asleep because she was afraid of him. When he finished, he pulled her pants up part way, covered her and left. She gathered her phone and personal items, ran out of the house and called her mother. Beau had seen her leave and was pursuing her. She knew he had guns and was afraid that he might kill her. He caught up with her and was pulling at her as she continued running. He begged her not to say anything. He would make it right. Beth found her daughter and brought her home.



Allison went to the First Step Resource Center, the sexual-assault unit at St. Patrick Hospital, for a rape kit collection. Allison was photographed in the nude and a video was made of her vagina. After Allison told Keely everything that happened, Keely admitted that she'd been raped at her college by an acquaintance. The trauma Keely suffered two years before all came rushing back to her learning of Allison's rape.

Keely urged Allison to take steps to hold Beau responsible. Allison didn't want to go to the police. Allison was too traumatized to return to school. She decided to take off a semester to remain in the safety of her mother's home. Allison made some decisions that were in hindsight, bad ones. She was drinking and partying too much. In January 2011, she resumed her education at EOU. When she went home for Thanksgiving, she saw Beau at a diner. He was staring at her and mocking her.

Allison emailed Detective Baker who had spoken before her criminal justice class in high school. She wrote Baker an email asking to meet with him. Her mother warned her that if she planned to report him to the police she needed to prepare for the toughest fight of her life. After assuring Allison that he would not have to report what she said unless she was confessing to a crime, she arranged to meet Detective Baker during Christmas break.

Allison brought Beau's taped confession at her meeting with Detective Baker. She told him that the nurses at the crises center had taken note of her injuries. Unfortunately, rape kits were kept at crises centers only six months and Beau's confession wouldn't be admissible. Several articles about recent rapes at UM written by reporter Gwen Florio caught Allison's attention and had inspired her. Ultimately Florio would write more than one hundred stories about the "Missoula rape scandal."

Allison realized that if she reported Beau, the thousands of Grizzly fans would come down on her. Beau's attorney would make her out to be a liar and a spurned lover. But if she didn't report him, he could rape again. On December 20th she made a formal complaint at the Missoula Police Department.

Kelsey Belnap, like Allison, had been inspired by Gwen Florio's reports and asked Gwen to meet with her. After going through a gang rape she had been ill-prepared for the interrogation that she was forced to undergo. The same detectives were on Kelsey's case – Baker and Blood. They informed Kelsey that because two people at the party said the sex Kelsey had was consensual and because all four football players stated the same thing, the Missoula County Attorney's Office had determined there was insufficient evidence to charge the boys. It was six against one.

Allison learned that her rape kit had not been destroyed and had it forwarded to Detective Baker. Less than two weeks later, Baker felt he had gathered enough information and interviews to file a solid case against Donaldson. He got a warrant and arrested Donaldson who talked to the cops without an attorney after receiving his Miranda rights. He claimed that he and Allison had been making out and he thought the sex was consensual. But after being reminded that witnesses saw Allison alone on the couch, he admitted raping her. He was arrested and booked for felony sexual



intercourse without consent. Baker and Blood drove to Office Solutions to tell Allison in person.

Immediately social media lit up. People just didn't believe that one of their favorite Grizzlies was a rapist. People were blaming Gwen Florio. Horrible things were said about not the suspected rapist but about the victim.

Analysis

The author begins the story of the University of Montana sexual assault scandal by focusing on one of the major stories that came out of this dark time for the university and for the city of Missoula where the university was located. The author chooses to begin the story when a male student who raped female student was arrested after he had fully confessed.

This information is important because it is a positive outcome for this victim which was not always the case in Missoula. Jon Krakauer provides the steps that have to be taken after a rape that includes checking in at a clinic so that evidence can be captured the night of the incident or it would be lost forever. He also describes how humiliating the process is for the victim who is sometimes treated like the criminal.

Krakauer focuses on the state of mind of the victim and how fear, intimidation, shame and guilt all play a role in what actions the victim takes or fails to take after a rape. The fact that in several of the cases, the rapist was a popular Grizzly football player made it more difficult for the victim. The football team is a major part of this story in more than one way. The football players were adored and spoiled and existed in an entitled culture. Missoulians loved the Grizzlies and were unwilling to believe any of them could assault a young woman. The victim often became the focus of the rage of the football team's fans during the scandal years.

The author has set the tone for the book. The subject is sexual assault, in particular acquaintance rape, and the setting is the University of Montana in Missoula where the football players can do no wrong.

Vocabulary

counterpoint, motif, dour, reciprocated, adjudicated, veneration, moniker, surreptitiously, commiseration, ambivalent, elucidate



Part Two: Before the Law Sits a Gatekeeper

Summary

On September 22, 2011, Kerry Barrett, a UM senior went with friends to a pub where she met Zeke Adams, a UM athlete who joined her and her friends. She and Zeke drank a lot. He invited her into his apartment. She agreed but told him directly that she wasn't going to sleep with him. They made out which was consensual but when he got more aggressive, she told him to stop. She was going to go home but he talked her into staying because it was so late. She drifted off and woke later to find him naked and trying to penetrate her. She was able to fight him off and left.

Kerry called her parents who urged her to report the assault. Zeke refused to talk to the cops without representation. Kerry was contacted by Detective Jamie Merifield, a female police officer, who told her that her case would be hard to prove. It was a he-said/she-said situation. Despite the uphill battle, she felt he should be held responsible for his actions. When Merifield interviewed a sober Zeke weeks later, he displayed hurt and shock that he would be accused of such a heinous crime. He gave a formal statement to the police that he had not assaulted Kerry and that it was just a misunderstanding. Kerry was shocked when Detective Merifield told her that the case was closed. There wasn't enough evidence to charge him. She became depressed and despondent after the incident.

A friend of Kerry, Kaitlynn Kelly, and student at UM had also been raped. Kelly met Calvin Smith that night and invited him up to her room. She agreed to have sex with him but changed her mind when they got to her room. He brutally assaulted, her sheet was covered in blood and she was in horrific pain. She went to a crisis center and had a rape kit done but didn't want to go to the police. But Kaitlynn finally went to the police and turned over her bloody clothes to them. The cops took photos of the crime scene. Detective Connie Brueckner interviewed her and was experienced enough to know that it would be a difficult case to prove.

Smith claimed the sex was consensual and that Kaitlynn had enjoyed it. He was very drunk that night and Kaitlynn had to almost carry him up to her room. They had agreed to have sex. When Brueckner told him that Smith had been terribly hurt, Smith became tearful and swore he never hurt her or intended to. He claimed he stopped when she told him to stop and that he left when she asked him to. He had never had sex before and took her jeans to prove to his friends that he was at last a man. Brueckner concluded that there wasn't enough evidence to charge him.

The incident had been reported to the police department and the UM dean of students, Dean Couture, who believed Kaitlynn's version of the story and recommended Calvin's permanent expulsion from the university. Smith had the right to an administrative



conference with the VP of Student Affairs and a hearing before the University Court. Smith asked for an appeal. The conference resulted in the same conclusion. Smith was offered the opportunity to withdraw from school. If he did so, the rape would not appear on his record.

Smith wanted a hearing. Just a few days before, the Chief Deputy County Attorney had decided not to prosecute the case. The seven members of the hearing were appointed by the university president. The first witness to appear for Calvin Smith was prosecutor Kirsten Pabst, who oversaw the sexual-assault division of the Missoula County Attorney's Office. Her appearance astounded Kerry. Pabst was the prosecutor in Smith's criminal case. Now she was defending him? The Dean reminded the panel that the burden of proof was a much lower standard in the hearing than in a criminal prosecution. Pabst testified in support of Smith's version of events. She based her opinion on the fact that the criminal case was not prosecutable because of the lack of evidence.

Smith requested a continuation of the hearing but it was not allowed. On December 2, 2011, the University Court found Smith guilty of violating the Student Conduct Code by sexual intercourse without consent. Smith would be expelled immediately and prohibited from visiting the campus. Smith and his family were outraged. Kaitlynn and her family weren't happy either. Smith got off too easy for having committed a felony. They were angry with Kristin Pabst, the Missoula County Police Department and the County Attorney's office.

Chief Muir agreed to meet with Kerry and Kaitlynn. He apologized to the girls and promised he would "ass chew" the detectives who handled their cases. Muir made no promises about their concerns. He erroneously told the girls that 50 percent of rape claims are false.

Smith was prohibited from attending any college or university in Montana. However, he was not registered as a sexual predator because there was no criminal prosecution. He went to a school in another state and went on with his life. Kaitlynn only stayed in school a short while after the hearing. But she spent most of her time crying and skipping classes. She finally dropped out and went back home. She has been in therapy but the incident still haunts her.

Gwen gave Kirsten Pabst the opportunity to explain why she didn't prosecute Calvin Smith. She responded that a false claim of rape ruins the lives of young men. At an open forum where Chief Muir answered questions from the public, Kerry Barrett took the microphone and told her story – the crime and the ordeal and unfair treatment she went through with the police and prosecutors. She focused her criticism on Kristen Pabst for appearing at a hearing in support of a sexual predator. After the meeting she was chastised by Fred Van Valkenburg, the U.S. county attorney, Pabst's boss, for her remarks about Pabst.

Zeke Adams had assaulted Kerry Barrett in September 2011 at UM at the start of her senior year. She encountered him during the last year she was there. She felt disgust



and wondered how many women he had assaulted since her experience with him. Kaitlynn Kelly had the same thoughts about Calvin Smith.

Analysis

The author focuses on the alleged rape by Zeke Adams of Kerry Barrett, also both UM students. The story is very similar to the earlier stories in which the girls claim they were raped or assaulted and the boys deny it. Each time the boys say that the sex was consensual and the girls claim they told the boys to stop. It is easy for the reader to pick up a pattern that repeats in each case almost to a tee. The boys seemed to have been coached on what to say. And what they say is always just enough to create reasonable doubt which is the standard for acquittal in a criminal case in Montana. Also each time the male student when told that he was accused of rape, cries and feels horrible that the girl thinks he hurt her. And each time, the boy claims he would never hurt anyone.

Krakauer focuses on consensual sex and non-consensual sex. The boys all claim that the sex was consensual. The accusers, of course, do not. The girls claim they told the boys to stop; the boys didn't hear them say that. The author demonstrates how the victim is not only traumatized by the sexual assault; she is often thrown into a war of words. Even if the jurors might tend to believe the girls, it is always a he-said/she-said situation and it is difficult for the jury to credibly claim that no reasonable doubt has been raised.

While it is obvious that the author is sympathetic to the victims of sexual assault, he demonstrates why it is difficult to prove the cases and how law enforcement and prosecutors become gun shy about pursuing these cases because victories are the exception to the rule. The prosecutors and police have to consider the time and resources spent on cases that are sure to be losers.

Vocabulary

bacchanal, reciprocated, promiscuous, paradoxically, convivial, explicit, egregious, sacrosanct, impunity, preponderance, exculpatory, specious

Part Three: Unwanted Attention

Summary

After Beau Donaldson was arrested in January 2012 for raping Allison Huguet, the story was the lead story in the Missoulian the next day. For the next six months, the assaults of young women at UM by male students were frequently reported by the press. Two of the reports told the stories of Kerry and Kaitlynn and their frustration over the lack of interest and cooperation by the police and county attorney.

On May 19, 2012, a posting on a radio station's website indicated that the Griz quarterback had been served with a restraining order after being accused of a sexual assault. A female UM student had alleged that the star QB, Jordan Johnson, had raped her. Johnson and Cecilia Washburn had known each other a while and had even dated at one time. They became reacquainted, after running into each other at the annual UM Foresters' Ball. She reportedly whispered to him that she would "do him" anytime.

They made arrangements to watch a movie together. He was drinking excessively all day long. As they watched the movie, they started kissing. She told him to stop but he wouldn't. He stripped her, pinned her down and raped her. She drove him home in silence. He said, "Well, thanks," when he got out of the car. Later her behavior after the incident was questioned. She broke down when she returned home.

A friend urged Cecilia to go the First Step Resource Center. The Center nurse made note of her injuries and advised her to have a forensics exam if she planned to report the rape to the police. She decided to report it to Dean Charles Couture. Johnson received a letter that he'd been accused of rape and that an investigation was underway. He would be expelled if the evidence supported the charge.

After running into Johnson on campus, Cecilia decided to go to the police. Johnson was not allowed to participate in the football team's spring practice drills. His coach found a way around the Student Conduct Code that allowed Johnson to rejoin the team. The coach and athletic director were both later fired.

On May 1, 2012, Thomas Perez, assistant general for the Civil Rights Division of the Justice Department announced that a major federal probe had been launched into the handling of the alleged rapes taking place at UM. Over a three-year period, there had been eighty such cases. The Missoula Police Department, County Attorney's Office and the University of UM were all being investigated. The failure of authorities to investigate reports of rape amounted to gender discrimination.

After Beau Donaldson's arrest on January 6, 2012, he remained in jail until January 13th when he was released on bail. Allison heard that he'd been accused of another rape that occurred before he raped her. The police tracked down the other victim, Hillary McLaughlin. She described how he came in the room where she was staying at a



friend's house, locked the door, stripped and tried to rape her. She did not report it to the police. She wondered like many other victims if she was partly to blame.

In 2012, Hillary was married and pregnant with her first child. She was shocked when Donaldson's photo was flashed on the TV screen in relation to the Allison Huguet rape. A detective from the Missoula Police Department called Hillary. He wanted to talk to her about Beau Donaldson. Hillary had become afraid of being alone, afraid of walking from her car to her house and afraid of the dark. At times she would cry uncontrollably without knowing why.

After Donaldson was released, Allison was notified that Shaun Donovan would be handling the prosecution and that Donaldson was wearing a GPS monitoring device on his ankle. He could not go anywhere near Allison. Donovan felt certain that due to Donaldson's confession, the case would be solved with a plea deal and would not go to trial.

Allison and her friends went to Stockman's, a Griz bar. The bartender recognized them and refused to serve them. The girls were harassed and threatened by some of Donaldson's friends. Allison met with Donovan who recommended a five-year sentence to her. She would go to trial before she accepted that. The next offer was a 30 year sentence in the Montana State Prison. Twenty-years would automatically be suspended. Allison wouldn't agree to the terms. When she met with Fred Van Valkenburg, the county attorney, to complain about the way her case was being handled, he agreed to take over the sentencing hearing.

The UM investigation of Jordan Johnson immediately became contentious. UM arranged for him to be represented by David Paoli, a UM alumni and former Griz footballer. Paoli resorted to aggressive tactics including putting a tail on Allison by a private investigator.

Like all other universities in the nation, UM was required by the U.S. Department of Education to use the preponderance of evidence standard in the adjudication of a complaint involving sexual assault. Paoli argued for the prior higher standard in the case against Johnson because the Student Code of Conduct had not been updated to reflect the new requirements by the federal government. Couture reminded Paoli that UM was conducting a disciplinary proceeding not a criminal investigation. Paoli found the evidence that Couture was basing his accusation as impartial and egregiously bias.

Couture found that the evidence proved that Johnson was guilty of Cecilia's rape. He would be expelled and be banned from the campus. He had the chance to accept or deny the charge. If he denied the charge, he had the right to an administrative conference. Johnson denied the charge and asked for the hearing. Paoli argued that his client was respected and admired and that Couture was biased. Johnson's appeal was denied sending his case onto the University Court. Paoli appealed to the Montana Commissioner of Education who ruled that Johnson would be allowed to stay in school but couldn't practice with the team. UM was ordered to re-adjudicate the Johnson case.



An independent consultant was hired to review the case. He found that Johnson was not credible and that he had raped Cecilia.

Dean Couture retired in 2012 and was replaced by Dean Vorhees who found in favor of Johnson and pronounced him not guilty of raping Cecilia. The Departments of Justice and Education intervened. They did not believe that the acquittal of Johnson was an equitable outcome. The majority of Missoulians were jubilant when Johnson was invited to rejoin the football team.

Analysis

The focus of this part is the alleged rape of Cecilia Washburn by star Grizzly quarterback Jordan Johnson. He was probably the most popular player of the team and was adored and cherished by most of the citizens of Missoula. Like some of the other girls, Cecilia was making out with Jordan but told him to stop. According to Cecilia, he got rough with her and forced her. She became so traumatized that she couldn't talk. She even drove him home. He told her "thanks" when she dropped him off.

The author describes how a victim like Cecilia is excoriated because she didn't behave like someone who was raped. However, he points out that just like any trauma that different people experience, behaviors and reactions can run the full range of possibilities. Rape is a crime in which the victim is often not believed. The author points out that no one doubts a person who claims to have been robbed or defrauded until there's proof that they're lying. But rape is different. In many cases, the victim feels on trial.

The author points out the bravery of girls who do come forward. They understand that they will be accused of being bitter and vindictive liars. They will be portrayed as desperate women who feel chastened because the man doesn't love her, that her accusations are fueled by revenge. The girls also know that if the case goes to trial, that the possibility exists that the man will walk free and people will think even less of her. She will appear as someone who was trying to ruin the young man's life.

Vocabulary

nascent, ambivalent, redress, deleterious, insularity, besmirched, umbrage, entourage, epiphany, contentious



Part Four: Scales of Justice

Summary

A sentencing hearing was held in the Donaldson case on January 11, 2013. Hillary McLaughlin was getting cold feet about testifying. She was too frightened to go through with it. Kevin testified to the lasting harm that the assault had done to Allison. He told the judge that Allison was still being continually harassed by Donaldson's friends. He asked the judge to decide on the harshest sentence.

Keely Williams testified about the night when the rape occurred. Allison was crying and hysterical but did not want to go to the police because it would ruin Donaldson's life. She finally went to the police so he couldn't hurt another girl some day. She felt ostracized in her own home town because of Donaldson's friends and fans who have been hateful towards her.

Hillary McLaughlin told about her experience with Donaldson via video. She told of her fear and how the assault had impacted her life. Beth Allison told the judge about Allison's childhood and how she and Donaldson had been in a group of friends who were all very close. Beth also spoke of her horror when Allison was on the phone running away from Donaldson. Allison was traumatized by the incident and had not been the same person since.

Allison testified about the night of the rape and how she woke up with him on top of her. She told how her mother found her, drove back to get Keely from Donaldson's house and went to the hospital. She was traumatized that night and again when she ran into him and he seemed to smirk at her. She asked that Donaldson be given the harshest sentence. It was difficult for Allison to testify especially seeing people who were her friends there in support of Donaldson. His attorney, Milt Datsopoulos began his questioning of Allison by lecturing her about how sorry Donaldson had been. He got nowhere with Allison; whatever he said excusing Donaldson she countered. The probation and parole officer assigned to the case, Katie Burton, testified that he needed treatment and rehab and to do time in the state prison.

Donaldson's first witness was Bob Eustace a former coach who said Donaldson treated other people well and defended other kids against bullies. The coach didn't think he should do time because he wouldn't be a re-offender. Van Valkenburg got the coach to admit that punishment for an offender is a crime deterrent. He did feel for Allison. Coach Eustace thought Donaldson should be rehabbed and on probation instead of being imprisoned. If he was incarcerated he might turn into a hard-core criminal. He felt Donaldson could contribute to society. Ironically, Coach Eustace taught sex education and Allison had been in his class. One of the topics was sexual assault. She felt betrayed by him.



Judge Karen Townsend's challenge was to decide on a punishment that fit the crime and provided a method of rehabilitation. Sometimes the two goals conflicted. John Peterson, a family friend who had employed Donaldson was the next witness who believed that Donaldson was not a threat to society. He told the judge that he would hire Donaldson again after serving his sentence. Peterson admitted that he would feel differently if Donaldson had raped his daughter.

Before the sentencing, Beau Donaldson had to undergo psychosexual evaluations by two different psychologists to determine the likelihood of his repeating his crime. The psychologist who was hired by the defense found that he was a low risk, would respond well to therapy and possessed a level of remorse. The psychologist hired by the prosecution agreed that Donaldson was a low risk to repeat his crime and recommended that he undergo an outpatient program rather than receiving treatment while incarcerated. He noted that Donaldson had the habit of trying to lie out of his actions and was unable to express real emotions. Donaldson's father asked the judge to give his son the chance to heal and make it right. He claimed his son was remorseful. He blamed alcohol in large part for his son's behavior. He assured Allison and her family that Beau does not support the harassment she had suffered from his friends and football fans. Beau took the stand and apologized first to Allison and her family and then to his family and friends.

Van Valkenburg made his closing statement reminding the court that Allison was the victim despite the defendant's sorrow and shame. The state recommended the thirty year sentence with twenty years suspended. Donaldson would be eligible for parole in two and a half years. The sentence is commensurate with the offense. Allison Huguet, her family and the community needed to know that they were safe.

Defense attorney Milt Datsopoulos closed his defense by saying that a good person had committed a serious crime. He recognized that Allison was traumatized and would need help in recovering. Donaldson had already been punished by his own guilt and shame. He recommended that Donaldson receive five years at the Department of Corrections. Judge Townsend found the case particularly troubling because of the breach of trust. She sentenced him to thirty years with twenty years suspended. Donaldson began to cry; his girlfriend screamed hysterically. He was cuffed and taken away.

It was the first time in four years that Hillary McLaughlin didn't feel afraid. She was glad that she had testified. She wondered if she had reported what Beau had done to her if Allison would have been spared.

Analysis

The author describes how many girls who don't go to the police wind up feeling regret and guilt if the man in question repeated his crime and victimized another girl. In this chapter, Allison was raped by Donaldson who had raped Hillary several years before. Hillary had never gone to the police because she was terrified of him and terrified of the entire ordeal. Once she found out that Allison had been raped by the same man, she



realized how important it was for a rape victim to go to the police despite all the inherent difficulties. It is common for a rape victim to blame herself for the rape of another girl if she failed to go to the police when she had been the victim of the same man.

Krakauer describes how the victim of rape also becomes a victim the second time in court when the defense counsel has at her. Defense attorneys routinely discredit the women and tear them down in hopes of building their clients up in the minds of the jurors. It seems ludicrous that defense attorneys call one character witness after the other in defense of the alleged rapists. The boys in these cases were described in very similar terms – kind, gentle, in control, humble, respectful. Again, the litany of characteristics as described by witnesses sounds coached and rehearsed. The attorneys are experienced and very crafty. They know how to sway a jury with sympathy and a barrage of kind words about an alleged rapist.

Even though Beau Donaldson confessed to raping Allison, the defense attorneys at his hearing still tried to sow doubt about the victim. Their own client had confessed to the crime yet they seemed to want to discredit the victim and intimate that Allison had invented the entire story. The defense attorneys seem like predators themselves. They are most concerned with winning their cases. There is little or no evidence that they seek rehabilitation or therapy for their client or that they make it a priority. They just want to get their client off so that they can have a “W” in their Win/Loss column.

Vocabulary

vehemence, flummoxed, bilious, articulate, litigator, abstinence, retribution, commensurate

Part Five: Trial by Jury

Summary

In March 2012, Cecilia Washburn reported that she had been raped by Beau Donaldson's teammate, Jordan Johnson. UM was already investigating Johnson. After county prosecutors filed charges of sexual assault without consent, Johnson's lawyers filed a motion to dismiss the case due to lack of probable cause and omission of material facts. The motion was written by Kristen Pabst. In March 2012, Pabst had resigned from the County Attorney's office and opened her own law firm. A month later, she joined Johnson's defense team which was headed by David Paoli. During the time Pabst had been in charge of sexual assault cases, only 14 of the 114 rape or sexual assault cases referred by the police had been prosecuted. Judge Townsend denied the dismissal.

The Johnson trial got underway on February 11, 2013. The prosecutor, Adam Durek, reminded the jury of seven women and five men that the Grizzly football team was not on trial and the young woman who accused Johnson of rape was not on trial. It was Jordan Johnson who had been accused of rape and was on trial. He told the jury what happened on the night of February 4, 2012.

In Pabst's opening statement she told the jury that Johnson was different than the ordinary football player. He was quiet, shy and polite. He'd never even been to a tailgate party. She devoted the remainder of her opening remarks to besmirching Cecilia, portraying her as dishonest, unstable, insecure and desperate to make Johnson her boyfriend. After calling Cecilia a liar for a half-hour, Pabst reminded the jury that they had to believe this girl's story beyond a reasonable doubt. Throughout the trial, Paoli and Pabst questioned Cecilia's credibility, sowing doubt in the minds of the jury.

Cecilia was on the stand all day telling her story. Paoli tried to expose her as a vindictive liar but Cecilia held her ground. On re-direct, prosecuting attorney Joel Thompson allowed Cecilia to explain some of the half-truths that Paoli had focused on and exaggerated. She wanted Johnson to be held accountable for what he had done.

The prosecution called Dr. David Lisak, the clinical psychologist who was one of the top clinicians on acquaintance rape. He described what were referred to as myths and misconceptions about rape. He told the jury that the vast majority of rapes, over 80 percent, are acquaintance rapes. He dispelled the notion that a non-stranger sexual assault has a lesser impact on the victim than a stranger-rape.

Pabst having nothing to counter Lisak's expert testimony with resorted to personal attacks. She and Paoli seemed to think that referring to Lisak the "professor from Massachusetts" or the "Boston professor" would have a negative impact on the conservative jury. She tried to poke holes in his research and opinions but got nowhere.



Cecilia's housemate, Stephen Green, testified that she showed no particular interest in having a serious relationship with Jordan Johnson. She was robotic after the incident when she drove Johnson home. After she returned, she totally collapsed. Detective Connie Brueckner testified that Cecilia had cooperated with her investigation. Paoli tried to portray Brueckner as having been negligent in pursuing evidence that would prove Johnson innocent. He also questioned the police department's policy that followed federal standards that the police should believe the rape victim's accusations until they can be disproved.

According to the defense witnesses, Johnson was very respectful and cool under pressure and was neither anti-social nor narcissistic. Despite his great achievements on the football field he was humble and had incredible self-control. Jordan Johnson took the stand and described his childhood and family life. His opinion of Cecilia was that she was really nice and smart and he liked her but only as a friend. Johnson said that Cecilia wanted more than friendship. About the night of the incident, Johnson said that she was cooperative in getting her clothes off and that the sex was consensual. He could not explain the bruising on her shoulders and chest. He admitted that he basically had her pinned down.

Prosecutor Suzy Boylan began closing arguments by pointing out that this was a case of acquaintance rape and a defendant who wouldn't take no for an answer. The jurors were instructed not to allow feelings or sympathy for the defendant to sway their decision. Johnson left two sets of marks on Cecilia that night – physical and psychological ones. Everyone close to her had observed a marked change in her demeanor and behavior. Johnson may have been a decent young man but that decent young man committed a crime. Boylan asked that he be convicted of rape.

In his closing argument, Paoli spoke of the importance of fighting for justice and truth. He disparaged Dr. Lisak who he characterized as "condescending and presumptuous." Paoli intimated that the pressure that Missoula County Attorney's office was under from the federal government caused them to pursue the conviction of an innocent man. He reminded the jury about the reasonable doubt standard. If they had any doubt at all, they must find Johnson not guilty.

On state's rebuttal, Joel Thompson pointed out that repeating a lie often enough makes it seem like the truth. He accused the defense of doing just that. He defended Dr. Lasik and his credentials and that he spoke from science and years of research. Cecilia was not a woman scorned; she was a rape victim. She was still suffering the psychological damage of that night and part of it will stay with her forever. Thompson asked the jury to find him guilty so he couldn't harm anyone else.

Judge Townsend instructed the jury to begin deliberations. Just two hours later, a verdict had been reached. Johnson was found "not guilty." The courtroom erupted in cheers. Johnson, Pabst and Paoli burst into tears and embraced. The Missoulian Twitter came alive with news that Johnson was declared innocent. On the Tuesday following his acquittal, Johnson asked that the university repeal his suspension from the football team. He was reinstated immediately and would lead the team in the next season.



One of the jury members believed Cecilia's version of events but the defense had raised reasonable doubt and the verdict was correct. She had been surprised that some jurors didn't buy the concept of acquaintance rape. The juror felt that Pabst and Paoli were not professional and had bullied many of the prosecution witnesses. The trial was emotionally and physically draining for this juror. She received nothing but praise from others after the trial who told her the jury made the right decision.

Analysis

Jordan Johnson goes to trial for rape in this part. The trial demonstrates the disdain and disrespect that defense attorneys show for the alleged victims of sexual assaults. The attorneys do whatever it takes and often step over the line as far as standards and ethics go in doing so. Aptly put, the author writes that after the defense attorney had called Cecilia a liar for a half hour she juxtaposed that against her admonition that the jury must believe this girl completely or find her client not guilty.

The defense attorneys don't stop at the accuser. They discredit and try to destroy all who dare to testify against their client. Although there are standards of conduct that apply to attorneys which basically forbid them to say something that they know to be untrue, in actuality there is little or no adherence to that rule. Dr. David Lisak is an accredited and recognized expert in acquaintance rape but the defense attorneys only referred to him as the "Massachusetts professor" of the "Boston scholar" hoping that referring to him as an easterner and, therefore, a liberal would somehow diminish his expertise in the eyes of the conservative Midwest jury. It all seemed so childish on their parts but it may be effective. When the only concern is winning, then anything goes is apparently the accepted standard.

Just looking at the crimes of sexual assault on a human level, there seems to be so little real concern for the victims. The defense attorneys have a job to do and that is to represent their clients to the best of their abilities. But do they really have to try to destroy a young girl who at a minimum believes she was assaulted?

Vocabulary

salvo, candor, eviscerating, amok, peccadilloes, vilifying, compunction, mendacious, adversarial, ideations, equivocal, erstwhile, fulminated, truculence



Part Six: Aftershocks

Summary

After Pat Williams, a member of the Board of Regents of UM, made inflammatory remarks about the Griz footballers, a petition for his removal as a Regent gained steam. He tried to save his post by publishing an article in the Missoulian in which he stated that he would be doing disservice to the university and the community if he turned a blind eye to violence. Paoli responded by saying that Williams had overstepped his authority. Former Montana Supreme Court justice Terry Trieweiler wrote a response to Paoli defending Williams. Trieweiler listed the many crimes that Griz players had been accused or convicted of. The acquittal of one player did not vindicate the entire team. The players existed in a culture of entitlement with an absence of accountability. Despite this support, Williams failed to be confirmed to the Board of Regents by a close vote in the Montana senate.

Beau Donaldson asked the Sentence Review Division of the Montana Supreme Court to review his sentence. In the plea agreement he had waived any right to appeal. The Review panel agreed to a hearing. The panel could rule to reduce or increase his sentence. The hearing was held on May 2, 2013, at the state prison where Donaldson had been imprisoned. His attorney, Milt Datsopoulos, argued that his sentence was excessive and not balanced for his client's need of rehabilitation.

Donaldson told the panel that he took responsibility for his actions and wanted to make himself a better person. Allison Huguet appeared and while she was sympathetic with Donaldson's parents, it did not take away from his crime. She told the panel that her family had suffered just as Donaldson's had. Hillary McLaughlin also testified to the long-term suffering that Donaldson had caused her. Both girls recommended that his sentence not be reduced.

County attorney Van Valkenburg told the panel that both girls had ultimately come forward and reported Donaldson to the police because they considered him a menace to the community and that he would likely assault again. He reminded the panel that Donaldson had waived his right to appeal when he accepted the plea deal. The case was solid against Donaldson because they had a taped confession. He was tempted to ask for an increased sentence but would be satisfied if the current one was not reduced. Datsopoulos inferred that the plea deal was forced upon Donaldson which it was not. He could have gone to trial. Datsopoulos claimed that since Donaldson was good enough to confess, his sentence should have been lighter.

The sentence was upheld – thirty years with twenty years suspended. He would be eligible for parole in July 2015. Had the police not obtained the taped confession from Donaldson, he may have gotten away with rape. Without the confession, had the case gone to trial it would have been difficult to prove that the sex was not consensual just as



in the Johnson case. In a Facebook posting by a girl who'd been childhood friends with both Allison and Donaldson accused Allison of ruining Donaldson's life.

Fred Van Valkenburg had refused to cooperate with the Department of Justice in their investigation of their handling of rape cases by not allowing federal investigators access to his prosecutors. A year after the Johnson trial, the DOJ completed their investigation. The DOJ had reached agreements with the Missoula police department and the University of Montana for changes and improvements in their handling of sexual assault cases. Van Valkenburg still refused to cooperate with the federal government. Van Valkenburg sought funding for a lawsuit against the DOJ for meddling in the operation of his elected office. His funding was approved but he held off on a lawsuit. Van Valkenburg vowed to help UM and the police department in their handling of sexual assault cases. He was criticized by respected clinical psychologist, Frances Marks Buck, for putting his ego before the welfare of the community. When the feds didn't respond, Van Valkenburg filed a lawsuit against the Department of Justice seeking a ruling that the federal agents had no authority in the investigation of Missoula County sexual assault cases.

The DOJ responded promptly on Valentine's Day with a lengthy report detailing the many shortcomings of the Missoula County Attorney's Office in the investigation and handling of sexual assault cases. The report also focused on Van Valkenburg's apparent lack of interest in pursuing these investigations. A short time later, Van Valkenburg responded with a report refuting the DOJ's claims. Many Missoulians supported Van Valkenburg in standing up to the federal government including former police chief Mark Muir who referred to the DOJ as ultra-liberal in their philosophies. However, the current mayor and police chief supported the DOJ's intervention believing that the new methodology had made the community safer.

Van Valkenburg's fight with the DOJ took place just prior to the election of Missoula County Attorney. Van Valkenburg had announced that he would not seek reelection. Kirsten Pabst announced that she would seek the office. She claimed that when she was a prosecutor in the office that Van Valkenburg had been inept in handling charges of sexual abuse. She had tried to be a positive presence but she had not been in charge. Pabst was going to have to deal with criticisms of her tactics during the Johnson trial. She was criticized for trying to throw Van Valkenburg under the bus for her own political gain.

Josh Van de Wetering who had worked pro bono as Cecilia's attorney through some of her ordeal was running against Pabst. If the community was looking for someone uninvolved in the prior County Attorney's administration, he was the only choice. He had been a federal prosecutor and had been in private practice. He promised to make sexual assaults and violence against women a top goal. Pabst was very popular among Griz fans for getting their hero Jordan Johnson off. Despite her record of failing to prosecute sexual assault cases, Pabst claimed to be a long-time advocate of victim's rights. Paoli ran her campaign and collected campaign contributions that were more than three times what Van de Wetering had received. A smear campaign was run against Van Wetering. Pabst beat Van de Wetering in a landslide.



Six weeks later, the Montana commissioner of political practices found that Pabst's campaign had violated Montana election laws by failing to disclose expenditures. Paoli was fined for the violation. After Pabst was elected, Van Valkenburg vacated his lawsuit against the DOJ. He begrudgingly agreed to comply with the DOJ's directives following their investigation.

Analysis

There was much anger in the aftermath of the trials and hearings of the male students who were accused of being the rapists of female students. When Johnson was acquitted, Cecilia became even more of a pariah. She had tried to ruin the life of a nice young man and the city's hero quarterback. At one point the prosecutor felt he had to remind the jury that the football team wasn't on trial and neither was Cecilia. It was Jordan Johnson who was on trial. Beau Donaldson showed his true colors when he pushed for a reduced sentence after he agreed to a plea deal. Once a plea deal is accepted by a convicted felon, there is no more dealing. But he was a football player – maybe that was enough for him to get around yet another rule.

Allison demonstrated her tenacity and unyielding conviction by testifying at the sentence review hearing. She was adamant that Beau needed to serve all his time. In the same hearing room where his devastated parents sat hoping for a reduced sentence, Allison steadfastly proclaimed the necessity of Beau serving his time. She felt sorry for his family, but it was Beau who inflicted them with sorrow. She was an innocent victim and the state did its job in prosecuting and convicting him. Beau had committed a serious crime to which he confessed. Freeing him early would not send the right message to girls who get raped or to young men who feel privileged and entitled to do whatever they feel like doing with impunity.

On a bright note, the Department of Justice recommended specific guidelines to Missoula and every town across the nation on the best ways to handle sexual assault cases. Things are improving – there is more training and awareness and police officers and prosecutors are kept abreast of the newest methodology in dealing with allegations of sex crimes through frequent updates and training.

Vocabulary

bombastic, fulminated, rejoinder, lambasted, coercive, adamant, vehemently, contretemps, pro bono, rhetoric, vexing, pernicious

Important People

Allison Huguet

Allison Huguet was born and raised in Missoula, Montana. She and Beau Donaldson were childhood friends. There was never any romantic relationship or sexual attraction. They were like brother and sister. In fact, Beau felt protective over Allison and was always concerned about her welfare growing up. They graduated from Big Sky High School in the same class. Beau was a football player and earned an athletic scholarship to the University of Montana. He became a member of the esteemed Grizzly football team. Allison was a track star in high school and also earned an athletic scholarship at the Eastern Oregon University.

On a Christmas break the two old friends reunited at the party at one of the house where Griz football players lived. Allison had drunk more that night than she usually did and drifted off to sleep on a couch. She woke up a few hours later to find the 200+ pound football player on top of her. Her pants had been pulled down and he was raping her. As soon as she could, she ran out of the house and called her mother. Beau chased her begging her not to say anything. He later apologized and tearfully asked for her forgiveness.

Allison held off reporting Donaldson to the police, but when she ran into him and he began mocking her she went to the police and reported the incident even though it was fifteen months later. Donaldson ultimately confessed during a police interrogation and was arrested and later sentenced to prison time.

Allison was traumatized by the betrayal and violence of the incident that she claims, and her friends and family confirm, changed her forever.

Cecilia Washburn

Cecilia Washburn was an outstanding student at the University of Montana. She had a boyfriend who transferred to another school. Her life had been normal and she was a generally happy and positive person. She had casually dated the Griz quarterback Jordan Johnson but their relationship didn't go anywhere and they went their separate ways. Cecilia and friends were at the school's annual Forester's Ball when she ran into Jordan who she hadn't seen in quite a while. They hugged and talked. She allegedly whispered in his ear that she would 'do him' anytime. That night they were texting back and forth and decided to watch a movie together the next night at her house.

Cecilia picked Jordan up late the next night. She had another male friend that she planned to pick up later that night. Her male roommate was home playing video games. She had not even showered that day which indicated she wasn't interested in getting intimate with Jordan. They watched the movie in her room and he soon became aggressive and forced himself on her against her protestations. He raped her and she



was traumatized, unable to speak. She even drove him home. After she returned home, however, she broke down.

Cecilia eventually decided to report the rape to the police. After it became public knowledge, Cecilia had to face a wave of anger and ridicule because the Griz's QB had been accused of something he would have never done – at least according to his fans. Johnson denied her story. The case made it all the way to court where he was acquitted after the jury deliberated for only a few hours. A juror later said that she believed Cecilia but the prosecution had not proved Johnson's guilt beyond a reasonable doubt. Cecilia was brave to take her fight all the way. It sent a message to other would-be offenders that they run the risk of a trial and possible conviction and jail time.

Beau Donaldson

Beau Donaldson was born and raised in Missoula, Montana. He was childhood friends with Allison Huguet who was also a native of Missoula. They attended the same high school and graduated together. Beau was a football player and earned an athletic scholarship to Montana University that was located in Missoula. He became a member of the Grizzly football team which was the object of affection by most citizens of Missoula.

Beau and Allison had gone their separate ways after high school but met up again during one Christmas break. Allison attended a party at the house where a group of Griz football players lived. She drank too much, passed out and two hours later found Beau on top of her, raping her. She was traumatized by the violence and betrayal displayed by her childhood friend.

Beau made a tearful plea to Allison; he was sorry and begged her not to tell anyone. She did not report it to the police until she ran into him and sensed that he was ridiculing and mocking her. That encounter sent her to the police. He was arrested and, subsequently, he confessed to the crime. He took a plea deal for thirty years, with twenty years suspended. No one expected him to serve the full ten years because he would be eligible for parole in two and a half years.

David Lisak

Dr. David Lisak is a clinical psychologist and forensic consultant and an expert on acquaintance rape. He is called upon to be an expert witness in many rape trials and often testifies as an educational witness. An educational witness informs the jury about their area of expertise. In the case of Lisak, he had not examined the victim in the Johnson trial and therefore had no direct testimony about her. In this trial, he was referred to by defense counsel as the "Professor from Massachusetts" or the "Boston Professor" in a childish effort to discredit him and portray him as a liberal to what counsel perceived to be a conservative jury.



Detective Guy Baker

Detective Guy Baker had been a mentor when Allison Huguet was in high school. She became interested in police SWAT team operations and Detective Baker became her consultant when she did a school report about SWAT teams. He came to mind a few years later when she was in college and was raped by a childhood friend. She contacted him and he assured her that she could talk to him without have to officially report the crime to the police. He told her that short of confessing to a crime, anything she told him would remain confidential. Baker encouraged her to report the rape to the police so that they could launch an official investigation. She eventually took his advice which led to a confession by the perpetrator. Baker came to her place of business to tell her that the young man who had raped her had been arrested and had confessed.

Keely Williams

Keely Williams was a good friend of Allison Huguet. She accompanied Allison to the party that ultimately led to Allison being raped by childhood friend, Beau Donaldson. After she learned what happened to Allison, Keely admitted that she had also been raped by someone she knew the year before. She, like many rape victims who are reluctant to report the crimes to the police, kept the matter to herself. But it was when her friend, Allison, was raped that it all came back to her in living color. Keely then understood how important it is, despite the ordeal the victim is sure to face, to report a rape so that the criminal is not free to hurt someone else.

Gwen Florio

Gwen Florio was a senior reporter for the Missoulian, the local paper in Missoula, Montana. She wrote many articles about the sexual assaults and rapes that had occurred at the University of Montana, many of which were perpetrated by Grizzly football players, and which had gone unreported, uninvestigated and unpunished. Although her reports enraged Griz fans and some prosecutors and other officials, she inspired many of the principals in this book to report their crimes and fight for justice and fairness.

Kelsey Belnap

Kelsey Belnap attended at party that was attended by many of the members of the University of Montana's Grizzly football team. She claimed that the guys got her inebriated and that she was gang-raped by six of the football team members. Her case was not pursued by law enforcement because all six men denied that the rape had occurred along with two other eye witnesses. Her case boiled down to she-said and they-said and it was considered not prosecutable.



Charles Couture

Dean Charles Couture was the Dean of Students during the rash of sexual assaults perpetrated by male students at the University of Montana between 2008 and 2013. He conducted investigations on the women who charged that a number of Griz football players had raped or sexually assaulted them. He was an advocate of the students and was dedicated in making sure that the guilty were punished. By doing so, he felt certain that he was making the campus a safer place for everyone.

Kirsten Pabst

Kirsten Pabst was a prosecutor with the Missoula County Prosecuting Attorney's office during the years when a number of University of Montana football players were accused of sexually assaulting or raping UM female students. Pabst was in charge of prosecuting rape and sexual assault cases during that time. She only referred fourteen out of one-hundred fourteen cases reported to trial while she had that responsibility.

Pabst left that position to open her own law firm. Oddly, she appeared as a character witness for one of the Griz football players who was accused of rape. She later joined the defense team that represented Jordan Johnson, the Griz QB who was accused of rape. When the current prosecuting attorney announced his retirement, she ran for the office and won. Ironically, she was once again in charge of prosecuting rapists.

Calvin Smith

Calvin Smith brutalized fellow student Kaitlynn Kelly. Although she agreed to have sex with him she changed her mind. But he wouldn't take no for an answer. He assaulted and brutalized her – there was even blood found on the walls of the dorm room. Calvin Smith was found in violation of the Student Code of Conduct and was expelled from MU. No criminal charges were brought against him and, therefore, there was no record that he was a sexual offender. He enrolled in another school and went on with his life.

Brian Banks

Brian Banks was a junior at Polytechnic High School in Long Beach, California, when he was wrongly accused of raping a girl who he had consensual sex with. He was arrested and advised to take a plea deal. He was sentenced to a few years in prison. After he got out, his once promising life that included a chance to play in the NFL had no direction and hopeless. The girl who accused eventually admitted that she had lied. He had not raped her; the sex was consensual as he claimed.



Connie Brueckner

Detective Connie Brueckner was a detective with the Missoula Police Department. She investigated several of the high profile rape cases that were later grouped together as the Missoula scandal. She seemed to be sympathetic to the victim but always asked the tough questions that had to be asked in order to have a successful prosecution. At the Johnson trial, defense counsel attempted to portray her as biased against their client and as having befriended the victim. She denied both accusations.

David Paoli

David Paoli was the energetic and aggressive defense counsel for Jordan Johnson who was accused of raping Cecilia Washburn. Paoli was known for his tactics that were sometimes very close to being over the line of ethical behavior. During the trial, he did not ease up on defaming the victim and accusing her of lying and being a bitter woman who was scorned by his client.

Kaitlynn Kelly

Kaitlynn Kelly was a UM student who claimed she was raped and brutalized by a fellow student, Calvin Smith. Although she initially agreed to have sex with him, she changed her mind when they got to her room. He would not take no for an answer and brutally assaulted her, blood was even on the wall behind the bed.



Objects/Places

Missoula

Missoula is Montana's second largest city but has only a population of seventy-thousand residents. Missoula is visually captivating and its community is open and welcoming to visitors. Forty-two percent of the people of Missoula have a bachelor's degree or higher which is close to double the national percentage. There are upscale restaurants as well as quaint rural charm – a trout stream runs through the downtown area. The Norman Maclean book, *A River Runs through It*, which was adapted for film, takes place in Missoula. The economy had depended on the lumber industry for decades until the industry declined and many of the city's sawmills closed their doors. The culture is a blend of western grit and intellectual elitism. The pride and joy of Missoula is the University of Montana's football team, the Grizzlies.

Office Solutions

Allison Huguet was raped by a childhood friend which she did not tell her father about. She was so traumatized that she took a semester off from college and worked at her father's office supply store in Missouri called Office Solutions. Allison had not told her father about the rape. During the store's Christmas Party, two detectives from the Missoula Police Department came wanting to speak with Allison. They got her aside and told her that the boy she accused of raping her had confessed and been arrested. When her father found out why the police were there, he was livid and wanted to find the boy and level his own punishment on him.

The University of Montana

The University of Montana is located in the city of Missoula, Montana. UM was the focal point of the story of a rash of rapes and sexual assaults that were perpetrated against a number of female students. Some of the rapes were not immediately reported; however, when they were reported the University President and the Dean of Student Affairs generally took quick action. The Dean notified the male students accused of sexual assault that they were under investigation and if found guilty would be expelled and banned from the campus. The standard in declaring a student guilty of a violation of the Student Conduct Code was lower than that in a criminal proceeding.

The United States Violence Against Women Act of 2005

The United States Violence Against Women Act of 2005 requires that all victims of a sex crime be given free access to the rape kit, known officially as the evidence collection kit.



The kit contains tools needed for the collecting of samples of hairs, saliva, semen, and blood and clothing fibers. These samples must be taken quickly after a sexual assault so that they can be properly reserved as potential evidence in a criminal trial.

The Grizzlies

The University of Montana football team is named The Grizzlies. The football team is the pride and joy of the city of Missoula. Most people are ardent fans, and the boys who play for the team are local heroes. The team has often advanced into national playoffs. Griz players were named in a number of rape and sexual assault cases brought by female students who reported them to the school and/or the police. Strangely, when a girl reported one of the adored Griz players for raping her, the girl usually took the brunt of criticism and ridicule on social media and other venues for accusing the heroes of crimes that they surely did not commit. Members of the Grizzly football team existed in a culture of entitlement where they could do no wrong. The coaches and athletic director contributed to the players' false sense of privilege. They were spoiled, narcissistic and unconcerned about the hurt they inflicted on others.

Montana Statute 45-5-501

Montana statute 45-5-501 does not say that a victim of sexual assault has to be physically helpless in order to be unable to give consent. The statute states that a victim cannot give consent to have sex if the individual is "mentally defective or incapacitated, physically helpless or overcome by deception coercion or surprise." When Kelsey Belnap who charged that six Griz football players gang-raped her had an alcohol level of .219 percent two hours after the incident. She could not have been considered coherent.

Repetition Compulsion

It is an accepted occurrence that a traumatized person will involuntarily reenact an element of the trauma. The person who reacts in this way seems to be under a spell and even if directly choosing to mimic the element that is perceived to be attached to the trauma, he or she appears to be acting involuntarily. This reaction was named "repetition compulsion" by Sigmund Freud who believed it to be an organic and unconscious attempt to regain control.

The "Dear Colleague Letter"

In April 2011, the Office of Civil Rights of the U.S. Department of Justice sent a letter to colleges and universities across the United States. It was a reminder to university and college presidents that they were obligated to protect their students from sexual harassment and sexual violence under Title IX regulations. Review panels and school courts were to use the preponderance of evidence standard to find a student guilty of



violating student conduct codes relative to sex crimes. This placed the burden of proof at a lower bar than that in criminal court where the standard was beyond a reasonable doubt.

Duke Lacrosse Case

In March 2006 a stripper accused three members of Duke University's lacrosse team of raping her after she'd been hired as an entertainer for a party that the team organized. The three men she named were arrested and charged with rape. The prosecutor, Durham County DA Mike Nifong was charged with making false statements to the press about the case. Nifong was later charged with failing to provide defense counsel with DNA evidence that would have cleared the accused men. More than a year after the initial arrests, the charges were dropped and the Duke students were cleared of any guilt. This was a case where the accuser lied and the prosecutor was corrupt. It doesn't happen often but once was too much for the accused lacrosse players.

“Not Alone”

“Not Alone” was a report issued by President Barack Obama that provided guidelines for schools to follow in the investigation of reported sexual assaults. A few days after the report was disseminated, the U.S. Department of Education Office of Civil Rights issued a list of fifty-five colleges and universities that were under investigation for mishandling complaints of sexual assault. It was a stellar list that included such luminaries as Harvard, Princeton, UC Berkley and Dartmouth.



Themes

Acquaintance Rape

The vast majority of rapes are what is classified as “acquaintance rapes.” They are also the most difficult to prosecute because the defense can point at the personal relationship that existed between the woman and man. It opens the door for defense counsel to accuse the girl of being bitter over a broken relationship or jealous over another girl that the boy is seeing. The girl then gets her revenge on the boy by reporting that he raped her. Stranger-rape is much more prosecutable because the offender can be easily depicted as a predator who randomly chose a woman to rape. The acquaintance rape involves a man who was known to the alleged victim and, therefore, makes it difficult for him to be portrayed as a scary or threatening by the prosecution.

An expert in the field, Dr. David Lisak who is a clinical psychologist and forensic consultant, describes the pitfalls of acquaintance rape for victims, law enforcement and prosecutors. The perpetrator in acquaintance rape is often a normal appearing person who was in generally the same social class as the victim. It is difficult for police and prosecutors to view the individual as a dangerous criminal. Additionally, since these cases are the most difficult to prove, prosecutors are often reluctant to even bring charges. It is true that some prosecutors are negligent in not charging sexual offenders. However, others are elected officials who have a fiduciary responsibility to the constituency that elected them. Investigations and trials are a drain on resources and funds. When the prosecution of a case looks doubtful, is it fool’s errand to bring the case to trial despite the cost and despite the near certainty that it won’t be successful?

None the less, Dr. Lisak stresses to law enforcement agencies and prosecutors that not prosecuting acquaintance rapists does a disservice not only to the victim but to the community at large. When men are not punished for raping a woman, research shows that they will probably repeat their crime.

The Trouble with Missoula

After a lengthy and in-depth federal investigation into the handling of sexual assault cases by the Missoula Police Department, Missoula County Attorney’s Office and the University of Montana, the underlying causes of the Missoula rape saga began to emerge. All the agencies bore some responsibility. It was media attention that brought the problem into focus and forced law enforcement’s hand. Prior to that, the policies covering sexual assault allegations were confused and contradictory and inconsistent. A troubling factor was the impact that the popularity of the UM football team had on allegations and investigations. The hands-off mentality that some had toward the football players created a culture of entitlement. It was also became clear that



detectives and police officers were not kept updated or trained on new methods of handling cases of alleged sexual abuse.

The prosecutor's office was given the majority of the blame for its failure to encourage prosecutors to pursue these cases and for not providing updated material or training for them. Missoula policemen and detectives became frustrated in their investigations of sexual assault cases because the prosecutor's office was so reluctant to try them. Although they were required to, prosecutors usually did not provide a reason why they decided not to bring cases to trial. The main reason was that the prosecutors felt that a case was not provable and, therefore, not prosecutable.

Recent changes recommended by the Department of justice have been instituted and the likelihood of successful prosecutions of sexual assault cases has increased in the Missoula community. As scandalous as Missoula's involvement with sexual assault cases has been, statistics show that the city is below average when compared to other cities in the nation. The current adversarial justice system is at least in part is one of the main reasons that the guilty are acquitted. The legal system is harsher in its treatment of alleged victims of sex crimes than it is in the treatment of victims of other alleged crimes.

Training and Awareness

The series of rapes and sexual assaults that occurred at the University of Montana in Missoula came to the attention of the Department of Justice. As a result, the DOJ launched its own investigation into the handling of reports of alleged sex crimes by the University of Montana, the Missoula Police Department and the Missoula County Prosecutor's Office. There was consternation among local authorities who strongly felt that the federal government was sticking its nose into state and local matters. But none the less, the federal government inserted itself into the matter and continued on with its prolonged investigation.

As a preliminary assist to the police department in dealing with the delicate matter of reported rape and sexual assaults, a federal prosecutor gave the police chief a copy of an educational video called Duty Trumps Doubt. The video was being using by police departments across the country to teach police officers how to properly investigate rape cases. One of the main thrusts of the video was for police to have the mindset at the beginning of an investigation that the victim is to be believed until evidence points the other way. As is pointed out, when someone reports a robbery or burglary, they are not automatically looked at with skepticism as many rape victims are. The federal government all urged prosecutor and police departments to not allow investigations to pivot on whether they appear to be winners in court. By refusing to prosecute many rape cases, other women are intimidated and become reluctant to report the crimes. It gives the edge to sexual predators.

Due to in-depth probes by the federal government into trouble spots like Missoula and the University of Montana, the training of law enforcement officers, university personnel



and prosecutors in allegations of sexual assault across the nation has increased although much progress still needs to be made. In April 2014, President Barack Obama issued a report entitled, "Not Alone" which provided schools with ways to improve their response to reports of sexual abuse. However, political opponents of the president have criticized it for being too intrusive into the authority of state and local law enforcement agencies and prosecutors and that the epidemic of rape on campuses has been overstated. The debate rages on. Universities are still charged with conducting their own investigations of sex crimes even though they are also being investigated by the police. If a student violates school conduct standards, the university has the right to suspend him or her even though the school has a lower standard of proving guilt than does a criminal probe.

Victim Intimidation

When Chief Muir, the police chief during the rash of sex crimes in Missoula at the University of Montana, was confronted with the failure of his department to investigate claims of rape and sexual assault, he claimed like many other law enforcement agencies, that 50% of rapes are falsely reported. He cited two studies, supporting his claim, which have been debunked repeatedly by experts in the field. The attitude that many of the rapes and sex crimes reported are made by bitter, hysterical women is pervasive in many law enforcement agencies and by prosecuting attorneys throughout the nation.

There are many men's rights websites that view feminism as a threat to men and advocate the end to "rape hysteria." They refer to the alarming upsurge in reported rapes. There are even some female writers who feel that rapes have been exaggerated. When President Obama issued a report entitled, "Not Alone," which was a plan for improving the handling reported sexual assaults in schools, his critics viewed the report as another case of the federal government inserting itself where it didn't belong and as a violation of state and local rights. There are more rapes in recent years only because there are more reported rapes. The actual number of rapes may not have increased. But through education and awareness, women victims of sexual assault are finding the courage to come forward and fight for justice and fair treatment.

It is true that cases of false claims of rape can ruin an innocent young man's life. The Duke lacrosse incident is an infamous example of a false claim of rape. Brian Banks, one of the falsely accused, went through quite an ordeal before he was proven innocent. Law enforcement is responsible for ferreting out false claims of crimes committed. But they are just as responsible for identifying rapists and bringing them to justice. The best source in the prosecution of a rapist is his victim. Oftentimes cops are more scrupulous in exposing false reports than in apprehending sexual offenders.

Due to the humiliating ordeal that women are forced to go through after reporting a rape along with the subsequent skepticism and character assaults, rape is the most underreported crime in the U.S. As much as 80% of rapes go unreported. Some studies



indicate that only between 5-20% of forcible rapes are reported to the police. When a woman is raped, the criminal will go free 90% of the time.

Trauma, Guilt, Shame and Recovery

The pain and physical suffering that rape and sexual assault victims are made to endure often heal long before the psychological damage done at the hands of sex offenders does. In fact, the trauma that rape victims experience during the assault never completely heals. There is always a reminder. When Allison confided in her friend, Keely, that she was raped it brought it all back to Keely who had been sexually assaulted the year before. Allison's words made Keely's attack seem like it just happened.

It is common for rape victims to experience emotions that seem inappropriate – like shame and guilt. What has a victim of rape or sexual assault have to feel guilty or shamed about? Guilt is a common emotion that victims experience after being raped. They question themselves – did they bring it on, did they say something that was misunderstood, did they not protest enough? Law enforcement officers who often questions rape victims in a harsh manner add to the guilt and shame that a victim feels. The rape kit that rape victims must go through is an ordeal that is humiliating and one that evokes shame. Some exams include the videotaping and photographing of the victim's genital area. Policemen have been known to ask rape victims needless questions like had they really cheated on their boyfriend and wanted to cover it up by claiming to be raped. The process is an ordeal for the victimized girl who is made to feel like she's being victimized all over again.

According to experts, the reaction that rape victims have can vary greatly. Research has shown that traumatic experiences affect the brain at the neurobiological level. Some women are immobilized and can barely talk. Some bury their pain and seem completely normal. Others act out in detrimental ways – drinking, drugs or promiscuity. Many young women who had a successful career or were students and had long-term goals abandon them and become despondent and depressed.

Survivors of rape and assault are the only group of victims that people feel free to judge. Some women who appear to be unhurt by a rape are judged to be unscathed by the incident. Such a conclusion is never accurate. Rape and sexual assaults inflict deep and lasting damage to the victim. A full recovery from this crime is rare.

Styles

Structure

“Missoula” by Jon Krakauer is divided into six parts. Within each part is a number of chapters that relate to a topic. The highlights in each part are listed below.

Part One tells the story of the rape of Allison Huguet by Beau Donaldson and his subsequent confession and sentencing. Part Two focuses on the alleged sexual assault of Kerry Barrett by Zeke Adams. No charges were brought against Adams. Part Three describes the impact of stories in the media about the rapes and sexual assaults of UM female students on the university’s reputation and recruitment efforts. Part Four deals with the plea deal that Beau Donaldson agreed to after confessing to the rape of Allison Huguet. Part Five describes the trial of Jordan Johnson who was accused of raping Cecilia Washburn. He was acquitted. Part Six focuses on the results of a federal probe into the rash of rapes on the campuses of U.S. universities and campuses including the University of Montana in Missoula.

In an epigram preceding the book, Dr. David Lisak and other experts in the field of sexual assault capture the heart of Krakauer’s work: “Rape is unique. No other violent crime is so fraught with controversy, so enmeshed in dispute.... And within the domain of rape, the most highly charged area of debate concerns the issue of false allegations. For centuries it has been asserted that women “cry rape,” that a large proportion of rape allegations are maliciously concocted for purposes of revenge or other motives.”

The last part is followed by *Dramatis Personae* which lists the principles and others involved in the rapes and assaults, their investigations and prosecutions. There is also an Acknowledgements section and a Bibliography that provides references and sources used by the author in writing his book.

Perspective

“Missoula – Rape and the Justice System in a College Town” by Jon Krakauer is a non-fiction work that is narrated in the first person by the author. Krakauer is part of the story by virtue of his in-depth research and the many interviews he held learning about what happened in Missoula and at the University of Montana in preparation for this book. It is also obvious from the narrative that Krakauer is an advocate of the fair treatment of individuals by law enforcement and the public at large who report that they have been sexually abused or raped.

Krakauer points out repeatedly that the type of sexual assault that is the focus of his book and that which occurred during what was referred to as the Missoula Scandal is acquaintance rape. Despite his empathy for the victim, it is apparent that Krakauer is careful to remain unbiased and present each side as he found them from his research and interviews.



Krakauer is a successful author of a number of other books which include *Eiger Dreams*, *Into the Wild*, *Under the Banner of Heaven* and *Three Cups of Deceit*. His best seller *Into Thin Air* is the story of the mountain climbing disaster that occurred on Mount Everest in 1996. Subsequent to writing this book, Krakauer was inspired to try to climb the behemoth mountain himself which he considers the biggest mistake of his life. However, it demonstrates how Krakauer is inspired by and inserts himself into the stories he writes about. His interest in the mishandling of sexual assault cases in Missoula also reflects the extreme level of interest that Krakauer has for his subject matter.

Tone

The prevailing tone in “Missoula Rape and the Justice System in a College Town” by Jon Krakauer is that of a chronicler of events, a reporter who deals with the facts and a researcher who shares the results of his studies. There is a strong sense that Krakauer has great sympathy for women who are sexually abused or raped and are never able to achieve the justice they seek. He attributes the greatest barrier to attaining a just outcome to the lack of training and awareness among law enforcement officers, the failures of the judicial system and society’s somewhat misogynistic attitude toward sex.

Krakauer’s work is not an attack on men. He mentions that cases like the Duke La Crosse case that was proven to be rife with fraudulent claims can ruin a young man’s life if not eventually exposed. Part of a policeman’s job is to uncover false reports; however, Krakauer emphasizes that a woman who claims to be a rape victim should be believed like the victim of any crime until the evidence leads elsewhere.

Krakauer provides an in-depth probe into the travails of acquaintance rape and how that rape classification is the single most difficult rape case to prosecute. In writing “Missoula” the author has relied on the extensive research he’s conducted, the many principles he’s interviewed and the opinions and findings of experts whose work he has made part of his account.

Quotes

Now, should we treat women as independent agents, responsible for themselves? Of course. But being responsible has nothing to do with being raped. Women don't get raped because they were drinking or took drugs. Women do not get raped because they weren't careful enough. Women get raped because someone raped them."

-- Jessica Valenti (chapter 1 paragraph 1)

Importance: Jessica Valenti, in her book, "The Purity Myth," describes the fundamental reason why a woman is raped, dispelling excuses that some may offer in defense of a rapist.

No more than 20 percent of rapes are reported to the police, a statistic that defies comprehension until one looks closely at how sexual-assault cases are adjudicated in the United States."

-- Jon Krakauer (chapter 1 paragraph 17)

Importance: The author hints at a problem within the U.S. justice system that is behind the reluctance of the majority of rape victims to report the crimes.

Men and women think completely differently. Men are much more concrete. In women's minds we tend to spin things around, and turn it, and talk to our friends about it. And get advice and then sometimes create situations that maybe we read a hell of a lot more into."

-- Detective Merifield (chapter 6 paragraph 61)

Importance: Detective Merifield was a female police officer who took the side of an accused sexual assailant. She had sympathy for him and in this quote makes a not-so-veiled excuse for him and what is next to an accusation that his accused lied. In many cases, the police side of men who are accused of rape or molestation and blame the women for acting out of some emotional instability.

A Voice for Men, a 'men's rights movement' blog receives some thirty thousand page views per day. As stated on the site AVFM's mission is to 'denounce the institution of marriage as unsafe and unsuitable for modern men, educate men and boys about the threats they face in feminist governance, and push for an end to rape hysteria among other goals."

-- Jon Krakauer (chapter 9 paragraph 103)

Importance: The author points this verbiage from a men's rights website as a part of the battle that women face in being treated with respect and being believed when they report sexual molestation or rape.

This is an awful, terrible place to be right now. If I was Superman, I'd spin the earth around backwards, and I'd make all of this go away."

-- John Peterson (chapter 19 paragraph 54)



Importance: John Peterson was a witness for Beau Donaldson who was being sentenced for raping Allison Huguet. Although he attested to Beau's good character, he knew Allison, too, and found himself in a difficult situation. Like everyone else, he wishes it would have never happened.

Your Honor, this case is an extremely good example of what rape often really looks like,' he began. Most rapes, he explained, involved people 'who know each other... and there is a huge violation of trust when that occurs.'"

-- Fred Van Valkenburg (chapter 20 paragraph 42)

Importance: Fred Van Valkenburg, the Missoula County attorney, represented the state at Beau Donaldson's sentencing hearing. He dispelled the myth that rape is perpetrated by strangers. Acquaintance rape is on the rise and is often difficult to prove because of the relationship that the man and woman had prior to the crime.

In the adversarial system, it's more important to follow legal procedure than to speak the truth. Due process trumps honesty and ordinary justice. Trials degenerate into clashes that bring to mind cage fights, characterizes by wildly exaggerated claims, highly selective presentation of the facts, and brutal interrogation of witnesses."

-- Jon Krakauer (chapter 23 paragraph 8)

Importance: The author describes how the legal system has morphed into a process that is more concerned with style than substance. There is little interest in finding the truth; the goal of the attorneys is to win.

In an effort to encourage lawyers to act more honorably, in 2004 the Montana Supreme Court removed every mention of 'zealously' from the preamble to the Montana Rules of Professional Conduct. The revised preamble states, 'As advocate, a lawyer asserts the client's position under the rules of the adversary system.' It's not clear that this revision has had any effect on the conduct of Montana lawyers."

-- Jon Krakauer (chapter 23 paragraph 252)

Importance: To support his conclusion that the changes in the Rules of Professional Conduct have had little impact on the conduct of Montana lawyers, he points out that David Paoli who defended Jordan Johnson aggressively advertises about how much money he's won for his clients an action which doesn't seem at least in spirit to be in compliance with the rules of conduct.

We've had sex assaults, vandalism, beatings by football players. The university has recruited thugs for its football team, and this thuggery has got to stop."

-- Pat Williams (chapter 29 paragraph 1)

Importance: Just prior to the Johnson trial, the New York Times ran an article by Montana Regent Pat Williams that began with the above quote. He expressed his genuine feelings but was largely criticized for his remarks by the ever loyal Griz fans. A petition was circulated to remove him from the Board of Regents. It appears that



Montana had a problem, and its college football team in particular, but most did not want to face it.

As we grow up, we are taught to stay away from strangers and creepy people in the alleyways – and not to go anywhere without someone you trust. [But] what happens when it's the person you trust who rapes you? I'm tired of living in this hell."

-- Allison Huguet (chapter 29 paragraph 42)

Importance: Allison Huguet spoke at a hearing that Beau Donaldson, her convicted rapist, requested for a reduction of the sentence he agreed to in his plea deal. Her words capture the hell of acquaintance rape and how it's generally not considered as bad as stranger-rape.

I'm deeply frustrated by the fact that he thinks he deserves this [sentence] review. I don't get to go to a review board and ask them to reduce the pain I feel daily; or take away the flashbacks, nightmares, or anxiety; or restore my sense of safety and security, or my trust in people."

-- Allison Huguet (chapter 29 paragraph 44)

Importance: Allison Huguet makes the point at the review hearing to reduce Donaldson's sentence that she is suffering her own sentence after being raped by Donaldson. No review panel exists that can free her of the sentence she will have the rest of her life.

... the successful prosecution of rape cases – particularly cases involving non-stranger rape -- requires a sophisticated grasp of the latest legal and scientific knowledge. 'It is imperative,' the report admonished, 'for state and local prosecutors to be aware of rape myths and how juries may be influenced by these myths.'"

-- Jon Krakauer/DOJ Report (chapter 32 paragraph 5)

Importance: The author points out a section of the DOJ's report about the handling of sexual assault allegations in Missoula and at the University of Montana that underscores the misunderstanding that the general public has about rape and especially in cases of acquaintance rape.



Topics for Discussion

1

What is acquaintance rape? What is the difference in impact of an acquaintance rape versus that of a stranger rape?

2

Why are allegations of rape questioned by others more than reports of other crimes? What effect does this issue have on girls who are raped?

3

Who did you believe was telling the truth in three of the cases that were focused on in the book: The Cecilia Washburn/Jordan Johnson case; the Allison Huguet/Beau Donaldson case; and, the Kerry Barrett/Zeke Adams?

4

What are the factors that women who are raped or sexually assaulted weigh before reporting the crime to the police? Why is it more complicated when the perpetrator is known to the victim?

5

Why did the U.S. Department of Justice launch investigations into the handling of alleged sexual assault by the University of Montana, the County Prosecutor and the Missoula Police Department? What were their findings?

6

According to the Civil Rights (?) how were the police and UM investigators supposed to view the victim who reported an alleged rape or sexual assault? Why did defense counsel for Jordan Johnson object to this standard?

7

What is a plea deal? How did Beau Donaldson and his attorneys violate Donaldson's plea deal? Why was he granted a sentence review and what was the outcome of that hearing?



8

What were the suggested recommendations made by the DOJ to the Missoula County Attorney's office in the handling of sexual assault cases? How were these recommendations received by County Attorney Van Valkenburg?

9

What was contained in the Valentine's Day report from the DOJ to Fred Van Valkenburg? How did the County Attorney react?

10

What role did the Griz football team have on allegations of sexual assault or rape? Why were football players accused of a sex crime treated differently than others who were accused of the same thing? What was the prevailing attitude of the football players about sex and women?