

TO GAINESVILLE, FLORIDA, POLICE, NOT THE STORY OF A STRIPPER AT A COLLEGE FRAT.

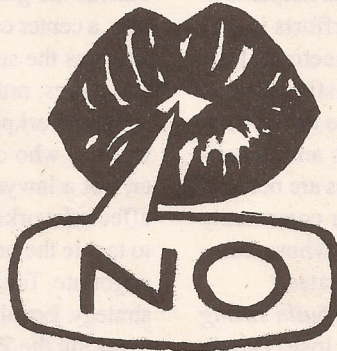
What Does Rape Look Like?

JENNIFER BAUMGARDNER

Last February 27, in the gray hours of a Saturday morning on the grounds of the University of Florida in Gainesville, before even the most die-hard bookworm would be trudging toward the library or cafeteria, a terrified woman ran down Fraternity Row. She ran past the palmettos and the graceful trees dripping with Spanish moss lining a campus that was briefly notorious in the mid-eighties when a serial murderer gruesomely killed several students. Except for a black shirt that barely fell to her hips, she was naked.

She ran until she saw a light at the Theta Chi house, headed for it and banged on the door. When a young man answered, the woman said through tears and panic that she had been raped at the Delta Chi house up the row and needed to call her mother. Her mother came, and then the University Police Department (UPD) arrived. The woman was taken by ambulance to the local hospital, where a forensic exam, a "rape kit," was taken in accordance with federally mandated procedure. She could identify the assailant and his two accomplices, and she wanted to press charges.

Two days later this woman, Lisa Gier King, was arrested by the UPD for filing a false police report and taken in handcuffs from her home. The detective who had helped King less than forty-eight hours earlier accused her of wasting their time, and King went from being a victim to a criminal: Her name was in the papers, she needed a defense lawyer and she owed



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the hospital for an ambulance ride.

The reason for the UPD's about-face is a nearly four-hour Hellenic opus titled "State's Evidence," wherein King and another naked woman lapdance, grind and simulate sex for a couple of dozen clothed fraternity brothers. Early on in the video, when King is performing with the other dancer, you can hear a man say "don't kiss her," disgust dripping from his voice. Later in the film, King is the sole woman still at the house, the video camera trained on

her as she alternately taunts "Bring it on, bitch. Is that all you got for me?" and tussles with a hulking naked man with a shaved head who is pushing his fingers, tongue and penis into her while two "brothers" look on. For a disconcertingly long period of time, her pubic hair is shaved inexpertly with an electric razor while she lies on her back, exuding the sexual excitement of a rag doll. Several times, she gets out from under the guy and straddles him, appearing dominant and confident. King is also heard reasoning with him: "Mike, you know you can overpower me. This is not what this is about." The onlookers provide a running commentary, saying things like, "You know what this is? Rape." In fact, the men use the word "rape" at least fifteen times, about as often as they refer to the woman as "white trash."

Lisa Gier King contends that what at times may look consensual in the video was in fact forced. Not realizing that the camera had been turned off as she was being choked and her life threatened, she told the UPD it was all on tape. She said she felt like she had no choice but to have sex with Delta Chi brother Mike Yahraus, the would-be John Holmes of the video. Ironically, the highly unusual circumstance of having a videotape of the rape

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is working against King. One well-known sex-crimes prosecutor told me that the video should make the case unequivocal: Does she seem like she was enjoying herself or not? But the answer here is only "No, not really." The video does not show clear evidence of coercion, and it does show King performing her job as a stripper. It doesn't stretch the imagination to speculate that this hurt her case with the police.

You don't have to be Susan Brownmiller to know that most women who report their rapes are made to walk a gantlet of doubting Thomases—from the police to friends to boyfriends. Although copious books and pamphlets have been published to prepare women to do the right thing—vomit on him, laugh at his penis, kick and make a lot of noise, tell him you have an STD or a murderous boyfriend, bargain with him, do whatever you have to do to save your life even if it means pretending you're making love with him—there is little a woman can do that can't later be held up as evidence of how she might be lying or confused, nutty or slutty. In a new book called, pungently, *Lucky*, Alice Sebold writes about her rape case, which ultimately produced a conviction. Although Sebold was a "perfect" victim—white, 18, a virgin, no drugs or alcohol in her system, wearing baggy clothes and raped by a young black man who injured her severely—at the trial it was revealed that the sergeant who took her original statement didn't believe her story. New evidence of a persistent pattern of police inaction on rape cases emerged recently in Philadelphia, where the *Inquirer* reported on October 17 that since 1981, when the local sex-crimes police unit was founded, hundreds of cases (at least a third) have been "mothballed," with no investigation ensuing from the victim's initial report.

Besides its indelible association with the rampage of a serial killer, Gainesville is known to be progressive—the "Berkeley of the South," the town that spawned one of the most active arms of women's liberation in the late sixties and early seventies. One of the first campus chapters of the National Organization for Women was founded at UF in 1972, and it is the feminists of Campus NOW—and pretty much they alone—who believe King was raped. "We believe the men of Delta Chi (Mike Yahraus, Leo Yuque, and Anthony Marzullo) were protected and their actions condoned. The woman was punished for her profession (stripping) and for daring to report such men to the police. We demand the men face criminal charges of sexual battery, false imprisonment, battery, conspiracy and facilitation," reads one of their early statements to the press. Even though King's criminal case was quickly closed, Candi Churchill, Campus NOW's 23-year-old president, and the rest of the group have conducted weekly protests against the UPD and the State Attorney's office for the past eight months.

On October 9, they held a speakout across from City Hall, where Lisa Gier King and other women testified about reporting rape and being either disbelieved or criminalized. "Detective Alice Hendon [at UF] said that the rapist had been questioned and released and would not be charged," King said. In her sunglasses, long brown curls, leggings and matching gray top, she looked like a student giving a presentation on criminal law. Only

for a few seconds did her voice falter as she began to recount her ordeal. "After seeing only minutes of a four-hour video, Hendon said it showed willing and consensual sexual intercourse. No photos were taken of the rapist and his obvious injuries, none of the other men present in that room were taken in for questioning, not even Anthony Marzullo, the one shown in the video calling it rape."

Ultimately, the charge against Lisa King for falsifying a police report was dropped (according to the State Attorney's office, because it "didn't want to send a message to potential rape victims that you are arrested when you try to report"), and King and six of the fraternity members were charged with misdemeanors—dancing without a license for her and assignation (gathering for the purpose of lewdness) for the guys. The one brother who went to trial rather than selecting a petty misdemeanor plea arrangement was found guilty on three misdemeanor charges by an all-female jury in late November. Largely because of Campus NOW's persistent and radical protest, Dean of Students Julie Sina doled out a harsher punishment to the chapter than was recommended by the seven-man university judicial panel: Delta Chi is suspended until the spring of 2002.

The State Attorney's office says it pursued the participants aggressively and that some measure of justice was had. But a few hours of community service, a misdemeanor on one's record and not being allowed to host keg parties is not the same as facing rape charges. And King's criminal-sexual-battery case is dead. The State Attorney, Rod Smith, concurred with the UPD that there were not facts and evidence to back up the sexual-battery charge. Yet the university police, it appears, investigated only until they saw the video and then ceased to gather the evidence that could have supported King's story.

A civil suit, which King is now preparing, is rich with the possibilities of shining light on the mysterious world of sex-crimes protocol. King was arrested for filing false charges, for example, before the crime lab could have returned the results of her rape kit. Meanwhile, Anne Marie Haber, a medical legal consultant who works with attorneys and rape-crisis centers, points out that a huge percentage of the kits don't arrive at the lab intact, nor are many ER staff trained in the highly specialized gynecology that reveals the microscopic tears and contusions caused when a woman is not consenting. The possibility that the evidence-gathering was not quite pro-victim is high.

Adding to King's problems is that the videotape is now part of the public record, making her an unwilling porn star. According to the press contact at the State Attorney's office, more than 100 requests have been made for the video from as far away as Europe; the vast majority are from private citizens who just want to view "Live Frat Rape," as it's been dubbed by an Internet porn purveyor, from the comfort of their La-Z-Boys. If King was raped, then her case is not unlike that of Linda Marchiano, who as Linda Lovelace was the purportedly nympho star of *Deep Throat*. Marchiano went public in the eighties saying that she was brutally coerced into making porn films by her then-husband,

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Chuck Traynor, and that *Deep Throat* is, in fact, a film documenting her being raped multiple times. By the time she sought to file a civil suit, the statute of limitations for sexual battery had long passed, and because the film was swimming strongly in the “stream of commerce” she couldn’t sue to have it removed from the shelves of video stores.

We’ll probably never know if Linda Marchiano or Lisa King was raped. The best we can hope for is that King’s civil suit—which will be against the fraternity, the three brothers on the video and Detective Alice Hendon—will determine what went wrong with the investigation. It seems that Detective Hendon, who mysteriously retired from the force after this case, was not open to considering King a victim after she saw that the “dancing” consisted of such moves as grabbing a dollar bill out of a

supine man’s mouth with her vagina. Yet from a feminist point of view, King’s behavior on the tape once the alleged rape began—taunting the men, using sarcasm, acting like a badass—could be construed as strategic. In model-mugging and self-defense courses, women are taught to do whatever they have to do to de-escalate the situation, and often the worst thing a victim can do is act like the perpetrator has power. The feminist analysis of rape says that “rape is a crime of power” and, furthermore, that rape almost never looks like a stranger in the bushes attacking a fair maiden. Of course, Lisa King’s case proves that the legal system does believe that rape looks a certain way—that it’s not the aggressive antics of a down-and-dirty stripper, who was outnumbered but never looked like she was trying to get away. That couldn’t be rape, right? ■