

# She's Kobe Bryant's Alleged Victim, Not His "Accuser"

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By Jackson Katz

Now that the trial is underway, it is time to review some key developments in the cultural spectacle that is *The People of Colorado vs. Kobe Bryant*.

The ruling in July by the judge in the case that some aspects of Bryant's alleged victim's sexual activity – before or after she met the Lakers star – will be admissible in court was a major setback not only for the prosecution, but potentially for all rape victims.

By now everyone knows that the alleged victim's sexual choices have successfully been used against her in the media. As the trial proceeds, it remains to be seen how much Bryant's defense attorneys will manage to avoid the spirit, if not the letter, of rape shield laws intended to prevent just this sort of abuse. Victim advocates are clearly worried.

But another disturbing development in this mega high-profile case has already dealt a devastating blow to rape victims in the court of public opinion. It is the way journalists and others on TV and in print have for months been calling the now 20-year-old Colorado college student Kobe Bryant's "accuser."

Language matters, in court and out. Whether it is intentional or not, the widespread practice of calling the basketball superstar's alleged victim his "accuser" has contributed to a shift in people's perspective on what happened in that Eagle, Colorado hotel room in the summer of 2003. Instead of focusing our attention on the merits or deficiencies of the prosecution's case against the defendant, Kobe Bryant, the use of the term "accuser" has subtly but profoundly turned people's attention to the actions of the young woman.

As in so many rape cases – tried either in criminal court or in the 24-7 media – the effect is to put her behavior on trial, not his. What are her sexual practices? Does she have emotional problems? What motive might she have to falsely accuse a famous man she had previously held in high regard?

This fixation on her totally overshadows questions about the actual defendant in this case: what are Kobe Bryant's sexual practices? Is the recent public disclosure that at least one other woman alleges he groped her evidence of a pattern in his behavior toward women? Does *he* have emotional problems? What could be his motives for forcing a woman to submit to him sexually just minutes after she walked into his hotel room?

It remains to be seen what physical and testimonial evidence will be presented in court. But the now-routine practice of calling her "the accuser" has already given Bryant a huge

advantage with the jury pool, because it deftly inverts their respective roles in the criminal justice process. The alleged victim is now the one doing something to Bryant – she’s *accusing* him.

It almost appears – to the casual observer – that he is not really the one who is on trial for committing an act of violent sexual aggression. Instead, *he* has become the victim of *her* accusation.

Predictably, this has encouraged widespread sympathy for him. This fabulously wealthy athletic champion with high-powered lawyers is now the underdog we are supposed to root for, which partly explains the standing ovations he received this season at the Los Angeles Staples Center. As the Lakers made their way to the NBA finals, there were countless public comments from his teammates and fans about how courageously he was performing in spite of enduring an unimaginable level of personal stress.

At the same time, calling her his “accuser” provokes public anger at her, which partly explains the numerous death threats she has received, and the total disruption of her life that has ensued over the past year. And beyond her family and friends, and rape victim advocates who have worked with her, how many people in the media have praised her for how well she has endured an unimaginable level of personal stress?

Kobe Bryant surely deserves a fair trial. He is innocent until proven guilty. Fair-minded people should withhold final judgments until a jury has heard all the evidence and weighed the competing claims.

But just as Bryant deserves a fair hearing, his alleged victim deserves to be treated with dignity as well. Is it possible that she is not telling the truth? Yes, it is possible. In part, that is what the trial is intended to determine. But if she is a victim of rape, as she and the State of Colorado allege, she deserves our full support and respect. In fact, many rape victims and their loved ones have been watching this case closely to monitor how the alleged victim has been treated – both by the legal system and by the larger culture.

One outcome of this case already is that the journalistic practice of calling alleged victims “accusers” has become increasingly common. In several other cases, women and children reporting sexual misconduct against them have been referred to by headline writers and news anchors as “accusers.”

The stakes in this case are high, and not just for the immediately interested parties. Our society is in the midst of a decades-long rape pandemic. Unless rape victims – girls and boys, women and men – feel like they will be heard and not vilified, they will not come forward and report violence against them. They will suffer in silence, as our society becomes increasingly desensitized to their needs and rights.

And as recent scandals in the Catholic Church, college athletics, and the U.S. military demonstrate, unless victims come forward and tell their stories, the abuses can go on indefinitely, with disastrous consequences for all of us.

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