

# THE USE (AND MISUSE) OF DATA ON RAPE: RESTORING SEXUAL ASSAULT TO THE NATIONAL AGENDA

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## Introduction

There is a long history of controversy over statistics on the prevalence of rape in the U.S. Although very few argue with the contention that rape does not exist at all, the heart of the controversy revolves around the question “How *big* of a problem is rape?” Just like science in other areas, rape prevalence statistics vary depending on a range of methodological factors as well as political agendas. The variance in these factors influences the estimates of rape, making the statistics vary widely in the current research literature, advocacy materials, and media reports, and are thus controversial. The overall goal of this paper is to address some of the issues relevant to the controversy over rape statistics.

Rape is a devastating life experience and understanding the number of women who experience this kind of trauma is critical. However, deliberate misuse of data by those who deny the prevalence of rape in our culture, careless use of data by rape activists, and inconsistent and confusing research reports have contributed to the common perception that a fake rape epidemic or crisis has been created. We want to emphasize here that the controversy over the prevalence estimates of rape is critical to address because we are talking about individual experiences. When rape prevalence is denied, or when rape is merely labeled “bad sex,” then the voices of rape victims are stilled, and their experiences denigrated. In the end, the data debate marginalizes rape victims, discounts their suffering, and encourages sexual assault. Furthermore, the effects on police officers, prosecutors, judges, and juries have been deleterious to handling rape cases aggressively as a violent crime.

This White Paper’s thesis is that rape prevalence denial is a calculated strategy aimed at silencing rape victims and preventing successful rape prosecutions. Anti-rape activists need to better understand the agendas that propel this campaign, be more aware of the effort’s aims, and take more effective steps to combat this deliberate campaign of misinformation.

The controversy over the prevalence of rape is explored in this paper in four sections. The first section will examine current trends in rape prevalence by discussing: (1) the population estimates of rape prevalence; (2) several strong trends that cannot be separated from overall estimates of rape prevalence including victim-offender relationship and drug and alcohol facilitated rape; and, (3) rape prevalence in vulnerable populations including children, college students, partner violence victims, military personnel, and prisoners.

The second and third sections discuss the fuel for the argument that there is a false rape crisis—what we refer to as the Rape Denial Campaign—and the main attack strategies.

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Finally, the fourth section describes suggestions for combating the Rape Denial Campaign in order to return the issue of combating rape, rather than combating the existence of rape, to the national agenda.

### I. The Prevalence of Rape: What Data Do We Have to Answer The Question “How Big of a Problem Is It?”

This section will describe several studies that estimate rape prevalence using population based studies and then will examine rape prevalence estimates for several specific subgroups including children, college students, partner violence victims, military personnel, and prisoners. All the statistics cited here will include only rape and/or attempted rape, that is, forced or attempted forced sexual penetration and substance-use facilitated rape when available.

Before examining rape prevalence statistics, several issues with regard to the research on rape prevalence must be addressed. As mentioned above, a variety of research factors influence estimates of rape prevalence. These factors include:

(a) The definition of rape. The definition of rape can actually be extremely diverse depending on the research study with some questions as broad as asking women if they have ever had unwanted sex to asking about forced sexual penetration to asking women if they have been raped. For this paper we focus on a more narrow definition of forced or attempted forced penetration.

(b) The sample. Studies on rape prevalence use many different populations or subpopulations for estimates. Certain groups tend to have higher or lower rates of rape experience which is another reason estimates can vary. This paper will examine overall population rates and then rates for some specific vulnerable groups. The description of each study will include information about the sample.

(c) The context of the rape. Asking women about specific forced penetration experiences is what has been the standard wording of rape questions throughout most of the research on rape. However, one trend that has been relatively recent has been to ask more specifically about forced sexual experiences as well as alcohol or drug facilitated experiences. Including this contextualized question makes the estimates slightly higher. When the studies examined prevalence of rape using both a more general question and the substance facilitated question both will be presented in the description of study results for this paper.

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(d) The methods used to ask respondents about rape experiences. Asking respondents about rape experiences by telephone, mail, or through face-to-face surveys can make a difference in prevalence estimates as well. Each study described in this paper will report the method used to gather the data.

(e) The timeframe within which the rape event was measured. The timeframe used to examine rape prevalence will most certainly impact estimates. Specifically, asking about lifetime experiences versus past year experiences versus since you entered college will all give different prevalence estimates. The timeframe used to measure rape prevalence is sometimes difficult to cull from the study but will be clearly defined in each study discussed in this paper.

(f) Reports of prevalence versus incidence. Prevalence refers to the proportion of the population or sample being surveyed that has been raped at least once in a specified time period, while incidence refers to the number of times rapes have occurred within a given time period. Prevalence, then, would underestimate the actual number of rapes given a woman can be raped more than once in a given time period. This study will describe prevalence estimates, given that is what the controversy primarily revolves around; however, it is important to keep in mind the fact that women can and do experience more than one rape in their lifetime.

### A. Overall Population Estimates

► The National Women's Study consisting of telephone interviews in 1989 with 4,008 randomly selected adult U.S. women, found that almost 13% (12.6%) reported having been raped at least once in their lifetime (Kilpatrick, Edmunds, & Seymour, 1992). According to the report this translated to 12.1 million American women. A second interview about a year after the first (n=3,246 women) found that about .7% had experienced a rape between the first and second interview which translated to about 683,000 women.

► The National Violence Against Women Survey used interviews with 8,000 women and 8,000 men 18 years and older in 1995-6 selected by random household telephone surveys (although the women's prevalence rates presented below is based on 6,999 interviews) (Tjaden & Thoennes, 2000a; 2006). The study found that 14.8% of women had experienced a completed rape and 2.8% had experienced attempted rape (17.6% experienced either) in their lifetime, and 2.1% of men reported experiencing a completed rape and .9% reported experiencing an attempted rape (3% had experienced either).

► ICARIS-2, conducted by the Centers for Disease Control from 2001-3, used telephone interviews with 9,684 men and women randomly selected to participate (Basile, Chen, Black, & Saltzman, 2007). Based on its research, the study found that a total of 6.5% of the U.S. population reported experiencing forced sex at least once during their lifetime, which translates into 11.7 million women and 2.2 million men. Women (10.6%) were significantly more likely than men (2.1%) to report ever experiencing forced sex in their lifetimes.

► Drug-facilitated, Incapacitated, and Forcible Rape: A National Study using a random household telephone survey of 3,001 women in 2006 found 18% of women reported any *lifetime* experience of rape, which included forcible sexual penetration (16.1%) as well as penetrations involving drugs, alcohol, or other incapacities (5%) (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007). Using the 2005 census data the authors estimated that 20.2 million women had experienced forced sex in their lifetime and 1.1 million (.6%) had experienced rape in the year prior to the survey.

► Recent state surveys find similar percentages. Almost 18% of women in Virginia experienced a completed rape in their lifetime (Masho & Odor, 2003); and 20% of women said in 2002 that they experienced rape and attempted rape within their lifetime in Texas (Busch, Bell, DiNitto, & Neff, 2003).

## B. Trends Over Time

There are several strong trends that these various studies show that need to be mentioned here including the relatively stable nature of rape prevalence estimates over time when similar methods and definitions are used, victim-offender relationship, and the importance of the role of substance-facilitated rape.

► Kilpatrick et al. (2007) analyzed trends over time in three different studies that used similar methods and questions (with measurement of forced penetration). His analysis suggests that the 1992 study found a 12.6% (1 in 8), the 1995-1996 study found a 14.8% (1 in 7), and the 2006 study found a 16.1% (1 in 6) lifetime prevalence rate of rape for women. Using this trend analysis, it does not appear that rape is declining over time.

► The majority of women who were raped knew their attacker (75%-89%) with about one-quarter reporting they were raped by an intimate or ex-intimate partner (19%-30.4%) (Basile et al., 2007; Kilpatrick et al., 1992; 2007; Tjaden & Thonnes, 2000a; 2006). The number may be even higher when dates are included but how date rape was categorized in the various studies is less clear (acquaintance versus intimate partner). Only one study categorized date or ex-date separately (NVAW, 21.5% were raped by a date or ex-date,

Tjaden & Thonnes, 1998) and when that proportion is added together with intimate partner the category groups to about 46% of women were raped by an intimate/ex-intimate partner or a date. On the flip side of this trend, a much smaller proportion (11%-25%) of rapes are committed by strangers.

► Another important trend that must be mentioned is the realization of the important role of substance facilitated or incapacitated rape. Asking questions specifically about this context slightly increases the proportion of women who report being raped, but this trend in assessment has been very recent (e.g., see Kilpatrick et al., 2007 and Krebs, Lindquist, Warner, Fisher, & Martin, 2007).

Even though the studies discussed above have much strength, all have similar deficiencies that produce undercounts: they employ a telephone methodology that makes it unlikely that women at greatest vulnerability are reached, including those without telephones, in homeless shelters, hospitals, jails, and the like. The representative sampling scheme results in too few women of color to support individual ethnic group comparisons. Most of the studies only interviewed women eighteen years of age or older. Study estimates may be underestimates due to some women's reticence to reveal rape experiences to a researcher over the telephone. However, the trends mentioned above are fundamentally stable over time, in research using similar questions, definitions, and methodologies.

## C. Vulnerable Populations

### C1. Childhood Sexual Assault

The childhood sexual assault statistics, although less controversial, are even more susceptible to methodological variation in terms of measurement (e.g., forced touching of a child is perhaps weighted with greater severity than for adults thus many definitions are broader than forced penetration), the differences in samples which effects timeframes (e.g., asking adults to report on their experiences as a child versus surveying adolescents will most likely produce different estimates because adults will have had their whole childhood to consider while adolescents under 18 are still at risk), and the age of what is considered a "child" which varies in some studies from 14 years old and under to under 18.

► The National Health and Social Life Survey used a random household telephone survey in 1992 for over 3,000 respondents who had ever had sexual intercourse (n=1,689 women and n=1,337 men) and found that 4.2% of women and .3% of men reported their first sexual intercourse was forced (although age of first sexual intercourse was not necessarily

before 18 years old when the whole sample is considered) (Laumann, Gagnon, Michael, & Michaels, 1994).

▶ The National Survey of Adolescents, a nationally representative study of over 4,000 youth ages 12-17 surveyed by telephone in 1995, found that 13% of girls and 3.4% of boys (8.1% overall) had been sexually assaulted (defined as forced intercourse and forced touching) (Kilpatrick, Saunders, & Smith, 2003). Seventy-four percent reported that the assault was committed by someone they knew well and 21% reported that the perpetrator was a family member.

▶ The National Violence Against Women study collected in 1995-6 (described above) found that 9% of women surveyed and 1.9% of men surveyed reported being raped before age 18 (Tjaden & Thonnes, 2000a; 2006).

▶ The National Longitudinal Study of Adolescent Health found 7% of adolescent females in 7<sup>th</sup> to 12<sup>th</sup> grade reporting they had been forced into sexual intercourse at some time in their lives (Raghavan, Bogart, Elliott, Vestal, & Schuster, 2004). The research began in 1994 with an in-school questionnaire of 7-12<sup>th</sup> graders, followed by home surveys 1, 2, and 6 years later.

▶ Data from the Developmental Victimization Survey, administered to a nationally representative sample of just over 2,000 U.S. children and youth by telephone between the ages of 2 and 17 between 2002 and 2003 (information for children under 10 years old were collected by parent or guardian proxy), found that 2.2% experienced a completed or attempted rape within the last year (3.3% of girls and 1.2% of boys surveyed) (Finkelhor, Ormrod, Turner, & Hamby, 2005).

▶ Data from the Youth Risk Behavior Surveillance System, a nationally representative survey administered while in school for students in grades 9 through 12 between 2004 and 2006, show that 7.5% of the youth had been physically forced to have sexual intercourse in their lifetime. The prevalence was higher among females (10.8%) than for males (4.2%) (Centers for Disease Control Prevention, 2006).

## C2. Rape on College Campuses

▶ The Center for Disease Control's National College Health Risk Behavior Survey, a national random students from 2 and 4 year higher education institutions 18 years or older who completed a mailed survey (n=2,558 women) in 1995, found that within their *lifetime*,

20.4% of female college students were forced to have sexual intercourse against their will (Centers for Disease Control, 1997).

- ▶ The Sexual Victimization of College Women Survey surveyed in 1997 by telephone a randomly selected national sample of 4,446 college women enrolled in 2 and 4-year colleges and universities and found that 2.8% experienced a rape or attempted rape since the school year began (an average of 7 months) (Fischer, Cullen, & Turner, 2000). The authors estimated that over a one-year period while attending college, 5% were victims of unwanted completed or attempted forcible sexual penetration. This study also found that 10% of women reported experiencing a completed rape *before* entering college.
- ▶ The Campus Sexual Assault Study undertook research with a sample of 5,446 college women between 18 and 25 years old randomly sampled from two large universities in 2006 using a web survey (Krebs et al., 2007). The survey assessed forced penetration as well as penetration that occurred when the participant was passed out, drunk, drugged, incapacitated, or asleep, regardless of whether substances were voluntarily used or administered without their knowledge. Results suggest that 3.4% of the women who completed the web survey reported physically forced penetration, and 8.5% reported physical penetration during some kind of incapacitation *since they began college*. There are two important caveats about this study's results. First, average time in college was not reported but did vary by participant, for example freshman likely had not even been in college for a whole year while seniors had been in college for several years, thus the estimates are collapsed across the whole time of "*since entering college*." Second, the two estimates for physically forced sex and incapacitated penetration cannot be added together as they are not necessarily mutually exclusive and the report does not give one overall figure for physically forced and incapacitated penetration.
- ▶ Drug-facilitated, Incapacitated, and Forcible Rape: A National Study used a telephone survey to interview 2,000 college women in 2006 selected from a representative national list of women attending four year colleges and universities (Kilpatrick et al., 2007). Researchers found *lifetime* rapes of 11.5%, which included forcible sexual penetration (8.7%) as well as penetrations involving drugs, alcohol, or other incapacities (6.4%). Almost 3% (2.95%) reported being raped within the school year (an average of about 7 months) and the authors estimated that just over 5% of these college women had experienced rape in the year prior to the survey.

In summary, within an average of about a 7-month period, close to 3% of college women report forced or attempted penetration which based on the 10,032,000 women reportedly

enrolled in an institution of higher education in 2005 (National Center for Education Statistics, 2008) suggests that would be about 300,960 women who experience rape or attempted rape over the course of a school year. The 5% annual estimate translates to about 501,600 women who experience rape or attempted rape over the course of a year. And, using the lower lifetime prevalence estimate of college women (11.5%), approximately 1,153,680 women enrolled in college have experienced rape (this estimate is conservative because it only includes forced penetration (rather than forced and attempted) and was assessed for undergraduate women.

### C3. Intimate Partner Rape

► The National Violence Against Women Survey, conducted telephone surveys in 1995-6 and used a definition of rape that included completed or attempted forced vaginal, oral, and anal sex, found 7.7% of surveyed women being raped by a current or former intimate partner at some time in their lifetime (Tjaden & Thonnes, 2000a; 200b).

► A national random telephone survey of 602 women was conducted in 1997 and found that 7% of women were physically forced to have sex by their current partner, and 17% of surveyed women indicated that they had been forced to have sex with a past partner (Basile, 2002). This means that 24% of surveyed women had been threatened or physically forced to have sex by a partner.

► A random household telephone survey of 4,059 women in 2002 and 2003 in Kentucky found that 8.1% of women reported ever experiencing forced sex from an intimate partner (Fritsch, Tarima, Caldwell, & Beaven, 2005). These authors analyzed the data from the 2002 survey (n=2,018) and found that of the women who reported forced sex by an intimate partner 94.5% reported physical abuse by that partner; and, of the of the women who reported physical abuse by an intimate partner, 25.6% reported forced sex by that same partner (Fritsch, Wu, Tarima, & Beaven, 2004).

Partner sexual violence is associated with partner physical violence and for this reason has often been included as part of domestic violence without being considered as sexual assault. Often, however, it has been ignored by the domestic violence field as well. Further, women raped by an intimate partner often endure multiple rapes by that partner over a significant period of time (Tjaden & Thonnes, 2000b).

#### C4. Rape in the Military

The Armed Forces 2002 Sexual Harassment Survey, conducted by the Department of Defense, found that 3% of women and 1% of men were victims of sexual assault (rape and attempted rape) in the twelve months prior to filling out the survey. Only 30% of the women and 17% of the men had reported the rape (Lipari, R., & Lancaster, A., 2003). Because these are figures for the previous twelve months the research is not able to provide a figure for the number of persons subject to rape while in the military. In addition, from a random sample of approximately 60,000 active duty members of the Army, Navy, Marine Corps, Air Force, and Coast Guard, only about 20,000 returned the survey, for a response rate of only 36%, which also limits this research.

A Department of Defense survey of all the female cadet/midshipman population in 2004 found that 14% had experienced incidents of sexual assault while in the academy between 1999 and 2004 (Office of the Inspector General of the Department of Defense, 2005). Over two thirds of the incidents (67.1%) were not reported to authorities.

#### C5. Rape in Prisons

As a result of the Prison Rape Elimination Act of 2003, the Bureau of Justice Statistics is required to carry out an annual incidence of prison rape survey. At the sample facilities, all state and federal prisons, between April and August 2007, respondents were asked about sexual victimization at the facilities during the twelve months prior to the date of the interview (Beck, & Harrison, 2007). Based on the survey, The Bureau of Justice Statistics reports that in 2007 the national estimate is that 16,900 men and women experienced nonconsensual sexual acts (1.3%) from other prisoners, which included oral, anal or vaginal sex and handjobs. The same percentage, 1.3%, experienced nonconsensual acts from prison staff. This means that 33,700 prisoners in the twelve months prior to the survey were victims of sexual assault. A gender breakdown is not yet available.

A recent report from the Bureau of Justice Statistics is the result of a survey conducted in 282 local jails between April and December of 2007 with a sample of approximately 40,500 prisoners (Beck & Harrison, 20080). Nationally, the Bureau estimates that .7% of jail prisoners experienced nonconsensual sexual acts from other prisoners, and 1.1% from jail staff within the twelve months prior to the survey, for a total of 13,500 jail prisoners nationally.

Further, a study of jail inmates in 2002 found that 35.9% of the females and 4% of the males had been sexual abused prior to their current jail admission (James, 2004).

## II. Misinterpreting Data

Although these major research studies, most supported by the federal government, have figured out how to ask their questions with a proper degree of specificity and uniformity, and emerge with consistently uniform prevalence rates over the years, misrepresentation of rape data, usually in the direction of exaggeration, fuels a rape denial campaign.

In this section, we will discuss how misinterpretation of rape research data, well-meaning but misguided agendas of establishing a rape crisis, and media ignorance and confusion have harmed rape prevention efforts.

### Fuel for the False Rape Crisis Allegation

#### A1. Difficulty in Translating Research

As noted at the beginning of this paper, interpreting the research on rape prevalence is difficult and confusing even for those who have a research background. Because there are no standard definitions, methodologies, and samples that are used, comparisons across studies are difficult as well as interpreting results from one study within the context of the limitations or research methods that were used. Even something as seemingly simple as the definition of rape varies widely across studies. This difficulty in translation of research can result in misinterpretation. For example:

*“If the one-in-four statistic is correct—it is sometimes modified to “one-in-five-to one-in-four”—campus rape represents a crime wave of unprecedented proportions. No crime, much less one as serious as rape, has a victimization rate remotely approaching 20 or 25 percent, even over many years. The 2006 violent crime rate in Detroit, one of the most violent cities in America, was 2,400 murders, rapes, robberies, and aggravated assaults per 100,000 inhabitants—a rate of 2.4 percent. The one-in-four statistic would mean that every year, millions of young women graduate who have suffered the most terrifying assault, short of murder, that a woman can experience. Such a crime wave would require nothing less than a state of emergency...none of this crisis response occurs, of course—because the crisis doesn’t exist.”*

—Heather MacDonald, *The City Journal*, Winter 2008  
(Retrieved July 26, 2008).

As this quote highlights, the rape prevalence estimates are extremely manipulated. First of all, as noted above, conservative estimates of rape range from 1 in 8 to 1 in 6. Broadening the definition a bit to include attempted, substance facilitated or otherwise incapacitated rape brings the number closer to the 1 in 5 estimate (18%). But these estimates are ALL

based on lifetime rates, not annual rates of rape victimization. Thus, not only does the quote above exaggerate the number of women victimized by rape, it completely misrepresents the statistic by suggesting it is an annual rate and then makes a very unfair comparison to annual rates of other kinds of crime (rather than examining the number of people victimized by those kinds of crimes in their lifetime). Then it concludes, based on these faulty arguments, that the rape crisis is nonexistent.

Advocates and journalists who do not have a research background may have an especially difficult time interpreting results. Meanwhile, researchers have not done a good job of translating their findings and carefully spelling out similarities or differences to other studies. Further, researchers themselves may have a political motivation to sensationalize, highlight, or use a statistic that they think will galvanize their position (whatever that may be).

#### A2. Motive: Excess Zeal in Alleging That Rape is a Problem

There are multiple motivations by researchers, advocates, and journalists to skew the statistics to underscore their position which may be that rape is serious and affects many women, that more funding is needed to serve victims, or because it makes a good story. Often what happens is that the actual estimates of rape prevalence are then “estimated” again. For example,

*“The NCWSV found that 1.7 percent of college women had experienced a completed rape and 1.1 percent an attempted rape in the seven months prior to the study. The survey’s authors, by projecting these figures over an entire calendar year, concluded that nearly 5 percent of college women may be victimized annually with up to 25 percent possibly assaulted by the end of their college years.”*

—The U.S. Department of Education’s Higher Education Center (Langford, 2004, Retrieved July 26, 2008).

This quote seems credible, especially coming from the agency listed. But upon a closer look it is not clear why taking a prevalence estimate of 2.8% over the course of an average of 7 months is basically doubled and then that estimate is taken and basically multiplied by 5 (assuming five years of college). This ignores the fact that many victims are revictimized rather than rape being random (especially given the biggest category of perpetrators are known to the victim). It also ignores the fact that the NCWSV surveyed a sample of college women who were enrolled full time as of fall 1996, regardless of what year they were in college (freshman to senior to graduate student), which then assumes the same risk level across all groups of women which may or may not be true. Finally, the NCWSV made this

estimate with two sentences and one end note in a 39 page report, and makes clear those estimates were tentative or suggestive because the only way to know for sure would have been to use a longitudinal study. Yet, even within all of these limitations, this one-in-four statistic now seems to be a reality. Or worse yet, has actually turned into a one-in-three estimate.

A brief Internet search finds plenty of examples. Numerous college and university rape awareness web sites regurgitate the erroneous one-in-three life time figure, or even worse, the erroneous fact that one-in-three will be victimized during their time in college. One college newspaper describes a poster that mangles statistics by saying, *“Think of three of your best friends. One of them will be raped this year.”* Another college study report described how slightly over a third of its women students experienced at least one victimization (and estimated that one-in-three women will be victimized during their time at college), but these too included stalking, domestic violence, and sexual assault although no definitions for any of these were given in the report (Jordan, 2005; Jordan, Wilcox, Pritchard, & Duckett-Pritchard, 2007). These high rates are also featured prominently on some sexual assault services organizations’ web sites, although others are stated more accurately (10% and 20%).

The one-in-three figure is also repeated on Internet counseling sites and medical advice sites. Sometimes the web sites extend the one-in-three women to women worldwide, said to be a UN statistic, but this is a figure for all violence against women: *“At least one out of three women around the world has been beaten, coerced into sex or otherwise abused during her lifetime-with the abuser known to her.”* The statistic has even spawned an organization, One in Three Women, A Global Campaign to Raise Awareness About Violence Against Women.

And Internet searches reveal that this statistic is repeated by feminists when they appear on television and on the radio. For example, feminist attorney Gloria Allred repeated the one-in-three lifetime statistic on the Donohue program (Alas Blog, 2003). One feminist web site quoted a retired US Army Colonel who greeted an audience at a program on women in the military with the statement that one in three women experience sexual abuse (Van Ness, 2008). Did she mean rape? The woman’s statement is unclear. Later on, the author of the piece cites a 1995 survey, reported by Reuters, that one-third of the respondents of all ages said they had been raped in the military. This one-in-three figure, as we have seen, a wild overstatement of rape in the military, was approvingly quoted in a recent Memorial Day

Update by one organization reaching 9,500 people (Chicago Foundation for Women, 2008).

The exact origin of this one-in-three statistic cannot be traced. Perhaps it comes from more global statistics. Statements such as “*Around the world at least one woman in every three has been beaten, coerced into sex, or otherwise abused in her lifetime*” are common in various reports; but these data include all violence against women, not just rape (Population Reports, 1999). One college study found that slightly over a third of its women students experienced at least one victimization (and estimated that one-in-three women will be victimized during their time at college), but these too included stalking, domestic violence, and sexual assault (Jordan, 2005; Jordan, Wilcox, Pritchard, & Duckett-Pritchard, 2007). The first prevalence study on rape on college campuses by Mary Koss found 27.5% of women in her sample reported experiencing forced or attempted rape, which might have been rounded up to one-in-three over time (Koss, Gidycz, & Wisniewski, 1987).

But since all current research finds much lower prevalence of lifetime sexual assault, repetition of this statistic is harmful to the cause of rape elimination and opens up rape crisis providers to charges of exaggeration and duplicity. Given the backlash and the concerted campaign of rape deniers, it is important that data not be misstated or misinterpreted, even though it may represent severe undercounts.

### A3. Media Misstatements

Editorial decisions and reporter ignorance contribute to the data confusion. In addition, the tendency to hype and feature opinions (often masquerading as facts) that counter mainstream feminist statements creates controversy and continues the data wars.

The most common mistake is for the media to interpret a drop in rape cases reported to the police as declines in rape prevalence. “Rape in Decline,” announced a 2006 editorial in the *Chicago Tribune*, based on the continuation of a two-decade reduction in reports of criminal sexual assaults in Chicago (Chicago Tribune Editorial, 2006). That same week, a *Tribune* columnist theorized about the reasons that the “tide has turned against rape,” finding that it could well be that pornography and a new cultural openness about sex prevent rape (Chapman, 2006).

Using reporting data for rape prevalence is fraught with difficulty. We know from the yearly U.S. Department of Justice National Crime Victimization Survey that less than 40% of rape and attempted rape victims report crime to the police and that this figure has not fluctuated greatly in recent years (Rand & Catalano, 2007). Even so this report has been criticized

intensely for a variety of reasons, primarily around the methodological issues in measuring rape (Fisher & Cullen, 2000).

The numbers reported by police are also problematic in that in reporting sexual assaults to the FBI in the Uniform Crime Reports (UCR), police departments are allowed to list rape reports as “unfounded,” which means that they are either false (*i.e.*, they did not happen) or baseless (*i.e.*, something happened but it did not meet the elements of a sexual assault offense.). This means that these cases can be removed from the rape report lists. These criteria should not include reports that are unsubstantiated (*i.e.*, there is insufficient evidence to prove that the rape happened). In fact, there is no unique category in the UCR program for these cases, which should technically be left open by the police department and never closed (Lonsway, Archambault, & Berkowitz, 2001).

There are grounds to believe that some police departments, in an attempt to minimize rape in their jurisdiction and to continue downward crime trends that are politically mandated, manipulate rape statistics to bolster their images. One way to do this is to remove cases reported as “unfounded” when they are, in truth, “unsubstantiated.” When police departments reform their rape closure policies, unounding statistics quickly come into line with other index crimes; for example, in New York City, statistics for unounding in rape cases went from 15% to 2% in one year after reforms (Lonsway, Archambault, & Berkowitz, 2001). Reporters believe that this approach has occurred in other jurisdictions. And there are other methods. A newspaper investigation in Philadelphia found sexual assault cases coded as other crimes to hide rapes there (Fazlollah, 2001).

Prevalence of rape in the military is another area in which media misstatements often occur. Perhaps this is because research reports on the military commonly report on a range of conduct, from rape to unwanted sexual attention, sexual coercion, or sexist behavior. Unfortunately, it is altogether common to find the larger percentages for sexual harassment incorrectly cited as rape prevalence figures. The erroneous one-in-three figure is commonly cited by journalists writing about rape in the military (Wright, 2008).

In addition, some research on sexual assault in the military reports that large numbers of recruits are victims of sexual assault before they enter the military (a provocative finding). That, however, should not be confused with a percentage of those who are rape victims while in the military. Data from medical and mental health providers that large percentages of women patients were victims of sexual assault should also not be confused with general prevalence figures. For example, one recent piece on the subject of rape in the military (Harman, 2008), began with data that 41% of female veterans seen at a VA health center

said they were victims of sexual assault while in the military. Although this is important and interesting data, and some indication of a problem, it should not be cited as proof for the prevalence of sexual assault in the military, since it reports on a subset of women who are seeking help for a problem that may have been directly related to the sexual assault.

### III. Strategies of the Rape Denial Campaign

#### A. Attacking Rape Prevalence

In a recent address at a joint meeting of the American Academy of Arts and Sciences and the American Philosophical Society on the theme of “The Public Good: Knowledge as the Foundation for Democratic Society,” novelist E.L. Doctorow identifies as a recent problem the large cast of knowledge deniers during the last eight years of the Bush administration. “Two things must be said about knowledge deniers,” Doctorow asserted. “Their rationale is always political. And more often than not, they hold in their hand a sacred text for certification” (Doctorow, 2008).

So let us briefly look at the activities of rape deniers, the games they play with data, and, at the same time, try to identify their political agendas which include (1) attacking one of the first prevalence studies done in the U.S. in a major attack on feminism; (2) suggesting that rape cases are not “real rape” because they are based on promiscuity and regret; (3) attacking the measurement of rape because the subjects do not themselves label their experiences as “rape;” and (4) from the feminist point of view, denying rape prevalence because rape’s existence might end sexual liberation.

#### A1. Attacking one of the first prevalence studies done in the U.S. as a Strategy Against Feminism

The college campus remains the site for most of the controversy. Rape deniers trace a 27.5% prevalence for campus rape and attempted rape to Mary Koss’s 1985 study and deride the results (Koss, Gidycz, & Wisniewski, 1987). The fact that Koss’s 25% prevalence figure was the experience of college women since the age of 14, not for rapes experienced while at college, seems to have been lost altogether.

To attack Koss’s findings, these ideologues have to believe that the rapes reported in the research are not “real rapes” and that the numbers are thus inflated. They received ammunition for this task from one academic who found ambiguity in one of Koss’s questions, and from the fact that many of the women in the study who were the victims of drug or alcohol-induced rapes said they weren’t sure that they had been raped (Gilbert, 1993). Specifically, the controversial question used to categorize women as experiencing

rape or attempted rape was “Have you had sexual intercourse when you didn’t want to because a man gave you alcohol or drugs?” This question is relevant to the issue of rape as noted in more recent prevalence studies; however, the actual wording of this particular question was admittedly ambiguous and Koss subsequently reanalyzed the data and found that 20% experienced rape or attempted rape since their 14<sup>th</sup> birthday (Koss & Cook, 1993).

This critique of a twenty-year old study is repeated over and over in articles and web sites to this day. None of these *op ed* writers, columnists, journalists, and editors ever seems to think that a review of more recent research would be in order.

If you believe, however, that feminists are unfairly attacking men, then rape prevalence claims need to be knocked down. Easy, then, to use a 20-year old study, misrepresent its findings, and then criticize them.

A recent example of this tactic is to be found in a recently revised and updated edition of the bestselling book “Freakonomics,” in which economist Steve Levitt and his co-author write, in what is after all just an aside, “*Women’s rights advocates, for instance, have hyped the incidence of sexual assault, claiming that one in three women will in her lifetime be a victim of rape or attempted rape. (The actual figure is more like one in eight-but the advocates know it would take a callous person to publicly dispute their claims.)*” (Levitt & Dubner, 2006). This statement is totally typical of the problem with current discussions of rape prevalence. The authors never tell us just who is claiming the figure of 33%, and, as we have seen, the actual figure is not one in eight, but closer to one in five.

An example from further to the right is television pundit John McLaughlin’s on-air statement: “*From afrocentric claims of Cleopatra’s being black to phony feminist statistics on rape, anorexia, and discriminatory treatment of girls, academia has in recent years been beset by revelations of fraudulent facts and spurious studies*”(McLaughlin, 1999).

Perhaps the real target is feminism, and, with Koss, more specifically *Ms. Magazine*. Koss is usually misrepresented as handpicked or commissioned by implacable feminist editor Gloria Steinem, although the study was funded by a grant from the National Institute of Mental Health and was peer reviewed research. That this vendetta is being carried on twenty years later demonstrates the strength of the antipathy to feminism, with rape data the excuse for the attack.

Newspaper columnist Kathleen Parker’s new book, “Save the Males: Why Men Matter, Why Women Should Care,” (Parker, 2008) is an elaborate attack on feminism’s overreach in

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condemning males. Deriding and belittling statistics about domestic violence and sexual assault becomes part of her argument. The only researcher Parker cites is Mary Koss, designated as the official source for an erroneous 25% college campus rape statistic. Parker accuses Koss of “defining rape down” by daring to label sexual intercourse as rape “when a person has had a six-pack and half a dozen shots,” when “inhibitions loosen and judgment is lost.” In fact, Parker’s approach is an attack on calling any campus-related drug or alcohol-facilitated sex rape, which can send our nice college boys to prison for a few years.

For neocon males, the attack on rape statistics is also a stand-in for an attack on women’s liberation and “political correctness.” They claim that humorless, man-hating feminists equate “bad sex” with sexual assault. Norman Podhoretz, long-time editor of *Commentary*, even cautioned women that equating rape with seduction will bully men into becoming “wimps,” causing an increased “incidence of male impotence” (Podhoretz, 1991.)

#### A2. Suggesting claims of rape are based on promiscuity and regret

Promiscuity is another target, as exemplified by Heather MacDonald’s 2008 piece in the *Los Angeles Times*, which also contains the obligatory attack on Mary Koss. What lies behind the rape hype? She asks. “I believe that it’s the booze-fueled hookup culture of one-night, or sometimes just partial-night, stands.” Most campus rape cases exist in the gray area of seeming cooperation and tacit consent, she avers. Therefore, the attack on rape statistics is in reality an assault on women’s liberation: if you are going to become sexually involved on a date, then you must suffer the consequences, which can, at times, be unwanted sex, but not really rape. “Putting on a tight tank top doesn’t of course lead to what bureaucrats call “rape,” she writes. “But taking off that tank top does increase the risk of sexual intercourse that will be later regretted, especially when the tank-topper has been intently mainlining rum and Cokes all evening.” (MacDonald, 2008.)

In another variation on this theme, an article on the *Wall Street Journal*’s editorial page (Riley, 2006) lectures readers that feminists now believe that women should be liberated from social constraints, especially those that require them to behave differently from men. Feminists, she claims, approve and encourage promiscuous behavior, which does have risks. It is thus more important to blame the women for being raped than the men for taking advantage of their drinking, because this fits the agenda against feminism; to label women’s experiences as “rape” dilutes the condemnation of women’s behavior.

Columnist Kathleen Parker blames the “ho culture” that encourages women to dress in revealing ways, in which even babies are adorned in “porn star” T-shirts and other sexualized clothing. Although her objection to this over-sexualization has merit, she extends the discussion to rape: “Once women sexually objectify themselves, it becomes harder to insist that others not” (Parker, 2008). This is just another way to blame women and girls, and not men, for forced sex.

In a nutshell, what some call rape, others with anti-feminist, or pro-man agendas must call “bad sex,” blaming the women and the culture for its occurrence, an approach that seems to mandate an attack on rape data and their meaning.

Meanwhile this strategy gives men a free ride in taking responsibility for taking advantage of someone who is too drunk or incapacitated to participate in fully consensual sex.

### A3. Attacking the measurement of rape using the threshold of self-labeling

A complementary approach, with the same agenda tied to promiscuity, is to cite the research showing that many women who report rape experiences (experiences of forced sex) do not label themselves as having been raped when asked directly. Koss’s study revealed this as an issue as have several other studies on sexual assault. For example, The Sexual Victimization of College Women survey found that about half of the women classified as rape victims did not label their experience as rape (Fisher, Daigle, Cullen, & Turner, 2003). These results are then used to discredit the rape prevalence estimates.

Recent research has begun to dig into this issue to find out differences between those who do and do not label their forced sexual experiences as rape. Several studies find that women are more likely to label their experience as rape if the perpetrator was a stranger and if the assault was violent, involved a weapon, involved a threat of physical force, or involved injury while women who did not acknowledge their forced sexual experiences as rape were more likely to have been raped by a boyfriend, to have been severely impaired by drugs or alcohol, or the acts involved oral or digital sexual contact (Hammond & Calhoun 2007; Harned, 2005; Khan, 2004; Khan, Jackson, Kully, Badger, & Halvorsen, 2003; Peterson & Muehlenhard, 2004).

Rape deniers think that by abjuring the label “rape,” victims are saying the incident was not serious. However, if you ask women if they suffer from depression, many of them may well say no, but mental health testing may well reveal that they have this problem. There is no reason to assume that the women have not experienced serious attacks. Instead, victims

may be reflecting what society suggests, that “real rape” is an attack by a stranger, not one that occurs when you are using alcohol and have engaged in promiscuous behavior.

#### A4. Feminist Agendas

Denial of rape prevalence comes just as strongly, however, from certain feminists. In the 1990’s, writer Katie Roiphe (1993) famously began the attack on the statistics, but with a different motive: her fear that women and girls will be seen as weak victims needing protection from men and the law, losing their hard-fought gains of sexual liberation. Another feminist who has recently become a combatant in the rape data wars is writer Laura Kipnis, (2006) whose misrepresentation of rape data takes the exercise to new heights. In a recent book she makes the claim that sexual assault has declined every year since 1992. For this assertion she uses those cases reported to the police, although we know that only 40% of victims report rape to the authorities and that even these numbers are minimized by police departments removing “unfounded cases.” (See below for a discussion of police reporting practices that artificially lower the number of police reports.)

Kipnis then makes the dramatic statement that more men than women in the U.S. are raped every year- men in prison. In making this calculation, Kipnis compares estimates of male prison rape from human rights organizations with female rape cases reported to the police. The real story, however, is rather different. In the first ever survey of prisoners in 2007, the Department of Justice found 47,200 (*both women and men*) actual occurrences of sexual assault at the hands of other prisoners or staff in prisons and jails (Beck & Harrison, 2007). Compare this number to 92,455 rape cases reported to the police in 2006 (Federal Bureau of Investigation, 2007), or the 272,350 victims of rape and attempted rape reported by the Department of Justice’s annual National Crime Victimization Survey in 2006 (Rand & Catalano, 2007), with both of these numbers certainly undercounts.

What, then, is Kipnis’s motivation for either this ignorant mangling of or intentional misstatement of data? Kipnis’s new book’s theme is that women are to be blamed now for much of the power inequalities in male-female relationships: women, she writes, want men’s company, their attention, their love, and their sperm, and are willing to put up with the rest of what comes with it. This is a new version of women blaming. In discussing rape, Kipnis doesn’t seem to consider any rape cases that are not “date rape” situations, and she appears to be saying that in most “date rape,” the girl or woman is confused or unsure about what she wants. The whole hypothesis minimizes rape and its effects, which Kipnis’s misstatements of rape data also buttress. For Kipnis, these men who go too far are “*merely being romantically disappointing, or watching porn, or having midlife crises, or being needy,*

*pants-dropping, self-destructive presidential clowns,*” a trivialization of the terrifying and cruel experiences of many women and girls.

#### B. An Alternate Strategy: False Rape Claims

Some rape deniers do not spend time debating the numbers, but instead contend that many of rape claims are false. Numerous web sites, including falserape.net, the Center for Military Readiness, and RADAR (Respecting Accuracy in Domestic Abuse Reporting) and a plethora of men’s rights groups repeat the same “studies” which purport to prove that half of all rape claims are false.

Until now, to back up their allegations these groups have relied on journalist Tucker Carlson’s experience with a rape claim that proved to be false, and a goofy accusation against Harvard Law Professor Alan Dershowitz for sexual harassment in the classroom. But the collapse of the Duke Lacrosse case has proved a godsend, breathing new life into the Rape Denial Industry. In numerous columns and articles, well-regarded journalist Stuart Taylor has waged a war against the beliefs and actions of the Duke case prosecutor. Now these articles have been turned into a book published by St. Martin’s Press (2007).

After presenting the facts of the Duke rape case in several hundred pages, the authors conclude that it is emblematic of what is going on in the world of rape prosecutions: *“Men accused of rape often face a de facto presumption of guilt that is hard to dispel no matter how strong the evidence of innocence....the charges have gone too far, driven by radical feminists’ wild exaggerations of the extent of male sexual predation and female victimization and their empirically untenable view that women never (or hardly ever) lie about rape.”* To prove their assertion, the authors cite several pages of evidence, reporting that false rape claims are in the neighborhood of 50%. It should not be surprising that these are the same “studies” found on rape denial web sites. The preposterousness of this claim seems to have gone unnoticed in reviews in major publications.

Although the authors quote from a few prosecutors, their 50% contention rests on three major sources. First is a quote from former Manhattan sex crimes prosecutor Linda Fairstein, from a 2003 “Cosmopolitan” article, in which she purportedly wrote that of 4,000 reports of rape each year in Manhattan, about half simply did not happen. A perusal of that article finds no such quote; Ms. Fairstein herself referred me to the KC Johnson web site that fesses up to the error, the authors having taken the reference from someone else’s website without consulting the original piece.

The second source is a research study by Purdue sociologist Eugene Kanin from 1987. Kanin, the hero on all the denier web sites, obtained information from a small Midwest police department about the number of rape claims determined to be false (41%) over a ten year period. As recently pointed out by Professor David Lisak (2007) at the University of Massachusetts Boston, Kanin's is not a research study, because it only puts forth the opinions of the police officers without any further investigation on his part. In addition, the study occurred in a jurisdiction in which the police department followed policy (now deemed unlawful by the U.S. Congress for police departments receiving federal funds) that required polygraphing complainants and suspects as a *condition* of investigating rape reports. Surely this practice encouraged many complainants to withdraw their accusations to avoid this trauma, thus elevating recantation (and hence "false") rates, as Kanin himself admits.

Finally, the authors cite a recent Department of Defense report, which found that fraudulent rape complaints were perceived as a problem at the three service academies by over 70% of those surveyed. Participants, however, were not asked their own opinions in the matter, but, strangely, whether they thought that their classmates considered false reporting to be a problem. Obviously, this study does not present data about the true extent of false reporting at the academies.

When you think about it, studying false rape claims is difficult. A determination that a report is false can only be made when there is sufficient evidence to establish that the sexual assault did not happen. Obviously, there are many cases when it is simply impossible to know either way. The difficulty of ascertaining false rape reports is evidenced by a number of cases labeled "false" which later turn out to be all too true. In these matters, which often figure in newspaper reports, DNA testing in a later case links the perpetrator to the earlier victim.

Shocking it was indeed to see the Kanin study approvingly cited by social psychologist Carol Tavris (2008) in a recent review of a new book on rape. Tavris, whose works argue against theories that advocate biological reductionism to explain differences between men and women, loudly bangs the false rape claims drum: *"The better problem for feminists to confront, then, is that one possible result of feminist activism- making women more comfortable filing charges against their rapists- may have produced an increase in false allegations as well."* And then she cites (you guessed it) the Duke case for the proposition that prosecutors may now be "hyper-responsive," especially on college campuses, to false complaints.

Although rape cases can be hard to prosecute given the lack of corroborating evidence, recent scholarship suggests that it is attitudes and stereotypes that influence decisions about prosecution in the criminal justice system, and not necessarily false rape claims (Tempkin & Krahe, 2008).

Seven new methodologically rigorous research studies on false claims exist, with estimates for the percentage of false reports converging to between 2 and 8%. For example, in a study in eight communities in which law enforcement agencies collected data on sexual assault reports, using standard and consistent definitions of false reports, 7% were classified as false (Lonsway, Archambault and Berkowitz, 2007; Lonsway, Archambault, and Lisak, 2008). In summarizing the new studies, researcher Kimberly Lonsway has remarked:

Because the studies...meet generally accepted standards for social science research, they instill confidence in the credibility of their estimates-which range from 2-8 percent, depending on which specific studies are included. In fact, the diversity of methods means that convergence of findings is especially noteworthy (Lonsway, 2010).

False rape claims proponents never mention any of these new studies; they cite only the Kanin article, an omission that seriously misstates the state of research on this subject. This false rape claims campaign must be taken seriously. It has had and will have an effect on law enforcement investigation of rape claims and judge and jury verdicts, as well as victims' willingness to come forward. Indeed, recently a judge in Georgia dismissed the rape claim of a college classmate because she was not a virgin and had previously had a sexual relationship with the perpetrator. When she broke up with him and avoided him, he then raped her using a date rape drug. The rape caused lacerations and bruises documented by the rape kit. The judge found that since the two had previously had a sexual relationship, the woman should have known her claims were frivolous: "...there was no reasonable belief that a court would accept Plaintiff's claims." Then he ordered her to pay \$150,000 for the court costs of her attacker (Beety, 2008). The case is a good example of the success of the false rape claims campaign, and will be sure to dissuade other victims from coming forward with rape complaints.

#### IV. What is to Be Done?

We have seen that recent rape prevalence research obtains consistently high results, but anti-feminist campaigners have found the complicated area of rape prevalence to be one ripe for their agendas. There is a persistent campaign to confuse the public about rape prevalence statistics through either misstatement or misunderstanding, or in the

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alternative, to put forth the idea that the majority of women and girls lie about claims of rape. Exaggerated misstatements about rape prevalence by those who support rape victims have played into their hands. It is time to turn a new page and free ourselves from the grip of this paralyzing battle. To this end, we make the following five suggestions.

*1. New rape prevalence studies need to be publicized.*

Rape deniers center their attack on data by citing (and misstating) a 1985 study that due to some ambiguity in its questions has been critiqued. Yet new studies with solid methodology and consistent results go undiscovered and unmentioned in the media. The public deserves to know about these new research studies, many of which have been funded by the federal Department of Justice.

The more often the Koss study is cited and attacked, the more the public believes that rape data cited by rape crisis activists are overstated. This is propaganda: repeat the lie often enough and it becomes established truth.

It is important to strategize about how this new raft of rape data, here-to-fore ignored by the media, can reach the public. One approach is to alert the media to the rape denial campaign, highlighting the campaign's reliance on a twenty-year old study and its ignoring more recent research, while at the same time highlighting more recent research and its consistent results. In addition, the public needs to know that there is no reputable social science research about false rape claims.

One strategy is to develop a list of prominent and public figures, including elected officials, who can be enlisted to sign op-ed pieces and write articles ghosted by Counter Quo members and who can be expected to command attention from editorial pages of major print media.

The second approach is to create a new data fact sheet for dissemination to all news media by Counter Quo. Editors and editorial page editors need to be put on notice that articles attacking a 1985 study are fallacious and not newsworthy. It is time to move on.

The piece should also educate the media that UCR or FBI data are not an adequate indication of rape prevalence.

The data sheet should be transmitted to all rape crisis providers, coalitions, and campus rape centers and organizations. A common definition of rape, in all its manifestations, also needs to be developed as part of this project.

Counter Quo should continue to update the data sheet and maintain a centralized clearinghouse for data that can be consulted by the media and by rape crisis organizations.

2. At a minimum, articles on the rape deniers' organized erroneous data campaign and false rape claims campaign need to be placed in progressive media outlets. This segment of the public needs to understand the nature of the campaign against rape data and its effects on rape victims and rape prevention.

3. Incorrect data assertions in the media need to be responded to whenever and wherever they occur.

4. A strategy to educate the media and the public about the definition of rape needs to occur. Rape deniers have fought the data wars successfully because they regard most

sexual assault as “bad sex” or “unwanted sex” when rape is forcible intercourse intended to harm, degrade, and humiliate. The nature of rape has been lost. The voices of “date rape” survivors need to be heard more clearly, and the graphic specifics of the rapes need to be forthcoming as well.

Statistics are important, but they are disconnected from the phenomenon of the individual experience. Individual stories illustrate the many venues of rape, not just the college campus rape that consumes so much attention. And stories of individual rape, even those in “date” or social situations, can better make the point about the purpose of rape.

In addition, other kinds of rape beyond “date rape” need to become part of the national discussion, which has been dominated by debates about “date rape.” These include “marital rape” or rape within domestic violence, childhood sexual assault, and prison rape, all of which go unmentioned and have high prevalence rates.

5. All strategies should emphasize that 15 to 18% is an extraordinarily high figure that has remained constant over the years. Just because the figure is not 25% or 33% does not make it a low one. These percentages should always be converted to the real number of girls and women who are sexual assault survivors and who will be victims of sexual assault in the future.

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