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Missoula: Rape and the Justice System in a College Town

By Jon Krakauer. Published 2015 by Anchor Books, a Division of Penguin Random House.

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In an age of social media and the 24-hour news cycle, there may never be a time when citizens of the United States are as aware of and engaged in conversations about the subject of athletes and sexual violence. The roll call of cases involving accused or convicted athlete perpetrators is the substance of sport news stories nearly every day.

In the month of June of 2016 alone, headlines were dominated by news of Baylor University authorities who were demoted or lost their jobs because of the mishandling of numerous crimes of sexual assault committed by football players against female students and a mounting number of lawsuits filed by alleged victims (Watkins, 2016). During the week of June 13-18, 2016, NewsChannel 5 in Nashville (TN) provided live coverage of the re-trial of former Vanderbilt University football player, Branden Vandenburg, convicted of multiple counts of aggravated rape and sexual battery for aiding three of his teammates in committing sexually violative acts against his unconscious girlfriend (No Author, 2016). Controversy over the light sentencing of a Brock Turner, a former Stanford swimmer who had been found guilty of raping an unconscious woman resulted in a movement to recall the judge who offered a rationale for his leniency that appeared to favor the damage to Turner's reputation and ignored the suffering of the victim (Winton, 2016). And Jack Montague, a Yale basketball player who was found guilty of rape through a campus judicial process and expelled in the aftermath, sued the University and two of its Title IX coordinators, arguing that the charges he faced were factually incorrect and the proceeding that resulted in his expulsion denied him a fair hearing (Tracy, 2016).

While sexual assault cases involving athletes receive intense media scrutiny and generate considerable public commentary, questions abound as to how the public's investment in winning teams, support of athlete celebrities, and attitudes in general regarding sexual violence affect the way that campus communities, the towns they are located in, and stakeholder groups (students, faculty, athletic department personnel, administrators, fans, parents and family members, teammates, boosters, media) respond to allegations of sexual violence. In *Missoula: Rape and the Justice System in a College Town*, investigative journalist Jon Krakauer explores these issues through a series of incidents involving football players that occurred during a four-year span of time between 2010 and 2014.

The stories as developed by Krakauer rest on backdrops of pervasive assumptions (what some call rape myths) about the act of rape, perpetrators, and victims. Artfully, the stories themselves interrupt some of those assumptions, most notably who rapists are. The perpetrators here are not faceless, nameless foreboding characters who emerge and recede into the darkness. The perpetrators (accused and convicted) are known to their victims and accusers.

Thus, the book begins with an account of an acquaintance rape between childhood friends who grew up in Missoula, one living his dream of becoming the hometown football hero while the other traveling just far enough away to lay claim to an athletic scholarship for women's soccer but returning home at every opportunity to be embraced warmly by family and friends. It would be on one of those occasions while visiting home and hanging out at a party with the young man who she had known since grade school, a young man who she regarded as a "big brother", that this trusted friend would search her out as she slept on a couch on the first floor of his house and accost her while she slept. Paralyzed by fear, calculating that resistance would bring her greater harm with him weighing 100 pounds more than she did, she waited until he had finished violating her before fleeing the house, calling her mother to pick her up, running from the house and down an alley, only to discover during that early morning run to freedom that he was racing to catch her. Following months of investigation, the hometown hero would be tried in the Missoula County District Court in 2013, his guilt established in part as a result of an audio recording of admission that the victim made under the supervision of local law enforcement.

The team's quarterback would also be accused of raping a female student, found culpable by the University's student conduct board under Title IX's preponderance of the evidence standard. While the board recommended that the player be expelled, the decision was subsequently appealed to the University president who upheld it. A third appeal, however, to the state's Commissioner of Higher Education resulted in the decision being overturned. The player was never expelled. A court case would result in the player being found not guilty of the charges against him.

For those working in or aspiring to work in the industry of sport, the book offers ample opportunities to explore in depth interlocking areas of knowledge that all practitioners should be aware of and professors and researchers should know well. From a legal perspective, insights regarding relationships between athletic departments, central university administrations, campus safety and security, and local law enforcement are mapped out and offer avenues to consider how communication should flow between and among these entities. Institutional obligations under Title IX are examined as are various state and federal statutes.

The raw realities of what rape does to victims – the chilling indignities of the assault and medical examinations that follow; the toll on psychological, spiritual and physical well-being; the disruption of relationships; the public pressure to remain silent or to recant what happened – are presented in a compelling fashion. Rifts within communities born out of propensities to believe alleged victims or perpetrators are documented in the form of discussions regarding victim-blaming, rape denial (it never happened), and preferential treatment of athletes.

The book is not without its critics. Some, for example, have likened it to a November, 2014 story entitled "A Rape on Campus" published in Rolling Stone regarding an alleged rape that occurred on the University of Virginia campus. That story, later described as a "journalistic failure" for inadequacies in reporting, editing, and editorial supervision, was retracted by Rolling Stone after the editor commissioned the dean of the Columbia School of Journalism to conduct an independent review (Coronel, Coll, & Kravitz, 2015). Missoula was published during the same window of time as disclosures regarding the failures at Rolling Stone were being made.

Krakauer has talked about how the Rolling Stone case affected his reporting and need to be transparent about his methods and research. As a consequence, even the criticism of the book can be used in classes to explore journalism ethics, the interests of various constituencies, and the larger public interest.

For those contemplating using this book, there are follow up stories that have emerged since its publication. Although the hometown hero served time in prison, having been sentenced in 2013, he was expected to be paroled less than three years later after completing several court mandated programs (Kato, 2016). The quarterback who was accused of rape, although he never suffered expulsion, sued the University alleging that his guilt had been predetermined and that he had been subjected to a biased investigation. In February of 2016, the Montana Department of Administration's Risk Management and Tort Defense Division elected to settle, paying out \$245,000, rather than go through the publicity of reopening it (Associated Press, 2016).

This book can be a useful tool to help students, professors, and practitioners acquire a vocabulary for talking about and dealing with the important issue of athletes and sexual assault. While it does not offer instant answers and leaves many questions unanswered, it uses court transcripts, information gleaned from multiple interviews, and research to engage readers to critically think about the subject.

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