

U.S. Olympic swimmers' lies unravel under scrutiny : The danger of simply believing

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Victims' advocates, particularly those who advocate for victims of sexual assault, argue that we should always believe the victim's story. Simply believing a person who claims to be a victim of a criminal offense is extremely dangerous. A good case to support this is the story of Ryan Lochte and the three other American swimmers who claimed they were robbed at gunpoint in Rio last week. Now that the alleged robbery has proven to be a hoax, it is time to call attention to the danger of taking allegations at face value. Individuals do make false allegations, including those alleging sexual assault, and the unfortunate outcome is that innocent people are sometimes convicted of crimes they did not commit.

If you haven't followed the situation, Ryan and three other swimmers competing in the Rio Olympics fabricated a story about being robbed at gunpoint by law enforcement officers. The story has now unraveled, and it turns out that Lochte and the others were out drinking and vandalized the restroom facilities after leaving a bar. They fabricated the story in an attempt to cover up their own criminal behavior. When Lochte first spoke to media, his recollection of the event wasn't credible. He claimed that the "policeman" held a gun to his head and cocked it while ordering him to get on the ground. Lochte said the others complied but he refused because he had not done anything wrong, and then he said to the policeman, "Whatever." No rational person tells someone holding a cocked gun to your head "whatever." You plead for your life, argue, cry, but you don't say, "Whatever."

The Brazilian authorities did exactly what should have been done; they investigated. They took the swimmers' statements and initiated a thorough investigation, which included obtaining video showing the four reentering the Olympic Village. They obtained cell phone records and thoroughly interrogated the four athletes. There were so many inconsistencies in their respective recollections that the authorities announced they doubted the incident ever occurred.

This incident clearly illuminates why it is vital that we not just simply believe a person when an allegation is made. If Brazilian authorities had without question believed the swimmers' accounts of the supposed event, innocent people could have been arrested and convicted of a crime that did not happen.

The U.S. Constitution guarantees the right of confrontation and vigorous cross examination of those making criminal accusations. This is a vital component of our system of justice, yet victims' advocates have been successful in limiting this fundamental right. Many consider defense attorneys evil and immoral – just looking for loopholes to get the accused off. This is utter nonsense. It is the job of a defense attorney to vigorously challenge the recollection and conflicting statements of witnesses, in particular the alleged victim. A defense attorney who fails to do so is derelict in his or her duty to the accused and should not be practicing criminal defense law. Those who say otherwise do not understand our adversarial system or appreciate the defense attorney's role.

It is fortunate in this case that the Brazilian authorities did their job thoroughly and quickly discredited the bogus allegations. What might the result have been if they had simply believed the accusers? Even though the hoax was discredited early enough that no one was arrested and deprived of his liberty, significant damage was done. First, the city of Rio was using its resources chasing a boogeyman that did

not exist. Secondly, there was significant international embarrassment. Thirdly, it is not possible to quantify the fear this caused all around the Olympic Village that undoubtedly caused economic repercussions to businesses. Finally, it is truly sad that a great athlete such as Lochte would jeopardize his future and his own economic interests by conducting himself in such an irresponsible way. Sponsors aren't likely to want to promote their business with the assistance of a liar.

Whenever there is an allegation of a crime, it should be thoroughly investigated. There are many reasons why individuals lie about situations and circumstances. We can't "just believe" the victim. We must be sure before we deny anyone his or her personal liberty. Our country depends on it. Our lives depend on it. The next lie might be about you.