

## Statement for Emergency National Protest "Call it RAPE!"□

From Angela Rose, Executive Director of PAVE: Promoting Awareness, Victim Empowerment

**Thank you everyone for coming out today and standing in solidarity with concerned citizens all across this country. From New York to California, America is united today in this emergency call to action. Thousands of people are speaking out together in this first ever "Call it RAPE!" Protest against the silencing of rape victims.**

**In an abominable ruling against rape survivors, issued by Judge Jeffre Chevront from Lincoln, Nebraska, rape survivor Tory Bowen was forbidden to use the words "victim," "assailant," "rape," "date rape drugs," "sexual assault kit," and "sexual assault nurse examiner." The Judge allowed the victim to call the crime "sex" and "intercourse." In other words -- erotic and consensual terminology is ok - but the language of violence -- the truth about what rape is -- is forbidden. The Judge then created a written document and instructed Ms. Bowen to sign it indicating that she could go to jail if she used the word "rape".**

**Ms Bowen explained to the judge that she could not swear to tell the truth, the whole truth and nothing but the truth and then use words that did not truthfully describe what happened. The Judge nevertheless told Ms. Bowen that if she violated his order and used the word "rape" during trial, she could go to jail for up to six months! Ms Bowen did not back down and her resistance is being celebrated today.**

**This protest and rally was organized by national nonprofit PAVE: Promoting Awareness, Victim Empowerment.**

**PAVE held protests in Lincoln, Nebraska on July 9 and July 11, 2007 near the courthouse where Judge Chevront issued his controversial rulings.**

**On July 12, 2007 the Judge declared a mistrial on the grounds that there was too much publicity in the case. The Judge specifically blamed the protesters as causing the media coverage. The irony of course is that it was not the protests that caused excessive media attention - it was his unprecedented unfair silencing of a rape victim.**

**Let's be clear about this -- the judge silenced a rape victim by forbidding her to call it rape -- and then delayed the trial, essentially punishing a rape victim her for speaking out against his decision.**

**Is there a more un-American way to run a justice system?**

**Every person in this country has a fundamental right to testify fully and truthfully in a court of law - and every person in this country has an equally fundamental right to protest unfair government conduct. Judge Chevront is the government -- and his unconstitutional silencing of not only Tory Bowen but also the people who protested his decision is exactly why thousands of people are gathered all across the nation today. And we will gather again the next time and the time after that until Ms Bowen is allowed to call it rape!**

**This is not only about rape victims, it is about respect for the most fundamental of civil rights! If this judge can forbid Ms. Bowen to call it rape, then any judge can forbid any victim - indeed any witness to any crime -- to tell the truth in a court of law.**

**This silencing will not be tolerated. We stand today in support of Tory Bowen and her family and we will continue to speak out in this fight for justice, fairness, respect and free speech.**

**At a Halloween party in 2004, Tory Bowen, then a 21 year old student at the University of Nebraska-Lincoln, was at a college pub with her sorority sisters. 31 year old Pamir Safi, whom Ms. Bowen did not know, was also at the pub. Tory has no memory of meeting Safi. She was having fun with her friends, and the next thing she remembers is regaining consciousness, with vomit crusted in her hair, while Safi was raping her.**

**Ms Bowen believes that she became unconscious because she was drugged that night. And we all know that it is a common experience for a victim who has been drugged to become unconscious for several hours. Unfortunately, the vial of urine that should have been tested for the presence of drugs was somehow damaged en route to the lab so it was never tested.**

**Ms. Bowen immediately reported the crime and later learned that Safi had been arrested twice in the past for rape, though he was never convicted. Ms Bowen also learned that Safi lied to police when he denied having been arrested for committing sex crimes in the past. Judge Chevront excluded this evidence from Ms Bowen trial at roughly the same time he ordered Tory not to use the word "rape" during trial.**

**We stand her today in support of Ms Bowen's refusal to obey a court order that essentially requires her to lie on the witness stand.**

**"The word "sex" implies consent," Ms Bowen said. "I could never, ever, describe what happened to me as sex. It was rape. I intend to call it rape. I will not lie. I will not commit perjury by calling it sex."**

**When Ms Bowen made this clear to the judge, she was threatened with contempt and incarceration.**

**Also threatened with punishment was Ms Bowen's lawyer, Wendy Murphy, a well-known attorney and professor at the New England School of Law in Boston, who traveled to Nebraska to represent Bowen for free. Because she was not licensed in Nebraska, Attorney Murphy did what lawyers do when they travel to other states: she filed a document seeking permission to represent Ms Bowne in Judge Chevront's courtroom. The judge completely ignored Attorney Murphy for three straight days, though each day promising to hear her when jury selection was completed. As soon as Murphy headed to the airport to return to her family in Boston, the judge summoned Tory Bowen to court to hold a hearing. With Attorney Murphy unavailable, the judge again threatened Ms Bowen with incarceration if she did not obey his order forbidding use of the word rape. Tory stood strong and advised the court that she understood the order and respected the court but could not promise to comply with an order requiring her to lie under oath.**

**The following day, the judge declared a mistrial blaming Ms Bowen and the protesters for causing too much publicity.**

**While Ms Bowen and her family are frustrated at yet another delay in their quest for justice, the prosecutor has made it clear that he will take the case to trial again in the near future. In the meantime, Attorney Murphy is preparing an appeal to federal court in the hope a federal judge will order Judge Chevront to reverse his ruling forbidding use of the word rape.**

**The judge's ruling is unfair but equally infuriating were the comments of defense attorney, Clarence Mock, who said, "Trials should be deliberations based upon reasons, and the facts and the law. Not about who can think up the most juicy terms to apply."**

**Well, Mr. Mock, we would never refer to the word rape as a "juicy" term - but we now have insight into your perspective on the seriousness of rape. Shame on you Mr. Mock. Maybe you haven't read the leading Supreme Court case, Mr. Mock, where the US Supreme Court ruled that describes rape not as "juicy", Mr. Mock but as the most severe violation of the self, short of murder. Rape is a devastating but under-reported crime and guess why Mr. Mock? - Because people like you think it's appropriate to use words like "juicy" to describe the crime.**

**It's bad enough that victims are violated by rape -- they should never be re-victimized in the name of justice!**

**Shame on Judge Chevront, shame on Mr. Mock, shame on Pamir Safi and shame on our legal system if this outrageous ruling is not reversed before the next trial!**

**This protest is only the beginning we will not be silent - we will be at every trial - and we will call it rape!**

**Today we share our *Call it RAPE!* 10 step action plan:**

1. **Visit: [www.pavingtheway.net](http://www.pavingtheway.net), sign the "free speech for survivors" petition**
2. **Write a letter to Judge Chevront to let him know what you think of his unconstitutional ruling.**
3. **Write letters of support to Tory Bowen.**
4. **Call your congressional leaders - ask them to protect victims' federal constitutional free speech rights.**
5. **Write letters to the editor and opinion editorials to your papers and to the leading Nebraska papers.**
6. **Talk to your friends and family about this case and other unjust sexual assault cases. Develop court watch programs to see whether judges in your community are restricting victims' free speech rights and continue to build your email list and contact information for people in your community so we can be even stronger in numbers.**
7. **File a complaint with the judicial conduct commission -- this judge exceeded his authority and may have engaged in unethical behavior**
8. **Sign up for our action alert on our website so that you will receive updated information and be ready to protest again when necessary.**
9. **Contribute time, money and resources to advocacy groups such as PAVE: Promoting Awareness, Victim Empowerment. Consider starting a PAVE chapter in your community**
10. **Make sure this is an issue at re-election time for every judge and every governor in every state. No person deserves the right to be called "judge" who would so disrespect a rape victim's fundamental right to testify fully and truthfully under oath in a court of law.**

**Thank you so much for coming out today, by your presence today, we have already made a difference! We support the strength and the voice of Tory Bowen who said, "Silencing rape victims has been going on for too long in this country."**

**This is the final straw. This is the ultimate silencing of rape victims and it will not be tolerated.**

**We will always call it rape -- you should always call it rape -- Americans have a fundamental right to call it rape and together we will fight to make sure our courts will always call it rape.**

**Thank you for coming out -- thank you for your time and your commitment to this important cause.**