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Chain of Command: The Barriers of Reporting Sexual Assault in the Military

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Abstract

Reported rates of sexual assault in the military have increased dramatically over the past 10 years (Groves, 2013). One reason for the pervasiveness of sexual assault is the reporting structure. Despite changes in the way sexual assault complaints are handled, there continue to be numerous sexual assault scandals (Childress, 2013). The purpose of this study is to examine how the military's chain of command influences the reporting procedures, and how this may influence the military's ability to prevent sexual assaults. This thesis examines three case studies specifically focusing on military sexual assault reporting.

Keywords: military sexual assault, military chain of command, Tailhook Scandal, Aberdeen, U.S. Air Force Academy Sexual Assault Scandal.

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Chapter One: Introduction

Sexual Assault is a problem that has affected the military for decades. The way sexual assault is handled in the military is very different from the way it is handled outside of it. More recently, the military has come under serious scrutiny for its policies and treatment of sexual assault on several different occasions. Despite this scrutiny, the sexual assault problem in the military persists.

According to Department of Defense (DoD) Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, sexual assault is defined as follows:

“Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts” (Military One Source, 2013, para.2).

There is a difficulty in researching military sexual assault because it was not well documented previous to the 1990s. The oldest case of sexual assault in the military occurred during the Vietnam War. The exact details of this case are currently unknown. However, the military sexual assault problem did not become public until 1991 with the Tailhook scandal which will be discussed in chapter 4.

What is known is that military sexual assault is an ongoing problem. According to the 2011 Department of Defense Annual Report on Sexual Assault in the Military, there were 3192 reports of sexual assault in the military (Department of Defense, 2011). Of these reports only 240 went to trial. Of these 240 cases that went to trial only 65 offenders were punished with prison time. Sexual Assault in the military is vastly underreported. Based on estimates from the Workplace and Gender Relations Survey of Active Duty Members, the DoD estimates that over 19,000 sexual assault incidents occurred in the military in 2011. This number is more than five

times the number actually reported (Jacob, 2012). The underreporting of sexual assault in the military as well as the differences between the amount of sexual assault reports and the meager number of trials has led to the scrutiny of the sexual assault reporting procedures in the military.

Between 2011 and 2012 sexual assault rates rose 34% and the percentage of victims reporting the assault dropped 27%. Forty-seven percent of the victims who chose not to report indicated that they did not report due to fear or retaliation. This is not surprising considering 62% of victims who did report experienced professional, social or administrative retaliation (Department of Defense, 2012).

Recent high profile military sexual assault cases have brought this problem to light. In June 2011 at the Lackland Air Force Base in San Antonio, Texas several trainees came forward with sexual assault allegations against their training instructors. In total 62 victims were identified, all of them trainees, and 32 perpetrators were identified, all of them training instructors. What this case demonstrates is that offenders can fall anywhere in the chain of command. In this case high ranking officer sexually assaulted victims who were not even finished with basic training (Risen, 2013).

Lackland is one of many sexual assault cases in the military. This research examines three case studies of high profile military sexual assault each occurring over 10 years previous to Lackland. This study is extremely important because the military's policies regarding sexual assault reporting and military's culture are contributing to the sexual assault problem. The chain of command has been cited as contributing to the pervasiveness of sexual assault. Allegations of sexual assault in the military are handled within the chain of command. The chain of command

has been problematic in many reported cases of sexual assault and it is therefore important that it be evaluated.

The research question assessed in this paper is: Does the sexual assault reporting process contribute to the pervasiveness of sexual assault in the military? This study examines whether the prevalence of sexual assault in the military resulted from the way sexual assaults are handled in the chain of command. The hypothesis of this study is that the pervasiveness of sexual assault in the military is partially the result of the formal processes through which sexual assaults are handled by the chain of command.

Chapter Two: Culture of the Military, and Policy Relevance

The culture of the military is very unique. During basic training, or boot camp, recruits are re-socialized into the military culture in order to prepare them for combat operations. Hunter explains four main aspects of the military culture: (1) language; (2) acceptance of violence; (3) objectification of people, and (4) and keeping up appearances (2007). The first aspect is language. The military has its own language that service members must learn in order to become a part of the military subculture. For example, in the military, the bathroom becomes the latrine and a bed is a rack. Further, the military language is regarded as very sexualized. Certain sexual phrases are often used to describe tasks or objects. For example, when a task is considered undesirable it is referred to as “tits time” (Hunter, 2007).

The second aspect is the acceptance of violence. Violence is a necessary and accepted element of military culture. Although only a quarter of all military service members actually serve in combat roles, it is important that all personnel understand and accept the combat mindset part of which, is the accepted use of violence as a means of warfare. Unfortunately, through normalizing the use of sexualized phrases while simultaneously accepting violence, the result could be the acceptance of sexual violence (Hunter, 2007).

Objectification of people is the third aspect of military culture. On the first day of training newly enlisted military members learn to depersonalize their comrades by addressing them as recruit. By doing so, recruits are able to dehumanize people to make it easier to kill enemies. They also learn to dehumanize people through social distance, meaning learning to view the enemy as being beneath them in social status. Although the technique is used to dehumanize

enemies the technique can also be used in cases of sexual assault, the dehumanization of a victim makes it easier to commit the crime (Hunter, 2007).

The fourth aspect of military culture pertains to keeping up appearances. Military personnel are taught that the way they look in the eyes of the public and fellow military members is important. Recruits should avoid being an embarrassment to their fellow soldiers and the organization in general. Avoiding embarrassment is seen as more important than doing what is in the best interest of the organization. Avoiding embarrassment can cause service members to not report their sexual assault so they do not bring unwanted attention to their superior officer. The culture of the military, although not intentional, creates an environment conducive to sexual assaults (Hunter, 2007).

Other researchers have discussed characteristics of military culture. For example, Cushman discusses hyper- masculinity as a part of military culture. Women were not allowed in the military until the end of World War I, and as such the military was male dominated for decades (2012). The hyper- masculine culture of the military involves soldiers serving the role of protector, which is often seen as a male's role. The military culture puts an emphasis on physical fitness. Strength is considered very important in the military. Emotional detachment is another trait emphasized by the military culture. With the inclusion of women and recent policy changes for homosexual men in the military, the hyper- masculine culture of the military is being threatened. This can lead to sexual assault in the military.

As previously mentioned, the military's culture has experienced some recent changes by allowing women into combat roles and the dismantling of the Don't Ask Don't Tell (DADT) policy. Today, women participate in more traditionally male-dominated roles in the military such

as combat roles. Women have not always had the freedom to participate in all roles of the military. Women first served in the military during the second half of World War I predominately serving as nurses. When the draft ended in the 1970s, women were allowed into other roles in the military (Bumiller & Shanker, 2013). For example, it was during this time that women were first allowed into military academies. Despite being allowed in all branches of the military, women were not allowed to serve on combat missions (Cushman, 2012). Women could serve as communication specialists, truck drivers, military police officers and other supporting roles that were not on the front line (Engber, 2005). This policy only changed recently when Defense Secretary Leon E. Panetta lifted the military's combat ban on women in 2013. Combat roles were seen as the most masculine position in the military. The inclusion of women in these positions was heavily debated (Bumiller & Shanker, 2013).

As women have become more active in combat, sexual assaults have also made their way to the combat zone. LeardMann et al., assessed sexual assault and sexual harassment against women in combat deployment. Specifically the researchers examined the relationship between combat deployment and sexual stressors. Sexual stressors are defined in this study as sexual assault and sexual harassment. The researchers used the Millennium Cohort Study in order to obtain a large sample of female service members. According to the Millennium Cohort Study website the Millennium Cohort Study is the largest prospective health project in military history. It was designed to evaluate the long-term health effects of military service, including deployments (2013).

LeardMann et al. used the Millennium Cohort Study initial questionnaires from 2001-2003 and also the follow up questionnaires from 2004-2006. The study also used the Department of Defense's (DoD) electronic military data to obtain deployment data. Demographic and

military-specific data were obtained from the DoD's electronic personnel files. There were 13,262 female participants in this study. The study found that women deployed in combat situations were more likely to experience both sexual harassment and sexual assault at the same time; however, the study found that the women were not more likely to experience only sexual assault and only sexual harassment in combat situations (LeardMann, et al., 2013).

Don't Ask Don't Tell (DADT) is another controversial policy introduced in the 1990's by Bill Clinton (Burrelli, 2010). Before the DADT legislation, openly gay and lesbians were denied entry into the military based on their sexual orientation. Military recruitment forms blatantly asked the potential recruits if they were homosexual. This then led recruiters to deny the person entry if they answered yes. President Clinton wanted to end the exclusion of homosexuals in the military and signed into law Don't Ask Don't Tell, which took the question of sexual orientation off the military recruitment forms. Although the question was removed from the application process, it did not end the discrimination for homosexuals. While enlisted, homosexual men and women were denied the ability to openly express their sexuality in the military in fear that they would be prosecuted, harassed, or assaulted. They were also denied basic rights such as spousal benefits (Hunter, 2007). Don't Ask Don't Tell was repealed in 2011 by President Obama (Burrelli, 2010). Although this positive change allowed homosexuals to openly serve in the military and receive family benefits, they were not welcomed into the established military culture.

Homosexuals, like women, are a particularly vulnerable population in the military because they are seen as a threat to the masculinity of the military. Homosexuals face the threat of harassment, assault, and sexual assault in the military (Burrelli, 2010). Women who identify as homosexuals are often targeted by men for sexual assaults. Women who are labeled as

lesbians, but do not necessarily identify as lesbian, are targeted by men who wish to prove that these women are not lesbian (Hunter, 2007).

The controversial group, Family Research Council, has taken a strong stance against the repeal of Don't Ask Don't Tell because they believe if homosexual are able to openly serve in the military it will significantly increase the military sexual assault problem, specifically attacks on men by men. Leader of the group, Tony Perkins believes that homosexuals will be the main perpetrators of sexual assault. His rationale is that homosexuals (he specifically focuses on male homosexuals) are attracted to the same sex, therefore, there will be more targets. Perkins' believes that because more males are sexually assaulted in the military than women, these offenders have more targets (McDonough, 2013). This is untrue, however, because although more men are sexually assaulted in the military women are disproportionately victimized (i.e. there are more men in the military). Perkins concern ignores the fact that the majority of sexual assaults are motivated by power and not sexual desire. His concern also does not take into account female homosexuals. Although his assertions are inaccurate his argument is worth mentioning because it is a historical concern and was a reason for keeping homosexuals out of the military previous to the 1990s (Hunter, 2007).

The culture of the military as well as the recent policies allowing women in combat and allowing homosexuals to be openly gay in the military all have implications towards the sexual assault problem in the military. The following chapter will provide information on the military justice process and how the chain of command effects the reporting of sexual assault in the military.

Chapter 3: The Military Justice Process, the Problem with Reporting Sexual Assault, and the Chain of Command

The Military Justice Process

The United States Constitution gives Congress the right to raise, support and regulate armed forces under Article 1 Section 8. The Supreme Court has also awarded Congress the power to make rules for the government and regulation of the land and naval forces. Under this law Congress enacted the Uniform Code of Military Justice (UCMJ). The UCMJ is the code of military criminal laws applicable to all U.S. military members (Mason, 2013).

The military justice system is different from that of the civilian criminal and civil justice system. The court in the military setting is called a court-martial (Department of Defense, 2012). Some of the laws that the courts enforce are similar to civilians while some are exclusively military laws. The process, however, differs significantly from the civilian system.

The investigative process varies significantly from the civilian system. When a service member accuses a fellow service member of a crime they must report the crime through their chain of command. This means the victim reports to their immediate commander. The commander is then expected to conduct an inquiry. The investigation may also be conducted by other members of the command depending on the rank and severity of the charge. When all the evidence is gathered and the investigation is completed the immediate commander of the victim holds the discretion to dismiss the charges by taking no action, initiating administrative action, imposing non-judicial punishment, preferring charges, forward the case to a higher authority in order to prefer charges, or court martial the accused (Mason, 2013).

Reporting Process and Problems

Military sexual assault victims have two reporting options, a restricted report or an unrestricted report. A restricted report is used when a service member confidentially reports their sexual assault to a Sexual Assault Response Coordinator (SARC), A SAPR (Sexual Assault Prevention and Response) Victim Advocate (VA), or healthcare personnel and does not want an official investigation. Restricted reports do not result in a criminal investigation and the victim's chain of command is not notified. The victim's commander is however notified that a report was filed, but not who reported the assault or the identity of the offender. Therefore, the victim's assailant is not punished in this circumstance due to this confidentiality. The benefit to unrestricted reporting is the victim is able to obtain counseling and medical treatment without the fear that comes from reporting such as retaliation (Rape Abuse and Incest National Network, 2009).

An unrestricted report is used when the victim wants to pursue an official investigation. A victim can make a report to a SARC, victim advocate, healthcare personnel, a member of the chain-of-command, law enforcement, legal personnel, or a chaplain. Once the report is made it is reported to the victim's chain of command (Rape Abuse and Incest National Network, 2009).

There are both positive and negative consequences for restricted and unrestricted reporting of sexual assault in the military. The anonymity of unrestricted reporting provides victims with the ability to obtain the appropriate medical care and mental health treatment without having to go through the chain of command. Restricted reporting, on the other hand, allows the perpetrator to be criminally charged in court-martial. This research focuses on unrestricted reporting specifically focusing on how the chain of command affects the reporting of sexual assaults affecting the pervasiveness of sexual assault in the military.

Chain of Command

The chain of command is a personnel organization system that connects all military personnel together according to a specific level of achievement, or rank. The chain of command is an organizational structure through which orders are passed from the top down. The chain of command is similar in all branches of the military but does vary slightly in terms of names of ranks. The highest rank in all military branches is the President of the United States whereas the lowest rank is a recruit (Service Women's Action Network, 2012).

When crimes occur in the military they are to be reported through the chain of command. Depending on where in the chain of command a soldier is located they are to report the crime to their superior officer (i.e. their commanding officer). Next, that superior officer is to order a full investigation into the crime (Mason, 2013). The commander has a lot of power and discretion in criminal cases. The commander decides whether to pursue the case or not. Also the commander decides whether to approve charges for trial, select the jury, and negotiate plea deals. After the court martial is over the commander still has the power to overturn guilty verdicts or reduce recommended sentences (Everett, 1972).

It is because of the overwhelming power that the commander possesses during the investigation process and the courts martial process that the chain of command has been criticized for contributing to the sexual assault problem. Many victims and military personnel have come out against the use of the chain of command in the sexual assault reporting process. The quotes that follow demonstrate the attitudes toward the effectiveness of the chain of command in the reporting process.

“Having served in leadership positions in the US Army, I have concluded that if military leadership hasn’t fixed the problem in my lifetime, it’s not going to be fixed without a

change to the status quo. The imbalance of power and authority held by commanders in dealing with sexual assaults must be corrected. There has to be independent oversight over what is happening in these cases. Simply put, we must remove the conflicts of interest in the current system... The system in which a commander can sweep his own crime or the crime of a decorated soldier or friend under the rug, protects the guilty and protects serial predators. And it harms military readiness... Until leadership is held accountable, this won't be corrected. To hold leadership accountable means there must be independence and transparency in the system. Permitting professionally trained prosecutors rather than commanding officers to decide whether to take sexual assault cases to trial is measured first step toward such accountability... I have no doubt that command climate, unit cohesion and readiness will be improved by (these) changes” (Gillibrand, 2013, para. 9).

- Lt. General (Ret.) Claudia Kennedy (Gillibrand, 2013).

“Having someone within your direct chain of *command handling the case, it just doesn't make sense. It's like your brother raping you and having your dad decide the case*” (Gillibrand, 2013, para. 34).

-Sarah Plummer, Victim of Sexual Assault, U.S. Marine Corps (Gillibrand, 2013).

“As a former Commanding Officer and Convening Authority, I completely understand the services' insistence that commanders must retain their authority to dispose of charges of sexual assault. However, as an advocate for military women— and men — it is crystal clear to me that too many commanders have betrayed the trust placed in them by their subordinates, their services and their fellow citizens because they have not used this authority properly. I have, therefore, come to the reluctant conclusion that that authority must be removed from the chain of command and placed in the hands of trained military prosecutors who can serve as unbiased, professional experts on the disposition of sexual assaults and other felony cases. This is critical to ending sexual assault in the military” (Gillibrand, 2013, para.17).

- Lory Manning, Captain, U.S. Navy (Ret) (Gillibrand, 2013).

Chapter 4: Methods

This research focuses on the reporting of sexual assault in the military. Specifically this research focuses on how the chain of command and reporting structure contribute to both the pervasiveness of sexual assault and obstruction of the victim's ability to report sexual assault. The goal of this study is to better understand the issues of sexual assault in the military specifically as they pertain to the research question and hypothesis.

This research uses a case study method to examine three case studies involving sexual assault in the military. The case studies span across 13 years. This allows for the evaluation of the military's response to sexual assault and how it has evolved.

The following research question and hypothesis will determine the type of qualitative and quantitative data used Does the sexual assault reporting process contribute to the pervasiveness of sexual assault in the military? This study examines whether the prevalence of sexual assault in the military results from the way sexual assaults are handled in the chain of command. The hypothesis of this study is that the pervasiveness of sexual assault in the military is partially the result of the formal processes through which sexual assaults are handled by the chain of command. This study also assesses whether the existing models in the military for processing sexual assault complaints are sufficient in determining guilt, innocence and when appropriate, the adequate punishment.

Using secondary data, this study will seek to answer the stated questions above. The data includes congressional records from the Aberdeen, Tailhook and Air Force Academy scandals (discussed in the following chapter), Congressional records of military sexual assault, Department of Defense and Inspector General Reports. Documentation including newspaper articles relating to the three cases studies and military sexual assault in general; official crime

data from the Department of Defense SAPR annual reports 2004-2012; and finally secondary interviews of victims, military personnel and offenders from books, newspaper, official reports, congressional records, and congressional hearings. The following provides an in depth discussion of these methods.

Congressional Records and Hearings

The purpose of congressional hearings is for congress to hear about specific issues that may have policy implications. These hearings can influence legislation. According to the Library of Congress, “Testimony is received from members of Congress, officials of the executive branch, policy experts, interest groups and sometimes the general public on legislative proposals, the functioning of government programs, subjects of controversy, and matters under investigation” (Library of Congress, 2010, para. 1). Congressional hearings were obtained, for this study, from the Government Printing Office’s website.

Congressional Records

Congressional records were obtained from the U.S. Government Printing Office. Congressional records are written accounts of verbal remarks said by senators and representatives on the floor of the Senate and the House of Representatives.

Official Military Reports

Official military reports will include the Department of Defense Inspector General’s final report on the investigation of Tailhook. The report was obtained from the University of Maryland’s website. The final report was broken up into two parts. Both reports are used in this study. The first report from September 1992 focuses on the Navy Inspector General’s initial

investigation and any inconsistencies that were found during the course of the DoD Inspector General's investigation. The second report from February 1993 focuses on the actual incidents that occurred during the Tailhook Symposium September 8-12, 1991. Overall, the purpose of these reports was to inform Congress, the Navy, and the public of the results of the Tailhook investigation.

The Committee on National Securities report on the Aberdeen Sexual Assault Scandal was obtained from the U.S. House of Representatives Document Repository. The purpose of this report was for Senate members to discuss and review the sexual assaults that took place at Aberdeen Proving ground and review the Army's investigation and come up with solutions to the problem.

The 2003 hearings before the Committee on Armed Services of the United States Senate were obtained from the U.S. Government Printing Office. These hearings provide an in depth analysis of the 2003 Air Force Academy Sexual Assault Scandal. The chain of command, military culture, and reporting mechanisms are thoroughly examined.

The Office of the Inspector for the Department of Defense's report summary entitled Evaluation of Sexual Assault, Reprisal, and Related Leadership Challenges at the United States Air Force Academy was also used. The purpose of the report is to inform Members of Congress; the Secretaries of Defense and Air Force; other senior DoD and Air Force leaders/managers on the problems facing the Air Force after the 2003 Air Force sexual assault scandal. The report was obtained from the Department of Defense's website.

Furthermore, this research used the Report of the Panel to review Sexual Misconduct Allegations at the U.S. Air Force Academy from September 2003. This report was an

independent investigation of the sexual assault problem at U.S. Air Force Academies. The purpose of this report was to provide a non-biased view of the problem of sexual assault in U.S. Air Force Academies. These problems include reporting issues, leadership issues, counseling issues, and issues surrounding women in the military.

Written Documentation

Written documentation from newspapers was used to provide background information on the three case studies being examined. Newspapers were used to supplement the official military reports, congressional reports, and books to ensure there was enough data to analyze the problem.

Secondary Interviews

Secondary interviews were obtained from news articles, department of defense reports and congressional records. These secondary interviews informed this research by providing accounts by the victims of the sexual assault problem in the military. The secondary interviews provided much needed insight on how the chain of command influences the sexual assault problem within the military.

How the data will be assessed

This study assesses each type of data uniformly. From the data mentioned above, basic information about each case study will be collected. This basic information includes that date(s) of the incident(s), the key players involved, the number of victims, any victims who were identified, any offenders who were named and what they were charged with. The data provides a basic understanding of the case study.

The command problems presented in each individual case study are then assessed. Command problems involve anyone in the chain of command who did not take appropriate action, participated in, or perpetuated sexual assault or sexual harassment in each case study. This data will aid in this research by confirming or denying the hypothesis. If the chain of command is found to be at fault in the case studies for part of the sexual assault problem the hypothesis will be confirmed. If it is not at fault it will be disproven.

The response of each branch of the military in relation to each case study is also examined. The response includes the time frame each branch took to investigate. For example, was the investigation launched immediately after the incident or was it delayed. Also the response includes the effectiveness of the investigation. For example, was the investigation thorough or were there flaws. The response in each case study will inform the discussion on whether there has been any improvement in the response to sexual assault. The response is important to the assessment of the chain of command because it is the most senior of personnel who conduct the investigations and decide upon the correct response.

After evaluating the response in each case study the changes in policy since the incident (case study) occurred were then evaluated. This set of data is different from the response because these are long term changes. They may not have been enacted immediately after the incident occurred. These changes include any policies or procedures put in place in order to prevent any future problems from occurring. Like the response data, this data will be important in comparing the effectiveness of the changes across all three case studies.

Problems prior to the incidents in each case study are assessed. These problems include any prior incidents of sexual assault or harassment. This also involves any knowledge that the

branch of military might have had a problem with sexual assault or harassment. This is important to evaluate because it shows a lack of response by the chain of command to adequately control the problems in its command. It also shows a lack of effective leadership.

Finally, victim's stories and quotes are extracted from the data. These stories come from anyone who was a victim of a sexual assault in each of the three case studies. Victim's stories will be used in order to gain a first-hand account of the incidents. Specifically the researcher is looking for any admission that the chain of command may have affected reporting the sexual assault or sexual harassment. Also extracted are stories from witnesses or offenders. These will show attitudes towards the incidents. They will also inform the discussion on chain of command problems in reporting sexual assault.

The limitations in each set of data include the lack of data. Congressional hearings were not available for all of the case studies. Secondary interviews with victims, offenders, or witnesses were not always available due to the privacy of the victims, offenders, witnesses and also the military in general. Inspector General reports were not available for two of the case studies due to availability. The data was also collected by only one coder allowing for the possibility of missing data.

Chapter 5: Case Studies

Case Study 1: Tailhook

Tailhook describes itself as an “independent, fraternal, nonprofit organization internationally recognized as the premier supporter of the aircraft carrier and other sea-based aviation” (Tailhook Association, 2013, para.1). The first Tailhook Symposium, often called reunions, took place in 1956 in Tijuana, Mexico. These conferences involve both naval and marine aviators and offer panels and talks on various topics in aviation. The symposium was later moved to Las Vegas in 1963. The symposium is an annual event (Tailhook Association, 2013).

The 35th annual Tailhook Symposium took place in Las Vegas, Nevada from September 8- 12, 1991. In the after-hours of the conference almost 100 sexual assaults took place (Ogden, 2009). Each aviation squadron (unit) had their own suite on the third floor of the conference hotel. There were over 20 suites in total. The aviators used the suites for social events in addition to partying and drinking. In total, over \$35,000 was spent on alcohol during the weekend of the symposium (Ogden, 2009). With this high concentration of military personnel in such a confined area along with the amount of money spent on alcohol the behavior of the personnel went from social to criminal. The following is a description of the criminal behavior that took place at Tailhook.

The Gauntlet

During the weekend at the symposium many of the men formed the gauntlet. The gauntlet refers to an event when aviators would line up on either side of the third floor of the conference hotel. The men would wait for women exiting the elevator to walk by in order to get

to their rooms on the third floor. The men would then grope, pinch, or grab the women. There were some women who knowingly entered the gauntlet however others were unsuspecting victims.

Captain Ludwig described the gauntlet as the most serious of the criminal behavior that occurred at Tailhook. Captain Ludwig said the following about the gauntlet:“ I have five separate reports of young ladies, several of whom had nothing to do with Tailhook, who were verbally abused, had drinks thrown on them, were physically abused and were sexually molested. Most distressing was the fact an underage young lady was severely intoxicated and had her clothing removed by members of the Gauntlet” (McMichael, 1997, p.50).

Over 100 U.S. Navy and U.S. Marine Corps aviation officers allegedly assaulted 83 women and seven men. One of these women was Lt. Paula Coughlin, an aide to rear admiral John B. Snyder of the U.S. Navy. Coughlin entered the gauntlet unknowingly on September 7, 1991. Coughlin got off the elevator to the third floor. She was grabbed by three men who groped and pulled her underwear off. She managed to escape her attackers.

Coughlin reported this incident to her superior on September 8, 1991, the day after her assault. She approached Snyder again two weeks later. By September 28th nothing was done about her allegation so she sent her own letter to Rear Admiral Snyder’s superior Vice Admiral Richard Dunleavy. A criminal investigation was ordered upon Vice Admiral Dunleavy receiving her letter on October 10, 1991. A month had lapsed between Coughlin first reporting of the incident on September 8,1991 and the investigation on October 10,1991 (Ogden, 2009).

Although the Gauntlet is regarded as the most notorious incident at Tailhook there were other

incidents of impropriety at Tailhook as well. The following is a discussion of those activities which include prostitution and public sex, indecent exposure, “sharking”, and “zapping”.

Prostitution

During the Tailhook convention several of the personnel occupying suites at the conference hotel hired strippers. The strippers were paid by several military personnel for sex. Prostitution violates article 138- 34 of the Uniform Code of Military Justice on patronizing a prostitute. The article reads “2) Patronizing a Prostitute. (a) That the accused had sexual intercourse with another person not the accused's spouse; (b) That the accused compelled, induced, enticed, or procured such person to engage in an act of sexual intercourse in exchange for money or other compensation” (Vander Schaff, 1993, para.5).

Indecent Exposure

There were several types of indecent exposure during the symposium. There were many reports of men at the convention exposing themselves to women. Also, men walked around with their testicles exposed and wait for someone to notice. One woman reported seeing this type of behavior occur in front of a Navy Captain. The captain allegedly did nothing about the behavior. The culture of the military encouraged such behavior. As a matter of fact, there were several souvenir shirts available that made reference to these inappropriate behaviors. One shirt said “Women are Property” and another read “If you got em hang em” (Vander Schaff, 1993).

“Sharking”

Sharking is a term used by the marine and naval aviators to describe the act of biting either a male or female on their buttocks. This behavior most often occurred in the suites

occupied by aviation personnel on the third floor. Eight women and one man reported that they were bitten without their consent on the third floor. Two of these individuals suffered bruises to the buttocks as well as other areas including ears, ankles and neck. One individual had to seek medical attention (Vander Schaff, 1993).

“Zapping”

Zapping is another term used by officers to describe the action of placing stickers identifying a specific aviation squadron on female body parts. There were incidents of voluntary as well as involuntary zapping. Three women, including a female commander, reported being zapped on their breast and genitals while walking through a hallway involuntarily. One of the women had her skirt forcefully pulled up and her blouse ripped. Stickers were then placed on her crotch and breasts (Vander Schaff, 1993).

As demonstrated, there were several incidents of sexual assault that occurred at the 1991 Tailhook Symposium, the most notorious being the Gauntlet. Although many of the officers and command staff deny the existence of the Gauntlet there are several others who confirm that it indeed occurred. There are reports that command staff was present during some of the incidents and some command staff actually reported being victims of the Gauntlet. The next section discusses the investigation that followed the sexual assaults at the 1991 Tailhook symposium.

Investigation

Secretary of the Navy H. Lawrence Garrett III cut all ties to the association on October 31, 1991. This came about 3 weeks after the Secretary learned of the sexual assaults at Tailhook. He also ordered the Naval Inspector General, Rear Admiral George Davis, to conduct a full

investigation using the Naval Investigative Service (NIS). This final report from this investigation was released on April 30, 1992 (Vander Schaaf, 1992).

Navy Judge Advocate General, Barbara Pope met with Navy Secretary H. Lawrence Garrett III to inform him that congress; and the general public was unhappy with the investigation. Navy Judge Advocate General Pope argued that the Naval Investigative Service report did not produce enough names of those who participated in the sexual assaults at Tailhook (Ogden, 2009). After recognizing that the integrity of the Navy was being questioned by Congress and the public, Secretary of the Navy Garrett asked the Department of Defense (DoD) Inspector General Derek Vander Schaaf to conduct an independent investigation into Tailhook (Vander Schaaf, 1992). There were two separate reports released by the DoD Inspector General Vander Schaaf.

Department of Defense Inspector General Report

In the first report, DoD Inspector General Vander Schaaf found two weaknesses in the Navy's original investigation. First, Navy Inspector General George Davis did not interview senior officers present at Tailhook. DoD Inspector General Vander Schaaf saw this as a weakness because he felt the officers should have been interviewed to determine if they had witnessed any of the misconduct that had occurred. The second weakness was the Naval Inspector General Davis' failure to expand the scope of the investigation to other sexual assaults and incidences when reports of indecent exposure and conduct unbecoming of an officer were reported during interviews (Vander Schaaf, 1992).

The Naval Investigative Services (NIS) interviewed both the naval and marine attendees at Tailhook. They found that most of these attendees did not understand why the sexual assaults

at Tailhook were a problem. They also found that the men had no understanding of how the actions that took place during Tailhook fostered an atmosphere of sexual harassment and sexual assault (Vander Schaff, 1992). One reason the attendees may not have understood the seriousness of their action is that these actions were condoned by the chain of command. For example Naval Inspector General Davis found the following,

“The activities which took place in the corridor and the suites if not tacitly approved were allowed to continue by the leadership of the aviation community and the Tailhook Association. Further the conduct in the corridor was merely reflective of the atmosphere that was created by the activities in a number of the suites” (Vander Schaff, 1992, Para 36).

The DoD Inspector General Vander Schaaf also concluded that the deficiencies in the initial navy investigations were due to the collaborative management failures and personal failures on the part of the Secretary of the Navy Garrett, the Navy IG Davis and the Commander of the NIS Williams. It was concluded that these failures were a result of Navy leaders protecting themselves from the criticisms of Tailhook.

The Navy Inspector General Davis told the DoD Inspector General that the senior leadership of the Navy acknowledged the role they played in Tailhook. The Navy Inspector General Davis said,

“...once we determined we had a cultural problem then it was our contention in that group around the table, the Under and all these people, that the corporate "we" had allowed this to take place. And to interview squadron [commanding officers], to ask them why they allowed that to happen didn't make any difference because the whole system allowed it to happen. And frankly, I think a Navy captain who had seen that over four or five years, had seen the Rhino room with a dildo hanging on the wall, is not going to walk in there in 1991 and change anything (Vander Schaff, 1992, Para 38).

What this quote indicates is that the senior leadership took responsibility for everything that took place at Tailhook because it was a long standing problem. Although what the quote also indicates is that senior leadership did not think that individual officers in the chain of command should not be held responsible for the role they played in the sexual assaults.

The DoD's Investigator General Vander Schaaf identified personal failures on the part of the following senior leadership in the Navy; Secretary of the Navy Garrett and Naval Inspector General Davis and the entire Naval Investigative Service. It is made clear in the DoD's Investigator General's report that there were significant failures at all levels within the Navy chain of command. This includes the commanders in the chain of command who failed to adequately handle reports of sexual assault or discipline the misconduct that took place in their presence. These failures continued through the ranks all the way up to the Secretary of the Navy. (Vander Schaff, 1992).

Punishment

A total of 119 Navy and 21 Marine Corps officers received disciplinary action in 1992 (Ogden, 2009). The officers were charged with the following offenses, indecent assault, indecent exposure, conduct unbecoming an officer or failure to act in a proper leadership capacity. Half of the cases were dropped due to lack of evidence. The rest of the cases received non-judicial punishments. These non-judicial punishments included fines and career penalties. None of the officers were charged with any type of sexual assault (e.g. stripped of rank, inability to move up in rank) (McMichael, 1997). Only six of the officers were referred to court martial (Ogden, 2009).

The two lieutenants accused of sexually assaulting the victim, Lieutenant Paula Coughlin had their cases dismissed due to lack of evidence. However, less serious offenses were pursued for instance one lieutenant was found guilty of shaving women's legs at Tailhook and received a letter of reprimand and a 1,000 dollar fine. The final three officers being court martialed for conduct unbecoming of an officer argued that they were being held accountable for something Rear Admiral Frank Kelso did. They claimed that because Rear Admiral Kelso was at Tailhook

and witnessed similar behavior, he should be held responsible and not them, because Rear Admiral Kelso was a higher ranking officer. The court agreed and the rest of the cases relating to Tailhook were dropped (Ogden, 2009).

The highest ranking commissioned officers to receive sanctions were Vice Admiral Dunleavy, Rear Admiral Flagg, and Rear Admiral Mixson. Vice Admiral Dunleavy was the most senior naval official at Tailhook. Vice Admiral Dunleavy admitted in a statement to the DoD Inspector General Davis that he knew about the activities that took place in the Gauntlet, as well as the prostitution, but did nothing to stop it. He said in the same statement that he should be fired (Vander Schaff, 1992).

Rear Admiral Flagg was cited for being aware of previous crude behavior at Tailhook conventions, as well as failing to act when a woman was sexually assaulted during the 1991 session. Rear Admiral Mixson knew of improprieties at past Tailhook conventions, but did nothing to prevent this behavior from occurring in the future (Lewis, 1993).

All three officers received a letter of censure. A letter of censure is a letter of reprimand that becomes a part of the officer's record and prevents the officer from advancing in rank. These letters are considered career ending. For example, Vice Admiral Dunleavy was demoted from a three-star rank to a two-star rank after his censure letter and retired in the summer of 1992. The reduction in rank cost him 100,000 dollars over the course of his retirement (Lewis, 1993).

The most senior leadership (see Appendix A Table 2: Military Ranks) in the Navy were also sanctioned. Secretary of the Navy H. Lawrence Garrett resigned following the Tailhook scandal after being asked by then President George H. Bush. Naval Inspector General Davis was reassigned after the DoD Inspector General Vander Schaaf found flaws in Davis' investigation. Rear Admiral Frank Kelso received a letter of caution. A letter of caution is a warning that does

not go on an officer's record. Rear Admiral Kelso retired two years after Tailhook and did not face any punishment although he was said to be present during many of the inappropriate activities that took place (Frontline, 1993). The following section identifies how the chain of command failed in Paula Coughlin's case at Tailhook and then will provide a general description of how the chain of command failed as a whole.

Command Problems with the Paula Coughlin Case

As previously mentioned, Lieutenant Paula Coughlin attended the 1991 Tailhook convention with Admiral John Snyder. Coughlin was an Admirals Aide meaning she was an assistant to an Admiral. Lieutenant Coughlin was one of the victims sexually assaulted in the gauntlet at Tailhook (Ogden, 2009). She describes her attack on September 7, 1991:

"The man with the dark complexion moved in immediately behind me with his body pressed against mine. He was bumping me, pushing me forward down the passageway where the group on either side was pinching and then pulling at my clothing. The man then put both his hands down the front of my tank top and inside my bra where he grabbed my breasts. I dropped to a forward crouch position and placed my hands on the wrists of my attacker in an attempt to remove his hands... I sank my teeth into the fleshy part of the man's left forearm, biting hard. I thought I drew blood... I then turned and bit the man on the right hand at the area between the base of the thumb and base of the index finger." The man removed his hands, and another individual "reached up under my skirt and grabbed the crotch of my panties. I kicked one of my attackers ... I felt as though the group was trying to rape me. I was terrified and had no idea what was going to happen next" (Vander Schaff, 1993, p.F-27).

On September 8, 1991, the morning after her attack Lieutenant Coughlin reported her assault to her superior Rear Admiral John Snyder. Rear Admiral Snyder promised to report the attack however he did not report it to his superior or launch an investigation. Lieutenant Coughlin inquired again about her report to Rear Admiral Snyder two weeks later but again nothing came of it. Lieutenant Coughlin instead sent a letter on September 28th to Rear Admiral Snyder's superior Vice Admiral Dunleavy who upon receiving the letter on October 10, 1991, ordered a criminal investigation into Coughlin's attack (Ogden, 2009). The month that passed

between the initial report and subsequent investigation proved to be detrimental in the investigation of Coughlin's sexual assault. Coughlin's situation proved there was a disconnect between reporting a sexual assault and when the chain of command addresses the report. Lieutenant Coughlin took the necessary steps to report her sexual assault to her superior. Her superior officer Rear Admiral Snyder ignored her report which delayed the investigation and prevented justice in Lieutenant Coughlin's case.

Despite the sexual assaults at Tailhook coming as a surprise to people across the nation, it was not the first time there were reports of sexual assault at the Tailhook symposium. In his letter to the Tailhook representative before the Tailhook convention in 1991, Captain Ludwig discusses issues with underage drinking, the Gauntlet, damage to hotel suites and common areas, and lewd and lascivious behavior. He expressed concern that this behavior would occur at Tailhook 1991. What was clear from this letter was that sexual misconduct at Tailhook was not new. When many of the officers were interviewed about their behavior after Tailhook, they explained the behavior was accepted. Officers described it as a "tradition" (Ludwig, 1991).

As mentioned in the previous section Rear Admiral Flagg and Mixson were both reprimanded for having previous knowledge of sexual assaults and inappropriate behavior at previous Tailhook Symposiums. This provides further evidence that top naval officials were aware of the past improprieties at Tailhook and did nothing to prevent them at the 1991 Tailhook conference.

Paula Coughlin's case was significantly delayed due to the inaction of her superior officer. Her attackers were subsequently let go due to insufficient evidence, evidence that could have been collected if her report was taken seriously in the first place.

Even after Tailhook was over there continued to be problems. Inspector General Davis and the Naval Investigative Service failed to complete an adequate investigation and Inspector General Davis was reassigned. The Department of Defense Inspector General then had to complete an independent investigation.

Policies and Procedures Post-Tailhook

After Tailhook, the navy mandated that any officer who was up for promotion had to answer the question, “Did you or anyone in your command attend the Tailhook conference in 1991?” If the officer answered yes his promotion would be set aside for a special evaluation. Consequently officers attending Tailhook in 1991 had a more difficult time advancing in rank (Frontline, 1993).

In 1992, the Naval Investigative Service changed its name to the National Criminal Investigative Service (NCIS). The new Naval Inspector General David Bennett was the first civilian Navy Inspector General. Although it is unclear whether these events were a direct result of the failure of the Tailhook investigation, they are notable. One week after the Department of Defense Inspector General Vander Schaaf released his report on Tailhook women were allowed to compete for combat pilot positions in the Navy (Frontline, 1993).

Case Study 2: Aberdeen

Aberdeen Proving Ground's Ordnance Center (APG) is located in Maryland. After recruits complete basic combat training they are sent to train for their specific Army job. Those who are being trained for weapons and system maintenance are sent to APG which is home to the Ordnance Mechanical Maintenance School (Powers, 2002). In September 1996, a female trainee at the Aberdeen Proving Ground's Ordnance Center complained to her superior about being sexually harassed. Several other reports followed. By the beginning of November 1996, thirty-four women reported being victims of rape, sexual assault or sexual harassment at Aberdeen. On November 6, 1996 (See Aberdeen Timeline in Appendix A) the Army set up a hotline for victims of sexual abuse which received over 6,000 calls in November alone. The calls not only involved sexual assault and harassment allegations from Aberdeen, but several other army bases throughout the country. These reports from other army bases forced the Army to expand its investigation beyond Aberdeen (Shadley, 2013). The following are details of the investigation of the incidents of sexual assault and harassment at APG.

Investigation

As previously mentioned, after the first report of sexual harassment from a female recruit, the army launched a full out investigation into Aberdeen. A hotline was set up to handle sexual assault reports on November 6, 1991 after there were over 30 reports of sexual assault and harassment. The Army interviewed more than 1,000 women who trained at Aberdeen from 1995-1996 (West, 1997).

In response to the sexual assaults at Aberdeen and the other Army bases, Secretary of the Army Togo West set up The Secretary of the Army's Senior Review Panel on November 21,

1996 (See Aberdeen Timeline in Appendix A). The review panel consisted of 40 military and civilian personnel. The purpose of the review panel was to review the Army's policies on sexual harassment and sexual assault. The review panel also examined how the chain of command handled sexual assault claims and made recommendations for the future policies on sexual harassment in the Army (West, 1997).

During the course of the investigation, investigators interviewed 7,401 soldiers and 808 army leaders. An additional 1,007 civilian employees took part in focus groups. There were also 22,952 soldiers who filled out surveys (Shadley, 2013). Investigators found that in the surveys, focus groups, and interviews that something called "The Game" was repeatedly mentioned. Investigators discovered that three drill sergeants, Captain Derrick Robertson (CAPT), Sergeant Delmar Simpson (SGT) and Sergeant First Class Tony Cross (SFC) created this "Game". "The Game" or "GAM A La Military" involved drill sergeants seeing how many army trainees they could get to sleep with them. In order to win the game each drill sergeant kept a list of their sexual activities, which ever drill sergeant had the most names would win. It is unclear whether there was a tangible prize or it was simply a game for bragging rights (Shadley, 2013). A 21 year old private, who was raped by a drill sergeant at Aberdeen and did not immediately report her rape, said the following when asked why she did not initially report, "'I was ashamed. . . . I didn't want to be on his list either'" (Sciolino, 1997c, para.4). This list is referring to the lists kept by drill sergeants while participating in "The Game".

Charges

The defendants that received jail time were drill sergeants Captain Derrick Robertson, Sergeant Delmar Simpson, Sergeant 1st Class Tony Cross and Nathaniel Beech. Captain Derrick

Robertson faced charges of adultery, rape, indecent assault, obstruction of justice, consensual sodomy, conduct unbecoming an officer and dereliction of duty. Sergeant 1st Class Tony Cross faced 13 counts of misconduct including adultery and sodomy against 4 women. Sergeant Delmar Simpson faced 19 counts of rape against 6 women. Nathaniel Beech was initially charged with rape but the charge was dropped to adultery (CNN, 1996).

Captain Derrick Robertson agreed to a plea deal. He plead guilty on March 20, 1997 (see Aberdeen Timeline in Appendix A) to having consensual sex with a female trainee (although the female trainee said it was not consensual), as well as, consensual sodomy, conduct unbecoming an officer and dereliction of duty. He was dismissed from the Army and sentenced to three months in prison (Powers, 2002). Sergeant 1st Class Tony Cross was convicted on 13 counts of adultery and sodomy involving four women on April 11, 1997. The charges included adultery and sodomy (Sciolino, 1997c).

During Sergeant Simpson's trial on April 15, 1997 several victims testified against him. One 21 year old former trainee from Alabama testified that Simpson called her into his office to reprimand her for returning to bed from the bathroom after bed check. She said Sergeant Simpson tried to kiss her and she denied him. He then forcibly put her on the couch in his office. He placed his hand over her mouth, pulled down her shorts and panties and raped her. The 21 year- old trainee said, "I asked him to stop, to please stop. I was crying. He was lying on top of me. There wasn't a whole lot I could do" (Sciolino, 1997c, para. 11)

Another victim of Sergeant Simpson, a 22 year- old former trainee described her rape to the court. She said after Sergeant Simpson disciplined her for touching his drill sergeant's hat, "I went up to his office and I told him exactly what I thought. The door was open and I walked in

and I said, 'Hey look, I don't appreciate what you're doing' (Sciolino, 1997c, para.18). Sergeant Simpson laughed at her. He threw her on the couch and pinned her hands above her head. He then raped her (Sciolino, 1997b).

Sergeant Delmar Simpson was convicted of 18 counts of rape against six females. He was acquitted on only one count of rape because the victim said she lead him to believe she wanted to have sex with him (Spinner, 1997). Simpson was sentenced to 25 years in military prison for his crimes (Sciolino, 1997b). These examples illustrate how the command staff contributed directly to sexual assault. The next section discusses how the chain of command also obstructed the reporting process.

In total, including the drill sergeants charged above, one soldier was charged with rape, and the remaining eleven were charged with sexual misconduct charges which included sodomy, adultery, and having consensual sex with a trainee. Six of the twelve soldiers were court martialled but only four were charged and given jail time, the six remaining cases of the twelve were resolved by other means such as discharges or administrative proceedings (Shenon, 1997).

Obstruction of Reporting by the Chain of Command

After drill sergeants from APG were arraigned on charges of sexual assault in December 1996, The Army's Chief of Staff, General Dennis Reimer, blamed the chain of command at Aberdeen for the incidents of sexual assault. During a press conference in Washington Reimer said, "The Army operates under the premise that the chain of command must do its job. We cannot have abuses in the chain of command and expect people to follow us. There's a responsibility in the chain of command, and when that responsibility is abused, that bothers me, big time" (Schmitt, 1996, para.7). What Reimer was referring to were the drill sergeants who

were involved in sexual misconduct. These drill sergeants are a part of the chain of command. They are the superiors that the trainees are expected to report their crimes to. They are the superiors that are supposed to be enforcing the law (Shenon, 1997).

The main problem with Aberdeen was the reporting structure for sexual assaults. Victims were expected to report their assaults to their superiors however their attackers were their superiors. This created a conflict of interest and led to a lack of reporting. It also led the chain of command to not file reports of rape as they would be criminally implicating themselves.

Policies and Procedures Post Aberdeen

After Aberdeen regulations were put in place in order to prevent future sexual assaults. For example, trainees were not allowed to visit a drill sergeant unless accompanied by another soldier. Drill sergeants and trainees were advised that the regulation was in their best interest (Hunter- Gault, 1996). To help eliminate the relaxed environment at Aberdeen (as reported by trainees) which was conducive to sexual assaults commanders distributed fewer weekend passes. Trainees instead received more military training. The relationship between trainees and drill sergeants became stricter (Spinner, 1997).

Also, the Army has assigned additional officers to training units so that commanders can spend more time with soldiers. Another policy change to help remove the chain of command from sexual assault reporting was adding more chaplains. Chaplains provide recruits with an alternative source of reporting sexual assaults. Furthermore a new training class on sexual assault was added to the curriculum for new recruits. Within 24 hours the recruits were educated on rape prevention and the buddy system (Hunter- Gault, 1996).

Case Study 3: Air Force Academy Sexual Assault

On January 2, 2003 the Secretary of the Air Force James G. Roche, Senator Wayne Allard of Colorado, Senator Ben Nighthorse Campbell of Colorado, and media representatives received an email from someone using the pseudonym Renee Trundle. The email claimed there was widespread sexual assault in the Air Force Academy in Colorado Springs, Colorado (Schmitz, 2004-a).

Investigation

After reading the anonymous email the Secretary of the Air Force James G. Roche directed the General Counsel of the Air Force to establish a group to review cadet's complaints about sexual assault that occurred at the Air Force Academy in Colorado. The complaints range from January 1993 to January 2002. Secretary Roche also tasked the Department of Defense (DoD) Inspector General Joseph E. Schmitz to conduct an independent investigation of the Air Force Office of Special Investigation (AFOSI) investigation of sexual assault cases and to investigate cadet complaints concerning the alleged mishandling of sexual assault cases. These complaints ranged from January 1993 to February 2003 (Schmitz, 2004 a). Former Florida Congresswoman Tillie K. Fowler, at the direction of the Department of Defense and Congress, conducted an independent review of the sexual assault problem at the Air Force Academy (Fowler, 2003). The following is a description of the findings from these three groups.

A working group was set up by Secretary Roche named the Working Group Concerning the Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy. The Working Group released their report on June 17, 2003 (see Appendix A: Air Force Academy Timeline). The Working Group concluded as a result of their investigation that there was “no

systemic acceptance of sexual assault at the Academy, no institutional avoidance of responsibility, or systemic maltreatment of cadets who report sexual assault” (Report of the Working Group, 2003, pg.ii) at the Air Force Academy (Report of the Working Group, 2003).

Despite their conclusions the Working Group did find inconsistencies in the treatment of sexual assault cases at the Academy. They found that in some years the command had a direct focus on sexual assault and in other years they focused less on sexual assault and more on other cases. The Working Group found that after the terrorist attacks on September 11, 2001 the academy shifted its focus from sexual assault to security issues (Report of the Working Group, 2003).

The Sexual Assault Services Committee at the Air Force Academy was set up in 1996 in order to address sexual assault problems and policy at the Academy. The Working Group found that this committee had only met 5 times between 2000 and 2002. The Sexual Assault Services Committee, as a result, failed to fully understand the sexual assault problems at the Academy and failed to inform leadership of the problems (Report of the Working Group, 2003).

The Working Group found a culture in the Academy where cadets made sexist and sexualized comments but could not make a definitive connection between this culture and the problem of sexual assault. The Working Group mentioned the problems with underage drinking in their report as well as the housing arrangements of female cadets. The Working Group suggested that the alcohol policies at the Academy contributed to the sexual assault problems and suggested more strict punishments for underage drinking. The report also suggested new housing arrangements for female cadets because they were often situated on coed floors forcing the girls to walk through the halls and robes and athletic attire (Report of the Working Group, 2003).

The Air Force Office of Special Investigation identified fifty-six cases of sexual assault at the Air Force Academy between January 7, 1993 and February 21, 2003 (Schmitz, 2004a). Of these cases there were thirty-one allegations of rape, eighteen allegations of indecent assault, four allegations of offenses against a child, two allegations of sodomy, and one allegation of attempted rape. Of the fifty-six total cases, three cases were dropped after the victims withdrew their complaints. Fifty-one percent of the remaining fifty-three cases involved a freshman cadet victim and freshman cadet assailant. Eleven Percent of the fifty-three cases involved a freshman cadet and an upperclassmen cadet (Schmitz, 2004a).

DoD Inspector General Joseph Schmitz reviewed AFOSI's investigation of the allegations. He began his review in March 2003. DoD Inspector General Schmitz found many flaws in the initial investigation of the fifty-six cases of sexual assault. The flaws in the investigation include the following. Out of the fifty-six cases identified ten were missing an investigative step. In three of the fifty-six cases, forensic science was suggested but not used in the investigation. In two of fifty-six cases, reports did not indicate why some evidence was collected, but not sent to the laboratory for analysis (Schmitz, 2004b).

Flaws in the investigation stage can be detrimental to sexual assault cases. Investigators fall in the chain of command and therefore have a responsibility to conduct a thorough investigation. Although the flaws in the investigation stage are worth noting because of their relation to the chain of command, Schmitz did not conclude the flaws in the investigation as the root cause of the sexual assault problem at the Air Force Academy.

DoD Inspector General Schmitz concluded that the overall root cause of the sexual assault problem at the Air Force Academy was the failure of the chain of command over the past

ten years (1993-2003). He noted that the chain of command failed to implement and monitor the changes necessary to alter the culture conducive to sexual assault (Schmitz, 2004b). He stated

“Many leaders in positions of authority could have been better role models, could have been more vigilant in inspecting those placed under their command, failed to guard and suppress sexual misconduct among cadets, whether or not prosecutable as specific crime, and failed to hold cadets accountable for such misconduct (Smith, 2004, para 4)”.

After the Department of Defense Inspector General and the Working Group conducted their reports former Florida Congresswoman Tillie K. Fowler lead an independent panel to review sexual assault allegations at the Air Force Academy. This panel included seven members whom had a background in United States military academies, behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims. The panel was the first independent review panel of the sexual assault allegations at the Air Force Academy (Fowler, 2003).

The Panel to Review Sexual Assaults at the Air Force Academy faulted the Working Panel for not evaluating the fault of the leadership at the Air Force Academy. Instead they focused only on the sexual assault incidents at the Academy. The panel suggested that this may be because the Working Group was trying to protect leadership from public criticism. The panel also found that Academy leadership had been warned many times by many different agencies that the Academy had a sexual assault problem but did not respond accordingly (see Appendix B: Air Force Timeline). The working group did not mention this.

The Panel found that the Air Force Academy, as well as Air Force Leadership, has been aware of the sexual assault problems at the Academy since at least 1993 (evidence is provided in Appendix A: Air Force Timeline ii). There has been an average of 14 allegations of sexual assault per year from 1993 to 2003. Air Force Academy leadership failed to maintain a

consistent level of oversight of the sexual assault problem and failed to develop a solution to the problem (Fowler, 2003).

The Panel concluded that the problem of sexual assault at the Air Force Academy was a leadership problem. The following military leadership were identified by the Panel for contributing to the sexual assault problem at the Air Force Academy.

Major General John R. Dallagher was the acting superintendent of the Air Force Academy from 1999-2003. As superintendent the Panel believes he bears the most responsibility for the Academy's sexual assault problem. He failed to exercise effective leadership and failed to respond to the sexual assault problem (Fowler, 2003).

Brigadier General Wagie had the most insight into the sexual assault response program at the academy. Due to this insight the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy said that Brigadier General Wagie had "considerable institutional knowledge of the nature and extent of the Academy's sexual misconduct problems due to his responsibilities and lengthy tenure at the Academy spanning 16 years" (Fowler, 2003, p.39). Brigadier General Wagie failed to recognize and or take effective action to prevent the sexual assaults at the Air Force Academy (Fowler, 2003).

General S. Taco Gilbert III had a responsibility as a senior commander to protect cadets from sexual assault. It was also his responsibility to be informed about the previous sexual assault incidences and sexual assault response and reporting procedures. As a senior commander to Colonel Laurie Slavec, he is also responsible for her actions. General Gilbert III told the Panel that he was going to remove Colonel Slavec from leadership however; in April 2003 he awarded

her a merit medal for her mentorship of those under her command. Colonel Slavec's failures are detailed in the following paragraph.

Colonel Slavec's harsh leadership created a sense of fear in the cadets under her command. Under Colonel Slavec's leadership cadets indicated that they feared reporting their sexual assaults as they felt there would be repercussions. They did not feel safe. Colonel Slavec, when interviewed by the Panel, did not know what the Academy's definition of sexual assault was. She indicated that she had her own definition of what she called a "true rape" which involved force. Colonel Slavec also indicated that she thought many women report rape at the Academy in order to receive amnesty from charges relating to consensual sex (i.e. adultery, fraternizing) (Fowler, 2003).

Charges

In the wake of the sexual assault scandal, four Air Force officials were replaced. These officials include: Superintendent James G. Roche, his second in command, Brigadier General S. "Taco" Gilbert III, Vice Commandant Colonel Robert D. Eskridge and commander of cadet training Colonel Laurie S. Slavec (Schemo & Moss, 2003). Details on individual sexual assault cases were not made available. The focus of these reports was on the sexual assault response and policies at the academy. The following is a summary of the chain of command problems from the air force academy. It includes the main results from all reports.

Command Problems

Both the Panel to Review Sexual Assaults at the Air Force Academy and DoD Inspector General Schmitz concluded that the Air Force has known for at least 10 years that sexual assault was a serious problem at the Academy. Despite that knowledge the Air Force did not take the

necessary steps to fix the problem. The Panel, The Working Group and Schmitz noted that there was inconsistent oversight of sexual assault problems. Some issues were the lack of regular meetings of the Sexual Assault Services Committee and the turnover rate of leadership (Fowler, 2003).

Culture was cited by The Panel, The Working Group, and DoD Inspector General Schmitz as a contributing factor to the sexual assaults at the Academy. Cadets at the Air Force Academy reported sexism and sexualized comments as being prevalent to the point where such comments were normal. In a sexual assault survey at the Academy 1 in five cadets indicated that they don't believe women belong at the Academy. The Panel and DoD Inspector General indicated that the Academy leadership failed to alter the culture at the Academy creating an environment conducive to sexual assault (Schmitz, 2004b).

Attitudes amongst senior officers in the command contributed to the sexual assault problem. Brigadier General S. "Taco" Gilbert III was quoted as saying "For example, if I walk down a dark alley with hundred- dollar bills hanging out of my pockets, it does not justify my being attacked or robbed, but I certainly increased the risk by doing what I did" (Fowler, 2003, para 4). This was a response when asked about a female cadet who was raped after an evening of drinking and playing strip poker Also Colonel Slavec, as previously mentioned, believed that women were essentially lying about their sexual assault. Colonel Slavec was responsible for reporting sexual assaults as a commander and her attitudes prevented victims from reporting (Fowler, 2003).

Policies and Procedures Post Academy Sexual Assault

After the sexual assault incidences at the Air Force Academy, many of the procedures were changed for the incoming class in 2004. The changes made were a part of the Secretary of the Air Force's Agenda for Change. This agenda outlines 165 changes that Air Force officials believe needed to be changed. The Air Force as of 2004 had adopted 140 of these 165 changes (Miles, 2003).

There were several key changes the Air Force made after the sexual assault scandal. One change was creating new sexual assault reporting procedures. These include adding a new team for responding to sexual assault incidences (Bearden, 2003). The Air Force also implemented an education program for cadets that would address sexual assault and harassment (Miles, 2003).

Alcohol was found to be involved in 40 percent of sexual assault cases and in response Academy officials implemented strict alcohol regulations. After the second infraction for drinking a cadet would be kicked out of the Academy (Miles, 2003). Superintendent Rosa is responsible for implementing many of these changes however Rosa acknowledged that the Academy's main problem was a cultural problem (Miles, 2003).

Chapter 6: Limitations and Conclusions

The findings support the research question that the sexual assault reporting process in the military contributes to the pervasiveness of sexual assault in the military. As demonstrated in the case studies, the chain of command as a reporting mechanism has proven to be ineffective. This is not only true when a victim reports to their immediate commander but the chain of command also fails as you go higher up in the chain of command. As indicated in the case studies, even when higher-ranking officers understood there was an epidemic of sexual assault they failed to take action. The chain of command also does not stand alone as the sole contributor to the sexual assault problem. The military culture also contributes to the problem. It is the suggestion of this research that the sexual assault reporting process, in combination with military culture, needs to be changed in order to alleviate the pervasiveness of sexual assault in the military. The following provides support that these changes need to take place.

As mentioned in the previous paragraph, the military culture greatly contributes to the pervasiveness of sexual assault in the military. During the course of this research several indicators that military culture contributed to the pervasiveness of sexual assault were identified. Based on the findings in each case study it is clear that the military culture needs to be changed in order to eliminate the sexual assault problem. When taking into account the recent elimination of the Don't Ask Don't Tell policy as well as the inclusion of women in combat positions, the need for this change in culture is of high importance. These policies will lead to increased animosity towards already targeted groups. The following are examples of military culture found in the case studies used in this research.

The Tailhook Symposium in 1991 was the first high profile sexual assault scandal in the military. It brought to light not only these cases of sexual assault, but also the problems

surrounding the military culture. The Department of Defense Inspector General Vander Schaff found that a commonality among military personnel interviewed during his investigation was that they lacked an awareness of the detrimental cultural repercussions of their actions. He indicated that the behavior that took place at Tailhook (i.e. the Gauntlet, prostitution, zapping, etc.) “fostered an atmosphere of sexual harassment” (Vander Schaff, 1992, para.38). The acceptance of this behavior can be explained by two of Hunter’s aspects of military culture. As explained in chapter 2, one aspect of military culture is the objectification of people. Military personnel are taught to dehumanize the enemy. The perpetrators in the Tailhook scandal may have used this tactic in order to dehumanize their victims and therefore did not see their actions as wrong (Hunter, 2007).

Attitudes among the military personnel at Tailhook also contributed to the military culture. Men wore shirts stating, “Women are Property”. These shirts, indicative of the attitudes of the men at the Tailhook Symposium, contributed to the sexual assault problem by condoning the sexual assault of women (Frontline, 1993). The attitudes did not cease with lower ranking officers but were displayed by higher ranking officers such as Commander of the Naval Investigative Service Duvall Williams who indicated to the Under Secretary of the Navy that he believed most women in the military were hookers (Ogden, 2009). Also, the fact that the chain of command was present and did nothing to stop this behavior suggests their silent acknowledgement of this behavior. Again, Hunter’s military culture characteristic, objectification of people, can help explain why these attitudes exist. Women are dehumanized by men the same way an enemy is. In fact, women are often seen as the enemy in the military because men believe they cannot adequately perform their duties. Men are also threatened by women because they may take their ranks and positions (Hunter, 2007).

At Aberdeen, drill sergeants treated sex as if it were a game. They literally made a game out of having sex with cadets. Cadets were treated as prizes to be won and not as human beings. This dehumanization of the victim, an aspect of military culture, created a culture where sexual assault was accepted.

As demonstrated in the Air Force Academy case, the academy had cultural problems. The cultural problems are evident in the attitudes of those at the academy. These attitudes are reflected in statements made by both Colonel Laurie Slavec and General S. Taco Gilbert III. Colonel Slavec indicated that she did not know the Air Force's definition of sexual assault but her own definition, which she regarded as true rape, required some kind of force. General Gilbert said in a statement "For example, if I walk down a dark alley with hundred- dollar bills hanging out of my pockets, it does not justify my being attacked or robbed, but I certainly increased the risk by doing what I did" (Fowler, 2003, para 4). Both of these statements are from high- ranking officers. Colonel Slavec and General Gilbert's statements contribute to a rape culture. Colonel Slavec misconstrues rape to only include incidents of force and Gilbert's statement clearly shows victim blaming. Although the military culture needs to be changed in order to fix the sexual assault problem in the military the process must also change if any real progress is to be made.

All three case studies show a need for changes in the reporting process through the chain of command. This research found two main problems with the sexual assault reporting. The first is that the sexual assault reporting process, through the chain of command, creates a conflict of interest that prevents commanding officers from investigating and prosecuting a victim's sexual assault case. The second problem is the intimidation that victims feel towards the process and the command staff results in non- reporting.

This “conflict of interest” refers to two issues. The first is that the job description of a commanding officer does not coincide with sexual assault reporting. It is the duty of a commanding officer to ensure those under his command act appropriately. When a sexual assault happens it can reflect badly on the officer because it is considered to have happened under his or her command. In order to prevent sanction, a commanding officer may choose not to report that a sexual assault occurred. This may have been a contributing factor in Lt. Coughlin’s case. This is not only true for commanding officers however, in both the Air Force case and the Tailhook case high ranking individuals in the chain of command had knowledge that there was a sexual assault problem. They failed to respond to this problem. It is possible that they did not respond because they did not want to face scrutiny of Congress, the President, and the general public.

The second conflict of interest occurs when the sexual offender in a sexual assault case is the commanding officer. This is very clearly in the Aberdeen Case study. The drill sergeants acted as the commanding officers to the privates. If the privates wanted to report their sexual assault they would have to do so to their commanding officer. The privates were the victims in this case making their attackers their commanding officers. This made it very difficult for victims to report their sexual assault.

Intimidation was another problem found in this research. This is evident in all of the case studies. Colonel Slavec (Air Force Academy) was identified in the Panel’s report for creating an environment that made it difficult to report sexual assaults. Her attitude, as well as her brutal commanding style made the cadets feel unsafe (Report of the Working Group, 2003). The way in which the Air Force sexual assault scandal came to light is also indicative of intimidation. Instead of a victim alerting her commanding officer that there was a sexual assault problem at the academy someone sent an anonymous email. The fact that email was chosen as the method of

reporting in it and of itself is evidence that there is an intimidation factor in the reporting process through the chain of command.

What results from both of these problems is a lack of reporting and lack of punishment in sexual assault cases. When there is a lack of punishment it gives offenders the idea that it is okay to commit sexual assault. This further contributes to the problem. The following provides suggestions to prevent sexual assault in the military.

Because this research did not exclusively focus on the culture of the military, recommendations will not be made on how to improve military culture, although it is the belief of the researcher that the culture needs to be changed. The following are suggestions on how to improve the sexual assault reporting process in the military.

Passing the Military Justice Improvement Act of 2013 would have a significant impact on sexual assault cases. The bill would remove the prosecutions of any crime of more than a year in prison from the victims or offenders chain of command. The commanding officer trying the case would have to have significant experiences with criminal cases. This would improve the punishment stage of sexual assault cases.

Although the Military Justice Improvement Act would be a good start in improving how sexual assaults are handled in the military it does not address the reporting problems. This research suggests creating an independent body for reporting and investigating crimes in the military. These crimes would be all non-military specific crimes. By creating an independent entity where victims can report their crimes without intimidation and conflict of interest would solve significant problems with reporting. This research also suggests an independent Navy Inspector General and NCIS as this will ensure an independent review of all crimes without the risk of a conflict of interest (for example the offender knowing the Navy Inspector General).

References

- Bearden, T. (2003, October 14). *Culture Change at the Air Force Academy*. Retrieved from PBS:
http://www.pbs.org/newshour/bb/military-july-dec03-airforce_10-14/
- Bumiller, E., & Shanker, T. (2013, January 23). *Pentagon Is Set to Lift Combat Ban for Women*. Retrieved October 1, 2013, from New York Times:
http://www.nytimes.com/2013/01/24/us/pentagon-says-it-is-lifting-ban-on-women-in-combat.html?pagewanted=all&_r=1&
- Burrelli, D. (2010). *"Don't Ask Don't Tell": The Law and Military Policy on Same-Sex Behavior*. Washington: Congressional Research Service.
- Captain Enters Guilty Plea in Sexual Abuse of Private*. (1997, March 21). Retrieved from New York Times: <http://www.nytimes.com/1997/03/21/us/captain-enters-guilty-plea-in-sexual-abuse-of-private.html>
- CNN. (1996, December 6). *Three Soldiers Arraigned in U.S. Army Sex Scandal*. Retrieved from CNN Interactive: <http://www.cnn.com/US/9612/06/aberdeen.arraign/>
- Cushman, J. (2012, February 9). *History of Women in Combat Still Being Written, Slowly*. Retrieved October 6, 2013, from New York Times:
<http://www.nytimes.com/2012/02/10/us/history-of-women-in-combat-still-being-written-slowly.html>
- Department of Defense . (2012). *Manual for Court-Martial United States*. Washington D.C.: Department of Defense .

Department of Defense. (2011). *Department of Defense Annual Report on Sexual Assault in the Military*. Arlington: Department of Defense.

Department of Defense. (2012). *Department of Defense Annual Report on Sexual Assault in the Military*. Department of Defense.

Engber, D. (2005, May 19). *What Can Female Soldiers Do?* Retrieved April 10, 2014, from Slate:

http://www.slate.com/articles/news_and_politics/explainer/2005/05/what_can_female_soldiers_do.html

Everett, R. (1972). Some Comments on the Role of Discretion in Military Justice. 37(1), 173-215.

Former Cadet Agrees to Plea Bargain in Rape Case. (2004, June 8). Retrieved from USA

Today: http://usatoday30.usatoday.com/news/nation/2004-06-08-cadet-rape_x.htm

Fowler, T. K. (2003). *Report of the Panel to Review Sexual Misconduct Allegations at the U.S.*

Air Force Academy. Washington: Department of Defense.

Frontline. (1993). *Post Tailhook Punishment*. Retrieved from PBS:

<http://www.pbs.org/wgbh/pages/frontline/shows/navy/tailhook/91.html>

Gillibrand, K. (2013). *Quotes You Should Read*. Retrieved April 26, 2014, from The Office of

Kirsten Gillibrand: <http://www.gillibrand.senate.gov/mjia/quotes>

Hunter- Gault, C. (1996, November 8). *Army Investigates Sexual Misconduct*. Retrieved from

PBS: http://www.pbs.org/newshour/bb/military/togo_west_11-8.html

Hunter, M. (2007). *Honor Betrayed*. Fort Lee: Barricade Books.

Jacob, P. (2012, April 17). *Briefing Paper: Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2011*. Retrieved April 9, 2014, from Service Women's Action Network : http://servicewomen.org/wp-content/uploads/2012/04/SAPRO-briefing-report-4_17_12.pdf

LeardMann, C., Pietrucha, A., Magruder, K., Smith, B., Murdoch, M., Jacobson, I., et al. (2013). Combat Deployment is Associated with Sexual Harassment or Sexual Assault in a Large, Female Military Cohort. *Women's Health Issues, 23*(4), e215-e223.

Library of Congress. (2010, July 20). *Congressional Hearing*. Retrieved from Library of Congress: <http://www.loc.gov/law/find/hearings.php>

Ludwig, F. (1991, October 11). *Letter from Captain Ludwig*. Retrieved from PBS: <http://www.pbs.org/wgbh/pages/frontline/shows/navy/tailhook/letter2.html>

Mason, C. (2013). Military Justice: Courts-Martial, an Overview. *Congressional Research Service, 1-18*.

McDonough, K. (2013, May 22). *Conservative group blames military sexual assault on "Don't Ask, Don't Tell" repeal*. Retrieved October 4, 2013, from Salon: http://www.salon.com/2013/05/22/conservatives_blame_military_sexual_assault_on_don_t_ask_dont_tell_repeal/

McMichael, W. (1997). *The Mother of all Hooks*. New Brunswick: Transaction Publishers.

Miles, D. (2003, October 7). *Air Force Academy Introduces Sweeping Changes, Looks to Future.*

Retrieved from U.S. Department of Defense:

<http://www.defense.gov/news/newsarticle.aspx?id=28368>

Military One Source. (2013, June 9). *About Sexual Assault.* Retrieved September 13, 2013, from

Military One Source: <http://www.militaryonesource.mil/sexual->

[assault?content_id=266969](http://www.militaryonesource.mil/sexual-assault?content_id=266969)

Mulrine, A. (2013, January 25). *Women in Combat Units: Could it reduce sexual assault in the military.* Retrieved October 3, 2013, from Christian Science Monitor :

<http://www.csmonitor.com/USA/Military/2013/0125/Women-in-combat-units-Could-it-reduce-sexual-assault-in-the-military>

Ogden, J. (2009). Tailhook '91 and the U.S. Navy. *Case Studies in Ethics*, 1-27.

Powers, R. (2002). *Aberdeen Proving Ground, Maryland.* Retrieved April 14, 2014, from About

U.S. Military: <http://usmilitary.about.com/od/armybaseprofiles/ss/aberdeen.htm>

Rape Abuse and Incest National Network. (2009). *Military Reporting Options Facts.* Retrieved September 23, 2013, from Rape Abuse and Incest National Network:

<http://www.rainn.org/military-reporting-options-faq>

(2003). *Report of the Working Group Concerning the Deterrence and Response to Incidents of Sexual Assault at the U.S. Air Force Academy.* Washington D.C.: Department of the Air Force.

Risen, J. (2013, February 26). *Attacked at 19 by an Air Force Trainer, and Speaking Out.*

Retrieved April 9, 2014, from New York Times:

http://www.nytimes.com/2013/02/27/us/former-air-force-recruit-speaks-out-about-rape-by-her-sergeant-at-lackland.html?_r=0

Schemo, D. J., & Moss, M. (2003, March 27). *Criminal Charges Possible in Air Force Rape Scandal*. Retrieved from New York Times:

<http://www.nytimes.com/2003/03/27/us/criminal-charges-possible-in-air-force-rape-scandal.html>

Schmitz, J. (2004). *Air Force Inspector General Summary Report Concerning the Handling of Sexual Assault Cases at the United States Air Force Academy*. Washington: Department of Defense.

Schmitz, J. (2004). *Evaluation of Sexual Assault, Reprisal, and Related Leadership Challenges at the United States Air Force Academy*. Washington : Office of the Inspector General of the Department of Defense.

Sciolino, E. (1997, April 30). *Sergeant Convicted of 18 Counts of Raping Female Subordinates*. Retrieved from New York Times: <http://www.nytimes.com/1997/04/30/us/sergeant-convicted-of-18-counts-of-raping-female-subordinates.html?pagewanted=all&src=pm>

Sciolino, E. (1997, May 4). *The Army's Problems With Sex and Power*. Retrieved from New York Times: <http://www.nytimes.com/1997/05/04/weekinreview/the-army-s-problems-with-sex-and-power.html>

Service Women's Action Network. (2012, April). *Rape, Sexual Assault and Sexual Harassment in the Military* . Retrieved September 14, 2013, from SWAN:

http://servicewomen.org/wp-content/uploads/2012/06/RSASH-Quick-Facts_April-2012-FINAL.pdf

Shadley, R. D. (2013). *The Game Unraveling a Military Sex Scandal*. Edina: Beaver's Pond Press.

Shenon, P. (1997, September 12). *Army's Leadership Blamed In Report on Sexual Abuses*. Retrieved from New York Times: <http://www.nytimes.com/1997/09/12/us/army-s-leadership-blamed-in-report-on-sexual-abuses.html>

Smith, J. (2004, December 8). *Air Force Officials Blamed for Lapses in Sexual Assault Reporting*. Retrieved from The Washington Post: <http://www.washingtonpost.com/wp-dyn/articles/A44432-2004Dec7.html>

Spinner, J. (1997, April 30). *Aberdeen Sergeant Convicted of Rape*. Retrieved from Washington Post: <http://www.washingtonpost.com/wp-srv/local/longterm/library/aberdeen/aber4.htm>

Tailhook Association. (2013, December 21). *About Us*. Retrieved from Tailhook Association: <http://www.tailhook.net/>

Vander Schaff, D. (1992). *Tailhook 91 Part 1*. Washington D.C.: U.S. Government Printing Office.

Vander Schaff, D. (1993). *Tailhook 91 Part 2*. Washington D.C. : U.S. Government Printing Office.

West, T. (1997). *Senior Review Panel Report On Sexual Harassment*. Washington : Department of Defense.

Appendix A: Timelines

Timeline Tailhook '91

September 5-8, 1991 – 35th Annual Tailhook Symposium held at Las Vegas Hilton.

September 7, 1991- Lieutenant (Lt) Paula Coughlin is sexually assaulted during the Gauntlet.

September 8, 1991- Lt Coughlin reports her assault to her superior Rear Admiral Snyder.

September 22, 1991- Lt Coughlin follows up with Rear Admiral Snyder on the status of her report

September 28, 1991- Lt Coughlin sends a letter to Rear Admiral Snyder's superior, Vice Admiral Dunleavy.

October 10, 1991- Vice Admiral Dunleavy launches an investigation into Lt Coughlin's sexual assault.

October 11, 1991 – the Naval Investigative Service (NIS) launches an investigation into Tailhook sexual assaults.

October 31, 1991 – Secretary of the Navy H. Lawrence Garrett ends the Navy's membership in the Tailhook Association.

November 10, 1991 – Rear Admiral Snyder is relieved of his command.

April 30, 1992 – The Navy Inspector General Davis and the NIS issue the final reports of their investigation into Tailhook.

June 18, 1992 – Navy Secretary Garrett asks Department of Defense Inspector General Vander Schaff to conduct an independent investigation of Tailhook.

June 26, 1992 – Navy Secretary Garrett resigns as requested by President George H Bush.

September 24, 1992 – DoD Inspector General Vander Schaaf issues his initial report on the investigation of the Tailhook sexual assaults.

April 1993 –DoD Inspector General Vander Schaff releases his final report on Tailhook '91.

April 28, 1993 – Defense Secretary Aspin issues order to allow women to fly combat missions.

May-Sept 2003 – Navy and Marine Corps investigate citations of 140 personnel named in the DoD Tailhook Report.

February 8, 1994 – Norfolk military judge, Cpt. William T. Vest, drops all remaining cases related to Tailhook '91 because Chief of Naval Operations, Rear Adm. Kelso, who attended Tailhook '91 and witnessed some of the lewd behavior, exercised unlawful command influence in the prosecution of the aviators.

May 31, 1994 – Lt. Coughlin resigns from the Navy

*Timeline adapted from Ogden's Tailhook '91 and the U.S Navy (Ogden, 2009)

Aberdeen Timeline

Timeline: Aberdeen Sexual Assault

September 1996- female trainee Private Jessica Bleckley at the Aberdeen Proving Ground's Ordnance Center complained to her superior officer about sexual harassment. This started the investigation into Aberdeen Proving Ground.

November 1996- thirty four women reported being victims of rape or sexual assault at Aberdeen Proving Ground

November 6, 1996- toll-free hotline set up for sexual assault victims.

November 21, 1996- Secretary of the Army Togo West establishes the Secretary of the Army's Senior Review Panel.

December 6, 1996- Capt. Derrick Robertson, Sgts. Delmar Simpson and Nathanael Beech arraigned on charges

January 23, 1997- 4th soldier charged in Aberdeen. Sgt 1st class Theron Brown charged with two counts of failure to obey order, one count of sodomy, and two counts of adultery involving two female students and one civilian.

January 30, 1997- Army receives a total of 6,979 calls to the hotline since it was created in November 1996.

February 1, 1997- Sixth soldier charged in the sexual assault at Aberdeen- the first to result from the army set up hotline- Sgt Isiah Chestnut- charged with indecent assault involving four women trainees.

March 20, 1997- Sergeant Derrick Robertson plead guilty having consensual sex with a female trainee, as well as, consensual sodomy, conduct unbecoming an officer and dereliction of duty

March 23, 1997- Nathaniel Beech found not guilty on charges of sexual misconduct. Was found guilty of abuse of authority and failure to obey an order. Beech was taken off the promotion list, received a suspended penalty and forfeiture of pay and allowances.

April 3, 1997- 11th Army Staff member charged in sex scandal- SGT Marvin Kelly accused of having improper relationship with six female trainees and one female soldier stationed at Aberdeen

April 4, 1997- Two of the sexual abuse charges were dropped against Sergeant Delmar Simpson because they were more difficult to prove

April 11, 1997- Sergeant First Class Tony Cross convicted on 13 counts of adultery and sodomy.

April 15, 1997- Rape victims testify in Simpson's trial.

May 6, 1997- Staff Sgt. Delmar G. Simpson found guilty on 18 of 19 counts of rape and was sentenced to 25 years in prison at Fort Leavenworth.

May 31, 1997- Staff Sgt Vernell Robinson Jr convicted of 19 counts including sodomy, adultery, communicating a threat, obstructing justice and disobeying orders. Robinson received six month sentence.

July 1997- Secretary of the Army's Senior Review Panel Report on Sexual Harassment is released.

Timeline: 2003 Air Force Sexual Assault i

January 2, 2003- Secretary of the Air Force James G Roche receives an email under pseudonym Renee Trundle alleging that there was a serious sexual assault problem at the Air Force Academy.

- Immediately after receiving the email Secretary Roche tasked General Counsel of the Air Force Mary L. Walker with creating a working group to review cadet complaints about the sexual assault problem.

March 2003- Interim report of the Working Group Report released to Secretary of the Air Force Roche

March 2003- Secretary of the Air Force Roche and Air Force Chief of Staff General Jumper created an *Agenda for Change* which included policy improvements at the Academy

March 2003- Department of Defense Inspector General Schmitz starts his investigation into the Air Force Academy's sexual assault problem.

April 2003- Lieutenant General John R. Dallager, Superintendent of the Academy was forced to retire and Commandant Brigadier General S. Taco Gilbert II, the Vice Commandant, Colonel Robert D. Eskridge and the Training Wing Commander Colonel Laurie S. Slavec were all reassigned. Secretary Roche replaced them with new leadership at the Academy.

April 16, 2003- The Panel to Review Sexual Assault at the Air Force Academy is established.

June 2003- Air Force General Counsel Mary L. Walker releases The Working Group Report

July 11, 2003- General Dallager's retirement is announced at the grade of Major General rather than Lieutenant General. General Dallager was retired at a lower grade because he should have been aware of the problems at the Academy and should have taken action in the form of solutions to the problem.

September 22, 2003- The Panel to Review Sexual Assault at the Air Force Academy releases its final report.

July 2004- The Department of Defense Inspector General Schmitz report is completed.

Timeline: 2003 Air Force Academy ii

February 1993- Sexual assault incident. Brigadier General Bradley C. Hosmer created an informal confidential reporting procedure for sexual assaults. Another change was the institution of a victim amnesty program to encourage the reporting of sexual assaults. Under the amnesty policy, the chain of command could forego punishment of victim misconduct in order to encourage the reporting of sexual assault

1993- There were 18 allegations of sexual assault at the Air Force Academy

January 1994- The General Accounting Office (GAO) releases a report at each of the service academies. The report indicates that sexual harassment occurs at all service academies. There is no indication that the Academy took any action upon receiving the GAO's report.

1994- 14 allegations of sexual assault

1995- 17 allegations of sexual assault

March 1995- GAO issues a follow up report from the 1994 investigation of sexual harassment. They conclude that the sexual harassment problem has not improved.

1996- 15 allegations of sexual assault

1996- Air Force headquarters discovered the procedures put in place in February 1993 to address sexual assault were not working. Confidential reporting was interfering with AFOSI's investigations.

1996- The Air Force Surgeon General tells the Air Force Chief of Staff that there was sexual misconduct at the academy. There is no evidence that the Air Force fully investigated this allegation.

1996-1997- a team of lawyers at the Air Force Headquarters recommends changes in the Academy's procedures for reporting sexual assault. The Air Force Academy rejects these suggested changes. Air Force Headquarters accepted the procedures but failed to monitor them.








2000-2001- the Air Force Office of Special Investigation (AFOSI) complained that the Academy's sexual assault reporting procedure's (confidential reporting) interfered with their investigations. A working group was created to investigate these procedures. Air Force Headquarters reached an agreement with the AFOSI but the Air Force Headquarters failed to ensure the agreement was implemented




2000- Senate Armed Services Committee requests an investigation into the allegations made by the former Air Force Surgeon General in 1996 that there was sexual misconduct at the Air Force

Academy and it had been covered up or not investigated. The Air Force Inspector general only conducted a limited review and did not investigate any other problems after 1996.











Appendix B: Chain of Command Structure With Key Players (Highest to Lowest Rank)










Tailhook

Military Rank	Insignia	Name	Role in Tailhook
Secretary of the Navy		H. Lawrence Garrett	Asked to retired by George H. Bush for his failures in Tailhook
Naval Inspector General		George Davis	Reassigned after Department of Defense Inspector General found flaws in Davis' investigation
Chief of Naval Operations		Frank Kelso	Rumored to have been present during the gauntlet and rumored to have lied about what he witnessed
Fleet Admiral			
Admiral			
Vice Admiral		Richard Dunleavy	Admitted to knowing that the gauntlet and prostitution took place and did nothing to stop it
Rear Admiral		<ul style="list-style-type: none"> • Riley Mixson • Wilson Flagg • Jack Snyder 	Mixson and Flagg admitted to knowing of past improprieties at Tailhook and not doing anything to prevent future behavior Snyder failed to report the sexual assault of Lieutenant Paula Coughlin
Captain			Several captains were cited for witnessing and participating in sexual assaults at Tailhook
Commander			Several commanders were cited for witnessing and participating in sexual assaults
Lieutenant Commander			












Lieutenant			Victim- Paula Coughlin
Lieutenant Junior Grade			
Ensign			





Aberdeen

Military Rank	Insignia	Name	Role in Aberdeen
General			
Lieutenant General			
Major General			
Brigadier General			
Lieutenant Colonel			
Major			
Captain		Derrick Robertson	One of the three original creators of the game. Convicted of consensual sex with a female trainee, consensual sodomy, conduct unbecoming of an officer and dereliction of duty.
First Lieutenant			
Second Lieutenant			
Sergeant Major of the Army			
Command Sergeant Major			

Sergeant Major			
First Sergeant			
Master Sergeant			
Sergeant First Class		<ul style="list-style-type: none"> • Tony Cross 	One of the three original creators of the game. Convicted on 13 counts of adultery and sodomy.
Staff Sergeant			
Sergeant		<ul style="list-style-type: none"> • Delmar Simpson • Nathaniel Beech 	<ul style="list-style-type: none"> • Simpson convicted on 16 counts of rape against 6 females. Sentenced to 25 years. • Beech was charged with adultery after his rape charge was dropped.
Corporal			
Private First Class			
Private E-2			Victims
Private E-1	None		

Air Force Academy

Military Rank	Insignia	Name	Role in Air Force Academy Sexual Assaults
General of the Air Force			
General		S. Taco Gilbert III	Failed as overseer of the sexual assault reporting and response program as well as bears responsibility for Slavec as her superior
Lieutenant General			
Major General		John R. Dallagher	As acting superintendent bears the most responsibility for the failure of the academy in protecting cadets from sexual assaults
Brigadier General		David Wagie	Had knowledge of the sexual assault problems at the Academy
Colonel		Laurie Slavec	Created an environment where cadets were not comfortable reporting assaults. Contributed to the negative attitudes towards sexual assault victims.
Lieutenant Colonel			
Major			
Captain			
First Lieutenant			
Second Lieutenant			

Cadet 1st Class (Senior)			Some offenders were seniors.
Cadet 2nd Class (Junior)			Some offenders were juniors.
Cadet 3rd Class (Sophomore)			Most victims were freshman and sophomores
Cadet 4th Class (Freshman)			Most victims and offenders were freshman and sophomores