

Sexual Violence in the United States Military

THE HISTORY OF SEXUAL VIOLENCE IN THE
UNITED STATES MILITARY, ITS IMPACTS ON
MILITARY READINESS, AND
RECOMMENDATIONS FOR THE FUTURE

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EXECUTIVE SUMMARY

Female service members have been a part of the permanent structure of the United States military since 1948. While they have made major strides in all branches of the military for the past decades, women still face heightened barriers to equal access. Sexual assault in the military has made headlines in recent years and current trends of violence against women in the military show no signs of decreasing anytime soon. Studies have indicated that between 22% and 84% of military service women report being sexually harassed or assaulted during their military service (Turchik & Wilson, 2010). This report seeks to define military sexual violence (MSV), explain its implications on military readiness, detail the long-term mental health outcomes for survivors, and ultimately chronicle the history of sexual assault policy to provide recommendations for problem resolution.

"I was in the military for 25 years and I don't know a woman from that entire time who didn't experience both [discrimination and harassment]."

-Retired U.S. Navy
Capt. Lory Manning

(Two Thirds, n.d)

ABOUT MILITARY SEXUAL VIOLENCE

The Uniform Code of Military Justice (UCMJ) constitutes most military law. Implemented in 1951, these rules have jurisdiction over every branch of the armed forces. It is likewise important to understand definitions in terms of how they are viewed in the context of military law:

- **Military Sexual Violence (MSV):** For the context of this report, this term encompasses sexual harassment, assault, and resulting trauma inflicted upon members of the United States Armed Forces.
- **Sexual Assault:** The Department of Defense (DoD) defines sexual assault as "intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent... Sexual assault can occur without regard to gender or spousal relationship or age of victim." (Chu, n.d.)
- **Types of Sexual Assault:** Forms of sexual assault include rape, non-consensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Other sex-related offenses in violation of the UCMJ that do

not meet the above definition will still fall under the umbrella of sex-related offenses (Chu, n.d.)

- Sexual Harassment: The DoD defines sexual harassment as a form of sex discrimination involving unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature under any of the following three conditions (White, 2015):
 1. "Submission to conduct is explicitly or implicitly a term of a person's job, pay, or career"
 2. "Submission or rejection is used as basis for career or employment decisions"
 3. "Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment"
- Military Sexual Trauma (MST): The Department of Veterans Affairs (VA) uses the term MST to refer to sexual assault or repeated threatening sexual harassment experienced by an active duty service member (U.S. Department of Veterans Affairs, 2016)
- Consent: Will not be deemed or understood to mean the failure of a victim to offer physical resistance. Consent cannot be given when a person uses force, threatens to use force, is under coercion, when the victim is asleep, incapacitated, or unconscious (Chu, n.d.).

IMPLICATIONS ON MILITARY READINESS

Significant research has been conducted regarding the implications of MSV on military readiness. These findings suggest that misogyny and the negative effects of MST appear across levels of organizational leadership and undermine the Department of Defense's (DoD) ability to meet current and future challenges (Klein & Gallus, 2018). Specifically, the inherent culture, gender inequality, and group dynamics in the United States Armed Forces increase the prevalence of MSV and negatively impact military readiness.

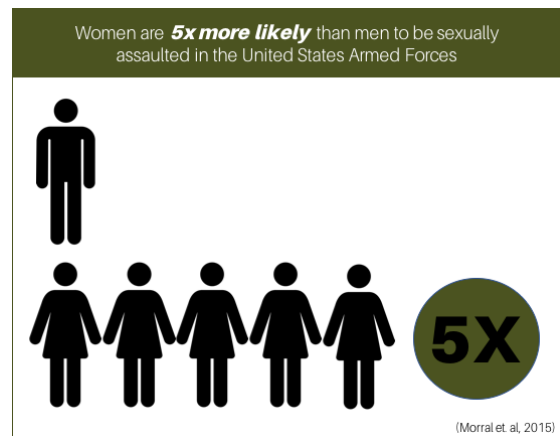
Military Readiness Defined:
Readiness measures the ability of a military unit, such as an Army division or a carrier battle group, to accomplish its assigned mission.
(Spencer, 2000)

Military Culture

While different studies have suggested multiple root causes of MSV, one of the most compelling is the underlying culture of the United States military. One recent study asserted that the military itself is an institution that relies on well-established norms and “is committed to fostering norms among service members.” One of the most deeply-rooted norms is the idea of “military ethic,” which “exalts obedience as the highest virtue of military men,” and “emphasizes the permanence of irrationality, weakness and evil in human affairs” (Bennett, 2018). Unfortunately, much of this well-established culture and many other social norms involve treating women as second-class citizens which materializes into MSV, victim blaming, or women not coming forward with their assaults at all. This culture not only causes a breakdown of interpersonal relationships, but erosion of the group dynamic that is paramount to the readiness and effective functioning of the military.

Gender Inequality in the United States Armed Forces

A 2018 survey found that 66% of women have personally experienced sexual assault or harassment and 42% have witnessed a fellow service member being sexually assaulted or harassed. On top of having greater risks of sexual violence, women are simply outnumbered and consequently are underrepresented in leadership and high command (Farris, 2013). Given that the process of reporting sexual violence is internal and victims are required to report to their superiors, this process makes it extremely challenging for victims to speak up and seek retribution when their perpetrator is their superior (Farris, 2013).



Group Dynamics

Team allegiance and trust are crucial to the success of the U.S. Armed Forces. Often, reporting a fellow member for harassment is seen as a betrayal of the team. Likewise, over 86% of service members who are assaulted do not report it out of desire to avoid action that would derail group dynamic (Ziering & Dick, n.d.). This tendency to not report to preserve the team is an effect of the unwritten military code of silence. It is also important to note that this large level of non-reporting

impacts the DoD's ability to accurately understand the scale of MSV and subsequently create policies to counter it.

This high level of underreporting has detrimental effects when coupled with the culture and prevalence of military sexual assault because it creates sexual stressors within the group



environment (Street, 2009). Sexual stressors range from intimidation in the workplace to sexual coercion for desirable assignment or fair evaluation (Street, 2009). These stressors are particularly problematic because they lead to the breakdown of the same interpersonal relationships that are vital to the success of a team (Parnell, 2018). Breakdown of these relationships and consequently the group dynamic negatively impacts military readiness and is actually dangerous in combat situations when unit cohesion is paramount to maintaining the safety and protection of all service members (Street, 2009).

LONG-TERM HEALTH OUTCOMES

One of the most common challenges veterans face after their service is post-traumatic stress disorder (PTSD), a psychiatric disorder that includes re-experiencing a traumatic event, intrusive thoughts, and arousal (Parekh, 2017). For veterans who have experienced military sexual assault (MSA), the rate and effects of PTSD are much greater than other veterans (Suris et al., 2004; Eckerlin, Kovalesky & Jakupcak, 2016). Likewise, it is important to outline the underlying causes of compounded PTSD and associated long-term implications.

Causes of Compounded PTSD

Between 11% and 31% of veterans experience PTSD in their lifetime as a result of wartime burdens associated with severe trauma or life-threatening events ("How Common is PTSD in Veterans?," n.d.). However, victims of sexual violence in the military not only have to cope with service-related PTSD, but also the compounding effects of their sexual violence-related trauma (Suris & Lind, 2008).

The non-nurturing military environment and the strict barriers placed on survivors also make it difficult for survivors to cope with their experiences (Suris et al., 2004). Given that MSV is often

perpetrated by a trusted colleague or personnel of higher rank, many survivors feel threatened to seek help in fear of retaliation or losing their own position (Suris et al., 2004). Often, survivors must stay on duty to avoid disciplinary action or face difficulty transferring to a different duty station (Suris et al., 2004). Other veterans also face cultural barriers that discourage them from reporting their assault. These different barriers create limited down time to process trauma, and prevent survivors from seeking appropriate healthcare and support services. Consequently, the mental challenges that survivors must cope with also create a ripple effect on the long-term physical health of veterans.

“Many victims report being hurt and injured by the perpetrator, but the damage they are unprepared for is inflicted by the system”

-Stephanie Sacks,
Clinical Director of
Therapy Services,
Sexual Assault Center
of Pierce County

(Sacks & Larsen, n.d)

Implications of Compounded PTSD

Symptoms of the psychological challenges caused by compounded PTSD include a weakened desire to exercise, socialize, and seek help, and as a result, play a monumental role on the physical wellbeing of survivors. Female veterans with MST report greater pelvic pain, menstrual problems, back pain, headaches, gynecological symptoms, and chronic fatigue (Suris & Lind, 2008; Campbell et al., 2006). Many victims also report that they are less satisfied sexually, which itself is a driver of poor mental health (McCall-Hosenfeld et al., 2009).

The persisting effects of this combined trauma, paired with additional stressors common of veterans, such as homelessness, poverty, and childhood trauma, exacerbate the severity and extent of these mental illnesses (Decker et al., 2013; Suris et al., 2004). In fact, veterans who experienced MST are more likely to have depression, alcohol abuse problems, eating disorders, and psychiatric outcomes, all of which place veteran survivors at a much higher risk for suicide (Suris & Lind, 2008; Suris et al., 2004).

HISTORY OF MILITARY SEXUAL VIOLENCE POLICY

As previously explained, the current structures of the United States Military serve to support a setting where sexual violence is prevalent. However, a lack of applicable laws, inconsistencies in programs offered internally by the Department of Defense (DoD), and resulting difficulties in reporting all serve to perpetuate this issue.

Legal Jurisdiction

The Uniform Code of Military Justice (UCMJ) is the primary source of legislation across all branches of the armed forces. Under the UCMJ, military courts operate both differently and separately from civilian courts. For example, service-members accused of any offense against military law are tried in front of the Court Martial instead of a civilian court. These processes are meant to maintain the “separate community doctrine” in which military necessities and interests override individual civil rights. While imperative to the military’s mission, and in turn, national security interests, this system allows the military almost sole jurisdiction over sexual violence claims even though there is a history of such sexual violence injustices (Murray, 1994).



Due to the “separate community doctrine” current federal authority against sexual assault, such as Title VII, extends its protection to civilian workers in military departments, but not enlisted personnel (Murray, 1994). This holding has been upheld by several precedent cases including *Brown v. General Services Administration*, *Johnson v. Alexander*, and *Gonzalez v. Department of Army*. Only in instances such as *Hill v. Berkman* have the courts challenged such precedent, claiming that specifically outrageous cases of sexual violence were actionable under Title VII, since investigating daily military decision-making is “dangerously intrusive” (Murray, 1994). Consequently, court action has not only ensured jurisdiction over these cases to the military, but it has also made it impossible for service-members to bring a Constitutional claim against those who have violated equal protection rights.

Sexual Violence Prevention and Training

Even though military sexual violence programs are uniformly implemented in accordance with DoD guidelines and overseen by the Sexual Assault Prevention and Response Office (SAPRO), they vary between branches (Orchowski, 2018). Similarly, sexual assault risk varies by branch; both men and women in the Air Force experience lower rates of sexual assault than those of the Army, Navy, and Marine Corps, even when controlling for demographic and military factors (such as rank). Additionally, Reserve component members see lower rates of sexual assault in comparison to their active duty counterparts.

Internal sexual violence prevention and training programs exist to educate service-members and support victims in accordance with DoD guidelines. Overseen by SAPRO, these programs vary

by branch, but serve to achieve the same end (Orchowski, 2018). While DoD and SAPRO regulations prohibit sexual violence, as previously explained, victims are required to report complaints through the chain of command (the official hierarchy of authority that dictates who oversees who). This reporting process is largely problematic and includes a series of disincentives. For example, victims would likely be unwilling or unable to report a case of sexual violence to his/her superior if that same superior was the perpetrator or close friends with the perpetrator. Further, commanding officers are not incentivized to report or pursue investigations of sexual violence allegations since, if the allegation proved true, would be held against them as not having control of their unit. This perceived lack of control would consequently have a negatively impact their career and promotion trajectory (Childress, 2013). In fact, there is an ongoing debate regarding whether the military justice system should continue to rely on internal reporting or if it should be outside of the chain of command. However, this question is outside of the scope of this report.

RECOMMENDATIONS

Combating sexual violence in the military requires a long-lasting change in the social climate; however, new processes first need to be put in place that will help victims now and initiate the necessary social change.

Short-Term Solutions

One short-term approach is to reintroduce and pass the Military Justice Improvement Act (MIJA), previously introduced by New York Senator Kirsten Gillibrand (D-NY) in the 115th Congress. This act would allow victims of serious military crimes to bypass the chain of command, instead leaving the decision on whether to prosecute crimes such as sexual violence to independent, trained, professional military prosecutors. Opponents of MIJA are strongly against breaking the chain of command; however, the act would still leave unique military crimes within the decision-making abilities of the chain of command. Additionally, Several of the United



Figure 1: Manuel Balce Ceneta/ASSOCIATED PRESS

States' allies (i.e. Canada, UK, Israel, Germany, Norway, and Australia) have moved reporting and prosecution of sexual violence outside the chain of command without diminishing commander accountability or their power to maintain order and discipline (Military Justice Improvement Act, 2013). While this is a short-term fix, it would ultimately work towards the improvement of the social climate by making it difficult for biased authorities to perpetuate sexual violence.

Long-Term Solutions

Due to the criminal justice system all being internal to the military systems, all recommendations meant for long-lasting change are centered on internal reform. While current priorities on military reform should focus on facing the problem of sexual assault and providing adequate resources to survivors, long-term solutions to combat sexual violence in the military need to focus on heightened accountability for pre-existing programs, reforming SAPRO (the Sexual Assault Prevention and Response Office), and working to change the patriarchal values that are rooted in military culture.

Standardized Programming

As previously explained, sexual violence education and prevention programs are implemented in accordance with DoD guidelines, but vary by branch. This discrepancy not only causes inconsistencies for victim resources and support, but also in the broader education initiatives for all service members regarding sexual violence prevention. There needs to be a standardization of programming across all military branches to ensure all service members are being exposed to effective sexual violence prevention programs. This recommendation could include, but is not limited to, making programs such as Bringing in the Bystander (BITB), Men's Program, the Navy Sexual Assault Intervention Training (SAIT), and the Navy Sexual Assault Victim Intervention readily available to all members of all branches (Orchowski, 2018). Since each of these programs has proven to be effective in reducing sexual assault in their respective branches, it is a logical next step to make them accessible to everyone.

One program that would be particularly effective is the Bring in the Bystander™ Program. This program has two parts: a prevention workshop for establishing a "community of responsibility"



and the Know Your Power™ bystander social marketing campaign, which entailed exposing participants to various campaign images regarding sexual assault. Their results found that passive intervention can raise awareness in terms of how community members can reduce sexual assault (Potter & Stapleton, 2011).

Program Effectiveness Studies

SAPRO needs to implement serious reform efforts to better serve survivors of sexual violence. First, more robust research regarding MSV, for both men and women of all races in all branches, needs to be conducted to understand the scope of the issue. Also, there needs to be more rigorous research and third party programs that aid in the evaluation of the effectiveness of SAPRO's violence prevention programs to determine which programs produce meaningful and lasting effects. For example, some results from outside studies found that men are more likely to believe in the effectiveness of reducing assault than women, and that both male and female survivors have a decreased belief in the effectiveness of said programs compared to non-survivors (Holland et al., 2014). If more resources were dedicated to internal reform and understanding the effectiveness of different programs, programming could work to correct this deficiency. While SAPRO provides annual reports that provide important information on their programs, by coupling this information with data-backed evidence of effectiveness, it will allow SAPRO and other military entities to evaluate what is needed to take necessary, productive, and evidence-supported action.

Military Culture Shift

The primary long-term recommendation to end sexual violence in the military rests in advocating for substantive cultural changes. A 2014 case study found that sexual violence is more likely to occur in hierarchical and highly masculine climates, like that of the United States Armed Forces. (Buchanan, Nicole T., et al). Currently, violent aggression is accepted and normalized as "authentic soldiering" by those in leadership positions (Hillman, 2009). Violent aggression, often associated with hyper masculinity and misogyny, is viewed by experts as being a causal link to a culture where sexual violence is accepted. When the accepted culture is one rooted in hyper masculinity, it causes women entering the frontlines to be seen with less legitimacy and authority (Schmid, 2010).

Unfortunately, the current social climate of the military is highly resistant to change regarding attitudes towards women and sexual violence (Buchanan, 2014). Therefore, this

recommendation includes an evidence-based approach that is built upon the military social network, i.e. the chain of command that dictates who interacts with whom. It is important to acknowledge that culture is not taught, it is lived. Current DoD prevention programs instruct leaders to serve as examples of appropriate behavior, yet provides little to no incentive structure for them to follow through (“Prevention Program Elements,” n.d.). In fact, there are more institutionally driven incentives for not pursuing conviction as evidenced by a conviction rate much lower than other crimes adjudicated in military court (Tilghman, 2017). Given the hierarchical command structure, it is imperative that a culture shift begins with leadership and that those individuals are incentivized to take accusations seriously and investigate them appropriately. MIJA standardized programming can pave the way for a culture change in several ways. First, MIJA will make it harder for the military to continue with negative social culture as it will hold people to a heightened accountability. Second, standardizing programming will end the ineffective and problematic nature of current programming varying from branch to branch. By standardizing programming, we can enact social change throughout the military by implementing programs that have already been used and have successfully served to combat negative stereotypes, beliefs, and actions regarding sexual violence.

“Senior leadership has been quoted as saying this cultural change will be a long process, a marathon, and we are only in the second mile of this marathon”

-Lt. Colonel Laurent Fox, Air Force Academy

(Sacks & Larsen, n.d.)

DISCUSSION

One of the main limitations to this policy brief is the lack of comprehensive demographic information on survivors of MSV. Many of our current recommendations lack an intersectional approach due to current data not providing information on the race, ethnicity, or sexual orientation of survivors. As people of color and members of the LGBTQ community face heightened risk for sexual violence, having this demographic information is especially important. This data collection could be incorporated into preexisting data surveys from SAPRO or into violence prevention programming such as Bringing in the Bystander and the Men’s Program.

This brief also lacks comprehensive data regarding male sexual assault. Due to the lack of consistent data regarding male sexual assault in the military, we found it to be more reliable to focus on the data that is available, which is mostly on female service members. Additionally, this report chose to focus on the experiences of female service members because of their voices historically being excluded and undermined.

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