

An Assault on Freedom Fighters: Sexual Assault in the Military

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Abstract

This paper explores the reasons behind the prevalence of sexual assault in the United States Military. Through an analysis of case studies, two major reasons are discussed: distrust in the military judicial system and hypermasculinity. Suggestions for other organizations are also given.

An Assault on Freedom Fighters: Sexual Assault in the Military

Sexual assault in the United States Military has been a consistent problem for many years, but reports on the frequency of assaults vary widely. According to NBC News, the Pentagon reported that sexual assault reports are up 50% since 2015 (Reuters, 2017). Leaders of the military interpret this increase as a sign of progress; that it demonstrates soldiers' trust in the system (Reuters, 2017). Additionally, an independent survey conducted by the United States Army in 2015 showed a decrease of 1.8% in prevalence of assaults on female service members since 2014 (Garamone, 2015). Army leaders believe this is indicative of progress within the military.

Others are not convinced, however. Senator Kristen Gillibrand believes this increase only shows that military assaults have not changed at all (Reuters, 2017). To her and others, this "report disappointingly shows a flat overall reporting rate and retaliation rate against survivors that remains at...6 out of 10 for a third year in a row" (Reuters, 2017). The report further found that 58% of assault victims experienced some form of retaliation from their peers (Reuters, 2017), an issue Gillibrand believes only demonstrates that no progress has been made.

Statistics like these demonstrate that sexual harassment is a stable problem for organizations. Due to the male dominated culture of the military, female service members are at a great risk for sexual harassment without consequence to their offenders. Hypermasculinity and distrust in the judicial process tend to cause higher rates of sexual assault and harassment in the military and other male dominated industries. This paper will discuss the policies and judicial processes in place now; review the effect of those policies through case studies; explain reasons for distrust in this process; elaborate on the role of hypermasculinity in the military; and identify ways other organizations can work to avoid these problems.

Military Policies and Judicial Process

Though the sexual harassment remains prevalent in the military, there are policies in place to keep it from happening. But do they work?

Military Branches' Sexual Assault Policies

Each branch has its own policy and proceedings in assault cases. The Army clearly has its policy and procedures posted on the Sexual Harassment/Assault Response and Prevention (SHARP) page of its website. It also contains the official definition of harassment in the Army and provides links to additional military and civilian harassment policies and procedures (United States Army, n.d.).

Similarly, the Air Force's website contains the full release of its new Sexual Assault Prevention and Response (SAPR) strategy and a link to the updated policies and procedures for airmen and women. The new strategy contains both prevention and response strategies the Air Force enacted and now enforces (Secretary of the Air Force Public Affairs, 2015).

The Navy's policies are less organized than those of Army and Air Force and are less direct, but they are still there. The site contains many links to special procedures for certain divisions, help links and fact sheets. It also explains the Navy's mission and vision for its SAPR training and implementation (United States Navy, n.d.).

The Marines' policy, however, is almost impossible to find. After the photo scandals in early 2017, the Marines updated its sexual assault policy and procedures (Associated Press, 2017). The policy specifically expanded the Marine Code of Conduct to cover online and social media interactions with others and made it clear that violations of the code can be punished according to military code (Associated Press, 2017).

Judicial Process

After an extensive sexual harassment case against Air Force Colonel Ronald Jobo produced a wimpy sentence of forced retirement and demotion by one rank, the Pentagon acknowledged that the problems with the military judicial system had been ignored for years (Whitlock, n.d.). As a result, branches of the military promised to address the problem more thoroughly. One of the most significant issues with military tribunals is that they are mostly held in private. Thus, only 389 sexual assault cases produced public records of the court proceedings in 2014 (Whitlock, n.d.). Case studies of light sentences further demonstrate some of these issues.

Two Case Studies

Despite explicit policies prohibiting sexual harassment and assault, they happen with surprising frequency. There are many examples of sexual assaults in the military. An anonymous social media outlet, called Whisper, testifies to this. BuzzFeed compiled a list of some of the worst posts about military assaults. Some posts explain that the victim never told anyone about the assault, others that the victim's career was ruined by telling (Vingiano, 2014). Another post reveals that a woman was assaulted by her superior, and another by a sergeant (Vingiano, 2014). Most of the posts generally demonstrate that victims of assault do not trust the system and believe that more needs to be done.

One of the biggest leaks of sexual harassment in the military, though, occurred at the at the beginning of 2017 when a Google file was discovered that contained hundreds of nude photos of service women. The file was shared by members of the U.S. Marine Corps and had been live for some time. Most of the photos were selfies, indicating that women sent men these photos trusting they would go no further (Associated Press, 2017). Many people believe these photos were posted out of revenge (Associated Press, 2017). This "revenge pornography" is a

common way for peers to retaliate against victims who reported their assaults, often ruining careers of people their peers respect.

Barely 5 months after this initial photo-sharing scandal, the Marines were caught up in yet another. A photo of several assault victims and one unconscious, nude woman was posted in a Dropbox file (Laporta & Lavery, 2017). Other explicit photos and videos were posted on a private Facebook group, as well (Laporta & Lavery, 2017). These files were attributed to revenge porn, as well.

Reasons behind Prevalence of Sexual Harassment in the Military

It is evident that the reason the military has such high rates of sexual abuse and harassment are not because the policies are not in place, but rather that they are not translated into effective processes.

Distrust of the Process

As most case studies demonstrate, many victims of military sexual assaults are hesitant to report incidents of assaults because they distrust the military's justice system. First, although policies and procedures are clearly stated in most cases, many of those procedures encourage victim blame and contribute to rape myths (Turchik & Wilson, 2010). Rape myths include beliefs that men cannot be raped, rape is always violent, and women often lie about rape/harassment. An example of procedures that encourage these ideas are that commanders who judge cases should consider the record of the service members involved, the reluctance of the victim to testify, and if there are physical markings from the attack. Thus, if a woman is reluctant to speak, has an imperfect record, and has no physical markings, her attacker will likely be acquitted. Furthermore, military assault laws only deal with male to female assaults (Turchik & Wilson, 2010). This means that if a man is raped, he is not protected by military law. Because of these myths, many victims feel that they cannot report incidents of abuse, feeling that they will

not be believed anyway.

Second, military assault law cannot protect victims from retaliation if they choose to report an incident. Until recently, the law only made superior to subordinate retaliation a crime (Childress, 2015), meaning that peer retaliation was not a crime and goes unpunished. The military has incredibly high rates of retaliation against service members who damage the reputation of leaders they respect or who disturb the balance by reporting assault. Almost two-thirds of victims who report an assault experience some type of retaliation from their peers (Childress, 2015). A commander even told one service member that he could not promise that she was safe on base after coming forward with her assault report (Childress, 2015). Thus, most victims would rather stay quiet than risk severe retaliation (Childress, 2015).

An example of this is in 2016 when the U.S. Army paid a woman \$820,000 to settle her case. In 2014, Luydmila Starkey sued the Army because she was fired from her job after filing a sexual assault report against her supervisor, Sergeant Wayne Lord (Watson, 2016). Starkey explained that after she reported Lord, she was ostracized at work and later set up for termination. Lord repeatedly sent Starkey explicit text messages, which was not a first-time occurrence according to Starkey's attorney (Watson, 2016). The Army knew that Lord had a history of sexual harassment, but was still allowed to supervise female officers.

Third, reporting an assault is still an unclear process to many service members. Members who are assaulted by their immediate superior cannot skip chain of command to report an incident, which means the only person to report it to is the perpetrator. Additionally, the actual process of where to go and what forms to fill out is unclear, even after training programs (Turchik & Wilson, 2010).

Fourth, many military tribunals fail to produce adequate sentences for the attacker. For example, in the most recent case of the Dropbox file, only one Marine has been prosecuted so

far. He was sentenced to 10 days in the brig, demoted 3 ranks, and fined two-thirds of this monthly salary (Laporta & Laverty, 2017). This sentencing seems light, especially in a case so well known.

Furthermore in 2014, two military sexual assault cases failed to produce adequate sentences. Brig General Jeffrey Sinclair plead guilty to lesser crimes of adultery and conducting inappropriate relationships with others, giving him a sentence of a \$20,000 fine and a reprimand (Collins & Biesecker, 2014). Representative Jackie Speier, among others, called the sentence “laughable” (Collins & Biesecker, 2014). Like the Dropbox file sentencing, Speier was especially surprised that such a well-known case failed to produce a harsher sentence. In another assault case, a military judge acquitted a Navy Midshipman of allegedly raping a woman during a party. Judge Colonel Daugherty explained that most of the testimony was unclear because most of the witnesses were drunk at the time of the event, and so the case was not proven beyond a reasonable doubt (Collins & Biesecker, 2014). Gillibrand backed a bill brought to the Senate that would take commanders out of the judicial process, a decision Senator Lindsey Graham said would destroy cohesion. He believes that change has to come more from the hearts of soldiers, rather than the system, because women are seen as indispensable in the military (Collins & Biesecker, 2014).

Hypermasculinity

Not only do the inadequate processes contribute to the rate of sexual assault, but the culture of the military itself also influences the prevalence of sexual assaults. The military is undoubtedly male dominated. Many men in the military still do not believe women should be in the military. Hypermasculinity is an extreme version of masculinity, cultivated by beliefs of polarized gender roles, and a high tolerance of control and power (Turchik & Wilson, 2010). Studies show that environments that generally have one accepted view of women, acceptance of

violence, and toleration for sexual harassment are more likely to produce perpetrators of sexual assault (Turchik & Wilson, 2010) because people with these attitudes cannot see the line between what is harassment and what is not. They also do not view true acts of harassment as serious.

Furthermore, military men are more likely to hold strong, traditional views of gender roles and possess authoritarian attitudes (Turchik & Wilson, 2010). These views are fortified by the military culture, which has been shown to create an even more rigid line between gender roles. Thus, many men who hold these beliefs are more tolerant of sexual harassment behaviors because they have distorted views of what rape, harassment, groping, etc. physically entails (Turchik & Wilson, 2010). In other words, they do not believe that an act of sexual harassment is just that.

Application for other Organizations

Sexual harassment is a point of concern for many people today. ABC News reported in 2011 that one in four women, and one in ten men, reports experiencing some type of workplace harassment (Langer, 2011). Organizations are tasked with protecting and providing adequate help resources for help for their employees.

Industries that are male dominated have an even greater task at hand. Like the military, these organizations can face problems of hypermasculinity and distrust in the system. Some typically male dominated professions are politics, technical fields, and law enforcement (Gold, n.d.). It is reasonable that these professions have problems like the military.

One way to deal with these problems is to ensure that managers use inclusive language and are respectful of all employees in the workplace. Attitudes are fortified when superiors encourage them. In the case of the military, strong opinions about gender roles and violence are passed down to the service members officers train. Managers can combat this by speaking

inclusively and being respectful of others.

Another way for organizations to improve trust in the company's policies and procedures is to enforce accountability. If there is a policy that says perpetrators of assault must be fired, then they should be fired. There cannot be exceptions to rules, or the rule becomes useless. There should also be accountability for the people who make decisions regarding sexual harassment. For example, if a manager allows a perpetrator to stay in the workplace and an incident occurs again, the manager should be held equally responsible for creating a hostile work environment. This would increase incentive for managers to be honest in their decision making.

Lastly, organizations must have policies for retaliation. Retaliation should be treated as a crime because, like harassment itself, it creates a hostile work environment. Managers should be given the proper tools to monitor and reprimand retaliatory behaviors. By implementing these three methods of accountability, organizations can take concrete steps toward eliminating sexual harassment in the workplace.

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