

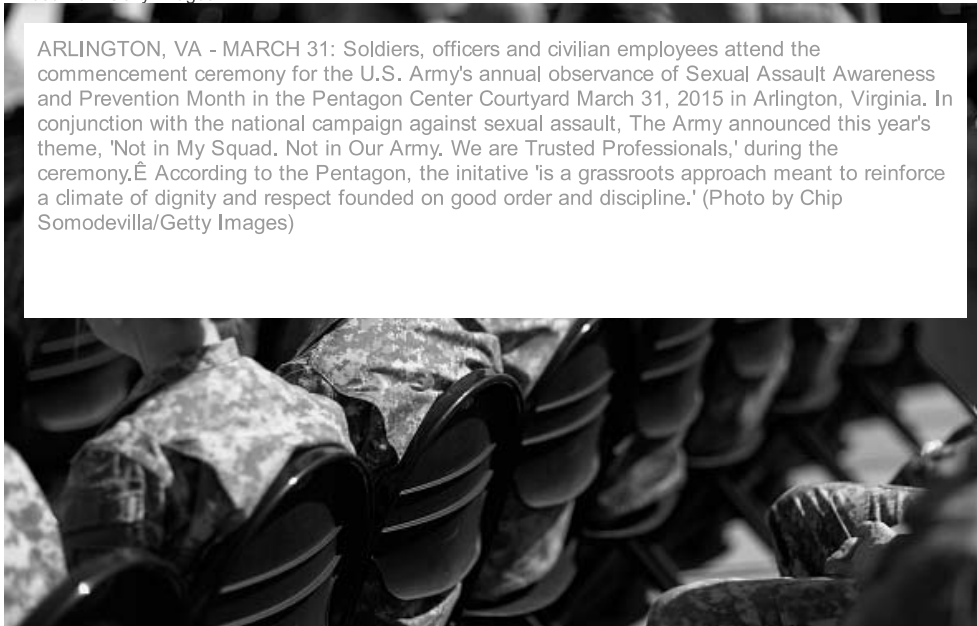
Veterans lead fight against sexual assault in the military

ORIGINAL ARTICLE AT [HTTP://WAGINGNONVIOLENCE.ORG/FEATURE/VETERANS-MILITARY-SEXUAL-ASSAULT-RAPE/](http://wagingnonviolence.org/feature/veterans-military-sexual-assault-rape/)

NAN LEVINSON JULY 1, 2016

Embed from Getty Images

ARLINGTON, VA - MARCH 31: Soldiers, officers and civilian employees attend the commencement ceremony for the U.S. Army's annual observance of Sexual Assault Awareness and Prevention Month in the Pentagon Center Courtyard March 31, 2015 in Arlington, Virginia. In conjunction with the national campaign against sexual assault, The Army announced this year's theme, 'Not in My Squad. Not in Our Army. We are Trusted Professionals,' during the ceremony. According to the Pentagon, the initiative 'is a grassroots approach meant to reinforce a climate of dignity and respect founded on good order and discipline.' (Photo by Chip Somodevilla/Getty Images)



Getty Images News | Chip Somodevilla

By the Pentagon's own estimate, some 20,300 sexual assaults involving the U.S. military took place in the last fiscal year. About one quarter, or 6,083, of those were reported; 543 cases came to court martial by the year's end; in 413 of those cases, the accused was found guilty; and 331 of them were imprisoned. Do the math and you'll find that about one in 60 of the estimated sexual attacks in the military last year resulted in jail time.

At a moment when it seems that everyone with thumbs and a keyboard has weighed in on the rape case at Stanford University, less attention is being paid to sexual aggression in the military, where it is more likely to occur and nearly inconceivable that a similar kind of viral shaming would follow. Civilian-military comparisons are approximate at best: Sexual assault statistics are notoriously unreliable and susceptible to confirmation bias, and the Pentagon's count includes attacks on family and other civilians, as well as on servicemembers. Still, it appears that while reporting and conviction rates are low for both, in recent years about four times as many sexual assaults have been reported in the military as in the general U.S. population.

The stories behind these statistics are complicated, ramifying and sad. Victims, or survivors — the terms are controversial — report being spat on, jerked off over, drugged, stalked, bitten, beaten, raped, gang raped, and raped on multiple occasions. Underreporting is rampant because victims have little faith in the military justice system and treatment of what the VA labels military sexual trauma, or MST, is spotty or misdirected.

The women and men who are attacked tend to be young and clustered in the lower ranks — a 2015 Defense Department report found that female privates and corporals made up the largest group of sexual assault complainants — while their attackers are most often of higher rank. Frequently, they are supervisors, who are in a position to make their victims' lives miserable. Those brave enough to report an assault are ignored, undermined, belittled, blamed, ganged up on, ostracized, punished disproportionately for unrelated infractions, accused of being

weak or complicit, and ordered not to pursue action because it would ruin their abusers' careers, when it is usually their careers that are ruined.

Quitting is an option with serious repercussions — servicemembers are legally bound to complete their contracts and face potential jail time for going AWOL — and victims are often drummed out of the military with less-than-honorable discharges for “personality disorders” they do not have, making it difficult for them to get health care for problems they do have. According to a new report by Human Rights Watch, victims who report are 12 times more likely to face retaliation as a result of that report than to see their abuser convicted for the crime.



Panayiota Bertzikis, U.S. Coast Guard rape survivor, holds a sign with the statistics on rape from 2011. The frequency of rape within the military has increased since then. (My Duty to Speak/Sand Angel Media)

Panayiota Bertzikis, the founder of the Military Rape Crisis Center and a victim of rape when she was in the Coast Guard, summed it up: “The only options out are going AWOL or suicide.”

Sexual violence against women has been going on in the military since the 1940s, according to Ann Wright, a retired colonel in the Army Reserves, and a tireless advocate for women soldiers. It has no doubt been going on against men longer, but that was even more hidden. Reporting has improved, but the extent of the problem has varied only slightly since the Defense Department began its annual accounting in 2004.

The United States military is big, powerful and resistant to change, especially by outsiders. Veterans, particularly those who have been victims of sexual predation and know how the military functions, have been at the forefront of attempts to improve the situation. Regardless of what anyone thinks about the military, soldiers — like everyone else — deserve to be safe from sexual harassment, violence and retaliation. And while civilians may not be able to

change military culture much, they can create systems of oversight, hold military leaders accountable, and reorient the thinking of young servicemembers, who may someday be in command. So activists, NGOs, politicians, lawyers, filmmakers and other artists have been working with veterans to raise public awareness, pass legislation, and pressure the military to take care of all its members.

Most recently, advocacy has focused on passing the Military Justice Improvement Act, or MJIA, which would remove the decision over which cases to prosecute from commanders and give it to impartial and trained military legal officers. In the military justice system, senior officers are advised by military lawyers, called staff judge advocates, who investigate cases and recommend whether and how to go forward with charges. The final decision, however, rests with the commanders, who are the convening authorities.

Commanders, who set the “command climate” — the culture — for their units, have greater power over the people

below them than in any other national institution. They control careers, living situations, safety, health care, and community status. So, what's known as "command influence" doesn't have to be explicit; it's built into the system and everyone knows it.

Military attorneys, like civilian attorneys, want to win their cases and they represent their clients to the best of their abilities. This can put them at odds with a convening authority, who may have conflicting priorities. That's not to say that commanders want sexual assaults in their units, but that those priorities can get in the way of justice and deterrence. The way around this, reformers say, is to relocate the decision-making authority to avoid bias and favoritism.

#passMJIA | Full Frontal with Samantha Bee | TBS



To civilians, this probably doesn't seem like an extreme position, and everyone from Samantha Bee to the U.N.'s Human Rights Council has endorsed the change, but many in the military and Congress consider it too radical. Opponents of MJIA argue that the command climate is central in dealing with sexual abuse and that taking the decisions away from commanders undermines their authority and capacity to establish good order and discipline.

In the beginning was an article on *Salon.com* by Helen Benedict, a writer and journalism professor at Columbia University, who had become aware of sexual assault in the military through interviews she was doing for her book, "The Loneliest Soldier." Among her readers were independent documentary filmmakers Amy Ziering and Kirby Dick, who began looking into the issue. They found, Ziering said, "that the problem was widespread, systemic and occurring at epidemic numbers." She and Dick painstakingly tracked down victims, convinced them to go public, and filmed their searing and tearful stories, along with interviews with their families, retired officers, members of Congress, and a remarkably clueless then-director of the Sexual Assault Prevention and Resource Office, or SAPRO. The result was "The Invisible War," released in 2012.

The award-winning film was screened on the Hill, where Ziering made sure key legislators saw it. Gillibrand was among the viewers. Galvanized, she took up the issue and hasn't let it go, while the film continues to make waves. Two days after then-Defense Secretary Leon Panetta saw it, he moved Defense Department policy a step closer to the MJIA reform and helped establish the Special Victims Counsel Program to enhance victims' rights. "The

Invisible War" is now shown on military training bases and, Ziering reports, resonates on college campuses. "It was the first time in my lifetime when the focus somewhat shifted from perpetrators to victims," she said. "People listened to survivors' voices in a way not heard before."

Embed from Getty Images

WASHINGTON, DC - NOVEMBER 19: Sen. Kirsten Gillibrand (D-NY) speaks at a news conference supporting passage of the Military Justice Improvement Act November 19, 2013 in Washington, DC. The legislation would help address increasing numbers of sexual assaults in the U.S. military by establishing an independent military justice system. Also pictured are (L-R) Sen. Richard Blumenthal (D-NY), former U.S. Marine Sarah Plummer, Sen. Dean Heller (R-NV) and U.S. Army veteran Kate Weber. (Photo by Win McNamee/Getty Images)





Getty Images News | Win McNamee

Ziering and Dick continued to work closely with Gillibrand, and when she first introduced the MJIA in 2013, it looked like it might pass. Many senators were outraged by a series of high-profile sex crimes in the military and Gillibrand had lined up widespread bipartisan support. Even Ted Cruz had signed on. Then Navy Adm. James Winnefeld, Jr., who was, at that time, the second highest ranking officer in the U.S. military, testified before the Senate Armed Services Committee that commanders were tougher on military sex offenders than civilian law enforcement officials. “I worry that we are going to have fewer prosecutions if we take it outside the chain of command,” he said. As evidence, he cited 93 instances in the prior two years in which a commanding officer had pursued a case when civilian authorities had declined it.

There was no particular reason to believe Pentagon statistics. Even the Pentagon doesn’t seem to believe them much of the time. But enough senators apparently did believe Winnefeld to scuttle the MJIA; it won a majority the first time it came to a vote in 2014, but not big enough to override a filibuster, and was defeated again in 2015. Instead, the Senate unanimously passed the Victims Protection Act, watered-down legislation promoted by Sen. Claire McCaskill that added some review processes, but left decision-making within the chain of command.

Now it turns out that Winnefeld’s testimony wasn’t true. Protect Our Defenders, or POD, a nonpartisan advocacy organization, requested files for the 93 cases, combed through the information they were able to get a hold of, and gave summaries to the Associated Press, which was also looking into Winnefeld’s claims. They found that the information he gave the committee was inaccurate, incomplete or misleading, and that there was no evidence that commanders were more stringent than prosecutors, civilian or military.

Senators do not like being lied to. Meetings and explanations were demanded. McCaskill, MJIA’s leading opponent, was quoted as saying, “If the military was sloppy or misleading in the way they presented information, I’ll go after them with my claws bared.” When the Defense Department finally did respond with a less-than convincing affirmation of Winnefeld’s claim, nine senators wrote to Obama to request an independent investigation.

Gillibrand hoped to add MJIA to the defense spending bill this year, but it was not even allowed to come up for debate when the Senate passed the defense authorization on June 14.



Don Christensen attempts to deliver 100,000 petitions to fix the broken military justice

system to the White House, with Samantha Jackson (right), a civilian victim of military sexual assault, and Navy whistleblower Paula Coughlin (left) on May 24. (Protect Our Defenders)

Don Christensen, president of POD, was still in uniform, a colonel in the Air Force, when their investigation began two years ago. As chief prosecutor, he had brought more sexual assault cases to court martial than any other Air Force lawyer, often on the defense side, so he had a ground-level view of the system. In the latter part of his career, the blatant favoritism he saw from commanders toward the accused wore on him and he brought it up to the leadership. “I was shot down,” he said succinctly.

What he calls his “watershed moment” came in 2012 after he won a conviction of Lt. Col. James Wilkerson for sexually assaulting his civilian house guest. Such convictions of high-ranking officers are rare, so it was a triumph — until the commanding officer overturned the jury’s verdict months later. (As a consequence, the military justice code was modified to bar that from happening.)

Christensen continued to criticize command efforts to protect perpetrators and punish victims, meet with politicians, and push for change. This time, the punishment was his. He had hoped to end his career as a trial judge, but instead he was demoted to a judgeship on an appellate court.

“Commanders were stopping justice from happening,” Christensen said. “I knew it had to be changed and I knew it couldn’t be changed within the military. The Defense Department will absolutely destroy anyone on active duty who speaks out in favor of justice reform publicly. It is 100 percent a career-ender.” He retired early and went to work with POD.



The family of a sexual assault victim and Protect Our Defenders protested outside an Air Force Base in Arizona on April 25, 2013. (Protect Our Defenders)

The military is given too much deference by civilians, including politicians, he observed, and will change only when it is forced to — by Congress or the president or, eventually, perhaps, by the pressures of recruitment. “The military relies on a volunteer force and a faith in a volunteer force,” he explained. “As the military’s inability to have a fair and impartial justice system becomes more known with the American public, there will be fewer moms and dads willing to let their children go into the military.”

Military and government officials insist that eliminating sexual assault is a high priority — “zero tolerance” is a

...and government officials must that eliminating sexual assault is a high priority. ...this violence is a favorite meme — and the Pentagon has promulgated numerous changes over the past decade. At first, the need was simply to get the military to acknowledge that there was a problem, which it began to do systemically in 2005, by establishing SAPRO. Significant reforms came with the Defense STRONG Act, which guaranteed access to a military lawyer, eased victims' transfers to safer duty stations, ensured confidentiality of communication with advocates and counselors, and ramped up rape prevention training. It was signed into law in 2012, and the following year, sexual assault reporting doubled.

Commanders still had near-total power and little accountability, so some activists, survivors and allies looked to the courts for remedy. Five years ago, Bertzikis and 16 other servicemembers sued two former defense secretaries, charging them with mishandling their cases. The lawsuit failed, as did subsequent similar ones. Susan Burke, the crusading attorney who brought most of the suits, contended in an email that they were dismissed “because the government successfully argued that rape is ‘incidental to’ or essentially an occupational hazard of military service.” She is currently trying another tack: Last year, she brought a lawsuit on behalf of four former servicewomen who had been assaulted, asking, not for damages, but for an injunction against allowing commanders who have committed assault or harassment to be the convening authority on such cases. With support from the American Association of University Women’s Legal Advisory Fund, the lawsuit is going forward, separate from any legislative action.

Even if that lawsuit were to triumph or MJIA were finally enacted, however, rape and retaliation in the military are not going to disappear quickly. So the primary questions now are what support can be provided to survivors and how can change in the military be pushed forward?

Bertzikis believes that reform needs to come from the top and she is not easily appeased. “They want us to believe everything is great, that it has improved, but it has not,” she said. In 2006, while she was 24 and still in the Coast Guard, she could find little information relevant to what had happened to her, so she started the Military Rape Crisis Center, which now has offices in Massachusetts and Arizona. The center provides counseling, advocacy and

legal assistance to victims of abuse and harassment, many of whom were discharged involuntarily. Bertzikis also created the blog, *My Duty to Speak*, where survivors of military sexual abuse post their stories — to amplify their voices, to comfort themselves and to let others know that they are not alone.

Service Women’s Action Network, or SWAN, a member-driven organization, has been working against military sexual abuse since it began in 2007, but recently, they have shifted their efforts to figuring out how to prevent it, not just at how to respond once it has happened. Kate Germano, SWAN’s chief operating officer and a soon-to-retire lieutenant colonel in the Marines, talked of being up against a “stovepipe problem,” where each branch has its own prevention model and nobody shares data.



Kate Germano speaks the the Continuum of Harm event on April 25. (Facebook/Bruce Guthrie)

Then there is the culture. “Coming from my own service, which I love dearly, we have a culture that is hypermasculine,” she said. “That starts at the foundational level and how we train people to become Marines. Unless we eliminate gender bias across the culture, but especially at the foundational level, we’re never going to fix the culture.”

SWAN is taking the long view, working now through their year-long Service Women’s Institute, which will train members in advocating for themselves and their communities and will explore how small changes can yield big results. In April, they held an event titled, Continuum of Harm in the Military. The term refers to how gender bias feeds into sexual harassment and hazing, which feed into sexual violence and its retaliatory aftermath. The overarching question they wanted to address is how individuals or organizations can interrupt this cycle and change expectations of behavior in the military. The panelists — psychologists, researchers, theorists — didn’t have the answer, but they did have some intriguing insights, including the suggestion that the Defense Department may not be the best authority to regulate itself.

If it is not only the rules, but also the culture, that must change, then the Reserve Officers Training Corps, or ROTC, seems a good place to start, since ROTC cadets are citizen-soldiers being trained in leadership on college campuses. Last year, the Army encouraged ROTC to take part in Sexual Assault Awareness Month events, but apparently it wasn’t prepared for the 15 or so cadets at Temple University, who participated in the school-sponsored Walk a Mile

in Her Shoes, tottering along a pre-set route in their army combat uniforms — and red high heels. They weren’t the first to show such political and sartorial solidarity, but it’s against regulations to wear uniforms with civilian clothing, which, alas, includes ruby slippers. After an outcry on social media, there was talk of an official review, but both came to nothing, and cadets walked that mile again this year.



ROTC cadets at Temple University in high heels for the Walk a Mile in Her Shoes event in 2015. (Walk a Mile in Her Shoes)

Monisha Rios is a social worker and veterans advocate in Florida and a member of Veterans For Peace. She was attacked sexually while she was in the army in the late 1990s, and when she went to Facebook more recently to start an awareness campaign, she found quite a different situation from the one Bertzikis had encountered several years earlier: blogs, websites, Facebook pages, Twitter feeds — all part of a burgeoning, multifaceted, decentralized, survivor-led movement, offering advocacy, peer support, and often piercing critiques of military sexual trauma and the systemic failure to stop it. Rios participates by speaking to professional organizations and local groups, often about things they would rather sweep under the rug. “A lot of times, MST survivors are left behind because we’re kind of outcasts,” she said. “We shine a light on one of the ugly things in our nation’s military that a lot of people are ashamed of.”

Like Germano, she sees sexual abuse as an outgrowth of military culture and training, but she locates it on a

spectrum. “You’ve got the stuff that happens in the ranks, you’ve also got the stuff we’re doing to other people. And so the beast that we’re trying to tame is a part of rape culture in the United States and a part of rape culture in the world. Sexual violence has always been a part of war. What we’re exposing and what we’re calling out and what we’re asking for is a larger thing than just someone in the military getting raped.”

“I think it’s going to take a long time,” she concluded. “I don’t think it’s impossible.”

—

This story was made possible by our members. Become one today.

TOPICS: GENDER AND SEXUALITY JOURNALISM MILITARISM MOVIES UNITED STATES WAR WOMEN'S RIGHTS

Nan Levinson is a writer, teacher, and journalist, covering civil and human rights, culture, and the military. Her latest book, "War Is Not a Game: The New Antiwar Soldiers and the Movement They Built," will be out in paperback, updated with a new preface, in the fall.

Waging Nonviolence content falls under a Creative Commons Attribution 4.0 International License

Site designed and developed by Social Ink [\[+\]](#)