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Discriminatory Presumptions of Innocence and Guilt

DoD Task Force Proposals Target Men of West Point & Annapolis

Say NO to Pentagon OVA

Rumsfeld Should Reject Feminist Boondoggle

Episodic sex scandals have swept through the military with the fury of Category Five hurricanes, destroying careers, depressing morale, and altering the cultural landscape. What appears to be an endless cycle of storms with names such as **Tailhook**, **Aberdeen**, **Abu Ghraib** and alleged abuse at the **Air Force Academy** have been painful, but useful reforms have been made.

The situation could worsen, however, if Secretary of Defense **Donald Rumsfeld** invites civilian “women’s advocates” to “fix” the male-dominated military from a new power base in the Pentagon. Sexual assault should be punished promptly at the local level, but the military does not need an “**Office of Male Bashing**” in the Pentagon.

For more than a decade, feminists have sought to exploit sex scandals as an excuse to eradicate “masculinist” influences that, they say, contribute to rape and abuse of military women. At a National Press Club news conference on March 5, 2004, the left-wing internationalist group **Amnesty International USA**

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The Report of the **Defense Task Force on Sexual Harassment & Violence at the Military Service Academies**, and the 2003 report on sexual misconduct at the **Air Force Academy**, correctly affirm that women should not have to fear harassment or abuse at America’s military academies. The latest report is problematic, however, because its presumptions, findings, recommendations and tone are somewhat skewed by an over-representation of civilian “victim advocate” groups with attitudes hostile to men.¹

Professional victimologists routinely confuse one-sided allegations with substantiated crimes, excuse women of the consequences of their own high-risk behavior, demand punishment even when self-proclaimed victims do not report offenses to authorities, and are not satisfied with anything less than court-martial and convictions, even when allegations are questionable.²

This reflects a profound misunderstanding of the differences between civilian law and the **Uniform Code of Military Justice (UCMJ)**. The military’s unique legal system imposes serious penalties for personal offenses, such as “conduct unbecoming an officer,” which do not exist in civilian law.

The **U.S. Military Academy at West Point** and the **Naval Academy at Annapolis** have been more successful than the **Air Force Academy at Colorado Springs** in deterring sexual misconduct, but recommendations in this report—which will affect all three academies—are more radical than the first one.³ Some recommendations are worthwhile, but many should be rejected.

Gender Quotas and Double Standards

The Task Force Report begins with the unsupported assertion that major causes of sexual harassment and assault include the minority status of women at the academies, the existence of different standards to allow for physical differences, and women’s “exclusion” (a.k.a., exemption) from combat specialties, which causes academy men to “not value women as highly as men.” (ES-1)

With the exception of a footnote citing undocumented focus group conversations, the report cites no support for the statement that women are undervalued

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TASK FORCE REPORT *(Continued from page 1)*

at the academies because they are exempt from direct ground combat. (pp. ES-1, 8, fn 21)

Nor does the report include any information to support the belief that greater numbers of female “role-models” in key admissions, faculty hiring and promotion boards would improve acceptance of women. (If that is the case, why not call for 50-50 gender balance?)

The panel recommends higher gender-based admission and promotion quotas, ignoring evidence that perceptions of favoritism actually hurt academy women:

- In 1991 and 1994 the General Accounting Office found that complaints about double standards favoring women were the second-most common form of “sexual harassment” at all of the service academies. (p. 23) Implementation of the Task Force’s recommendations, therefore, might *increase* tensions between male and female midshipmen and cadets, instead of reducing them.
- The greatest need in the Army and Marine Corps is for *male* officers to lead reorganized land combat infantry/armor battalions, Special Operations Forces, Marine infantry and Navy SEALs. Gender quotas would create an oversupply of female officers, who will demand “career opportunities” in those occupations and in submarines.
- This prospect meshes with the Task Force’s unsupported claim that academy women are harassed because of their exemption from direct ground combat that, they say, should be dropped. This expectation is ironic and illogical, since it implies that violence against women is wrong, unless it happens at the hands of the enemy.

Training and Education - Physical Differences

To increase acceptance of women, the Task Force suggests that male cadets and midshipmen be taught to fully support “gender specific” standards and allowances that are obvious at the academies and other officer training centers. (p. 39) “Success” in this effort requires mandatory doublethink; i.e., special treatment for women is the same as “equality.”

- A 1998 Naval Academy research project (one of many) reported that in military related training, women are nine times more prone to knee ligament injury than men, and the higher level of risk exists throughout a military career. ⁴
- At the **Marine Corps Officer Candidate School at Quantico**, the tallest obstacle course bars are two feet higher for men than bars on the nearby course for women. Small wooden “assist” sticks nailed to the support posts help women to tackle the elevated bars. Female trainees also benefit from flat “assist” boards nailed about 12 inches from the bottom of obstacle course climbing walls, which test upper body strength. ⁵

These special devices help women to “succeed” in training, even if they don’t pass the course. The problem is that everyone knows the enormous physical demands associated with deliberate offensive action in land combat, or even in surface war-

fare emergencies such as the attacks on the Navy ships USS *Stark* and USS *Cole*, cannot be modified in the same way.

Training and Education – Sexual Harassment and Assault

The Task Force Report recommends that several sexual harassment and assault (SH&A) classes at the academies be a) mandatory; b) scheduled in “prime time” usually devoted to academic subjects; and c) graded for inclusion in calculations for class ranking. These recommendations would unnecessarily duplicate a wide array of academy values and ethics education programs, and be counter-productive. (p. 38)

- Male midshipmen and cadets may not appreciate the elevation of such classes to the same importance as electrical engineering, especially if grades affect class standing. Accomplished female cadets and midshipmen may not appreciate self-conscious displays, lecture series, readings and theater performances. ⁶
- The Task Force further recommends a “*variety of instructional methods*,” to include even more sensitivity/diversity training conducted by the **Defense Equal Opportunity Management Institute (DEOMI)**, and by outside speakers or consultants on “*gender violence-related topics*.” This amounts to a jobs program for DEOMI and civilian consultants, who have been known to conduct controversial presentations. ⁷
- It is not clear what the Task Force means in saying that such programs are “*remiss in not acknowledging current youth culture, trends, and social norms*.” (p. 39) Should the academies devote valuable time to civilian-conducted classes on raunchy, misogynist trends in popular culture? That would be ironic, given recent controversies about religion at the Air Force Academy. No one wants to admit that open religious expression might be helpful in countering the influence of “youth culture.”

Confidentiality: Counseling and Disciplinary Hearings

The Report recommends passage of a new law creating special privileges for health care providers and civilian “victim advocates,” even though it also notes that limited confidentiality is already available prior to a decision to prosecute an alleged offender. (pp. ES-2, 14, 26) This recommendation is overly simplistic and focused on only the first two of three “stakeholders” in a triangle of interests. The three are:

1. Complainants alleging harassment or assault;
2. Commanders who need to know about incidents of misconduct
3. Alleged offenders, whose rights of due process must be protected to achieve justice

Matters can be confidential during early stages, but once charges are filed and someone’s career and/or liberty are at stake, confidentiality should end. If the accusation is true, it should be provable without providing special rules that do not apply in other cases.

The Task Force Report recommends that Article 32 of the UCMJ be amended to permit commanders to close the proceedings “*to protect the privacy of victims and alleged offend-*

ers.” (pp. ES-2, 33) This would violate the rights of anyone accused of misconduct, and conflict with a clear legal precedent upholding legal rights to open hearings.

- In 1998 the **Court of Appeals for the Armed Forces**, in *ABC Inc v. Powell*, ruled that proceedings must be open unless there is a compelling need to close them. The petition to that Court was part of the highly publicized prosecution of Army **Sgt. Maj. Gene McKinney** for sexual misconduct.⁸
- Commanders have the responsibility to evaluate the readiness and competence of all personnel at all times. Withholding information due to the potential embarrassment of complainants could interfere with this command responsibility.

Presumed Victims Rights

The Task Force correctly recommends that persons who want to report misconduct or assault should be informed of their rights and resources available to them. The report also should have noted that every person accused of misconduct is entitled to legal help and the presumption of innocence.

The presumptive designation “victim,” without the modifier “alleged,” reflects bias. Constant use of this loaded word colors the report’s findings and recommendations.

The Task Force Report recites a long list of officials and institutions that are available for the support of [alleged] victims. At all three academies, these include chaplains, psychotherapists, medical staff and family support counselors, military and civilian “victim advocates,” volunteer crisis support organizations and offices with various names, judge advocates who provide counsel and prosecutors on campus, associated civilian hospitals and law enforcement agencies, academy boards of visitors and superintendents, plus numerous Department of Defense officials charged to enforce DoD Directives guaranteeing numerous rights to persons who decide to pursue legal remedies. These include full consultation and information as legal proceedings progress. (pp. 11-13)

In addition to all of the above, the Task Force recommends the designation of a **Sexual Assault Response Coordinator (SARC)**, plus a **Victim Witness Coordinator** (different from the Victim Advocate) at each academy. (p. 27) Since SARC’s are paid at rates comparable to Army colonels, the cost of these proposals deserves a second look.

Some advocates have demanded “blanket amnesty” for [alleged] victims, since they might be subjected to “retaliation.” This implies that complainants should escape accountability for their own high-risk behavior or violation of personal conduct rules. The Task Force correctly avoids endorsement of “blanket amnesty,” which would create a perverse incentive for women involved in personal misconduct to make false allegations of abuse or rape in order to escape accountability for their own misconduct. (pp. 28-29)

The Task Force endorses postponement of discipline while investigation of the accused offender is pending, which makes sense in some cases. Investigations should be conducted with sensitivity for the feelings of the complainant, combined with full protection of the rights of the accused.

Prejudice Against Alleged Offenders

The Task Force Report blatantly discriminates against men by presuming victimhood for complainants, but not innocence for persons accused. In addition to being contrary to fundamental legal principles, this prejudice fails to recognize that it is *essential* to protect rights of due process in order to secure convictions of men who really do abuse women.

Numerous pages in the report list various kinds of assistance for complainants, which frequently is provided by victim advocate groups that are over-represented on the Task Force. Almost nothing is said, however, about the scarcity of resources available to persons accused of misconduct.

- There is only one full-time legal defender available on the Naval Academy campus, and at West Point, legal help is six hours away at **Fort Drum, NY**. The Task Force only recommends that the West Point legal advisor be available on campus. (pp. 15, 34)
- Sexual abuse and personal misconduct are evidence of poor character, but so are false or exaggerated accusations against others. Both infractions violate the Uniform Code of Military Justice and the service academies’ Codes of Honor, but false accusations are rarely punished.⁹
- The Task Force should have sought the views of midshipmen and cadets who have been unjustly accused of misconduct without substantiation, or their legal counsel. The panel also should have sought the views of investigators who are skilled in distinguishing genuine charges from those that are unfounded or self-serving.¹⁰

Fraudulent Allegations

The Report mentions two incidents of fraudulent reporting out of 85 cases, but claims that an unspecified number of allegations were recanted because the [alleged] victims did not want to endure the investigative and judicial process. (p. 34) This dismissive speculation ignores perceptions and problems evident in other studies:

- According to a survey conducted by **Joseph E. Schmitz**, the Department of Defense Inspector General, fraudulent complaints are perceived as a problem by an average of **73%** of women at the Air Force Academy, West Point, and Annapolis. The comparable average percentage for men at the three academies was **72%**.¹¹
- The Task Force Report mentioned these figures only in an obscure footnote, and apparently did not investigate *why* these perceptions persist.
- Some activists believe that guilt is determined by the seriousness of the charge, and all complainants must be believed without question. But unsubstantiated or recanted accusations do occur, for a variety of reasons. These include remorse after an impulsive sexual encounter, an attempt to escape accountability for behavior that violates academy rules, jealousy, the desire for attention, or revenge when a romantic relationship ends.
- To promote fairness and integrity, the report should have

recommended appropriate penalties for complainants who make unfounded allegations.

Proposals to Change the UCMJ

The Report makes the unsupported and overstated assertion that the academies did not hold alleged offenders “accountable” over the past ten years. This allegation reflects civilian misunderstandings about the UCMJ and non-judicial punishment.¹²

- Some people believe any sort of punishment short of court martial and conviction amounts to no punishment at all. To the contrary, military people are routinely punished severely for behavior that would not be considered misconduct or a crime in civilian life.
- Military law and regulations, for example, forbid senior/subordinate fraternization, on-campus drinking and sexual activity, failure to obey orders, and “conduct unbecoming an officer”—a punishable offense that has no counterpart in civilian codes of law.
- The panel nevertheless makes a sweeping recommendation for statutory changes to reflect the “full range of sexual misconduct.” (p. 31) But changes in the UCMJ will not add to mandates already present in law, regulation, and the academies’ Codes of Honor. The only effect would be to create new criminals whose guilt would be no less difficult to prove.
- A 2003 **Air Force Working Group** study of sexual misconduct at the Air Force Academy, which examined each case in excruciating detail, found that many prosecutions for rape were not conducted due to insufficient evidence. It does not benefit anyone to pursue a weak or questionable case that is sure to be dismissed by jury members who take their job, and instructions from a judge, seriously.
- The threshold of proof of forcible rape is justifiably high, since persons convicted are subject to severe penalties, including life imprisonment. The Defense Department has nevertheless endorsed problematic legislation to criminalize offenses that are already subject to non-judicial punishment and severe penalties.
- Reasonable doubts are inherent in “*he said, she said*” situations that usually occur in private, especially when illegal drinking by underage midshipmen and cadets elevates the risk of misconduct. Criminalizing such offenses would not make it easier to determine guilt, but it would mandate even more severe penalties and the official designation of “sex offender” for life.
- The demand for new legislation sometimes reflects misimpressions about alleged offenses. Inaccurate news reports frequently describe all forms of sexual misconduct, ranging from inappropriate jokes to rape, as always credible and equally egregious. Comparatively minor incidents do not justify new legislation.¹³

Prevention

The Report asserts, “*the majority of sexual assaults at both Academies involve alcohol to some degree,*” which contributes to “*poor judgment, lowered inhibitions, and increased aggression and/or vulnerability to sexual assault.*” Proposals to address these factors are less than adequate. (pp. 8, 24)

More official supervision on campus, particularly during evening and weekend hours, would be helpful in reducing high-risk behaviors. To be effective, however, such plans must involve firm enforcement of rules against alcohol and sexual encounters on campus.

- Footnote 25 reports that alcohol was involved in **58%** of Military Academy cases and **57%** at the Naval Academy cases.
- Despite years of negative publicity, alcohol offenses at the Air Force Academy have jumped **57%** since the fall of 2003.¹⁴

Coordination Between Military and Civilian Communities

The Task Force recommends the training of civilians to counsel [alleged] victims, but this is not the role of the military. The sole emphasis on *victim* support implies that officials should take sides in complex, emotional proceedings. It would be problematic to give civilians semi-official status, and to extend to them special privileges that could undermine the due process rights of midshipmen and cadets, and cause the courts to dismiss some cases for that reason.


Many civilian victims advocates do not understand basic concepts of the military’s legal system, such as the need to avoid command interference in disciplinary proceedings. Some advocates have reportedly worsened matters by being openly critical of the military’s legal system.

Inadequate DoD Response

Defense Under Secretary for Personnel and Readiness **David S. C. Chu** issued comments in response to the Task Force Report on September 29. Chu’s response correctly takes issue with the call for confidentiality in preliminary legal proceedings for the same reasons noted by CMR. His response is disappointing, however, because it repeats the assumption that all complainants are “victims,” even before it is known that a crime has occurred.

The Chu response takes issue with several more of the proposed UCMJ changes, but “*conceptually concurs with most of the findings and recommendations*” of the Task Force Report. This includes the proposed prohibition of “stalking,” a crime that would be subjectively defined and difficult to enforce on small, remote military installations.

The Pentagon’s apparent acceptance of the panel’s most controversial recommendations will, unfortunately, encourage more of the same. The 2004 legislation authorizing this panel also established a successor **Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS)**, which is likely to apply recommendations of the Military Service Academy Task Force to all branches of the military.

What’s worse, the Defense Department’s apparent concurrence could be seen as a green light for an **Office of the Victim** 

Advocate (OVA) in the Pentagon—a feminist boondoggle that the Pentagon can do without. (See page 1) To express an opinion, write to Secretary Rumsfeld at 1000 Defense Pentagon, Washington DC 20301-1000. Comment can be made through www.defenselink.mil. **CMR**

¹ The panel Co-Chairs were **Vice Adm. Gerald Hoewing**, Chief of Naval Personnel, and **Delilah Rumburg**, Executive Director, **Pennsylvania Coalition Against Rape**. Names of additional members and the full report can be viewed at www.dtic.mil/dtfs/. There is no indication that the panel operated in compliance with the **Federal Advisory Committee Act (FACA)**, which is designed to avoid self-interested influence by civilians in government advisory committees.

² Statement of **Christine Hansen**, Executive Director, **Miles Foundation**, speaking at a news conference with **Amnesty International** at the National Press Club in Washington D.C., March 5, 2004.

³ Robert Weller, AP, “Army, Navy Academies Have Avoided Sex Scandals.” *Monterey Herald*, Mar. 30, 2003.

⁴ Memo from **Staff Orthopedic Surgeon**, Naval Medical Clinic, Annapolis, to Superintendent, USNA, covering “Relative Gender Incidence of ACL Injury at the U.S. Naval Academy,” accepted for presentation at the **Society of Military Orthopedic Surgeons** Annual Meeting, 7 December 1998.

⁵ In the OCS Combat Readiness Test, men and women do the same CRT events, but with different time requirements. Even with these and other allowances, in the second OCS class of 2005, the attrition rate for women was 30%, compared to 8.3% for the men. Of the candidates who graduated, 48% of the females failed the CRT event, compared to 5% of the males.

⁶ Among other things, attendees witnessed a high-school type reenactment of statements from several historic suffragists, plus a slide show, a poem, and the introduction of former **Spec. Shoshana Johnson**, one of three women captured in **Iraq** in March 2003.

⁷ Matt Labash, “How the Military Indoctrinates Diversity,” *Weekly Standard*, August 18, 1997.

⁸ Decided Nov. 5, 1997. Advocates for five witnesses argued that a closed hearing would make it easier for the women to testify against Sgt. Maj. McKinney. The Court concluded that fear of embarrassment by adult females was not a good enough reason to close Article 32 hearings. Despite intense media interest that largely prejudged the defendant’s guilt, McKinney was acquitted on 18 of 19 charges.

⁹ Elaine Donnelly, “The Tailhook Scandals” *National Review*, Mar. 7, 1994. Then-Navy Ensign **Beth Warnick** accused three naval aviators of gang raping her, but later admitted she had lied. Warnick was never punished appropriately for this serious ethical violation, but the men she accused suffered severe career penalties.

¹⁰ For example, **Dr. Charles P. McDowell, Ph.D.**, author of “False Allegations,” *Forensic Science Digest*, 1981, and **Eugene J. Kanin, Ph.D.**, Purdue University, author of “False Rape Allegations,” *Archive of Sexual Behavior*, 1994.

¹¹ Report No. IP02005E001, March 4, 2005, Executive Summary, fn #15, p. xi, and report tables referenced.

¹² Some sensational news reports about the 2003 Air Force Academy scandal created the impression that rapes and assaults were occurring constantly, with little or no serious punishment. A 2003 investigation

by the Air Force Working Group headed by General Counsel **Mary L. Walker**, found that there had been 43 *allegations* of sexual assaults and rape that occurred over 10 years, and nearly all of the cases were handled properly. Punishments ranged from letters of censure to expulsion or imprisonment.

¹³ See page 3, referring to **General Accounting Office (GAO)** studies done in January 1994 and 1995. Both surveys found that complaints about more serious incidents, such as unwanted sexual advances or pressures for dates by superiors, were quite rare, while derogatory comments, nicknames, and jokes were mentioned far more often.

¹⁴ *Air Force Times*, “Alcohol Abuse Up at Air Force Academy,” Feb. 21, 2005.

BOONDOGGLE (Continued from page 1)

joined **Christine Hansen** of the **Miles Foundation** in demanding that Congress appropriate **\$10 million** for an **Office of the Victim Advocate (OVA)** in the Department of Defense. The target of the OVA would be sexual abuse of women in the military—except for violence against women in combat, which feminists demand as a “career opportunity.”

CMR recently learned that the **Office of Military Community and Family Policy**, which reports to Defense Under Secretary David S. C. Chu, has a contract with the **Wellesley College Centers for Women** to study “prospects” for an OVA. The research contract, mentioned on the Wellesley website and reeking of insider conflict of interest for service providers, calls for a report this fall. CMR has formally requested but not received a copy of the contract and report.

Given the feminist and internationalist agenda of Wellesley’s **Women’s Rights Network**, it is likely that the college’s OVA report will promote a prestigious jobs program for Women’s Studies graduates who are schooled in man-hating ideology, which is commonly taught in such programs.¹

American Enterprise Institute scholar **Christina Hoff Summers**, author of *Who Stole Feminism?*, notes that while misogyny or women-hating is politically incorrect, misandry or men-hating is socially very acceptable and promoted by feminists who relentlessly portray women as “victims.” Summers has described Women’s Studies programs that teach radical “gender feminism” as a “magnet” for hypersensitive and chronically offended people who believe that “...women remain besieged and subject to a vicious male backlash.”

Secretary Rumsfeld must understand the temperament of civilian misandrysts before he decides to favor them with a cushy Pentagon office. The OVA would start small by “helping” women, but quickly extend into the deliberate business of harassing and punishing men.

A Pentagon OVA would fulfill the dreams of hard-core civilian feminists, who would have tax dollars and resume-enhancing Defense Department credentials to pursue the ultimate feminist challenge: “transforming” the culture of that despised bastion of masculinity, the United States military.

Feminist Pork and Power

Gen. George Patton famously defeated **Desert Fox Rommel** by reading the German general’s book. With the military’s

gender war escalating to a new phase, Secretary Rumsfeld would be wise to read the “book” on what feminists plan to do with a new power base at the Pentagon.

That would be a 95-page bill, sponsored in 2004 by liberal **Rep. Louise Slaughter** (D-NY), which spells out expectations for the OVA in tendentious detail.² The Slaughter bill did not pass, but its blueprint for **\$218.6 million** in pure feminist pork presages feminist intent. A stripped down **\$10 million** version of the bill was sponsored by **Rep. Carolyn Kilpatrick** (D-MI) in 2005. Congress rejected that bill too, but Secretary Rumsfeld could make the mistake of starting an OVA administratively, with existing DoD funds.

That would be only the beginning of a feminist boondoggle that would quickly assume bureaucratic eternal life. Members of Congress would welcome the chance to “fight violence against women” by throwing money at the OVA. What they *should* do is take a serious look at the violence being inflicted on female soldiers in or near land combat.

Overbearing OVA Business

According to Rep. Slaughter’s legislative wish list, the OVA Director and special investigators would have subpoena power and a license to meddle in distant, highly emotional personal conflicts. Complaints would trigger referrals to military commanders and Department of Justice prosecutors. Official “sex crime counters,” in a position to hurt the careers of anyone who does not share their zeal, would apply pressure to punish “offenders.” (SEC 101, to amend Title 10, Part II of subtitle A, Sec. 818-819)

OVA officials would be authorized to communicate privately with self-described victims, have access to law enforcement and court records that are subject to subpoena and copying, and to “*request from any commanding officer an order for the relocation or reassignment of an alleged offender during an investigation, disciplinary action, or court-martial in order to ensure the safety of the victim.*” (SEC 101/1816) Since the OVA Director would report directly to the Secretary of Defense, such requests would likely be granted. (SEC 101/1814)

Buried in the Slaughter bill was an authorization for the OVA to obtain “*reproductive services, including prenatal care and abortions*” for domestic violence victims, subject to current law barring the use of DoD dollars for abortions on military bases. The OVA probably would press to expand exceptions for rape or incest. (SEC 101/Sec. 1812).

The legislation also would have labeled a man guilty of aggravated sexual assault for causing a person to engage in a sexual act “*by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping.*” (SEC 101/920) It is not clear what this would mean to field commanders with the power to order female soldiers into dangerous combat conditions—or to hold them back.

Crisis Contracts and Domestic Violence

Incidents of wife beating, child abuse, neglect, and family violence are deeply troubling, and people want to help the victims of such incidents. It is important to understand, however, that the civilian victim advocates likely to receive contracts

from the OVA are more likely to advocate punishment for accused offenders and marital separation rather than reconciliation to repair families broken by stress.

The OVA will seek at least **\$20 million** per year to dole out in contracts of as much as **\$300,000** to civilian “crisis intervention” experts who are deemed “culturally competent,” i.e., “politically correct.” (SEC 1301) Subsidized services would cover hotlines, seminars, nurses, and social workers, but specifically exclude “*couple counseling or mediation*” efforts to reconcile marriages and restore families. (SEC 1301)

The OVA definition of domestic violence mentions physical injury and pain, but also the *threat* of such abuse, as determined by the complainant. Empowered with Defense Department credentials and OVA grants, local victim advocates would handle domestic violence complaints by requesting mandatory protective orders from courts. Arrests of persons perceived to be primary aggressors “[*would*] not be based on the consent of the victim.” (SEC 302/1567)

Since [alleged] victim representatives could not be compelled to provide testimony or records concerning confidential communications for any purpose in criminal or disciplinary proceedings, they would be effectively absolved from professional responsibility for the consequences of their actions. (SEC 403)

Counseling for couples would be barred, but presumptive offenders would have to undergo therapeutic “treatment” and sign a release of their personal “violence history” to military commanders and law enforcement authorities. (SEC 1301)

The Secretaries of Defense and the military services would not be allowed to approve promotions for any person who has been convicted of a criminal offense involving domestic/family violence or sexual assault/misconduct, or “stalking.” Promotions would also be denied to persons receiving *any other disciplinary action or adverse personnel action* due to these offenses—effectively ending their military careers. (SEC 501)

“Military Male Bashing” News

The OVA plan includes mandates for frequent reports from the OVA Director and other officials tracking numbers of arrests, prosecutions, convictions, and categories of offenses. (SEC 101/1819) An additional **Interdisciplinary Council** of the various services, which would include civilian victims advocates, would be authorized to visit military installations and issue more reports that would feed the prejudices of media people (SEC 201). Even “good news” stories are routinely turned into anti-military “hit pieces.” Headlines that include the phrases “Sexual Assault” and “U.S. Military” are *always* hurtful to morale and possibly recruiting for the armed forces.

New Crimes and “Stalking”

Slaughter’s OVA bill would have created a range of new offenses in the UCMJ, in order to criminalize behavior already subject to severe penalties. The Department of Defense has rejected most of these proposals, except the one to make “stalking” a UCMJ offense. The change is not necessary, since military members already are subject to penalties for disobeying orders barring personal contact, and commanders are easier to reach than civilian courts. The purpose here is to appease feminists, and to create jobs for civilian victim advocates.

Stalking would be subjectively determined by someone

who *fears* abuse. The offense would be hard to eliminate on small, remote military installations, including Navy ships, but convicted “stalkers” would be reported to the FBI and labeled sex offenders for life. Penalties for conviction of any sexual crime would include mandatory restitution of court and other costs, regardless of economic circumstances. (SEC 1104/1561b)

Slaughter’s bill called for millions of dollars for surveys, summits, conferences, legislative activities, and research into subjects such as ways to “*collect information beyond self-reports of intimate partner violence*,” whatever that means. Given existing resources available to complainants, not a dime of the total price tag—\$218.6 million over four years—can be justified.

If a “starter” OVA is set up in the Pentagon administratively, who would stop it from demanding all of the above and more? Not Secretary Rumsfeld, a tough guy with terrorists, who meekly said nothing in 2001 when the leaders of the old **Defense Advisory Committee on Women in the Services** used his autopen to re-appoint Clinton-era **DACOWITS**

members without his authorization. Given the long-term consequences of this situation, Secretary Rumsfeld, and graduates of all the service academies, need to pay more attention.

The civilized concerns of men about violence against women are being used in a clever bit of psycho/political ju jitsu. Feminists are manipulating the protective instincts of men to obtain a new power base for themselves, even though they are doing everything possible to force *other* women into violent situations, as long as it happens at the hands of the enemy.

Defense Secretary Rumsfeld should not permit his legacy to be marred by shrewish termagants who terrorize the Pentagon long after the Bush Administration is gone. **CMR**

¹ The Wellesley Womens Centers website supports several controversial initiatives adopted at United Nations conferences in places like **Beijing**, plus treaties that would infringe American sovereignty, such as the **Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)**.

² 108th Congress, 2nd Session, H.R. 5391, introduced by Rep. Slaughter on November 18, 2004. <http://thomas.loc.gov/>

A GREAT WAY TO HELP CMR SUPPORT THE TROOPS

If you have been thinking about making a tax-deductible donation to CMR you might consider donating shares of stock in lieu of a cash contribution. This can be a rewarding way to support CMR while saving money on your taxes. If you have held shares of stock for more than a year, and they’ve appreciated since you bought them, you can deduct the current price of the stock on your taxes, not the price that you paid when you bought the stock. This tax advantage applies only to stock that has been held for 12 months or more.

Let’s assume that you bought 150 shares of XYZ Company stock on August 25, 2004 (approximately 15 months ago) when the stock was trading at \$10. Presently those shares are worth \$30 each. If you donate those shares to CMR in December you would be able to deduct \$4,500 from your 2005 taxes, even though you paid only \$1,500 for them.

Two significant benefits result when you help CMR with your donation of stock shares:

1. You get a substantial tax deduction as described above, and
2. You will avoid having to pay taxes in the future on the capital gains on the shares.

If you would like to donate stock shares to CMR just contact us and we will provide you with the number of CMR’s brokerage account, which you can use to transfer the shares. Then contact your broker (they will probably require your written authorization) to authorize the transfer.

To receive your deduction you will need a couple of documents:

1. A letter from your broker detailing the number of shares that were donated to CMR and the date, and
2. A receipt from CMR saying we received the shares.

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Thank you for helping CMR to continue supporting the troops.

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President's Comments

by Elaine Donnelly



Pentagon Doesn't Need an Office of Male Bashing

Imagine these future scenarios: A junior female soldier has a quiet affair with an infantry officer in Iraq. When the relationship cools she vengefully accuses him of sexual assault. Her e-mailed complaint activates the Office of the Victim Advocate in the Pentagon, established in 2006. The battalion is preparing for imminent battle, but OVA officials pressure the accused officer's commander to remove him from his unit immediately.

At the Naval Academy, a female midshipman willingly parties with a classmate. Both have broken rules against alcohol and sex in Bancroft Hall, but to escape punishment for her own behavior she accuses him of sexual assault. The male midshipman is threatened with criminal prosecution and dismissal.

Meanwhile a Marine is barred from his home because his wife told authorities she fears domestic violence. Civilians funded by the Pentagon Office of Victim Advocate help her obtain a court protective order to keep him away, but not counseling to save the marriage. The accused husband must undergo "treatment," and he is required him to sign a release disclosing his "violence history" to commanders and military investigators.

Scenarios such as this could become commonplace if Secretary of Defense Donald Rumsfeld implements the most controversial recommendations made by the Defense Task Force on Sexual Harassment & Violence at the Military Service Academies, and establishes an Office of the Victim Advocate (OVA) in the Pentagon. Sexual abuse

of women is always wrong, and a lot has been done in the military to reduce the problem at the local and national levels. It would be a huge mistake, however, for Defense Secretary Rumsfeld to create or allow an Office of Victim Advocate in the Pentagon. Such an office would operate as a power base for civilian feminists and compliant military officials whose mandate to eliminate violence against women would encourage disproportionate and sometimes discriminatory punishment of men. The Pentagon does not need an "Office of Male Bashing" that would nu-clearize the war between the sexes.

Everyone who cares about the military, especially service academy graduates, should be concerned about the detailed information set forth in this special edition of *CMR Notes*. *CMR* needs your support and contributions to keep you informed on issues such as this, which larger organizations have yet to analyze in depth.

The Defense Department Pentagon should not divert a single tax dollar to create a self-interested power base for feminists who would disrupt military operations and demand policies that are harmful to men and women alike.

Establishing an Office of the Victim Advocate would be tantamount to bringing in and feeding a carnivorous plant, similar to the one in the hit Broadway play, "**Little Shop of Horrors.**" Defense Secretary Rumsfeld should decline, without apology, to bring a man-eating plant with worldwide reach into the Pentagon on his watch. **CMR**

CMR ACTIVITIES

• **Supreme Court Chief Justice John Roberts**, as a member of the Washington D.C. Court of Appeals, was one of three members who dismissed the bogus lawsuit *Lohrenz v. Donnelly & CMR* in December 2003. Since some news accounts had misrepresented the facts of the case, **Elaine Donnelly** took the precaution of traveling to Washington to discuss it with Judiciary Committee staff members, and to provide information about military/judicial issues of concern to *CMR*. Donnelly raised the same issues with regard to the **Harriet Miers** nomination. Key Judiciary Committee senators said that they would ask questions about Miers' role as White House Counsel in allowing the Army to violate DoD policy and the con-

gressional notification law on women in land combat, but the Miers nomination was withdrawn.

- On September 23, Donnelly spoke to the **Eagle Forum Conference** in St. Louis, MO, as part of a panel on feminism.
- The **Tenth Annual CMR Celebration** in Washington D.C. on October 13 was a big success and even more memorable due to the **CMR Issues Briefing**, which preceded the reception. Two female Captains—one of whom commanded a transportation unit that had been ambushed in **Iraq**—discussed and answered questions about military and social consequences of gender integration in the military. Watch for more details in the next edition of *CMR Notes*. **CMR**

Center for Military Readiness, P.O. Box 51600, Livonia, MI 48151, phone (734) 464-9430, fax (734) 464-6678. CMR can be found on the Internet at <http://www.cmrlink.org>. CMR President: Elaine Donnelly. Nothing written in the CMR Notes is to be construed as necessarily reflecting the view of the Center for Military Readiness or as an attempt to aid or hinder elections or the passage of legislation before Congress. Copyright © 2005