

**Statement for the Record of Elaine Donnelly
President, Center for Military Readiness**

Committee on Government Reform

**Subcommittee on National Security, Emerging Threats, and
International Relations**

**Hearing on Sexual Assault and Violence Against Women in the
Military and at the Academies**

June 27, 2006 – 2154 Rayburn House Office Building, Washington D.C.

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I appreciate the opportunity to submit this statement for the record on a subject that the Center for Military Readiness has been following closely. CMR is an independent, non-partisan public policy organization that specializes in military personnel issues. I founded CMR in 1993, following my term as a member of the 1992 Presidential Commission on the Assignment of Women in the Armed Forces. The Center is supported by civilians, active duty and retired military people in all 50 states, and receives no government funding.

A. Introduction: Close Scrutiny Required

This statement discusses findings and recommendations of the August 2005 Report of the Defense Task Force on Sexual Harassment & Violence at the Military Service Academies, hereinafter known as the DTF-SH & V. CMR agrees with the affirmation in this and similar reports that women should not have to fear harassment or abuse at America's military academies.

The Report requires close scrutiny, however, because constructive recommendations in this report were overshadowed by unjustified presumptions, significant omissions, and problematic proposals. If implemented without question and expanded by its successor group, the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS), these recommendations could cause serious turmoil in the military.

Having served as a member of the Presidential Commission on the Assignment of Women in the Armed Forces in 1992, I am familiar with the phrase "People are policy." The makeup of any advisory commission influences its findings and recommendations. An over-representation of civilian "victim advocate" groups seems to have skewed the presumptions, findings, recommendations and tone of the August 2005 DTF-SH&V Report, which are more extreme than those of previous panel reports on the same subject.¹

Although every organization is different, the core assumptions and prejudices of most victim advocate groups are frequently perceived as chauvinistic toward women and hostile toward men. Professional victim advocates frequently 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 courts-martial and convictions, even when allegations are questionable.²

These attitudes reflect a profound misunderstanding of the differences between civilian law and the Uniform Code of Military Justice (UCMJ). The military's unique legal system, for example, imposes serious penalties for personal offenses, such as "conduct unbecoming an officer," which do not exist in civilian law.

Sensational sex scandals at the Air Force Academy, which made headlines nationwide in 2003, already have been investigated and reported by various official panels, agencies, and committees seven different times.³ These panels recommended a number of constructive plans of action, most of which have been implemented with positive results.

Some recommendations in the August 2005 Defense Task Force Report were worthwhile, but many should be rejected. The succeeding group established by Congress, known as DTF-SAMS, should evaluate the previous Task Force's recommendations objectively, and reject those that could cause more serious problems than they solve.

The following comments summarize problematic elements of some recommendations made by the 2005 Defense Task Force on Sexual Harassment & Violence at the Military Service Academies:

B. Attitudes and Presumptions

Presumptuous Labels and Prejudice

The August 2005 Report of the DTF-SH&V correctly recommends that persons who want to report misconduct or assault should be informed of legal 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.

- Unless legal proceedings substantiate allegations of a crime, it is premature to label one of two parties a "victim." Constant use of the loaded, emotionally charged word "victim," without the modifier "alleged," reflects a pervasive prejudice against men that is common among victim advocates.
- Presuming the status of "victim" for complainants, but not innocence for persons accused, contradicts fundamental principles of law. The prejudice also fails to recognize that in order to secure convictions of real offenders, it is essential to protect rights of due process.
- Some activists believe that guilt is determined by the seriousness of the charge, and all complainants must be believed without question. But false or recanted accusations do occur in some cases, 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 or revenge when a romantic relationship ends, emotional instability, or an inordinate desire for attention.⁴

- 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.⁵

Unconcern About Fraudulent Allegations

The Defense Task Force Report barely acknowledged and did not address the demoralizing problem of false or exaggerated accusations. It mentioned two incidents of fraudulent reporting out of 85 cases, but claimed 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 ignored perceptions and problems evident in other studies of attitudes toward sexual misconduct at the academies:

- 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%.⁶
- The Task Force Report mentioned these figures only in an obscure footnote, and apparently did not investigate *why* these perceptions persist.
- Sexual abuse and personal misconduct are evidence of poor character, but so are false or exaggerated accusations. All such infractions violate the Uniform Code of Military Justice and the Honor Codes of the service academies. In a pattern of policies called “double standards involving women,” or DSIW, which have been evident since the early 1990s, false accusations of sexual misconduct are rarely punished.⁷
- To promote fairness and integrity, the report should have recommended appropriate penalties for complainants who make unfounded allegations.

Additional evidence of fraudulent allegations have emerged elsewhere:

- Unfounded claims occur in every criminal category—usually between 1.5 and 5 percent of the time. Numbers of such claims are higher for forcible rape—as high as 9 percent—based on numbers reported to the FBI as well as police and prosecutorial records.⁸ False accusations are hurtful to women as well as men, since they tend to discount complaints that are legitimate.
- The 2005 report on Sexual Offenses Involving Members of the Armed Forces, released on March 16, 2006, by the Sexual Assault and Prevention Response Office (SAPRO), reported that among 848 investigations in which the DoD had no

jurisdiction, 641 were unsubstantiated, unfounded, or involved insufficient evidence. SAPRO provided no explanation or analysis of this information.

- Vice Admiral Rodney Rempt, Superintendent of the Naval Academy, reportedly told a group of USNA Board of Trustee members that of 40 cases of sexual harassment in the 12 months prior to the meeting, all but 11 were closed due to lack of evidence or dropped claims. (Three midshipmen were separated and sent to jail.)⁹ If the board member's report is accurate, roughly 72% of the complaints were unsubstantiated or otherwise invalid. This figure is consistent with evidence of the problem reflected in the 2004/2005 survey of DoD Inspector General, cited above.

Unequal Resources

Numerous pages in the DTF-SH&V Report set forth 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, including full consultation and information as legal proceedings progress. (pp. 11-13)

- By contrast, the Report said almost nothing about the scarcity of resources available to persons accused of misconduct. It noted that 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 made the inadequate recommendation that the West Point legal advisor be available on campus. (pp. 15, 34)

In addition to all of the above, the Task Force recommended the designation of a Sexual Assault Response Coordinator (SARC), plus a Victim Witness Coordinator (different from the Victim Advocate) at each academy. (p. 27)

- Before the numbers of SARCs are greatly increased, the Defense Department should objectively evaluate the costs associated with the hiring and retention of these individuals, and the consequences of empowering authorities who effectively operate outside of official chains of command.
- Grants for most of the professional services to be provided would benefit victim advocates and affiliated groups seeking government funding. This may be a reflection of that community's over-representation on the Task Force.

B. DoD Task Force Proposals and Recommendations

Gender Quotas and Double Standards

The Report of the 2005 DTF-SH&V 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 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 nevertheless recommends higher gender-based admission and promotion quotas, downplaying or 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 all these occupations, and in submarines.¹⁰
- 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 gives higher priority to career considerations than the needs of the military. It is also 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, which 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,” and a willful forgetting of facts relevant to combat readiness and effectiveness.”

- A 1998 Naval Academy research project (one of many studies on physiology) 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.¹¹
- 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.¹²
- 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 warfare emergencies such as the attacks on the Navy ships USS *Stark* and USS *Cole*, cannot be modified in the same way. Trying to “re-educate” midshipmen to accept “double standards involving women,” or DSIW, could increase tensions instead of reducing them.

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 are unlikely to support 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.¹³
- 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.¹⁴
- 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) This suggests that the academies should devote valuable time to civilian-conducted classes

or performances that include profanity or reflect misogynist trends in popular culture.
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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 parties in interest 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

As recommended by the Sexual Assault Prevention and Response Office (SAPRO), it is reasonable to hold sensitive matters confidential during the early stages. However, 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 disciplinary matters.

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 offenders.*” (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.¹⁶
- 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.

“Blanket Amnesty”

Some advocates have demanded “blanket amnesty” for [alleged] victims, since they might be subjected to “retaliation” without it. This implies that complainants should escape accountability for their own high-risk behavior or violation of personal conduct rules.

The DTF-SH&V correctly avoided endorsement of blanket amnesty.

- Such a policy would have created 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 also endorsed 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.

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.

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.

The 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.¹⁷

- 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.
- 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 possible designation of “sex offender” for life.

- 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.¹⁸

Recommendations for 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.*” Task Force proposals to address these factors are less than adequate. (pp. 8, 24)

- 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 jumped 57% since the fall of 2003.¹⁹
- 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.

Coordination Between Military and Civilian Communities

The Task Force recommends the training of civilians to counsel [alleged] victims. 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 or support basic concepts of the military’s legal system, such as the need to avoid command interference. Some advocates have reportedly worsened matters by being openly critical of this fundamental concept and other elements 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.

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. It also repeats the assumption that all complainants are “victims,” even before it is known that a crime has occurred.

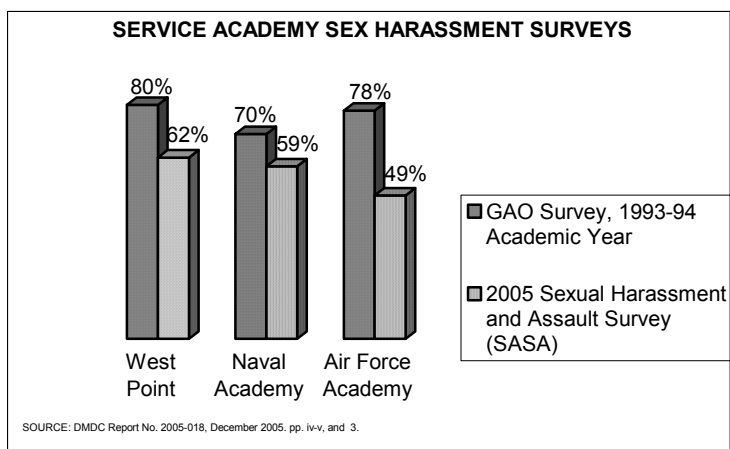
- The Pentagon’s apparent acceptance of the panel’s most controversial recommendations will, unfortunately, encourage more of the same from the DTF-SAMS and future advisory panels.
- What’s worse, the Defense Department’s apparent concurrence could be seen as a green light for an Office of the Victim Advocate (OVA) in the Pentagon—a feminist boondoggle that the Pentagon can do without.²⁰

D. Scolding About Sex Scandals Unfair to Service Academies

Reports of Complaints Greatly Exaggerated

On December 23, 2005, the Department of Defense released a 2005 poll of service academy men and women regarding sexual harassment and assault. Contrary to most news stories, the survey indicated that reports of sexual harassment at the service academies have gone down instead of up.²¹

The 124 page Service Academy 2005 Sexual Harassment and Assault Survey (SASA2005), produced by the Defense Manpower Data Center (DMDC), was authorized by legislation passed in 2003. Data gathered in this survey, and another one done by the General Accounting (now Accountability) Office in the 1990s, show a downward trend in sexual harassment and behaviors over the past 15 years.²² (See graph below)



The percentage of survey respondents reporting some form of sexual harassment—most of them minor—dropped from 80% to 62% at West Point, 70% to 59% at the Naval Academy, and 78% to 49% at the Air Force Academy. Inappropriate jokes and unkind comments still occur, but reports of severe abuse of women at the military academies are greatly exaggerated.

Some reports on sexual misconduct since 2003 have required hard data on “substantiated” cases, but the 2005 SASA report is only a poll, done with pen-on-paper responses to survey questions answered anonymously. Suggestive jokes and rude behavior are annoying, but “sexist behaviors,” including offensive gestures and horseplay, can be observed almost everywhere. Resourceful women usually can handle the problem without a court order, but professional P.C. Police tend to treat every offense as the equivalent of assault or rape.

Sexual Assault vs. Harassment

Graphically worded survey questions about sexual assault are frequently highlighted by the media, creating the impression that hundreds of service academy women are being abused every day. Sexual assault is always wrong and must be punished with due process. It is inaccurate and demoralizing, however, to suggest that all allegations are equally serious, and that women cannot cope unless the military provides even more professional services than are already available.

The “victim advocate” service industry has an economic interest in exaggerating the problem, even though numbers of substantiated assaults are relatively small and probably comparable to or lower than incidents in the civilian world.

A table in the SASA Report (p.13) shows the numbers of men and women surveyed. Doing the math on the percentages of academy women reporting sexual assault we find that 6% (37 of 618) women at the Military Academy (USMA), 5% (35 of 693) women at the Naval Academy (USNA), and 4% (30 of 738) women at the Air Force Academy (AFA) reported some form of sexual assault, defined most often as “unwanted touching of private parts.”

Even one case of assault is too many, but perspective is in order. All the bad publicity aimed at West Point, which was tagged with the largest percentage (6%), resulted from anonymous reports from only seven more women than those who anonymously reported assaults at the Air Force Academy.²³

Questions Not Asked by the SASA: Fraudulent Complaints and Lowered Standards

The SASA Report did not continue questions included in the 2004/2005 survey of the service academies conducted by the Defense Department Inspector General, Joseph E. Schmitz.

- The Schmitz DoD IG Report, released in March 2005, found that 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 all three academies was 72%.

- Figures of that size indicate a problem worthy of further investigation. But in the 2005 SASA report, described as a “baseline” study, *there are no questions about fraudulent complaints.*²⁴ The omission, which was intentional, should not be repeated by the DTF-SAMS or future surveys.
- The 2005 survey also omits any questions about “complaints that standards have been lowered,” even though this was identified by the GAO in 1991 and 1994 as the second most prominent type of sexual harassment at the academies.

Concerns about false accusations and differing standards simply do not count—probably because they do not conform to the template into which stories in this news category must fit. In fact, the survey seems to omit any mention of men’s concerns at all—unless they complain about sexual harassment or assault.

Awareness of What to Do

According to the 2005 SASA Report, at the USMA 95% of female cadets who did not report incidents of sexual harassment said they “*believed they could handle the situation themselves.*” At the Naval Academy, the figure was 100%. But at the Air Force Academy, the same figure was only 70%.

- This seems to suggest that women at West Point and the Naval Academy know how to deal with guys who get out of line, but fewer Air Force Academy women feel prepared to handle it. So they turn to professionals in the “victim advocate” service provider industry for help. This is progress?²⁵
- At all three institutions, percentages of men and women who said they knew how to report sexual misconduct were 90-98% at the USMA, 91-96% at the USNA, and 93-99% at the AFA. These figures undermine the credibility of requests for increased funding for even more programs.
- Bad news is good news for “victim advocate” service providers. This is a special interest like all others, with professional contractors seeking millions of Defense Department dollars for multi-year projects, career opportunities, prestigious offices, conferences, surveys, and provocative performances about date rape.²⁶

Sexual misconduct must be discouraged, but is perfection a realistic goal when we are dealing with young human beings? Or is it a rationale for more service provider contract proposals? The nation expects academy instructors to indoctrinate discipline and high moral standards, but no one expects the academies to produce candidates for sainthood only.

Conclusion: Enough Already!

As of now the 2005 SASA survey mandated by Congress must be repeated annually through the 2008 academic year. Instead of tracking progress in a constructive way, these polls

embarrass the academies, demoralize cadets, and make the case for more lucrative contracts for “victim advocates” and other professionals—including those who produced the SASA report.

Since Congress has already mandated three more surveys of this kind, the Defense Department should correct deficiencies in the survey questions, and produce a useful report that presents accurate data, but does not cause needless embarrassment for the Defense Department and the military academies.

It is long past time for Defense Secretary Rumsfeld to think about the negative impact of such reports, and terminate subsidies for them. A decision to do so would be more helpful to women in the military than millions in subsidies for professional feminist advocates.

Civilians who have little knowledge or respect for military culture, law, and regulations should not be allowed to relentlessly criticize the culture and people of the military, with government funds and prestige that amplify their criticisms to increasingly unfair levels. Feminist pork needs to be trimmed from the DoD budget, not expanded even more.

Elaine Donnelly is President of the Center for Military Readiness, an independent public policy organization that concentrates on military personnel issues. CMR defends high, uncompromised training standards, and advocates sound priorities that reflect American cultural values, strengthen morale, and encourage discipline and readiness in the armed forces.

In 1984, Defense Secretary Caspar Weinberger appointed Mrs. Donnelly to the Defense Advisory Committee on Women in the Services (DACOWITS) for a three-year term. In 1992 she was appointed by President George H.W. Bush to serve as a member of the Presidential Commission on the Assignment of Women in the Armed Forces.

Donnelly founded the Center for Military Readiness in 1993, and has become a recognized expert on military personnel issues that are in the news constantly. More information about CMR and the subject of this statement is available on the Center’s website, www.cmrlink.org.

ENDNOTES:

¹ The panel Co-Chairs were Vice Admiral Gerald Hoewing, Chief of Naval Personnel, and Delilah Rumburg, Executive Director, PA Coalition Against Rape. Names of additional members and the full report can be viewed at www.dtic.mil/dtfs/. Despite subsequent claims to the contrary, 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 serving on 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 These investigative bodies included the 2003 Air Force Working Group, headed by General Counsel Mary Walker, the 2003 Congressional Panel headed by former Congresswoman Tillie Fowler, a 2004 USAFA Cadet Climate Survey, a 2004 Air Force Inspector General Report, and three Department of Defense Inspector General surveys in 2003, 2004, and 2005.

⁴ Linda Fairstein “Why Some Women Lie About Rape,” *Cosmopolitan*, November 2003. Author Fairstein is a former prosecutor and head of the sex-crimes unit of the Manhattan District Attorney’s office.

⁵ 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. Victim advocates disdain these experts, but their articles deserve consideration. Both describe reasons why some alleged “victims” fabricate stories that ruin the lives or careers of others, and explain basic techniques of investigation that help to differentiate genuine allegations from charges that are less than credible.

⁶ Report No. IP02005E001, March 4, 2005, Executive Summary, fn #15, p. xi, and report tables referenced.

⁷ See “The Tailhook Scandals” *National Review*, Mar. 7, 1994. by Elaine Donnelly. Then-Navy Ensign Beth Warnick accused three naval aviators of gang raping her, but later admitted she had lied because she did not want her boyfriend to know of her activities at the Tailhook convention. Warnick was never punished appropriately for this serious ethical violation, but the men she accused suffered severe career penalties.

⁸ Fairstein, *Ibid.*

⁹ Report of Region Trustee #4 of the USNA Board of Trustees, Steve Andres of the Las Vegas Chapter, May 2006.

¹⁰ A comprehensive report prepared for the Department of the Navy by Science Applications International Corporation (SAIC), titled “Submarine Assignment Policy Assessment,” analyzes reasons why the Navy should not assign female sailors to submarines. In addition to unacceptably cramped quarters, potential health risks to the unborn children of female sailors would make it impossible to assign women of child bearing age to submarines. This report and additional information on the subject is available from the Center for Military Readiness.

¹¹ 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.

¹² 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.

¹³ A presentation at Fort Hood in 2005 involved a high-school type re-enactment 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.

¹⁴ Matt Labash, “How the Military Indoctrinates Diversity,” *Weekly Standard*, August 18, 1997.

¹⁵ The Naval Academy seems to be moving in this direction. In January 2006 Superintendent Rempt invited midshipmen to attend several performances of a civilian production called “Sex Signals,” which features abundant profanity, risqué situations, and misinformation about “date rape” that conflicts with Academy regulations and the UCMJ. In April the USNA decided to celebrate “Sexual Assault Awareness Month” by exhibiting the 2005 film “North Country,” starring actress Charlize Theron. The film features crude language, explicit sexual references, factual errors, and anachronisms that provide unintended humor.

¹⁶ 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.

¹⁷ 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.

¹⁸ See page 3 of the Task Force Report, 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.

¹⁹ *Air Force Times*, "Alcohol Abuse Up at Air Force Academy," Feb. 21, 2005.

²⁰ An OVA in the Pentagon, an example of "feminist pork," could become a tax-funded, unaccountable and uncontrollable "Office of Male Bashing," with the potential to disrupt military operations worldwide. This subject is discussed extensively in articles posted on the CMR website, www.cmrlink.org.

²¹ An exception was the January 9 *Washington Times* article by Rowan Scarborough, titled "Military Academies See Less Harassment."

²² The 1994 GAO Survey cited on p. 3 of the 2005 SASA Report, done in the academic year 1993-94, inquired about types of sexual harassment. Listed in descending order of frequency they included: Derogatory comments, jokes or nicknames; Comments that standards have been lowered; Comments that women don't belong; Offensive posters, signs, graffiti, T-shirts, or pictures; Mocking gestures, whistles, catcalls, etc.; Derogatory letters or messages; Exclusion from social activities and informal gatherings; Unwanted horseplay or hijinks; Unwanted pressure for dates by a more senior student; and Unwanted sexual advances. (GAO/NSIAD-95-58, March 1995, pp. 9-11)

²³ These small percentages generated the scathing headline "Sexual Misconduct Reports are Highest at West Point" in *Army Times*, followed by an article leaving the impression that 97% of survey respondents (actually, 97% of 6%) had experienced a particular form of sexual assault.

²⁴ An appropriate place to include the issue would have been survey Question #6, which asked respondents about "behaviors that would disrupt good order and discipline." This would have been consistent with the authorizing legislation, which directed that the survey "assess the perceptions of academy personnel on...any other issues relating to sexual harassment and violence involving academy personnel."

²⁵ Perhaps it is time for the Pentagon to re-evaluate all policies based on the assumption that women can handle personal adversity with the same self-reliance as men.

²⁶ Several strategies are used to expand the "market" for these services. The 2005 SASA survey, for example, rates opinions about the "effectiveness" of sexual harassment and assault (SH&A) training. This implies that more training will yield perfect people who never interact inappropriately with persons of the opposite sex, and that elimination of all human failings is an appropriate mission for the military.