

## **In Search of the Arc: The Path to Justice for Women in the Military**

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*“The arc of the moral universe is long, but it bends toward justice.” — Martin Luther, King Jr., 1967*

*“No, no, we are not satisfied and will not be satisfied until justice rolls down like water and righteousness like a mighty stream.” — Martin Luther, King Jr., 1963*

*Over the past two decades, the epidemic of sexual assault (assault, rape, and harassment) in the U.S. military has garnered increasing media and legislative attention. While activists and survivors have achieved some successes in achieving the passage of stronger policies that address military sexual assault, many of those changes are recent, and much work remains to be done. This paper examines the growth of a social movement over 22 years and seeks to determine how the social movement against military sexual assault contributed to the Department of Defense’s shift from promises to action. I challenge social workers to examine their responsibility to groups whose voice has been silenced or stolen by trauma.*

Although sexual assault, rape, and harassment in the U.S. military have only come into sharp public focus in the past year, these crimes have grown steadily over the last two decades. This increase has incited the Department of Defense (DoD) and U.S. Congress to pass zero-tolerance policies, commission studies, convene task forces, and hold hearings. Nevertheless, the rate of military sexual assault (MSA) has risen annually since 1991, growing to such alarming numbers that it is now commonly described as an epidemic (Kitfield, 2012; Slaughter, 2010).

From 1991 to 2011, responses to MSA by Defense Secretaries Donald Rumsfeld and Robert Gates led to many promises but little change. Incidents were met with massive media coverage, but public attention repeatedly waned between each successive outrage. In January 2012, Defense Secretary Leon Panetta’s

press conference included familiar promises, which, although similar to those of his predecessors, laid the groundwork for change.

Later that spring, Secretary Panetta viewed *The Invisible War* (2012) a powerful documentary portraying the lives and stories of MSA survivors. With unflinching honesty, this documentary tells the story of MSA survivors and provides damning evidence of the U.S. military's failure to address sexual assault within its ranks. Two days later, Secretary Panetta, under mounting pressure from advocacy groups and members of Congress demanding codification of stronger policies, took concrete steps to move toward protecting service members against MSA. Following decades of little policy change around sexual assault in the military, the DoD appeared prepared to enact lasting measures.

This paper seeks to determine how the social movement against MSA contributed to the DoD's shift from promises to action. I will outline the scope of the problem of MSA and briefly review the major public events from 1991 forward, then analyze these events in relation to efforts by activists and organizations, striving to answer the question: What was the tipping point that brought the issue into full view of a nation in a way that catalyzed policy change? Movements such as this one develop in response to the need of a group or population whose voice has been silenced or stolen. I posit that advocacy is a tool that social workers are obligated to use in our efforts to help individuals, groups, and communities regain their power.

## **Until Justice Rolls Down Like Water: Problem Background**

According to the Sexual Assault Prevention and Response Office (SAPRO) (2012), the most recent report on MSA states that there were 3,192 reported MSAs in 2011 in all branches of the military, a 1% increase in overall reporting from 2010. A 2003 survey conducted by Veterans Affairs found that 30% of female veterans experienced sexual assault during military service. Of this group, 14% had been gang raped and 20% had been raped more than once (Hansen, 2005). Given estimates that approximately 84% of civilian and military rapes go unreported,

SAPRO (2011) concludes there were close to 19,000 MSAs in 2010.

Hansen (2005) reports that the prevalence of sexual assault was three to ten times higher for females serving in the armed forces than in the general population. Estimates of prevalence are in the range of 23% to 33%, and military sexual trauma is more associated with PTSD than any other form of trauma, civilian or military (Himmelfarb, Mintz, & Yaeger, 2006).

A 2011 Women's Research and Education Institute chronology identifies 1979 as the starting point for military guidelines covering sexual harassment. However, there is no mention of MSA until 1991 when the media broke the Las Vegas Tailhook Convention story, where 83 females and 7 males were victims of sexual assault by more than 100 Navy and Marine Corps aviation officers.

The Tailhook incident was the first highly publicized U.S. MSA scandal. What followed was months of front-page headlines and nightly news reports that shocked the nation, building the case that military women were unsafe from our men in uniform. The DoD, forced to answer to the taxpayers, was spurred into action. Between 1992 and 2003, there were 18 different task forces, reports, and committee hearings on sexual assault, discrimination, and gender-related issues in the military (Hansen, 2005). Kitfield (2012) summarizes the most widely publicized events of the past 22 years:

- 1996: U.S. Army Aberdeen Proving Ground<sup>1</sup>
- 2003: U.S. Air Force Academy<sup>2</sup>
- 2008: U.S. Marines, Fort Leonard Wood, Missouri<sup>3</sup>
- 2012: U.S. Marine Barracks, Washington DC<sup>4</sup>
- 2012: U.S. Air Force Lackland Air Force<sup>5</sup>

<sup>1</sup> Twelve Army officers charged with sexually assaulting female trainees

<sup>2</sup> Twelve percent of female graduates reported having been victims of rape or attempted rape, and 70% said they had been sexually harassed

<sup>3</sup> Nineteen non-commissioned officers were charged with various harassment and assault charges against trainees

<sup>4</sup> Nine women, including two civilians, report sexual harassment, assault and rape from 2009 – 2010

<sup>5</sup> Thirty-two trainers identified in cases of sexual assault or misconduct with 56 female and three male trainees (Christensen, S. 2013)

In November 2003, Congress directed then-Secretary Donald Rumsfeld to commission the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies, which subsequently reported that sexual assault and harassment was military-wide and not limited to the academies. The report's recommendations included instituting training programs, recruiting more (including higher-ranking) women, and revising the Uniform Code of Military Justice (UCMJ) to address sexual misconduct. Yet without proper guidance for implementation and no apparent follow-up from the DoD for enactment, implementation of recommendations did not occur (Lancaster, Jones, & Lipari, 2005).

In February 2004, Secretary Rumsfeld commissioned the Task Force on Care of Victims of Sexual Assaults. The Task Force made more recommendations and spawned yet another task force called the Joint Task Force for Sexual Assault Prevention and Response, "designated as the single point of authority to provide direction, a centralized approach, and overarching guidance to sexual assault prevention and response" (Lancaster, Jones, & Lipari, 2005, p. 6). Multiple recommendations and policies were born from the Joint Task Force, yet more than a decade after Tailhook, there remained little measurable progress. The military's own misogynistic culture, which displays continuing hostile and sexist attitudes toward women (Hansen 2005), may well have impeded its progress in policy change and implementation regarding MSA.

As the U.S. presence in Iraq and Afghanistan advanced, the U.S. Army faced an ever-growing need for recruits and began to relax recruitment standards in order to meet "manning" needs. Without addressing clear concerns on the problem of MSA, this relaxation of standards allowed waivers for recruits with criminal records. According to Lieutenant James McConico (2009), a 2007 report identified an increase in criminal waivers by 38% from 2001 to 2007. Stande, Merrill, Thomsen, Crouch, & Milner (2008) report that a Naval Health Research Center survey indicated as many as 15% of incoming Navy recruits had either committed or attempted rape prior to recruitment. The 2011 SAPRO Report shows a continued increase in MSA and that repeat offenders commit 90% of all assaults (2012). Did the relaxation of recruitment standards, allowing sex offenders into military ranks,

correlate with the increase in the rate of sexual assault? This is an area for further study in order for policy makers to understand the need to implement and uphold stronger policies related to MSA.

### **The Long Arc Bends**

While the struggle for justice has been difficult, movement allies have spread across the country, from local communities to congressional halls. As with all the congressional Caucuses, the Caucus for Women's Issues (the Women's Caucus) works to address and influence legislative matters (U.S. Legal, 2013). The Women's Caucus has focused on issues related to women and girls since its inception, and the 108th Caucus (2003–2004) continued that legacy by participating in special congressional Women's History Month activities. One activity was a hearing on MSA, followed by a report of findings to Secretary Rumsfeld. Shortly after, the House passed an amendment, championed by the Caucus, requiring the Pentagon to adopt policies responding to MSA (Slaughter & Capito, 2005). In September 2004, The Women's Caucus met with DoD officials, and again in December with Pentagon officials, regarding the development of policies on MSA (Slaughter & Capito, 2005).

In 2005, Representative Loretta Sanchez (D-CA), made another request for a report from the Armed Services Committees, demanding a change in the sexual assault definition to bring the UCMJ in line with federal and state sexual assault laws (Snowden, 2005). When that request failed to bring results, she introduced the first bill to change MSA laws. Although the bill did not pass, it opened the door for the ongoing introduction of relevant legislation by other congressional leaders, including Congresswomen Nikki Tsongas (D-MA), Jackie Speier (D-CA), and Carolyn Maloney (D-NY) (Snowden, 2005).

As the 21st century got underway, the number of women in the military grew, paving the way for a challenge to DoD policies that silenced victims and did nothing to address MSA. While survivors told their stories publicly and privately, the DoD found itself under pressure not only to provide answers, but to effect change. Katzenstein (1998) states, "feminist organizing (in its most adversarial and even sometimes in its more accommodative

form) does seek to transform the world” (p. 6). Feminist organizers collaborated with existing sexual assault advocates and organizations (e.g., the Rape Abuse and Incest National Network [RAINN]) and founded new organizations, such as Service Women’s Action Network (SWAN) and Protect Our Defenders, launching a campaign born of injustice, coupled with a desire to bring justice and protection related to MSA.

### **From the Dreams of Many, One**

Over the next decade, advocates and activists coordinated efforts, formed new entities, collaborated with state and national nonprofit organizations, forged professional relationships, and partnered with politicians as allies for change. Their fight was strengthened through the added efforts of politically powerful and influential national veterans’ organizations (e.g., The American Legion, Disabled American Veterans, Vietnam Veterans of America) that have relentlessly campaigned for policy changes to address MSA and military sexual trauma.

Movement participants used a broad repertoire of political actions, media coverage, and public awareness building, regularly speaking before Congressional and Committee hearings, demanding policy change to protect active duty service members and address the needs of veteran survivors. Stories from victims and survivors informed politicians and the public that perpetrators had not been held accountable while victims were silenced, punished, discharged, and disgraced, and it became known that veteran survivors are denied benefits (“Military Sexual Assault Litigation,” 2011; Anonymous, 2011; Bhagwati, 2010; U.S. Fed News, 2004). The voices of survivors-turned-activists were heard in congressional chambers, the public square, university classrooms, and on the big screen.

The movement strategically used both traditional and social media to provide a platform from which survivors’ voices have traveled across the world as they live their version of soldier up—telling the most deeply painful personal stories. In March 2007, Helen Benedict published “The Private War of Women Soldiers” in Salon magazine. Documentary filmmakers Kirby Dick and Amy Ziering, influenced by Benedict’s (2007) article,

produced *The Invisible War* (2012), which became a touchstone in Panetta's challenge to the status quo. In less than a decade, the efforts of a small group of women had grown into a social movement, the voices of many joining to become one solitary force with a singular goal: safety and justice relating to MSA.

### **A Bend Toward Justice**

Although the arc was beginning to bend toward justice, its progress was slow. There was a need for a catalyst—a tipping point—to bring about effective change. By 2011, advocacy had influenced some change, including requiring treatment of sexual assault patients as emergencies in military medical facilities and enhancing training for key personnel (including leaders, victim advocates, and law enforcement) (SAPRO, 2012). Still, these changes lacked substance and real protection. Military rules for reporting up the chain of command remained in place, victims continued to be re-victimized by the military system, and sexual assault trainings were questionable (“Military Sexual Assault Litigation,” 2011). It is not surprising, then, that in this climate, MSA continued to occur at alarming rates. Nevertheless, the movement for justice marched forward, and between 2011 and 2012, a confluence of three important events occurred to deliver the perfect political opportunity structure for substantive change:

1. In February 2011, attorney Susan Burke filed a Federal lawsuit against the Pentagon on behalf of 15 female and 2 male MSA active-duty and veteran survivors (Parker, 2011). The lawsuit named then Defense Secretary Gates and former-Secretary Rumsfeld, accusing them not only of allowing a culture of sexism and misogyny and of failing to implement regulations, but also of “prevent[ing] various programs from being fully implemented” (“Military Sexual Assault Litigation, 2011”, p. 33).
2. On July 2, 2011, President Obama appointed Leon Panetta Secretary of Defense. In January 2012, Panetta gave his first press conference on the topic of MSA, discussing new DoD reforms on sexual assault being implemented,

reforms that advocates and their allies had requested for years (Hynes, 2012).

3. On April 14, 2012, following a viewing of *The Invisible War* (2012), Secretary Panetta met with Congresswomen Sanchez and Tsongas and held a press conference, announcing immediate implementation of additional MSA policy changes (Kitfield, 2012). These policy changes included the removal of reporting sexual assault from the chain of command, the establishment of special victims units, and the enhancement of training programs (Kitfield, 2012).

There is hope that Secretary Panetta's policy changes will decrease the rate of MSA and provide redress for those who experienced any form of MSA. Nevertheless, policies alone will not make real changes in MSA. Successful change must be systemic and delve into the culture of the military and dismantle the old patriarchal, male-centric attitudes that disdain and denigrate women (Flood, 2011). A military that breeds violence against women is a military not only of little moral value in the eyes of the world, but also one that cannot be trusted.

### **And Righteousness Like a Mighty Stream**

This examination of the movement's 20-year timeline illustrates how far it has come. However, much remains to be done to ameliorate the injustices experienced by thousands of MSA victims. Efforts must be undertaken to adopt strong policies and to alter the culture surrounding sexual assault in the U.S. military. President Obama, in his April 4, 2008 speech commemorating Dr. Martin Luther King, Jr., stated, "Dr. King once said that the arc of the moral universe is long but it bends toward justice. But what he also knew was that it doesn't bend on its own. It bends because each of us puts our hands on that arc and bends it in the direction of justice" (The American Presidency Project, 2013). We are witnessing the bending of the arc by the hands of those who have experienced egregious injustice and by those who would see it replaced with the safety and justice to which our uniformed service members are inherently entitled.



Should the DoD choose to further commit to reducing sexual assault in their ranks and make justice for victims a priority, eventually the military may become a place where our nation's defenders no longer must protect themselves from their fellow soldiers. Until then, responsibility for change is shared among health and human service workers, medical personnel, and social workers. Given the multitudes of victims and survivors in military and civilian populations, we must recognize that there is a statistical probability our professional work with the military will include sexual assault survivors. Ethics require us to do no harm, and as a profession, achieving this means improving our knowledge around sexual assault. It is incumbent upon us to do our part in applying our hands to the bending of the arc toward justice, for if not us, then who?

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