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Sexual Assault in the Military

By Chris Hayhurst

For most of the public, the first real hint of a problem — a serious problem — came in September of 1991 at the Las Vegas Hilton. Soon after the three-day Tailhook Symposium, an annual conference for officers of the U.S. Navy, it came to light that more than 80 women attendees had been sexually assaulted by their peers.

More than 100 male Navy officers were implicated in the assaults, but despite repeated allegations and investigations, none of them were held directly accountable for their actions. A few Navy leaders did resign. But in the end, no one involved in the Tailhook scandal received more than what amounted to a slap on the wrist.

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That was 14 years ago. Since then, other branches of the military have joined the Navy with sexual assault stories of their own. In 1996 came the report that women recruits at the Aberdeen Proving Grounds in Maryland had been raped and otherwise sexually assaulted by Army training personnel.

In 2003, an investigative report by a Denver news agency revealed an ongoing history of sexual assault at the U.S. Air Force Academy in Colorado Springs. In that case, a congressionally appointed panel found that academy leaders failed to take responsibility for or even acknowledge many of the 142 sexual assault allegations accumulated over the course of a decade.

Today the accusations come from Iraq, where reports of sexual assault are often drowned out by news of the ongoing slew of insurgent bombings, political assassinations, and kidnappings. In fact this past February, the Miles Foundation, an independent advocacy group for survivors of violence in the military, released a statement saying that members of the military had reported 307 sexual assaults that took place while they were stationed in Iraq, Kuwait, Afghanistan, or Bahrain. It’s clear that many of the women currently in uniform, like their predecessors, are still not afforded adequate protection from and responses to sexual attacks.

The Military Reacts

With many of these stories garnering media attention in recent years, the military has come under increasing fire. At issue is everything from insufficient access to reproductive health services to the fact that rape survivors in the military lack rights to privacy and confidentiality that those in civilian life are typically guaranteed.

The military claims to be taking steps in the right direction. A statement in early January by David Chu, the U.S. undersecretary of defense for personnel and readiness, acknowledged that changes are in order. “The department understands that our traditional system does not afford sexual assault victims the care and support they need across the board,” he said. “We’re moving aggressively to put new systems in place to address this shortcoming.”

Chu said that procedures will be implemented in all divisions of the military to help sexual assault survivors and bring perpetrators to justice. He also said the Pentagon would implement new measures to prevent sexual assaults from happening in the first place. The Army has launched a [Web site \(http://www.sexualassault.army.mil/\)](http://www.sexualassault.army.mil/) to highlight steps soldiers and commanders can take to prevent or respond to sexual assaults, and sexual assault prevention training is to become standard for all soldiers.

Cautiously Optimistic

“They’ve acknowledged the problem,” says Christine Hansen, executive director of the Miles Foundation. “We’ve seen the acknowledgement and there’s been an effort made. Policy directives have been developed. They’re on paper. But now we want to see them put into action.”

Hansen says the Pentagon’s announcement may be just the latest in a long history of empty promises. “Regrettably,” says Hansen, “this is a decades-old problem. There have been many reviews and studies, resulting in many recommendations, but few if any of the recommendations have ever been implemented. We’re cautiously optimistic.”

Of the more than 200,000 women currently serving in the U.S. military, at least 15,000 are deployed in Iraq. And survivors of sexual assault face an uphill battle for justice. As Hansen confirms, sexual assault survivors in the military lack many of the protections and rights of their counterparts in civilian life. Among them:

- **The right to privacy and confidentiality.** The military currently mandates that sexual assault survivors report assaults to their commanders.
- **The right to be treated with respect and dignity.** Many of those who report sexual assaults are victimized again when they encounter retaliation from the original perpetrator, and also from that person’s peers, commanders, and other authorities. It is not uncommon for those who report rape to see their careers fall apart soon afterward.
- **The right to a rape shield law.** In the military, a soldier’s personal history can be introduced as evidence in court. Rape shield laws would prevent courts from making unfair assumptions about a survivor.

- **The right to and adequate access to emergency services.** Reports from deployed units suggest there are far too few rape-evidence kits in the field. This means that early access to DNA-collection tools, emergency contraception, testing for sexually transmitted infections, and other critical services is not guaranteed.
- **The right to make their own childbearing choices.** Women in the military are not allowed to obtain abortions in U.S. military hospitals while stationed overseas, unless the life of the woman is endangered by carrying the pregnancy to term, or the pregnancy is the result of rape or incest. In cases of rape and incest, the law requires women to pay for the costs of the procedure themselves. These prohibitions endanger women's health by forcing them to seek inferior medical care, delay an abortion procedure, or avoid it altogether, thus denying military women their constitutionally protected right to choose.

The Political Front

Any improvement in how the military deals with sexual assault survivors is likely to come about through political channels. Three measures that may be re-introduced in the 109th Congress would greatly help these women if passed:

- **DOD Uniform Formulary Bill:** Should this bill pass, emergency contraception would be included in the pharmacy benefits program of the Department of Defense (DOD), giving women in the military a better opportunity to avoid an unintended pregnancy.
- **Prevention of and Response to Sexual Assault and Domestic Violence in the Military Act:** This measure would expand services and treatment for survivors of sexual assault and domestic violence. Planned Parenthood Federation of America played an important role in the drafting of this bill, which includes stipulations that the military provide sexual assault survivors with timely and confidential access to rape-evidence kits, infections screening and treatment, and emergency contraception, among other provisions.
- **Defense Authorization Bill Amendments:** Two types of amendments have been offered in the past to address the lack of access to abortion services for women in the military. One amendment (Murray-Snowe) would restore access to privately funded abortion services for U.S. servicewomen and military dependents in overseas military health facilities. The other amendment (Boxer) would guarantee access to abortion services for servicewomen who are survivors of rape or incest by allowing the federal government to bear the cost of the procedure. Although these amendments have been offered in the past, they have failed to make it into the final Defense Authorization bill.

While these proposed bills attempt to remedy the lack of fundamental rights for military women, the U.S. Department of Justice's "National Protocol for Sexual Assault Medical Forensic Examinations," released earlier this year, is cause for concern. The first of its kind to come out of the Department of Justice, the document is a step in the right direction, but it glaringly omits emergency contraception as an option in its medical treatment guidelines for survivors of sexual assault. Considering the fact that the protocol sets the standard of care for sexual assault survivors, the omission of emergency contraception is shocking.

Looking Forward

For now it is not clear if the DOD, which is currently formulating guidelines for dealing with sexual assault in the military, will include emergency contraception among the options available to servicewomen who are sexual assault survivors. The hope, of course, is that the DOD will recognize how vitally important such access is to women faced with the trauma of forced sex and an unwanted pregnancy. Whether it will remain to be seen.

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