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Written Statement to the House Armed Services Committee January 23, 2013

Chairman McKeon, and members of the committee, thank you for this opportunity to provide written testimony to supplement my oral remarks.

Qualifications

I am a clinical psychologist, a researcher, and a forensic consultant. For the past 25 years I have studied rapists, and I have treated and evaluated men and women who have suffered sexual trauma. My research publications, and my forensic consulting work is referenced in my attached CV.

For the past 10 years, since the scandal at the U.S. Air Force Academy, I have worked with the four services of the U.S. Military, although the majority of that work has been with the U.S. Air Force. I have briefed leadership, provided training to OSI, CID and NCIS investigators, JAG officers, SARC's and victim advocates. I have also consulted with JAG officers on specific sexual assault cases, and I have testified at three courts martial.

In the civilian sector, I have consulted extensively with colleges and universities across the U.S., and provided training on sexual assault investigation and prevention. I have also provided training to local law enforcement agencies and to state and local prosecutors. In addition, I frequently consult with local and state prosecutors on specific sexual assault cases.

My extensive contact with both military and civilian institutions across the country provides me with a perspective on the problem of sexual violence that I would like to articulate to the Committee.

The Scope of the Problem

Sexual violence is a planetary problem. It afflicts all nations, all societies. Societies are not distinguished by whether or not they have a problem of sexual violence, but rather by whether or not they actively and forthrightly confront the problem. The same is true for institutions within those societies.

The U.S. Military – just like every college and university and every religious institution in the U.S. – is a part of the human fabric of this country. It is therefore a given that the U.S. Military will have to contend with the problem of sexual violence, just as it is a given that every institution of higher learning, and every community within the U.S. will have to contend with the problem.

As an expert on the problem of sexual violence, I do not judge an institution on whether or not it has a problem of sexual violence. I judge an institution on whether or not it is confronting the problem honestly, earnestly, with sustained commitment, and with the resources required to make that confrontation effective.

No one “supports” rape. Why then do institutions, even whole societies, fail to confront the problem honestly, earnestly, and with sustained commitment? The answer is complex but there are a few key reasons.

Sexual violence is so personal, so intimate, so frightening, that it makes everyone uncomfortable. We shy away from it, and often that leads us to shy away from its victims, who remind us of our own vulnerability. We may even look for ways to separate ourselves from victims, to reassure ourselves that we are somehow different from them, and therefore safer. We may even stigmatize victims, and look for ways to blame them for what happened. Tragically, victim-blaming remains a common phenomenon, both here in the U.S., and across the world. Recent events in India provide a vivid reminder of this.

Sexual violence is primarily motivated not by sex, but rather by aggression and dominance. However, that aggression and dominance is acted out in the arena of sex, and because of that, sexual violence evokes all of complex reactions, biases, misconceptions and myths that tend to circulate around anything sexual. These complex reactions, biases and myths become a fog that often blinds us to the simple, core truth that lies at the heart of sexual violence: it is violent; it is an assault of one human being on another.

The vast majority of sexual violence is perpetrated by men, and the vast majority of victims of sexual violence are women. These facts are what some people refer to as the “gendered” nature of sexual violence, and this gendered nature is often another impediment to confronting the problem honestly. Our identities as men and women are deeply personal; masculinity and femininity are core aspects of identity. Therefore any problem that relates to something so integral to who we are is likely to make us uncomfortable. Men, often, can feel blamed and defensive.

Fortunately, the data on who perpetrates sexual violence is both helpful and instructive. The vast majority of sexual violence is committed by a small

percentage of serial rapists. Therefore, the vast majority of men do not and will not engage in sexual violence. While innocent of rape, this vast majority is not free of responsibility, however. Sexual violence can only be effectively confronted when all members of a community – men and women – become active participants in the confrontation.

Despite the gendered nature of sexual violence, it is crucial that we recognize that it is a problem that extends beyond simple gender lines. Males are much more at risk for sexual assault than is commonly understood. For example, while the percentage of women in the U.S. Military who are sexually assaulted far exceeds the percentage of men who are sexually assaulted, because men so outnumber women in the Military, the raw number of men who are sexually assaulted is actually greater than the raw number of women. As more of these men who have suffered assaults come forward, there will be a dire need for the specialized expertise and services required to provide them with support and treatment.

The U.S. Military vs. Other U.S. Institutions

Is the U.S. Military doing less than other U.S. institutions in confronting sexual violence? No. In fact, in almost every respect, the U.S. Military is doing more than any other institution within the United States. The efforts of the U.S. Military are far from uniform, and still far from sufficient. The “war” on sexual violence in the services will be the longest war it has ever fought. However, the services are making honest efforts to confront the problem of sexual violence.

Nevertheless, there are serious problems within the services that have either yet to be addressed, or if addressed, yet to be fully resolved. It will require many, many years of sustained effort and commitment to resolve these problems, and therefore many, many years of sustained scrutiny by this committee, by Congress more generally, and by advocacy groups, some of which are represented at this hearing.

As much as the Congressional and public scrutiny of the Military is sometimes painful for the men and women within the institution who are working very hard to address the problem, it is a necessary ingredient. It is necessary, because it would otherwise be too easy to let up.

However, the scrutiny and criticism of the Military very often implies that its problems and shortcomings are somehow unique. In my opinion, this is not only grossly inaccurate. It is also a serious disservice to our country, because it lets other major institutions in this country off the hook, and in so doing, puts the men and women in those institutions and communities at greater risk of sexual violence.

Specifically, our colleges and universities – collectively – have not confronted their problems of sexual violence with anything like the commitment shown in the Military. There are a few exceptions, and many universities have a smattering of programs to address their problems. However, in no university have I ever seen the type of commitment from leadership, the comprehensive prevention efforts, the sustained efforts at tackling very challenging problems that I have witnessed in the services.

It is ironic that the services have turned to the universities for the expertise they need to confront sexual violence, and they have adopted many of the programs that were developed and incubated in university research programs. But those programs have never been implemented in university settings to the same degree that they have been implemented in the services. One example: bystander education is one of the most promising prevention programs available today, and versions of it have emerged from several university research programs. They have been applied on a relatively small scale in universities. In the U.S. Air Force, bystander education has been applied universally: every individual, from the most junior enlisted to the most senior leader, has received the training.

Within the past couple of years, the Department of Education and Vice President Joe Biden have together begun to exert some pressure on our nation's colleges and universities. That pressure has produced some grumbling in higher education, but I view the pressure as an absolute necessity if we are ever to see the same commitment in our universities as we now see in the U.S. Military.

Perhaps the most scathing criticism that the Military has received has been focused on its shortcomings in prosecuting cases of sexual violence. Again, I believe that this criticism is necessary, although perhaps it could be tempered from time to time with some acknowledgment of what the Military is doing to address the problems. Our country would also be well served if the criticism of the Military's prosecution record was placed in the context of the civilian prosecution of sexual violence. With rare exceptions, there are enormous problems with the prosecution of non-stranger sexual assaults in civilian jurisdictions. Non-stranger cases represent the vast majority of all sexual assaults. They are challenging cases to investigate and prosecute, and very few civilian jurisdictions have made the necessary efforts to train their staffs to competently and effectively take on these cases. As a result, many non-stranger cases are inadequately investigated and never even make it to a courtroom. Many local prosecutors would never prosecute the types of non-stranger cases that military prosecutors are now increasingly taking to court.

The services – I refer to them collectively but acknowledge that there are differences among them in the degree to which these characterizations apply – are making efforts to increase the effectiveness of their criminal justice response to sexual violence. A few examples from across the services:

- The Army has developed a two-week course to train CID investigators in state-of-the-art techniques for investigating non-stranger sexual assault cases. As I train or consult with Army JAG officers, I am increasingly getting reports from them that they are seeing a marked improvement in the quality of the investigations that are being passed along to them.
- Each of the services have brought in experienced civilian sex crimes prosecutors to help train an in-house cadre of JAG officers who have the specialized skills needed to successfully prosecute non-stranger rape cases.
- The Air Force is launching a program at the end of this month that will provide sexual assault victims with their own legal counsel to help them understand and navigate the criminal justice process, and to protect their rights within the process.

These are examples of much-needed improvements in the Military's criminal justice response to sexual assault, but it will take time for these improvements to take hold and be felt. And, there is much more work to be done. Improved training for investigators and military prosecutors must continue to evolve, and it must be sustained. The services must confront the problem of junior litigators handling complex sexual assault cases too early in their professional development. Unhelpful biases and attitudes are still present among some investigators and prosecutors, and these must be addressed through a process of culture change. Finally, since commanders play a major role in the military justice system, training and culture change must reach into the ranks of these men and women to ensure that decisions are made without the influence of bias and stereotypes.

The Way Ahead

I hope that my testimony to the Committee will not be taken either as an apology for the Military's handling of sexual assault, or as another criticism of its efforts. In my view, based on my experience working with the services, both very good and very bad things are still happening. This is the reality in an institution that is undergoing significant and meaningful change, and I suspect it will be a reality for some years to come. It is impossible to average these good and bad things; they are simply both true. However, based on the efforts I have seen, and

crucially, if those efforts are sustained, I believe the good things will inexorably begin to outnumber the bad.

An example: a few months ago I consulted in a court martial of a service member who was accused of sexually assaulting two fellow service members. Each case was fraught with the types of serious challenges that are characteristic of non-stranger sexual assault cases. It is very unlikely that either case would have been prosecuted in the civilian criminal justice system. Despite the challenges, the prosecutors – a quite junior JAG officer paired with a more experienced mentor – prevailed. I spoke with each of the victims after the trial. Despite the trauma of what they experienced, and despite the harrowing ordeal of the trial, both women felt that in the hour of their greatest vulnerability and their greatest need, the Military had not forsaken them. It had stood with them.

If the services sustain their efforts, if the Military's leadership sustains its commitment, if Congress continues to provide clear-eyed scrutiny, and if Congress provides the resources that the services need to sustain their efforts, I believe that the services will lead the rest of the country in demonstrating what it means to confront sexual violence honestly, earnestly, and with sustained commitment.

Thank you.