

**STATEMENT OF
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TO THE
COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON MILITARY PERSONNEL
UNITED STATES HOUSE OF REPRESENTATIVES
ON**

“The Military’s MeToo Moment: An examination of sexual harassment and perceived retaliation in DoD and at Fort Hood.”

July 29th, 2020

Chairwoman Speier, Ranking Member Kelly, and distinguished members of the Subcommittee, on behalf of a servicewomen-led, grassroots movement comprised of over 4,000 women and gender diverse veterans and 6,500 allies and supporters, we thank you for the opportunity to address the critical issue of sexual harassment and retaliation in the military following the tragic murder of U.S. Army Specialist (SPC) Vanessa Guillen.¹ Sexual harassment in the military is not only an epidemic of fear, it is a national security risk; it systemically degrades the integrity of unit cohesion thus reducing personnel readiness. It compromises mission and personnel readiness by taking servicemembers out of our combat-ready ranks emotionally, physically, and in SPC Guillen’s case—violently and permanently. To add insult to injury, those of us who are lucky enough to survive Military Sexual Trauma (MST) stemming from permissive and pervasive hostile environments while in the military face uphill battles with the Department of Veterans Affairs (VA) once we take off the uniform and attempt to claim VA compensation and benefits for Post Traumatic Stress Disorder (PTSD) relating to MST.

I am speaking today as a former U.S. Army Military Intelligence officer and military and veterans’ advocate, with 20 years of combined experience on active duty, in civil service as a senior Department of Defense (DoD) supervisor and manager, and policy executive having served in two major veteran service organizations. I have borne witness to how MST can absolutely cripple a survivor’s life and career in multiple ways, often following them from the originating incident of sexual harassment or assault, well into transition to civilian and veteran life.

Earlier this year—15 years after-the-fact—I wrote a statement in support of a VA claim for service-connection for PTSD secondary to personal assault for a former non-commissioned officer (NCO) I worked with closely while deployed to Iraq. It broke my heart to read the excruciating details of this NCO’s sexual assault that occurred while we were deployed; to recall the changes I noted in the NCO’s behavior following the assault by a fellow NCO in the ranks; and to learn of the devastating impact the assault had on their life after, including severe depression and suicidal ideation. I feel ashamed for not being as savvy or informed as I am today when I was that young Captain, where I should’ve recognized the symptoms of MST and encouraged reporting of the incident. However, this NCO states today they did not feel comfortable reporting at the time out

¹ Howe, E. (2020, July 6) Women veterans and troops are demanding justice for Spc. Vanessa Guillen. Retrieved 2020, from <https://connectingvets.radio.com/articles/women-veterans-demand-justice-for-vanessa-guillen>

of fear for retaliation by the offending NCO, and being labeled as “problem soldier” or worse by others in the unit.

The MST endured by servicemembers is a scourge on our armed forces, diminishing the public trust in the institution that is the U.S. military, and leading servicewomen, veterans, and advocates in this grassroots movement to not only call for the shutdown of Fort Hood in response to SPC Guillen’s murder, but to call for no future enlistments until a thorough Congressional investigation by an on-the-ground Congressional delegation (CODEL) is conducted. Enough is enough; the incremental progress of military justice reform in the past few years has been value-added, but the time is now to overhaul how victims can report harassment and how they will be investigated and prosecuted—including removing sexual harassment and assault prosecutions from the chain of command and making sexual harassment punishable as a specific offense within the Uniform Code of Military Justice. We applaud Chairwoman Speier for introducing amendments in the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA) which will accomplish that outcome.

The Statistics Hold Steady despite Gradual Reform

According to data aggregated from the DoD Sexual Assault and Prevention and Response Office (SAPRO) by the organization Protect Our Defenders, 6.3 percent of active duty men and 24.2 percent of active duty women were sexually harassed in FY2018. One in five women who experienced sexual harassment were also sexually assaulted, giving credence to the hypothesis that a permissive environment for harassment can foster perceived permission for assault by an offender. It was concluded by DoD that, “sexual harassment is a leading factor affecting the unit climate on sexual assault.”² The data also show the majority of victims were harassed by someone in their chain of command. And perhaps most stunning, 1,021 formal sexual harassment complaints were investigated in FY19, **a 10 percent increase from FY2018.**³ It is a common belief that increased rates of reporting in recent years are resultant of ramped-up military education efforts to destigmatize reporting sexual harassment in the ranks; however, this rising statistic also begs the question of whether DoD ever had a fully accounted grasp of the broad scope of its harassment problem.

Fear of retaliation, as expressed by SPC Guillen to her family regarding her own sexual harassment, remains a driver for a majority of MST survivors to remain silent. The latest data show 64 percent of women who reported a sexual assault face retaliation and that 66 percent of retaliation reports alleged that retaliators were in the reporter’s chain of command.⁴ Approximately one-third of victims are discharged after reporting, separated under other than honorable conditions, thus impacting their service-connected benefits claims as veterans. This vicious cycle, known all too well by MST survivors, leads to a fundamental distrust in the military and its investigations, and undermines justice for survivors. In FY2018, over one in four victims who did not report harassment or assault feared retaliation from their command or coworkers, the same as my former NCO and countless servicemembers.⁵ Many survivors have

² <https://www.protectourdefenders.com/wp-content/uploads/2020/05/MSA-Fact-Sheet-2020-1.pdf>

³ Ibid.

⁴ Ibid.

⁵ Ibid.

internalized that the investigation process would be unfair, result in no outcome, or worse, adversely affect their career. This is due to military command climates that have been unsupportive of survivors at best, and actively destructive and detrimental to the survivor at worst.

Servicewomen's Transition to Veteran Life

Women have made significant contributions to United States' military campaigns dating back to the American Revolutionary War. Today, women are the fastest-growing demographic in the armed services.⁶ According to DoD, women currently make up 20 percent of the Air Force, 19 percent of the Navy, 15 percent of the Army, 13.7 percent of the Coast Guard, and nearly nine percent of the Marine Corps.⁷ At some point in the near future, these women will transition to veteran status and join the 2 million women veterans who already use VA for healthcare services.⁸ According to VA's 2017 Women Veterans Report, the women veteran population is expected to increase by 18,000 each year for the next 10 years, thus creating a significant portion of the veteran population with gender-specific needs to be served. While the Women Veteran Projection Model suggests steady increases until 2045, it also shows that the male veteran population will decline at a rate just over two percent.⁹ With this in mind, the image of an American veteran will continue to evolve, as will their needs, and the requirements of VA to support a population unlike those who have previously borne the battle.

Many published academic studies have noted that one out of five women veterans accessing the Veterans Health Administration (VHA) have reported being the victim of MST, and 25 percent of the women veteran population reported inappropriate/unwanted comments or behavior by their male veteran counterparts while receiving care at VA facilities.¹⁰ Again, the trauma we face as servicemembers follows us through the doors of VA facilities.

Inside MST Claims: The Bias Servicemembers Still Face as Veterans

In 2011, the Veterans Benefits Administration (VBA) began special training for employees who are involved in the MST-related claims process, including mental health clinicians and office personnel.¹¹ AVA Office of Inspector General (OIG) report released in August 2018

⁶ Barroso, A. (2019, September 10). The changing profile of the U.S. military: Smaller in size, more diverse, more women in leadership. Retrieved 2020, from <https://www.pewresearch.org/fact-tank/2019/09/10/the-changing-profile-of-the-u-s-military/>

⁷ Reynolds, G. M., & Schendruck, A. (2018, April 24). Demographics of the U.S. Military. Retrieved 2020, from <https://www.cfr.org/article/demographics-us-military>

⁸ The Past, Present and Future of Women Veterans. (2017, February). Retrieved 2020, from https://www.va.gov/vetdata/docs/SpecialReports/Women_Veterans_2015_Final.pdf

⁹ Demographic Profile of the Active Duty Enlisted Force. (2010, March). Retrieved 2020, from The Past, Present and Future of Women Veterans. (2017, February). Retrieved 2020, from https://www.va.gov/vetdata/docs/SpecialReports/Women_Veterans_2015_Final.pdf

¹⁰ Grogan, N., More, E., Peabody, B., Seymour, M., & Williams, K. (2020, February). New York State Minority Veteran Needs Assessment. Retrieved 2020, from <https://s3.amazonaws.com/files.cnas.org/documents/CNAS-Report-MVS-NY-Assessment-final.pdf?mtime=20200211135342>

¹¹ <https://www.benefits.va.gov/BENEFITS/factsheets/serviceconnected/MST.pdf>

recommended the Under Secretary of Veterans Affairs for Benefits update the current training for processing MST-related claims, monitor the effectiveness of the training, and take additional action as necessary.¹² VBA's response to the OIG report at that time was to update the four lessons in the "PTSD Due to MST" training course, and mandate training be completed by March 2019. This is one positive step by VA, and investing in the training of Veteran Service Representatives (VSR) and Rating Veteran Service Representatives (RVSR) should correct errors in claims before they occur.

Since sexual assault or sexual harassment is not always reported during service, part of VSR and RVSR training now includes how to identify markers in a veteran's medical record and personnel record.¹³ Markers such as a sudden decrease in work performance, substance abuse, pregnancy tests, tests for sexually transmitted disease, panic attacks, and a request for transfer to another military duty assignment, are used to build the disability claim evidence of the MST claims.

The rating scale for PTSD ranges from 0 to 100 in increments of ten.¹⁴ Therefore, a PTSD claim from MST can vary widely depending on the rater. Coordinators have reported repeated instances of the violation of 38 CFR 4.23, "the attitude of the rater," which states:

"It is to be remembered that the majority of applicants are disabled persons who are seeking benefits of law to which they believe themselves entitled. In the exercise of his or her functions, rating officers must not allow their personal feelings to intrude; an antagonistic, critical, or even abusive attitude on the part of a claimant should not in any instance influence the officers in the handling of the case. Fairness and courtesy must at all times be shown to applicants by all employees whose duties bring them in contact, directly or indirectly, with the Department's claimants."

VBA processes and raters can cause harm with implicit biases if they lack sufficient knowledge regarding PTSD and MST. The scope of this issue encompasses discrediting the claim, victim-blaming, and not accepting that men could also be victimized.

Conclusion

I hope this testimony illuminates the persistent challenges in seeking justice which MST survivors endure—to include the threat of violence and potential loss of life to either suicide or homicide—but also how survivors are often condemned to a never ending, hellish cycle of victim-blaming, re-victimization when recalling their traumatic experiences later in their veteran life, severe depression, PTSD, and other correlated ailments resulting from a military justice system that has repeatedly failed them. It doesn't always get better with time, and we cannot lose another SPC Guillen. In the words of many who have posted their stories under the hashtag #IAmVanessaGuillen: Not one more.

¹² <https://www.va.gov/oig/pubs/VAOIG-17-05248-241.pdf>

¹³ Morral, A. R., Gore, K. L., & Schell, T. L. (2015). Sexual assault and sexual harassment in the US military. Volume 2. Estimates for department of defense service members from the 2014 RAND military workplace study. RAND NATIONAL DEFENSE RESEARCH INST SANTA MONICA CA.

¹⁴ United States Department of Veterans Affairs. Veterans Benefits Administration References: 38 CFR - Book C, Schedule for Rating Disabilities. <http://www.benefits.va.gov/warms/bookc.asp>

Chairwoman Speier, Ranking Member Kelly, and distinguished members of the Subcommittee, on behalf of the thousands of servicemembers, veterans, and allies of all stripes who have mobilized in the last few weeks to demand justice for SPC Vanessa Guillen and the thousands of MST victims who came before her, we thank you for the opportunity to share our views on this critical miscarriage of justice and to advocate for swift passage of military justice reforms such as those underlined in Chairwomen Speier's amendments to the FY2021 NDAA. We look forward to working with this subcommittee in the future to develop further recommendations beyond pending legislation. The work to heal our sisters and brothers in arms must begin with fostering safe, hostility-free environments during our service.