

RESISTING CHANGE: TOXIC MASCULINIITY IN THE POST MODERN UNITED
STATES ARMED FORCES, (1980s-Present)

by

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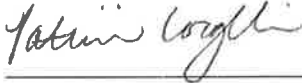
A THESIS
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Acknowledgments

Researching and writing *Resisting Change: Toxic Masculinity in the Post-modern United States Armed Forces* was a challenge unlike any I have encountered in my entire life. In the course of my research, I fell ill with bacterial meningitis which nearly cost me my life and resulted in permanent loss of hearing.

I would like express my gratitude to my family, the community of scholars and fellow students at the University of Central Oklahoma, the physicians and staff at *St. Anthony Hospital, Hearts for Hearing*, and all of those who contributed directly or indirectly to the project. First of all, I would like to sincerely thank my graduate advisor and committee chair, Dr. Lindsey Churchill for her insight and guidance through the course of this work. With Dr. Churchill's mentorship and expertise, I was able to motivate myself, not only educationally, but professionally as well.

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Abstract

This thesis examines the changes regarding women and Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) serving and toxic masculinity in the United States Armed Forces from the end of Operation Just Cause to the War on Terror, which includes Operation Enduring Freedom and Operation Iraqi Freedom. The role of women and LGBTQ+ within the military changed significantly from late 1980s-2010. During the 1990s, sex abuse scandals and homophobic murders raised public awareness of the toxic masculinity that existed in the military. Toxic masculinity is an extreme expression of hegemonic masculinity, which promotes masculine supremacy, strict gender roles, and devalues women. This thesis analyzes occurrence rates, dynamics that might contribute to the elevated rates of sexual assault within the Armed Forces, and the impact of military sexual violence. It also explores the military's reaction to sexual assault amongst those who serve, as well as proposals for further improvement. Gendered violence remains an ongoing problem within and outside of the military service. To eradicate sexual assaults and homophobic violence requires new programs and most important cultural change. There also needs to be additional assessments of the existing programs to ascertain their efficiency. This thesis argues that a close examination of the years following “Operation Just Cause,” will reveal that a “toxic masculine” subculture exist within the post-Cold War US Armed Forces that employs gendered violence and refuses to accept policy changes of the Department of Defense that removed service restrictions on women and the Lesbian, Gay, Bisexual, and Transgender, Queer +(LGBTQ+).

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Chapter 1. Introduction

Gender-based violence frequently occurs in areas of armed conflict and within military societies.¹ War, sexual assault, and many other types of aggression are nothing more than extreme manifestations of patriarchy, which is a desire for masculine domination. There exists a skewed perception amongst many Americans that this does not happen in the United States. Many people do not realize how patriarchal the US society is, especially its armed forces and war. In their article “Gender-Based Violence and Justice in Conflict and Post-Conflict Area,” Rashida Manjoo and Calleigh McRaith contend:

War is an inherently patriarchal activity, and rape is one of the most extreme expressions of the patriarchal drive toward masculine domination over the woman. This patriarchal ideology is further enforced by the aggressive character of the war itself, that is to dominate and control another nation or people.²

In the previous two decades, gender-based violence (GBV) connected to the United States involvement in military conflicts received a great deal of attention. The implications of violent behavior towards women leads to countless efforts that address issues of accountability and impunity for perpetrators. Despite attempts to deal with problems of GBV in war and post-war regions and to increase awareness, GBV persist as a major social problem. In the United States and many places around the world, women suffer gender-targeted abuses.

Many consider that GBV is an unfortunate consequence of war. The belief that gender-targeted violence represent acts of individuals born out of anger and frustration

¹ Bernard M. Levinson, *Gender and Law in the Hebrew Bible and the Ancient Near East*, (London: Sheffield Academic Press, 2004), 203.

² Rashida Manjoo and Calleigh McRaith, “Gender-Based Violence and Justice in Conflict and Post-Conflict Areas,” *Cornell International Law Journal* 44, no. 1 (2011): 11. <http://www.lawschool.cornell.edu/research/ILJ/upload/Manjoo-McRaith-final.pdf>.

once held sway. However, in recent times, challenges to the traditional perspective have come about to explain the increase in rates of GBV committed by military forces. One view suggests that the United States military and the armed forces of various countries willfully use sexualized violence as an instrument of war, in order to destabilize and degrade the population of an enemy nation.³ GBV attacks serve as a means to threaten personal security, but also as way to instill fear and terror in a population.⁴ I argue that the systematic exclusion and segregation of women and members of the LGBTQ+ community contributed to a backlash and regulation of those considered to be gender traitors as integration into male dominated areas occurred. This thesis argues that the exclusion and segregation of women and members of the LGBTQ+ community in the armed forces promoted negative stereotypes and prejudices against these minority groups. As gender integration happened a backlash occurred in the form of gender based violence intended to regulate the behavior of women and LGBTQ+ service-members. Additionally, the US armed forces systematically used GBV as a strategy of war and control. Much of the existing mainstream scholarship regarding the armed forces overlooks or omits violence committed against women and the LGBTQ+ community within the services. Some feel that such a study may bring discredit upon the Armed Forces, while others viewed it as an unpatriotic endeavor that aims to destroy the constructed image of the noble warrior. This study aims to examine an often-neglected part of military history.

³ Lindsay Stark and Michael Wessells, "Sexual Violence as a Weapon of War," *JAMA The Journal of the American Medical Association* 308, no. 7 (1996): 677-8.

⁴ Manjoo and McRaith, "Gender-Based Violence," 11.

One of the areas in which this commonly occurs is in the United States Armed Forces. The rise of gender-based violence in the US military is nothing more than the reaction to challenges to its established patriarchy. Changes in the roles that women play in the military today place them in closer contact with the opposite sex than in previous times. These work and social environments situate women with some men who hold archaic belief regarding gender roles. Some men believe that, women are only for men to dominate and they do not belong in the military. Sexual violence is one of the expressions of this extreme ideology.⁵

Sexual assaults and other gender related issues continue to cause problems for the criminal justice system of the United States armed forces; which deals with sexual assault in a different manner than the non-military community. In recent years the, the Department of Defense received heavy criticism for the way it dealt with sexual assault. Despite the scrutiny, sexual assault remains problematic. According to Defense Department's Directive 6495.01, The Sexual Assault Prevention and Response (SAPR) program, founded in 2004, defined sexual assault as:

Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.⁶

Army Regulation 600-20 chapter 4-15 also prohibits any relationship between all permanent party personnel and initial entry training trainees beyond training mission

⁵ "World Report on Violence and Health" (Geneva: World Health Organization, 2002), 149, https://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf

⁶ Sexual Harassment/Assault Response and Prevention, *What is Sexual Assault?* http://www.sexualassault.army.mil/what_is_sexual.aspx

requirements. The military considers any sexual relationship between a non-trainee servicemember and a trainee as nonconsensual due to the power differential.⁷ SAPR also found that prior to the 1990's; documentation of sexual assault was virtually non-existent. One of the oldest known cases involving sexual assault in the military happened during the Vietnam War, the details of this case are unknown.⁸ Very little academic research exists concerning sexual assault of military women in Vietnam. Despite the continual growth of scholarship on rape of US servicemembers, only a few studies and analysis exist related to the Vietnam era.⁹ From 1965 to 1973, the US Army conducted court martial proceeding for eighty-six rape related cases, which resulted in fifty convictions.¹⁰ Most of the sexual assaults cases prosecuted dealt with those perpetrated against civilian women. However, a further analysis of indicated that many female Vietnam veterans did not report their attacks. Veterans Administration surveys disclosed that twenty-nine percent of the women who served during the Vietnam era reported sexual assault.¹¹

The military, like other patriarchal institutions around the world places strong emphasis on loyalty, duty, respect, leadership, solidarity, and emotional control. The masculine ideals promoted by the services encourage attitudes of domination,

⁷ Department of Army, Army Regulation 600-20: Army Command Policy, (Arlington, VA,; Department of the Army), 26.

⁸ Danielle Christenson, *Chain of Command: The Barriers of Reporting Sexual Assault in the Military* (Thesis, Bridgewater State University, 2014).

⁹ Gina Marie Weaver, *Ideologies of Forgetting Rape in the Vietnam War* (Albany: State University of New York Press, 2010).

¹⁰ Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975), 98-99.

¹¹ Anne G. Sadler, Brenda M. Booth, Deanna Nielson, and Bradley N. Doebbeling, "Health-Related Consequences of Physical and Sexual Violence: Women in the Military," *Obstetrics and Gynecology* 96, no. 3 (2000): 474.

aggressiveness, self-reliance, and thrill-seeking.¹² The long history of peer group bonding in male-only environments promotes hyper-masculinity, which bases interactions on competition, dominance, and control.¹³ The power disparity between the sexes in the military, that arises from its male-dominated culture and leadership, significantly influences sexual misconduct.¹⁴ There is a link between gender based violence and the long-established beliefs regarding masculinity and the negative attitudes towards femininity.¹⁵ Additionally, homophobia within the armed forces increases the likelihood of gender based violence. The stigma associated with the label “homosexual” serves as a means of power and control that often discourages victims, especially male, from reporting.¹⁶

Hyper-masculine men may perceive competent women and weak effeminate men as a threat, requiring them to regularly attest their manliness through language and actions that are sexual in nature. Some service-women mentioned that they felt scrutinized, resented and perceived as less capable than their male counterparts.¹⁷ The military establishment’s utilization of sexualized and gendered jargon when referring to new recruits, promotes psychological detachment and objectification.¹⁸

¹² Christensen, *Chain of Command*, 21.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Carl Andrew Castro, Sara Kintzle, Ashley C. Schuyler, Carrie L. Lucas, and Christopher H. Warner, “Sexual Assault in the Military.” *Current Psychiatry Report* (May 2015) 17:54. <http://cir.usc.edu/wp-content/uploads/2015/06/Sexual-Assault-in-the-Military.pdf>, (accessed April 24, 2019).

¹⁷ Ibid.

¹⁸ Ibid.

Women of the Armed Forces: A Brief History

The history of women in the US Armed Forces is one of a constant struggle for change against a resistant patriarchal culture. From the American Revolution to present day global conflicts, the women served in the military, as combat soldiers (sometimes disguised as men), spies, cooks, nurses and other supporting roles.

Although the official policies from American Revolution to the end of the Second World War prohibited or restricted women's service, it did not deter women who disguised themselves as men or fought alongside their spouses in battle. For example, during the American Revolution Deborah Sampson Gannett disguised herself as Robert Shurtlieff and served in the continental Army for seventeen months.¹⁹ The military discharged her after finding out her true sex.²⁰ Traditionally, the military remained a male dominated culture that generally excluded women from certain roles in the service of their country.

Different sources provide varying figures regarding the actual number, but somewhere between 33,000 and 49,500 women contributed to US military efforts in the First World War. One source estimated that approximately 33,000 service-women served with 20,000 of them part of the Army and Navy Nurse Corp.²¹ While another source states that the number female volunteers during the war reached about 49,500.²² More

¹⁹ Alfred F. Young, *Masquerade: The Life and Times of Deborah Sampson, Continental Soldier*. (Vintage, 2005), 4-5.

²⁰ *Ibid.*, 5.

²¹ Margaret C. Harrell, and Laura L. Miller. *New Opportunities for Military Women Effects Upon Readiness, Cohesion, and Morale*, (No. RAND-MR-896-OSD. RAND CORP SANTA MONICA CA), 1997, 1.

²² William B. Breuer and Fereydoun Hoveyda. *War and American Women: Heroism, Deeds, and Controversy*, (Greenwood Publishing Group, 1997), 11.

than 10,000 deployed outside of the continental United States and 400 died in the performance of their duties.²³

During the Second World War, more than 350,000 women at home and overseas served as nurses, pilots, administrators, mechanics, and other combat support roles.²⁴ During the course of the war, enemy forces captured eighty-eight women and held them as POWs (prisoners of war).²⁵ At the conclusion of the Second World War women pressured lawmakers, in spite of opposition, to officially integrate women into the military. On June 12, 1948, President Truman signed the Women's Armed Services Integration Act of 1948 into law, which applied to the entire armed forces.²⁶

Approximately 86,300 women served in the military during the Korean War. 500 deployed as nurses to the Korean theater of operation where they provided medical support on the ground and on hospital ships.²⁷

The number of service-women during the Vietnam War era (1962–1972) exceeded 7,000. Most of the volunteer women served as nurses throughout the branches of the armed forces.²⁸ At the close of the Vietnam War and the end of the conscription, the US military began transitioning into an all-volunteer force. As this change occurred,

²³ Rosemarie Skaine, *Women at War: Gender Issues of Americans in Combat*, (London: McFarland & Company, 2012), 66.

²⁴ Harrell and Miller, *New Opportunities*, 1.

²⁵ Elizabeth Scannell-Desch and Mary Ellen Doherty, *Nurses in War: Voices from Iraq and Afghanistan*, (Springer, 2012), 7.

²⁶ Harrell and Miller, 1.

²⁷ United States Department of Veterans Affairs, *Data on Korean War Veterans*, (United States Department of Veterans Affairs, 2000), 2.

²⁸ Ibid

military occupational options opened for women, such as entry in to military academies and skilled jobs. Some of the new military occupational skills open to women included communication technicians, truck drivers, military police and supporting roles that did not require front line duty.²⁹ Nevertheless, restrictions remained on combat missions. As weapons technology and approaches to warfare transformed in the latter part of the 20th century, the Pentagon concluded that gender became less relevant in combat.³⁰

Those who oppose women's participation in the military often contend that the average woman does not possess the physical strength required for battle; they often invoke that males generally possesses greater upper body strength. The exclusion of all women based on an average constitutes discrimination based on sex. For example, West Point graduate Major Lillian Pfluke, who consistently achieved the maximum on the Army physical fitness test and first-class score on the Marine Corps men's physical fitness test could not become an infantry officer. Gender and cultural norms in Iraq and Afghanistan restricted physical contact and interactions between males and females forced the US military assign women to direct combat units in order search civilians and homes.³¹

Lesbian, Gay, Bisexual, Transgender, Queer and others (LGBTQ+) of the Armed Forces: A Brief History

On March 11, 1778, at Valley Forge, PA, with the approval General George Washington, a Continental Army General Court Martial panel tried and convicted Lieutenant Gotthold

²⁹ John Cushman, "History of Women in Combat Still Being Written, Slowly," *New York Times* (Feb. 2012).

³⁰ Wood. "A History of Women in the US Military."

³¹ Mic Hunter. *Honor Betrayed: Sexual Abuse in America's Military*. (Barricade Books, 2007), 87-8.

Frederick Enslin of “attempting to commit sodomy,” with a male soldier identified as John Monhort and perjury. Three days after the legal proceedings Washington wrote his approval of the verdict “with Abhorrence and Detestation of such Infamous Crimes.”³² As a result of his conviction, Lieutenant Enslin became the first known member of the United States Armed Forces dishonorably discharged from the United States Armed for sodomy.³³

Since the American Revolution, documentation revealed that the Armed Forces of the United States prohibited sodomy, a punishable offense, but it did not address the issue of sexual orientation until the Articles of War of 1916. On March 1, 1917, this set of regulations intended to “address the incidence of sodomy within the military population went into effect.”³⁴ A revision to the Articles of War came soon after to make it clear as to what entailed engaging sodomy. In 1920, following the conclusion of the First World War, the Articles of War identified consensual sodomy as “criminal behavior” that carried the punishment of a jail sentence. Despite these policy revisions the military made no genuine effort to separate gay men from the service until Second World War.³⁵

In 1941, the Selective Service developed ways in which to identify and bar homosexual draftees from military service. In addition to excluding recruits found guilty of sodomy, the Selective Service refused to accept suspected homosexuals as well, based

³² United States Naval Institute, 2010.

³³ Randy Shilts, *Conduct Unbecoming: Gays and Lesbians in the US Military*. (New York: St. Martin’s Griffin, 2005), 11-12.

³⁴ National Defense Research Institute, *Sexual Orientation and US Military Personnel Policy: Options and Assessment* (1993), 3.

³⁵ Melissa Sheridan Embser-Herbert, *The US Military’s “Don’t Ask, Don’t Tell” Policy: A Reference Handbook*. (Westport, CT: Praeger, 2007), 5.

upon what it designated as “homosexual proclivities.” In their effort to identify recruits with “homosexual proclivities,” the selective service, “screened for feminine body characteristics, effeminacy in dress and manner and a patulous (expanded) rectum.”³⁶ In the following year, in 1942, a psychiatrist in the armed forces claimed that homosexuality was a “psychopathic personality disorder” that rendered them mentally unfit to meet the demands of combat.³⁷

The beginning of the United States’ involvement in the Second World War signified a sharp decline in number of court-martials of service members perceived as gay. Troop mobilization made military legal proceedings impractical, so service-members instead received a blue discharge (also known as a “blue ticket”) for suspected homosexuality.³⁸ Many blue discharge veterans faced discrimination when they applied for GI Bill benefits. A policy change in April 1945 directed Veterans Administration officials to consider “blue” discharges for homosexual acts or propensities as dishonorable.³⁹ The exact number of actual LGBTQ+ troops who received blue discharges from December 7, 1941 to June 30, 1945, remains unknown, however, a US Congressional House Report estimated that there were as many as 51,936 veterans.⁴⁰

In 1949, a directive issued by the Department of Defense (established in 1947 as the National Military Establishment) unambiguously banned gays and lesbians from

³⁶ William N. Eskridge, *Dishonorable Passions: Sodomy Laws in America, 1861-2003*, (Penguin Books 2008), 84.

³⁷ United States Naval Institute, 2010.

³⁸ Allen Bérubé, *Coming Out Under Fire: The History of Gay Men and Women in World War Two*, (New York, NY: The Free Press, 1990), 132.

³⁹ Bérubé, *Coming Out Under Fire*, 228.

⁴⁰ *Ibid*, 232.

serving in the United States Armed forces. The Defense Department order stated, “Homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Forces in any capacity, and prompt separation of known homosexuals from the Armed Forces is mandatory.”⁴¹ This order also emphasized the supposed inferior nature and alleged security risks associated with their service.⁴²

Article 125 of the uniform code of military justice defined sodomy as, “unnatural copulation with another person of the same or opposite sex.” According to military regulation, sodomy did not necessarily equate to homosexuality and the rules applied to heterosexual as well. Initially, the military rule regarding homosexuality focused exclusively on men; however, as women entered the services in more significant numbers, the policies expanded to include lesbians.⁴³

The armed forces continued its anti-homosexuality policy in November 1972, with Army Regulation 635-200, which established guidelines for commanding officers to discharge enlisted “homosexual acts.” In 1981, Defense Directive 1332.14 unequivocally asserted that “homosexuality is incompatible with military service;” which made it mandatory to discharge troops who “engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act.”⁴⁴

The exclusion of women, masculinity, and the authoritarian command structure created a setting favorable to gender-based violence. The absence of women in certain

⁴¹ Nathaniel Frank, *Unfriendly Fire: How the Gay Ban Undermines the Military and Weakens America* (Macmillan, 2009), 9.

⁴² Bérubé, *Coming Out Under Fire*, 261.

⁴³ Embser-Herbert, *The US Military's “Don’t Ask, Don’t Tell” Policy*, 4-5.

⁴⁴ United States Naval Institute.

areas of the military produced an environment that fostered negative stereotypes and prejudices regarding women; giving rise to erroneous assumptions of masculine superiority and feminine inferiority. Some service-members embraced the ideology of female inferiority; which devalues and objectifies women.

Chapter 2: Historiography: Gendered Violence in Literature

Gender-based violence transcends demographic boundaries; this social problem is a byproduct of hyper-masculine environments that associates femininity with weakness and inferiority. The US military and other militaries around the world employ it as a weapon of war. This work intends to identify the significant scholarship from various academic disciplines, which contribute to this subject, its historiography, the methodologies, and the influences of major historiographical changes. The analysis of secondary sources in this work seeks to explain the views the authors promote, their contributions, use of evidence, interpretations, the influence of the changes in the study of history, socio-economic-political and technological factors. This examination pursues an understanding of the motivations for interpretation, comparisons in methodologies, and the central themes. The historiographical aspect intends to analyze works related to masculinity and violence directed against a person based on gender along with the main arguments in the armed services.

The inflicting of physical, sexual or psychological harm or suffering based on gender or gender roles are forms of deviance. Susan Caffrey and Gary Mundy's *The Sociology of Crime and Deviance: Selected Issues* (1995) is an inter-disciplinary work that places emphasis on subject matters associated with the sociology of crime and deviance. The authors produced their work in the 1990s at the dawn of the third wave of feminism, which challenged the paradigm of the second wave and tended to interpret gender and sexuality from a post-structuralist perspective. They divide their compilation into four comprehensive sections. The areas included in their research are: social construction of crime and the production and reproduction of criminal statistics; crime

and gender, with attention to women as offenders and victims; a critical examination of the criminal justice system, particularly police methods and courtroom procedures; and the place of the mass media in the social construction of crime and deviance.⁴⁵ The authors provide clarifications for the distinction regarding ethnicity, gender, and age; the media's role in depicting criminal and deviant behavior in a multitude of ways; the problems that occur when applying statistics in any assessment of crime; the criminal justice system's institutional structure and processing of offenders from their preliminary arrest to the subsequent punishment it delivers.

The authors employ a realist criminology methodology; which emerged in the 1980s as a distinct approach to studying crime. Caffrey and Mundy builds upon the secondary source *Rethinking Criminology: The Realist Debate* by Jock Young and Roger Matthews, which explained this concept in "Ten Points of Realism."⁴⁶

Through their work, Caffrey and Mundy contribute to the discussion of gender-based violence in the military by providing a prolific study that provides insight on the crime and deviant tendencies found among human beings which includes members of the armed forces. The identification of criminal characteristics may assist researchers in developing various perspectives on the different gender-based violent crimes committed by service-members. The context of this book specifically states different influences directly involve gender-based violence such as sexual violence, moral panic, masculinity, femininity and many others. The book is an excellent source of information regarding crime and deviance. While this is primarily a historical work, I intend to add to Caffrey

⁴⁵ Susan Caffrey and Gary Mundy. *The Sociology of Crime and Deviance: Selected Issues*, (Greenwich University Press, 1995) ix-x.

⁴⁶ Ibid.

and Mundy's work by including from sociological, criminal justice, political science and psychological stand point that focuses on the United States Armed forces.

Accounting for Rape is a work by Irina Anderson and Kathy Doherty that examines perceptions regarding sexual assault is. In this work, Anderson and Doherty present an innovative perspective on the issue of rape, centering on female and male sexual violence.⁴⁷ The authors explore common views concerning rape, victim-blaming and the normalization of sexual assault in discussions about sexual violence. They integrate interdisciplinary, broad psychology, social psychology, and feminist perspectives in their methodology in order to understand how the definition of rape and rape victimhood reflect the socioeconomic and political conditions of the society. Anderson and Doherty utilize mainly a third wave and post-feminist-approach in the development of this work.

Anderson and Doherty argue that the cultural constructions of hegemonic gender and heterosexuality and the supportive practices in institutional and mundane settings fuel and legitimize sexual assault. Sexual violence is a commonplace experience and is a means for the maintenance of patriarchy. The authors contend that it is important to examine the social response to sexual violence within the context where rape claims rarely receive a clear, supportive and positive response. They support their argument using quantitative data obtained from interviews. Their discussion of the attitudinal characteristic of the observer exposes views and beliefs on gender roles, stereotypes and

⁴⁷ Irina Anderson and Kathy Doherty *Accounting for Rape: Psychology, Feminism and Discourse Analysis in the Study of Sexual Violence*. (Routledge 2008), i.

rape myths. One of the weaknesses of this work is that it fails to discuss societal attitudes to the rape of transgendered people.

Anderson and Doherty realized that previous social psychological research failed to analyze the political significance of rape supportive reasoning, which is the cognitive excusing, tolerating, or even condoning sexual assault and rape. The authors analyze and examine conversational data to produce a work that critically interrogates prevailing theories and methodologies. They collected their data from individuals and institutions that include Amnesty International, New Directions in Attributions Research, Male Victims of Sexual Assault, American Medical Association, Journal of Language and Social Psychology, and others. The incorporated qualitative data attained from interviews and previous research to support their argument is one of the many strong points of this work.

Accounting for Rape: Psychology, Feminism and Discourse Analysis in the Study of Sexual Violence contributes to the discussion of gender-based violence in the military by investigating rape and sexual violence, which also occurs in the military. It provides a critical cross-examination of prevalent theories and methodologies, and a thought-provoking evaluation of conversational data. It explores everyday accounting practices in regard to reports of female and male rape. The authors bring together discursive psychology and a feminist standpoint in order to explore how the definition of rape and rape victimhood reflects the social, political, and cultural conditions of society.

In *Honor Betrayed*, Dr. Mic Hunter moves past the headlines to reveal the reality of sexual abuse in the military. The military cultural indoctrination turned trainees into followers who did not question orders. *Honor Betrayed* explains the realities of the

intimidating, hyper-masculine, dehumanizing setting that our young men and women face within the armed forces. Women and gay men are the most vulnerable to sexual abuse in the military. His work includes first-person narratives from US servicewomen and men sexually abused by fellow comrades, which included a woman's case that reached the US Supreme Court. Hunter also investigates the implicit toleration of these incidents within the services and the prisoner abuse scandal by US troops in Iraq. My work builds on Hunter's work, examining the unwillingness to change the patriarchal culture that produced sexualized violence.

Hunter argues sexual abuse occurs far too often in the United States Armed Forces; its existence within the ranks and greatly compromises the effectiveness and efficiency of the military. He points out that this behavior is contrary to good order and discipline and brings discredit upon the services. Additionally, this adversely affects mission readiness by creating an unsafe environment that hinders the military's ability to acquire and retain quality personnel. Military leaders must adequately address this issue to reduce the number of victims, emotional suffering and financial expenses related to a criminal investigation, trials, punishment, and disability claims due to sexual abuse. He supports his arguments through interviews with victims and documents from the United States Department of Defense.

His work builds on Brian Mitchell's *Women in the Military: Flirting with Disaster* which addresses major military sex scandal during the 1990s. The author obtained his primary source documents and statistical sources from the Psychiatric Clinics of North America, Medical Review of Reviews, Archives of Sexual Behavior, British Journal of Sociology, Journal of Personality and Social Psychology, Monitor of

Psychology, US Department of Defense Task Force on Domestic Violence, US Department of Defense, and many others.

Hunter comments on the fact that in the past, the military rarely mentioned sexual abuse. For example, the highest-ranking woman ever to serve in the US Armed Forces, Major General Jeanne Holm does not touch this topic in her 544 page book on *Women in the Military: An Unfinished Revolution*, nor does Tommy Franks' book, *The American Soldier*.⁴⁸

Honor Betrayed contributes to the discussion of gender-based violence in the military by addressing sexual harassment and sexual abuse within the ranks. Hunter discusses in depth every characteristic and facet of sexual abuse/violence in the armed forces, primarily the United States Army. He also goes into further complexities that show evidence of the harmful psychological abuse one has when sexual abuse occurs. He also points out that there are massive flaws amongst the armed forces in properly educating service members on how to report sexual abuse.

In focusing on the military Sara Zeigler and Gregory Gunderson's *Moving Beyond G.I. Jane* constructs a necessary contribution to the standing literature on the ever-expanding role of women in the United States Armed Forces. The authors offer meticulous investigations of contemporary discussions over the opening of combat roles to women and the appropriate way to deal with sexual harassment within the ranks. The monograph incorporates tangible recommendations concerning the way the military should handle these major personnel problems. Their survey of Reserve Officer Training

⁴⁸ Mic Hunter, *Honor Betrayed: Sexual Abuse in America's Military*. (Barricade Books, 2007), vi-vii.

Corps (ROTC) cadets provided additional data on the attitudes of future leaders. It revealed that nearly sixty percent of the cadets they surveyed believed that military should allow women to volunteer for direct combat positions, whereas forty-one percent objected. The book also pinpoints critical approaches in which female service-members can increase efficiency as the forces adapt to its new role in the twenty-first century.

Zeigler and Gunderson argue that the main obstacle to transitioning to a postmodern military to meet the mission requirements by a postmodern world is one of attitude. The postmodern military refers to armed forces in the years after the Cold War. The women pioneering the efforts to build a postmodern (post-Cold War era) military must overcome the barriers in their minds and in the minds of the men with whom they serve. In this endeavor, they need to prove their merit while at the same time overcoming hostilities from those who should befriend and support them. The authors made strong arguments through their use of the survey results. For example, they state that forty-nine percent of all respondents thought that the military should bar women from infantry positions.⁴⁹

The authors' failure to mention the women warriors of the Battle of Nasiriyah, other than Jessica Lynch, is a weakness. Zeigler and Gunderson do not discuss Private First Class (posthumously promoted to Specialist) Lori Piestewa or Specialist Shoshana Johnson and their responses in combat. The inclusion of this information would provide a more balanced picture of that event. On the other hand, the quantitative data presented from surveys given to service-members and ROTC cadets on the topic of permitting women to serve in combat arms units yielded valuable information. The authors also

⁴⁹ Sara Zeigler and Gregory Gunderson's *Moving Beyond G.I. Jane: Women and the US Military*. (University of America Press, 2005), 23.

include the questions asked in the survey to ROTC students. Additionally, Zeigler and Gunderson identified the problem areas and provide recommendations for addressing them.

Moving Beyond G.I. Jane: Women in the US Military contributed to the understanding of the patriarchal system by offering an analysis of the role of women in the history of the US military. It covers the history of the debate of opening more military specialties to women and integrating them into combat. The authors explain that women trailblazers in traditionally male-only field encountered resistance in the form of gender-based violence. This work also includes the history of the contribution of women in militaries around the world. Zeigler and Gunderson provide the reader with numerous examples of arguments presented in the past in opposition to integrating combat arms units along with quantitative statistical data. For example, some leaders argued that gender integration in combat units could potentially reduce their effectiveness due the male instinct to protect women; however, the authors point out that in Iraq and Afghanistan when enemy forces engaged gender-integrated units, this did not occur. Zeigler and Gunderson's book represents an excellent source of information on the history of the role of women in the Armed Forces. My work addresses gendered violence against women and LGBTQ+ service-members as well, it identifies toxic masculinity as the common cause for the violence and discrimination directed at women and LGBTQ+ troops.

Masculinities and Violence is part of *Research on Men and Masculinities* series, which examines the association between men and violence. In this work, Lee H. Bowker chose essays that identify the reasons and backgrounds of masculine aggression. The

three essays that comprise Part I outlines the means through which men come to know violence and put it into practice. Part II concentrations on the types of abuse men inflict upon women and children. Part III draws attention to violence perpetrated by men on men. Finally, Part IV studies organizational violence and men. It is necessary to comprehend the nexus of masculinities-violence is critically significant to discovering methods to lessen the masculine propensity to violent behavior. This insightful work is a valuable source of information for all those studying gender roles, men's studies, and relational violence.

Bowker's "On the Difficulty of Eradicating Masculine Violence" argues that individuals, institutions, and programs generally fall short in doing away with masculine violence because their efforts mainly focus on a single area, although masculine violence's roots lie within in a multilayered system, social, cultural, personality, biological and economic. Masculine violence is overdetermined rather than merely caused. One systemic intervention may be useful within the system on the area in which they focus, but they cannot suppress it since its roots rest on multi-systems. Part III of this work contains an article by James W. Messerschmidt that points out that white supremacy rests on the domination of white masculinity over the masculinity of people of color. Messerschmidt identifies lynching as an expression of white masculinity to maintain dominance. In this article, Messerschmidt argues that "white masculinity is inextricably tied to race."⁵⁰

This work incorporates and builds on the previous volumes that comprise the *Research on Men and Masculinity* series especially Steve Craig's *Men, Masculinity, and*

⁵⁰ James W. Messerschmidt, "Men Victimized Men: The Case of Lynching," *Masculinities and Violence*, (Sage Publications 1998), 147.

the Media. My analysis examines how the military's unique brand of "toxic masculinity" influenced gendered violence within its ranks, whereas Bowker focused primarily on civilians.

Masculinities and Violence contributes to the discussion of gender-based violence by explaining the association between the attitude of manliness and its influence on aggressive behavior. It explains how social construction originated and evolved along with society. This work includes writing that discuss how masculinity traces its origins to patriarchal societies of the past. Bowker's volume also looks at how masculinity influences violence in politics, military, and other areas of society. One example found in the article by James Messersmidt speaks about hegemonic and subordinated masculinities and their relationship to men on men and racial aggression.⁵¹ Another example located in part two, chapter four mentions the correlation between domestic violence and woman's economic dependency on a man. In many cases, but not all, men victimizing women and men victimizing men in the armed forces and the rest of society results from the influences of masculinity. Overall, this volume contains valuable information for anyone researching the history of masculinity's influence on gender-based violence in the armed forces.

Bowker's work contends that the critical study of men and masculinity transcends any national border, ethnic group, or identity politics. The sociology of masculinity now draws on a highly pluralistic scholarship, and consequently, benefits from vast and diverse audience.

⁵¹ Ibid, 125-149.

The Masculinities Reader by Stephen M. Whitehead and Frank J. Barrett offers a wide-ranging, unobstructed and comprehensive presentation to the fundamental debates on the study of masculinity. In an organized and understandable format, the book makes a wide range of topics available in a single volume that include male authority, patriarchy, sexualities, hegemonic masculinity, violence, families, media, and postmodernism. The introductory chapter of this source probes into masculinity in crisis, concepts of identity, and post-feminism. By acknowledging the universal viewpoints of gender change, this work extracts from various studies around the world. Whitehead and Barrett produced this work in the early 2000s and reflected the third wave feminist influence, such as the social construction of gender.⁵² This work provides important information for both researchers and students examining men and masculinities.

The Masculinities Reader adds to the discussion of gender-based violence in the military by compiling various writings that present qualitative and quantitative data collected by researchers around the world. The articles incorporated included a US Navy study as part of this international collection. The military is a hyper-masculine society that stress's power and domination while at the same looking down on weakness and subjugation; which it associates with femininity. This work provides and multicultural perspective greatly assists in understanding that gender-based violence in the military and other societies is simple an expression of masculinity.

Scholarly works related to gender based violence in the United States armed forces are primarily from a psychological, sociological, anthropological, and

⁵² Stephen M. Whitehead and Frank J. Barrett. *The Masculinity Reader* (Polity press 2001), 35.

criminological perspective. This shortage of historical works forced many researchers to heavily rely on the efforts of these academic fields. In many cases, written works generally exhibit characteristic a period of history. For example, literature from the 1960-70s reflects the second wave of feminism that tended to express the white middle-class woman's point of view. In addition to this, patriotic attitudes that may discourage the production of works that chronicle gender-based violence in the armed forces. The academic definition of what constitutes the past causes researchers to depend heavily upon non-historical works. Scholarship in the future will exhibit influences from the emerging fourth wave or post-feminist interpretation and an interdisciplinary perspective.

This manuscript utilizes data from sociological, political science, psychological, and historical resources to produce a work of history of that analyzes the struggles of women and the LGBTQ+ members of the armed forces from the latter years of the cold war to 2010 as the same. A vast majority of the history writings of the Armed Forces neglect to discuss gendered violence in the armed forces. In this work, I illustrate how military's resistance to change and unwillingness to part with its patriarchal culture in the late twentieth and early twenty-first century is fueled by an extreme aspect of "hegemonic masculinity" which is often referred to as "toxic masculinity." The concept identified as "toxic masculinity" relates to the hostile expression beliefs, norms, and behaviors associated with masculinity, that are physically and psychologically harmful to women, men, children, and the overall society.⁵³

⁵³ Bryant W. Sculos, "Who's Afraid of 'Toxic Masculinity'?", *Class, Race and Corporate Power*, 2017, Vol. 5 : Issue 3 , Article 6, 2, <https://digitalcommons.fiu.edu/cgi/viewcontent.cgi?article=1108&context=classracecorporatpower> (Accessed February 17, 2019).

Chapter 3. Post-Cold War Conflicts, Policy Changes, and Gendered Violence 1989-1995

At the conclusion of the Cold War, the United States Armed Forces emerged as an institution drastically different from the one that emerged from the defeat in Vietnam. The military rebuilt itself as an all-volunteer force that employed new doctrines to meet the needs of modern warfare in any region of the world. In 1990, the military was smaller, highly trained and prepared to engage in an intense war against the best fighting forces in the world. The collapse of the Soviet Union and the dissolution of the Warsaw Pact caused some to question the need for a powerful military. Many American politicians wanted to reduce the number of active duty service-members. Some Americans thought that the peace following the Soviet collapse negated the need for a large military establishment; however, events unfolding in the early 1990s challenged the practicality of force reduction.⁵⁴

Operation Just Cause: A Woman Leading US Troops into Combat

In the early 1980s, Panamanian dictator Manuel Noriega supported efforts by the US to contain and overthrow communism in Central America. Noriega's backing won him praise from the White House, despite the 1983 Senate committee's findings that Panama served as a major hub for drug trafficking. In 1984, Noriega interfered with the Panamanian presidential election to insure the victory of his puppet candidate, Nicolás Ardito Barletta. Despite Noriega's undemocratic activities, the Reagan administration

⁵⁴ Center of Military History United States Army, *War in the Persian Gulf Operations Desert Shield and Desert Storm August 1990–March 1991* http://www.history.army.mil/html/books/070/70-117-1/CMH_70-117-1.pdf

continued to support him as a valuable ally in the US president's efforts to remove the communist Sandinista government in Nicaragua.⁵⁵

In 1986, allegations surfaced regarding Noriega's past activities that involved drug trafficking and money-laundering, while working with the CIA. Furthermore, reports also exposed Noriega as a double agent, who surreptitiously worked for the Sandinistas and Cuban intelligence. Two years later, the US government severed its ties with Noriega, and federal grand juries in Tampa and Miami indicted him on charges of drug-smuggling and money-laundering.⁵⁶

In 1988, the Department of Defense established the guiding principles for all the branches of the armed forces to utilize when classifying military occupational specialties and organizational units as male only, known as the "Risk Rules." These guidelines excluded women from specific support units and locations on the battlefield if the possibility of exposure to direct combat, enemy fire, or capture equated to or exceeded the hazards encountered by related combat units in the same theater of operations.⁵⁷ In essence this policy barred females from certain military jobs, units and locations during combat operations.

As tensions between the Panamanian Defense Forces and US military and civilian personnel increased in the Panama Canal Zone, Noriega nullified the results of the 1989 presidential election which projected Guillermo Endara as the winner. President George

⁵⁵ William Blum, *Killing Hope: US Military and CIA Interventions Since World War II*, (Zed Books, London 2003), 307.

⁵⁶ Philip Shenon and Special to the New York Times, "Noriega Indicted by US for Links to Illegal Drugs," *New York Times*, February 6, 1988. <https://www.nytimes.com/1988/02/06/world/Noriega-indicted-by-us-for-links-to-illegal-drugs.html> (accessed September 3, 2018)

⁵⁷ Judith Bellafaire, *Women in the United States Military: An Annotated Bibliography*, (1997).94-5

H. W. Bush deployed additional military forces to the Panama Canal Zone as the situation continued to escalate. On December 16, guards positioned at a PDF roadblock shot and killed an off-duty US Marine.⁵⁸ The following day, President Bush authorized the execution of “Operation Just Cause,” the US invasion of Panama to remove Manuel Noriega from power and bring him back to the United States to stand trial.⁵⁹

On December 20, 1989, the US invasion of Panama in the execution of Operation Just Cause (OJC), tested the implementation of the Risk Rule by the Direct Combat Probability Code. The additional US troops deployed from other installations to join the US military personnel already stationed in Panama. The OJC task force consisted of 18,400 US servicemembers, which included approximately 800 servicewomen (four percent of the total number of troops).⁶⁰ “The Risk Rule” also prohibited some women from functioning in certain specialist roles. For example, the Army replaced a female military intelligence analyst with expertise on Panama with a male who possessed no knowledge of the area, due to concerns of her exposure to direct combat. Replacing a highly qualified person in a critical position with someone less experienced during a deployment into a hostile situation defies common sense. In this situation adherence to

⁵⁸ Kenneth Freed, "Some Blame Rogue Band of Marines for Picking Fight, Spurring Panama Invasion". *Los Angeles Times*. December 22, 1990.

⁵⁹ "Fighting in Panama: The President; A Transcript of Bush's Address on the Decision to Use Force in Panama". *The New York Times*. Federal News Service. December 21, 1989. <https://www.nytimes.com/1989/12/21/world/fighting-panama-president-transcript-bush-s-address-decision-use-force-panama.html> (accessed July 11, 2017).

⁶⁰ Charles C. Moskos, “Army Women,” *The Atlantic*, August 1990 (Accessed August 3, 2018)

the “Risk Rule” resulted in the poor utilization of human resources that potentially placed both the mission and military personnel at risk.⁶¹

US military forces swiftly defeated Noriega’s Panamanian Defense Forces (PDF). In approximately four days, the United States military gained control of a large portion of the country and forced Noriega to request sanctuary at the Vatican embassy in Panama City. The US military installed Guillermo Endara as the new Panamanian president. After assuming office, Endara directed the PDF to disband.⁶² On January 3, 1990, Noriega surrendered, and US Drug Enforcement agents arrested him.⁶³

In the effort to topple the Noriega regime, twenty-three US servicemembers, three US civilians, an estimated 150 PDF soldiers, and approximately 500 Panamanian noncombatants lost their lives. The Organization of American States and the European Parliament made an official condemnation of the invasion as a blatant breach of international law.⁶⁴

In 1992, a US jury found Noriega guilty of drug trafficking, racketeering, and money laundering, marking the first time in history that the US legal system convicted a foreign head of state of criminal charges. Noriega received a sentence of forty years in a

⁶¹ Mic Hunter. *Honor Betrayed: Sexual Abuse in America’s Military*. (Barricade Books, 2007), 112

⁶² Ronald H. Cole. “Grenada, Panama, and Haiti: Joint Operational Reform,” Office of the Chairman of the Joint Chiefs of Staff, 59-61.

⁶³ Frederick Kempe, *Divorcing the Dictator: America’s Bungled Affair with Noriega*, (London, UK: I.B. Tauris. 1990), 23–26; Gilboa, Eytan. "The Panama Invasion Revisited: Lessons for the Use of Force in the Post Cold War Era". *Political Science Quarterly*. 110 (4): 539.

⁶⁴ Michael R. Gordon, “Noriega’s Surrender: Army; For First Time, a Woman Leads G.I.’s in Combat,” *New York Times*, January 4, 1990.

US federal prison. Years later, after extradition and incarceration in Panama, Noriega died on May 29, 2017, at hospital in Panama City.⁶⁵

Service women from every branch of the armed forces contributed to OJC in Panama. For example, army and air force women served as military police, helicopter pilots, truck drivers, supply specialist, navigators, load planners and flight engineers, while others received assignments to the army Signal Corps or Military Intelligence (MI) units. Despite rules excluding them from combat, women encountered small arms and mortar fire from Panamanian Defense Forces as they transported personnel and supplies by land and air into heavily defended areas. Two female Blackhawk helicopter pilot earned the Air Medal for successfully transporting troops under enemy fire, however, the actions of Army Capt. Linda Bray in Panama became the central point in congressional debates regarding the ineffectiveness of the “Risk Rules” and the future of women in combat.

US Army Cpt. Linda Bray of the 988th Military Police Company led approximately thirty to forty five soldiers in an armed confrontation with a Panamanian special operations unit situated at a military installation comprised of barracks and a dog kennel. Cpt. Bray received orders to lead troops under her command to take control of an enemy compound used to house PDF military dogs. When opposition forces refused to surrender the location, a firefight erupted; Troops under Bray’s command killed three enemy combatants, captured one and forced the withdrawal of those remaining, with no

⁶⁵ Randal C. Archibold, “Manuel Noriega, Dictator Ousted by US in Panama, Dies at 83,” *New York Times*, May 30, 2017. <https://www.nytimes.com/2017/5/30/world/americas/manuael-antonio-noriega-dead-panama.html> (Accessed September 3, 2018)

US casualties. At the conclusion of the encounter Bray and her soldiers discovered a stockpile of grenades, assault rifles, and ammunition.⁶⁶

Bray's valor received national attention in the news media and created huge controversy. Marlin Fitzwater, the spokesman for then-President George H.W. Bush described Bray as heroic. In spite her mission success, Cpt. Bray did not receive the same recognition for her combat actions as her male counterparts, on the contrary, she drew criticism from both military and civilian authorities. Senior-ranking officer and top officials at the Pentagon responded in a less enthusiastic manner, some even alleged that Bray embellished the accounts of the events related to the combat victory over an elite Panamanian Defense Force unit.⁶⁷

In her explanation of the reaction of her senior leadership, Bray stated, "the responses of my superior officers were very degrading, like, what were you doing there? A lot of people couldn't believe what I had done, or did not want to believe it. Some of them were making excuses, saying that maybe this really didn't happen the way it came out."⁶⁸ The army also conducted an investigation of Bray in regard to allegations of illegal activities. Panamanian officials accused Bray and her troops of unlawfully

⁶⁶ Michael Biesecker, "First Woman to Lead GIs in Combat — and Look at the Thanks She Got," *Seattle Times*, January 25, 2013. <https://www.seattletimes.com/nation-world/first-woman-to-lead-gis-in-combat-8212-and-look-at-the-thanks-she-got/> (accessed July 22, 2018); Michael R. Gordon, Noriega's Surrender: Army; For First Time, a Woman Leads G.I.'s in Combat, *New York Times*, January 4, 1990, <https://www.nytimes.com/1990/01/04/world/noriega-s-surrender-army-for-first-time-a-woman-leads-gi-s-in-combat.html> (Accessed July 22, 2018).

⁶⁷ Michael Biesecker, "First Woman."

⁶⁸ Ibid.

destroying government and personal property. An army inquiry eventually cleared Bray and her soldiers of any misconduct.⁶⁹

The army restrictions on military occupational specialties (MOS) and assignments made Bray and other female soldiers, who engaged enemy forces in ground contact during the Panamanian invasion ineligible for the Combat Infantryman Badge (CIB) award. Army regulations restricted eligibility for the CIB to only infantrymen assigned to an Infantry, Rangers or Special Forces brigades or smaller units, holding the rank of colonel or below, who engaged in active ground combat. Women could not receive the CIB because army policies excluded her from any infantry career fields and unit assignments. The army presented Bray with the Army Commendation Medal for Valor, however, this award only recognized her accomplishments in a non-combat capacity. In 1991, Cpt. Bray resigned her commission and received a medical discharge after she sustained an injury during training. She served a total of eight years on active duty.⁷⁰ Her leadership on the battlefield paved the way for the women who came after her.

In the US Congress, a fierce debate erupted as lawmaker attempted to explain how Bray and other women ended up engaged in ground combat. Rep. Patricia Schroeder, D-Colo, introduced legislation to repeal the law that prohibited women from serving in positions that may involve direct combat. She mentioned Cpt. Bray's actions as evidence to reinforce her argument.⁷¹ In spite of living proof to the contrary, top generals single-mindedly claimed that women lacked the capacity to endure the physical

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

demands of combat. In his statements before the Senate Armed Services Committee, Gen. M.R. Thurman, then the commander of the US Southern Command, testified, “The routine carrying of a 120-pound rucksack day in and day out on the nexus of battle between infantrymen is that which is to be avoided and that’s what the current Army policy does.”⁷² The military top brass successfully persuaded lawmakers to oppose Schroeder’s bill and as a result the ban on women participating in combat remained the official policy.⁷³ Despite the efforts of Rep. Schroeder and the document evidence of actions of Cpt. Bray and the other service-women during Operation Just Cause the ban of women in direct combat remained law, however, several months later, Operation Desert Shield/Storm exposed the ineffectiveness of the “Risk Rules” in keeping women out of harm’s way.

Operation Desert Shield/Storm

The role of women would further expand when on August 2, 1990, Iraqi Forces overran the defenses of its oil rich neighbor, Kuwait. The government of Iraq annexed and partitioned the small country, with one part falling under the provincial authority of Basra and the remaining becoming its nineteenth province. Additionally, there were fears that Saudi Arabia would suffer a similar fate.

The United States, an ally of Kuwait, vociferously denounced the annexation, which violated international law. A United Nations’ resolution declared that Iraq had to leave Kuwait by January 15, 1991. Shortly afterward, soldiers from multinational forces

⁷² Ibid.

⁷³ Ibid.

deployed to protect Saudi Arabia from a possible invasion and to prepare for military actions to liberate Kuwait.

Operation Desert Shield and Desert Storm served as one of the significant moments for military women. From August 1990 to February 1991, the United States Armed Forces deployed approximately 41,000 servicewomen to perform combat operations in Southwest Asia.⁷⁴ Desert Shield/Storm, at that time, became the largest deployment of American women in US history. Women comprised close to seven percent of the total military personnel, which included officer and enlisted ranks from active duty, National Guard and reserve units.⁷⁵ Operations Desert Shield/Desert Storm also exposed the inefficiencies of the “Risk-Rule,” as this policy failed to protect women from death or capture. During Desert Shield/Storm, thirteen women lost their lives and two became prisoners of war in the performance of their duties.⁷⁶

During the Persian Gulf War, Iraqi forces took twenty-three Americans troops as prisoners of war, amongst this group of detainees were two women. One of the female captives was Specialist Melissa Rathbun-Nealy, who enlisted in the US Army on September 1988. From September to November 1988, she conducted and completed her Initial Entry Training at Fort Dix, New Jersey. In February 1989, she finished her Advanced Individual Training as a heavy vehicle operator at Fort Leonard Wood, Missouri, and received orders assigning her to the 233rd Transportation Company at Fort

⁷⁴ Kirsten W. Culler, *The Decision to Allow Military Women into Combat Positions: A Study In Policy and Politics*, Naval Postgraduate School (June 2000), 31.

⁷⁵ Mady Weschler Segal, “Gender and Military,” (1999), J. S. Chafetz, *Handbook of the Sociology of Gender*, (New York: Kluwer Academic/Plenum Publishers, 2006), 573.

⁷⁶ Ibid.

Bliss, Texas. In October 1990, she deployed to Saudi Arabia in support of Operations Desert Shield/Storm.⁷⁷

On January 30, 1991, after mistakenly veering off the intended route, Rathbun-Nealy and another soldier ended up in the midst of a firefight near the Iraq border. Iraqi forces captured both of the vehicles occupants, thus making Rathbun-Nealy the first enlisted female Prisoner of War in the history of United States military.⁷⁸ Rathbun-Nealy's ordeal revealed that the restrictive policy that banned women from serving in combat units failed to safeguard them from direct encounters with enemy forces.

The other female taken prisoner during "Gulf War" was Major Rhonda Cornum, a Cornell University graduate with a doctorate in biochemistry and nutrition. She joined the United States Army and received her commission in 1978. Major Cornum graduated from the Uniformed Services University of the Health Sciences in 1986. She served with the 229th Attack Helicopter Regiment as a flight surgeon. On February 27, 1991, while on a search and rescue mission to locate the pilot of a downed F-16, enemy forces shot down the UH 60 Blackhawk helicopter carrying Cornum and other crew members. Five members of the crew died, while Cornum and two others survived. In the crash she fractured both arms, sustained a bullet wound to her right shoulder, along with other injuries. Trapped beneath the wreckage of the aircraft, she dug her way out, in spite of the pain.⁷⁹

⁷⁷ Reina Pennington and Robin D.S. Higham, *Amazons to Fighter Pilots: R-Z*, (Greenwood Press 2003), 354.

⁷⁸ William Hillius, *Assuming Rape: The Reproduction of Fear in American Military Female POWs*, (master's thesis University of Washington, 2012), 38-9; Rosemarie Skaine, *Power and Gender: Issues in Sexual Dominance and Harassment* (McFarland), Jan 1, 1996, 46-7.

⁷⁹ Cornum, Rhonda, and Peter Copeland. *She Went to War: The Rhonda Cornum Story*. Novato, CA: Presidio, 1992., 49-50.

Iraqi military forces in the area captured Major Cornum and the other survivors. Iraqi guards loaded Cornum and another US prisoner into a pickup truck to move them from underground shelter to a small prison. While in transport, one of the captors unzipped Cornum's flight suit, and as her assailant pulled her flight suit over her injured areas, she screamed in pain and sexually assaulted her. Using a blanket to conceal his inappropriate actions from his comrades, the guard kissed and fondled her breast. According to Cornum, the guards never raped beat or tortured her.⁸⁰

During her eight days of captivity, Major Cornum displayed a warrior's firm resolve to endure under extremely harsh conditions. Her survival evidenced that mental toughness has nothing do with sex or gender. The circumstance surrounding her capture revealed that the nature of military operation required women to perform their wartime mission near enemy forces, thus increasing chances of captivity.⁸¹

On March 5, 1991, approximately a week after the war concluded, the Iraqi government released Cornum, Nealy-Rathbun, and several other prisoners.⁸² Both women continued their military service after the war. In August 1992, the Department of the Army reassigned Nealy-Rathbun to Fort Hood, Texas, where she finished her active duty service on November 3, 1993. Afterwards she transferred to the US Army Reserve, where she received an honorable discharge on June 25, 1996.⁸³

⁸⁰ Ibid.

⁸¹ Ibid., 356-7

⁸² Fred L. Borch, *For Military Merit - Recipients of the Purple Heart*, (Annapolis, MD: Naval Institute Press, 2010), 81-83.

⁸³ Veteran Tributes, "Melissa Rathbun-Nealy," Veteran Tribute, <http://veterantributes.org/TributeDetail.php?recordID=1209>, (accessed April 10, 2019).

The POW experience of Cornum and Nealy- Rathbun set off an intense debate over the role of women in combat amongst citizens and elected officials. Lawmakers opposed to changing policies to allow women to serve in combat referenced to Major Cornum's experience as a war captive as proof of female vulnerability and that no male detainees reported experiencing sexual assault.⁸⁴ The arguments of those resisting the change severely weaken when examined from a historical perspective. Opponents of removing gender restrictions in combat totally disregarded the fact that these women survived POW captivity just as the “Angels of Bataan” (service-women taken prisoner by Japanese forces in the Philippines during the Second World War) and the tendency of male survivors not to report sexual assaults perpetrated against them.⁸⁵

Unfortunately, some of the service-women became war casualties of a different type.⁸⁶ Shortly after the conclusion of Desert Storm, twenty-four women reported that they experienced sexual assaults. One of the reported sexual assaults came from Spc. Jaqueline Ortiz, who served in the Army and deployed to Saudi Arabia during the Persian Gulf War, she was the only woman mechanic in her unit. According Ortiz she gathered her gear and reported to Sergeant Martinez’s tent. She explained to the Senate panel that while leaving the tent Martinez pushed her to the floor and forcibly sodomized her. She

⁸⁴ Kristy N. Kamarck, *Women in Combat: Issues for Congress*, (Congressional Research Service, 2013), 4-5.; Elaine Sciolino, “Female P.O.W. Is Abused, Kindling Debate,” *New York Times*, June 29, 1992.

⁸⁵ Elizabeth M. Norman, *We Band of Angels: The Untold Story of the American Women Trapped on Bataan*, (Random House, 2011), vii.; Hunter, 172.

⁸⁶ Women in Military History. Persian Gulf War
<http://chnm.gmu.edu/courses/rr/s01/cw/students/leeann/historyandcollections/collections/photopages/phespersgulf.html>

reported it to her male superiors, but they did not believe her.⁸⁷ Spec. Ortiz's case was just one of approximately twenty-four that occurred during this conflict.

The revelations of these sexual assaults ignited the debate over whether women should serve in combat.⁸⁸ Army officials, who were mostly men attempted to dispute the significance of the reports by comparing them to assaults in US cities of comparable size. Military officials did express in speeches and documents that the rapes were matters of utmost concern and that it would conduct investigations.

Changing the Rules on Women in Combat

On April 28, 1993, Secretary of Defense Les Aspin removed some of the restrictions from combat exclusion policy. These new changes permitted women to serve in just about any aviation role; however, the ban continued to apply to aviation units directly in ground and special operations combat. In 1994, the Department of Defense proclaimed, "Service members are eligible to be assigned to all positions for which they are qualified, except that women shall be excluded from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground."⁸⁹

The Combat Exclusion Policy remained in place for ground fighters and prevented the assignment of women to units according to the organization's immediacy to direct combat or "collocation."⁹⁰ Units with direct combat missions include Infantry,

⁸⁷ Melissa Healy. "Woman Reservist Tells of Sexual Assault: Military: The Gulf War Veteran, Testifying before a Senate Committee, Says Charges That Her Sergeant Forcibly Sodomized Her 'Fell Upon Deaf Ears.'" *Los Angeles Times* July 1, 1992.

⁸⁸ Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge University Press 1997), 100.

⁸⁹ Les Aspin, "Direct Ground Combat Definition and Assignment Rule" *Department of Defense* (January 13 1994), 1.

⁹⁰ Aspin, "Direct Ground Combat Definition and Assignment Rule," 2

Armor, Artillery, Rangers, or Special Forces. Collocation happens when, "the position or unit routinely physically locates and remains with a military unit assigned a doctrinal mission to routinely engage in direct combat."⁹¹ For example, highly qualified female medics could not serve in a medical unit within an infantry brigade due the proximity to direct combat and collocation.⁹²

Tailhook Incident

In Las Vegas, Nevada, from September 8- 12, 1991, the Tailhook Association held its 35th annual symposium.⁹³ The Tailhook Association describes itself as "independent, fraternal, nonprofit organization internationally recognized as the premier supporter of the aircraft carrier and other sea-based aviation."⁹⁴ Attendees often refer to it as a reunion.⁹⁵ These events included aviators from the Navy and the Marine Corps along with talks on other aviation related topics. The planners eventually decided on Las Vegas as the permanent location for the symposium.⁹⁶

The Tailhook sex scandal happened only months after the conclusion of Operation Desert Storm in which nearly 100 sexual assaults occurred. The third floor of the hotel aviation squadrons had over twenty designated suites, which the pilots utilized for social gatherings having fun and drinking alcohol.⁹⁷ Over course of the weekend,

⁹¹ Ibid.

⁹² Ibid.

⁹³ Christenson, *Chain of Command: The Barriers of Reporting Sexual Assault in the Military*, 21.

⁹⁴ Tailhook Association. (2013, December 21). About Us: <http://www.tailhook.net/>.

⁹⁵ Christenson, *Chain of Command: The Barriers of Reporting Sexual Assault in the Military*, 21.

⁹⁶ Ibid.

⁹⁷ Ibid.

those attending the symposium spent more than \$35,000 on alcohol.⁹⁸ With the consumption of alcohol, the behavior of some of the attendees began to descend into the criminal realm.⁹⁹

During the symposium there were various inappropriate acts committed. For example, some of the men formed what they called the gauntlet, which referred to an activity that occurs on the third floor with male aviators lining up on both sides of the wall waiting for women to walk by. As the ladies walked past the men groped, pinched, or grabbed them. Some of the women willfully participated and others did not.¹⁰⁰

Captain Ludwig declared that the most serious criminal offense occurred during the gauntlet, he received five separate assault claims from young women who were not even part of the Tailhook event. The women's complaint ranged from having drinks thrown on them to sexual molestation. The most disturbing thing about the gauntlet was when an inebriated under aged young woman had her cloths taken off by service-member.¹⁰¹

On September 7, 1991, Lieutenant Paula Coughlin unwittingly walked into the gauntlet after exiting the elevator. Three men seized her, groped her and removed her underwear. Lieutenant Coughlin managed to flee from her assailants. She reported the occurrence to her senior officer, Rear Admiral John B. Snyder, the following day. She went back to Rear Admiral Snyder after not receiving a response. She then sent a letter to

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Joslyn Ogden, "Tailhook '91 and the US Navy." *Case Studies in Ethics*, 7 (2009).

¹⁰¹ William H. McMichael, *The Mother of All Hooks: The Story of the U.S. Navy's Tailhook Scandal*, (Transaction Publishers New Brunswick, NJ and London, 1997), 50.

Snyder's superior Vice Admiral Dunleavy, who immediately ordered an investigation upon receiving her letter. An entire month elapsed between the time she made her initial complaint and the time the investigate months on commenced. Although other offenses occurred the gauntlet was by far the worst.¹⁰²

In 1992, 140 officers received punitive actions for their role in the Tailhook Incident. The military judicial system charged none of the officer with sexual assault. Lt. Coughlin's attackers had all charges dropped against them due to lack of evidence. The fact that the military justice system brought no charges against any of the officers served as an indication of the extent to which the masculine dominated culture influence justice. The Navy's lack of resolve to punish the Tailhook sexual predators clearly illustrated that the leadership did not perceive the seriousness of the offenses, this lack of action served only to embolden the perpetrators and provide them with the opportunities to commit future assaults. Additionally, this general breakdown of trust created a hostile work environment which adversely effected military readiness.

After a formal investigation of the incidents at the Tailhook symposium, Vice Admiral Dunleavy, Rear Admiral Flagg, and Rear Admiral Mixson received letters of censure for their inaction. Vice Admiral Dunleavy told the DoD Inspector General Davis that he knew of the criminal activities that went on in the Gauntlet, in addition to the prostitution, but did not act to prevent it.¹⁰³ Admiral Dunleavy's failure to take

¹⁰² Ogden, "Tailhook '91 and the US Navy," 8.

¹⁰³ Office of Inspector General, *The Tailhook Report: The Official Inquiry to the Events of Tailhook '91*, (Macmillan) December 2003, 92.

appropriate action created an environment that facilitated the sexual assaults and indicated a degree of tolerance on his part that put those attending the convention at risk.

The response that Lt. Coughlin received from Rear Admiral Snyder and the actions of the other admirals indicated that to some degree they approved of the criminal behavior at Tailhook Symposium through their silence or inaction. Snyder's failure to address Coughlin's concerns revealed that sexual harassment and sexual assault as a problem deeply seated in military culture.¹⁰⁴ The momentous leadership failure in addressing the Tailhook scandal indicates an acceptance of the rape/sexual assault culture.¹⁰⁵

The Murder of Allen Schindler

Allen Schindler, a gay sailor from Chicago Heights, Illinois, served on the amphibious assault ship USS Beale Wood in Nagasaki as a radioman. In the months of March-April 1992, Schindler made numerous complaints to his chain of command of homophobic harassment. Schindler reported that his fellow shipmates constantly subjected him to frequent unfriendly acts that included derogatory and threatening comments. For example on one occasion someone glued his wall locker shut.¹⁰⁶ In response to these hostilities, Schindler initiated separation from the Navy; however, his superiors directed him to continue on ship until the finalization of the process. Schindler complied with the orders in spite of the risk.

¹⁰⁴ Ogden, 8.

¹⁰⁵ Office of Inspector General, *The Tailhook Report: The Official Inquiry to the Events of Tailhook '91*, (Macmillan, 2003), 92.

¹⁰⁶ Stephen V. Sprinkle, *Unfinished Lives: Reviving the Memories of LGBTQ+Q Hate Crimes Victims*, (Eugene, OR: Resource Publications, 2011), 250.

After leaving San Diego for the destination of Sasebo, the USS Belleau Wood stopped at Pearl Harbor, Hawaii. While traveling to Japan, Schindler used secure lines to send prank message "2-Q-T-2-B-S-T-R-8" (too cute to be straight) that reached a large portion of the Pacific Fleet. Schindler received what is known as captain's mast (non-judicial hearing in Navy and Marine Corps) for the unauthorized radio transmission. He requested a closed hearing, but his chain of command ignored his request and more than two hundred people attended.¹⁰⁷ Schindler received a punishment which restricted him to the ship that lasted until a few weeks after arriving at Sasebo.

On October 27, 1992, Navy Airman Apprentice Terry M. Helvey and Navy Airman Charles Vins followed Schindler into a public toilet situated in a recreational area in Sasebo, Nagasaki, with criminal intentions. Without warning Helvet, viciously attacked the unsuspecting Schindler as he utilized the urinal in the facility. Helvey mercilessly stomped Schindler and inflicted fatal injuries to the victim's body (head and torso area) that left sneaker tread marks. Schindler sustained abrasions, contusions, and lacerations of the forehead, lungs, liver, eyes, nose, lips, neck, trachea, penis and other areas.¹⁰⁸ Helvey and Vins left Schindler on the restroom floor. The Shore Patrol and Keith Sims, who witnessed the attack moved Schindler's body to the Albuquerque Bridge.¹⁰⁹ Helvey's attack left Schindler so badly disfigured that his family could only identify him by a tattoo located on his arm.¹¹⁰

¹⁰⁷ Sprinkle, *Unfinished Lives: Reviving the Memories of LGBTQ+Q Hate Crimes Victims*, 250-1

¹⁰⁸ *Ibid.*, 259

¹⁰⁹ *Ibid.*, 259.

¹¹⁰ *Ibid.*, 261.

During the trial Helvey said, "I did not attack him because he was homosexual."¹¹¹ Navy investigator Kennon F. Pivette presented evidence from the interrogation which repudiated Helvey's claim. Privette told the court, "He said he hated homosexuals. He was disgusted by them."¹¹² In regards to killing Schindler, Privette cited Helvey as saying: "I don't regret it. I'd do it again. ... He deserved it."¹¹³ The original charge the prosecutors sought carried the death penalty, but, the court allowed Helvey to cut a deal in exchange for a guilty plea to "inflicting great bodily harm," for which the maximum possible penalty is life imprisonment.¹¹⁴

The court-martial panel handed Helvey a murder conviction and sentenced him to life in prison. The Navy reassigned Captain Douglas J. Bradt, the commanding officer who failed to report the incident, to shore duty in Florida. Legal statute grants Helvey an annual clemency hearing. Initially, incarcerated at the United States Disciplinary Barracks, but transferred to FCI Greenville in Illinois in 2015, Helvey continues to serve out his prison term. Prosecutors accepted a deal which permitted Helvey's accomplice, Charles Vins, to plead guilty to the three lesser charges and testify against Helvey. Vins received seventy-eight days confinement and general discharge from the Navy.

The murder of Allen Schindler revealed that the toxic masculinity that dominated US Armed Force allowed homophobia to persist unchecked. The Navy only responded anti-gay harassment when it manifested itself in the most extreme form. Schindler's

¹¹¹ Ibid., 261

¹¹² Ibid., 261

¹¹³ Ibid.

¹¹⁴ Ibid.

leaders made next to no effort to ensure his physical and emotional well-being. Schindler's chain of command failed to take appropriate actions regarding his complain of homophobic harassment. The inaction of Schindler's leadership allowed a climate of hate to persist that nurtured toxic masculinity amongst the ship and crew USS Belleau Wood that ultimately ended in murder.

Lawmakers Fight Over Lifting the Ban on LGBTQ+ Openly Serving

On October 28, 1991, at the John F. Kennedy School of Government at Harvard University, students asked then presidential candidate William Clinton, would he issue an executive order to repeal the ban on gays and lesbians serving in the military? Clinton expressed his opposition to the Armed Forces' ban, "I think people who are gay should be expected to work, and should be given the opportunity to serve their country."¹¹⁵ During his 1992 Presidential campaign Clinton promised to end the military's ban on homosexuality.¹¹⁶

After assuming office, Clinton's proposal encountered intense opposition from many lawmakers in the US Congress. At first, Clinton planned to repeal the ban on LGBTQ+ individuals serving in the armed forces within two weeks of assuming the Presidency. Formidable resistance in the House and the Senate forced him to take another course of action. The Clinton administration did not draw up an executive order until July 15, 1992, During these six months, Congressional hearings in both the House of

¹¹⁵ Kevin Connors, *Clinton's Policy Relating to Gays in the Military: Lessons in Politics at the National Level*, (National Defense University, National War College, 1999), 2.

¹¹⁶ Michael J. Rosenfeld, "Moving a Mountain: The Extraordinary Trajectory of Same-Sex Marriage Approval in the United States," *Socius: Sociological Research for a Dynamic World* Volume 3, 2.

Representatives debated the issue of LGBTQ+ serving in the military.¹¹⁷ In these inquiries related to LGBTQ+ service, congressional members raised concerns regarding the fiscal impact of AIDS and heterosexual and homosexual cadets housed together at service academies. In these hearings, two senior ranking military retirees gave testimonies in resistance to lifting the ban on LGBTQ+ service, they believed the proposed policy would negatively impact the morale of the Armed Forces. Retired US Army General Frederick Kroesen's stated in his testimony that the "overall ability of the military to accomplish its mission would be compromised," and retired US Navy Admiral Thomas Moorer testified that he regarded lifting the ban on homosexuals as "an effort in effect to downgrade and demean and break down the whole structure of our military forces."¹¹⁸

Military sociologist Charles Moskos devised the "Don't Ask, Don't Tell" (DADT) policy as a compromise between the Clinton administration and military leadership. During the development of DADT, the House and Senate established that homosexual status differed from a homosexual act. They deemed the former as less punishable than the latter. Nevertheless, the notion of a policy change that allowed gays and lesbians to serve openly, disturbed many within the legislature. The Senate put forward 107 recommended amendments to the DADT legislation. The House proposed a revision that removed the section of "Don't Ask, Don't Tell" policy that forbade the Department of Defense questioning recruits about their sexual orientation or inclination

¹¹⁷ Connors, "Clinton's Policy Relating to Gays in the Military: Lessons in Politics at the National Level," 2-3.

¹¹⁸ Admiral Thomas Moorer cited in Embser-Herbert, 10.

to partake in homosexual acts; however, efforts to make this modification to the proposed legislation failed by a vote of 291-144.¹¹⁹

Proponents and opponents of repealing the ban on gays and lesbians serving in the Armed Forces reached a compromise and passed the “Don’t Ask, Don’t Tell” (DADT) Policy of the United States Military by a vote 92-7 in the Senate and 268-162 in the House. On September 30, 1993, President Clinton signed Public-Law 103-160, with the “Don’t Ask, Don’t Tell” policy in Section 571, codified at 10 United States Code 654. Nearly three months later, on December 21, 1993, DADT became military law when the Department of Defense issued the 1993 Department of Defense Directive 1304.26. This order declared that those seeking to serve in the United States Armed Forces “shall not be asked or required to reveal whether they are heterosexual, homosexual or bisexual [. . .] or required to reveal whether they have engaged in homosexual conduct.” DADT went into effect on February 28, 1994.

At the time of its ratification in 1993, lawmakers regarded “Don’t Ask, Don’t Tell” as a middle ground between those in favor of repealing the ban on homosexuals and those who supported its continuance. The guidelines of this policy stipulated that gays and lesbians could secretly serve in the Armed Forces. It also prohibited service members from asking questions and telling one another about their sexual orientation.¹²⁰ DADT did not invalidate Defense Directive 1332.14, which allowed discharges on the grounds of homosexuality, but it made separations from the services on these basis more difficult

¹¹⁹ Embser-Herbert, 20.

¹²⁰ Aaron Belkin and Geoffrey Bateman, *Don't Ask, Don't Tell: Debating the Gay Ban in the Military*, (Lynne Rienner Publishers, 2003), 4-5.

and obliged military leaders to end investigations that targeted service members for their sexual orientation or personal sexual activities. No longer could military authorities pursue discharges based “homosexual proclivities.”¹²¹ The originators of DADT intended for it to serve as a compromise between President Clinton and the Congress; however, it eventually developed into a transitional law, that paved the way for the Obama administration to repeal of the military’s ban on LGBTQ+ openly serving in 2010.¹²²

Presidential candidate William J. Clinton launched his campaign promising to lift the ban of gays and lesbians serving in the armed forces, however after assuming office he encountered opposition in congress and from the military top brass. None of those who opposed the President offered any scientific based fact on how allow gays and lesbians to serve would downgrade or demean force; they only offered vague warnings that reflected their homophobia. Eventually, both sides reached a compromise that became known as “Don’t Ask Don’t Tell.” DADT managed to pass both the House and the Senate. Despite falling short of what the President promised, DADT served as an inadequate transitional policy that did little to address the source of anti-gay sentiments, toxic masculinity, which is the common cause of the harassment and violence directed against both LGBTQ+ and women. DADT and the sexual assault and sexual harassment prevention policies failed to remove toxic masculinity from the military’s culture. Despite these new guidelines, hostile attitudes and gendered violence against LGBTQ+ and

¹²¹ Connors, “Clinton’s Policy Relating to Gays in the Military: Lessons in Politics at the National Level,” 8-9.

¹²² Ibid.

women continued in the years that followed. Subsequently, the following incidents proved that the updated policies could not protect fellow services members or civilians.

The 1995 Okinawa Rape Incident

On September 4, 1995, three US servicemembers stationed at Camp Hansen on the island of Okinawa collaborated in the rape and abduction of a 12-year-old Japanese girl. U.S Navy Seaman Marcus Gill, along with US Marines Rodrico Harp and Kendrick Ledet, snatched the young girl into a rented a vehicle and used duct-taped to bound her hands and cover her mouth and eyes. Gill and Harp raped the girl, but Ledet maintained he only feigned sexual assault due to his fear of Gill.¹²³ The incident strained US and Japanese relations and provoked the debate, should US forces remain in a post-Cold War Japan. A Japanese court tried and convicted the offenders under Japanese law, according to the US–Japan Status of Forces Agreement.¹²⁴

All three men pleaded guilty to the charges against them and their trial ended on March 1996. The court convicted Gill of the rape and Harp and Ledet of conspiracy. Prosecutors pushed for the maximum punishment of ten years in prison, however the judge sentenced Gill and Harp to seven years' and Ledet to a lightly shorter sentence of six and a half years. In addition to this, relatives of the perpetrators followed a common Japanese custom and paid "reparation money" to the victim's family. In 2003, the three

¹²³ Masamichi S. Inoue, *Okinawa and the US Military: Identity Making in the Age of Globalization*, (Columbia University Press, New York, 2007), 32; Teresa Watanabe "Okinawa Rape Suspect's Lawyer Gives Dark Account : Japan: Attorney of Accused Marine Says Co-Defendant Admitted Assaulting 12-Year-Old Girl 'Just For Fun,'" *Los Angeles Times* (October 28, 1995).

¹²⁴ Teresa Watanabe "Wife Pleads Marine's Case in Okinawa Rape Trial : Justice: Spouse says her husband, accused in brutal attack on schoolgirl, is a gentle and intelligent man". *Los Angeles Times*. (December 5, 1995).

men completed their prison sentences in Japan and received other than honorable discharge from the service.

In 2006, Ledet, who insisted that he did not rape the Okinawan girl committed suicide after what seemed like a murder–suicide in the United States. Ledet apparently took his life after he sexually assaulted and murdered a former coworker and Kennesaw State University student, Lauren Cooper, in her third floor apartment. According to officials, he sexually assaulted, and strangled Cooper and then used a knife to slice open arteries in the elbow area.¹²⁵

There is no way to know for sure whether Ledet raped the Okinawan girl or not. Details from his trial established that he assisted in the abduction to commit the sexual assault. The suicide-murder revealed that Ledet did not get the help he needed after completing his prison sentence. Research indicates that sex offending is usually reoccurring and not impulsive. Studies show that forty-five percent of untreated sex offenders re-offend.¹²⁶ The US military Ledet shortly after his release from a Japanese prison and failed to provide him with services necessary reintegrate him back into society.

The Okinawan sexual assault revealed how gendered violence committed by service-members transcends the Armed Forces. Gill, Harp, and Ledet kidnapped a young girl, from the host nation of Japan. Seaman Gill sexually assaulted the girl while the other two assisted him. The action of the service-men caused unimaginable psychological and

¹²⁵ David Allen, “Former Marine Who Sparked Okinawa Furor is Dead in Suspected Murder-Suicide,” *Stars and Stripes*, August 25, 2006, <https://www.stripes.com/news/former-marine-who-sparked-okinawa-furor-is-dead-in-suspected-murder-suicide-1.53269> (accessed November 12, 2018).

¹²⁶ Hunter, 202.

physical trauma to the victim as well as placed a severe strain of the relationship between the United States and its close ally Japan. This overseas with conflicting jurisdiction created an illusion of lawlessness that provided the perfect opportunity for these men to express their contempt for women. Ledet's post-military murder suicide also shows that sex offenders require intensive rehabilitation before reintegrating with society.

Chapter 4. Leadership and Policy Failures, 1996-2003

The Game: The Aberdeen Proving Grounds Scandal

In the United States, Armed Forces there exists a power imbalance between non-trainees and trainees. To prevent conduct that would compromise the good order and discipline, the military established guidelines to avoid interactions not required by the training mission. This power differential gives greater influence to the trainer and places limitations on the trainees' power to consent, which makes female recruits susceptible to sexual assault or sexual exploitation. This power differential may make the new recruit feel compelled to follow the orders of a superior even if they are illegal.

As mentioned earlier many of the ordinance military occupational specialties (MOS) opened up to women after the draft ended in the 1970s. Aberdeen Proving Ground's Ordnance Center (APG) in Maryland, until 2010 was one of the many locations where new recruits conduct their training on their chosen military occupation.¹²⁷ As a result, many women conduct their advanced individual training there.

In September 1996, a woman conducting her advanced individual training at the Aberdeen Proving Ground filed a sexual misconduct complaint against one of her trainers. Two month later in November thirty-four women stated that they experienced rape, sexual assault or sexual harassment at Aberdeen. In this same month the army set up a sexual assault hotline, it received over 6,000 calls. The call center not only received complaints from APG, but it also fielded calls from other Army installations around the

¹²⁷ Stew Smith. *Aberdeen Proving Ground, Maryland from About US Military*, (February 4, 2018). <http://usmilitary.about.com/od/armybaseprofiles/ss/aberdeen.htm> (Accessed February 24, 2019).

country, compelling Army officials to broaden their investigation to include other bases.¹²⁸

On November 21, 1996, the Secretary of the Army Togo West established the Secretary of the Army's Senior Review Panel, a military and civilian board which consisted of forty personnel. Secretary West charged the panel with reviewing existing Army policies regarding sexual harassment and sexual assault. The panel also investigated how the chain of command dealt with claims of sexual assault and recommended future guidelines in addressing the issue of sexual harassment.¹²⁹

The inquiry included interviews, surveys and a focus group. Investigators talked to 7,401 soldiers and 808 leaders, surveyed 22,952 soldiers, and established a focus group that consisted of 1,007 civilian employees.¹³⁰ The investigation team noticed in the surveys, focus groups, and interviews the frequent mentioning of something called "The Game." Investigators discovered that Captain (Cpt.) Derrick Robertson, Staff Sergeant (Ssg.) Delmar Simpson and Sergeant First Class (Sfc.) Tony Cross established this so-called "Game" or "GAM A La Military," in which the participants competing against one another in order to see which one could have sexual intercourse with the most trainees. Each partaker maintained a record of their lecherous activities, in order to win the game.

¹²⁸ Robert Shadley. *The Game Unraveling a Military Sex Scandal* (Beaver's Pond Press: Edna, Mn. 2013) Kindle Cloud Reader e-book

¹²⁹ Togo West. *Senior Review Panel Report On Sexual Harassment*. Washington: Department of Defense 1997.

¹³⁰ Shadley, *The Game Unraveling a Military Sex Scandal*.

According to the rules, whoever had the most names on their list was the winner. It unknown if there was a prize given or just simple bragging rights.¹³¹

Military officials charged and convicted those who took part in the sex abuse. Captain Robertson, Staff Sergeant Robinson, and Sergeant. Simpson served time in prison. Simpson got the longest sentence of 25 years with Captain Robertson getting four months and Staff Sergeant Robinson getting six months.

The Aberdeen Proving Grounds Scandal it only revealed the sexual misconduct on there, but it exposed similar occurrence other military bases. The investigation revealed that sexual harassment, sexual assault, and fraternization occurred on US Military bases around the world; it confirmed the existence of rape culture within the armed forces. The scandal brought attention to the culture of sexual assault and rape that existed in the military that viewed woman as nothing more than objects for sexual recreation.

Sergeant Major of the Army Accused of Sexual Misconduct

On June 30, 1995, at the Pentagon, Gene C. McKinney became the first African American to hold the United States Army's highest enlisted position when he took the oath of office to serve as the Sergeant Major of the Army (SMA). In accordance with the duties inherent in his position, SMA McKinney primarily served as an advisor to the Army's Chief of Staff, General Reimer and the welfare of soldiers and their families.

¹³¹ Ibid.

McKinney frequently visited soldiers in their areas of operation and provided Reimer with a detailed summary what he observed.¹³²

In late 1996, reports of alleged sexual abuse of female recruits by drill instructors and cadre personnel at Army training centers emerged. In response to the claims, Secretary of the Army Togo West vowed to conduct a thorough investigation of the Initial Entry Training program. Secretary West established an advisory panel and designated McKinney to serve as a Task Force member. As the sex abuse scandals continued to unfold, McKinney conducted a town hall meeting at one of the locations where many sexual abuse reports surfaced, the Aberdeen Proving Ground in Maryland. At this gathering, McKinney addressed close to 1,400 soldiers, including drill instructors, senior NCOs, and trainees. In the course of his two-day visit, he observed that soldiers on the installation remained in good spirits despite their frustration at the negative attention from the media. In his response to a question presented to him during the session McKinney stated that “the system we have works...but if soldiers want to fix the problem, they must come forth—not only for themselves, but for those who will come after.”¹³³ He presumed that most soldiers believed in the Army’s determination and capability to take the right course of action regarding the allegations.

At some stage of the task force’s investigation, an accusation against McKinney surfaced. In February 1997, a former aide, Sergeant Major Brenda L. Hoster claimed McKinney made sexual advances towards her in a Honolulu hotel room in 1996. Hoster

¹³² Robert M. Mages et al., *The Sergeants Major of the Army*, Center of Military History, United States Army, (Washington, DC 2013), 184.

¹³³ Gil High, “Combating Sexual Harassment,” *Soldiers* (February 1997):4–5; Mages et al., *The Sergeants Major of the Army*, 186.

reasoned that McKinney's actions rendered him unfit to serve on any sexual misconduct investigation panel. A week following the emergence of the accusations, congressional leaders pressured General Reimer to act. The negative attention that McKinney received made it increasingly difficult for him to perform his duties as Sergeant Major of the Army. Reimer's decision to suspend McKinney rested firmly upon what best served the mutual interest of the accused and the institution.¹³⁴

General Reimer provided McKinney with an office to work out of in Fort Myer, Virginia. The suspension from his SMA responsibilities afforded McKinney the time he needed work with his legal team. The Army initiated Article 32 proceedings, which is the military equivalent of a grand jury. During the twenty-seven-day probe into sexual misconduct allegations and in the course of that, five more service-women made claims against McKinney. The Article 32 panel found enough evidence to court martial McKinney with nineteen total charges that included eighteen sexual misconduct and one obstructing justice indictments. If convicted of all charges, McKinney would have received fifty-five years in prison and a dishonorable discharge. The lone charge of obstructing justice by itself carried a maximum five years prison sentence and a dishonorable discharge.¹³⁵ McKinney's court martial resulted in his permanent removal from the position of Sergeant Major of the Army and reassignment to the Military District of Washington.

¹³⁴ Mages et al., *The Sergeants Major of the Army*, 187.

¹³⁵ Robert L. Jackson and Dennis Freeman, "McKinney Demoted, Reprimanded by Army," *Los Angeles Times*, March 17, 1998, <http://articles.latimes.com/1998/mar/17/news/mn-29761> (accessed October 1, 2018); Mages et al., *The Sergeants Major of the Army*, 186.

The National Association for the Advancement of Colored People (NAACP) and McKinney's attorney Charles Gittens levied allegations of racial bias against the Army's Criminal Investigation Division (CID). They claimed that (CID) targeted McKinney and the instructors at the Aberdeen Proving Grounds for charges that white offenders generally get reprimanded. Gittens and the NAACP pointed out that all the accused in the Aberdeen Proving grounds scandal were African-American.¹³⁶

On March 17, 1998, at the conclusion of a five week trial a military panel of eight senior-ranking soldiers acquitted McKinney of all eighteen counts sexual misconduct and convicted him only of obstructing justice for encouraging the witness to make a false statement.¹³⁷ A recorded phone conversation with Staff Sergeant. Christine M. Fetrow served as the key evidence used to convict McKinney. The tape revealed that McKinney attempted to persuade Fetrow to change her story and tell Army investigators, they just talked about professional development. Fetrow stated under oath that the SMA forcefully took hold of her, secured the door and sexually propositioned her.¹³⁸

Prosecutors pursued a punishment of six months imprisonment and a grade reduction to the lowest enlisted rank of private; however, McKinney received a much lighter sentence. The court demoted McKinney to Master Sergeant (E-8), reprimanded him and permitted him to retire. The rank/grade reduction supposedly lowered McKinney monthly annuity from 3,260 to 2,385, but in reality, this did not happen. The United

¹³⁶ "No Racial Bias in 2 Probes, Army Rules," *Los Angeles Times*, January 16, 1999, <https://www.latimes.com/archives/la-xpm-1999-jan-16-mn-64192-story.html>, (accessed April 24, 2019).

¹³⁷ Jackson and Freeman, "McKinney Demoted, Reprimanded by Army."

¹³⁸ Ibid.

States Code allowed members of the armed forces in a senior enlisted position to collect their pension based on the highest rate attained. This allowed McKinney to receive the retirement pay rate of a Sergeant Major of the Army.¹³⁹

The National Women's Law Center's founder Nancy Duff Campbell expressed that the verdict did not surprise her. Campbell, a lawyer who specializes in women's law whose legal successes include the famous Supreme Court case *Califano v. Westcott*, 1979, which established the eligibility of unemployed mothers of two-parent families to receive Aid to Families with Dependent Children (AFDC) benefits.¹⁴⁰ Campbell hoped this type of jury decision did not represent the norm in the armed forces. She pointed out that both the verdict and sentence conveyed that the system does not work for them. Campbell concluded that the outcome of McKinney's trial further discouraged victims from making the difficult decision to file complaints against sexual predators within the ranks.¹⁴¹

Prior to his sentencing, McKinney took the witness stand and asked the members of the court martial panel to take into consideration his twenty-nine years of military service and let him retire "with some form of honor."¹⁴²

Attorney Charles W. Gittins established his defense on the credential that enabled McKinney to attain the Army's highest enlisted position and discredit the accusers.

¹³⁹ Ibid.

¹⁴⁰ National Women's Law Center, *Nancy Duff Campbell, Founder and Co-President Emerita*, National Women's Law Center, <https://www.womensmediacenter.com/shesource/expert/nancy-duff-campbell>, (accessed April 23, 2019).

¹⁴¹ Jackson and Freeman, "McKinney Demoted, Reprimanded by Army."

¹⁴² Ibid.

Gittins focused on McKinney's exceptional service record of twenty-eight years that included a tour in Vietnam. The testimony of officers and enlisted personnel reinforced McKinney's reputation for honesty and integrity. Gittins contended that the alleged victims lied in retaliation against a strict and demanding leader like the McKinney, or due to personal issues, such as problems with male authority figures. Gittins declared, "We demonstrated, I believe conclusively . . . that the women were liars, cheats and frauds. We were left with an obstruction-of-justice charge that the government essentially manufactured."¹⁴³ Gittins also mentioned that McKinney filed a libel suit against initial accuser retired Army Sergeant. Major Brenda L. Hoster for \$1.5-million for damages that included compensation for possible lost retirement annuities.¹⁴⁴

The outcome of the trial disappointed McKinney's accusers, who complained that the one conviction and its sentence rendered the court-trial meaningless. The alleged victims felt that the system failed them. Sergeant. Roy stated, "What I sacrificed wasn't worth [just] one guilty verdict." Another female witness, Navy Petty Officer Johnna M. Vinson, disclosed that in response to her claim that her friends withdrew from her and unequivocally expressed they sided in opposition to her.¹⁴⁵

Actions of Gene McKinney and the reaction of the United States Army caused considerable damage to the credibility of the military criminal justice system. McKinney made history when he became the first African-American to achieve the position of Sergeant Major of the Army, however six allegations of sexual misconduct by women

¹⁴³ Ibid.

¹⁴⁴ Ibid..

¹⁴⁵ Ibid.

who worked under him would overshadow this milestone. McKinney's alleged victims risked and/or lost their careers in filing their claims. During the investigation, the character of the victims came under attack and the McKinney's defense attempted to discredit the women. The Army court-martial panel only convicted McKinney of obstructing justice and dismissed all charges sexual misconduct. Although, he received a grade reduction, McKinney retired with his pensions based on the highest position he held, Sergeant Major of the Army.¹⁴⁶ Reporting sexual abuse is a necessary step removing sex offenders from the military. The outcome of the court-martial of Sergeant Major of the Army McKinney served only to discourage future victims from reporting.

As a high ranking official in the United States Army, Sergeant Major of the Army McKinney leadership failure undermined the authority of his position. As a result of his inappropriate actions and the relatively mild punishment he receive, left other service members distrustful of their leaders. This lack of trust discouraged some servicemembers a not to report sexual harassment and sexual assault. In a similar manner the following case illustrates that hostile environments are the direct or indirect results of leadership failures.

The Murder of Barry Winchell

In 1998, Private First Class. Barry Winchell was a United States Army infantry soldier, assigned to Delta Company, 502nd Infantry Regiment, 101st Airborne. Winchell's murder at the hands fellow soldier, Calvin Glover in July 6, 1999, became a focal point in the armed forces' ongoing debate regarding its "Don't Ask, Don't Tell"

¹⁴⁶ David Stout, "Full Pension is Backed for Former Top Soldier," *New York Times*, May 12, 1998.

policy, which prohibited US military gays, bisexuals, and lesbians openly expressing their sexual orientation.¹⁴⁷

In March 1999, Specialist Justin Fisher returned talking incessantly about his Saturday night adventure at a gay nightclub in Nashville, which is approximately a one hour's drive from Fort Campbell. Fisher told fellow soldiers about his experience at an establishment that highlighted trans entertainers called the "Connection." Fisher explained that he saw a mind-blowing "girl" dressed in a pink negligee, a thong, and go-go boots lip-syncing to a Madonna song. This performer enthralled Fisher to the point that he wanted to return. The following night, Fisher, Winchell and a few other soldiers went to "The Connection." There they met a twenty-eight-year-old United States Navy Gulf War Veteran and trans woman nightclub performer named Calpernia Addams. Addams remembers meeting Winchell, Fisher, and some other soldiers at the "Connection" on a Sunday night. She observed that they hooted and hollered every time she came out onstage. On that night Addams met Fisher, but did not really notice the quiet Winchell. Addams observed that Fisher never made eye contact with her, she sensed that his attraction to her made him feel uneasy.¹⁴⁸ The following weekend, the

¹⁴⁷ Buzz Bissinger. "Don't Ask, Don't Kill," *Vanity Fair* (May 2005), <http://www.vanityfair.com/news/2000/05/kentucky-murder-200005> (accessed November 4, 2016); Human Rights Watch, "Uniform Discrimination: The "Don't Ask, Don't Tell" Policy of the U.S. Military," (January 2003), Vol. 15, No.1(G), 26.

¹⁴⁸ Thomas Hackett, "The Execution of Private Barry Winchell," *Rolling Stone*, March 2, 2000. <https://web.archive.org/web/20060213230320/www.davidclemens.com/gaymilitary/rolstobarry.htm> (accessed November 4, 2016).

soldiers came the club again, and afterward met with the showgirls at an after-hours club.¹⁴⁹

The following day, Fisher told his supervisor that an individual in the company engaged in intimate act with another man, but he refused to give up a name. Fisher explained to Sergeant Kleifgen and Sergeant Dubielak that he went to gay nightclub in Nashville to find a fellow soldier in order to give him a ride back to the installation, and saw that individual performing oral sex on another man. Around the company, Fisher narrated different versions of the story to others. In one of his accounts, Fisher claimed he dropped Winchell off at a gay social establishment and when he returned he caught Winchell engaging oral sex on a man.¹⁵⁰

Fisher's fabricated accounts may reflect his actions at the nightclub in Nashville. Soldiers in the company noticed that Fisher began to harass Winchell in front of others and seemed to take pleasure in it. Fisher said things like "what it was like to suck cock."¹⁵¹ After further inquiry, Kleifgen and Dubielak concluded that Barry Winchell was the soldier Fisher supposedly saw in the nightclub. When sergeants asked Fisher to confirm the identity of the service member, he simply smiled. Fisher conveniently failed to disclose to the two noncommissioned officers' details of his own behavior. Fisher never told his leadership that he went to the gay club with Winchell, made out with a

¹⁴⁹ Ibid.

¹⁵⁰ Jennifer Norris, "The Barry Winchell Case Helped End the Don't Ask Don't Tell Policy in the Military." (February 18, 2016), <https://jennifersnorris.com/2016/02/18/the-barry-winchell-case-helped-end-the-dont-ask-dont-tell-policy-in-the-military/>, (Accessed February 23, 2019).

¹⁵¹ Francis X. Clines, "For Gay Soldier, a Daily Barrage of Threats and Slurs," *New York Times* December 12, 1999.

trans performer on a street corner in downtown Nashville, liked to dress in women's lingerie, and he once started stroking Winchell while he slept.¹⁵²

When Winchell and Addams began dating, they took measures to ensure their relationship never conflicted with Winchell's military duties. He only met Addams off-duty and off post. Winchell drove to Nashville on weekends and spent time with Addams in her dressing room as opposed to hanging out in the barracks and drinking with the guys in his company. Winchell and Addams held hands in public, went to movies and did other things that couples do, but made sure to say their goodbyes away from the base.¹⁵³

Eventually something that began as discord between two individuals swiftly spread throughout the unit. Fisher's demeaning comments reached the entirety of what made up Delta Company, from the lowest ranking private to some of the senior noncommissioned officers. "Pretty much everyone called him derogatory names,"¹⁵⁴ said platoon Sergeant. Michael Kleifgen. "They called him a faggot, I would say, on a daily basis."¹⁵⁵ One day, Kleifgen decided to question Winchell regarding his sexual orientation. Kleifgen asked Winchell if he was gay. Winchell replied no and Kleifgen pursued his inquiry no further. The sergeant stated that he left it at that because of the military's "Don't ask, don't tell" policy. Winchell did eventually make a complaint to his company commander Cpt. Daniel Rouse of the harassment. Rouse simply ordered the

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Mark Thompson, "Why Do People Have to Push Me Like That?" *Time*, (Dec. 05, 1999) <http://content.time.com/time/magazine/article/0,9171,35513,00.html> (accessed November 16, 2016).

¹⁵⁵ Ibid..

troops to cut it out, but failed to do a follow-up to ensure that members of the unit stopped making demeaning comments to Winchell.¹⁵⁶

Kleifgen commented that in all-male infantry units like Delta Company, this type of vulgarity commonly occurs. He saw no harm in it until he heard the company's 1sg., Roger Seacrest say in reference to Winchell, "The faggot has got a fucking drinking problem, and I'm going to do something about it."¹⁵⁷ First Segeant. Seacrest's comments prompted Kleifgen to bring the matter to the company commander and file a complaint with the post's inspector general. Kleifgen stated that the leadership made light of the formal complaint and essentially did nothing.¹⁵⁸

On July 3, 1999, Winchell decided to join the other soldiers, who made no plan during the four-day weekend, at the picnic table area outside of the Delta Company barracks. The off-duty warriors threw a keg party in which they told stories, played whiffle ball, and blasted their music from a stereo.¹⁵⁹ A young Private Second Class named Calvin Glover, who arrived at the unit in March, attempted to impress everyone by boasting about his macho toughness. As Glover told stories about his pre-military criminal deed, Fisher encouraged him to tell more. Glover told a tale about his five consecutive days of methamphetamines use and bank robbery. When he thought people ignored him, he threw beer bottles and swung baseball bats to get their attention.¹⁶⁰

¹⁵⁶ Hackett, "The Execution of Private Barry Winchell."

¹⁵⁷ Ibid

¹⁵⁸ Ibid.

¹⁵⁹ *US Appellee v. Justin R. Fisher* - US Court of Appeals for the Armed Forces, 4.

¹⁶⁰ Thompson, "Why Do People Have to Push Me Like That?"

After a while, Winchell told Glover to “take [his] drunk, cherry ass to bed.”¹⁶¹ A drunken and enraged Glover jumped to Winchell. Winchell calmly remained in his seat, smoking his cigarette. Repeatedly, Glover tried to knock Winchell’s the beer from his hand. In a matter of seconds, Winchell knocked Glover to the ground with three to four punches and then subdued him¹⁶²

The fight upset Winchell and he cried as he attempted to make peace with Glover. He asked Glover "It's cool, right?" Winchell tried to shake hands with Glover and offered him some Southern Comfort and another beer. In spite of Winchell’s effort, Fisher made it a point to remind Glover of how he just ass kicked. "It's not cool!" Glover said. "I could fucking kill you. A faggot cannot kick my ass."¹⁶³

The following day, Fisher continued to taunt Glover over losing a fist fight to a “faggot.” Fisher and Glover passed time in a manner that many soldier do during downtime drink beer. While drinking they conversed with one another as the “Psycho” soundtrack played. Fisher continuously harassed Glover about losing the physical altercation to a “faggot.” Glover expressed that he wanted to “fuck up” Winchell, to which Fisher replied “go for it.”¹⁶⁴ Fisher and Glover discussed their issues with Winchell, who slept on a cot outside. Fisher’s feeling towards his roommate stemmed primarily from a hatred and a burning desire to inflict suffering upon him. In Glover, Fisher found a means to express his animosity toward Winchell, especially when Glover

¹⁶¹ *US Appellee v. Justin R. Fisher* - US Court of Appeals for the Armed Forces, 4.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

grabs a baseball bat and starts mumbling. Fisher goaded and humiliated Glover for close to fifteen hours because of a physical confrontation that took place the previous night.¹⁶⁵

On July 5, 1999, sometime between 2:00-3:00 A.M., Calvin Glover repeatedly struck a sleeping Barry Winchell with a Louisville Slugger baseball bat in an attack fueled by the instigation of Specialist Justin Fisher in a hyper-masculine environment. Glover inflicted fatal injuries on Winchell as he slept on a cot in the hallway in the Delta Company Barracks.¹⁶⁶ Afterwards, he returned the bat to Fisher, who washed the blood off of the bat and said "We're family now" and "this stays in the family."¹⁶⁷ Winchell died the following day at Vanderbilt University Medical Center from blunt force trauma to the left side of his head and neck.¹⁶⁸

The Army's initial account neglected to mention several important factors related to the murder. Officials provided an uncomplicated explanation of the murder, calling Winchell's death the result of "an altercation between soldiers."¹⁶⁹ The Army did not disclose that the attack happened while Winchell slept on his cot, nor did they tell the public that Winchell's superiors and fellow soldiers harassed and ostracized him because they believed he was gay.¹⁷⁰

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ *United States v. Glover*

¹⁶⁸ Michael Rowe, "Lovers in a Dangerous Time", *The Advocate*, (May 27, 2003), 30.

¹⁶⁹ Hackett, "The Execution of Private Barry Winchell"

¹⁷⁰ Bissinger, "Don't Ask, Don't Kill."

In court, Army prosecutor Captain Gregg Engler argued that Glover's humiliation at losing a fight to a gay man prompted the attack. Glover admitted that he was extremely drunk during the incident. Major David Robertson, Glover's defense attorney, laid the responsibility on Fisher's influence, pointing out that Fisher took advantage of an opportunity to provoke an easily influenced soldier into carrying out his violent fantasies of attacking Winchell. Robertson portrayed Fisher as a scheming troublemaker, as a cold calculating homophobe who detested Winchell, exploiting Glover as his weapon.¹⁷¹

Army officials also avoided addressing other complex aspects of the incident. Army spokeswoman Major Pamela Hart stated that if Winchell felt unsafe, he could make a complaint to his chain of command or to the installations Equal Opportunity Office. Army prosecutor Captain Gregg Engler, Fisher's civilian attorney Michael Love, and military judge Colonel Kenneth Pangburn all attempted to evade questions exploring sexuality and masculinity. Dr. Keith Caruso, a forensic psychiatrist, did not testify as to whether or not Fisher was gay, he only identified Fisher as “sexually confused” and curious. Caruso noted that since age fourteen, Fisher secretly wore women's undergarments.¹⁷²

In December 2000, a military court martial sentenced Calvin Glover to life in prison for the murder of Barry Winchell. Eleven months earlier, Justin Fisher managed to avoid a trial for accessory to murder by pleading guilty to the charges of obstruction of justice, making false statements and giving a minor alcohol.¹⁷³ Fisher received a twelve-

¹⁷¹ Hackett, “The Execution of Private Barry Winchell.”

¹⁷² Ibid.

¹⁷³ "Soldier Pleads Guilty in Gay Slaying Case," *New York Times*, January 9, 2000.

and-a-half-year sentence for his crimes. The military justice system sentenced both men to serve their confinement at Fort Leavenworth Military Prison, in Kansas.¹⁷⁴

Winchell's murder led to a reevaluation of the “Don’t Ask Don’t Tell” policy and an investigation of the command climate on Fort Campbell. Defense Secretary William S. Cohen called for a review of DADT and ordered that the Department of Defense conduct mandatory training to prevent anti-gay harassment. Fort Campbell's installation commander Major General Robert T. Clark ordered an investigation to determine if officers disregarded complaints related to Private First Class Winchell's harassment.¹⁷⁵

In 2000, the Army's Inspector General Lieutenant General Michael W. Ackerman issued a report of the command climate at Fort Campbell. The Inspector General rated the command climate as good; however, he determined that an abusive First Sergeant headed Winchell's company. Ackerman also reported that some of the other soldier assigned to Delta Company harbored anti-gay/homophobic attitudes. Despite the murder of Winchell, officials concluded that the levels of homophobia within the 101st Airborne Division did not reach what they considered unacceptable levels, and cleared all officers of any improper actions.¹⁷⁶ The investigation also revealed that units on the installation sang anti-gay cadences. The Fort Campbell inquiry also discovered that many of the leaders did not understand the “Don’t Ask, Don’t Tell” policy. This indicates that the senior

¹⁷⁴ Robert Pear, "President Admits 'Don't Ask' Policy Has Been Failure," *New York Times* December 12, 1999.

¹⁷⁵ Elizabeth Becker, “Pentagon Orders Training to Prevent Harassment of Gays,” *New York Times*, February 2, 2000, <https://www.nytimes.com/2000/02/02/us/pentagon-orders-training-to-prevent-harassment-of-gays.html> (Accessed February 23, 2019).

¹⁷⁶ Elaine Sciolino, “Army Exonerates Officers in Slaying of Gay Private,” *New York Times* July 19, 2000.

leaders failed to ensure that the soldiers under their command received proper training concerning DADT. From 1999 to 2000 the number gay discharged at Fort Campbell jumped from seventeen to 161. In regards to the discharges, forty percent of the commanders on the installation expressed concerns about the soldier safety.¹⁷⁷

Not all of these confounding details came to light at either of the two court-martial proceedings that occurred in January and December of 2000. Legal proceedings and to a greater degree military court-martials require a clear narrative without uncertainties or unclear motivations; however, the factors driving this specific event such as identity and sexuality, affection and attraction, desire and disdain present challenges when attempting to understand them. One thing that became evidently clear was that three young males with uncertainties regarding their sexuality enlisted in the army with the hopes of understanding their troubled lives. Instead they ended up in a hostile environment that did not tolerate their search for answers.¹⁷⁸

The murder of Barry Winchell exposed the inadequacies of the “Don’t Ask Don’t Tell” policy. Winchell endured relentless anti-gay harassment due to his relationship with Capernia Addams. Winchell’s leadership not only failed to look out for his wellbeing; some of them directly contributed to the toxic environment. Private Second Class Glover murdered Winchell because he felt that losing a fight to someone perceived as gay threatened his masculinity. Glover’s insecurities and the homophobic attitude that dominated Delta company made it easy for Fisher to manipulate him into committing a

¹⁷⁷ Human Watch Network, “Life in an Anti-Gay Environment,” Human Watch Network, <https://www.hrw.org/reports/2003/usa0103/USA0103FINAL-05.htm>, (Accessed April 23, 2019).

¹⁷⁸ Bissinger, “Don’t Ask, Don’t Kill.”

violent act against Winchell. The atmosphere at Delta was one of extreme disdain for nonconformity to gender constructs. The death of Barry Winchell is a clear example of toxic masculinity resulting from the failure of the “Don’t Ask Don’t Tell” policy.

Air Force Academy Sexual Abuse Scandal 1993-2003

On January 2, 2003, someone using the pseudonym “Renee Trundle” sent an email to the Secretary of the Air Force James G. Roche, Senator Wayne Allard of Colorado, Senator Ben Nighthorse Campbell of Colorado, and representatives of the media. The message alleged that a large number of sexual assaults occurred at the Air Force Academy in Colorado Springs, Colorado.¹⁷⁹

After grasping what the letter asserted, the Secretary of the Air Force James G. Roche ordered the General Counsel of the Air Force to put together a group to assess complaints by cadets related to sexual assault that transpired at the Air Force Academy in Colorado. The complaints covered a time period of nearly ten years. In addition to this, Secretary Roche charged the DoD Inspector General Joseph E. Schmitz with conducting a stand-alone probe into the Air Force Office of Special Investigations (AFOSI) handling of sexual assault incidents and to look into cadet complaints regarding accusations of the mismanagement of sexual assault cases. These complaints covered a period starting in January 1993 and ending in February 2003.¹⁸⁰ Tillie K. Fowler, the former US

¹⁷⁹ Schmitz, 2004-a

¹⁸⁰ Ibid.

Representative from Florida, at the request of the Department of Defense and Congress, oversaw a separate evaluation of the sexual assault crisis at the Air Force Academy.¹⁸¹

Secretary Roche established the Working Group Concerning the Deterrence of and Response to Incidents of Sexual Assault at the US Air Force Academy. On June 17, 2003, it publicized the report. The Working Group determined, based on the outcome of their probe that “no systemic acceptance of sexual assault at the Academy, no institutional avoidance of responsibility, or systemic maltreatment of cadets who report sexual assault” at the Air Force Academy.¹⁸²

Despite their deductions, the Working Group found discrepancies in the handling of sexual assault cases. They discovered that in some years the command focused on sexual assault and in others they placed less emphasis on sexual assault. The Working Group learned that following the September 11, 2001 terrorist attacks the academy redirected its focus on security issues and neglected its sexual assault cases.¹⁸³

In 1996, the Air Force leaders established The Sexual Assault Services Committee at the Air Force Academy, to deal with sexual assault issues and policies at the Academy. The Working Group uncovered that from 2000-2002, this specialized committee met only five times. The Sexual Assault Services Committee, consequently,

¹⁸¹ Tillie K. Fowler. *The Report of the Panel to Review Sexual Misconduct Allegations at the US Air Force Academy*, (Washington, D.C.: Department of Defense, September 2003).

¹⁸² Working Group, *Report of the Working Group Concerning the Deterrence and Response to Incidents of Sexual Assault at the US Air Force Academy*, (Washington, D.C.: Department of the Air Force, June 2003), ii.

¹⁸³ Ibid.

failed to completely grasp the sexual assault troubles at the Academy and neglected to notify the command of the problems.¹⁸⁴

The Working Group discovered that within the Academy a culture existed in which sexist and sexualized comments made by cadets commonly occurred but could not establish a conclusive link joining this culture and the issue of sexual assault. The Working Group in their report talked about the problems of the consumption of alcohol beverages by underage cadet along with arrangement for housing female cadets. The Working Group recommended that the policies related to alcohol at the Academy played a role in the sexual assault problems and offered stricter punitive actions for underage drinking. Additionally, the report suggested changes in housing assignments. The coed environment that existed forced females to walk down hallways in robes and physical fitness apparel.¹⁸⁵

The Air Force Office of Special Investigation discovered that between the dates of January 7, 1993, and February 21, 2003, fifty-six cases of sexual assault allegedly occurred at the Air Force Academy.¹⁸⁶ The allegations in these cases consisted of thirty-one rapes, eighteen indecent assaults, four offenses against a child, two sodomy offenses, and one attempted rape. Investigators dropped three of the fifty-six total cases, following the victim's withdrawal of their complaints. Of the fifty-three remaining cases, fifty-one

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ Schmitz, 2004-a

percent involved freshmen victims and assailants. While cases involving a freshman cadet and an upperclassman cadet accounted for only eleven percent (Schmitz, 2004a).¹⁸⁷

DoD Inspector General Joseph Schmitz examined the AFOSI probe. He commenced his assessment in March 2003. Schmitz discovered numerous mistakes in the preliminary inquiry of the fifty-six sexual assault cases. The shortcomings in the investigative procedures revealed that ten cases had missing steps in their inquiry. Three of them failed to use forensic science in their investigation even after a recommendation. In two cases, reports failed explain why investigator collected some evidence but did not sent them off for laboratory analysis.¹⁸⁸

Mistakes in the early investigation stage can have disastrous results in a sexual assault case. In the armed forces investigators represent and derive their authority from the chain of command and consequently they are duty bound to conduct a detailed investigation. Even though the failings in the investigation stage are worth taking note of due to the relationship of investigator to the chain of command, Schmitz's conclusion pointed out that the shortcomings in the investigation procedures did not cause of the sexual assault problem at the Air Force Academy.

DoD Inspector General Schmitz concluded that the sexual assault problem at the Air Force Academy stemmed from a ten-year failure of the chain of command ranging from 1993-2003. He mentioned that the leadership neglected to put into practice and supervise the changes required to modify a culture favorable to sexual assault.¹⁸⁹ He

¹⁸⁷ Ibid.

¹⁸⁸ Schmitz, 2004-b

¹⁸⁹ Ibid.

stated many leaders in positions of authority could have been better role models, could have been more vigilant in inspecting those placed under their command, failed to guard and suppress sexual misconduct among cadets, whether or not prosecutable as specific crime, and failed to hold cadets accountable for such misconduct.¹⁹⁰

Shortly afterwards, former US Representative from Florida, Tillie K. Fowler led a separate review panel's investigation into the allegations of sexual assault at the Air Force Academy. The seven members who made up this panel came from various backgrounds in the service academies, that included behavioral and psychological practices associated with the appropriate treatment for victims of sexual assault. This panel became the first of its type to review the allegations of sexual assault at the Academy.¹⁹¹

The Panel to Review Sexual Assaults at the Air Force Academy found the Working Panel at fault for failing to evaluate the shortcomings of the leadership. Instead the Working Panel directed its attention only on the incidents of sexual assault. The panel suggested that one of possible reason for the failure of the Working Group to evaluate the leadership is that it tried to protect the chain of command from public condemnation. Additionally, the panel discovered that the leadership at the Academy received numerous warnings from various agencies telling them that the institution had a problem with

¹⁹⁰ Jeffrey Smith. Air Force Officials Blamed for Lapses in Sexual Assault Reporting. *Washington Post*, December 8, 2008, para 4.: <http://www.washingtonpost.com/wpdyn/articles/A44432-2004Dec7.html> (Accessed July 18, 2015)

¹⁹¹ Fowler, *Report*, 1.

sexual assault but failed to take appropriate action.¹⁹² The working group made no mention of this in their report.

The Panel exposed that the leaders at the Academy and other senior Air Force officials became aware of sexual assault problems at the Academy as early as 1993. From 1993 to 2003 the Academy averaged 14 sexual assault allegations per year. The command at Air Force Academy neglected to uphold a reliable degree of oversight over the sexual assault problem and did not make a diligent effort to develop solutions for this issue.¹⁹³ The Panel identified the leadership as the main problem in regards to sexual assault allegations. It identified five officers as contributing to the problems, Major General John R. Dallagher, Brigadier General Wagie, Brigadier General S. Taco Gilbert III, Colonel Robert D. Eskridge, and Colonel Laurie Slavec. According to the panel, these leaders failed in their responsibilities in addressing this issue of the anti-woman environment in the Academy.

From 1999-2003, Major General John R. Dallagher served as interim superintendent of the Air Force Academy. The panel determined that as superintendent he shouldered the largest share of blame for the sexual assault problems at the Academy. He failed in executing his authority as a leader and did not respond accordingly to the sexual assault problem.¹⁹⁴

Brigadier General Wagie possessed the best understanding of the Academy's the sexual assault response program and how it should work. As a result of his

¹⁹² Ibid, Appendix J.

¹⁹³ Ibid, 38.

¹⁹⁴ Ibid., 39.

perceptiveness, the Panel said that he had “considerable institutional knowledge of the nature and extent of the Academy’s sexual misconduct problems due to his responsibilities and lengthy tenure at the Academy spanning 16 years.”¹⁹⁵ Brigadier General Wagie neglected to acknowledge and or undertake effectual courses of action to put a stop to the academy’s sexual assaults.¹⁹⁶

As the senior commander at the Air Force Academy, Brigadier General S. Taco Gilbert III held responsibility for the safety and well-being of the cadets under his command. This included safeguarding from sexual assault. His responsibilities required that upon assuming command, he received briefings on previous sexual assault incidences along with the sexual assault response and reporting procedures. In addition to this, his position held him responsible for the actions of subordinate commanders serving under him; this included the actions or inactions of Colonel Laurie Slavec. General Gilbert III informed the Panel that he intended to relieve Colonel Slavec from her leadership position, yet, in April 2003 he presented a merit medal award for her mentorship to those she commanded.¹⁹⁷

The leadership style of Colonel Laurie Slavec fostered an environment that discouraged cadets from making complaints. Her unsympathetic leadership instilled fear in the cadets she commanded. Cadets under Colonel Slavec’s command disclosed that the fear of repercussions made them apprehensive in reporting their sexual assaults. In an interview conducted by the Panel, Colonel Slavec expressed her ignorance of how the

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid., 39-40

Academy defined sexual assault. She mentioned that she held her own understanding of what she felt constituted “true rape.” According to Slavec’s definition, so-called true rape involved force. Colonel Slavec also claimed that she believed that a lot of women who reported rape at the Academy did so in order avoid charges related to consensual sex, such as adultery.¹⁹⁸

The Air Force Academy’s sexual assault scandal resulted in the relief of four Air Force officials that included Superintendent James G. Roche, his second in command, Brigadier General S. “Taco” Gilbert III, Vice Commandant Colonel Robert D. Eskridge and commander of cadet training Colonel Laurie S. Slavec.¹⁹⁹ The reports focused on the command responses to sexual assault and related policies at the Academy and not individual cases.

DoD Inspector General Schmitz and the Panel to Review Sexual Assaults at the Air Force Academy both came to the conclusion that the Air Force knew about the serious sexual assault problem at Academy for more than ten years. Notwithstanding the knowledge that the Air Force failed to carry out the required actions needed to resolve the problem. Schmitz, the Panel, and the Working Group observed inconsistencies in the oversight of sexual assault problems. A few of the oversight concerns involved the Sexual Assault Services Committee’s irregular meetings and the leadership turnover rate.²⁰⁰

¹⁹⁸ Ibid., 40.

¹⁹⁹ Diana Jean Schemo and Michael Moss, “Criminal Charges Possible In Air Force Rape Scandal,” March 27, 2003, <http://www.nytimes.com/2003/03/27/us/criminal-charges-possible-in-air-force-rape-scandal.html> (Accessed July 18, 2015).

²⁰⁰ Fowler, *Report*, 42.

Furthermore, the Panel, The Working Group, and DoD Inspector General Schmitz identified culture as a causative influence on the Academy sexual assaults. Cadets at the Air Force Academy recounted that the regularity of sexism and sexualized remarks occurred to the point of normalcy. According to a sexual assault survey given at the Academy one in every five cadets who took the survey responded that they felt that women did not belong in the Academy. In 1998, forty-one percent of female cadets reported sexual harassment by other cadets and sixty-three percent reported derogatory comments based on gender. Some the cadet squadron accepted crude behavior as norm and expected female cadet to put up with it. Another survey in 2001 indicated that forty-five percent of feared reprisal from the faculty for reporting sexual harassment. Interviews conducted with the Academy leadership also revealed the frequent use of offensive gender-based comments when referring to females.²⁰¹ The Panel and DoD Inspector General revealed that the failure of leadership at the Academy to change the culture at the institution, created an environment favorable to sexual assault.²⁰²

The mindset of the command's senior officers played a major role in the sexual assault troubles. Brigadier General S. "Taco" Gilbert III said, "For example, if I walk down a dark alley with hundred- dollar bills hanging out of my pockets, it does not justify my being attacked or robbed, but I certainly increased the risk by doing what I did."²⁰³ Gilbert gave this response when questioned regarding the rape of female cadet following an evening in which she partook in drinking and strip poker. Colonel Slavec believed that

²⁰¹ Working Group, *Report*, 83.

²⁰² Schmitz, 2004b

²⁰³ Fowler, *Report*, 32.

the women claiming to experience sexual assault at the Academy lied. Her responsibilities as a commander required that she report sexual assaults, but her harshness and mentality deterred sexual assault victims from reporting.²⁰⁴

Following the Air Force Academy's sexual assault incidents, numerous procedural changes went into effect for new cadets in 2004. The Secretary of the Air Force's Agenda for Change sketched out 165 needed changes identified by Air Force officials. In 2004, the Air Force implemented 140 of 165 changes.²⁰⁵ One of the first changes created new reporting procedures sexual assault. These included the creation of a new sexual assault response team.²⁰⁶ In addition to this, the Air Force put into effect programs for sexual assault and harassment educational training for cadets.²⁰⁷

Of the sexual assault cases forty percent of them involved alcohol. Officials at the Academy responded by implementing stricter regulation regarding the drinking alcohol. For example, the academy discharged cadet following the second drinking infraction.²⁰⁸ Superintendent Rosa was responsible for implementing many of these changes and recognized that the main problem at the Academy stemmed from the leaders creating an hostile environment that discouraged sexual harassment and sexual assault complaints.²⁰⁹

²⁰⁴ Ibid., 40.

²⁰⁵ Donna Miles, *Air Force Academy Introduces Sweeping Changes, Looks to Future*, (Arlington, VA, : US Department of Defense, October 2003), <http://www.defense.gov/news/newsarticle.aspx?id=28368> (Accessed July 18, 2015).

²⁰⁶ Tom Bearden, "Culture Change at the Air Force Academy" PBS (October 14, 2003) http://www.pbs.org/newshour/bb/military-july-dec03-airforce_10-14/ (Accessed July 18, 2015).

²⁰⁷ Miles, "Air Force Academy."

²⁰⁸ Ibid.

²⁰⁹ Ibid.

This research revealed that intimidation factored as another problem. The panel concluded that Colonel Slavec created an environment so hostile that the cadets did not feel comfortable reporting the sexual assaults they endured. Slavec's mentality, along with her harsh leadership caused the cadets to feel unsafe.²¹⁰ For example, a victim chose to send an anonymous email instead of referring her complaint to the chain of command, this indicated that to some extent a hostile relationship existed between the cadets and their leadership.

The Air Force removed four of culpable leaders identified in the investigation, with one of them, Lt. Gen. Dallager receiving a grade reduction and a forced resignation from service, while others received reassignments.²¹¹

The military culture, coupled with negligent leadership, and lack of proper reporting due to fear of reprisal contributed to the sexual assaults. This in turn created a higher rate of mishandled information and underreported incidences. Cadets suffered greatly with physical and psychological abuse, but proper services did not appear helpful when needed. It is the responsibility of the military's higher leadership to protect the rights of the cadets as they serve their time in school and eventually, active duty. With ongoing sexual assaults, cadets were unable to thrive in their environment which inhibits them from a positive and full experience entitled to them.

²¹⁰ Working Group, *Report*, 147.

²¹¹ *Ibid.*

Chapter 5. The Deadly Consequences of Toxic Masculinity, 2000-2010

Gendered Violence: A Weapon of Mass Destruction

The United States' military invasions and occupations in pursuit of its "war on terror" continued its dark legacy of gender-based violence. Top ranking officials sanctioned the use of torture and brutal interrogation techniques, debasing treatment, psychological maltreatment and sexual violence in Iraq and Afghanistan, creating an environment which granted practical immunity to perpetrators of these criminal acts. The United States military subjected scores of Afghan and Iraqi citizens to inhumane treatment. Evidence revealed an internalization of this behavior within the military community. The shocking number of sexual assaults committed by fellow service-members in early twenty-first century bear witness to this fact. This is not to say that gender-based violence is a recent occurrence in the United States Armed Forces, its existence is well documented. Militaries throughout the world use sexualized violence as means to regulate the behavior of occupied lands.

Historically, armed forces used sexual violence as strategy of war. The patriarchal nature of the military promotes strict gender roles that associates so-called manliness with power and regards male homosexuality and femininity with weakness. This type environment becomes a breeding ground for sexual assault and sexual harassment. According to Aaron Belkin, a professor of political science at San Francisco State University, within the United States armed forces there exists a "rape culture," he explains:

...an organization that is very masculinist and that places a lot of value on dominance and power and subordination. You also have a system that's trying to train people to overcome inhibitions against violence. So, to produce a warrior we

have to train people how to become violent. In the training scenario you create a...dynamic where commanders have almost unlimited authority over people they are in charge of. When you put these three factors together, you have a recipe for rape.²¹²

Detainees experienced sexual violence at the hands of US civilians and service-members. Guards and those working at the Abu Ghraib prison on behalf of the US government humiliated detainees in order to extract intelligence. These degradations and abuses included coercing captives to wear women's undergarments, mimic sex, masturbate, engage in oral sex, and forced sodomy. In a military probe into abuse allegations, Major General Antonio Taguba discovered photographs and videos of naked female detainees and a US military officer engaged in sexual intercourse with a detained Iraqi woman. One female prisoner of Abu Ghraib stated that a fellow woman prisoner disclosed experiencing rape more than seventeen times at the hands of US Forces.²¹³

The Abuses of Abu Ghraib indicated that race and gender-based violence against prisoners in the US-run prisons as a widespread problem. Legal representatives of female detainees in Abu Ghraib points out that these type of abuses occurred as a norm at detention center across Iraq.²¹⁴

In 2005, a report issued by the Iraqi National Association for Human Rights outlined the abuse of women detainees in different detention facilities in Iraq, it

²¹² Aaron Belkin, *Bring Me Men: Military Masculinity and The Benign Façade of American Empire*.

²¹³ Monitoring Net of Human Rights in Iraq (MHRI), *First Periodical Report* (Aug. 2005)

²¹⁴ Anna Badkhen, "Rape's Vast Toll in Iraq War Remains Largely Ignored: Many Rape Victims Have Escaped to Jordan but Still Don't Have Access to Treatment and Counseling." *Christian Science Monitor* (November 2008). <http://www.csmonitor.com/World/Middle-East/2008/1124/p07s01-wome.html> (Accessed April 9, 2015).

documented the methodical use of rape by investigators.²¹⁵ In some circumstances, in order to get men to confess, US forces transported female family members to prisons and threatened them with rape.²¹⁶ For example, US troops operating in the Al-Mosul, Iraq area, detained female relatives to coerce the surrender of Iraqi fighters.²¹⁷ These disturbing methods of prisoner interrogation mirrored those employed in Uruguay and in other societies. In her book, *Becoming the Tupamaros*, Lindsey Churchill illustrates how the military regime treated leftist fighters.²¹⁸ She explores how the authoritarian Uruguayan government would rape female family members in front of incarcerated males in order to debase prisoner's masculinity.

While detained, Iraqi women endured various forms of psychological and physical maltreatment, as well as exposure to inhumane living conditions.²¹⁹ In 2005, British Parliamentary member Ann Clwyd substantiated a report that US troops attached a harness to an elderly Iraqi woman and rode her as if she was a donkey.²²⁰ The detention center in Al-Babel confined young girls with adults, leaving them susceptible to sexual violence.²²¹ In 2003, a female detained at Abu Ghraib, managed to secretly send a letter

²¹⁵ MHRI, *First Periodical Report*, 15

²¹⁶ International Red Cross, *Report of International of treatment by Coalition Forces of Prisoners of War of other Protected Persons by Geneva Convention in Iraq During Arrest, Internment and Interrogation* (February 2004), 36.

²¹⁷ MHRI, *First Periodical Report*, supra note 15.

²¹⁸ Lindsey Churchill, *Becoming the Tupamaros*. (Vanderbilt University Press: Nashville 2014), 151.

²¹⁹ Ibid. 15-17.

²²⁰ Luke Harding, "The Other Prisoners." *The Guardian*, May 19, 2004.

²²¹ Ibid.

out of that facility. The message described how American service-members raped females in their custody and forced them to disrobe in the presence of men.²²²

The war in Iraq and Afghanistan illustrate that the United States used gender based violence as a strategy in pursuit of the so-called war on terror. The methods employed share many similarities with those used in Latin America and other parts of the world. Although the United States government denied that it uses such methods. Using sexualized violence only creates more enemies and increases the likelihood of attacks against US interest. For example, in response to prisoner abuse, Iraqi civilians gathered in protest in front of the Abu Ghraib detention facility chanting “US Army go home.”²²³

Camp Taji, Iraq

In the course of the war in Iraq several women soldiers based from units based at Fort Hood, Texas, died of strange "non-combat related injuries" at the same area of operation in Iraq, Camp Taji. The Fourth Infantry Division and from 1st Armored Cavalry Division are organizations that call Fort Hood home. These respected divisions deploy soldiers in support of numerous tactical operations around the world and unfortunately some of those deployed do not return alive. In two cases, sexual assaults occurred prior to their deaths and in another it happened before deployment.

While deployed to Iraq, in February 2006, a fellow soldier raped Private First Class (Private First Class) Tina Priest of the 5th Support Battalion, 1st Brigade Combat

²²² MG Antonio Taguba, *Article 15-6 Investigation of the 800th Military Police Brigade*, (Department of the Army, October 2004), 16-7.

²²³ Luke Harding, “Pleading Prisoners and Families Outside Protest at the Horrors of Abu Ghraib Jail,” *The Guardian*, May 5, 2004, <https://www.theguardian.com/world/2004/may/06/iraq.lukeharding>, (accessed April 25, 2019).

Team, 4th Infantry Division, based at Fort Hood, Texas. Eleven days after the assault, on March 1, 2006, she was found dead. In an 800 page document US Army investigators ruled the cause of death as a self-inflicted M-16 shot wound.²²⁴ Joy Priest, the mother of Private First Class Priest challenged the Army's findings. According to Mrs. Priest, she spoke with her daughter several times in the days following the rape. She maintained that while extremely distressed about the sexual assault, her daughter did not seem suicidal.²²⁵ The overriding question on Mrs. Priest's mind was how could her 5-foot-tall daughter, with short arms, hold the M-16 at the angle necessary to inflict the fatal gunshot wound? The Army investigators made efforts to explain the conclusions; however, Mrs. Priest and 800 pages of provided material debunked the Army's claim.²²⁶ The officials then said, Tina used her toe to pull the trigger of the weapon that killed her. Military law enforcement investigated Priest's death as a suicide and as a possible homicide.

In the weeks that followed Priest's death, the military dropped the rape charges against the service-member whose sperm investigators found on her sleeping bag. The legal proceedings resulted in the soldier's receiving non-judicial punishment for failing to obey a lawful order. The alleged perpetrator received a punishment that included

²²⁴ Paige Whaley Eager, *Waging Gendered Wars: US Military Women in Afghanistan and Iraq* (City: Ashgate Publishing, Ltd., 2014), 146-147; David Zucchini, "Family disputes Army's suicide finding in daughter's death," *Los Angeles Times*, March 08, 2009.

²²⁵ Ann Wright, "Is There an Army Cover Up of Rape and Murder of Women Soldiers?" *Common Dreams*, April 28, 2008, <http://www.commondreams.org/views/2008/04/28/there-army-cover-rape-and-murder-women-soldiers>, (Accessed April 26, 2016).

²²⁶ Wright, "Army Cover Up."

forfeiture of half a month's pay (\$714) for two months, thirty days restriction to the base and forty-five days of extra duty.²²⁷

Once again at Camp Taji, on May 11, 2006, only ten days after the death of Tina Priest, 19-year-old Private First Class Amy Duerksen succumbed to her wound three days after "a self-inflicted gunshot."²²⁸ Investigators reported that Duerksen had her diary open to page on which she wrote about experiencing sexual assault during training after unwittingly ingesting some kind of date-rape drug. Just as in the Priest case, the Army maintained that Duerksen committed suicide. After her death, the Army charged the individual she identified as her assailant in her diary with rape. Many of those who knew Amy did not accept the claim that she shot herself; however, the Army did not conduct a homicide investigation.²²⁹

Four months later, in September 2006, a Humvee travelling on a perimeter road at Camp Taji discovered a US soldier lying on the ground. She was near death, with injuries that included crushed ribs and a ruptured spleen with tire treads marks on the right side of her body. The soldier was twenty year old Private First Class Hannah Gunterman McKinney of the 44th Corps Support Battalion, based at Ft. Lewis, WA.²³⁰ Military officials claimed that a vehicle struck her while she attempted to cross the road from a guard tower to a latrine and therefore ruled her death an accident. Hours later, officials

²²⁷ Ibid..

²²⁸ David Olinger and Erin Emery, "Waging Internal War," *The Denver Post*, August 2008, 11A.

²²⁹ Ibid.

²³⁰ Donna St. George, "Iraq Non-Combat Death Harsh Blow to Soldier's Family Drunken Night Left Young Mom Runover, Left Behind by GI," *Washington Post*, January 13, 2008, (accessed April 26, 2016); Wright, "Army Cover Up."

notified McKinney's parents, Barbie and Matt Heavrin that their daughter died of injuries sustained when an army vehicle ran her over; however, further inquiry into this tragedy exposed a story more troubling than the one the Army revealed.²³¹ Later, a more thorough investigation determined that a drunken sergeant ran over her with a vehicle after he sexually assaulted her. The investigation established that she either fell or someone pushed her from the vehicle. Sergeant Shell entered a guilty plea to the charges of drinking in a combat zone, drunken driving, consensual sodomy with an incapacitated junior soldier, and supplying alcohol to an underage soldier. A military judge sentenced Shell to 13 months in prison and demotion to private; however, he could remain in the Army after completing his confinement period.²³²

Over time, the Heavrins eventually learned what transpired at Camp Taji on September 4, 2006. A 1,460-page file and court-martial transcription acquired by The Washington Post under the Freedom of Information Act contained many of the specifics of the case.²³³

McKinney joined the Army Reserve in 2003 and a year later she became pregnant with her son Todd. She returned to California after her relationship ended with Todd's father, nevertheless, in 2005, she elected to go on active duty in order to provide a better life for her son. She erroneously assured her family that the military would not deploy a single mother into a combat zone. Months following her training, McKinney deployed to

²³¹ Vernon Loeb "Army Pfc. Hannah L. McKinney, 20, Redlands; Killed in Humvee Accident" *Los Angeles Times*, September 24, 2006, , <http://articles.latimes.com/2006/sep/24/local/me-mckinney24>, (accessed April 26, 2016).

²³² St. George, "Iraq Non-Combat Death."

²³³ *Ibid.*

Camp Taji in support of Operation Iraqi Freedom. Shortly after her arrival, she pulled guard duty shifts at guard towers along the perimeter of that installation.

According to the case file testimony, Damon Shell and two others sergeants met to celebrate the end of their tour of duty on the night that proceeded that fateful September morning. Despite the military's ban on alcohol in a combat environment, one of the sergeants managed to purchase vodka and consumed cocktails in their living areas. According to their statements, the drunken noncommissioned officers loaded up into a Humvee to tell a female guard at one of perimeter tower goodbye. Testimony states, after reaching the tower, Shell attempted to persuade two female soldiers to kiss him; however, they refused. At 3 a.m. the sergeants stopped at McKinney's guard tower. Shell invited her down to accompany them in the vehicle.

Following McKinney's funeral, specific details of the incident started to come to light, when Mrs. Heavrin asked Army investigators for "all the details." She discovered that her daughter's fatality was a criminal case.

According to Shell, McKinney became "really drunk after drinking just one glass" of vodka and orange juice at the living quarters. Shell then had sex with McKinney in her incoherent state. Afterwards, Shell attempted to take McKinney back to her assigned guard tower; however she "was in no shape" to perform her duties.²³⁴

Shell departed the tower at approximately 5:35 a.m. with McKinney in the Humvee, which weight about 10,000 pound. As Shell drove the vehicle, he maneuvered into a space between a passing vehicular convoy and observed McKinney hunched forward in the seat adjacent to him. Shell explained that while proceeding along the road,

²³⁴ Ibid.

he heard the vehicle's door swing open and felt the familiar bump, at the point where the dirt and gravel road suddenly becomes concrete and then a second unexpected bump that felt as though he ran over something.²³⁵ He noticed the door ajar, and McKinney gone. Shell said, "I knew it was a possibility that I had run her over,"²³⁶ Yet, he continued to his living area and bedded down as McKinney lay dying on the road. Somewhere around or about 5:45 a.m. two service-members in a Humvee found McKinney.

The Heavrans came to Fort Hood, Texas, and anticipated a guilty verdict in the court-martial of the man on trial for their daughter's death. Shell pleaded no contest to the charges of drinking, drunken driving and consensual sodomy and his attorneys acknowledged that he ran over McKinney. The singular question, a judge needed to decide, was whether Shell's actions constituted involuntary manslaughter.²³⁷

According to prosecutors, the mandatory measure of negligence was evident in "the totality" of Shell's conduct, drunk driving in a combat zone with an underage individual, supplying alcohol to a junior soldier resulting in incapacitation and whose Humvee door he secured.

The defense attorneys presented the case as an unpreventable accident that Shell had no control over. They called in an accident reconstruction expert who pointed out that Shell did not exceed the speed limit or swerve, as a witness for the prosecution testified, and that the doors of the Humvee tended to pop open.²³⁸

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

The court-martial panel sentenced Shell only on the three lesser charges to which he entered a guilty plea. As result, he would serve thirteen months confinement and received a demotion to private with no discharge from the service.²³⁹

With McKinney death, the Heavrans have custody of their grandson. Mrs. Heavrin often imagines herself in the courtroom and showing Shell her daughter's Army beret telling him "Here's the No. 1 reason you should have stopped for her. You're a fellow soldier."²⁴⁰

Other questionable "non-combat related injury" fatalities in Camp Taji area include PFC Melissa J. Hobart of Fort Hood's 1st Armored Cavalry Division in June 2004, Sergeant Jeannette Dunn 1st Armored Cavalry in November 2006, Specialist Kamisha J. Block of the 89th Military Police Brigade in August, 2007, Specialist Marisol Heredia of the 4th Infantry Division in September 2007 and Specialist Keisha M. Morgan of the 4th Infantry Division in February 2008. Army officials did not classify these fatalities as suicides; however, the suspicious circumstances surrounding their deaths demands further investigation due to some serious unanswered questions regarding these tragedies.²⁴¹

Mahmoudiyah, Iraq

On February 16, 2005, Steven D. Green signed a contract to serve a total of four years and nineteen weeks in the US Army. After Green completed basic training and advanced individual training as an infantry man, he received orders that assigned him to

²³⁹ Wright, "Army Cover Up."

²⁴⁰ Ibid.

²⁴¹ Ibid.

Company B, First Battalion, 502nd Infantry Regiment of the 101st Airborne (Air Assault), at Fort Campbell, Kentucky. On September 24, 2005, Green deployed to Iraq to a small city about 19 miles south of Baghdad called Mahmoudiyah.²⁴² On the afternoon of March 12, 2006, Green along with other soldier of his unit, Paul Edward Cortez, James Paul Barker, Jesse Von-Hess Spielman, and Bryan Lee Howard, played cards and willfully disobeyed Army General Order One by drinking and possessing alcohol on duty at an Army Traffic Checkpoint referred to as TCP-2. As the service-members drank, Green expressed his desire to avenge the deaths of several US soldiers by killing Iraqi civilians. With some persistence Green persuaded Barker to partake in his plan. Barker informed Green of a house close to their location where an Iraqi family resided. Barker also proposed that they rape one of the women. Green and Barker managed to convince Cortez and Spielman to join them as well.²⁴³

In preparation for carrying out their heinous plan, Barker and Cortez changed into all black and wore a ski masks. Green used an Army issued brown t-shirt to conceal his face. As they set forth, Green left armed with a shotgun while the other carried with them military issued M-14 or an M-4 rifle. Howard stayed behind at TCP-2 with instructions to warn the others over the ICOM two way radio device, if he observed any Army personnel coming towards TCP-2. The group departed their position through a space between the wire fence that enclosed the checkpoint and proceeded approximately 400 meters into a

²⁴² *United States v Steven D. Green*, 3.

²⁴³ *Ibid.*

field to a chain-link fence. They breached the barrier by cutting a hole through it to get to the other side.²⁴⁴

Once Green and his accomplices reached the other side of the fence, they darted to the residence Barker designated. Green and Spielman advanced towards an Iraqi man Kassem Hamza Rachid Al-Janabi, and his six-year-old daughter, Hadeel Kassem Hamza Al-Janabi. The assailants then forced the father and daughter into their house where Fakhriya Taha Mohsine Al-Janabi, Kassem's wife and fourteen-year-old Abeer Kassem Hamza Al-Janabi watched in disbelief as the home invasion transpired. Green and Spielman moved Kassem, Fakhriya, and Hadeel into one of the bedrooms. Green remained inside the room with the family while Spielman shut the door and stood outside. Cortez and Barker dragged Abeer to the living room. Cortez shoved Abeer to the floor, yanked off selected portions of her garments, and pulled her dress above her waist. Cortez and Barker assisted each other in carrying out the sexual assault. One held Abeer down while the other raped her. During the sexual assault, the sound of gunshots came from inside the bedroom where Green held the rest of the family. In response to the discharge of the firearm, Spielman knocked on the bedroom door. Green stated that everything was okay and proceeded to living room. Green set the AK-47 rifle down in the corner of the living room and announced that he killed the members of the Al-Janabi family held in the bedroom. Green's comrades noticed that he became agitated and acted irate. Green sexually assaulted Abeer, while Cortez restrained her. After Green finished this heinous act, he grabbed the AK-47 rifle, placed a pillow over Abeer's head, and shot her multiple times in the face. At the recommendation of one of the perpetrators, Barker

²⁴⁴ Ibid.

poured kerosene onto Abeer's body from a lamp found in the house and set her remains ablaze. The group departed the scene of the crime after Green uttered that he opened the valve of a propane-tank to trigger an explosion in the house. The group travelled along the same path in the reverse direction back to TCP-2 and discarded their clothing in burn pit used for waste. Cortez directed Spielman to get rid of the AK-47 rifle that Green used in the killings. Spielman threw the firearm into the canal in the vicinity of the checkpoint.²⁴⁵

Later that afternoon, Iraqi civilians notified TCP-1 of a house near TCP-2 set on fire with several bodies that included the charred remains of a possible female rape victim. The noncommissioned officer in charge (NCOIC) of TCP-1 contacted TCP-2 and expressed that he planned to send a patrol to investigate the house behind TCP-2 and he required extra personnel. Approximately twenty minutes later, Sergeant Anthony Yribe set forth to TCP-2 along with an Iraqi interpreter and several Iraqi Army soldiers stationed at TCP-1. Cortez and Spielman also accompanied Sergeant Yribe's team to the Al-Janabi house.²⁴⁶

When the investigation team arrived, they immediately noticed the remains of a woman with bullet wounds to the face and with significant areas of her body burned beyond recognition. In another room of the house, the team found three dead bodies, all shot in the head and chest at close range. The investigation team mistakenly blamed killings on Iraqi counterinsurgents and did not initiate a criminal investigation. Upon their return to TCP-2, Green, in front of Barker, revealed to Yribe that he killed the Al-

²⁴⁵ Ibid, 3-4

²⁴⁶ Ibid, 4-5.

Janabi family. Later, in that same day, Yribe met with both his superior and the company commander, Captain John Goodwin, in regard to the investigation, but he did not divulge any information about Green's disturbing admission. The following day, on March 13, Yribe, in Barker's presence, questioned Green concerning the incidents of the previous day, and Green again confessed to the killings.²⁴⁷

On March 28, 2006, a Combat Stress Team, diagnosed Green with both an anti-social personality disorder and an adjustment disorder with depressed mood. On April 2, based on the findings of the Combat Stress Team, Brigade Commander Colonel Todd J. Ebel requested an early release from the Iraqi theater of operations for Green. On April 14, Green received a written notice from his company commander, Goodwin, indicated his intent to initiate action in accordance with Army Regulation 635-200 5-13 to separate Green from the armed forces due to his personality disorder established on the grounds that it "interferes with [Green's] ability to perform [his] duties and be a productive soldier."²⁴⁸ Cpt. Goodwin recommended an honorable discharge. On May 3, Green received orders that released from the Iraqi theater.²⁴⁹

While awaiting his release, Green did not make any allegation of the Army failure to follow its regulations or challenge the validity of his discharge. On May 9, Green received orders that reassigned him to Fort Campbell, Kentucky, for transitional processing out the service. Green's separation order declared that, "after processing," designated May 16 as his official date of discharge from the 101st Airborne (Air

²⁴⁷ Ibid, 5.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

Assault) unless changed or rescinded. On May 15, Green received the “Final Installation Clearance” stamp on his separation orders. The following day, on May 16, Green ended his time in military with a total of fifteen months of active federal service. The Army issued Green his Department of Defense Form 214, the Certificate of Release or Discharge From Active Duty, which indicated an honorable discharge attributed to a personality disorder.²⁵⁰

On June 20, 2006, in the course of a debriefing, Private First Class Justin Watt, who also served in the Green’s unit, told an Army combat stress counselor, that in March 2006, US soldiers sexually assaulted and murdered an Iraqi female and unlawfully took the lives of three other Iraqis. The information Watt provided contradicted the report of the initial investigation team, which blamed the killings on Iraqi counterinsurgents. The Army combat stress counselor conveyed Watt’s statement to his chain of command. On June 24, 2006, the battalion commander questioned Barker, Cortez, Spielman, and Howard regarding the incident near TCP-2. Following proper protocol, the commander then disclosed all the information he collected to the United States Army Criminal Investigation Division (CID), which initiated an official criminal investigation. CID investigators talked to witnesses, which included Barker, Cortez, Spielman, and Howard, each of whom provided written statements wherein they confessed to the extent of their involvement in both the rape of Abeer and the subsequent killings. Barker, Cortez, and Spielman pinpointed Green as the shooter of all four victims. Investigators also acquired a written account from Yribe, in which he mentions the two statements made by Green shortly after the horrendous event. Investigators also talked with a friend of Green and

²⁵⁰ Ibid., 6.

two other soldiers, each of whom maintained that Green revealed to them that he raped an Iraqi girl and killed both her and her family.²⁵¹

For the roles they played in the Al-Janabi murders, the Army prosecuted Barker, Cortez, Spielman, and Howard under Uniform Code of Military Justice. The military court-martialed Barker, Cortez, and Spielman on indictments for murder, conspiracy, obstruction of justice, arson, and housebreaking, however no charges for sexual assault. In exchange for their guilty pleas, the convening authority decided to limit their sentences to a maximum of 90, 100, and 110 years in confinement which carried with it a dishonorable discharge and the possibility of parole for these predators after serving ten years.²⁵²

The Army no longer possessed court-martial jurisdiction over Green due to his discharge from the military, and the general federal criminal statutes did not apply to his murderous and sexual predatory actions outside of the United States. Thus, civilian prosecutors pursued charges against him under Military Extraterritorial Jurisdiction Act (MEJA) for his part in the criminal acts committed against the Al-Janabi family. On November 2, a federal grand jury indicted Green with sixteen crimes:

- conspiracy to commit, murder (Count 1)
- conspiracy to commit, aggravated sexual abuse (Count 2)
- four counts of premeditated murder (Counts 3-6),
- four counts of felony murder (Counts 7-10),

²⁵¹ Ibid.

²⁵² Ibid, 7.

- aggravated sexual abuse (Count 11)
- aggravated sexual abuse of a child (Count 12)
- our counts of use of a firearm during a crime of violence (Counts 13-16).
- obstruction of justice under (count 17)18 USC.§ 1512(c)(1) (2006).

The indictment contained within it a notification of special findings in regard to Counts 3-10 and 13-16 which, if substantiated, Green might face the death penalty. The United States later declared that it intended to pursue the death penalty, which required Green to stand trial and did allow for him to plead guilty.²⁵³

Green's trial began on April 27, 2009. The prosecution rested its case on May 4, 2009. On May 7, 2009, a federal jury found Green guilty of the charges of rape and murder, for which he could possibly face the death penalty. However, on May 20, 2009, the inability of the jury of nine men and three women reached an agreement on a penalty that spared Green the death penalty, resulting in life without parole. Green formally received his sentence on September 4, 2009.²⁵⁴ Green challenged his convictions on the grounds that the legal authority to try him remained with the military; and MEJA violated the constitution; however, in August 2011, Green lost his appeal.²⁵⁵

The Army court-martialed Howard and convicted him as an accessory after the fact and conspiracy to obstruct justice, for which the court sentenced him to twenty-seven-month confinement, rank reduction to Private, and a dishonorable discharge. Yribe, who faced charges of dereliction of duty and giving false official statements, asked for a

²⁵³ Ibid,

²⁵⁴ Ibid, 8

²⁵⁵ Ibid, 22.

discharge instead of standing trial by court-martial. The Army dropped the charges against Yribe and discharged him from the service under other than honorable conditions.²⁵⁶

²⁵⁶ Associated Press, "Ex-sergeant: Soldier Admitted Iraq War Crimes," *NBCNEWS.COM*, April 29, 2009, http://www.nbcnews.com/id/30486667/ns/us_news-military/t/ex-sergeant-soldier-admitted-iraq-crimes/#.XANuiS3MxQI (Accessed December 1, 2018).

Chapter 6. Conclusion

In 2011, President Obama signed the repeal of Don't Ask Don't Tell.²⁵⁷ This progressive change enabled LGBTQ+ individuals to openly serve in the US Armed Forces and to receive benefits that heterosexual families receive. However, this did not necessarily mean that the toxic-masculine military culture welcomed this change.

Two years later, Secretary of Defense Leon E. Panetta lifted the restriction on women in combat roles. Traditionally, the US Armed Forces maintain policies that made combat roles exclusive male. The inclusion of women in these combat specialties generated intense debates from those who desire to maintain the traditional patriarchal roles.²⁵⁸

The decision to finally open all combat roles to women without exception on December 3, 2015, resulted from a continuous effort that started at the conclusion of the Second World War, when US Armed Forces officially recognized the status of women within in the service. Women's activism contributed greatly to this progression, by challenging institutional and cultural barriers; however, the needs of recruits for a volunteer military when male conscription ended in the United States played a major role as well. The end of the draft in the early 1970s served as an important event in the integration of women and LGBTQ+ into the Armed Forces. It provided real opportunities to join the military and fill desperately needed positions during the Cold War. Gender

²⁵⁷ David F. Burrelli, *The Repeal of "Don't Ask, Don't Tell": Issues for Congress*, Congressional Research Service, (December 21, 2012), 1.

²⁵⁸ Elisabeth Bumiller and Thom Shanker, "Pentagon Set to Lift Ban on Women in Combat Roles," *New York Times*, January 23, 2013, <https://www.nytimes.com/2013/01/24/us/pentagon-says-it-is-lifting-ban-on-women-in-combat.html> (Accessed March 25, 2019).

differences in human resource policies vanished quickly in the early 1980s. The Gulf War and particularly the recent conflicts in Afghanistan and Iraq eliminated the last obstructions to the development of policies that allowed the full gender integration and removed the ban on LGBTQ+, and disproved the irrational arguments of exclusion.

The interconnected relationship between military culture and the patriarchal social construction of gender makes it difficult to divorce them from one another. Efforts to integrate women posed many challenges for the armed forces. If lawmakers and military leaders sincerely wish to tackle the issue sexism and homophobia, they need to direct their attention to the source of the problem which is the military's culture and its construction of gender.

Department of Defense policies failed to prevent sexual harassment and sexual assault within the military. Congressional testimony in 2004 uncovered 112 incidents of sexual misconduct reported in combat zones.²⁵⁹ Training to prevent sexual harassment and assault became a requirement for soldiers by the 1990s, the Department of Defense renewed its focus after the Aberdeen Proving Grounds scandal in 1996 revealed that Drill Instructors “coerced or sexually assaulted” the female trainees.²⁶⁰ At the Senate hearing to investigate these cases Senator Dirk Kempthorne (R-ID) commented that the Army's

²⁵⁹ Eric Schmitt, “Military Women Reporting Rapes By US Soldier,” *New York Times*, February 26, 2004, <https://www.nytimes/2004/02/26/us/military-women-reporting-rapes-byus-soldiers.html>, (Accessed November 27, 2018).

²⁶⁰ Mary Fainsod Katzenstein and Judith Reppy, *Beyond Zero Tolerance: Discrimination in Military Culture* (Lanham, MD: Rowman & Littlefield Publishers, 1999),60. Elizabeth Hillman, "Front and Center: Sexual Violence in US Military Law," *Politics & Society* 37, no. 1(2009): 101-129.

“zero tolerance” did not produce “meaningful policies” that prevented sexual abuse.²⁶¹ Whereas other lawmakers erroneously blamed the push to integrate women into male units for creating “atmosphere” favorable for these incidents to occur.²⁶² The military leadership argued unacceptability of sexual harassment and rape under any condition. They regarded it as a leadership failure and declared their intent to get to the heart of the problem.²⁶³ Shortly after the Aberdeen Proving Grounds incident, the Army announced the members of a newly formed task force to investigate sexual harassment/abuse around the army; however, another serious problem arose with the selection the Army’s most senior enlisted leader, SMA Gene McKinney to the panel. Five female soldiers accused McKinney of sexual misconduct, which resulted in his removal from the committee. McKinney’s sole conviction on the charge of obstructing justice resulted in a reduction in rank to Master Sergeant. Months afterward, he retired with full benefits based on the highest position held, Sergeant Major of the Army.²⁶⁴

The military possesses its own body of laws known as the Uniform Code of Justice (UCMJ) which regulates all facets of life within the armed forces, which also

²⁶¹ United States, Senate, Armed Services Committee, “*Army Sexual Harassment Incidents at Aberdeen Proving Ground and Sexual Harassment Policies Within the Department of Defense*,” 105th Cong., 1st sess., February 4, 1997, 2, ProQuest Congressional (97-S201-15).

²⁶² Senator Dan Coats (R-IN) in 1997 Senate Hearing, *Army Sexual Harassment*, 38-40.

²⁶³ General Dennis Reimer, 1997 Senate Hearing, *Army Sexual Harassment*, 12-5.

²⁶⁴ David Stout, “Full Pension is Backed for Former Top Soldier,” *The New York Times*, May 12, 1998.

include the punishments for violations of these rules. The way the military deals with criminal offenses reflects how seriously it regards such transgressions within its culture.

The UCMJ prohibits sexual assault and establishes specified reporting procedures. Regrettably, a gap exists between the sexual assault reported and the investigations or court-martials (court cases) within services. For example, in 2012, of the more than 2,661 dispositions, commanders could not act against 509 subjects due to evidence related problems and eighty-one others for being out of jurisdiction or false accusations.²⁶⁵ Many victims feel that their leadership does not take such claims seriously. In 2014, Marine Corps General James F. Amos explained that the victims simply did not trust in their chain of command.²⁶⁶ Thus, recent statistics unequivocally show that victims lack confidence in the enforcement of the military laws, suggesting that the culture devalues victim's accounts and experiences.

The court-martial is another characteristic of the legal system the armed forces that gives rise to a culture hostile to those who experience sexual violence. Like its counterparts in the civilian sector, the military court must prove guilt beyond a reasonable doubt and convicts very few accused rapists. In some instances, when a victim reported assaults their leaders either did not take the claims seriously or failed to conduct a proper investigation of the assault, which indicates a weak level of commitment to eradicate gendered violence within the military culture.

²⁶⁵ US Department of Defense, *Department of Defense Annual Report on Sexual Assault in the Military*, (Arlington, VA,: US Department of Defense April 2013), 4.

²⁶⁶ Kirsten Zalesk, *Understanding and Treating Military Sexual Trauma*, (Springer Publishers, May 2018), 28.

For instance, in 2005, an Air Force woman reported her sexual assault to her supervisor, who simply told her to “work it out” without filing an official rape report. Nine years later, after attending an Air Force sexual assault briefing, the victim reported her attack once more. The court-martial trial ended with a rape conviction; however, the assailant Lieutenant Colonel Michael J. Briggs only received a sentence of five months in jail, a reprimand and a dismissal from the Air Force.²⁶⁷ In 2011, an article that appeared in Newsweek article told the story of the sexual assault of a seventeen-year-old male recruit. While conducting a basic combat training course, Michael Harding’s drill sergeant repeatedly raped him. When Harding attempted to report his sexual assault to his unit commander, the officer ignored him and said to him, “It must have been your fault. You must have provoked them.”²⁶⁸ The article mentions that the sergeant whom Harding says raped him retired honorably and later, ended up convicted of sexually assaulting several underage junior ROTC cadets. The drill sergeant who allegedly raped Harding years ago plead guilty to lewd and lascivious acts on a child and received a prison sentence.²⁶⁹

The reporting procedures for crime in military law also plays role in the development a rape culture. In accordance with regulations commanding officers wield a tremendous amount power in determining whether to investigate or prosecute a crime.

²⁶⁷ Nancy Montgomery, “Spangdahlem-based Air Force Pilot Convicted of Rape,” August 14, 2014, <https://www.stripes.com/news/spangdahlem-based-air-force-pilotconvicted-of-rape-1.298194>, (accessed November 14, 2018).

²⁶⁸ Jesse Ellison, “The Military’s Secret Shame,” *Newsweek*, (April 3. 2011), <https://www.newsweek.com/militarys-secret-shame-66459> (accessed November 14, 2018).

²⁶⁹ Ellison, “The Military’s Secret Shame.”

For example, a unit commander at their own discretion may decide not to initiate Article 32 hearing proceedings after a victim reports a crime depending on if he/she does not believe the complaint or feels it may negatively impact the mission. Most sexual abuse cases do not make it to Article 32 hearing unless the assaulted party pursues means of support outside of the organization and even if an Article 32 hearing takes place, the character of the assaulted often comes under attack. In 2013, Mark Thompson wrote a *Time Magazine* editorial which described the abusive line of questioning the rape victim endured during an Article 32 hearing for a case where three navy midshipmen drugged and sexually assaulted female cadet. In course of the proceedings, the defense attorneys:

attacked her with graphic, repetitive questions, the accuser sometimes gripped her meditation beads, a gift from her sexual-assault counselor. The lawyers wanted to know if she wore underwear to the party, how wide she opens her mouth during oral sex and if she “grinds” when dancing. They asked her if she “felt like a ho” the morning after (although Commander Robert Monahan Jr., the hearing officer, drew the line when a defendant’s lawyer asked if she carried condoms in her purse). “This is harassment,” Susan Burke, her civilian attorney, told military prosecutors during a break. “It has to stop!”²⁷⁰

The reluctance of service-members to report assaults stems from the notion that no one will believe their story or that the leaders aware of the situation will not take appropriate actions. In many instances, high-ranking officials possess the power to determine guilt or ignore the allegations without documenting it. For example, in May 2011, the Associated Press reported complaints by victims’ advocates and Congressional leaders that “the

²⁷⁰ Mark Thompson, “The Military’s Latest Rape-Case Mess: A Sexual Assault Case Reveals an Unbalanced Military Justice System,” *Time*, (September 16, 2013), 1.

military too quickly destroys records from the hundreds of rapes and sexual assaults reported confidentially each year.”²⁷¹

In 2011, fifteen women and two men filed a class action lawsuit against the Department of Defense, claiming that the DOD constructs a military culture that does not safeguard sexual assault victims. The lawsuit specifically singled out Robert Gates and Donald Rumsfeld claiming that they led institutions in which “to take reasonable steps to prevent plaintiffs from being repeatedly raped, sexually assaulted and sexually harassed by federal military personnel.”²⁷² Senator Kirsten Gillibrand (D-NY) advocated for changes in reporting procedures used by the armed forces. She pushed for removal of the reporting responsibilities from the chain of command to legal authorities.²⁷³

Sexual assault occurs in all areas of military life, at the academies, permanent duty stations, service schools and deployments. The results on a poll taken at military academies observed the of 1,906 women surveyed, and 302 sexual assaults occurred since their enrollment. Same survey also revealed that “50 % of the female respondents and 11% of male respondents experienced some form of sexual harassment after arriving at the schools.” Fifty-five of the men polled claimed they experienced sexual assault at the school.²⁷⁴

²⁷¹ Kimberly Hefling, Associated Press, Advocates: Retain evidence in military rape cases, *San Diego Union-Tribune*, May 24, 2011, <https://www.sandiegouniontribune.com/sdut-advocates-retain-evidence-in-military-rape-cases-2011may24-story.html> (accessed November 14, 2018).

²⁷² Ashley Parker, “Lawsuit Says Military Is Rife With Sexual Abuse,” *New York Times*, February 15, 2011, <https://www.nytimes.com/2011/02/16/us/16military.html> (Accessed November 14, 2018).

²⁷³ Senator Kirsten Gillibrand, Military Justice Improvement Act: Gillibrand Testimony, <https://www.gillibrand.senate.gov/mjia/gillibrand-testimony/>), (accessed November 30, 2018).

²⁷⁴ Anna Murline, “Exclusive: 1 in 5 Air Force Women Victim of Sexual Assault, Survey Finds,” *Christian Science Monitor* (March 17, 2011),

The conflicts in Iraq and Afghanistan brought to light sexual victimization among US soldiers at the earliest stages of the military actions. The Connecticut based victims advocacy group, the Miles Foundation, testified before a Senate Committee that it received reports of 68 sexual assault cases within first eighteen months of combat in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF).²⁷⁵ Women deployed to combat zones tended to report sexual harassment and sexual assault at higher rate than those who did not.²⁷⁶

Many women who served in the armed forces after the 9/11 terror experienced or lived under the constant threat of military sexual trauma before, during and after deployments.²⁷⁷ In spite of the severe heat, which increased the risk dehydration, some women reduced their water intake to avoid the need to utilize the latrine after dark for fear of sexual assault. “It’s no wonder some women in uniform try not to drink too much...the most dangerous place on base is often the secluded path to the latrines, where many assaults take place.”²⁷⁸ In Kuwait, a number of women loaded their weapons

<https://www.csmonitor.com/USA/Military/2011/0317/Exclusive-1-in-5-Air-Force-women-victim-of-sexual-assault-survey-finds>, (Accessed November 14, 2018).

²⁷⁵ Sheila Jeffreys, (2007), Double Jeopardy: Women, the US Military and the War in Iraq. *Women’s Studies International Forum Vol. 30, No. 1*, (2007) 16–25.

²⁷⁶ LeardMann et al., (2013), “Combat Deployment is Associated with Sexual Harassment or Sexual Assault in a Large, Female Military Cohort.” *Women's Health Issues, 23* (4), (July-August 2013)e215–e223. [https://www.whijournal.com/article/S1049-3867\(13\)00038-8/fulltext](https://www.whijournal.com/article/S1049-3867(13)00038-8/fulltext) (Accessed November 24, 2018)

²⁷⁷ Sara Corbett, “The Women’s War,” *New York Times Magazine*, (March 18, 2007), <https://www.nytimes.com/2007/03/18/magazine/18cover.html?pagewanted=all> (accessed April 23, 2019).

²⁷⁸ Margaret Carlson, “The Military’s Culture of Sexual Violence. *Bloomberg View*,” (May 21, 2013). <https://www.bloomberg.com/opinion/articles/2013-05-21/the-military-s-culture-of-sexual-violence>, (accessed November 24, 2018).

before going to the latrines with them at night in violation of established policies. In order to mitigate restroom rapes, some commander required service-women to travel with escorts to the restrooms at night and some installations instituted what became colloquially termed as “booty duty” around the women’s living areas and bathrooms to deter the sexual predation. Some deployment bases prohibited women from leaving their barracks after dark without male companion.²⁷⁹ A study conducted related to the defensive behaviors of female service-members when deployed revealed that, “One fourth of the women (25%, n=127) reported that they were armed or ready for self-defense on base due to their fear of rape, violence, or sexual harassment.”²⁸⁰ The same study, also found that 1/3 of their non-deployed service-women sample ($n = 177$) moved off of the military installation to avoid sexual harassment and to attain a sense of security they could not attain on base.²⁸¹

Prolonged fear for personal safety can adversely impact service-member’s physical and mental health with psychological problems occurring at a rate greater than ever before. Female depression and posttraumatic stress disorder (PTSD) diagnosis tend to double that of males. Some researchers attribute it to the inclination of most women to “internalize their suffering, developing depressive symptoms, whereas men generally

²⁷⁹ Jeffreys, Double Jeopardy: Women, the US Military and the War in Iraq. *Women’s Studies International Forum* (Vol. 30, No. 1) (2007)16–25.

²⁸⁰ Anne G. Sadler et al. (2003). “Factors Associated with Women’s Risk of Rape in the Military Environment,” *American Journal of Industrial Medicine*, 43, (2003), 266, http://www.arlingtonwestsantamonica.org/docs/Sadler_Military_Environment.pdf (accessed September 23, 2018).

²⁸¹ Sadler et al.(2003). “Factors Associated with Women’s Risk of Rape in The Military Environment.”

externalize their trauma in some form such as, using substances as coping mechanism.²⁸² Others investigators identify the high levels of stress that a service-woman experiences both on and off the military installation. Many women may not feel safe amongst fellow warriors and remain in a constant high state of mental alertness. The long term effects of this continuous “on guard” state results in stress response illnesses and anxiety disorders, such as PTSD and depression.

According to a study of more than 200,000 veterans deployed to the Iraq and Afghanistan theaters of operation, Thirty percent of the women who test positive for signs of PTSD also reported sexually assaults of those with PTSD, many often receive diagnosis of depression, eating disorders, or anxiety.²⁸³ Sexual assaults against males in the armed forces occur at an alarming rate as well. Men outnumber women in the military by at about five to one. Despite the epidemic of sexual violence perpetrated against males only one percent reported MST and PTSD.²⁸⁴ Some researchers think that the total number of sexual assaults that victimize men may outnumber those of committed against women; however, males may experience more resistance when they attempt to report.

²⁸² David Luxton, Nancy Skopp, and Shira Maguen, (2010), “Gender Differences in Depression and PTSD Symptoms Following Combat Exposure.” *Depression and Anxiety*, 27 (11), 1027–1033. <https://onlinelibrary.wiley.com/doi/abs/10.1002/da.20730> (Accessed November 24, 2018).

²⁸³ Maguen, Shira.et al., “Gender Differences In Military Sexual Trauma and Mental Health Diagnoses Among Iraq and Afghanistan Veterans with Posttraumatic Stress Disorder.” *Women's Health Issues*, 22 (1), (2012), e61–e66. https://s3.amazonaws.com/academia.edu.documents/44083060/Gender_Differences_in_Military_Sexual_Tr20160324-19366-1xmf7zs.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1543111347&Signature=19%2FHNRNwPlkwpPe2L72h5tn9wV3U%3D&response-content-disposition=inline%3B%20filename%3DGender_Differences_in_Military_Sexual_Tr.pdf, (accessed November 23, 2018).

²⁸⁴ Shira Maguen et al., “Gender Differences.”

“The Pentagon approximates that thousands of service-men experience some form of unwanted sexual contact each year, but only 380 males reported assaults in 2012.²⁸⁵ Many men who report sexual assault often find themselves diagnosed with substance abuse and depression.

In 2012, the prevalence of sexual misconduct accusations revealed that Army policies failed to bring this problem under control, with not only sexual harassment, but also with assault and rape. Female service-members testified before Congress about their horrible experiences. The unwillingness to solve issues of sexual harassment, assault and rape reveals how lack of will by military leadership resulted in undisciplined service-members not taking the issue seriously. Despite the fact that Equal Opportunity policies empower commanders to deal with cases of sexual harassment; however, fears that such reports might adversely impact their career might cause some leaders to downplay claims sexual misconduct. The lack of resolve within the Armed Forces hinders efforts to eliminate the military patriarchal culture that gives rise to the subculture of sexual harassment/abuse and rape.²⁸⁶

Since the 1980s, DACOWITS pressured the Department of Defense to find an effective solution for combatting sexual assaults within the services. In 2013, the Senator Kirsten Gillibrand (D-NY) proposed legislation to remove authority in sexual assault cases from the chain of command and place it in the hands of legal experts; however,

²⁸⁵ Matthew H. Brown, “Military Sexual Assault Victims Break The Silence,” *The Baltimore Sun*, December 15, 2013, <https://www.baltimoresun.com/news/maryland/bs-md-military-sexual-assault-20131214-story.html> (accessed November 23, 2018).

²⁸⁶ Rachel N. Lipari and Anita R. Lancaster, Defense Manpower Data Center, DMDC Report No. 2003-26, *Armed Forces 2002 Sexual Harassment Survey* (Arlington, Virginia: Department of Defense, 2003), vii.

legislators in the Senate blocked the measure out of fear of taking authority from military commanders for three years consecutive.²⁸⁷ As the role of women within the armed forces expanded, coalitions and alliances formed to fight for and protect servicewomen. The DACOWITS, the Women's Resource and Education Institute (WREI), and the National Women's Law all worked in conjunction with one another to end sexual harassment/assault; however, in recent years, new groups joined the effort. Female veterans founded the Service Women's Action Network (SWAN) and Alliance for National Defense. The Human Rights Campaign also contributed to the fight against Military Sexual Trauma.²⁸⁸

In 2016, the Secretary of the Defense Ash Carter announced the opening of all military occupational specialties including ground combat, to women²⁸⁹ With the end of the exclusion policies, the US Armed Forces no longer characterized "combat roles" as an exclusively male realm. Instead, all areas of the battlefield became a place for all warrior regardless of gender. In the 1970s, as the military began transitioning into an all-volunteer force, most male dominated units lacked female mentors and roles models for success for the growing number of women. Upon realization, the Army took a different approach in 2016, and made the integration of female leaders into combat arms

²⁸⁷ Military Justice Improvement Act: DACOWITS Hearing," at Kirsten Gillibrand United States Senator for New York, September 27, 2013, <http://www.gillibrand.senate.gov/mjia/dacowits> (accessed March 27, 2019); Tumulty, "Senate Vote Blocked on Gillibrand's Military Sex Assault Proposal," LOHUD, *The Journal News*, June 14, 2016, <http://www.lohud.com/story/news/2016/06/14/senate-vote-blocked-gillibrands-military-sex-assault-proposal/85869282/> (accessed March 27, 2019).

²⁸⁸ ACLU, "The ACLU's Work to End Discrimination in the Armed Forces," ACLU Military Fact Sheet, April 2013, <https://www.aclu.org/other/aclus-work-end-discrimination-armed-forces?redirect=aclus-work-end-discrimination-armed-forces> (accessed March 27, 2019).

²⁸⁹ David F. Burrelli, *Women in Combat: Issues for Congress* (Washington, DC: Congressional Research Service, 2011) 8-9.

specialties. Kirsten Griest, one of the first two women graduates from the Rangers' course in August 2015, made history again in April 2016, by the Army's first female infantry officer.²⁹⁰ In the months that followed, the Army assigned junior ranking service-women to ground combat occupations and organizations, with women already in positions of leadership. In spite of these breakthrough accomplishments, history still suggests that many challenges lie ahead for women integrating into combat arms. While some males support these changes, others may resent the presence and challenge the leadership of women in the formerly males only job specialties.

In general, post-Cold War military leaders demonstrated a lack of commitment in their efforts to find an effective solution to end sexual discrimination. The Tailhook Incident provided an example of covering-up wrongdoings for personal career interest. The US Congress possesses the authority to make all the policies that promote equal opportunities for women and LGBTQ+ troops in armed forces, but laws cannot change the mindset of the leadership and personnel within the military. The admittance of women into combat arms and the lifting of the ban of homosexuals only initiated a new era in the ongoing struggle for women and LGBTQ+ warriors to achieve equality in the United States Armed Forces. Until the Armed Forces abandon their hyper masculine culture, women and LGBTQ+ will continue to remain outsiders and subject to maltreatment within the Armed Forces.

²⁹⁰ Dan Lamothe, "Army's First Female Infantry Officer is Capt. Kristen Griest, Ranger School Graduate," *Washington Post*, April 27, 2016, https://www.washingtonpost.com/news/checkpoint/wp/2016/04/27/armys-first-female-infantry-officer-is-capt-kristen-griest-ranger-school-graduate/?utm_term=.bc3dbb07033e (accessed March 27, 2019).

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