

Inside the military's culture of sexual abuse, denial and cover-up

THE

RAPE OF

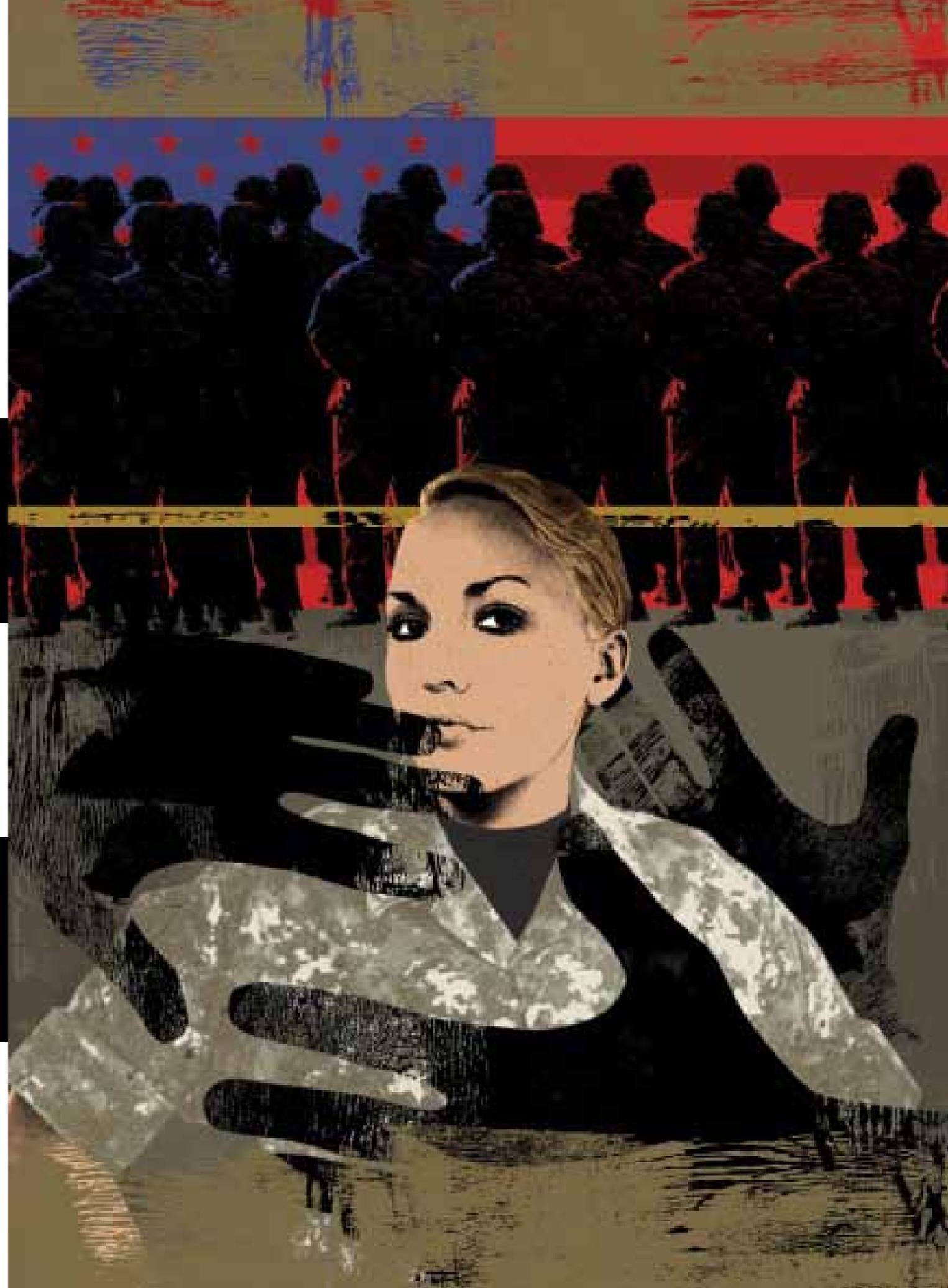
PETTY

By Sabrina Rubin Erdely
Illustration by John Ritter

OFFICER

BLUMER

THE FIRST THING PETTY OFFICER 2ND CLASS REBECCA BLUMER REALIZED upon waking was that she was freezing cold and naked. The second thing was that her body ached all over. Blumer groggily scanned the unfamiliar room for clues. She saw a concrete floor splotted with vomit, a metal door and a window onto a hallway, where a woman in an orange jumpsuit was sweeping. * "Where am I?" Blumer called hoarsely. * "Richmond County jail," the inmate told her. * Blumer shivered. "I need to see a doctor," she whispered. * The woman nodded. "You've been screaming that all night." * Blumer sat back in shock. She was a normally cheerful



23-year-old Navy intelligence analyst stationed at Fort Gordon, a vast Army base of 15,000 military employees in Augusta, Georgia. Blumer, whose job was to sift through top-secret data, was part of a thousand-member naval unit. The night before, February 12th, 2010, she and some friends had gone to a bar not far from base for a couple of beers. Three Army guys – one with light hair, the other two dark-haired – had sent Blumer a shot of Jägermeister, a drink she didn't care much for but had downed anyway. The light-haired man had rounded the bar to talk to her. The last thing Blumer remembered was being overwhelmed by a dizzy, sluggish feeling, her limbs and head too heavy to lift, the noises in the bar rising up and caving in on her. Only later would Blumer find out the rest: that at 1:40 a.m., police had noticed her driving with her headlights off. That she'd barely been able to stand upright during her field sobriety test, but when placed under arrest she'd gone berserk, trying to break free of the police car and screaming incoherently. In jail, she'd yelled for a doctor and fought with the cops so wildly that she'd been hosed down in an effort to quiet her. Now, crouching in her cell with a swollen jaw; bruises smudging her wrists, ankles and neck; her abdomen sore inside; and her lower back and buttocks afire with what felt like rug burn, it dawned on Blumer. She'd been roofied and raped.

She was desperate to get back to the safety of Fort Gordon. "I need to go to the hospital," a panicked Blumer told the master-at-arms when he arrived to return her to base.

Sitting in the car wearing the previous night's turtleneck and jeans, Blumer reminded herself that she was in good hands. She came from a long military tradition; while in the cavalry, her great-grandfather had once been stationed at this very base. So Blumer was confused when, arriving at Fort Gordon, the master-at-arms drove her not to the military hospital but to the Judge Advocate General's offices, where a half-dozen members of her chain of command were solemnly waiting in their black dress uniforms to discipline her for driving under the influence.

Blumer, a standout sailor with an unblemished record, was sure she could clear things up. She wrote a statement in the crowded office that described her suspicions about what had actually occurred, and her urgent need for medical atten-

SABRINA RUBIN ERDELY wrote "The Plot Against Occupy" in *RS 1165*.



ABUSED AND IGNORED

Petty Officer Blumer was roofied and raped off base, but the Navy didn't believe her. She ended up being charged with DUI.

tion. Then she obediently left the room so her superiors could discuss the matter. When she was allowed in a few minutes later, Blumer was told that she would be taken to the hospital – but with orders only for a toxicology report, to see if there really *were* date-rape drugs in her system. "Whether you get a rape kit is up to you," the female JAG prosecutor cautiously told Blumer, who struggled to make sense of what was happening: The military she'd trusted to care for her wasn't interested in caring for her at all. She was even more shaken by the JAG's jarring question later on: "Did you inflict your injuries yourself?"

The implication floored Blumer. "How could anyone even think that I would do that to myself?" she says now. It was Blumer's first glimpse of a hidden side of military culture, in which rapes, and the sweeping aside of rapes, happen with disturbing regularity. And it was her first sense of what lay in store after coming

forward as a military rape victim: that she would be treated with suspicion by those charged with helping her, penalized by command and ostracized by her unit. "Once my assault happened," Blumer says, "my whole future disappeared."

THE SCANDAL OF RAPE IN the U.S. armed forces, across all of its uniformed services, has become inescapable. Last year saw the military's biggest sex-abuse scandal in a decade, when an investigation at Lackland Air Force Base in San Antonio revealed that 32 basic-training instructors preyed on at least 59 recruits. In Fort Bragg, North Carolina, Army Brig. Gen. Jeffrey Sinclair is currently facing court-martial for sex-crimes charges, including forcible sodomy, for alleged misconduct against five women. In October, an Air Force technical sergeant filed an administrative com-

plaint describing a work environment of comprehensive harassment – in which all women are "bitches"; and claimed that during a routine meeting in a commander's office, she was instructed to take off her blouse and "relax" – edged with menace and punctuated by violent assaults. In December, a Department of Defense report revealed that rape is rampant at the nation's military academies, where 12 percent of female cadets experienced "unwanted sexual contact." And an explosive series of federal lawsuits filed against top DOD brass on behalf of 59 service members (including Rebecca Blumer) allege that the leadership has done nothing to stop the cycle of rape and impunity – and that by failing to condemn sexual assault, the military has created a predators' playground.

"Sexual assaults make up the fabric of daily American military life," says former Marine Capt. Anu Bhagwati, executive director of the advocacy group Service Women's Action Network. Research suggests that one out of every three women in the U.S. military is the victim of sexual assault, making military women twice as likely to be raped as civilians. (Victims are disproportionately female, given that women make up less than 15 percent of the military, but men are victimized, too: More than 40 percent of vets receiving treatment for Military Sexual Trauma are men.) An anonymous DOD survey found that in 2010, an astonishing 19,000 service members were sexually assaulted; a mere 13.5 percent of those attacks were reported to authorities. Victims have little incentive to report, since the military's insular justice system rarely holds perpetrators accountable. Of the sliver of sexual assaults reported last year, 92 percent never saw the inside of a courtroom but rather were dismissed or administered wrist-slap penalties like fines, reduced PX privileges or counseling – a prosecution record even outgoing Secretary of Defense Leon Panetta has called "an outrage."

Incredibly, this ugly picture comes after two decades of very public sex scandals – Tailhook in 1991, Aberdeen in 1996, the Air Force Academy in 2003 – after each of which the DOD swore "zero tolerance," then resisted any meaningful reform. But as survivors have begun to speak up, and legislators resolve to take action, the military finds itself facing a public relations crisis at a time when it's not only trying to justify its \$633 billion budget but also desperate to step up recruitment. Women, widely seen as a way to help stop attrition of troops – and now, for the first time,

cleared to serve in combat alongside their male peers – are projected to make up one-quarter of the armed services by 2025.

"The military is changing. Military culture has to change, too," notes Rep. Niki Tsongas, who co-chairs the new, bipartisan caucus on military sexual assault, and whose interest was sparked by an Army nurse who told her, "Ma'am, I'm more afraid of my own soldiers than I am of the enemy." But as it stands now, "blue on blue" sexual crime has become utterly commonplace. Just ask 23-year-old Lance Cpl. Nicole McCoy, who was assaulted so often during her four-year stint that she came to regard it as an unavoidable, even sanctioned, part of service. "I thought it was just a normal thing in the military,

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almost like a hazing process," remembers McCoy, who left the Marines in May 2012. "It seemed like everyone gets raped and assaulted and no one does anything about it; it's like a big rape cult."

BLUMER'S RAPE EXAMINATION at Fort Gordon's Dwight D. Eisenhower hospital, conducted at her insistence, took six hours. Most of that time she sat huddled in a white gown, waiting for the technicians and doctor to arrive. Blumer wept with her swollen face in her hands. "I think you need a hug right now," a nurse told her, and Blumer gratefully accepted. Her whole body was in pain; she was in discomfort from an anal tear that would soon send her back to the hospital. And she was anxious over the delay, knowing there was a short window to preserve any evidence. The nurse echoed her concern: "The faster we can get the specimens, the faster it can be tested," she told Blumer. "Where are they?" When Blumer finally limped out of the hospital, it was with medications to prevent pregnancy and STDs that would leave her shaky and nauseated, and clutching a flier given to her by a base victim advocate. ZERO TOLERANCE FOR SEXUAL ASSAULT, it read. SEXUAL ASSAULT IS A CRIME.

After three days of medical leave, Blumer headed back to work. On her way to morning muster she was stopped by a sailor she barely knew, who told her, "I overheard some people talking. They said you made up a rape to get out of a DUI?" Within her intel office – surrounded by people with whom she regularly socialized at happy hours and trivia nights at local bars – Blumer had already become a social leper. Behind her back, colleagues whispered she'd taken part in a drunken orgy and was crying rape to redeem herself.

"Everyone was laughing about it. People were saying she was a stupid whore, that she did something stupid, so she was trying to make up any excuse to get out of it," remembers former Petty Officer 3rd Class Harry William Clarke III, one of the few Fort Gordon friends who stood by Blumer. "She was a really good friend and a good colleague. But how people were treating her, it put a fucking stigma on her." And not just at Fort Gordon but throughout the close-knit intel community, whose phones were lighting up across the country. "Literally, the day she went back to work, we heard about it here," says former Petty Officer 3rd Class Jennifer Kinnaird-

Estrada, a linguist stationed at Blumer's previous command in San Antonio. "They were like, 'She's such a ho here, was she like that there?' Even the linguists in Maryland were calling us" – although Blumer had never been stationed there. "We were defending her here, but in Georgia they were all pointing fingers at her."

When Blumer, an open, bubbly young woman from Bakersfield, California, had enlisted five years earlier, her veteran stepdad had assured her, "They'll take care of you," and the devotion had been mutual. She loved the rigor and traditions of military life, buoyed by the feeling of being a part of something vast, historic and important. She'd risen quickly through the ranks to E-5, and at 23 had already traveled to the Mediterranean and the Persian Gulf, with a reputation as an IT whiz who was often entrusted with work above her pay grade. "She was a model sailor," says former Petty Officer 1st Class Josh Gharst, who worked with Blumer for a time at Fort Gordon. "Several departmental leaders took a shine to her. They valued her."

Four years in, Blumer had already made up her mind that this would be her life's work. In 2008, she'd re-enlisted for another six years, and at the time of her rape report had just submitted an application, with her superiors' support, to join the officer corps, which would provide a college education and set her on the path to military leadership. Blumer had always con-

PREVIOUS PAGE: PHOTOGRAPH IN ILLUSTRATION COURTESY OF REBECCA BLUMER

sidered herself well liked and respected, and couldn't believe anyone would doubt her word. She'd always done everything by the book. "If I was in the wrong, I would have taken the punishment," she says. Instead, "the people I considered friends were ignoring me. They were judging me."

In the same way that soldiers with post-traumatic stress disorder have found themselves ostracized, Blumer had inadvertently violated the military's most pervasive code. "The culture of the military doesn't look kindly on people who are perceived as victims," says SWAN's Bhagwati. "You're taught to work through pain and difficulty, to put physical discomfort and mental weakness aside." Failure to grit your teeth and move on from personal problems isn't just a character flaw but a threat to the very stability of your unit, whose mission and cohesion are the highest priority, far above your petty needs. "You're supposed to be so tough," says former Marine Lt. Elle Helmer. "If you said, 'I have to go to medical,' they'd say, 'So-and-so's got sand in his clut, he's gotta go to medical, too!'"

A memo posted by a Marine protocol officer on Facebook captures that sneering attitude: Titled the "Hurt Feelings Report," it asks complainants to check their reasons for filling out the form - "I am a pussy"; "I am a queer"; "I am a little bitch" - before asking for the name of "the 'Real Man' who hurt your sensitive little feelings."

That weakness is synonymous with femininity, and masculinity with strength, is instilled in troops from the get-go. Female recruits learn their place when, upon entry, they're classified by peers as being one of three categories: a bitch, a ho or a dyke. Harassment is embedded in the running cadences: "Don't let your dingle-dangle dangle in the sand/The best place for it's in a mama-san's hand." Pornography is everywhere. Servicewomen's bodies are openly evaluated, and their imagined sex lives - speculation about who's a "barracks whore" - are hot topics. In the Air Force, which has a tradition of fighter pilot songs, airmen circulate a songbook filled with ditties like "The S&M Man," a parody of "The Candy Man": "Who can take two ice picks, stick 'em in her ears/Ride her like a Harley while you fuck her in the rear." Against that permissive backdrop, it seems a natural outgrowth of the culture when men turn aggressive, as when a superior of former Marine Lance Cpl. Regina Vasquez told her, "I'll sign your paperwork if you give me head."

The constant harassment presents risks beyond mere degradation. There's a strong

link between harassment and assault; one study found that troops are four times as likely to be raped if their supervisors tolerated harassment, and another found more than half of female military sexual-assault victims report that their assailant also harassed or stalked them. "Harassment paved the way to my assault," says former Marine Lt. Ariana Klay, who before her 2010 rape was called, among other insults, the omnipresent slur for women Marines (WM): Walking Mattress. Nonetheless, although stringent penalties exist for sexual harassment, few victims press charges, and many of those who try are dissuaded. When Klay tried to report harassment, her commander told her, "Deal with it." Vasquez threatened to report a leering Marine who slapped her ass, but

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a superior told her to consider her own career: "He was like, 'You'll be flagged. You want to be known as the person who cries wolf?'" remembers Vasquez, who decided not to report the harassment, nor her tag-team rape by two Marines.

As a woman often confined to Navy ships - "like a big floating frat party" - Rebecca Blumer had seen her share of harassment. Her very first day aboard a ship, a superior looked her over before declaring, "So you're the blond girl everyone's been talking about." Blumer did her best to shrug it off and get on with her work. "You have to either ignore it, or become the most unlikely person: 'Here comes the fun police,'" she says.

Despite her disastrous first day back on the job at Fort Gordon, Blumer assumed things would get better. She just had to let the investigation work itself out, and her good name would be restored. But the next morning, when she arrived at the office, Blumer was informed that her security clearance was being suspended until she was cleared of her DUI charge. No longer would she be responsible for monitoring, analyzing and quickly responding to intercepted Iraqi transmissions about the locations of roadside bombs, helping to protect lives abroad. Instead her commanding officer assigned her janitorial duties, picking up pine cones around the base and mowing lawns - "bitch work" - and had her escorted from the building by security.

MEETING WITH A MILITARY investigator for the first time, a sexual-assault victim might imagine she's confiding in a neutral party whose only interest is obtaining justice. Not so, says former Sgt. Myla Haider, who spent three years in the Army Criminal Investigative Division, and while investigating rape reports discovered that her fellow agents were "contemptuous" of sex-assault complainants. "The attitude was, 'She's probably lying.' Our job was basically to get the truth out of her and figure out why she's full of shit," says Haider, who was stunned to encounter an atmosphere so openly skeptical about rape. "People would say among themselves, 'Real rapes almost never happen.' I've never worked a real rape, it's just bullshit."

The instinct, says Haider, was to blame the victim: Was the woman wearing sexy clothes? Was she drunk? Was she flirtatious? Haider recalls one case in which

an 18-year-old soldier was gang-raped by fellow troops while she lay passed out drunk. "The special agent in charge was, 'Why

did she drink so much alcohol? Why was she even at the party?'" Had CID agents like Haider received better training about sexual assault, they might have known that faked rape reports are rare - between 2 and 8 percent - and that nearly three-quarters of rape victims are acquainted with their attackers. What's more, in heavy-drinking populations like colleges and the armed services, alcohol plays a part in three-quarters of sexual assaults. "The training was really about stranger rape," says Kimberly Lonsway, a researcher for End Violence Against Women International who now teaches Army investigator courses. "And then you go to work and get a case of acquaintance rape, and it doesn't match what you've been taught."

In the hierarchical culture of the military, there's another complicating factor. According to a recent DOD report, sexual assaults in the armed services generally involve men who outrank their victims, the vast majority of whom are women under the age of 25, who feel that as subordinates, they can't fight back.

"He was my superior," explains former marine Nicole McCoy of why, when in April 2010 her alleged assailant groped and kissed her, it didn't occur to her to scream or, despite her combat training, to fight. "You're taught to be nothing but respectful. It makes it hard to stand up for yourself, or to report it." McCoy was able

AN EPIDEMIC OF ASSAULT

One out of three women in the military is attacked sexually; their assailants often go unpunished



Lance Cpl. Regina Vasquez

Vasquez decided not to report her gang-rape by fellow Marines.



Lt. Elle Helmer

Investigators dismissed her case - because she was knocked out during the struggle with her assailant.



Sgt. Myla Haider

An Army investigator, she didn't report her own rape after concluding "nothing good could come from it."



Lt. Ariana Klay

At her alleged assailant's trial, he was convicted not of rape but of adultery and "indecent language."



Lance Cpl. Nicole McCoy

She was assaulted so often that she came to see it "almost like a hazing process."

to extricate herself, but decided to report the assault attempt when she realized her assailant had the master key to her quarters. The investigating agent asked McCoy whether she sustained injuries while fighting off her superior's advances. "No," she answered. "But emotionally I felt completely violated and didn't feel I had the right to say no and have him stop." The agent persisted, asking McCoy why she'd followed the sergeant into his room, why she didn't object when he closed the door, and what she'd been wearing. Her case was swiftly closed.

That helplessness in the face of rank has been a hallmark of some of last year's most sensational headlines. It was the theme of Lackland Air Force Base's instructor-trainee scandal, in which predatory instructors would reportedly select victims at the start of basic training, some as young as 17, and assign them duties where they would be alone. At the court-martial of Staff Sgt. Luis Walker - who was convicted of assaulting 10 women - a recruit described that when Walker began undressing her, she saw no alternative but submission: "I just let it happen to me."

In the case of Army Brig. Gen. Jeffrey Sinclair, a captain who had had an affair with the 50-year-old married man testified in a November evidentiary hearing that she was honored when the relationship began: "I was extremely intimidated by him. Everybody in the brigade spoke about him like he was a god." But when she tried to break off the three-year affair with her commanding general, she testified, he threatened to kill her, and twice ended the conversation by forcing her to give him oral sex. A prosecutor asked whether the general was aware she didn't want to participate. "Yes, I was crying," the woman answered. Sinclair is also accused

of making demoralizing comments about female staff officers; when challenged, he allegedly replied, "I'm a general, I'll do whatever the fuck I want."

With witnesses rare, sex-crime cases inevitably become "he said, she said" credibility contests, further stacking the deck against subordinate victims, since higher-ranking troops are considered inherently more credible. Hard-driving soldiers with pristine military records - "water walkers" - are especially immune to criticism. "There's a belief that if this guy is a fabulous performer, then it makes him less likely to commit this crime," says defense attorney Bridget Wilson. (The notion that a "good soldier" is incapable of bad acts is even encoded into the military justice system with the "Good Soldier" defense, wherein at court-martial a soldier can win an acquittal on the strength of his service record - a defense famously used in the 1998 sexual misconduct case of Army Sgt. Maj. Gene McKinney to successfully counteract the testimony of six women.) In the case of Lt. Elle Helmer, she reported her 2006 rape by a well-regarded major so promptly that he was still passed out and pantsless at the scene of the crime. But then, she says, "They circled their wagons and turned against me." Helmer's rape kit mysteriously disappeared, and investigators dismissed her case - because she was knocked unconscious during the struggle, and so couldn't remember the assault itself.

Myla Haider, the former CID investigator, says that even agents who disagreed with these antiquated attitudes and heavy-handed techniques were pressured to toe the party line: When she raised objections, Haider says she was mocked as an overly sensitive "social worker" and threatened with insubordination. "Understand, they think they're doing the

right thing," says Haider. "They don't see it as mishandling the case, or traumatizing this victim. They see it as, they're making sure some innocent service member's career doesn't go down the drain because some lying whore filed a report." That's why when Haider herself was raped by a fellow CID agent, she chose not to report it - a decision supported by the agents she confided in. "Nothing good could come from it," she says.

EIGHT MONTHS AFTER REBECCA Blumer's assault, she was still tending the well-clipped lawns of Fort Gordon. She was depressed and had seen a shrink for the anxiety that made it difficult to leave the house for fear of the smirks and stares. She recalls walking into a room once and hearing someone blurt, "Hey, there's that girl who made up that rape!" Her fun-loving, good-natured personality had morphed into an angrier, more confrontational self. "An aggressive side came out," says her friend and former Petty Officer 3rd Class Heather Letourneau. "People would try to tease her about something, and she'd yell, 'Shut up!'"

Her once-skyrocketing career had stalled. Before her assault, Blumer had had orders for a deployment to Naples, Italy - a dream assignment - but those had been swiftly canceled. She'd failed a promotional exam she'd been assured she would ace, because with her security clearance revoked she'd been denied access to the intelligence materials she'd needed to study. Her superiors even informed her that they were holding back on submitting her application for the officer program. Although she had been promised that her job and privileges would be restored if the investigation supported her

claims, she knew her career was basically over. "They already made up their minds about me," says Blumer. "I was a problem, and they wanted to be rid of the problem."

Her colleagues saw the writing on the wall, too. Says Kinnaird-Estrada, who was stationed in San Antonio, "We had people of rank here that cared about her and were calling Georgia asking about her, and we were getting back a lot of, 'Stay out of it, it's none of your business.' It got swept under the carpet big-time."

By then, the JAG overseeing Blumer's case had already revealed that the toxicology results had come back negative: No date-rape drugs had been detected. Blumer was shocked – and confused, since the emergency-room nurse had already told her during a follow-up visit that drugs had been found. "So who do you believe, the nurse who was handling it? Or the command saying it didn't happen?" says Blumer. Concerned with privacy, she opted to discuss the issue not with a base social worker or victim's advocate, but with a therapist at an off-base crisis center, who reminded Blumer that depending on the drug, the dose and her metabolism, a date-rape drug could have left her system in less than 12 hours – and Blumer's urine had been tested 18 hours after that Jägermeister shot. Blumer raised the issue with the JAG and tried not to lose hope. Meanwhile, a DNA test had recovered skin cells on Blumer's underwear that weren't hers, proof that something had happened, although no one knew what.

"Because there was no seminal fluid found, we can't definitively say that they used *themselves* to rape you," was how the Naval Criminal Service Investigation agent delicately phrased it in the office of the JAG, who looked on silently while Blumer sobbed. "Maybe it was just heavy petting" – or her attackers had used condoms. Either way, the agent promised to follow up on every lead. "I believe you," he told Blumer. But his calls became fewer and further between until Blumer stopped hearing from him altogether. She wished she could leave, walk right off the base, but that was impossible – to do so would be to go AWOL, and Blumer wouldn't dream of defying orders. She popped an anti-anxiety pill and waited for the investigator's call.

BURIED IN THE DOD'S 734-page annual report on sexual assault is a diagram documenting the fate of each one of last year's military sexual-assault reports. It can best be described as the Flow Chart From Hell. Arrows explode in every direction to info boxes of varying shapes and colors, many of which are further footnoted into insane charts and graphs of their very own. But halfway down the page, the chaos



CHAIN OF COMMAND

Gen. Sinclair (1) faces court-martial for alleged sex crimes against five women. He reportedly told one, "I'm a general, I'll do whatever the fuck I want." Sgt. Walker (2) was convicted of sexually assaulting 10 recruits. Tasked with taking on the rape crisis, Gen. Patton (3) says, "To make real cultural change it has to start from the top down."



winnows to a singular, telling moment of calm: a single arrow pointing to one Army-green box. It's the moment in the life of each sexual-assault case in which a viable suspect has been located, and the investigator believes the case has merit. But before the case can continue to court-martial, it must first survive the crucial step described in the green box: "Reviewed for Possible Action." Curiously, the box doesn't mention who does the reviewing. It isn't a sex-crimes expert. It isn't a legal expert. It's the accused's own commander.

In a military quirk known as "command discretion," the accused's commander ultimately decides a case's fate – a job sometimes assigned to the accused's immediate superior – in a decision that is final and holds no avenue for appeal. The rationale harks back to commanders' responsibility for the order and discipline of their units: that to ensure mission-readiness, commanders must deal with anything that could potentially disrupt the unit's functioning. And in matters as serious as a rape allegation, which could conceivably end with a service member yanked from his duties to serve time in the brig (or even be discharged), commanders are involved from the get-go, says former

JAG Capt. Greg Rinckey: "A soldier's on the blotter for a sex crime, the commander's on the phone with you right away. He wants to know what's going on. That does put pressure on you."

Last year, of the cases brought before commanders, less than one-third were referred to court-martial; among those dismissed were cases that the commanders themselves somehow determined were "unfounded." The rest were moved outside the legal system into nonjudicial punishments of the commander's choosing – penalties include extra duties, verbal reprimands or docked pay – to avoid what military lawyers call "the stigma of a conviction." That stigma is considered so repellent that, in yet another quirk of military justice, there's even an escape hatch provided for those few defendants referred to court-martial: They're given the option of "resignation in lieu of court-martial," where in exchange for admitting guilt and quitting the military, all charges are dropped and the offender slips back into civilian society – an opportunity taken by 10 percent of military sex-crime defendants last year. It would be like if a civilian rape defendant was allowed to avoid trial by simply quitting his job and leaving town. "Due process just screeches to a halt," says

CLOCKWISE FROM LEFT: SGT. AMANDA HILS/DOD; BILLY CALZADA/SAN ANTONIO EXPRESS-NEWS/AP IMAGES; GLENN FAWCETT/DOD

SWAN policy director Greg Jacob, a former Marine captain. "It's ridiculous."

The few sex-crime cases that actually proceed to court-martial have withstood a brutal culling process. You'd think they'd stand a good chance at success. And yet victims say the trials are often a farce. In 2010, the case of 25-year-old Army Reserve Pfc. Sascha Garner was one of the few sexual-assault cases that made it to trial, after she claimed she was raped in Afghanistan while passed out drunk. Garner held out hope for justice even as ominous signs appeared. "The CID told me they couldn't charge him with rape because I couldn't remember parts of it," Garner recalls. "People were like, 'He has a wife and kids, he couldn't have done it.'" Five months after her assault, it seemed a victory of sorts even to be sitting in the anteroom of a makeshift Bagram courthouse, preparing to testify. But after Garner waited for three hours, the prosecutor emerged with startling news: The judge had determined the sex was consensual. "I just started bawling my eyes out," says Garner. "How could he rule it consensual without even hearing my side of the story? Nobody ever told me." Her alleged rapist was convicted of adultery – a crime under military law – for which he was reduced a rank and fined \$900.

The outcome was similar for Ariana Klay. At her alleged assailant's December 2011 court-martial, he was convicted not of rape but of adultery and "indecent language," for which he served 45 days in the brig. "The fact that there was a resolution at all is so unusual," Klay notes wryly. "I guess I should be happy."

Myla Haider, too, agreed to testify at her alleged assailant's 2005 court-martial when it emerged that in the two years after her unreported attack, he had been accused of assaulting four other women. "I thought this *had* to go through," remembers Haider. "Five people who didn't even know each other, all with the same story? There has to be a conviction here." But even after the testimony of five women, Haider says, he was convicted of nothing worse than consensual sodomy – downgraded from one victim's anal rape. "That was the judge telling the victim that she wanted it."

The upshot is that of last year's 3,192 military sexual-assault reports, a paltry 191 cases – 6 percent – ended with a conviction. Only 149 perpetrators served jail time. And yet even those rare convictions haven't been enough to oust sex offenders

from service. The Navy is the sole branch that automatically discharges them as part of their sentence. Elsewhere, one in three convicted rapists instead face a separations board that ponders whether he should be expelled. (The DOD doesn't keep statistics on how often those rapists stay in the military.) That the military doesn't automatically oust rapists means it hasn't fully acknowledged the severity of the crime, or its larger implications – research has demonstrated that men who have raped are likely to do so again, many times over. When college students in a respected 2002 study and Navy recruits in a 2009 study were granted confidentiali-

**OF LAST YEAR'S 3,192
SEXUAL ASSAULTS, 191
CASES - 6 PERCENT - ENDED
WITH A CONVICTION.**

ly, approximately two-thirds of men who admitted to having raped – but who had never been caught – reported having done so more than once; in both studies, the rapists averaged six rapes each.

But while offenders are permitted to remain in the military, victims find themselves drummed out. "I have never met one victim that kept their career," says Haider. "Never one." Many are involuntarily discharged after reporting a rape, often with the catchall diagnosis of "personality disorder" or "adjustment disorder." In a cruel twist, many find themselves disciplined for collateral charges they pick up during their rape investigations, like fraternization, drinking or adultery. "If a victim claims rape she can be charged with adultery. It's absurd!" says former JAG Rinckey. "There are plenty of cases where victims come forward with sexual assault and charges are dropped against the accused, but then she's charged with adultery and it ends her career."

For Lt. Helmer, whose reputation was so trashed after her rape investigation that enlisteds no longer saluted her, she was separated for "unacceptable conduct," for speaking publicly about her rape. "My family has been in the military all the way back to the Revolutionary War, every generation, and I can't be buried with them because I don't have an honorable discharge," Helmer says. Still other victims voluntarily leave the military once their contracts end. "It wasn't even the rape," says Garner, echoing the sentiment of

many victims. "If I'd gotten treated fairly afterward, I'd have re-enlisted – if the military had showed me they cared about me and not just about the perpetrator."

MAJ. GEN. GARY PATTON faces the daunting task of ending the epidemic. "There's no single silver bullet," he says. But the fact that Secretary of Defense Panetta recently put Patton in charge of the DOD's Sexual Assault Prevention and Response Office is one of the encouraging signs that the military may finally be taking this issue seriously. Patton, who served as an infantry officer for 34 years, including 45 months of combat duty in Iraq and Afghanistan, spent a year implementing the repeal of "don't ask, don't tell," a cultural shift of such magnitude that Marine Corps commandant Gen. James

Amos had predicted disastrous, even fatal results. (Instead, the repeal went so smoothly that Amos said last summer, "I'm very pleased with how it's turned out.") Patton has also staked out some cultural change on very personal terrain, having gone public with his own PTSD in an effort to encourage troops to seek mental-health help.

"To make real cultural change it has to start from the top down," says Patton, and because attitudes and orders in the military flow downhill, that buy-in from the leadership is crucial. That was a lesson learned from an early turning point of the repeal of "don't ask, don't tell," when the then-Joint Chiefs of Staff endorsed the move. "Adm. [Mike] Mullen said it was a matter of integrity: that for years we required service members to lie about their sexual orientation, but integrity is one of our core values," says Patton. "And in hindsight I think that turned the tide." Accordingly, newly intensive sex-assault prevention training has focused on commanders, reframing the issue of rape as not merely a crime but an act that threatens the stability and cohesion of a unit. "Cohesion is such an important part of readiness," says Patton. "So when we look at the crime of sexual assault, it's also an affront to our military values."

Those trainings are going on in tandem with a host of other attempts at reform. New training programs for investigators and JAGs are under way, and special victims units are being made available to consult with local teams. In response to the Lackland scandal and under heavy pressure from Congress – which, catalyzed by last year's Oscar- [Cont. on 76]

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MILITARY RAPE

[Cont. from 63] nominated documentary *The Invisible War*, was already taking renewed interest in military sexual assault — Panetta has ordered a sweeping review of all basic training protocols, across all armed forces. He has also tinkered with the current system of “command disposition” — though he opted not to overturn the practice of commander interference in sex-crime cases, but instead moved the decision-making authority to commanders higher up the chain. It’s a good start, but many experts think sexual-assault cases need to be taken out of the chain of command altogether and put into the hands of an impartial judiciary, in a manner more resembling the civilian system. The military brass, however, is adamant that their policy not be tampered with, insisting that command involvement is crucial.

That reluctance to rethink tradition is why outside pressure will be key to a successful anti-rape campaign. Indeed, most radical new changes on behalf of military sexual-assault victims have originated not from the Pentagon but from Congress, who tacked a record 19 sex-assault provisions onto this year’s National Defense Authorization Act. Among the most notable is Sen. Kirsten Gillibrand’s amendment compelling all branches of the military to expel all convicted sex offenders. In addition, Sen. Barbara Boxer’s amendment will bar the military from granting waivers for recruits who are convicted of a felony sex offense — something the military did, in violation of its stated zero-tolerance policy, until 2009. “Now it’s statute, it can’t be reversed, and that *does* send a message about zero tolerance,” says Boxer. “But believe me, this battle is far from over.”

AFTER WAITING MORE THAN A year for the results of her rape investigation, the end came swiftly for Rebecca Blumer in April 2011, when she found herself sitting across a desk from a new rape investigator — the old one had been transferred. But the new agent assured her that she’d read through Blumer’s file, and had just one question about her assault: “Do you think you could have imagined it?” she asked. Blumer seethed.

“She was blatantly calling me a liar,” she recalls. Within days the JAG informed Blumer that the investigation had concluded there was no evidence that her assault had taken place. (Blumer says the NCIS agent later told her over the phone, “We closed it because we don’t have any leads to go on,” not for lack of an assault.) Found guilty by default of a DUI, Blumer was discharged from the Navy 10 days later. Instead of receiving her final paycheck on her way out, Blumer says she was handed a bill for \$14,000 — re-enlistment bonus money she now owed for the three years remaining on her Navy contract.

Despondent, nearly friendless after being deserted by most of her Navy colleagues, and without a plan, Blumer drifted to San Antonio in pursuit of a military-contractor job that never materialized. She’d spent her adult life within the regimented structure of the military; having to fend for herself, Blumer fell through the cracks. She spent the next seven months homeless. In this, Blumer’s fate isn’t unusual. A study by Veterans Administration researchers has found that up to 53 percent of homeless women veterans have been victims of Military Sexual Trauma.

“After my assault, and the 14 months of the investigation, and then being thrown out, I was just completely re-traumatized by the world,” Blumer says through tears from her apartment in Houston. “I had nowhere to go. No one to talk to. I mean, I just lost all hope.” She’d stay in cheap motels until her unemployment check ran out, then slept on buses, on the streets or on strangers’ couches. She tried renting a room from a nice-seeming couple, but one night they barged in and tried to tear off her clothes; Blumer fought them off and fled. She began carrying a knife for protection. “I had been turned into a fighter,” she says. At one point, Blumer checked herself into the VA hospital for suicidal thoughts. She still has nightmares of being violently attacked, and wonders if they’re suppressed memories of the night of her assault, or whether her mind is trying to fill in that terrible blank. “I may not ever really know what happened to me that night,” she says. She hasn’t had a sip of alcohol since.

In the past year or so, Blumer’s been getting it together. She’s sharing an apartment with her new fiancé, whom she met while still homeless. One of her coping strategies for life on the city streets had been to clean herself up enough and go to nightclubs where she could find refuge till the early morning. She met John in one club, and he was surprised to discover he’d been chatting up a street urchin. “Turns out we get along, and we fell in love,” Blumer says. She recently landed a job working in a furniture showroom, where she was awarded Employee of the Month. When she gets letters from collection agencies on behalf of the DOD, Blumer puts them in a box and doesn’t look at them again. “Yeah, I’m doing good,” she says, her voice faint. It’s a far cry from the life of adventure she’d envisioned — traveling the globe, cracking secret codes for her country — but right now, she’d be satisfied just to feel normal again. When Blumer thinks back on her younger self, so full of pride and optimism, ready to live a life of consequence, she bitterly wants to laugh at that ignorant girl who thought the service to which she swore an oath would in turn protect her.

“I loved everything about the Navy,” she says. “Now I hate it.”