



Drake Undergraduate Social Science Journal

Spring 2022 Edition

Ineffective Investigations, Conflicts of Interest, and Unwarranted Retaliation: The Inherent Injustices of Prosecutorial Power Delegated to the Chain of Command and the Lasting Consequences of Commanding Officer Discretion in Military Sexual Assault Cases

Abigail Lashbrook

Abstract

The handling of military sexual assault cases needs reform. The structure that delegates prosecutorial power to the chain of command is inherently unjust as it presents a high probability of a conflict of interest and a likelihood of retaliation. In fact, 87% of those who do report retaliation end up getting their case dismissed. Furthermore, those who report retaliation cite it coming from within their chain of command and from those required to receive allegations of misconduct. The lack of checks and balances and accountability on behalf of servicemembers perpetrating sexual violence has produced a culture of impunity that is visible throughout history. Victims have no recourse: not against their perpetrator, not against their chain of command, and not even against the U.S. Government. For servicemembers subjected to sexual violence, the enemy may not just exist exclusively on the battlefield, rather, it could be one of their own.

I. INTRODUCTION

Every year across all branches of the military are active-duty service members forced to face the consequences resulting from military sexual assault. For one victim, she had to confront the costs associated with military sexual assault trauma stemming from one unsuspecting afternoon in 2015. After playing video games with a friend in the barracks, Private First Class Florence Shmorgoner dozed off later to wake up in an unknown bed—in an unknown room.¹ Her friend at the time, a fellow Marine, began to grope her before eventually taking her clothes off and forcibly penetrating her.² Afterward, Shmorgoner told the Marine, “You know I didn’t want to,” and he responded, “I know.”³

Private First Class Shmorgoner had to face her assailant multiple times a week due to their close proximity, both as active-duty service members in the same unit. Unbeknownst to Shmorgoner, few resources were in place to support victims who are sexually assaulted while on active duty.⁴ Without accessing therapy or victim advocate services, Shmorgoner fell into a depression and experienced intense self-loathing. In response to her assault, Shmorgoner tried to kill herself six times over the course of four years.⁵

“It kind of tied back into the misogynistic view of myself,” Private First Class Shmorgoner says. “I’m not as fast. I’m not as strong. It was a very weird rabbit hole that I went down of, well, maybe it was my fault. And maybe I was asking for it. And maybe I’m the bad person, and I’m the burden. And I’m just better off gone.”⁶

¹ *A poison in the system?: The epidemic of military sexual ...* (n.d.). Retrieved November 1, 2021, from <https://www.nytimes.com/2021/08/03/magazine/military-sexual-assault.html>.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

Shmorgoner didn't decide to report her assault until 2017 when she met fellow Marine, Ecko Arnold, who shared her own experience being sexually assaulted while on active duty.⁷ Understanding she wasn't alone, Shmorgoner decided to file a restricted report in October 2017.⁸ A restricted report is a confidential disclosure that does not trigger an investigative response. However, the victims will be eligible to receive counseling and healthcare assistance.⁹ A month after initiating a restricted report, Shmorgoner decided to file an additional unrestricted report which triggered a mandatory investigation.¹⁰

The Naval Criminal Investigative Service (N.C.I.S.) began investigating Private First Class Shmorgoner's sexual assault.¹¹ At one point, the N.C.I.S. facilitated a recorded phone call with Shmorgoner and her assailant, who was stationed in Hawaii at the time, to see if he would confess to the assault. After an assumed confession on tape, Shmorgoner felt confident about the outcome of her case. Yet, she was dumbfounded when a Marine commander and the N.C.I.S. recommended *against* a court-martial.¹² According to the commanding officers, despite the confession they received during the phone call, her assailant's character witnesses provided "credible" statements in defending his reputation.¹³ Additionally, the investigation was unfounded because there was no physical evidence to prove the sexual assault occurred.¹⁴ The commanding officer warned Shmorgoner, "that a court-martial would probably be hard on her

⁷ *A poison in the system: The epidemic of military sexual ...* (n.d.). Retrieved November 1, 2021, from <https://www.nytimes.com/2021/08/03/magazine/military-sexual-assault.html>.

⁸ *Ibid.*

⁹ "SEXUAL ASSAULT PREVENTION AND RESPONSE," Marine Corps Recruiting Command, n.d., <https://www.mcrc.marines.mil/Resources/SAPR/Restricted-Reporting/#:~:text=Prevention%20and%20ResponseRestricted%20Reporting,triggering%20the%20official%20investigative%20process>.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *A poison in the system: The epidemic of military sexual ...* (n.d.). Retrieved November 1, 2021, from <https://www.nytimes.com/2021/08/03/magazine/military-sexual-assault.html>.

¹⁴ *Ibid.*

and that she might not want to go through with it because it was unlikely to end with a conviction.”¹⁵ The investigation concluded in 2018 with all charges being dismissed. Shmorgoner’s assailant was never convicted and instead was able to serve out his contract with the Marine Corps and receive an honorable discharge. Shmorgoner’s perspective on the Marine Corps fundamentally changed from that moment on. According to Shmorgoner, “We’re [the Armed Services] not in the business of taking care of people — it seemed to me that we were in the business of using them.”¹⁶

Private First Class Shmorgoner’s experience is not rare in the military. In handling sexual assault claims, commanding officers have full discretion in deciding the disposition of criminal offenses and the punishments imposed on perpetrators.¹⁷ Victims are at the mercy of their commanders not only to acknowledge the credibility of their assault allegations but also to ensure that the correct steps are taken to impose justice and rectify harm. Unfortunately, the issue of sexual violence in the armed services is a widespread, pervasive representation of dominance, submission, and power that is ingrained in current military response procedures. In-house adjudication for sexual assaults exposes victims to conflicts of interest, ineffective investigations, and unwarranted retaliation that compromises the entire Military Justice System.

II. WHAT IS MILITARY SEXUAL ASSAULT

Throughout the last century, the definition of sexual assault has varied. The governing document for defining and administering military rules and regulations is the Uniform Code of

¹⁵ *A poison in the system?: The epidemic of military sexual ... (n.d.)*. Retrieved November 1, 2021, from <https://www.nytimes.com/2021/08/03/magazine/military-sexual-assault.html>.

¹⁶ *Ibid.*

¹⁷ “*Sexual Assault in the Military - SAPR*,” *2013 Statutory Enforcement Report: Sexual Assault in the Military, 2013*, https://www.sapr.mil/public/docs/research/USCCR_Statutory_Enforcement_Report_Sexual_Assault_in_the_Military_SEP2013.pdf, 64-65.

Military Justice (UCMJ), which criminalizes forms of unwanted sexual conduct that include both sexual contact offenses and sexual penetration offenses. The Department of Defense, as of 2013, defined sexual assault as follows: “Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent.”¹⁸

According to Article 120 (10 U.S.C. 920), offenses punishable by law include rape and sexual assault, aggravated sexual contact, abusive sexual contact, and proof of a threat.¹⁹ The United States Department of Defense Sexual Assault Prevention and Response (SAPR) Program, “provides policy guidance and assigns responsibilities for the prevention, response, and oversight of sexual assaults involving members of the U.S. Armed Forces and Reserve Component.”²⁰ However, there are some areas that are excluded from SAPR’s jurisdiction on issues regarding sexual violence. For instance, crimes regarding intimate partner sexual assault or child sexual assaults are delegated to the Department of Defense Family Advocacy Program (FAP).²¹ Sexual harassment cases are delegated to the Department of Defense Office for Diversity, Equity, and Inclusion.²²

Crimes involving service members are adjudicated via the court-martial process. When a service member is accused of a crime, their immediate commander will conduct an inquiry into the alleged crime.²³ The commander has full discretion to either take no action, impose an

¹⁸ *Sexual assault in the military - SAPR*. U.S. Commission on Civil Rights, 2013 Statutory Enforcement Report. (2013). Retrieved from https://www.sapr.mil/public/docs/research/USCCR_Statutory_Enforcement_Report_Sexual_Assault_in_the_Military_SEP2013.pdf.

¹⁹ United States Department of Defense. (2019). Article 120 10 U.S.C. 920. In *Manual for Courts-Martial, United States* (2019th ed., pp. 390–404). essay.

²⁰ Federal Register. (2020, July 15). *Sexual Assault Prevention and Response (SAPR) Program*. Retrieved from <https://www.federalregister.gov/documents/2020/07/15/2020-13513/sexual-assault-prevention-and-response-sapr-program>.

²¹ “Military Sexual Assault: A Framework for Congressional Oversight” (Congressional Research Service, February 2021), <https://sgp.fas.org/crs/natsec/R44944.pdf>. [Page 5-7]

²² *Ibid*

²³ “Military Sexual Assault,” Findlaw, June 21, 2016, <https://www.findlaw.com/military/criminal-law/military-sexual-assault-the-basics.html>.

administrative or non-judicial punishment, or forward the matter to a higher authority.²⁴ Military police are *only* involved if the commander decides to initiate an investigation due to their perception of the validity of the victim's allegations. Placing such an emphasis on a commanding officer's discretion and prosecutorial power forces the victim to be at a disadvantage as shown in some of the military's most notorious sexual assault scandals.

III. NOTORIOUS MILITARY SEXUAL ASSAULT SCANDALS

Navy Tailhook 1991

One of the first instances of military sexual assault that garnered national attention was the Navy Tailhook scandal of 1991.²⁵ The 35th Annual Tailhook Symposium took place from September 5th to September 7th at the Las Vegas Hilton Hotel. Throughout the duration of those three days, it was reported that 83 women and 7 men were sexually assaulted while attending the convention.²⁶

About 2,100 attendees were registered for the formal program which included planned talks about the Persian Gulf War and a panel consisting of Navy admirals and a Marine Corps general.²⁷ However, it was estimated over 4,000 people attended the unofficial programs or social events.²⁸ The symposium traditionally reserved hospitality suites on the third floor, sponsored by various aviation squadrons, for service members to enjoy.²⁹ Additionally, over

²⁴ "Military Sexual Assault," Findlaw, June 21, 2016, <https://www.findlaw.com/military/criminal-law/military-sexual-assault-the-basics.html>.

²⁵ Lindsay Rosenthal and Lawrence Korb, "Twice Betrayed - Center for American Progress," 2013, <https://www.americanprogress.org/wp-content/uploads/2013/11/MilitarySexualAssaultsReport.pdf>. [Page 7-8]

²⁶ Public Broadcasting Service. (n.d.). Tailhook '91 in brief | the navy blues | frontline. PBS. Retrieved November 1, 2021

²⁷ "Tailhook '91 and the U.S. Navy - Kenan Institute for Ethics," accessed November 2021, https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf, 6-7.

²⁸ *Ibid.*

²⁹ *Ibid.*

\$35,000 was spent on alcohol for the symposium—mostly to be consumed within the hospitality suites.³⁰ On Friday and Saturday night, a symposium tradition called “the gauntlet” took place.

“The gauntlet occurred when large numbers of men, often 22 to 26-year-old junior aviation officers, crowded the hallway waiting for women to walk through. Once a woman walked through, she may have been grabbed, pinched, picked up, and groped inappropriately...Some women willingly and knowingly entered the gauntlet. However, unsuspecting women were also lured in. As one witness described, “the men would quiet down and create an opening in the crowd that unsuspecting women might think to use as a passageway, suddenly surrounded by the gauntlet participants who groped them and prevented their exit.”³¹

As the evening progressed and the consumption of alcohol increased, the behaviors exhibited by gauntlet participants began to get more violent and offensive.³² The degree of sexual assaults progressed throughout the night from groping to “butt biting” to molestation beneath clothing to the extreme case of one intoxicated underage woman who was undressed from the waist down while being passed overhead down the gauntlet.³³

During the symposium, one of the women assaulted was Lieutenant Paula Coughlin, a Navy helicopter pilot, and an aide to Rear Admiral John B. Snyder, commander of the Naval Air Test Center.³⁴ When Lieutenant Coughlin entered “the gauntlet”, men lining the hallway taunted her by chanting “admiral’s aid, admiral’s aid” and against her will, picked her up, groped her breasts, and pulled down her undergarments.³⁵

³⁰ “*Tailhook ‘91 and the U.S. Navy - Kenan Institute for Ethics*,” accessed November 2021, https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf, 6-7.

³¹ *Ibid.*

³² Colonel W. Hays Park, “Tailhook: What Happened, Why & What’s to Be Learned,” 89-103, September 1994, https://www.cmrlink.org/data/Sites/85/CMRDocuments/Tailhook_Proceedings_09-1994.pdf, 92-93.

³³ *Ibid.*

³⁴ “*Tailhook ‘91 and the U.S. Navy - Kenan Institute for Ethics*,” accessed November 2021, https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf, 7-8.

³⁵ *Ibid.*

Lieutenant Coughlin disclosed her sexual assault even before the symposium concluded to her chain of command, Lieutenant Michael Steed, an aide to the Secretary of the Navy, and her boss, Rear Admiral John W. Snyder, Jr., a commander at the Naval Air Test Center at Maryland's Patuxent River Naval Air Station.³⁶ Yet, no preemptive measures were taken to stop the gauntlet nor hold perpetrators accountable. It is impossible to assume that commissioned officers were unaware of the behaviors exhibited at the gauntlet. In fact, senior officers would pass through with their spouses and commanding officers would *warn* female friends to stay away from the third floor.³⁷

In response to the allegations of sexual misconduct, the investigation was headed by the Inspector General and the Naval Investigative Service (N.I.S.). A report released in September 1992 found that Navy officials were “deliberately undermining their own investigation to avoid bad publicity” and 140 junior officers were investigated regarding their actions during the 1991 Tailhook Symposium.³⁸ Between May and September 1993, 140 officers were subjected to disciplinary proceedings, but only six of the 140 men cited were tried in a court-martial.³⁹ Two men accused of assaulting Lieutenant Coughlin had their cases dismissed and three officers argued they were “being held accountable for witnessing lewd behavior that Admiral Frank Kelso had also witnessed but had done nothing to stop.”⁴⁰ The officers argued that it would be unjustified to be convicted of a crime that their superior was complacent in since he was shielded from indictment due to his subordinate presiding over the case.⁴¹

³⁶ Colonel W. Hays Park, “Tailhook: What Happened, Why & What's to Be Learned,” 89-103, September 1994, https://www.cmrlink.org/data/Sites/85/CMRDocuments/Tailhook_Proceedings_09-1994.pdf, 92-93.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹“ Tailhook ‘91 and the U.S. Navy - Kenan Institute for Ethics,” accessed November 2021, https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf, 10-13.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

On February 8th, 1994, the presiding judge declared that Admiral Frank Kelso had “manipulated the initial investigative process in a manner designed to shield his own personal involvement in Tailhook ’91.”⁴² The judge stated that the inappropriate behavior exhibited at the Tailhook symposium is incomprehensible and the responsibility must lie with the most senior officers—Admiral Kelso was the most senior military officer present.⁴³ After the ruling was announced, the remaining 134 disciplinary proceedings related to Tailhook were dropped. Additionally, Admiral Kelso faced no consequences as a result of his insouciance to the behavior he witnessed at Tailhook. While the court-martial found he had witnessed sexual misconduct, he was not fired nor punished for his role.⁴⁴ In 1994, Admiral Kelso decided to retire two months premature—contingent that he received statements in support of his “integrity” from both Navy Secretary John Dalton and Defense Secretary William J. Perry.⁴⁵ Admiral Kelso also requested a statement from Secretary Perry to dismiss his involvement with Tailhook. A request that Secretary Perry could not fulfill as it would “constitute improper interference in the military's largely independent judiciary.”⁴⁶

The outcome of Tailhook was a culmination of factors including the pervasiveness of toxic masculinity, sexism, misogyny, fear, and impunity. The behavior exhibited at Tailhook may have been intensified due to increased efforts to integrate women into the military.⁴⁷ Men felt like their jobs and their stability were jeopardized by women being recruited to occupy

⁴² Public Broadcasting Service. (n.d.). *Tailhook '91 in brief | the navy blues | frontline*. PBS. Retrieved November 1, 2021

⁴³ “*Tailhook '91 and the U.S. Navy - Kenan Institute for Ethics*,” accessed November 2021, https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf, 10-13.

⁴⁴ John Lancaster, “Top Navy Admiral Kelso to Retire Early in Aftermath of Tailhook Scandal,” *The Washington Post* (WP Company, February 16, 1994), <https://www.washingtonpost.com/archive/politics/1994/02/16/top-navy-admiral-kelso-to-retire-early-in-aftermath-of-tailhook-scandal/d2b559c5-7aec-4be8-98be-f8fc9f143c19/>.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

traditionally “male” roles.⁴⁸ One female Navy officer, who attended the 1991 Tailhook Symposium, explained, "This was the woman that was making you, you know, change your ways. This was the woman that was threatening your livelihood. This was the woman that wanted to take your spot in that combat aircraft."⁴⁹ The gauntlet was especially significant, because it symbolized an “unofficial rite of passage” for rising male naval aviators, while simultaneously perpetuating the sexist and exclusionary sentiments that were pervasive throughout the military at that time.⁵⁰ To strengthen morale, men rallied together to scope out their next enemy—women.

“Numerous officers viewed Tailhook as a type of "free-fire zone" where they could celebrate without regard to rank or decorum. Many likened Tailhook to overseas deployment where months of spartan living give way to excessive partying while in foreign ports. A frequently heard comment, "what happens overseas, stays overseas" was the implicit paradigm applied to Tailhook.”⁵¹

The Tailhook investigation was pivotal in unveiling corrosive military practices, inefficient investigative strategies, and ideologies that threatened the safety of active-duty service members, especially women, due to a culture of impunity.

Aberdeen Scandals 1996

Similar to Tailhook, the Aberdeen Scandals of 1996 showed the deep roots of sexism, misogyny, sexual misconduct, and discrimination in the military.⁵² The scandal began to take

⁴⁸ *Tailhook '91 and the U.S. Navy - Kenan Institute for Ethics*, accessed November 2021, https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf, 10-13.

⁴⁹ Public Broadcasting Service. (n.d.). *Tailhook '91 in brief | the navy blues | frontline*. PBS. Retrieved November 1, 2021, from <https://www.pbs.org/wgbh/pages/frontline/shows/navy/tailhook/91.html>.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² O'Neill, W.L. Sex scandals in the gender-integrated military. *Gend. Issues* **16**, 64–85 (1998). <https://doi.org/10.1007/s12147-998-0016-y>

root in November 1996 when a Judge Advocate General (J.A.G.) charged three active-duty servicemen stationed at the Army Ordnance Center and School, Aberdeen Proving Ground, with multiple sex offenses ranging from adultery to harassment to rape.⁵³ Staff Sergeant Delmar Gaither Simpson, a drill sergeant with the 143rd Ordnance Battalion was charged with raping several young women between the ages of 18 and 20.⁵⁴ Captain Derrick Robertson, commander of the 143rd Ordnance Battalion, was charged with adultery—since his rape charge was dismissed—and he was sentenced to four months in prison and dishonorably discharged from the Army.⁵⁵

While the Navy’s response to Tailhook was to immediately mask the scandal, the Army took a more public role in investigating. The Army responded to the Aberdeen scandals by creating a hotline for women soldiers who had been sexually harassed and by contacting every female officer who had trained at Aberdeen during the past two years to ask if they were sexually harassed while in active duty.⁵⁶ The Army experienced pushback for convicting active-duty service members for sexual offenses for consensual sexual acts. However, according to the Uniform Code of Military Justice, there was no distinction between consensual sex and rape between a superior and their subordinate. Regardless of whether or not it was perceived to be consensual, there are underlying coercive factors that jeopardize true consent with subordinate service members.⁵⁷

⁵³ O’Neill, W.L. Sex scandals in the gender-integrated military. *Gend. Issues* **16**, 64–85 (1998).

<https://doi.org/10.1007/s12147-998-0016-y> [67]

⁵⁴ *Ibid.* [67]

⁵⁵ *Ibid.* [67]

⁵⁶ *Ibid.* [68]

⁵⁷ O’Neill, W.L. Sex scandals in the gender-integrated military. *Gend. Issues* **16**, 64–85 (1998).

<https://doi.org/10.1007/s12147-998-0016-y>. Underlying coercive factors include those in positions of power engaging in “consensual sexual acts” with their subordinates. It may appear consensual, but the power dynamic may make the decision seem conditional. Service members may “agree” to sexual acts with their superiors, but they may do so in fear that their denial could result in retaliation.

By December 18, 1996, more charges were brought against Staff Sergeant Simpson in addition to his previous rape charges. Simpson was accused of raping ten female soldiers (one of them eight times) and victimizing twenty-eight other female soldiers through various offenses including rape, sodomy, verbal threats, assault, and battery.⁵⁸ By the beginning of the next year, over 6,000 complaints were made via the Army hotline for victims. These complaints originated at different bases, but most were cited at Aberdeen and its subpost, Edgewood.⁵⁹

Sergeant Major of the Army, Gene McKinney, resigned following allegations of sexual assault by an aide and faced charges for obstruction of justice.⁶⁰ Furthermore, Sergeant Major Gene McKinney also happened to be the company commander for Staff Sergeant Simpson. “...the notorious Sergeant Simpson got away with his crimes for so long because his company commander was also preying on trainees, inspiring an understandable reluctance among them to lodge complaints.”⁶¹ Many women didn’t feel safe coming forward in fear of retaliation. Since they would have had to follow the chain of command, they would have had to disclose their assault to the very man protecting their assailant from being held accountable. Ultimately, Staff Sergeant Simpson was convicted of 18 rape charges and sentenced to 25 years in prison.⁶²

Many of the women whom Staff Sergeant Simpson had raped came forward to claim that the sex was consensual. However, the court accepted the characterization that Staff Sergeant Simpson was an imposing predator who abused his power to assault vulnerable women in his command by citing the military’s *doctrine of constructive force*, “which holds that when actions

⁵⁸ O’Neill, W.L. Sex scandals in the gender-integrated military. *Gend. Issues* **16**, 64–85 (1998).

<https://doi.org/10.1007/s12147-998-0016-y> [68]

⁵⁹ *Ibid.*

⁶⁰ 10th SMA - Gene C. McKinney,” AUSA, January 5, 2017, <https://www.ausa.org/army/10th-sma-gene-c-mckinney>.

⁶¹ O’Neill, W.L. Sex scandals in the gender-integrated military. *Gend. Issues* **16**, 64–85 (1998).

<https://doi.org/10.1007/s12147-998-0016-y>

⁶² *Ibid.*

involving an abuse of power, together with other conditions, produce a reasonable belief in the victim's mind that death or physical injury would be inflicted on her, and resistance is futile.”⁶³

The Aberdeen scandals are yet another example of the suppressive and obstructive nature of the military’s handling of sexual assault. Delegating to the chain of command deters many victims from coming forward and jeopardizes the integrity of the Military Justice System.

The United States Air Force Basic Training Scandals 2009-2012

Despite actions to *rectify* the injustices post-Tailhook and post-Aberdeen, continued scandals regarding sexual misconduct by active-duty service members persisted. From 2009-2012, there were 62 victims identified who were sexually assaulted or otherwise victims of sexual misconduct by 32 training instructors at the Lackland base outside of San Antonio, Texas.

⁶⁴ In April of 2011, Virginia Messick was one of the victims identified as being raped by her Air Force training instructor, Staff Sergeant Luis Walker, when she was a 19-years-old in basic training.⁶⁵ Without any recourse, Messick completed basic training which included having to continue to follow orders from her assailant. Due to a fear of retaliation, Messick did not disclose being raped. Like many others, due to chain of command procedures, the person she would have had to report to was her abuser.⁶⁶ In fact, of the 62 reported victims, none of them came forward to Air Force officials.⁶⁷ It was a female trainee who was aware of the assaults occurring that alerted Air Force personnel.

⁶³ O’Neill, W.L. Sex scandals in the gender-integrated military. *Gend. Issues* **16**, 64–85 (1998).
<https://doi.org/10.1007/s12147-998-0016-y>

⁶⁴ James Risen, “Attacked at 19 by an Air Force Trainer, and Speaking Out,” *The New York Times* (The New York Times, February 27, 2013), <https://www.nytimes.com/2013/02/27/us/former-air-force-recruit-speaks-out-about-rape-by-her-sergeant-at-lackland.html>.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*; or his commander.

⁶⁷ *Ibid.*

Messick was contacted by Air Force investigators in late 2011 looking into the various claims of sexual misconduct by Staff Sergeant Walker.⁶⁸ Messick was questioned for two and a half hours by the investigators, but Messick only provided a brief version of what happened, and she never acknowledged that it had been rape. However, in 2012, while testifying at Staff Sergeant Walker's court-martial, she disclosed that she had been raped by Walker.⁶⁹ The Air Force prosecutor tasked with this case, Lieutenant Colonel Mark Hoover, did not dispute Messick's claims, but since it was not disclosed in pre-trial interviews, Sergeant Walker was charged with a lesser count—an *unprofessional* relationship involving sodomy and sexual intercourse.⁷⁰ In July of 2012, Staff Sergeant Walker was convicted on 28 counts which included rape, sexual assault, and aggravated sexual conduct involving 10 trainees.⁷¹

Decades after Tailhook and Aberdeen, the military has not been able to reform their handling of sexual assaults. This is due to one fundamental inhibitor—by relinquishing prosecutorial power and discretion to commanding officers, it is shown to deter many victims from coming forward in fear of retaliation.

VI. THE SCOPE OF THE PROBLEM

It is difficult to correctly assess just how pervasive sexual violence is in the military. Many cases go unreported, so the only way to assess the scope of the problem is to collect data and surveys from those who do decide to report. The United States Department of Defense Sexual Assault Prevention and Response (SAPRO) released its 2020 Fiscal Year Report on

⁶⁸ James Risen, "Attacked at 19 by an Air Force Trainer, and Speaking Out," *The New York Times* (*The New York Times*, February 27, 2013), <https://www.nytimes.com/2013/02/27/us/former-air-force-recruit-speaks-out-about-rape-by-her-sergeant-at-lackland.html>.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

statistical data collecting regarding sexual violence in May 2021. The report revealed that there was a total of 7,816 reported cases of sexual assault involving service members.⁷² Of the total reports collected, 6,290 were for incidents that occurred during active duty.⁷³

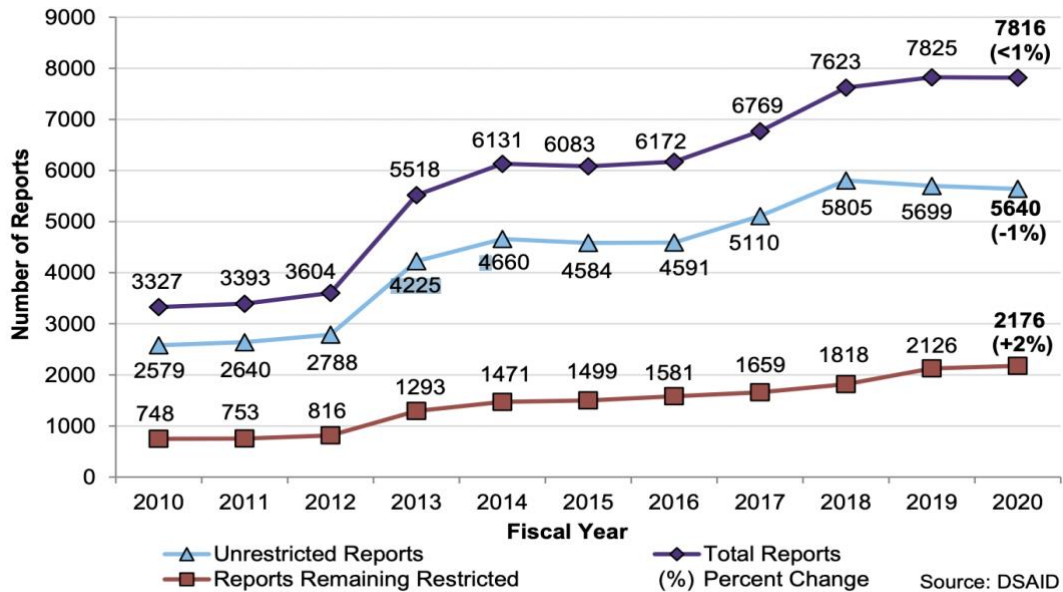


Figure 1. Reports of Sexual Assault Made to DoD, FY10 – FY20

According to the chart above, the total number of reports had increased by a margin of **1%** from FY2019 to FY2020. However, the greater disparity is shown from FY2012 to FY2020, where the number of total reports of sexual assault increased by **46%**.⁷⁴ According to the VA, one in four female veterans and one in 100 male veterans within the VA healthcare system report experiencing military sexual trauma due to facing sexual violence while on active duty.⁷⁵

⁷² “Appendix B Statistical Data on Sexual Assault - SAPR,” 2020, https://www.sapr.mil/sites/default/files/Appendix_B_Statistical_Data_on_Sexual_Assault.pdf, 7.

⁷³ *Ibid.*

⁷⁴ “Appendix B Statistical Data on Sexual Assault - SAPR,” 2020, https://www.sapr.mil/sites/default/files/Appendix_B_Statistical_Data_on_Sexual_Assault.pdf, 8.

⁷⁵ *Military sexual trauma - MST*. DAV. (2019, September 17). Retrieved October 3, 2021, from <https://www.dav.org/veterans/resources/military-sexual-trauma-mst/>.

Notably, although data shows women are at a higher risk of experiencing sexual violence while in the military, over **40%** of those who disclose military sexual trauma are men.⁷⁶

V. CONSEQUENCES OF REPORTING

One key aspect that deters many from reporting their sexual assaults is the fear of retaliation. Due to internal reporting requirements, a service member must notify their chain of command of the assault in order to pursue action.

Table 17. Relationship of the Alleged Retaliator and the Reporter, FY20

Alleged Retaliator was a...	Subject Count	Percent
Superior in their chain of command	75	71%
Superior, not in their chain of command	0	0%
Person junior in grade to them, not in their chain of command	2	2%
Peer, friend, and/or coworker	17	16%
Person associated with the alleged perpetrator of the sexual assault or sexual harassment	9	8%
Service provider	2	2%
Unknown/unspecified relationship	1	1%
Total	106	100%

For victims who decide to report their sexual assault and experience retaliation due to reporting, **71%** disclosed that their retaliator was a superior within their chain of command.⁷⁷ Among those that report being retaliated against for reporting, **74%** were women and **26%** were men.⁷⁸ Additionally, military surveys indicate that **62%** of respondents who experienced unwanted sexual contact and reported it to a military authority faced retaliation *as a result of reporting*.⁷⁹ It is estimated that only one in four victims reports sexual assault to military authorities. In surveys, service members consistently cite fear of retaliation from the perpetrator

⁷⁶ *Ibid.*

⁷⁷ "Appendix B Statistical Data on Sexual Assault - SAPR," 2020, https://www.sapr.mil/sites/default/files/Appendix_B_Statistical_Data_on_Sexual_Assault.pdf, 8.

⁷⁸ *Ibid.* This data did not reference transgender individuals given the transgender ban at the time.

⁷⁹ "Embattled," Human Rights Watch, April 18, 2018, <https://www.hrw.org/report/2015/05/18/embattled/retaliation-against-sexual-assault-survivors-us-military#>.

or the perpetrator’s friends or concern about their careers as reasons for not reporting.⁸⁰

Additionally, reporters rarely see a remedy for the retaliation they face. According to statistics from the SAPRO report, **87%** of investigations into cases of retaliation are *dismissed*.⁸¹

Table 19. Outcomes of DoD OIG Investigations, FY20

Outcome	Subject Count	Percent
Dismissed	71	87%
Not Substantiated	8	10%
Substantiated	1	1%
Withdrawn	2	2%
Total Closed	82	100%

The administrative control for commanders provides discretion meant to instill “good order and discipline.”⁸² In actuality, it provides ample opportunity for a commander to exercise their authority over the victim for reporting through overt or covert measures which contradicts their dedication to “good order and discipline.” These measures may include a demotion in a work assignment, a negative performance evaluation, a denial of an opportunity for further training and deployment, or even a minor disciplinary action. According to data from the Department of Defense’s Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault, one in three victims are discharged after reporting, usually within **seven** months of initiating a report.⁸³ Moreover, reporters face retaliation from their peers for

⁸⁰ Defense Manpower Data Center, “2012 Workplace and Gender Relations Survey of Active Duty Members,” March 15, 2013, http://www.sapr.mil/public/docs/research/2012_workplace_and_gender_relations_survey_of_active_duty_members-survey_note_and_briefing.pdf, p. 106

⁸¹ *Appendix B Statistical Data on Sexual Assault - SAPR*, 2020, https://www.sapr.mil/sites/default/files/Appendix_B_Statistical_Data_on_Sexual_Assault.pdf, 42.

⁸² “Embattled,” Human Rights Watch, April 18, 2018, <https://www.hrw.org/report/2015/05/18/embattled/retaliation-against-sexual-assault-survivors-us-military#>.

⁸³ Department of Defense (DoD) Inspector General, Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault (2016), <https://media.defense.gov/2016/May/09/2001714241/-1/-1/1/DODIG-2016-088.pdf>.

jeopardizing the *morale* of the unit. Reporters face ostracism, bullying, harassment, and even continued abuse.⁸⁴

It is important to acknowledge that the military is unique in its structure. It's not a typical 9-5 job and service members cannot give two weeks' notice to quit. Service members are often bound by contracts—that prohibit quitting coupled with criminal charges for attempting to do so. In fact, if service members flee due to the abuse, they have committed a crime, and they may find themselves court-martialed and/or imprisoned.⁸⁵ According to a report by Human Rights Watch, one Coast Guard trainee considered faking suicide because she saw no other way to get out of military service and away from the supervisor who was regularly harassing her—and who was also the person designated to receive complaints about sexual harassment.⁸⁶

Unfortunately for victims, they cannot seek recourse against the United States government for injuries incurred while in active duty. In *Feres v. United States* (340 U.S. 135), the Supreme Court found that the United States is not liable under the Federal Tort Claims Act for injuries to members of the armed forces sustained while on active duty and not on furlough or resulting from the negligence of others in the armed forces.⁸⁷ Additionally, the Court's ruling expanded this shield to eliminate the ability to seek damages against the government even in cases for family members who suffer medical malpractice. This precedent is problematic for victims and their families when the Military Justice System provides no remedy for the harms they suffer and the damages they incur while serving in the armed forces.

⁸⁴“Embattled,” Human Rights Watch, April 18, 2018, <https://www.hrw.org/report/2015/05/18/embattled/retaliation-against-sexual-assault-survivors-us-military#>.

⁸⁵ “Embattled,” Human Rights Watch, April 18, 2018, <https://www.hrw.org/report/2015/05/18/embattled/retaliation-against-sexual-assault-survivors-us-military#>.

⁸⁶ *Ibid.*

⁸⁷“*Feres v. United States*, 340 U.S. 135 (1950),” Justia Law, accessed November 2021, <https://supreme.justia.com/cases/federal/us/340/135/>.

VI. VANESSA GUILLÉN

A recent example of the military's preference for a wall of silence and a culture of impunity is the case of Vanessa Guillén. Vanessa Guillén is a prime example of the detrimental effects that can occur when the military fails to act both in reported instances of sexual misconduct and the disappearances of military personnel. The 20-year-old active-duty service member was murdered on April 22, 2020, at Ford Hood, Texas. Yet her remains were not discovered until June 30th along the Leon River.⁸⁸

A recent high school graduate from César E. Chávez High School, Vanessa Guillén joined the military in June 2018 where she was stationed at Fort Hood as a Small Arms and Artillery Repairer.⁸⁹ On April 22, the day Vanessa went missing, her family noticed she was not answering their texts or calls which was unlike her.⁹⁰ Vanessa's sisters and her fiancé traveled to Fort Hood at 3:00 a.m. to try and get answers for her disappearance and the lack of transparency from the base. The following day military police conducted a local investigation but to no avail. According to military procedures, at this point, the military's Criminal Investigation Division (CID) was contacted.

As the investigation gained momentum, Vanessa's mother disclosed that Vanessa had shared that she was sexually harassed while at Ford Hood by a sergeant, but she didn't feel safe in reporting him due to several previous allegations against him being dismissed and the likelihood of retaliation.⁹¹ According to Army representatives, when asked about the sexual harassment allegations they received from Vanessa before her disappearance, they did not choose to

⁸⁸ Allie Yang et al., "Vanessa Guillen's Fiance, Closest Friends Detail Upsetting Investigation," ABC News (ABC News Network, June 11, 2021), <https://abcnews.go.com/US/vanessa-guillens-fiance-closest-friends-detail-upsetting-investigation/story?id=78174535>.

⁸⁹ *What Happened to Vanessa? | 20/20, YouTube* (YouTube, 2021), <https://www.youtube.com/watch?v=JCQysMNVwck>.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

investigate because that was labeled “misconduct” and they did not believe it was pertinent in their investigation into her disappearance.

On April 24, two days after Vanessa’s disappearance, the Army labeled Vanessa as AWOL—Absent Without Official Leave.⁹² According to Chris Swecker, the Fort Hood Independent Investigation Chair, “they defaulted to what they always default to which is AWOL instead of looking at the facts.”⁹³ Labeling Vanessa with an AWOL status had created the perception that she willfully evaded her unit which withheld many essential resources—such as a casualty assistance officer to liaise with the family.⁹⁴

During the investigation, authorities interviewed Specialist Aaron Robinson who was reportedly the last person to see Vanessa before she disappeared. Specialist Robinson claimed he left the base to travel to his home nearby (off base) to spend the evening with his girlfriend and his girlfriend corroborated his alibi.

After Vanessa had been missing for 58 days, human remains were located in a field close to Fort Hood.⁹⁵ However, after an autopsy of the remains, medical personnel identify the body to be Gregory Morales, a Fort Hood soldier who had been missing for over a year. The Army had listed Morales as AWOL and classified him as a deserter. As a result, the investigation into his disappearance had halted and his murder remains unsolved.⁹⁶ The significance of this finding is that Morales joined dozens of other victims with unresolved cases who have died under

⁹² Reese Oxner, “Army Report Finds Fort Hood Soldier Vanessa Guillén Reported Being Sexually Harassed Twice before She Was Killed,” *The Texas Tribune* (The Texas Tribune, April 30, 2021), <https://www.texastribune.org/2021/04/30/vanessa-guillen-sexual-harassment-fort-hood/>.

⁹³ *What Happened to Vanessa? | 20/20, YouTube* (YouTube, 2021), <https://www.youtube.com/watch?v=JCQysMNvwck>.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Megan Vanselow, “I Need to Know!: Mother of Fort Hood Soldier Still Seeking Answers a Year after Son's Remains Found in Killeen,” <https://www.kwtx.com>, accessed December 29, 2021, <https://www.kwtx.com/2021/06/21/i-need-know-mother-fort-hood-solder-still-seeking-answers-year-after-sons-remains-found-killeen/>.

“questionable circumstances.” Since foul-play was discovered in Morales’ disappearance, posthumously, he was able to receive his active-duty status back and his family was able to receive VA benefits. ⁹⁷

Investigators found their break in Vanessa’s case during a search through Specialist Aaron Robinson’s phone data. His cell phone had pinged a cell tower in the nearby town of Belton, Texas at 1:59 a.m. the following morning after Vanessa’s disappearance. This tip led a search team to the Leon River in Belton where they uncovered a burn pile with a “tuff box”—that matched the description of what Specialist Robinson was seen carrying out of the armory room the day of Vanessa’s disappearance. Texas Rangers were called to the site where they dug up the burn pile area. Unfortunately, they were unable to uncover human remains in that area.

It was not until June 24, 2020, when U.S. Army officials publicly stated that they considered foul-play in Vanessa’s disappearance—over two months after she originally went missing. Six days after the U.S. Army declared foul-play, Vanessa’s remains were found along the Leon River in Belton. ⁹⁸ That evening, Specialist Robinson escaped the custody of an unarmed guard within his unit once he was notified that human remains were found in Belton. On July 1, 2020, police in the nearby town of Killeen attempted to seize Specialist Robinson, but he fatally shot himself before police could arrest him. ⁹⁹

The disappearance and murder of Vanessa Guillén reflect the inherent flaws within the military. The ineffective investigations and nature to label disappearances as AWOL has far-reaching consequences not only for victims but their families as well. Additionally, the lack of

⁹⁷ *What Happened to Vanessa? 1/20/20, YouTube* (YouTube, 2021), <https://www.youtube.com/watch?v=JCQysMNVwck>.

⁹⁸ Allie Yang et al., “Vanessa Guillen’s Fiance, Closest Friends Detail Upsetting Investigation,” ABC News (ABC News Network, June 11, 2021), <https://abcnews.go.com/US/vanessa-guillens-fiance-closest-friends-detail-upsetting-investigation/story?id=78174535>.

⁹⁹ *Ibid.*

attention and emphasis placed on allegations of sexual misconduct jeopardizes the safety of service members. The military's mishandling of misconduct allegations and service member disappearances have perpetuated a culture of violence and impunity. Victims are afraid to come forward and those who go missing are denied the respect and dignity of an adequate investigation.

V. CONCLUSION

From Tailhook to Aberdeen to Lackland to Vanessa Guillén, the military's reliance on internal investigations is ineffective and the role of the chain of command creates a conflict of interest that deters victims from coming forward in fear of retaliation. For decades, the Department of Defense has attempted to rectify the issue of sexual violence in the military, yet it remains unsuccessful. In response to the Tailhook investigations, Navy Secretary Sean O'Keefe said, "We get it. . . . We know that the larger issue is a cultural problem which has allowed demeaning behavior and attitudes towards women to exist."¹⁰⁰

However, the issue will need more than changes in ideology. The entire structure of how sexual assault cases are handled by the military needs vast improvement. Recently, Secretary of Defense Lloyd J. Austin III accepted the recommendations from the Independent Review Commission (IRC) regarding its suggestions for improving the military's response to sexual violence.¹⁰¹ According to Secretary of Defense Lloyd J. Austin III: "Those recommendations include shifting sexual assault coordinators and victim advocates **out of the command structure**

¹⁰⁰ *Sexual assault in the military - SAPR*. U.S. Commission on Civil Rights, 2013 Statutory Enforcement Report. (2013). Retrieved from https://www.sapr.mil/public/docs/research/USCCR_Statutory_Enforcement_Report_Sexual_Assault_in_the_Military_SEP2013.pdf.

¹⁰¹ "Sexual Assaults Will No Longer Be Prosecuted by Commanders," U.S. Department of Defense, July 2021, <https://www.defense.gov/News/News-Stories/Article/Article/2681848/sexual-assaults-will-no-longer-be-prosecuted-by-commanders/>.

— largely eliminating collateral duty victim advocates — although you might need them in isolated deployed environments or on ships," she said. "This kind of independent advocacy, where someone is 100% focused on the victim and reporting outside of the command structure, is a best practice. It's what victims need — *somebody 100% on their side.*"

The chain of command delegation for sexual assault cases jeopardizes the integrity of the entire judicial system. If active-duty service members or commanding officers in the chain of command cannot be held accountable through the Military Justice System, what type of standard is then expected to be maintained in the civilian legal system? How can we expect to trust a military system expected to protect us when they've been shown to be ineffective and careless in protecting their own?

The *I am Vanessa Guillén Act*, co-sponsored by Congresswoman Jackie Speir (D-CA) and Congressman Markwayne Mullin (R-OK) would be a place to start. The bill, co-sponsored by 173 Congresspeople, would revolutionize the military's response to reports of sexual harassment and sexual assault by making sexual harassment a standalone offense within the Uniform Code of Military Justice and moving prosecution decisions in sexual assault and sexual harassment cases *outside of the chain of command*.¹⁰² Additionally, the bill would establish a process to compensate service members impacted by sexual violence to cover their expenses or reimburse them for the harm they incur as a result of sexual violence.¹⁰³ Legislators—Democrats and Republicans—have voiced their support for reforming the military's handlings of sexual assault and sexual harassment cases. Yet, obstacles still persist. The issue of sexual violence in the armed services is a widespread, pervasive example of dominance, submission,

¹⁰² Jackie Speier and Markwayne Mullin, "Speier, Mullin Reintroduce Bipartisan I Am Vanessa Guillén Act to Transform the Military's Response to Sexual Violence," May 13, 2021, <https://speier.house.gov/press-releases?ID=649CE514-BEDC-45B7-9B31-DE943FF8AD88>.

¹⁰³ *Ibid.*

and power that is ingrained in current military response procedures. It is essential to dismantling those procedures before any real lasting change can occur.

Bibliography

- “10th SMA - Gene C. McKinney.” AUSA, January 5, 2017. <https://www.USA.org/army/10th-sma-gene-c-mckinney>.
- ‘A poison in the system’: The epidemic of military sexual ...* (n.d.). Retrieved November 1, 2021, from <https://www.nytimes.com/2021/08/03/magazine/military-sexual-assault.html>.
- “Appendix B Statistical Data on Sexual Assault - SAPR,” 2020. https://www.sapr.mil/sites/default/files/Appendix_B_Statistical_Data_on_Sexual_Assault.pdf.
- Appendix 2 uniform code of military ... - jsc.defense.gov.* (n.d.). Retrieved November 1, 2021, from <https://jsc.defense.gov/Portals/99/Documents/UCMJ%20%2020December2019.pdf?ver=2020-01-28...>
- Christenson, Sig. “Changes Driven by Lackland Scandal Not Complete.” mySA. Express-News, September 10, 2014. <https://www.mysanantonio.com/news/local/military/article/GAO-Changes-after-Lackland-scandal-not-finished-5744288.php>.
- Dod's recent survey on sexual assault shows crucial need for military justice reform.* IAVA. (n.d.). Retrieved October 1, 2021, from <https://iava.org/blog/dods-recent-survey-on-sexual-assault-shows-crucial-need-for-military-justice-reform/>.
- “Embattled.” Human Rights Watch, April 18, 2018. <https://www.hrw.org/report/2015/05/18/embattled/retaliation-against-sexual-assault-survivors-us-military#>.
- Federal Register. (2020, July 15). *Sexual Assault Prevention and Response (SAPR) Program*. Retrieved from <https://www.federalregister.gov/documents/2020/07/15/2020-13513/sexual-assault-prevention-and-response-sapr-program>.
- “Feres v. United States, 340 U.S. 135 (1950).” Justia Law. Accessed November 2021. <https://supreme.justia.com/cases/federal/us/340/135/>.
- Grantham-Philips, Wyatt. “Fort Hood Soldier's Death Sparks Online Outcry: 'the Military Hasn't Had Their #MeToo Movement Yet'.” USA Today. Gannett Satellite Information Network, July 7, 2020. <https://www.usatoday.com/story/news/nation/2020/07/06/vanessa-guillens-death-spotlights-sexual-assault-harassment-military/5383313002/>.
- Lancaster, John. “Top Navy Admiral Kelso to Retire Early in Aftermath of Tailhook Scandal.” The Washington Post. WP Company, February 16, 1994. <https://www.washingtonpost.com/archive/politics/1994/02/16/top-navy-admiral-kelso-to-retire-early-in-aftermath-of-tailhook-scandal/d2b559c5-7aec-4be8-98be-f8fc9f143c19/>.
- “Military Sexual Assault.” Findlaw, June 21, 2016. <https://www.findlaw.com/military/criminal-law/military-sexual-assault-the-basics.html>.
- “Military Sexual Assault: A Framework for Congressional Oversight.” Congressional Research Service, February 2021. <https://sgp.fas.org/crs/natsec/R44944.pdf>.
- Military sexual trauma - MST.* DAV. (2019, September 17). Retrieved October 3, 2021, from <https://www.dav.org/veterans/resources/military-sexual-trauma-mst/>.
- Oxner, Reese. “Army Report Finds Fort Hood Soldier Vanessa Guillén Reported Being Sexually Harassed Twice before She Was Killed.” The Texas Tribune. The Texas Tribune, April 30, 2021. <https://www.texastribune.org/2021/04/30/vanessa-guillen-sexual-harassment-fort-hood/>.

- Park, Colonel W. Hays. "Tailhook: What Happened, Why & What's to Be Learned." 89-103, September 1994.
https://www.cmrlink.org/data/Sites/85/CMRDocuments/Tailhook_Proceedings_09-1994.pdf.
- Public Broadcasting Service. (n.d.). *Tailhook '91 in brief | the navy blues | frontline*. PBS. Retrieved November 1, 2021, from
<https://www.pbs.org/wgbh/pages/frontline/shows/navy/tailhook/91.html>.
- Risen, James. "Attacked at 19 by an Air Force Trainer, and Speaking Out." The New York Times. The New York Times, February 27, 2013.
<https://www.nytimes.com/2013/02/27/us/former-air-force-recruit-speaks-out-about-rape-by-her-sergeant-at-lackland.html>.
- Rosenthal, Lindsay, and Lawrence Korb. "Twice Betrayed - Center for American Progress," 2013. <https://www.americanprogress.org/wp-content/uploads/2013/11/MilitarySexualAssaultsReport.pdf>.
- Sapro director addresses progress in sexual assault prevention, victim support*. U.S. Department of Defense. (n.d.). Retrieved October 9, 2021, from
<https://www.defense.gov/News/News-Stories/Article/Article/2598157/sapro-director-addresses-progress-in-sexual-assault-prevention-victim-support/#:~:text=SAPRO%20was%20established%20in%202005,to%20command%20or%20an%20investigation>.
- Schuyler, A. C., Klemmer, C., Mamey, M. R., Schrage, S. M., Goldbach, J. T., Holloway, I. W., & Castro, C. A. (2020, March 26). *Experiences of sexual harassment, stalking, and sexual assault during military service among LGBT and non-LGBT service members*. Wiley Online Library. Retrieved November 1, 2021, from
<https://onlinelibrary.wiley.com/doi/10.1002/jts.22506>.
- Sexual assault in the military - SAPR*. U.S. Commission on Civil Rights, 2013 Statutory Enforcement Report. (2013). Retrieved from
https://www.sapr.mil/public/docs/research/USCCR_Statutory_Enforcement_Report_Sexual_Assault_in_the_Military_SEP2013.pdf.
- "Sexual Assault in the Military - SAPR." 2013 Statutory Enforcement Report: Sexual Assault in the Military, 2013.
https://www.sapr.mil/public/docs/research/USCCR_Statutory_Enforcement_Report_Sexual_Assault_in_the_Military_SEP2013.pdf.
- "Sexual Assault in the Military - SAPR," 2013 Statutory Enforcement Report: Sexual Assault in the Military, 2013,
https://www.sapr.mil/public/docs/research/USCCR_Statutory_Enforcement_Report_Sexual_Assault_in_the_Military_SEP2013.pdf
- "Sexual Assaults Will No Longer Be Prosecuted by Commanders." U.S. Department of Defense, July 2021. <https://www.defense.gov/News/News-Stories/Article/Article/2681848/sexual-assaults-will-no-longer-be-prosecuted-by-commanders/>.
- "SEXUAL ASSAULT PREVENTION AND RESPONSE," Marine Corps Recruiting Command,
 n.d., <https://www.mcrs.marines.mil/Resources/SAPR/Restricted-Reporting/#:~:text=Prevention%20and%20Response-,Restricted%20Reporting,triggering%20the%20official%20investigative%20process>.

- Speier, Jackie, and Markwayne Mullin. “Speier, Mullin Reintroduce Bipartisan I Am Vanessa Guillén Act to Transform the Military's Response to Sexual Violence,” May 13, 2021. <https://speier.house.gov/press-releases?ID=649CE514-BEDC-45B7-9B31-DE943FF8AD88>.
- “Tailhook ‘91 and the U.S. Navy - Kenan Institute for Ethics.” Accessed November 2021. https://kenan.ethics.duke.edu/wp-content/uploads/2018/01/TailhookUSNavy_Case2015.pdf.
- Tyler, Captain David. “Leadership Forum - Make Morale Our First Priority.” U.S. Naval Institute, February 21, 2019. <https://www.usni.org/magazines/proceedings/2016/november/leadership-forum-make-morale-our-first-priority>.
- Vanselow, Megan. “I Need to Know’: Mother of Fort Hood Soldier Still Seeking Answers a Year after Son's Remains Found in Killeen.” <https://www.kwtx.com>. Accessed December 29, 2021. <https://www.kwtx.com/2021/06/21/i-need-know-mother-fort-hood-solder-still-seeking-answers-year-after-sons-remains-found-killeen/>.
- What Happened to Vanessa? | 20/20. YouTube.* YouTube, 2021. <https://www.youtube.com/watch?v=JCQysMNVwck>.
- Yang, Allie, Denise Martinez-Ramundo, Natalie Cardenas, Chris Kilmer, and Abby Cruz. “Vanessa Guillen’s Fiance, Closest Friends Detail Upsetting Investigation.” ABC News. ABC News Network, June 11, 2021. <https://abcnews.go.com/US/vanessa-guillens-fiance-closest-friends-detail-upsetting-investigation/story?id=78174535>.
- United States Department of Defense. (2019). Article 120 10 U.S.C. 920. In *Manual for Courts-Martial, United States* (2019th ed., pp. 390–404). essay.