

Military Sexual Assault: Reporting and Rape Culture

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This paper analyzes the low rates of reporting among victims of sexual assault within the military. While a Pentagon survey found that 26,000 respondents cited instances of unwanted sexual contact, only 3,374 cases were reported. Overall, victims that are unwilling to report cite fears of retaliation, of losing one's career, of the justice system, and of a military culture that is intertwined with rape culture. In response to the national attention regarding the issue of military sexual assault and victims' recent outcries, Congress and the military have created a number of new reforms and programs, including the National Defense Authorization Act for Fiscal Year 2014, the Safe Helpline, and the Special Victims Counsel Program. The success of these programs can be attributed to their focus on advocating for victims and incorporating training from survivor advocacy groups. While there has been progress in supporting victims, this analysis finds that the programs' continued success and improvement rely heavily on military leadership due to the hierarchical influence of commanders within the military.

Introduction

Current media attention has shined a spotlight on the problem of sexual assault within the military, placing the issue on the political agenda. While this spotlight produces a strong impetus for change, change will be difficult without understanding a key problem within the framework of military sexual assault: lack of reporting. If addressed, there can be a great impact on getting victims the support they need and furthering methods of prevention. Victim rates of reporting to police and to confidential services

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are very low. This paper addresses victims' own claims of why they do not report. It also outlines the structures and attitudes that victims name as those that perpetuate a culture of normalized sexual assault. This paper explores victims' fears of consequences from reporting and some of the recent programs created to address those fears.

The Numbers

In order to effectively deal with the problem of sexual assault in the military, it is essential to first understand the phenomenon. It is necessary to know how many assaults are occurring, if they are being reported, and who the victims are. As is the case with sexual assault throughout the United States, there are both female and male victims of sexual assault within the military. While females do commit sexual assault, males are overwhelmingly the perpetrators¹ (Department of Defense 2013, v. I). The military has large numbers of both female and male victims. For example, the Department of Veterans Affairs identified almost 50,000 male veterans that screened positive for military sexual trauma (Ellison 2011). It especially affects women, though, who are proportionally victimized at a higher rate than men in the military² (Department of Defense 2013, v. I). Women in the military are more likely to be sexually assaulted by other military personnel than killed in combat (Ellison 2011).

The Sexual Assault Prevention and Response Office (SAPRO) within the Department of Defense accounts for the actual numbers of sexual assaults and sexual harassments. SAPRO releases an annual report based on a survey sent out to military personnel. In 2010, this Pentagon report found 19,000 unwanted sexual contacts, of which 3,158 were reported, 575 were processed, and 96 were court martialed (Lawrence & Peñaloza 2013). The most recent report found 26,000 instances of unwanted sexual contact, of which 3,374 were reported and 302 went to trial in 2012 (Department of Defense 2013, v. I).

1. For example, in 2012 90 percent of alleged perpetrators of sexual assault in the military were male (Miller & Rosenthal 2013).

2. Veterans' organizations like the Service Women's Action Network and individual veterans confronted the military's rape culture in 2011 when four previous service members filed a lawsuit claiming that the Pentagon failed to act on reported sexual assaults and "turned a blind eye" (Isikoff 2011).

Critics have questioned this report of 26,000 cases of sexual assault within the military because of the broad scope of the survey question (Scarborough 2014). The report found 26,000 cases of *unwanted sexual contact*, which ranged from sodomy to “the unwanted touching of genitalia” (Department of Defense 2013, v. II). This wide spectrum allows the conflation of rape with unwanted groping, which calls for different types of responses and different levels of severity for the problem of sexual assault within the military. Better discretion and understanding of the numbers being reported are necessary for more effective prevention and response efforts. It is still important, however, to recognize that *any* unwanted sexual contact within the military is a problem, and must be addressed.

Reporting

There is a clear discrepancy between the number of assaults occurring and the number being reported, no matter the type of unwanted sexual contact counted in the statistics from 2010 and 2012. In order to protect victims, provide them with appropriate services, and prevent future sexual violence, sexual assaults need to be reported. Reporting allows for victims to receive the services they need as well as helps the military to better understand and respond to the problem.

Within the military, there are two reporting options available to victims: restricted and unrestricted. Restricted reporting is a means of reporting to confidential personnel within the military, including healthcare personnel, a Sexual Assault Response Coordinator (SARC), and a Victim Advocate (VA) (Military Reporting 2014). When a victim chooses a restricted report, only the previously listed personnel may be notified, the chain of command of the victim will not be told, and no investigation will take place (*ibid.*). It allows victims to receive medical treatment and other sexual assault response services. Unrestricted reporting allows for the victim to receive the same medical and sexual assault response services; however an official investigation will also take place, which includes informing the commander of the victim, legal personnel, and the military investigative agency (*ibid.*). Based on SAPRO’s report, however, both forms of reporting are not often utilized. There were 26,000 incidents and only 3,374 reports, including both restricted and unrestricted types (Department of Defense 2013, v. I).

The main question, then, becomes, “why do victims not report?” Because of the media furor surrounding military sexual assault, that question is being asked of victims now more than ever. The overwhelming answer from victims has been fear: fear of retaliation, fear of losing one’s career, and fear of military culture. Before delving into the fears victims face within the military through support systems, the justice system, and their general professional environment, it is important to first understand the concept of rape culture.

Rape Culture

“Rape culture,” a term coined by feminists in the 1970s, is not unique to the military. It is a culture that permeates throughout the United States in civilian and military life (Wolf 2013). It is the idea that institutions, media, and popular culture normalize and excuse sexual violence by “encouraging male aggression,” using “victim-blaming,” and “tasking victims with the burden of rape prevention” (McEwan 2009). It causes misconceptions about why rape occurs and who gets raped. Feminist Naomi Wolf explains how rape culture causes people to believe rape occurs in two ways, “. . . an isolated, mysterious event, caused by some individual man’s sudden psychopathology, or it is ‘explained’ by some seductive transgression by the victim” (2013). As Wolf demonstrates, misconceptions about rape create a culture in which sexual assault is defined in two ways. The first is where the perpetrator is a clear criminal—a deranged stranger who hides in the bushes. In this idea, the victim is seen only as pure, nonsexual, and a woman. The second cultural perpetuation is where the victim is the wrongdoer. Her actions, dress, intoxication level, sexuality, etc. are questioned and thus rather than being the perpetrator’s fault, the rape is the result of the victim’s “bad” decisions.

These misconceptions stem from a general culture in the U.S. that encourages men to be aggressive and constantly want sex, whereas women are supposed to protect their bodies and not want sex. These ideas are specific to rape culture because the same reactions are not given to victims of other crimes. Rape culture is not defined solely through an objectification of women, but rather encompasses misconceptions about the crime itself, victim blaming, and the confluence of sex and power. Rape culture has permeated throughout society so much that when questioned, perpetrators

of rape admit to engaging in forced sex and “almost none considered it to be a crime” (Kamenetz 2014). Facing relatively low chances of negative consequences, shame, accusation, and punishment, these men were products of a culture that taught them misconceptions about what rape looks like and that victims can be blamed. The reality of rape, however, is very different. Statistics show that both in the civilian world and within the military, sexual assault happens to both men and women. The assault is usually committed by someone they know, often in their own home, and often the perpetrators are repeat offenders (Statistics 2009).

Since the 1970s, academic research on rape has argued that sexual violence is not about sexual gratification, but about power and control (Brownmiller 1975). Sexual assault is used as a means of intimidation and control over the victim. For example, the majority of perpetrators of male on male sexual assault are heterosexual, and use sexual assault to “put people in their place” (Ellison 2011).

Victims of sexual assault are already subjected to a state of intimidation and violence and have felt a loss of control caused by the assault. On top of those effects, victims must also face rape culture that normalizes sexual assault and blames those victims for their own assault. Again, this rape culture persists throughout the civilian world, and the military is no exception. Sexual assault leaves victims in fear, and rape culture further perpetuates those fears and prevents them from reporting their assault. It is necessary to address sexual assault throughout the country, but the military has a unique structure that requires attention as to why victims of military sexual assault are not reporting.

Victims’ Fears

When victims’ fears cause them not to report, they face further consequences that threaten their emotional and physical well beings. Known effects of sexual assault include post-traumatic stress disorder, substance abuse, self-harm/self-injury, depression, eating disorders, sleep disorders, and flashbacks (Effects 2014). Without reporting, victims do not have access to the support services that help them deal with these effects; trauma causes them further emotional and physical harm, and often negatively impacts their careers within the military. Even when some victims do report, support systems within the military sometimes do not protect

them from the negative effects of sexual assault. Former Marine corporal Sarah Albertson reported that a superior officer had raped her. She stated, “I was told I needed to suck it up until the end of the investigation and I was told to respect the rank he deserves” (Isikoff 2011). Because of the assault, she gained 30 pounds and suffered from depression. Her weight gain caused her to be put on a weight-loss training program, which was run by her assaulter, which allowed him further control over her because “[h]e was in charge of judging my body” (ibid.). Many victims thus feel that they lack a support system when they report. This is often compounded by having to continue to work with their assaulter, especially if the assaulter is in a position of power over the victim.

Another fear commonly expressed by victims is the possible inability to progress professionally within the military. Former Army sergeant Myla Haider claims, “I’ve never met one victim who was able to report the crime and still retain their military career” (Lawrence & Peñaloza 2013). The negative effects of sexual assault previously mentioned often interfere with the victims’ ability to function within the military and causes them to eventually leave the service. Victims also claim that reporting has caused their colleagues and superiors to question their judgment and effectiveness, which again lessens their ability to advance within the military (ibid.). Haider became an agent in the Army’s Criminal Investigation Command (CID). She explains that CID and the military has a culture of doubting victims’ claims of sexual assault, which not only led to her story being questioned, but also caused her colleagues and superiors to question her credibility to testify as a CID agent in other rape cases (ibid.). Haider states, “[B]y making that choice, my reporting of it took over my life, ruined my career, and wound up, ultimately, getting me kicked out of the Army” (ibid.).

The fear of losing one’s career in the military also stems from the possibility of retaliation. Among the victims who reported their assaults in 2012, 62 percent were met with retaliation for reporting, and 43 percent heard about negative experiences of other victims who had reported (Schwellenbach 2013). Of the 67 percent of victims who did not report their assaults, 47 percent said they did not because of fear of retaliation (Department of Defense 2013, v. I). This retaliation came in many forms: 3 percent experienced professional retaliation, 31 percent experienced social retaliation, 2 percent

experienced administrative action, and 26 percent experienced a combination of professional retaliation, social retaliation, administrative action, and/or punishment (ibid.). One example is Marine Private Stephanie Schroeder, who not only had to work with her rapist for a year after her attack but saw her rank and pay reduced, and also was discharged for a “personality disorder” (Gupta 2012). She explains, “If you want to keep your career you don’t say anything. . . . You just deal with it” (ibid.). Another veteran, Diana, comments on her decision to not make an unrestricted report, “Maybe if I was not in a combat zone and maybe if I didn’t see a future in the military, and if I didn’t fear retribution. If I didn’t fear gossip and rumors or the fact that the trial would be lengthy and the punishment wouldn’t fit the crime because it never does” (McCrummen 2014).

Diana’s comment also leads into the final fear felt by victims: a lack of faith in the justice system. Victims fear that the justice system leads to inaction, which aligns with the effects of rape culture. There is a strong fear that the justice system will not punish perpetrators nor protect victims; 50 percent of victims that did not report believed nothing would be done with their report (Department of Defense 2013, v. I). Victims fear that the chain of command will not go forward with the case or that even if there is a conviction, it will be overturned (ibid.). A chief prosecutor for the Air Force, Col. Don Christensen, stated, “Commanders would much rather believe they have a woman who’s lying and crying rape than that there’s a sex offender in their midst” (Draper 2014).

Victims also cite how the justice system permits commanders, military police, and their peers to blame them for their assaults, a common aspect of rape culture. Victim Rebekkah Havrilla explains, “Initially, I chose not to do a report of any kind because I had no faith in my chain of command, as my first sergeant previously had sexual harassment accusations against him, and the unit climate was extremely sexist and hostile in nature towards women” (Fantz & Levs 2013). Victim Brian Lewis adds, “The culture of victim blaming and retaliation while failing to punish the perpetrator must end” (ibid.). Victims learn about these experiences of other victims and decide not to report because they do not want to go through the same ordeal. They feel that the justice system not only blames them for their own assaults, but also re-traumatizes them (ibid.). One victim, Kris, was told that she “needed to keep her ‘emotions in check’” after reporting

her rape. This caused the prosecutor working on her case to note, “When the commander is so obviously supporting the accused over the victim, it sends a clear message that it’s O.K. not to believe her and to shun her. And so why would a woman come forward, knowing what Kris had gone through?” (Draper 2014).

Another example of the justice system’s use of victim blaming can be found in a Naval Academy case in which a Navy football player was found not guilty of sexually assaulting a female midshipman. In the Article 32 hearing, the victim was asked intense and blaming questions that “legal experts say frighten many victims from coming forward” (Steinhauer 2013). The victim was asked whether or not she wore a bra or underwear to the party, whether she “felt like a ho” afterward, and how widely she opens her mouth during oral sex (*ibid.*). These questions are reminiscent of those often cited by sexual assault advocates as victim blaming questions, like questioning what someone was wearing, his/her past sexual history, and what actions they had taken to “cause the assault” (Rape Culture 2014).

Responding to the Problem

Military victims of sexual assault have laid out the fears that prevent them from reporting their assaults, and in recent years the military has responded with a variety of reforms and programs. The majority of these programs as well as the Pentagon reports and prevention education literature dispersed to military personnel are provided through SAPRO. Three reforms and programs of note will be addressed: the National Defense Authorization Act for Fiscal Year 2014, the Safe Helpline, and the Special Victims Counsel Program.

The recent Defense Authorization Act for Fiscal Year 2014 saw the most sexual assault reforms included in one bill, with 19 reforms. Some of the major reforms include: prohibiting the military from recruiting a person convicted of a sex offense, the creation of Special Victims Units within the Military Police, commanders are no longer able to overturn jury convictions, dishonorable discharge is now mandated for anyone convicted of sexual assault, retaliation against victims who report a sexual assault has been criminalized, and the statute of limitations in rape and sexual assault cases has been eliminated (Pentagon 2014). These reforms strive to place more faith in the justice system while also aiming to stem an environment that perpetuates rape culture.

An important program is the Safe Helpline. In 2011, the Department of Defense partnered with The Rape, Abuse and Incest National Network to create a hotline specifically for victims of sexual assault within the military (About 2014). The Safe Helpline provides victims the ability to call, chat online, or receive text messages with referrals (ibid.). It offers information about reporting, support, and recovery, as well as provides referrals (ibid.). There is also a Safe HelpRoom, which is an online support group where victims can chat confidentially (ibid.). The Safe Helpline App helps survivors by allowing them to create self-care plans and connecting them to resources wherever they are (ibid.). Since its creation, the Safe Helpline has had 20,000 contacts (Brook, Military 2014). The hotline affords victims confidentiality and anonymity (ibid.).

Another strong program that provides support for victims is the Special Victims Counsel (SVC). Originally an Air Force program created in early 2013, Secretary of Defense Chuck Hagel mandated all branches to implement the SVC program (Clark 2014). SVC are military lawyers trained to act as advocates for victims of sexual assault (Biesecker & Dalesio 2014). While they help with legal advocacy, their main mission is to protect the victims by advocating for their needs (ibid.). SVC program manager Colonel Jay McKee explains, “Every SVC is charged to zealously represent their client, even when that interest is not in the government’s interest” (ibid.). General Ray Odierno argued that after meeting with sexual assault victims, the resounding opinion was that “the best thing [the Army has] done is the victim advocates” (ibid.).

Strengthening the Response

While these strong reforms and programs have been making a positive impact on the experiences of sexual assault victims, they still find problems of rape culture within the military that need to be addressed. While programs and reforms might be strong on paper, their actual effectiveness will depend on the leadership within the military and the culture that persists. While many military leaders such as Secretary Hagel and General Odierno have come out in strong support for victims and call for changes in the military, other members of leadership demonstrate a lack of attention or care for the issue. In the past year there have been some examples of this attitude. Through a rescreening of military personnel in sensitive positions of trust ordered by Secretary Hagel, the Army disqualified 588 soldiers as

sexual assault counselors, recruiters, and drill sergeants for offenses ranging from reckless driving to sexual assault (Brook, Gillibrand 2014). The Army's top prosecutor for sexual assault cases was suspended after being accused of sexually assaulting a lawyer working for him while at a sexual assault legal conference (Carroll & Vandiver 2014). The former head of the Air Force Sexual Assault Prevention and Response Office faced allegations of sexual battery in 2013 (*ibid.*). An Army sergeant at Fort Hood, who was the coordinator of the post's sexual assault harassment prevention program, faces 21 charges in a prostitution ring case (Paresh 2014). Reforms and programs to prevent and respond to sexual assault can only be as effective as the leadership that runs them and the culture that surrounds the issue of sexual assault. When some leadership not only treat sexual assault casually but also sometimes commit the crime, victims will continue to not report.

SVC also reports pushback from commanders and prosecutors, claiming that they have been excluded from hearings and denied access to crucial information (Clark 2014). Others have also reported being threatened with retaliation when they challenge higher-ranking officers (Biesecker & Dalesio 2014). Rape culture that permeates through leadership and through the ranks within the military must be reduced and eventually eliminated in order for victims to truly feel comfortable reporting. SVC have acknowledged that much of their success stems from the program's partnership with survivor advocacy groups within the civilian world. The training that helps them to fully understand rape culture and advocate for their victims is boosted by the involvement of organizations whose sole purposes are to do just that. Service Women's Action Network policy director Greg Jacob explains, "It's not just military lawyers lecturing military lawyers" (Clark 2014). These trainings represent an involvement of advocacy groups outside of the military whose sole focus and expertise is in sexual assault. This type of involvement creates a positive impact in changing rape culture by bringing in educated advocacy groups to train leadership that have a strong influence over military culture.

Conclusion

The military is not excluded from cultural norms and beliefs that persist within the civilian world, and those norms include rape culture. In the

past year, victims have strongly expressed their concerns with the way the military handles sexual assaults. Their fears have been enumerated, and programs and reforms have been and must continue to respond to these fears. Though usually muted through violence and control, military sexual assault victims' voices now have a platform through which victims can confront rape culture. Military leadership must continue to heed these voices and use their own to truly create a zero tolerance policy for sexual assault. The military must verify that their leadership is taking the crime seriously and responding to victims in a way that does not blame them and does not fall into the misconceptions created by rape culture. After dealing with a commander who did not believe nor support her, victim Kris was deployed and sat through a general briefing on sexual assault for the unit. She was grateful to hear from a new commander who seemed to take the crime seriously. After reading the required text, "the general told his troops that this matter was not a trivial one. 'These little blue figures you see on the screen are more than little blue figures. They represent airmen working with us, every day. And sexual assault is not just blue on blue. It is fratricide'" (Draper 2014). The difference for Kris, and other victims, can be found in those commanders and leaders that have such a strong influence over the culture of a unit and of the military in general.

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