

STATEMENT OF HEATH PHILLIPS, PROTECT OUR DEFENDERS

Response Systems To Adult Sexual Assault Crimes Panel

Dear Panel Members,

I know you are very busy but I hope you will take the time to read my story. There are so many ways the system of military justice is broken.

This journey of my life started when I was 17 years old. I grew up in a military style family. My father was Army, uncles served in Vietnam. My stepfather was Army. I had a few family members in the Navy on step family side. That is all I ever wanted was to serve my country. So when I turned 17 I joined the Navy. At that time (1988) the only one to except a person my age with a GED was the Navy. My birthday is April 27th and on May 3 1988 I was in boot camp. Stationed in Orlando, Florida.

From the start it was everything I was told about from my family. I was treated excellent. I was kinda babied by the platoon (C144). Even my drill instructors took it kinda easy on me. I was treated like family by most. Everyone was willing to look out for the "kid" as I was called. Upon graduation I was then stationed in Meridian, Miss. I went to school to become a Ships Serviceman. Once again I was treated like a family member by most. I started to "hang" with the older guys and woman. We would go out on the town, hang out, horseback riding on base, go clubbing (yes I could get in at 17, just showed military I.D.). I had a blast. This was what everyone kept telling me about. The friendships and the honor I got to feel by being part of the United States Navy! Upon leaving this duty I went home on leave. I went home to visit my Mom and Dad and stepfamily. I felt like some kind of hero. Everyone was so proud of me.

I had to report to the USS Butte AE 27 on Labor Day weekend per my orders. Upon arriving to the ship I was greeted to a dirty looking ship, wasn't anything I imagined. The on duty officer informed me that I wasn't actually do till Tuesday because of the holiday and that there wasn't anyone to sign me in. He said they could store my sea bag and other items but I couldn't stay on board. A group of shipmates where leaving the ship and was waiting close by the gangplank and over heard the conversation. They invited me to come hang out with them for the weekend. Once again I thought..wow another group of cool guys wanting to have me "hang out". So for all the men and woman I met in the Navy where all decent, so I never once assumed these guys would be any different. So I chose to go with them. Now the station of the USS Butte AE 27 is in Earle, NJ and is very close to New York city. We took a bus into NYC and we got adjoining rooms at the Army and Navy hotel. These guys where fairly cool, didn't really add me into all their conversations, but I was new and didn't really mind. After a while we started drinking. After a few mixed drinks for some reason I blacked out. I have drank enough to know my limit and that was way to early for me to even black out. Honestly I have never blacked out before or even in the years after that I drank. I woke up startled kinda groggy with the feeling of warmth and like I was with a woman. I looked up and one of my shipmates was masturbating above my face, another shipmate was performing oral sex to me while

another one was doing it to him. I freaked out, pushed him off me and struggled to get to my feet. My pants and underwear were pulled down to my ankles and I was dizzy and confused. I was screaming, crying and finally made it to the bathroom, the whole time they were saying its alright, it was a joke, nothing happened, come back. I locked myself in the bathroom and kept washing myself. I felt so dirty. I was grossed out. NEVER had I ever experienced anything like this before. I was scared to death. They kept telling me that it was all right, come out of the bathroom. It was just something they do to all the new guys. This went on for hours, I was so shocked, and scared I refused to come out. I ended up sleeping on the bathroom floor and when I got up they let me leave. They said that if I told they would deny it and then find and kill me. I took a bus back to the ship and went aboard and reported it. I was treated like the enemy, was yelled at told I was a liar, mommas boy, that I was home sick. The whole time I was disgusted with myself. The command told me that it was because I drank and I was lucky to not get in trouble for drinking underage. I was given a bunk, locker told to store my stuff and to shut up and never speak again about my drunken lies.

For a few days I tried acting normal, but it was very difficult to do. Everyone ignored me and that made things even harder. I was given a job helping maintain the back half of the ship. Cleaning, picking up, fixing ropes..etc.. A few of the same shipmates who attacked me worked with me and that also added to the stress. After about 3-4 days I was attacked again. They where nicknamed the twin towers. Both guys 6ft5 230-250lbs. They dragged me out of my bunk in the middle of the night and tried forcing me to give them oral sex. Nobody who slept by me helped at all. They where just as scared as I was. In the morning I reported it to the Master at Arms and once again told I was a liar, this doesn't happen on this ship, go back to work sissy. This continued to be a every night thing, dragged out of bed, 2-6 shipmates would take turns sexually assaulting me, force me to endure horrible acts to them or to myself. I would every day report it and every day told to leave and go to work. After about a few weeks I was so terrified and couldn't get anyone to help me I attempted to hang myself. I used a cord and made a knot and it didn't work. I ended up getting a bruised neck and bruised my face against the bulkhead. I was tired, alone, scared, ready to kill myself. I was screwing up at work, falling asleep, showing up late because I was so tired and drained. I had nobody that would listen to me, I was alone and dealing with rapes and acts done to me that NOBODY should ever endure! Finally ashamed, beaten, and lost beyond belief I called home. My family told me to do the one thing they always told me never to do, leave! So I packed some things walked off the ship, took a bus home.

My father took me to meet Congressman Sherwood Boehlert from Utica, NY. I shared some of my story with him. At this time I still wouldn't share the details with my family because I was so ashamed and felt it was my fault and that somehow I let them down. The congressman did a Congressional Investigation on my behalf. He said "off the record, don't go back until its safe", so I didn't. I stayed U/A. I started hiding out in garages, abandoned buildings, any place besides home. I figured my family would get in trouble if I was there. I was shoplifting to survive. I ended up getting in trouble and arrested for petty larceny. I was sent to jail for it. While there I met a social worker, Hope Hurst, who worked for a mental health place in town. She got me to tell her about what

happened to me and she wrote to my Command and also to the Congressman. Years later I was able to read her letters and they stated that I had PTSD from the sexual attacks done to me while in the Navy.

After I was done with court (4 months) I was sent to the brig in Philadelphia, PA. Upon arrival I was terrified to see...the twin towers!! I was placed in pre trial confinement and the next day interviewed by the brig's Command. I told them why I went U/A and also that two of my attackers were in the brig right now. They informed me that [REDACTED] and [REDACTED] (twin towers) were indeed there and that they received Bad Conduct discharges and confinement for sexually assaulting others and where actually caught. The same day I was released from the brig because they felt I didn't deserve to be there and sent to a TPU unit to await the USS Butte AE 27 to get me. About a month later I was returned to my ship. Upon return the XO talked to me about what had happened, and me being ashamed, really didn't tell him details but told him enough I thought back then to help. He said that at any time I am attacked because there were still a few of the shipmates left aboard to tell him or the Master at Arms. I was placed back in the same berthing area as 3 of the same shipmates who were my attackers. Right away I was labeled as a "ratt, nark, the kid who lies..etc. It was bad. My stuff was constantly urinated on, pooped on, destroyed. Anytime I left my bunk area it was trashed. I would report it and told that it was probably me doing it. Then the attacks started again. First it was getting beat up, nothing sexual. I would do as I was told and report it and was told there was no evidence and stop making things up. I decided to go U/A again because the ship was going to leave the port and I was scared to be aboard. I turned myself in right away. I did this a couple of times and each time the XO would talk to me and say things will change, don't worry just report things as soon as they happen. I was attacked by a shipmate, [REDACTED] on the fantail with some other shipmates helping him and was almost thrown overboard. I was told the next time they were gonna kill me. Once again like a stew pigeon I reported it. That very night while showering I was attacked by 3 shipmates, [REDACTED] [REDACTED] and another one. I was pulled out of the shower, thrown to the floor and kicked and hit by them. One of them grabbed my shampoo bottle and tried ramming it up inside my anus. It wouldn't go, but, the shampoo was squeezed into me. Someone else tried forcing his penis in me, but thankfully wasn't erect. So instead he was pissed and grabbed a toilet bowl cleaner brush and shoved the handle inside me. I passed out several times and finally awoke with them gone. Fellow shipmates had used the "head" while I layed on the floor. Not one of them would help me. I was spit on, called a ratt, told I deserved to die, why won't you die you fucking ratt! I finally made it to the infirmary and was told that I probably had a hemorrhoid or something like that and to take the next day off. I was beaten, ashamed, confused, disgusted, hurt and scared. I did my final running act. The ship was scheduled to go underway to a Med. cruise and I was so scared to be aboard. Never once did anyone in my command help me, never once did my command protect me, never once did my command ensure MY safety. I was damned if I was going to be on that ship! I once again turned myself in as soon as the ship left and this time I was sent to the brig again. Once again the command at the brig released me and I sat around waiting to be sent back to my ship.

Upon return to the USS Butte AE 27 in France I was once again greeted by my old pal the XO and told his hands were tied I had to be court martialled. He would ask for me to be confined to the ship for 6 months and that I couldn't get a upgrade for a year. I was given a Jag lawyer by the US Navy and told him my story and what I was told. He asked first if I could serve the 6 months at a different duty station, the answer, No. He asked if I wanted to stay on the USS Butte AE 27 and I said NO WAY!!! He then asked if I would take a Other Than Honorable discharge in lieu of court martial. He explained that it wouldn't effect me and if I did good in 6 months to a year it would be upgraded to a General discharge. At this point in my life after being subjected to countless sexual assaults, beatings, threats, humiliation, in constant fear, a total basket case, I would have signed a deal with the devil himself to escape the torture I kept getting while on board the ship. So that's what happened, I was sent to Philadelphia and seen by medical, they put in my medical that I can be seen by VA for my knee because it was injured and reported in medical. When I met with mental health I was told if I stated anything was wrong I couldn't get discharged, so once again I was screwed over by the US Navy! I wanted to be out and away from the same very people whom I signed a oath to protect who couldn't even protect me.

I will add more of my life at another time. Thanks for reading and know, I am not the only one.

This part of my life is the aftermath of MST/PTSD. Upon returning home from just being discharged I was greeted normally. None of my friends knew about the attacks and what I had to live with while trying to serve my country. At first all I wanted to do was drink. I would drink myself every chance I could into a stupor to try forgetting everything and sleep. The nightmares and instant panic attacks were often and I didn't understand them. I met my now wife, Stacy, at this time in my life. I was still in denial and needed someone to latch on to. For a couple of years I just drank to get by, until there came a point where drinking wasn't enough. I need something to excite me, I guess. Since I couldn't hold a job for very long and money was always a issue I broke into a empty cabin and stole all of the booze in the place. That was started a very, very long downhill ride for me. I ended up screwing up more times than I even remember. A lot of those years are a kinda blur for me. When I wasn't in a drunken stupor I was doing anything I could to forget what happened to me while in the Navy. In 1994 I went to the VA for help. Back then MST wasn't really heard of. I bounced back in forth with trying to find the answer and couldn't. I stuck with the self-medicating. I ended up have a lot of issues, trust issues, constant nightmares, flashbacks, anxiety issues, relationship issues, issues with sexual relations with my wife, issues working, sleeping, being near men, talking to family, had a hard time trying to raise sons when I couldn't even help myself. My life was unbearable! In 2004 I tried getting a service connected rating from the VA. I was denied because of character of discharge. I went on a screw up binge for about 5 years. Ended up in 2009 I quit drinking, pills, smoking tobacco. Finally realized I was on ground zero. I had broken up with my wife countless times, was screwing up my kids by all this. I finally started seeing a MST counselor at the VA hospital in Syracuse, New York. Was told I was chronic, severe PTSD and had personality disorders, etc. I filed once again for VA rating and also a review of my discharge at this time. I was told that

since I went AWOL and had a OTH discharge I wasn't entitled to anything from the VA. Sorry you were sexually attacked...blah,blah.

The review board denied me basically for the same thing - because I went AWOL. Ok now why did I go AWOL? Wasn't it because I was in fear of my life and that my command was full aware of everything but chose to ignore it. Wasn't I placed in a severe risk of being constantly sexually assaulted by my fellow shipmates while I had no other way to protect myself but to go AWOL? That wasn't mentioned in their reports.

So I appealed it. What happened when I did that? Well the VA a few days after I filed my appeal realized that somehow I slipped through the cracks and wasn't ever suppose to be seen for all these years! They refused me treatment. The VA told me I wasn't allowed to come to the VA hospital to be seen anymore. But yet my medical discharge paper says I can! When I got my appeal denial back that stated, while we feel sympathetic that you were a victim of sexual rape and assaults we are denying you once again because you went AWOL and have a OTH discharge. The military review board denied a character up grade of a medical or a General discharge on their appeal stating I had a Jag lawyer, I asked to be discharged instead of going to Court Martial and I knew what I was asking for. Your wrong! I was 18 years old, was a mental mess and was terrified to be back aboard the USS Butte AE 27 any longer than I had to. I wasn't protected, I wasn't helped, I wasn't safe from any type of harm!! So how did I actually know what I was signing or even in fact what a OTH discharge would mean? How was i to know that from ALL THE SEXUAL ATTACKS that I had to suffer and the harassment, assaults, threats to my life and safety that for all these years they were a HUGE factor to how I lived and how my life ended up?

I feel that the Military is broken! How they deal with reports of sexual assaults need to be put into the hands of someone outside the command. If mine was I cant say if my life would have changed but, man, I couldn't have been any worse. I feel that unless you are a victim or survivor of military or non-military sexual assaults you shouldn't pre-judge how the system works. I came from a time before anything was put into place and look at my life. I have met countless survivors that I would rank as a National hero to me. Survivors that now I can actually to this day call a friend, brother, or sister and know that WE have each others back. I have met people like Nancy Parrish who helped form Protect our Defenders and Congresswoman Jackie Speier who introduced the STOP bill, I have met, to name just a few, Panayiota Bertzikis, Terri Odom, Jen McClendon, Gary Noling and Kate Weber. All of them I would rate as a HERO to the United States. They all are fighters, all in different ways, but fighters! The panel should be asking these people about what changes should be done. The military will always want it in its hand, it cant be that way anymore. There are WAY to many sexual assaults in the military, female and male! Just hearing a few survivors stories and hearing how they were handled should be enough to finally make people understand the importance of this issue and how important it is not only to military sexual survivors but to our children and their children. Please put yourself in my shoes, try to take a walk down my path. It sucks and I wouldn't wish this terrible life on anyone.

Please help stop this now. You have the power to do so. Support real change. Give the authority for these cases to military justice professionals outside the chain of command.

Sincerely,

Heath Phillips
New York