

White Paper with Recommendations:

Toxic Leadership, Flawed Logic, Sexism, and Military Sexual Assault.

Presented to the Response Systems Panel on Adult Sexual Crimes

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The Service and Social Justice Think Tank

Ginny Branam Lee

Rosie Palfy

Diana Danis

Jen McClendon

Amber Mathwig

Monisha Rios

Margaret Shartel

Abstract

According to the Army Flier, Fort Rucker, Alabama, Lieutenant Colonel (LTC) Celia FlorCruz 7th Infantry Division Sexual Harassment and Assault Response and Prevention Office (SAPRO)¹ manager stated:

“Victims generally fall into the category of being disenfranchised, isolated, not-well-regarded soldier. That is how he or she is selected by a predator...any soldiers are picked out because they are on the fringe.”^{2 3}

The United States military forces are the best-trained fighting machine with effective disciplinary order and organization. Like any well-run organization, there are incidents and people whose deviation from standards damages the military’s reputation. Toxic leadership perpetuates military sexual assault. The epidemic of military sexual assault and hostile workplaces defy the military’s core belief of maintaining good order and discipline.

The 1991 Tailhook convention’s notorious gauntlet and “ball walking”⁴ along with the Aberdeen Proving Ground sexual assault and rape during training in 1996 identified a continuing crisis in the military experience. Service members were not serving in safe work environments. Sexual harassment and rape occurred in the absence of appropriate command response. After the Air Force Academy rape ring in, the Air Force commissioned a study on sexual assault at the

¹ The Army Version of the SAPRO office is called Sexual Harassment Assault Response and Prevention (SHARP).

² April 24, 2014 Army Flier, Ft. Rucker, Al.
dothanedagle.com/army_flier/news/article_90feaace-cbc3-11e3-9d84-001a4bcf6878.html?mode=jqm

³ The writers of this paper believe that this remark is troubling. While soldiers that are not well regarded are at risk for rape and sexual assault there are several problems with this statement. For example:

1. When a soldier is not well regarded due to gender; the term is gender bias and not a “fringe soldier.”
2. This places undue onus the victims. The military operates as a team. Individuals identified, as being in a fringe status is therefore contrary to military service.
3. This ignores that perpetrators often manipulate a potential victim’s reputation in order to groom them as a victim.
4. If a soldier hears this and has been raped, this is a barrier to that soldier feeling comfortable reporting the crime.

⁴ See the Tailhook Report. Ball walking was a flight officer at Tailhook walking around with their pants unzipped and their genitals hanging out in an open hotel bar. The Gauntlet was a Hallway sexual assault tunnel. People could not get to their hotel rooms without being assaulted first.

Academy.⁵ Command climate surveys have repeatedly demonstrated that people do not serve in safety because their biggest threat of harm comes from within the ranks. Furthermore, people do not feel comfortable reporting crimes that have been committed against them.

The military unveiled the Sexual Assault Prevention and Response Office (SAPRO) in 2004.⁶ SAPRO has attempted to address the sexual assaults and fears of retaliation across the services. These entities are providing guidance, pamphlets, and training for all military personnel to complete annually. It is our assertion that the SAPRO program has had some affirmative results with highlighting the issue of sexual assault within the military. Unfortunately, SAPRO continues to focus on response rather than prevention by way of significant and lasting culture change.

Since 2012, attempts at legislative change and films such as *Service: When Women Come Marching Home*, *Justice Denied*, and *The Invisible War* are helping to keep the issues of military sexual violence and toxic leadership in the public eye. Unfortunately, promises of legislation may not be deliverable. The Sexual Assault Training Oversight and Prevention Act (*STOP Act*) and the Military Justice Improvement Act (MJIA) offer to take reporting and adjudication of military rape out of the victim's immediate chain of command. We neither support nor oppose the full content of these measures. We assert that the most viable source of progress is culture change.

Developing culture change requires alterations to fundamental leadership paradigms that relate to gender and other stereotypes. It is imperative to understand the philosophy of violence along with the behavioral disposition of perpetrators and toxic leaders in order for change to occur. New theories of leadership need to emerge if this powerful fighting force is going to remain effective.

⁵ Since this time the DOD has commissioned several sexual harassment and command climate surveys that are military wide and some pertain only to the service academies.

⁶ SAPRO Webpage: <http://www.sapr.mil/index.php/about/mission-and-history> Retrieved May 20, 2014.

Introduction

This paper serves to address the Response Systems Panel on Adult Sexual Crimes regarding the role of toxic leadership and the military's criminal sexual assault problem. Our intention is to add a series of white papers, pamphlets, public comments, and training input to this panel and its successors. We encourage panel members and members of Congress to read Dr. Mic Hunter's 2008 book: *Honor Betrayed: Sexual Abuse in America's Military*. In addition to presenting reading suggestions and generating annotated bibliographies, we plan to add our researched and educated viewpoint. In short, the military needs culture change and The Service and Social Justice Think Tank (Think Tank) would like to help.

Lt. Col. Celia FlorCruz stated that:

“Victims generally fall into the category of being disenfranchised, isolated, not-well-regarded soldier. That is how he or she is selected by a predator...many soldiers are picked out because they are on the fringe.”

She was only reinforcing the victim-blame mentality continues to drive military sexual assault training. It is the contention of this Think Tank that this statement is the millennial version of the 1960's sentiment that: “Only bad girls get raped.”⁷ A leader that makes a statement like this should be held accountable for the culture of victim blaming that they help perpetuate. Please see our recommendations at the end of this paper.

This comment is rife with victim blaming and demonstrates toxic leadership. It focuses on the perceived wrongs of the victim. It is absurd to suggest that the negative aftermath of an assault is only a continued cycle of the victim having always been contrary to military service. Quality leadership would have focused on manipulative labels that perpetrators apply to potential victims before they prey upon them. If prevention is the goal, then identification of the problem has to supersede labeling the victim.

Perpetrators may employ various means of victim selection. This can include placing the victim on the fringe by pointing out real or imagined deficiencies that make the victim appear to be contrary to the work environment. For example, a toxic leader may accept the rumor mill rather than examine the motives behind character defamation.⁸ A few targeted acts of workplace sabotage from a perpetrator to a potential victim can discredit the latter. It is not enough to understand that victim blaming exists. We have to understand victim grooming.

When members of a command notice that men harass women or treat them as lesser service members, this should raise some red flags. If rape prevention is the goal, the first step is paying

⁷ We recognize that men are raped also but historical rhetoric like “Only bad girls get raped” has not historically been applied to men. Men fall victim to other rape myths.

⁸ To be clear what we mean is that gossip should result in investigations of the person that is gossiping and not the gossip victim.

attention to behavior. For instance, “Men that commit acts of violence against women tend to have high levels of anger toward women.” (Lisak, 2002)⁹ We need to understand what causes rape and not what the victim was wearing or whether the victim is on the fringe of the service.

We contend that continuous focus on the victim’s actions before and after assault results in treating victims like criminals. Please see recommendation two, which is to focus on the behaviors of perpetrators instead of victims.

Leadership Shortcomings: Failure to Address Gender Bias

The U.S. military’s ideal is teamwork. A glaring exception to this rule is abuse within the ranks. Toxic leaders have overlooked hazing and sexual abuse at least since Vietnam.¹⁰ There appear to have been greater attempts to gain convictions before Vietnam.¹¹ Military sexual assault is a subset of toxic leadership. Both defy the military’s core belief of maintaining good order and discipline.

A double standard that elevates men as fighters and women as weak is part of what hurts women’s careers in the military. A tarnished career status can leave a woman vulnerable to assault. This also works against men. A 2013 article written by Georgetown professor Robert Egnell addresses a number of logical fallacies that exclude women from battle.¹² Some men launch the argument that women should be excluded from service because men are not equipped to lead women.

A leader that has an inability to lead certain demographics should be disposed of rather than the disparaged demographic. Egnell wrote that other military bodies such as the United Nations peacekeeping force rely on women soldiers for humanitarian missions. (Egnell, 2013) Women have proven themselves capable to handle the military and warfare since the United States Civil War.

Commanders and the Department of Defense in general have taken significant credit for half measure approaches in addressing criminal sexual abuse. An example is one of the most telling points in the film *The Invisible War* was the “Wait ‘til she is sober” posters.

Commanders should and can be held responsible for their command’s climate. Ending segregation came on the heels of the Holocaust. (McClendon 2014) Ending the “Don’t Ask, Don’t Tell (DADT)” was an act of modernizing the military after several Arabic Linguists were discharged on DADT charges. With regard to desegregation of troops and ending DADT, the

⁹ Lisak quotes Groth 1979; Malamuth 1986; and Lisak and Roth 1990. Other common traits are hyper masculinity, lack of empathy, and the need to dominate women. (Lisak 2002 page 73)

¹⁰ Brownmiller, Susan. (1975) Fawcett Books, New York, Pages 86-99.

¹¹ Brownmiller, Susan. (1975). Fawcett Books, New York. Page 77, which includes a chart that demonstrates 971 Courts Marshall between 1942 and 1947.

military has two strong precedents to draw on with regard to moving away from toxic leadership and toward modernization.

Today's Military

Just over 2 million, less than one percent of the American population, serve in the military, including active duty, National Guard and reserves.¹³ Today's military is an all-volunteer force representing a break from the past "as we inhabit the era of the citizen-soldier."¹⁴ "Forty percent of the troops deployed to Iraq and Afghanistan are National Guard and Reserve volunteers."¹⁵

Company commanders are generally a 0-3 or a 0-4, and battalion commanders are 0-5. Although this can change due to needs of the military, this is generally the chain of command that new recruits and new officers are taught during their training. Commanders have certain authorities under the Uniform Code of Military Justice (UCMJ) to execute various executions of punishment, like an Article 15. Unit commanders often have heavy influence over military rape cases. Less than one in five cases is prosecuted. Leadership needs to be educated, prepared, and adaptable.

History of Military Sexual Assault

High-ranking brass acknowledged that sexual assault, and various other sexual crimes from sexual harassment to possession of child pornography, has become somewhat the norm rather than the exception. "Failure to achieve these reforms would be a further tragedy to an already sorrowful history of inattention and ineptitude concerning military sexual assault," said Retired Brig. Gen. Loree Sutton. "In my view, achieving these essential reform measures must be considered as a national security imperative, demanding immediate action to prevent further damage to individual health and well-being, vertical and horizontal trust within units, military institutional reputation, operational mission readiness and the civilian-military compact. Far from 'stripping' commanders of accountability, as some detractors have suggested, these improvements will remove the inherent conflict of interest that clouds the perception and, all too often, the decision-making process under the current system. Implementing these reforms will actually support leaders to build and sustain unit cultures marked by respect, good order and discipline."¹⁶

The Department of Defense's first look at Sexual Assault in the Military occurred in 1988 with a military wide survey completed by women. This survey was not referenced until April of 2004

¹³ By The Numbers: Today's Military, <http://www.npr.org/2011/07/03/137536111/by-the-numbers-todays-military>

¹⁴ As Fewer Americans Serve, Growing Gap is Found Between Civilians and Military, *NY Times*, November 24,

¹⁵ Greden, Jeff; Marcia Valenstein, Jane Spinner, Adrian Blow, Lisa A Gorman, Gregory W. Dalack, Sheila Marcus, Michelle Kee, *Buddy-to-Buddy, A Citizen Soldier Peer Support Program to Counteract Stigma, PTSD, Depression and Suicide*, *1208 Annals of the New York Academy of Sciences* 1, 90-97 (2010).

¹⁶ Retired Brig. Gen. Loree Sutton, <http://www.boxer.senate.gov/en/press/releases/111913a.cfm>

through a letter from Congress to the Secretary of Defense establishing a baseline for sexual crimes among active duty members. The next survey was not completed until 1995.

Toxic Leadership

Toxic leadership within the military is a misnomer in and of itself, and a true picture of military culture. To make this clear, not all leadership is toxic. But one toxic leader can undermine all leadership qualities that attract individuals who desire to be a part of something larger themselves, a sense of belonging to team, a family.

Military leadership has a specific goal:

Leaders must set high standards, lead by example, do what is legally and morally right, and influence other people to do the same. They must establish and sustain a climate to ensure people are treated with dignity and respect and to create an environment in which people are challenged and motivated.

-U.S. Army Field Manual 22-100¹⁷

Realistically, leadership is not defined by a rank or a position of authority. A true leader has to have qualities that empower those to follow, not out of intimidation or fear, but out of a sense of loyalty and equanimity to achieve the mission and values within an organization. *Forbes Magazine* describes leadership as “a process of social influence, which maximizes the efforts of others, towards the achievement of a goal.”

Key elements of this definition:

- Leadership stems from social influence, not authority or power
- Leadership requires others, and that implies they don't need to be “direct reports”
- No mention of personality traits, attributes, or even a title; there are many styles, many paths, to effective leadership
- It includes a goal, not influence with no intended outcome¹⁸

Leadership must be able to attain the appropriate outcomes within the organization. However, toxic leadership is, more often than not, an obstacle to meeting the goals of an organization. Those who are toxic have unique characteristics of their own. Toxic leadership in the military is a well-known discernable distinction. Hollywood portrayed the toxic leadership within the

¹⁷ U. S. Army Field Manual 22-100. 1999.

<http://www.survivalebooks.com/free%20manuals/1999%20US%20Army%20%20Army%20Leadership%20-%20Be,%20Know,%20Do%20377p.pdf>

¹⁸ Kruse, Kevin. (April 2013) Forbes.com. Retrieved May 18, 2014 from

<http://www.forbes.com/sites/kevinkruse/2013/04/09/what-is-leadership/>

military through movie genre like “Full Metal Jacket,” “Born of the Fourth of July,” “Platoon” and “Band of Brothers.” There are two specific movies, “Casualties of War” and “The General’s Daughter” that deal with toxic leadership and military sexual assault.

There are many characteristics of the toxic leader, but yet the accumulative effect of a toxic leader that undermines the culture of the military and demeans good order and discipline. Toxic leadership is a syndrome and is described as:

1. An apparent lack of concern for the wellbeing of subordinates.
2. A personality of interpersonal technique that negatively affects organizational climate.
3. A conviction by subordinates that the leader is motivated primarily by self-interest.¹⁹

Truly understanding the atmosphere of toxic leadership cannot be fully understood without understanding the foundations of a toxic leader. Toxic leaders are often labeled as having a mal-syndrome of being “maladjusted, malcontent, and often malevolent and even malicious.”²⁰

Brig. Gen. Jeffrey Sinclair is an example of a toxic leader who was accused of sexual assault, forced sodomy, adultery, misappropriation of funds, and unlawful use of military computers for viewing pornography. His accuser, a captain that worked directly for Sinclair, reported to her direct chain of command and her perpetrator. On March 21, 2014 it was reported, during an Article 32 plea bargain hearing, Sinclair “admitted to adultery and mistreating the captain but maintained that the affair was consensual.” He also admitted to having sexual affairs with another subordinate and two other women, in addition misappropriation of military funds, and watching pornography on military computers. Sinclair further admitted “making derogatory comments about women and, when challenged by his staff, replying: “I’m a general, I’ll say whatever the fuck I want.” The resulting outcome of a \$20,000 fine and retirement with full benefits does not provide confidence that justice will ever be served.

Retaliation against a victim of sexual harassment and sexual assault was enacted as a crime in the National Defense Authorization Act of 2014 and defined as “taking or threatening to take adverse personnel action, or withholding or threatening to withhold a favorable personnel action” and “ostracism and such acts of maltreatment, as designated by the Secretary of Defense, committed by peers of a member of the Armed Forces or by other persons because the member reported a criminal offense.”

However honorable and well-meaning this amendment does not and will not prevent retaliation of victims of sexual assault. The ability to prove retaliation lies solely with the victim and produces additional stressors not unlike the assault itself.

¹⁹ Reed, George E. Military Review. Jul/Aug2004, Vol. 84 Issue 4, p67-71. Retrieved from EbscoHost May 13, 2014
Toxic Leadership.

²⁰ Whicker, Marcia. *Toxic Leaders*:

Current Interventional Activities and Recommendations

The Response Panel on Adult Sexual Crimes is the brainchild of Secretary of Defense Chuck Hagel in an effort to study and understand the complex problem of sexual assault in the military.

On January 30th, The Response Panel on Military Sexual Assault Crimes Subcommittee presented a memorandum stating there was not significant proof and/or evidence that removing the chain of command from matters concerning sexual assault in the military would not improve reporting of sexual assaults, or that there is undue influence. However, the definition of “the chain of command” for victims Military Sexual Trauma (MST), much less the majority of lower ranking service members, is a vast contrast to the definition provided through the Response Panel who defines “the chain of command as O-6 and above that are members of the convening authority. It is important to note that the average service member does not and will not see the convening authority, except at inspections, changes of command and a few other rare instances.

On the introductory page of the memorandum, sub point 2, states that “to refer a sexual assault allegation for trial by court martial is reserved to a level of commander who will normally be removed from a personal knowledge of the accused or victim”²¹ is an accurate statement in theory. However, in the real world of the military, the victim often has to receive orders from the accused due to being in that chain of command, or the victim and the accused have the same direct chain of command, or can be they can be from different commands but serving on the same post or camp.

Recommendations

Our First recommendation is that leaders that utilize victim blaming remarks like the one that flanks the title page, be marked down on their military bearing and leadership skills in their fitness report the same what they should if they had put certain racial groups in grave danger on the battlefield.

Our Second recommendation is to have commands address the potential for victim prepping by potential perpetrators. A perpetrator that has not been caught might have some behaviors that should raise red flags among leaders that have been trained in detecting patterns that lead to abuse. This Think Tank is currently researching the patterns of behavior that lead to abuse. The resulting material will be presented to this panel (or its successor), members of Congress, the Department of Defense, and to the general public. The work of David Lisak PhD is recommended with regard to perpetration statistics. The work of Dr. Mic Hunter, who wrote the

²¹ Memorandum for Members of the Response Panel, January 29, 2014, written by Honorable Barbara Jones.

book *Honor Betrayed: Sexual Abuse in America's Military*, is critical to understanding the problem rather than focusing on the victim.

Our Third Recommendation is to address leadership problems in a leader's fitness report. When individuals cannot lead women or a mixed troop, then they should be among the first targeted for reduction in force. If a fitness report is marred with frequent substantiated complaints of bigotry then that leader should be offered a general discharge or a discharge for bigotry.

This recommendation needs to be treated cautiously in the current climate. This can backfire on leaders of previously and currently targeted demographics. The Panel, Members of Congress, Military leadership that is on the right side of this issue, the Pentagon, need to understand that almost every legal move forward to protect the underserved, women, people of color, LGBTQ²², and children has been met with a backlash where the minority is accused of bigotry in order to permit bigotry on behalf of the dominant demographic. Please see the book *Social Death* for further exploration of this phenomenon.

Our Fourth Recommendation is that commanders that are relieved for hostile work environments are not allowed to recover their military careers. When a commander takes responsibility for a unit of any size, there is accompanying prestige. If you take responsibility for the glory of a unit then you take ultimate responsibility for a unit's failure.

Our Fifth Recommendation the SAPRO office needs positional authority and report directly to DO. They should both have the authority and expectation to initiate Inspector General Investigations and Congressional investigations for all hostile commands. If a command is found to have been hostile to victims and friendly to perpetrators and SAPRO knew about it, then that SAPRO office can be relieved of duty with tarnished service jackets as well. Accountability needs to be sacrosanct and evenly distributed.

Our Sixth Recommendation Apply the term Anti Training²³ to all training episodes. If Anti training is going to occur then people should plan to discount it.

²² Lesbian, Gay, bisexual, Transgender, Queer.

²³ A term that was coined by Think Tank Founding Mother Jen McClendon to describe deliberate support of perpetrator supportive practices and undermines training. An article on Anti training will be placed on this Think Tank Blog as soon as possible.

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