

For a full year, the Air Force Academy has been grappling with a major sexual assault problem.

Upheaval at the Academy

By Richard J. Newman

IT was one year ago this month that the Air Force Academy was rocked by allegations of sexual assault. The first of dozens of women cadets—current and former—began coming forward, claiming they had been victimized during their time at the academy. Moreover, some reported that they had been criticized, ostracized, or even punished for reporting the assaults.

The Air Force, Pentagon, and Congress all opened investigations at Colorado Springs, Colo. The probes produced a claim that 142 women had been assaulted since 1993. That figure may be low; in a DOD inspector general survey, 19 percent of women claimed they experienced some form of assault, defined as anything from unwanted touching to rape.

Such news would be cause for concern on any campus. It was, however, particularly troubling for the Air Force Academy, which aspires to standards higher than those in society at large.

In the upheaval of the past 12 months, the academy has adopted many reforms and undergone high-level lead-

ership changes. Air Force leaders express cautious confidence that the steps will bring greater security to women cadets and help to prevent a recurrence of felonious sexual behavior.

However, the academy is not likely to fix the entire problem overnight, as has been made clear in several recent reviews.

“The Air Force has known for many years that sexual assault was a serious problem at the academy,” said a September report by a Congressionally mandated commission. “Sexual assault problems at the academy are real and continue to this day.”

The Storm Breaks

The storm that engulfed the academy broke with a force that stunned USAF leaders.

In late 2002, two women prepared and then broadcast an e-mail message claiming they had been assaulted at the academy and largely ignored when they complained about it. They sent the e-mail to various news organizations and the office of Sen. Wayne Allard, a Colorado Republican.

In January 2003, the rapes became a major public issue. A Denver weekly, *Westword*, carried a lengthy article. The *Colorado Springs Gazette* and Denver TV station KMGH covered the allegations, leading other women cadets to come forward. Over the next months, some shed their anonymity and aired their charges in the media.

■ Sharon Fullilove said that, in late 1999, she accepted a ride from an upperclassman whom she trusted. He then drove to a remote area, locked the car doors, and assaulted her, she said.

■ Kira Mountjoy-Pepka, who came to the academy in 2001, said that, during her freshman year, a cadet entered her dorm room, locked the door, and assaulted her.

■ Beth Davis reported that, in October 1999, she was assaulted outside her dorm. Her attacker, she said, was an upperclassman who assaulted her on four more occasions.

■ Lisa Ballas said that, in October 2001, a cadet raped her at an off-campus party, where both were drinking heavily. He did so despite her telling him three times to stop, she said.

■ Jessica Brakey said she was assaulted at a summer 2000 outdoor training exercise when an upperclassman woke her late at night, led her into a tent, pinned her down, and raped her.

Early in 2003, a Colorado Springs rape crisis center reported that 22 cadets sought confidential help over the prior 15 years. Allard’s office said it had heard from at least 20 women, including current cadets.

Many of these accounts included a disturbing corollary claim: It was

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that, because they came forward with complaints, these women were themselves punished for infractions such as fraternization and underage drinking, even while their alleged assailants received lesser punishments or escaped sanction altogether.

In Washington, D.C., Air Force Secretary James G. Roche and Gen. John P. Jumper, Chief of Staff, moved swiftly to deal with the problem. They tasked the Air Force general counsel, Mary L. Walker, to form a working group and send investigators to Colorado Springs. They also began to formulate broad changes in academy practices and procedures.

Sen. John W. Warner (R-Va.), the chairman of the Senate Armed Services Committee, asked Charles S. Abell, principal deputy undersecretary of defense for personnel and readiness, to review Air Force actions aimed at fixing the problem. The Pentagon inspector general also went into action.

Academy officials acknowledged a problem, but made some verbal missteps. Brig. Gen. S. Taco Gilbert III,

then commandant of cadets, was widely criticized for comments made in reference to a cadet who was raped after a night of heavy drinking. “If I walk down a dark alley with hundred-dollar bills hanging out of my pockets,” he said, “it doesn’t justify my being attacked or robbed, but I certainly increased the risk by doing what I did.”

New Faces

Soon, Roche came under intense Congressional pressure to replace Gilbert (who apologized for the statement). In late March, Roche did recall Gilbert and Lt. Gen. John R. Dallagher, the superintendent, and two other academy officials. Roche dispatched Brig. Gen. Johnny A. Weida to Colorado Springs to become commandant. Weida also served as acting superintendent until Dallagher’s replacement, Lt. Gen. John W. Rosa Jr., could be confirmed.

Lawmakers from both parties insisted on having an outside review. They claimed that there had been ample danger signs since at least 1998. The Senate proposed that Defense Secretary Donald H. Rumsfeld select a seven-member panel of outside experts. The House quickly agreed with the measure, passing it in April.

Rumsfeld chose as panel chairman former Rep. Tillie K. Fowler, a Republican and lawyer who had served on the House Armed Services Committee during her years on Capitol Hill. The panel also included three retired military officers. Their charge was to spend the summer probing the incidents and issue a report.

In June, the USAF general counsel working group released its report. Walker’s investigators found, among other things, that the fear of retribution prevented cadets from reporting sexual assault (and other offenses) at the hands of fellow cadets.

The Walker group also determined that there was, in some cases, a reason that rape cases did not make it to courts-martial or other formal proceedings. The academy had a policy of granting confidentiality to the alleged rape victim. This process limited the information available to commanders charged with enforcing discipline, the Walker group reported.

The process was set up in 1993 and was at the time considered a useful reform. The purpose was to

encourage actual reporting of rape by victims who, without confidentiality, would simply remain silent. Victims were free to provide as much or as little information as desired and could thus greatly influence what ultimately happened to the case.

"[Academy commanders] could order an investigation," Walker told Air Force Print News last June, and added, "but often didn't have sufficient information to do so. We felt [the victim-control process] was problematic, because it allowed alleged assailants, in some cases, to move forward in the system and never undergo an investigation."

The Walker review exonerated academy leaders and their superiors in Washington, concluding that there was "no systemic acceptance of sexual assault at the academy [or] institutional avoidance of responsibility."

Fowler's Criticism

In September, the Fowler Commission followed up with its report. The panel's findings were harsh but were endorsed by key lawmakers and not openly contested by Air Force leaders.

To begin with, the Fowler report criticized Walker's group for absolving USAF officials in Washington of any responsibility. The problem, the panel said, should have been apparent to USAF and academy leaders going back to 1993. "It is simply not plausible," said the Fowler report, "that the working group was unaware of the many instances of involvement by Air Force leadership" in dealing with the problem—especially since some of the working group staff had been involved in earlier investigations.

The commission found numerous failings over the past 10 years. While there had been several efforts to gauge the extent of sexual abuse and implement solutions, virtually all withered away due to leadership changes or institutional confusion.

The Fowler report specifically criticized Col. Laurie S. Slavec for intimidating and punishing women cadets who did report rape allegations. Slavec was responsible for day-to-day training at the academy from May 2002 until March 2003.

The commission also criticized the Air Force for leaving Brig. Gen. David A. Wagie in his position as dean of faculty. According to the

Fowler report, Wagie was the officer most responsible for the sexual assault response program and for downplaying "social climate surveys" that showed an assault problem on campus.

The commission offered 21 recommendations. Some already had been proposed in one form or another but had never been adopted. Some of them would push the academy experience closer to that of students at a civilian college. For instance, the panel called on the academy to offer women multiple ways to gain access to rape crisis centers and confidential counseling, such as allowing all cadets to have unrestricted access to telephones.

Panel members offered three key management recommendations. They said:

- USAF should provide greater continuity of leadership by changing the superintendent's term of service from three years to four and that of the commandant from two years to three.

- Air Force headquarters should exercise greater oversight of what happens at the academy.

- The academy Board of Visitors should be revamped and given greater powers to function like a corporate board of directors.

The Air Force did not challenge the Fowler report. Even before it was released, Rosa, the newly installed superintendent, acknowledged in a statement: "It is conclusive that we have a problem. It is also clear that we have to address the problem, and we have to address it now."

The fact is, the Air Force began taking direct steps to address the issue not long after the first rape reports came to light. In that period, Roche declared that he and Jumper viewed the cases with a simple logic.

"We must not commission any criminal," Roche told a Feb. 27 hearing of the House Armed Services Committee. "These are aspiring officers, and [Congress] has charged me to sign the [commissioning] certificate for each of them that says we [give them] special trust and confidence. ... I certainly can't say that about any assailant. We cannot tolerate an officer who has such bad judgment as to have done something as alleged by the victims at the academy."

Roche told reporters at an acad-

emy press conference that he had directed commanders to more aggressively pursue Article 32 criminal hearings into allegations of sexual assault.

In mid-March, the academy beefed up its hotline for women who felt they had been the victim of a sexual assault.

Limits of Loyalty

When Weida arrived at the academy in April, he delivered to every cadet a 15-page e-mail outlining proper and improper behavior. "Honest mistakes are part of learning and being human," he wrote. "Our loyalty to you ends when you commit a crime."

At the same time, Roche announced a major shake-up of the academy's policies, practices, and procedures. He called it, the "Agenda for Change." It was based on the findings of an Air Force team, which identified 43 weak points in need of correction.

The Agenda for Change is a series of initiatives that are intended to deal mostly with the problem of sexual assault at the academy. It reduces the interaction between men and women in academy dorm rooms, grants immunity to women who come forward with rape allegations, and establishes other protections for women on campus.

Not long afterward, life for cadets began to change. New rules instituted as part of the Agenda for Change included punishments for cadets who shun or harass women who report sexual assault and expulsion for cadets who provide alcohol to an underage cadet—a practice that seemed to be at the root of a large number of assault cases.

Women's dorm rooms, which had been interspersed with those of men, were clustered near the women's bathrooms, the better to reduce interaction between men and women during off-hours.

The right to discipline underclassmen was taken back from juniors and invested in seniors alone.

For women cadets, reporting sexual assault to proper authorities was changed from optional to mandatory, which is the standard throughout the Air Force. This change was meant to give commanders a more accurate picture of the problem, since rape-victim activists claim that some

80 percent of all assaults go unreported.

More change came with the arrival in June of the class of 2007—1,086 men and 225 women. Each cadet received a new booklet warning that sexual misconduct would not be tolerated.

Dormitory floors for the new class were overseen by commissioned officers rather than ranking cadets. The academy is seeking additional funding to expand this practice.

Rosa told American Forces Press Service in October that academy officials had already implemented 140 of the 165 “action items” identified in the Agenda for Change and that they had been incorporated into the school’s operating instructions. Rosa said he hopes to implement all 165 recommendations by March.

Closer Alignment

The net effect of these changes, according to Rosa, is that the policies of the academy have been much more closely aligned with those of the active duty Air Force. For example, Rosa said in the AFPS interview, the academy disciplinary system now strongly resembles the Air Force’s own. The academy now takes a hard line on minors using alcohol or giving it to other minors. Offenders are now charged under the Uniform Code of Military Justice or expelled.

At the top of the list of changes, according to Rosa, was the establishment of clear sexual-assault reporting procedures. There is no discretion; it is the obligation of any cadet—even the victim of sexual assault—to report the fact of a crime and provide evidence. Moreover, Rosa told AFPS, the academy has instituted a new response team to deal swiftly with charges of assault. The team has already gone into action several times, and a handful of alleged offenses are now being investigated, Rosa reported.

Rosa said, “We don’t tolerate criminals, we don’t sexually harass people, we don’t sexually assault people. We are not going to tolerate it.”

Rosa told AFPS that the academy plans to bring into being a cadet

training program that deals with human relations, sexual harassment, and sexual assault. These classes, Rosa explained, will be provided throughout a cadet’s four years at the academy.

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emy is reviewing the Fowler Commission recommendations. Some already have been incorporated. Others are under review.

Rosa said he and his staff are working to rebuild trust and confidence in the academy. Sweeping as these changes may be, said Rosa, they still are “baby steps” in a long-term effort to transform the academy and rebuild its reputation.

The Fowler panel agreed that the Agenda for Change was an important shift of focus, but it thought there should be vigorous oversight of the academy by Air Force headquarters and by the academy’s own Board of Visitors.

It also faulted the agenda for unintentionally limiting the availability of confidential counseling for rape victims. Academy officials concede that it is a contentious issue, but believe that, on balance, it is better

to know the facts of a crime. Even so, the Air Force is working on a new policy. A first draft with limited confidentiality was rejected by Roche in late October. The Secretary told reporters in November that work on the new policy was continuing and that it would resemble the Fowler Commission recommendations.

Tough Cases

Despite the many efforts at reform, it appears that some problems are likely to bedevil the academy for some time. One of these is the matter of “date rape”—nonconsensual sex between two people who know each other, often under circumstances that greatly complicate criminal investigation and prosecution. It is a problem that poses major challenges for college administrators everywhere, not just at the academy.

Several cases highlight the difficulties, but none more than the case of Douglas L. Meester.

Meester, a sophomore, was accused of raping a freshman female cadet in October 2002. He has vigorously denied the charge and is contesting it. The circumstances of the case posed major investigatory problems. Meester and the woman cadet had been drinking heavily before he had sex with her. Moreover, she acknowledged that she never told Meester “no.”

In May, the investigating officer concluded the case should not be referred to a military judge for a court-martial. Weida, the legal authority, overruled him. Meester asked to resign, but was turned down and now awaits judicial proceedings.

The case is being closely watched by both sides—by women’s advocates who wish to see an alleged crime punished and others worried that Meester is being made a scapegoat in the name of political correctness.

Whatever the outcome of any particular case, Rosa said, his biggest challenge is to institutionalize changes at the academy, backing them up with permanent programs. He wants to make sure “that we don’t find ourselves, 10 years down the road, in the same or similar circumstances.”

As the Fowler Commission summed up: “The reputation of the institution and, by extension, the Air Force it serves, depends on finding a lasting solution to this problem.” ■

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