



Rape and the Culture of Impunity: Despite Proclamations, White House Remains Silent About Rape in the Military

by [Antoinette Bonsignore](#)

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Last week the U.S. Office of Civil Rights (OCR) announced that it was investigating a Title IX complaint filed by 16 former and current Yale students: 12 female and 4 male students. The [30 page complaint](#) filed by the students on [March 15th](#) alleges a culture at Yale that tolerates rape, sexual assault, and sexual harassment that has degraded the University into a "hostile environment... [that]... precludes women from having the same equal opportunity to the Yale education as their male counterparts."

Title IX of the Education Act of 1972 provides:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

[The official response from Yale's Dean:](#)

"Yale does not and will not tolerate sexual harassment, and seeks to build an environment that is supportive of women and of men, and of people of all gender and sexual identities. Yale is notable, in fact, for the extraordinary number and range of initiatives, programs of study, working groups, faculty and student organizations, and administrative offices devoted to the advancement of women and women's issues." The Dean also emphasized that "Yale will respond fully to the investigation and cooperate with the Office of Civil Rights."

Many of the descriptions in the complaint deal with very [public manifestations](#) of extreme sexual intimidation and threats of violence directed towards Yale women. The distribution of a "Preseason Scouting Report" email that ranked 53 freshman women by name, hometown, and dorm residence according to "how many beers it would take to have sex with them;" a fraternity pledge event that gathered dozens of male students in the vicinity of freshman dorms shouting "F—king sluts!" and "No means yes! Yes means anal!"

The timing of the investigation and complaint happens to coincide with the announcement of a Presidential Proclamation declaring April to be the [National Sexual Assault Awareness and Prevention Month](#).

The [Proclamation](#) reads, in part:

Our Nation must continue to confront rape and other forms of sexual violence as a deplorable crime. Too many victims suffer unaided, and too many offenders elude justice. As we mark National Sexual Assault Awareness and Prevention Month, we recommit to building a society where no woman, man, or child endures the fear of assault or the pain of an attack on their physical well being and basic human dignity....Sexual assault is considered to be the most underreported violent crime in America, and criminal

justice responses vary widely across our country. Some communities have developed highly trained, coordinated teams who understand the nature of sexual assault and can respond with compassionate understanding. In other places, victims hesitate to report these crimes because they fear the criminal justice system will respond with skepticism or fail to bring the perpetrator to justice. We must ensure our police, prosecutors, and courts treat victims with the seriousness and respect they need and deserve. We must do more to provide services that help victims recover from the trauma of sexual assault. And ultimately, we must prevent sexual assault before it happens.

Under Vice President Joe Biden's leadership, my Administration is committed to engaging a broad spectrum of Federal agencies and community partners to prevent sexual assault, support victims, and hold offenders accountable. The Department of Justice's Office on Violence Against Women is leading the Sexual Assault Demonstration Initiative to improve the way sexual assault survivors are served. The Centers for Disease Control and Prevention is funding innovative prevention campaigns that engage bystanders in reducing sexual assault, and the Department of Education is working to combat sexual violence at schools and universities. We will continue to support new approaches that show promise in changing cultural attitudes toward sexual violence and preventing these crimes.

This Proclamation also comes nearly two months after the filing of a [class action lawsuit](#) filed against former Defense Secretary Donald Rumsfeld and current Defense Secretary Robert Gates alleging a rape and sexual assault epidemic in the military. The plaintiffs in that action have charged the Department of Defense (DOD) with the wholesale and systematic refusal to protect servicemembers from being oftentimes repeatedly raped and sexually assaulted while serving in the military; and with a failure to investigate and subsequently prosecute and punish perpetrators.

Unfortunately, this Presidential Proclamation makes no mention of this epidemic that has plagued the military for so many years. And even though [Vice President Biden will be traveling to the University of New Hampshire](#) this week to "...give schools, colleges and universities new guidance on preventing and responding to sexual assault, " there has been a disturbing level of silence from the White House on the sexual violence plaguing the military.

Will there be any attempt by the media or the White House press Corp in particular to question the White House Press Secretary about not only this glaring omission from the President's proclamation but to ask direct questions regarding the silence from the White House?

Why would the White House ignore this calamitous situation within the military while pushing forward an agenda to engage a "broad spectrum of Federal agencies" noting the Department of Justice, the Department of Health and Human Services, and the Department of Education but making no mention of the Department of Defense?

The [culture of impunity](#) that has been facilitated and fostered within the military has created an environment where allegations from both female and male rape victims are:

Ignored and if not ignored so callously prosecuted within the Military Code of Justice as to suggest that rape is nothing more than a minor infraction deserving of little punishment, if any.

A system set up to hide evidence, encourage victims to recant, and when the victim tries to receive some semblance of justice they are generally rewarded with demotions, harassment, and shockingly further rapes and sexual assaults as punishment. Victims are warned to stay quiet or face dire consequences.

This culture of impunity within the military and at college campuses has manifested itself in some very specific ways: namely, the public proclamation of predation – either through men gathering in front of women's dorms at Yale or in front of the Yale Women's Center engaging in direct physical intimidation of women. The [complaint identifies](#) the following very public manifestations of Yale's culture of impunity:

In 2005, fraternity members stole t-shirts emblazoned with the testimonies of sexual assault survivors from the Clothesline Project, a nationwide program that addresses violence against women. In 2008, Zeta Psi pledges were photographed holding a sign emblazoned with "We Love Yale Sluts" outside of the Women's Center...In 2009, a crude email entitled the "[Preseason Scouting Report](#)," which ranked incoming female freshmen based on their sexual desirability, was circulated amongst fraternities and male athletic teams.

And just as the plaintiffs in the military class action lawsuit are seeking fundamental reform measures within the military, the Yale complainants are also fundamentally seeking to "...overhaul how the University administration approaches cases of sexual harassment and assault." A female student that graduated last year stated, "[i]n the past, Yale has dealt with these things in an opaque, conciliatory manner that—if not intentionally, at least in practice—provides inadequate resolution for victims and sometimes even harms them further." [Another female Yale student](#), who is a junior, said, "We're going after change...We want change."

At Yale, students describe a [sexual harassment and sexual violence reporting system](#) that engenders the "...idea that it should stay all within the family, that Mom and Dad will take care of it and quietly reconcile it...They treat cases like they're these tiny skirmishes between brothers and sisters at Yale'." And when sexual assault allegations are dealt with "in house... a lot of people who report first through the University end up sucked into Yale's internal labyrinth of reporting mechanisms'..."

The endemic problems at Yale are eerily similar to the reporting problems and prosecutorial deficiencies identified within the military's class action law suit. There is an "[unwillingness to sufficiently prosecute](#) perpetrators of sexual violence as one of their primary grievances." And as [one student noted](#), "[p]lagiarism is something people are expelled or suspended for, but there seems to be a near-infinite tolerance for rape."

[Another student stated](#) that "Yale deliberately shields those who commit sexual harassment and rape from both the public eye and from the consequences of their actions...You cannot imagine what it is like to sit in class with the person who raped your best friend." [Another junior commented](#),

"[i]n my immediate circle of friends, I know six or seven women who've been raped...I think it's hard to go through Yale and not have a roommate, a friend, a girlfriend, experience some sort of serious harassment."

Yale created a [Grievance Board for Sexual Assault in 1977](#) after 5 female students sued Yale under Title IX alleging that "...repeated 'quid pro quo' sexual harassment by male professors was denying women the right to an equal education." The inherent problem with the self-policing aspect of the [Grievance Board](#), and the military's self-policing investigatory apparatus is that "...the board, staffed by a combination of students and faculty, is not authorized to deal with formal student-to-student harassment complaints." The other and presumably more transparent avenue for student complaints involves filing a grievance with the "...Yale Executive Committee—or ExComm, as students call it—a notoriously inept disciplinary body that was originally created to deal with things like plagiarism and cheating." Compounding that ineptness is the fact that even though "...ExComm can discipline students—from ordered counseling to a suspension or expulsion...the action is kept strictly confidential, which means it has the capacity to be easily swept under the rug."

[According to Yale research fellow Claire Gordon](#):

Sexual harassment is the product of a deeper culture of misogyny that is visible in other, more subtle, ways at Yale. When large groups of Yale men act this out publicly, Yale can act dismayed, and nominally condemn it, but without actually punishing the harassers, without calling it sexual harassment, without addressing the culture that has made so many men "lapse in judgment" so many times over so many years, the school has allowed this culture to persist.

[Yale has created](#) a "...culture of denying rape" and a "...culture of rape acceptance" where groups of [men act as predators and women are the prey](#).

Another manifestation of this predation has been the videotaping and viral distribution of the sexual violence perpetrated against victims. In the [class action suit](#) filed against the DOD a victim was gang raped, the attack was videotaped, and then the perpetrators circulated the video among fellow soldiers. And then there's the horrific account of an [11 year old child that was repeatedly gang raped](#) by at least 19 men ranging in age from 14 years to 27 years old that was similarly recorded on cell phones and distributed among students in Cleveland, Texas. The young girl was raped on at least six different occasions over a three month period. Despite this video evidence of the rape, [members of the community have blamed the 11 year old girl](#) for wearing provocative clothing and luring the men to attack her; and even blamed her parents for not supervising her properly. One woman actually told the [NY Times](#), "[i]t's just destroyed our community...These boys have to live with this the rest of their lives." The family and the child have even received death threats forcing [Child Protective Services](#) to remove the child from the family home and place her in foster care.

In all of these cases a thread of commonality emerges: the belief that no one will be held accountable for these vicious acts and violent crimes. Why would these perpetrators believe they could stand in public and physically intimidate women at Yale or distribute direct, recorded evidence of gang rapes within the military or in a small Texas town without fearing prosecution or punishment of any kind?

The answer to that question at Yale, and in the military, lies in the details that have emerged in both situations that depict institutional tolerance of overt sexual harassment and sexual violence. Reporting systems set up to discourage the reporting of rapes and sexual assaults; reporting systems designed to minimize any real consequences for perpetrators even when brave victims find the courage to stand down the institutionalized tolerance of these crimes. In Cleveland, Texas the answer lies in perpetrators relying on the inevitable shame and trauma that leads most victims to never report a rape in the first place. When you compound that shame and trauma with the victim blaming that surrounds the profound ignorance of what rape is – that rape is not an act of sexual desire but an act of extreme violence and human degradation; then why would women want to be re-victimized by their communities, the media, and the public at-large? [Rape myths persist](#) and until we start viewing rape as being about "violence and power" and "...start treating sexual assault like any other violent crime..." they will continue.

Congress and the media should be demanding more from the DOD about the military's rape and sexual assault epidemic. The [perfunctory response](#) that Secretary Gates provided to the House Armed Services Committee on February 16th regarding the class action lawsuit should not be tolerated any longer.

If [Secretary Gates](#) truly "...hadn't realized that the Department had resisted..." what Representative Niki Tsongas (D- MA) characterized as "common-sense measures" to begin addressing this epidemic, then why has no one in the media asked him why he didn't?

When [Secretary Gates qualifies his acceptance of accountability](#) with, "I hadn't realized that the Department had resisted it and I must say, these things sound to me like reasonable actions, so I will take out of this hearing the charge to look into, if we opposed it, why we opposed it, and why we shouldn't go forward on our own without legislative action." So, why has the media ignored this aspect of the story?

The White House's behavior strains credibility when compared with their actions. On one hand, they claim to want to start meaningful and effective discussions about sexual violence on college campuses precisely timed to the OCR's investigation of Yale. But at the same time, they are ignoring the horrendous and ongoing epidemic of sexual violence endemic to the military.

The media has an obligation to expose and question this hypocrisy and question the military's institutionalized indifference; if not during the National Sexual Assault Awareness and Prevention Month, then when?

The 16 Yale students asked the following question in their [March 31st press release](#): “[a]fter all the incidents of blatant sexual harassment and threatening behavior on Yale’s campus, why must it take an investigation by OCR to convince Yale that there is a serious problem on campus?” Why indeed!

Source:

<http://www.rhrealitycheck.org/blog/2011/04/06/rape-culture-impunity-military-white-house-silent-0>

THE YALE HERALD

Yale Students File Title IX Complaint against University

By [Christina Huffington](#) 31 March 2011

The Department of Education’s Office for Civil Rights (OCR) announced Thursday it will open an investigation to review Yale’s policies for dealing with sexual harassment and sexual assault. The investigation comes in response to a Title IX complaint filed against the University on Tues., Mar. 15. The complaint, a confidential legal action between the 16 complainants, OCR, and Yale, was signed by both men and women who are current undergraduates and recent graduates of the University, and alleges that Yale’s failure to properly address incidents of sexual harassment and sexual assault has resulted in a “hostile environment.” In the words of complainant Hannah Zeavin, BK ’12, this campus climate “precludes women from having the same equal opportunity to the Yale education as their male counterparts.”

Title IX, passed under the Education Amendments of 1972, states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance,” and offers a course of redress against any institution that discriminates on the basis of sex. Were Yale found to be in violation of Title IX, the most severe punishment Yale would face were it found to be in violation of Title IX is the loss of federal funding.

The complaint is specifically addressed at an Oct. 2010 incident when members of the Delta Kappa Epsilon fraternity chanted, “No means yes! Yes means anal!” on Old Campus, but alleges that the Yale administration’s inadequate response to that incident was just one of many instances of the University’s failure to properly address public and private events of sexual harassment and assault. In an email sent out to the Yale community Friday evening, Dean Miller said the administration had received “verbal notification” from OCR of the complaint and that “Yale will respond fully to the investigation and cooperate with the Office of Civil Rights.”

She wrote: “Yale does not and will not tolerate sexual harassment, and seeks to build an environment that is supportive of women and of men, and of people of all gender and sexual identities. Yale is notable, in fact, for the extraordinary number and range of initiatives, programs of study, working groups, faculty and student organizations, and administrative offices devoted to the advancement of women and women’s issues.”

Alexandra Brodsky, DC ’12, says that she very much appreciates Miller’s promise that Yale will cooperate fully with the investigation but adds, “It’s the quality of the response that matters.” She continued, “I have a different definition of zero tolerance than Dean Miller. Zero tolerance for me means that if you rape someone you are expelled,” citing the fact that of the three students found guilty of sexual assault by

ExComm in recent years, two were put on probation and one was suspended for a semester. “Ultimately nothing is going to speak as powerfully as disciplinary action to harassment and assault,” says Brodsky.

According to its signatories, the decision to file a Title IX complaint has been a long time coming. “This certainly isn’t a new idea—this is something that has been discussed over the years,” says Alexandra Brodsky, DC ’12, another complainant. In explaining the students’ decision to resort to measures outside the Yale community, she notes, “This comes from the feeling that people who care about these issues on this campus have tried all the other avenues. I don’t think that Yale can feign surprise.”

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This is not the first time Title IX has been used against Yale. In a 1977 case called *Alexander v. Yale*, four female undergraduates and one male assistant professor filed a suit against Yale, alleging that repeated “quid pro quo” sexual harassment by male professors barred female students access to the same quality of education as their male peers. The hallmark case marked the first time that sexual harassment was legally perceived to be a form of sex discrimination. Like in the 1977 case, the current complainants are not seeking damages from the University.

In 1976, Title IX was used against Yale again when the Women’s Crew team walked into the athletic director’s office, armed with a New York Times reporter and stripped down to reveal “Title IX” written on their breasts and backs. They were protesting for equal funding, and they got it.

In response to *Alexander v. Yale* the following year, the University created the Grievance Board for Student Complaints of Sexual Harassment, which still functions as the primary channel for sexual harassment complaints today. Though the signatories cite the formation of the Board as a step in the right direction, Brodsky cautions that its current mode of functioning is “dangerously flawed.” Zeavin echoes this sentiment: “Many of the people who have dealt with the Board have not been satisfied with the attention given to their personal cases.”

One of the primary criticisms of the Board—and of the way Yale handles allegations of sexual harassment and sexual assault in general—is the propensity to deal with cases quietly and internally. The complainants are also troubled by the University’s tendency to shy away from disciplining the perpetrators, in favor of placing the cases under bureaucratic review. The Report of the Task Force on Sexual Misconduct Education and Prevention, commissioned after last fall’s DKE incident, reads, “Given the unwillingness of the majority of victims to bring charges against their perceived assailants, we must presume that the majority of perpetrators will remain on campus without disciplinary action.” Ahn responds, “The report takes as a given that the majority of students who commit these offenses will not be disciplined. This to me is a shocking premise. It’s been implicit in Yale’s past responses to sexual harassment and assault, but here it is, spelled out in a report that was initially supposed to address these concerns.”

A member of the Yale School of Medicine’s Grievance Board of Sexual Harassment, who wished to remain anonymous, reiterates the complainants’ discontent with the seeming aversion to discipline those accused of sexual harassment and assault: “I feel strongly—and I know many other students do as well—that the progress on this front has been attenuated by the administration’s failure to bring true accountability into the picture. The shortcoming of the administration’s response to date has been their failure to recognize that the real and perceived lack of disciplinary consequences for perpetrators plays an important role in maintaining the very hostile environment all of their other efforts are attempting to improve.”

“There’s this idea that it should stay all within the family, that Mom and Dad will take care of it and quietly reconcile it,” says Brodsky. “They treat cases like they’re these tiny skirmishes between brothers and sisters at Yale.” While Brodsky recognizes that not every sexual assault victim would want to turn to the law, she emphasizes that it is essential students know about and have access to a legal option. Presca

Ahn, BR '10, says, "Getting a rape kit and legal recourse outside of Yale is not something that is well-advertised as an option to students."

Zeavin, too, places utmost importance on the availability of "all options for redress" and says, "Every student is entitled to a good advocate who can recommend a program that is right for them, even if all they want is mental health counsel or physical health counsel. And should they want to go to court in the state of Connecticut, that option should also be made available." The policy of dealing with sexual assault allegations "in house" can lead to an aversion to pursuing legal remedies. "I think a lot of people who report first through the University end up sucked into Yale's internal labyrinth of reporting mechanisms," says Brodsky.

The signatories also cite what they consider the University's unwillingness to sufficiently prosecute perpetrators of sexual violence as one of their primary grievances. Ahn says, "Plagiarism is something people are expelled or suspended for, but there seems to be a near-infinite tolerance for rape." "Yale deliberately shields those who commit sexual harassment and rape from both the public eye and from the consequences of their actions," says Zeavin, who is distressed by the continued presence on campus of those who have been accused of sexual assault. "You cannot imagine what it is like to sit in class with the person who raped your best friend."

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In the complaint itself, personal testimonies of five students are presented as evidence, alongside accounts of recent high profile instances of sexual harassment on campus. Though the latest instance—misogynistic chanting by Delta Kappa Epsilon pledges during an initiation ritual this fall—served as a trigger in the filing of the complaint, it comes in a long line of well-publicized cases. In 2005, fraternity members stole t-shirts emblazoned with the testimonies of sexual assault survivors from the Clothesline Project, a nationwide program that addresses violence against women. In 2008, Zeta Psi pledges were photographed holding a sign emblazoned with "We Love Yale Sluts" outside of the Women's Center. Though the Center threatened to sue on the grounds of sexual harassment, the case ultimately never materialized. In 2009, a crude email entitled the "Preseason Scouting Report," which ranked incoming female freshmen based on their sexual desirability, was circulated amongst fraternities and male athletic teams. Allegations of sexual assault at an off-campus party hosted by the Pundits last month are not included in the complaint—at the time of filing there were no publicly available facts and an investigation was still pending.

The second half of the complaint is made up of five personal testimonies describing complainants' personal experience. One complainant who included her testimony says, "After an attempted assault my freshman year, I left school and was hospitalized for two days because I was ill from stress. When I came back I got a D on an exam—up until that point I had been a straight-A student. I stopped taking courses I thought he would be interested in, stopped hanging out with groups of mutual friends and refrained from participating in organizations he was a part of. I suffered panic attacks when I ran into him."

The testimonies—when coupled with the public incidents of sexual harassment—are intended to serve as evidence that, in its failure to respond sufficiently to allegations of sexual violence, the University has infringed upon the quality of education for its female students. "The important thing to realize is that there are two aspects to Title IX—it covers what happens both inside the classroom and outside the classroom, all of which is encompassed in the university experience," says Georgia Lill, TD '13. "If you are sexually assaulted it will have a lasting emotional impact and can have a clear effect on their general ability to achieve in the classroom, to do homework, and to go to class."

According to Lill, even students who are not direct victims of sexual assault or sexual harassment are still subject to its adverse effects. "It is important to realize that everyone has something to contribute to the University, and if you have a pool of women who cannot contribute, then they are depriving everyone else of valuable experiences," she says.

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It is against this culture that the signatories have brought their complaint. Zeavin is quick to point out that the plaintiffs are not “out to get” Yale. “I really love Yale,” she says. “To do it all over again, I wouldn’t have gone anywhere else.”

The complainants are hoping not just to change specific components of Yale’s policy, but to fundamentally overhaul how the University administration approaches cases of sexual harassment and assault. Says Ahn, “In the past, Yale has dealt with these things in an opaque, conciliatory manner that—if not intentionally, at least in practice—provides inadequate resolution for victims and sometimes even harms them further.”

Despite her affection for the school, Zeavin believes that OCR will find significant violations of Title IX when they begin their investigation, known as a “Climate Check.” When asked what she hopes to gain from the investigation, Zeavin’s answer is simple. “I would like, for the next 41 years and after that, for the women at Yale not to have to deal with the University as it currently is. We’re going after change,” she says. “We want change.”

—Reporting contributed by Evan Walker-Wells,
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