



**PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS
AT UNITED STATES AIR FORCE ACADEMY**

Testimony of The Honorable Tillie K. Fowler

Before the Senate Armed Services Committee
Wednesday, September 24, 2003

Chairwoman

The Honorable Tillie K. Fowler

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I want to thank you for holding this important hearing and giving me this opportunity to report to you in person on the findings of our Panel as required by Section 501 of Public Law 108-11.

Mr. Chairman, Socrates likened one's reputation to fire when he said, "when once you have kindled it you may easily preserve it, but if you once extinguish it, you will find it an arduous task to rekindle it again."

Since the first cadets arrived at the U.S. Air Force Academy in 1955, the majority have lived by the core values of the United States Air Force: "Integrity First - Service Before Self - Excellence in All We Do." By doing so, they kindled the kind of reputation for the Academy that we would expect of such an institution.

While not extinguishing it, the sexual assault scandal that has plagued the United States Air Force Academy over the last ten years has certainly tarnished the reputation of this great institution, and we appear before you today to continue the arduous task of restoring both confidence in the Academy and safety for the cadets.

Mr. Chairman, women have served our nation admirably in times of war and in times of peace. They have graduated from the Air Force Academy since 1980 and served their country with distinction - even paying the ultimate price.

I would like to call your attention to Section 6, Row F, Number 13. No, it's not a reference to a particular section of our Panel's final report. Nor is it a seat in Falcon Stadium in Colorado Springs.

Section 6, Row F, Number 13 is located at the U.S. Air Force Academy Cemetery and it is the final resting place of Academy graduate 1st Lt. Laura Piper. Lt. Piper was killed in the line of duty when her Blackhawk helicopter was shot down over Northern Iraq on April 14, 1994 - just two years after graduating from the Air Force Academy.

What our Panel has learned about the treatment of some women at the Air Force Academy is an injustice to all who have gone there - women AND men. It is not befitting of the sterling reputation kindled for so long by more than 35,000 cadets from 44 classes who have graduated from the institution. And, quite frankly Mr. Chairman, it is simply an insult to the career and the memory of 1st Lt. Laura Piper.

When a new round of sexual assault allegations at the Academy surfaced earlier this year, this committee wisely decided to take a new approach to a problem that has plagued the Academy for at least a decade and quite possibly for as long as women have attended the institution.

You, along with your colleagues in the other body, insisted on the creation of an independent panel of seven private citizens to, according to the public law, "carry out a study of the policies, management and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy."

On May 27, 2003, using the criteria established in the law, Secretary Rumsfeld appointed the seven members of our panel. I am pleased that they are all here today. I think it is important for the members of this committee to know that this all-volunteer "force" could not have been more serious, more dedicated and more determined to solve this problem. I think the best way to describe their dedication is to say that each approached this effort as if their own daughter was a cadet at the Academy today.

As a result, the Panel's final report offers substantive and constructive recommendations to rebuild the Academy's commitment to its cadets and to the American people. Our priority was to help ensure a safe and secure learning environment for all the Academy's cadets.

Unfortunately, the environment at the Academy has been anything but. The statistics are appalling - during the ten-year period from January 1, 1993 through December 31, 2002, there were 142 allegations of sexual assault at the Academy, for an average of more than 14 allegations a year. According to the Academy's surveys, this only represents 20% of the actual assaults (with female cadets responding that 80% of assaults go unreported). That is unacceptable for an institution training our nation's future military leaders. Let me be clear, one incident is unacceptable.

The roots of this crisis go as deep as the institution's culture.

We found the most striking indicator of the existence of a hostile environment for female cadets in the Academy's own survey data - data that was simply dismissed by leadership because it was "unscientific." Just last year, more than one-fourth of the responding male cadets stated they did not believe that women belong at the Academy. One cadet fourth-class wrote, "Even with women in the Armed Forces, they should not be at the military academies." Another: "Women are worthless and should be taken away from USAFA."

These comments are even more unsettling when you consider that women have been at the U.S. Air Force Academy since before these young men were even born. Representative Heather Wilson had already graduated from the Academy and earned a Rhodes Scholarship before they celebrated their first birthday. Eight years before they would arrive at the Academy, graduate Laura Piper was returning for the last time. These young men have no memory of an Air Force Academy without women, yet somehow they believe it should be that way.

When such beliefs cannot be attributed to experience, they must then be attributed to character and values. These are learned traits and when an institution of higher learning finds warning signs like these in its surveys - scientific or not - that institution has a problem and an obligation to correct it. This report outlines steps the Academy must take to strengthen its character development programs.

Panel members experienced the gravity of this crisis first-hand during our visit to Colorado Springs. We were stunned to hear stories from victims, many still too afraid to go public with their stories and, more disturbing, too afraid to make an official report of the crime. They shared with us how their lives have been torn apart by a violent assault and an aftermath that most of them suffered alone and in silence because of an atmosphere of fear and retribution by peers aided by either indifference, incompetence or a combination of both by an Academy leadership they believe failed them.

Our closed-door experience with these victims is what drives our concern with the policy outlined in the *Agenda for Change* that eliminates any form of confidential reporting of sexual assaults. The Panel is very concerned that stripping away all confidentiality takes the Academy backwards to 1995 when the lack of confidentiality resulted in underground support groups and unreported crimes. The Panel believes a balance must be maintained between the support and treatment of victims and the prosecution of assailants. Confidentiality is the fulcrum on which that balance can exist and it must remain an option for all victims of sexual assault at the Academy.

The *Agenda for Change* overlooks an established form of privileged communication that is currently available throughout the Armed Forces and could benefit cadet victims: the psychotherapist-patient privilege.

This method of confidentiality has been available to the Academy since the psychotherapist-patient relationship was recognized in 1999 by Presidential Executive Order, and implemented in Military Rule of Evidence 513. It is in use by both West Point and Annapolis.

Accordingly, we recommend the creation of a program that combines the existing CASIE (Cadets Advocating Sexual Integrity and Education) program with a trained victim advocate psychotherapist managing the program. This would ensure the Academy has available to all sexual assault victims an established form of privileged communication within which to report their assault.

Giving victims choices helps them regain a sense of control over their lives and promotes the healing process. Having a trained psychotherapist explain the consequences of their choices also increases opportunities for making the right choices, thereby further helping to encourage the reporting of these crimes. The Academy should not be the only service academy not to offer this form of confidential reporting.

The sexual assault problems at the Academy are real and continue to this day. But the Panel is encouraged by a renewed emphasis in Washington to immediately address and solve this problem. We are impressed with the leadership of Secretary Roche and General Jumper after a decade of inaction and failures.

Secretary Roche made a step towards serious reform this year by rolling out his *Agenda for Change* and replacing the Academy's leadership team with one that has been quick to take action. However, the members of this Panel want to be clear - the *Agenda for Change* should be seen as a blueprint - an initial step in reversing years of institutional ineffectiveness.

Each panel member agrees that change will not happen overnight, nor will it be truly effective without a sustained, dedicated focus by Academy officials and senior Air Force leadership. The very culture of the Academy must be altered before real change can be maintained for future generations.

The Panel found that a consistent flaw in previous attempts to address this problem - and a flaw that allowed it to happen in the first place - was the lack of external oversight.

The Panel recommends the Board of Visitors operate more like a corporate board of directors. We recommend the formation of committees with specific oversight responsibilities such as academic affairs, student life and athletics. We recommend a minimum of four meetings a year - two of those to occur at the Academy. We also recommend that all board members have unfettered access to the Academy grounds and the cadets.

This committee should also more aggressively exercise its oversight authority by reviewing reports on the Academy called for in our recommendations and the reports called for in the 2004 Defense Authorization Act.

I would like to draw the committee's attention to Panel Recommendation #4 in which we recommend revising the law to expand the available pool of potential candidates for the position of Dean of Faculty beyond Academy's permanent professors. There is a time

sensitivity issue here. In order to benefit from this reform in the selection of the next Dean of Faculty – which will occur as early as next spring – I would urge this committee – should you concur with our recommendation – to revise the law using the 2004 Authorization bill, presently in conference. Otherwise, under normal rotation schedules, this reform could not be effective until sometime around 2007.

This Panel has chronicled this crisis and the failures of leaders to effectively and aggressively respond. The warning signs were there, but went unnoticed or were ignored.

We are here to report that this Panel found a deep chasm in leadership during the most critical time in the Academy's history – a chasm that extended far beyond its campus in Colorado Springs. Sadly, we believe this helped create an environment in which sexual assault became a part of life.

Any credible assessment of sexual misconduct problems over the last ten years must include an examination of the responsibility of both Academy and Air Force Headquarters leadership. Unfortunately, the Air Force General Counsel's "Working Group Report" failed to do that.

That is why this Panel recommends the Inspector General of the Department of Defense conduct a thorough review of the accountability of the previous leaders at the Academy and Air Force headquarters. This should include an assessment of General Gilbert, General Wagie and Colonel Slavec as well as former leaders of the Air Force itself. We recommend that the results of this review should be provided in a timely manner to both the Members of the House and Senate Armed Services Committees and to the Secretary of Defense.

I want to point out that the Panel is recommending that the DOD Inspector General investigate the previous leadership. While we offer what we believe is some constructive criticism of the changes instituted by the present Academy and Air Force Leadership, we have found neither team lacking in their understanding of the seriousness of the crisis or in their commitment to finding a lasting solution.

It would not serve the interests of the Academy or its cadets to distract the present leadership with a backward-looking investigation. Rightly so, the Secretary, the Chief of Staff, the Superintendent and his team are focused on the future of this great institution, and the effective resolution of this matter requires that their focus remain right where it is.

We recognize the difficulty in holding accountable those who have left their positions of leadership – and particularly those who have left military service altogether. However, given the magnitude of this situation and to set a clear example of the level of performance expected of future leaders, this Panel has concluded that every effort should be made to formally document the failures of former leaders and to ensure that documentation becomes a part of their official military records.

In total, this report contains 21 specific recommendations that this Panel believes can put the Academy back on track and allow it to live up to its potential as a unique institution of higher education that also trains future leaders of our Air Force. Some are already in various stages of implementation. Others can be implemented administratively at the Academy or at Air Force Headquarters, while some will require legislative action.

While Congress will not necessarily have an implementation role in all 21 of our recommendations, we would urge you to take an oversight and evaluation role in our recommendations as well as those found in the Agenda for Change and the Working Group Report.

As this Panel concludes its work, it is our sincere hope that while their leaders make every effort to solve this difficult problem, the vast majority of cadets will continue to strive to live by the core values of integrity, service and excellence.

It is and should always be an honor to call oneself a cadet at the United States Air Force Academy.