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Governance by scandal? Eradicating sexual assault in the US military

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Abstract

This article examines the relationship between scandal and democracy through the case of sexual assault within the US military. Scandal is routinely seen as hostile to democracy. It signals either the corruption of prominent institutions or the decline of ethical journalism. But scandal may have a positive dimension in forcing tainted institutions to correct their course. To explore this thesis, we examine how the US military responded to news reports of sexual assault over a period of nearly four decades. During the first three decades of this period, news reports of sexual assault were widespread but largely ignored by military leaders. During the last decade, however, the fact that sexual assault was endemic but largely ignored by the armed forces triggered a scandal, one senior military figures were forced to address. In light of this case, the article concludes that scandal can function as a mechanism of democratic governance, where it compels social and ethical norms to be properly enforced.

Keywords

democracy, governance, media influence, military, scandal, sexual assault

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Introduction

In the social sciences, as in public life, the reputation of scandal seems beyond repair. Scandals concern grave normative violations that occur within prominent institutions. As such, they entail the corruption of these institutions, and if the institutions in question are sufficiently prominent, scandal can signal that a whole society has lost its way. But scandals can also arise from nothing. Journalists seek scandal where none exists, thereby cheapening politics and diverting our attention from matters of much greater import.

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In this article, we aim to complicate the reputation of scandal. We challenge the idea that scandal is either merely trivial or strictly negative by examining how scandals can correct the behaviour of public institutions. To this end, we focus our attention on a hard case. The Department of Defense (DOD) is among the most powerful institutions in the United States, one whose actions are governed by existential considerations, which trump many of the concerns of the public – and indeed may trump the political concerns of the President. The DOD, therefore, would appear an unlikely institution to be shaped by scandal or any other media event – and yet, it is. When faced with a series of news stories concerning sexual assault within its ranks, Defense leaders routinely acknowledged the problem but offered little by way of reform, in effect 'buffering' their organizations (Mezner and Nigh, 1995). But as journalists started to publicize the *endemic* nature of sexual assault, military leaders were compelled to respond. They began by measuring and reporting the incidence of sexual assault and, in doing so, they inadvertently established standards against which all future military leaders would be assessed, so making further reform irresistible. Scandal, to be sure, was not the sole driver of the changes in the US armed services, but it will be central to any full explanation of these ongoing reforms.

In what follows, we examine this case and explore its implications for democratic theories of governance. Our primary method is to examine the relationship between press coverage of military sexual assault and the way senior military leaders address this issue within Senate oversight committees. We begin, however, with a discussion of scandal itself, setting out its defining features and exploring some of the key ways it has been studied at the intersection of sociology and political science.

Scandal: a minimal definition

As befits its subject matter, the idea of scandal is itself contested (Apostolidis and Williams, 2004; Markovits and Silverstein, 1988). To avoid this foray, we deploy a minimal definition of scandal, one that enables us to productively delimit the object of our analysis (Gerring and Barresi, 2003). More elaborate social scientific definitions, though not without their uses, can obscure patterns which might otherwise be observed across different contexts. Minimally, then, scandal comprises *a normative violation that becomes widely known and a matter of public concern*. This definition captures basic features of scandal, whether one studies traditional societies, early modern Europe, or late modern America, and it sets it off from related phenomena such as 'controversy' or 'dispute', as we shall see (Bellany, 2006; Gluckman, 1963; Thompson, 2000).

Scandal, as noted, entails the wide publicization of a normative violation, one with institutional implications. The focal norm can be ethical, religious, political, legal, or otherwise, but the key issue is not the *facticity* of violation but rather its *perception*. Scandals can erupt over a perceived violation that turns out to be false (Fine, 1997). Likewise, serious violations, though widely known, do not always become scandals (Adut, 2005; cf. Entman, 2012; Sass and Crosbie).

That scandal is a proper object of social inquiry is hardly in doubt, but whether it is a discrete object of inquiry is indeed open to question. Within the literature, the term 'scandal' is sometimes substituted for other terms, most often 'controversy', and this is done in error (Clark, 2004; Nyhan, 2015; Thompson, 2000). These notions can be analytically distinguished and doing so allows us to better explain the unique powers of scandal over otherwise powerful institutions and actors. Controversies, on our terms, are characterized by deep disagreement. They routinely erupt between political parties and

along the social, political, and ethical lines which divide populations into meaningful groups. Scandals, by contrast, are characterized not by disagreement but by a specific form of consensus. During a scandal, parties who ordinarily oppose one another agree about the basic facts concerning a normative violation (Alexander, 1989). More specifically, they agree about the status of the values at stake, and about certain facts surrounding their breech. Such consensus often emerges because the facts in question, however inconvenient, cannot be denied. Picture the images which triggered the Abu Graib scandal (Anden-Papadopolous, 2008; Sass and Crosbie). That they depicted horrendous violations was never in doubt. During a major scandal of this kind, journalists, political elites, and the general public cease to question the significance or reality of a violation; they ask, instead, who is responsible and how justice should be served.

A good part of the current literature has examined the conditions under which scandals emerge and the scope of their effects on politicians, voting, and public trust (Adut, 2005; Basinger, 2013; Bowler and Karp, 2004; Entman, 2012; Lawrence and Bennett, 2001; Nyhan, 2015; Rottinghaus, 2014a, 2014b). A crucial variable explaining the emergence of scandals concerns the state of the media environment at the time of the normative violation. Like wildfires, scandals need air to grow. For this reason, crowded media environments are inhospitable to scandal: they often see journalists unable to report serious violations (Nyhan, 2015). Another factor which explains the emergence of scandals concerns the political status of the actors they concern. In the United States, presidents who enjoy the support of the opposition party are less liable to be engulfed in scandal (Nyhan, 2015; Rottinghaus, 2014b). Furthermore, the symbolic character of the violation matters – it needs to be represented as a compelling story (Entman, 2012; Sass and Crosbie). Normative violations which involve technical details or arcane principles, where what is at stake is unclear, have difficulty holding public attention.

Before beginning our analysis, we set out some conceptual distinctions. As noted, most current scholarship on scandal has considered how they emerge or their effects on particular individuals, political actors especially (for a key exception, see Rottinghaus, 2015). Our interest is with institutional responses to external pressure, scandal included, over extended periods of time. We categorize these responses in three ways. The first we term *evasion.* Here, an institution's leadership recognizes the existence of a violation but sees no need for public comment, let alone an organizational response. The second response is *rhetorical accommodation*, where an institution's leaders publicly acknowledge the incidence or pattern of a violation but still avoid organizational reform. The third possibility is *reform*, where leaders acknowledge both the incidence and gravity of a violation, or pattern thereof, and pursue serious reforms to address it.

In addition to these generalized institutional responses to external pressure, there are two dynamics to account for when studying the military. The first, drawn from the literature on civil–military relations, concerns the question of institutional autonomy. Following Huntington (1957), military leaders in democracies are constrained by what he terms the 'objective control' of civilian masters. While commanders accept the orders of civilians for overall strategy, they seek full autonomy in their own realm over how to manage their organization and direct the use of legitimate force. Despite some challenges (e.g. Cohen, 2005), social scientists generally follow Huntington in assuming that military leaders resist efforts by outsiders to challenge their autonomy (Feaver, 2006), particularly when this is manifested in challenges to professional closure (Segal and Kestnbaum, 2002). Second, following Janowitz (1960), we assume that military leaders act as a political interest group, one that cautiously fosters good relations with the American public and

government. Scholars have conceptualized this institutional goal through the notion of 'concordance' (Schiff, 1996) and 'trust' (Allen, 2011). For the present purposes, the first factor driving military policy is the defensive goal of resisting external reform efforts, a form of bureaucratic buffering, and this operates alongside a second goal of building and maintaining public esteem.

The case of military sexual assault

In what follows, we examine the relationship between scandal and democratic governance via sexual assault cases confronting the US DOD. Military institutions are closed, hierarchical, and relatively autonomous from external pressures. Despite regulation requiring both civilian control and public access to information, a large literature details the gap between the civilian and military realms (Feaver and Kohn, 2001), and the resulting challenges to effective public oversight. In this respect, military institutions represent a high standard against which to assess the efficacy of given mechanisms of democratic governance, and it is for this reason we study them here. If scandals can shape military institutions, they can likely shape the behaviour of most other public institutions.

To study scandal's effect on the military, we employ a number of linked methodologies. Our aim throughout is to examine the prevalence of media reporting on sexual assault, the character of this reporting, and its relationship to government bodies and the military itself. To begin, we compiled sets of articles published by the *New York Times* and *Washington Post* that included the name of a service ('army', 'navy', 'marine', 'air force') and were coded in the LexisNexis database as 'sexual assault' or 'sexual violence'. Our choice of newspapers was simple: the former is the paper of record in the United States; the latter is the leading newspaper most closely attuned to military affairs. While we expect the choice of these two papers inflated estimates of public awareness of the topic, these data provide us with a broad perspective on the feedback received by the military. These data are included in Figures 1 to 3.

We next examined the appearance of the top commanders before the Senate Armed Services Committee (SASC) during their nomination hearings. We included all service chiefs, all Chairmen of the Joint Chiefs of Staff, and all Secretaries of Defense since 1973, the year that combat troops left Vietnam and that the DOD switched to an All Volunteer Force.[1] We searched every hearing for the word 'sex'. We compiled all references in each of the hearings to sexual assault, broadly understood to include harassment, which are tabulated in Tables 1 and 2.

Many factors create conditions for sexual violence in military organizations. Certain demographic patterns seen in the American military place service members at a higher risk of being sexually victimized (Turchik and Wilson, 2010: 269). For example, prior to entry, service members have higher rates of having been both victims and perpetrators of sexual violence, which are each correlated with future victimization and perpetration (Merrill et al., 2001). Aspects of the military's organizational culture have also been linked to increased rates of sexual violence (Hunter, 2007). Furthermore, there is a strong and widely acknowledged relationship between war and sexual violence against women (Denov, 2006; Seifert, 1996). In short, the scholarship points to the multiple ways in which our existing military organizations are prone to increased rates of sexual violence.

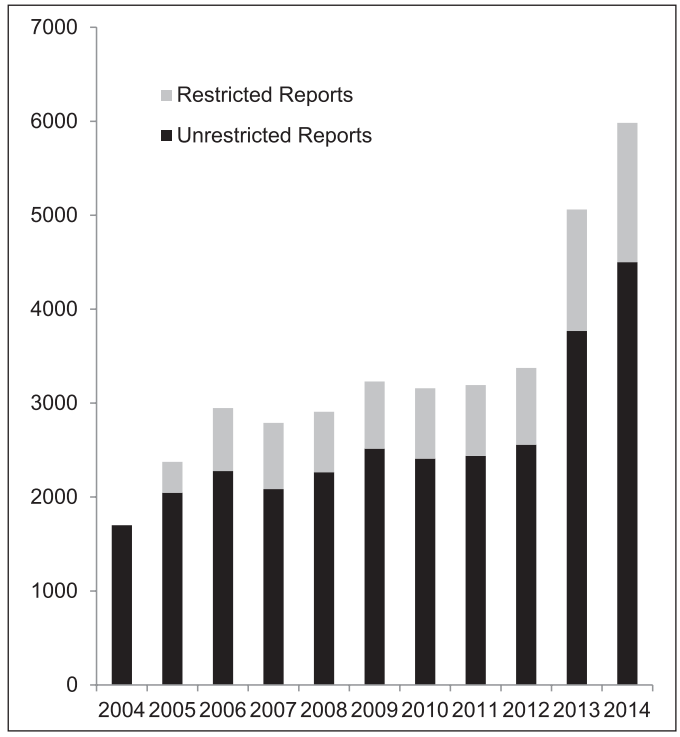

Figure 1. Incidence of unrestricted and restricted reports to DOD, CY 2004–FY 2014.
Data from the US Department of Defense Sexual Assault Prevention and Response Office (2004–2014) Annual Reports.

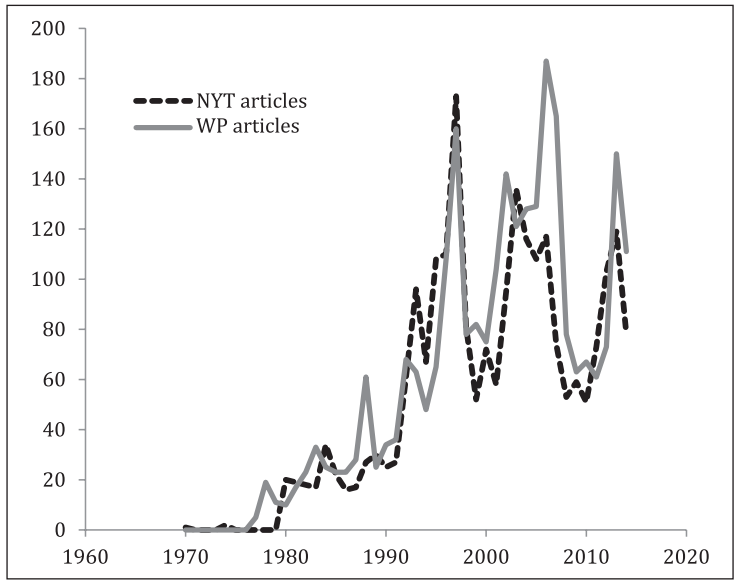

Figure 2. *New York Times* and *Washington Post* articles referencing both sexual assault and the military, c. 1965–2014.

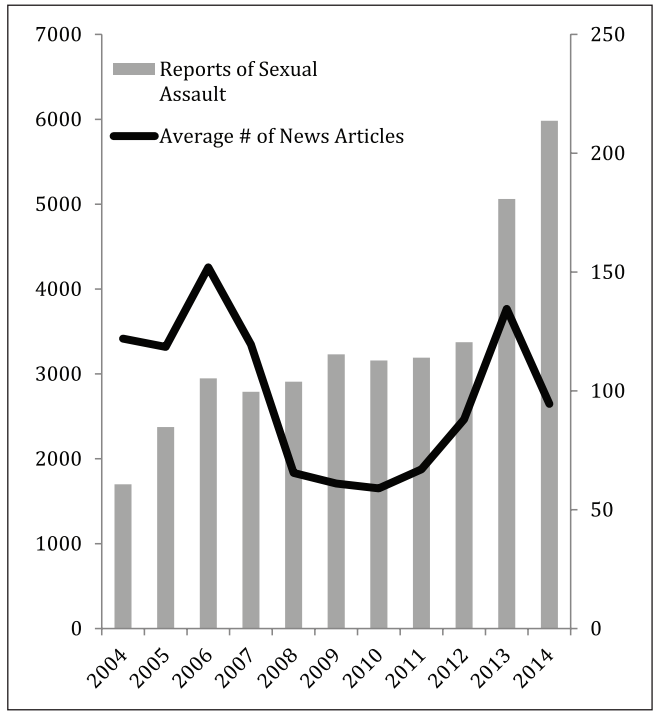

Figure 3. Comparison of DOD sexual assault reports (left scale) and average number of WP and NYT news articles (right scale).

Military sexual assault in the press

Does an increase in news reporting correlate with an increase in incidence? According to the National Crime Victimization Survey, in 2004 there were 255,770 cases of rape and sexual assault, a rate of 1.1 per 1000. The same rate was noted in 2013, with 300,170 cases (US Department of Defense, 2014). However, in that same period, data from the DOD's Sexual Assault Prevention and Response Office (SAPRO) indicates a rapid increase in military sexual assault reports. And so, the uptick in public interest does not appear to be tied to a change in the rate of assault.

What seems certain is that the number of reports is much smaller than the actual incidence. For example, then-Secretary of Defense Leon E. Panetta estimated the 2012 figure of 3191 reports as a fraction of the true total, which he estimated to be closer to 19,000 assaults (Parrish, 2012).[2] How closely actual assaults are linked to reports of assault is not clear.

Few of the actual incidents of sexual violence in the military received any news coverage at all, and fewer still generate the intense and widespread reporting that engenders a full-blown scandal. But just because a controversial report does not grow into a scandal does not make it meaningless. All controversy has significance to the degree that it contributes to a discursive nexus linking deviance to given actors and institutions. From this perspective, it is remarkable how many reports link sexual violence to the military.

To gain an overview of the controversy, we survey the *New York Times* and the *Washington Post*. We cast our net widely by setting 1960 as the start date. The rationale

Table 1. SASC nominations of top officers with (1) and without (0) reference to sexual assault, 1973–1989*.

	Sec Def	CJCS	CSA	CSAF	CNO	CMC
1973	0					
1974		0	0	0	0	
1975	0					0
1976			0			
1977	0					
1978		0		0	0	
1979			0			0
1980						
1981	0					
1982		0		0	0	
1983			0			0
1984						
1985		0				
1986				?	0	
1987	0		0			0
1988						
1989		0				

SASC: Senate Armed Services Committee; CJCS: Chairman of the Joint Chiefs of Staff; CSA: Chief of Staff of the Army; CSAF: Chief of Staff of the Air Force; CNO: Chief of Naval Operations; CMC: Commandant of the Marine Corps.
*? = missing data.

for this early date was the hypothesis advanced by Kendrick Oliver (2006) that American reporting on the US military almost completely avoided maligning the virtue of soldiers until the taboo was broken during the Vietnam War. Indeed, from 1960 to 1970, neither newspaper published any report that was coded in the database to include sexual violence and military service.

The first story published by the *New York Times* (3 December 1970) concerns the court martial of marine Corporal R.V. Johnson, charged with raping an Okinawan girl (UPI, 1970). This report garnered little attention. The next report was not published until 9 August 1974, and there was little further discussion of the event. Indeed, the conceptual link between sexual violence and the military was not frequently made until the late 1970s. Since 1980, however, there has been a steady stream of reports, with well-defined peaks in 1996 and 2005, and a new peak now emerging. In what follows, we compare the amount of reporting with the data from SAPRO to see whether there is a correlation between the recent media reporting and the decision to report sexual assaults to the military.

The first two phases of senate oversight: zero tolerance, no policy

The nomination to become a service chief involves a highly visible and demanding performance before SASC (and the House version, HASC). Mastering such performances is a key skill for military leaders and one that requires extensive preparation. In this elevated setting, how have military leaders grappled with the problem of sexual assault? While we may

Table 2. SASC nominations of top officers with (1) and without (0) reference to sexual assault, 1990–2014*.

	Sec Def	CJCS	CSA	CSAF	CNO	CMC
1990				0	1	
1991			0			0
1992						
1993	1	1				
1994	1			1	1	
1995			1			0
1996					1	
1997	1	1		0		
1998						
1999			1			1
2000					1	
2001	0	0		0		
2002						
2003			0			0
2004						
2005		1		1	1	
2006	1					0
2007		1	1		1	
2008				1		
2009						
2010						1
2011	1	1	2		1	
2012				1		
2013	1					
2014						1

SASC: Senate Armed Services Committee; CJCS: Chairman of the Joint Chiefs of Staff; CSA: Chief of Staff of the Army; CSAF: Chief of Staff of the Air Force; CNO: Chief of Naval Operations; CMC: Commandant of the Marine Corps.

* 2 = two nominations in the same year, both with reference to sexual assault.

assume that the atrocities at My Lai and other violations during the Vietnam War would have placed sexual assault squarely on the committee agenda, in fact none of the 26 nomination hearings that occurred between 1973 and 1989 included mention of sexual assault.[3]

The taboo on reporting military atrocity was broken during the Vietnam War, seeing newspapers flooded with stories about military sexual assault. However, that shift in journalistic norms did not see the problem of sexual assault reach SASC nominations until 1990.

The post-1990 era can be divided into three periods. In the first, from 1990 to 2000, 13 of the 18 nominations included references to sexual assault. In the second period, from 2001 to 2004, none of the five nominations included a reference to sexual assault. This might be termed the 9/11 era, where the terrorist attacks and war in Afghanistan and Iraq eclipsed all other concerns. In the final time period, from 2005 to 2014, 17 of the 18 nominations included reference to sexual assault.

What events brought the topic to the table in 1990 and 2005? The first time a top commander was asked about sexual violence before SASC was on 14 June 1990, when Chief

of Naval Operations Adm. Frank B. Kelso II responded to prepared questions concerning the sexual harassment of a female midshipman at the Annapolis Naval Academy (see Barringer, 1990). In his written response, Adm. Kelso deferred, answering to the question 'do you believe these allegations are evidence of systemic problems?': 'I feel I should reserve final judgment' (US Congress, 1990a: 341). Senator John McCain followed up on this point during the hearing itself, asking whether Kelso was 'satisfied' with the problems at Annapolis. His response would become a standard line used by military commanders: 'No, sir, I am not satisfied with that. I would like to make sure that we do everything we can to make sure that we do not have sexual harassment' (US Congress, 1990a: 312). Again and again in the coming years, military leaders would assure the Senate that they would do everything possible to make the services zero tolerance areas for sexual assault.

The 1990 Annapolis event remained a small-scale media event. Although the violation was officially acknowledged, it was not represented as an endemic problem, nor was it widely reported. Shortly thereafter, Gen. Gordon R. Sullivan (USA), who appeared before SASC in April, and Gen. Carl E. Mundy, Jr. (United States Marine Corps (USMC)), appearing in September, were not questioned about sexual harassment or violence. But while the Naval Academy story died, a new story emerged in the press in 1992, detailing a 'gauntlet' of naval officers molesting women at a meeting of the Tailhook Association in September 1991 (see Winerip, 2013). The initial controversy spurred considerable follow-up reporting and developed into a scandal. During his January 1993 nomination to be Secretary of Defense, Leslie Aspin was not asked about sexual harassment or violence, but William J. Perry, who replaced him a year later, was, noting briefly, 'It is my strong belief that harassment by a service member of any person, for any reason, is inappropriate and should not be tolerated' (US Congress, 1990b: 103). In September 1993, Gen. John Shalikashvili (USA) was asked, 'What steps do you think are necessary to deal with the issue of sexual harassment in the armed services?' He responded, 'the eradication of sexual harassment is an issue of leadership. We must ensure that our people understand and follow these practices at every level of the Armed Forces' (US Congress, 1993: 1210). In September 1994, Gen. Ronald R. Fogleman (United States Air Force (USAF)) was asked how he would ensure equal opportunity, and noted, 'I will speak out on the subject of equal opportunity … sexual harassment and other forms of discrimination are not acceptable, not condoned and not tolerated in any manner' (US Congress, 1994b: 1138).

While Adm. Kelso was challenged during his 1990 confirmation about sexual harassment at the Naval Academy, he was eventually caught up in the Tailhook scandal as well, and in April appeared before a SASC committee which was charged with determining whether Kelso would retire at two stars or four stars.[4] Although he was present at the Tailhook conference and 'personally witnessed misconduct' (US Congress, 1994a: 697), his full retirement with four stars was ultimately approved. His successor, Adm. Jeremy M. Boorda, who appeared before SASC for his nomination hearing two days later, was asked about Tailhook, to which he responded in a mild and evasive way.

The pattern set in these years remained in place until 2000. The cycle involved journalists publishing accounts of sexual misconduct which would prompt questions by SASC members who would then accept bland assertions of concern from the nominees. In 1996, Adm. Jay L. Johnson told SASC, 'I believe that my leadership as CNO, should I be confirmed, will be more informed, principled, proactive and fair because I was present at Tailhook and have learned its lessons' (US Congress, 1996: 306). In 1997, the future Defense Secretary William S. Cohen told SASC,

> I intend to make it very clear through my own personal commitment that there can be zero tolerance for sexual harassment, and that will go all the way from the very top of our officials down to the senior enlisted personnel, right down to the very early levels and throughout [the] entire chain of command – zero tolerance for sexual harassment. (US Congress, 1997: 41–43)

In 1999, Gen. Eric K. Shinseki (USA) assured SASC that he would 'provide an environment free of sexual harassment for all … I am totally committed to providing an environment free of discrimination'.

In the first phase, top military leaders were expected to indicate that they would not accept any sexual assault in their service. And yet, the taint of being involved even in a major affair like Tailhook was not so great as to cost Adm. Kelso his two stars in retirement or to disqualify Adm. Johnson from becoming the Chief of Naval Operations. Furthermore, this period of moral concern was pushed aside in the wake of the terrorist attacks of 11 September 2001. The second phase of senate oversight, 2001–2004, included no mention of sexual violence in the hearings of the five military leaders nominated during that time.

The third phase of senate oversight: the birth of reform

What then was the trigger that reignited Senate concern with sexual assault following 2005? How did this third phase differ from the first? The event was a report by the *Denver Post* on 25 January 2004, written by Miles Moffeit and Amy Herdy, and based on their reporting in November 2003 on failures in the services to prosecute sexual offenders. Figure 1 indicates a large spike in reports linking sexual assault and the military in the *Washington Post* in 2004 and a lesser spike in the *New York Times*. Looking more closely at the print media landscape immediately following Moffeit and Herdy's piece, we see a variety of indicators that the story triggered a cascade of interest. Notably, Moffeit and Herdy's initial report was just the first in a series of articles published in lavish spreads in the *Denver Post. USA Today*, which has long vied with the *Washington Post* and the *New York Times* as the newspaper with the highest circulation in the United States, followed up the Moffeit and Herdy reports a week later in a provocative piece (given its usually mild tone) entitled 'Rape in the Military: Female Troops Deserve Much Better' (*USA Today*, 2004). The story was picked up in the *Washington Post* a few days later (Loeb, 2004), and by late February, the *New York Times* was describing military sexual assault as having 'burst into full public view', thanks specifically to the *Denver Post* reports (Schmitt, 2004).

Significantly, the initial report also caught the eye of Secretary of Defense Donald Rumsfeld, who ordered the Undersecretary of Defense for Personnel and Readiness (USD (P&R)) David S. C. Chu to investigate the care for victims of sexual assault. Rumsfeld's note to Chu was leaked to CBS News' Lauren Johnson on 25 February 2004 by a defence official.[5] On that same day, SASC had a hearing on *Policies and Programs for Preventing and Responding to Incidents of Sexual Assault in the Armed Services*, and convened again in June for another hearing. On 6 October 2005, the DOD issued Directive 6495.01, 'Sexual Assault Prevention and Response (SAPR) Program'. This created the SAPRO, the organization charged with implementing the results of Chu's investigation.[6]

Scholars surveying the field have called SAPRO's creation 'the most significant change' in combating military sexual assault (Turchik and Wilson, 2010: 273). It is not hard to see why. Since its creation in 2005, SAPRO has released a flood of reports, policy guidelines, and support programmes, most of which are publicly accessible on its

website.[7] Since 2004, it has released an average of one press release per month, reflecting engagement across an array of media, from National Public Radio specials to live blogs by SAPRO's director (a Major General or equivalent rank). Its website hosts multiple resources for victims. SAPRO has also developed and distributes numerous tools for commanders to use when receiving reports; it disseminates a library of doctrine and policy, and hosts the 'Safe Helpline', outsourced to an independent non-profit (the Rape, Abuse and Incest National Network).

Most significantly, SAPRO releases exhaustive annual reports that are submitted directly to the Senate and House Committees on the Armed Services, and also released publicly via the SAPRO website (Department of Defense Sexual Assault Prevention and Response Office, 2004–2014). The first five reports (2004–2008) reflect an agency finding its footing, with each report differing in content, style, and length (from 10 pages in 2004 to 82 pages the following year). Since 2009, the annual reports have been standardized and have ballooned in size, averaging 900 pages from 2009 to 2014.[8]

Through these efforts, SAPRO crystallized a network of organizational reform efforts that might otherwise have fractured under the weight of bureaucratic rivalries. Significantly, service secretaries are each charged with ensuring that their respective agencies are responsive to and compliant with SAPRO, while the Chairman of the Joint Chiefs of Staff (CJCS) and the Combatant Commanders are directed to integrate SAPRO guidelines into their organizations (US Department of Defense, 2013: 15). A flurry of developments followed the creation of SAPRO. In 2004 alone, the Army created Sexual Harassment/Assault Response and Prevention (SHARP), integrating its policies into the Professional Military Education curriculum; the Air Force Academy instituted an Agenda for Change; and the Marine Corps created its own SAPRO. In 2005, the Navy's Sexual Assault Victim Intervention (SAVI) programme, which predated the DOD's SAPRO, was made compliant with it. Each of the services would record growth in their respective offices between 2004 and 2008, after which they levelled off. In 2008, Secretary of Defense Robert Gates outlined four key areas for SAPRO to improve, while the Army launched a new awareness programme called 'I. A.M. Strong'. By 2009, the DOD observed for the first time Sexual Assault Awareness Month. Since this first phase of aggressive expansion, each service has maintained active training, public outreach, victim reporting, and prosecution data.[9]

While it is too soon to assess the impact of these offices on the incidence of sexual assault, it has clearly affected the self-presentation of top commanders. In April 2005, Adm. Michael Mullen's nomination included separate prepared remarks on both 'Sexual Assault' (two paragraphs) and 'Prevention and Response to Sexual Assault' (10 paragraphs). Mullen included the usual assurances, noting, 'if confirmed, I will hold people accountable and responsible for their actions to uphold these standards' (US Congress, 2005a: 171). Pushed to explain what actions had been taken by the Navy specifically, he discussed the Navy's SAVI office, outlining its various tasks and findings, and noting, 'I will continue to personally support these efforts' (US Congress, 2005a: 194). In June, Gen. Peter Pace (USMC) in his nomination to be the chairman of the Joint Chiefs, similarly outlined in detail the work of the Joint Task Force Sexual Assault Prevention and Response team (US Congress, 2005c: 369). That same day, Gen. Michael Moseley (Chief of Staff of the Air Force (CSAF)) provided 12 paragraphs of response to questions about 'Prevention and Response to Sexual Assault', assuring the committee, 'Accountability begins with our MAJCOM [major command] commanders and me … We are establishing metrics and evaluation criteria that will be periodically reviewed by senior leaders, and

will continue to survey the total force, analyze data, take appropriate action' (US Congress, 2005b: 411).

In short, where the first phase of Senate interest in military sexual assault prompted vague assertions of concern and commitment to 'zero tolerance', the third phase involved detailed questions and answers about how military leaders would direct the resources of their services to make a demonstrable impact on rates of sexual assault. The major change was SAPRO's yearly report, which provided committee members and journalists with data to challenge military leaders and with metrics to assess the impact of new policies intended to stop sexual assault. This also led military leaders to acknowledge the limitations of their efforts to date. For example, in 2012, Gen. Mark A. Welsh, III (USAF) gave a seven paragraph answer to a question posed by committee chairman Carl Levin, noting along the way:

> What we have been doing is not working … There is a lot more work to be done here … I do not know if there is a tool that will allow us to help in that regard to at least identify predators … We cannot rest on our laurels. We have done a lot of work and we have made no difference. (US Congress, 2012: 542–543)

In the third phase of Senate interest in sexual assault, we see a breakdown in the long-standing rhetorical defences, which characterized the first phase. Whether this breakdown will be resolved with more effective techniques to combat sexual assault, whether it will plaster over with new and more effective rhetoric, or whether the whole topic will sink from view remains unclear. But it seems likely that the introduction of these reporting mechanisms will ensure that sexual assault remains a key challenge for all the future senior military commanders.

Discussion

In the current literature, scandal is generally seen as beginning with personal or institutional failure and as such is thought to signify poor governance. Some authors acknowledge a positive face to scandal, but this is mostly tentative (Adut, 2008; Thompson, 2000; cf. Brenton, 2012). But the case of sexual assault within the US armed forces suggests that scandal may be conceived as a governance mechanism. Theories of governance, though diverse, are premised on the idea that in modern, large-scale, complex societies, the practices of governing cannot be solely conceived in terms of formal institutions. The capacity of such institutions to steer policy is limited by the organizational and technical complexity of modern policy problems, and fact that knowledge about these problems is widely distributed (Pierre, 2006). Governing has thus become an iterative process involving a wide range of actors, most important among them secondary associations (Cohen and Rogers, 1992; Hirst, 2006). These include expert bodies, non-government organizations, professional societies, community groups, and so on, as well as the instrument of their collective voice, namely, the mass media (Pierre, 2006). Understanding how the interactions among these groups (e.g., with each other, with the public, and with formal government bodies) might be conceived of as *democratic* is a topic of considerable scholarly interest (Habermas, 2006; Hajer and Wagenaar, 2003; Hirst, 2006; Pierre, 2009).

But scandal does not appear in this scholarship. This seems problematic, for if scandal allows widely supported norms to be enforced in ever-widening institutional circles, it exhibits features of democratic control. After all, apart from voting, what other

large-scale discursive process can so profoundly and rapidly correct the behaviour of large public institutions? One of the remarkable features of scandals is how they displace quotidian politics, setting off a deep and extensive process of public deliberation. They allow for more inclusive and focused political discourse because the public recognizes that basic values are at stake. Indeed, it is due to the intensity of this discourse that large institutions can be compelled to reform.

The pressure exerted by scandal is uneven and its results are uncertain. Not all violations which ought to be scandalized attract broad attention. And yet, the case of the US armed forces suggests that, under certain conditions, even a highly autonomous public institution can be *corrected* where its pattern of violation is successfully publicized. To be sure, this particular process of correction was not driven by the political representatives of the American people. But such is not demanded by democratic theories of governance, where the primary concern is how public concerns are articulated within governing institutions. The broader point is that for scandal to occur, the violated norms which trigger it *must* enjoy widespread support, suggesting that their enforcement embodies something like the popular will.

A second way of conceiving of this case is to suggest that scandal processes allow for the alignment of normative principles across a society. On the matter of sexual assault, the US armed forces have long been out-of-step with other prominent institutions and with the public at large. If sexual assault were occurring at the rate it does in armed forces within any other large US bureaucracy, scandal would likely have erupted sooner and to greater effect. But because the US armed forces are in a uniquely powerful position, they were long able to deny the problem and, even upon acknowledging it, they were able to avoid seeking its rectification. But it was the phenomenon of scandal that compelled the DOD to *realign* its values and policies with those of the society which it exists to defend. Exactly how scandal should be integrated into the expansive scholarship on democratic governance remains to be seen. To our minds, it presents itself as a promising line of the future inquiry.

Conclusion

Sexual assault within the US armed forces is a serious problem that has been reported by the US media for about four decades. Despite this sustained public attention, reforms by military organizations aimed to eradicate sexual assault, and to justly punish perpetrators, have been very slow in coming. Indeed, for the first two decades of this period, that is, from 1970–1990, the problem was routinely ignored by senior military commanders. During the third decade, from 1990–2000, commanders acknowledged the problem, and its seriousness, but they did little to reduce its prevalence. During the last decade, however, major initiatives have been enacted to determine the prevalence of sexual assault and to tackle its basic causes. To begin explaining why this change suddenly came about, we have examined the relationship between media coverage of military sexual assault and reactions to this problem by senior military commanders.

While senior commanders were long able to deny or deflect the problem, this became extremely difficult by 2004, when a series of articles from the *Denver Post* put the issue on the national press, setting off a large-scale scandal. The key shift during this period was a consensus in the national press that sexual assault was a long-standing *systemic* problem within the armed forces. Soon after this scandal erupted, senior commanders began a wholesale process of organizational reform, one that began with the introduction

of a comprehensive reporting mechanism which would allow a clear view of the challenge they faced. Those reporting mechanisms were followed by a series of initiatives which sought to bring about profound cultural change with respect to sexual conduct at all levels within the armed forces.

Although these reforms have not brought about an equally profound reduction in the prevalence of sexual assault, it is clear that this reform process has a momentum of its own. All senior commanders will be measured, in part, on their success in reducing sexual assault. Although many factors lead to these reforms being introduced, the scandal surrounding sexual assault will be central to any more complete explanation. This scandal concentrated public attention on the problem and ensured that, in the immediate future, no senior commander could evade detailed questioning about sexual assault from Congressional committees. Extrapolating from this case, scandal can be understood as a mechanism of democratic governance, one which sees social norms *enforced* within institutions which have violated them and one that can see the normative *realignment* of institutions which are out-of-step with the societies in which they are embedded.

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Notes

1. The Secretary of Defense is the civilian leader of the Department of Defense (DOD) and is directly responsive to the president. The Chairman of the Joint Chiefs of Staff (CJCS) is the highest-ranked uniformed leader in the DOD and is response to the president and Defense secretary. Service chiefs are the highest-ranked uniformed leaders of the four US armed services, including Chief of Staff of the Army (CSA), Chief of Staff of the Air Force (CSAF), Chief of Naval Operations (CNO), and Commandant of the Marine Corps (CMC).
2. More recently, a RAND report estimated that between 18,000 and 22,400 active-duty service members were sexually assaulted in 2014 (Morral et al., 2016). Scholars have long recognized that sexual assault is routinely underreported (e.g. Potter and Moynihan, 2011). There is widespread suspicion that the military's autonomous system of justice is a contributing factor to its high rates of sexual assault (e.g. *New York Times*, 2013).
3. One nomination that of CSAF Gen. Larry D. Welch is not retrievable.
4. Four-star general and flag officers must gain congressional approval to retire at that grade or else revert to two stars. Approval is almost always given.
5. The leaker claimed that the memo came particularly in response to 25 January *Denver Post* story, which in turn cited officials with the Miles Foundation.
6. Subsequent policy established the reporting requirements for both restricted (classified) and unrestricted reports. Victims wishing to file restricted reports may discuss their experiences with Sexual Assault Response Coordinators (SARCs), who have been trained in Sexual Assault Prevention and Response Office (SAPRO) policy, with Sexual Assault Prevention and Response (SAPR) Victim Advocates, or their healthcare providers. Details of these reports are classified and are not passed on to any DOD agency or the victim's commander. By contrast, unrestricted reports trigger responses from law enforcement, commanders, SARCs, SAPR, and (optionally) healthcare providers. See http://www.sapr.mil for more information.
7. All data on military sexual assault response and prevention organizations come from the DOD SAPRO annual reports and from the respective websites of the agencies.

8. Although mainly drawing from the data provided by the services and collected from their sexual assault agencies, SAPRO has also periodically supplemented its reports with original data. The 2012 Annual Report included a long annex summarizing the *Workplace and Gender Relations Survey of Active Duty Members*, a DOD-sponsored survey of 22,792 Active Duty respondents. In 2014, it undertook an extensive analysis of the differences in reporting metrics used by the services.
9. See US DOD Sexual Assault Prevention and Response Office, DOD *Annual Report on Sexual Assault in the Military* (US Department of Defense, 2004–2013).

References

Adut A (2005) A theory of scandal: Victorians, homosexuality, and the fall of Oscar Wilde. *American Journal of Sociology* 111(1): 213–248.

Adut A (2008) *On Scandal*. Cambridge: Cambridge University Press.

Alexander JC (1989) Culture and political crisis: 'Watergate' and Durkheimian sociology. In: Alexander JC (ed.) *Durkheimian Sociology: Cultural Studies*. Cambridge: Cambridge University Press, pp.187–224.

Allen CD (2011) Assessing the army profession. *Parameters* 41(4): 73–86.

Apostolidis P and Williams JA (2004) Introduction: Sex scandals and discourses of power. In: Apostolidis P and Williams JA (eds) *Public Affairs: Politics in the Age of Sex Scandals*. Durham, NC: Duke University Press, pp.1–38.

Anden-Papadopoulos K (2008) The Abu-Ghraib torture photographs. *Journalism* 9(1): 5–30.

Barringer F (1990) Harassment of woman shakes Naval Academy. *New York Times* [online], 18 May. Available at: http://www.nytimes.com/1990/05/20/us/harassment-of-woman-shakes-naval-academy.html

Basinger S (2013) Scandals and congressional elections in the post-watergate era. *Political Research Quarterly* 66(2): 385–398.

Bellany A (2006) *The Politics of Court Scandal in Early Modern England*. Cambridge: Cambridge University Press.

Bowler S and Karp J (2004) Politicians, scandals, and trust in government. *Political Behavior* 26(3): 271–287.

Brenton S (2012) Scandals as a positive feature of liberal democratic politics: A Durkheimian perspective. *Comparative Sociology* 11(6): 815–844.

Clark A (2004) *Scandal: The Sexual Politics of the British Constitution*. Princeton NJ: Princeton University Press.

Cohen EA (2005) *Supreme Command: Soldiers, Statesmen, and Leadership in War*. New York: The Free Press.

Cohen J and Rogers J (1992) Secondary associations and democratic governance. *Politics & Society* 20(4): 393–472.

Denov MS (2006) Wartime sexual violence: Assessing human security response to war-affected girls in Africa. *Security Dialogue* 37(3): 319–342.

Entman RM (2012) *Scandal and Silence: Media Responses to Presidential Misconduct*. London: Polity Press.

Feaver FD and Kohn Richard K (2001) *Soldiers and Civilians: The Civil-Military Gap and American National Security*. Cambridge, MA: The MIT Press.

Feaver PD (2006) *Armed Servants: Agency, Oversight and Civil-Military Relations*. Cambridge, MA: Harvard University Press.

Fine GA (1997) Scandal, social conditions and the creation of public attention: Fatty Arbuckle and the 'problem of Hollywood'. *Social Problems* 44(3): 297–323.

Gerring J and Barresi PA (2003) Putting ordinary language to work: A min-max strategy of concept formation in the social sciences. *Journal of Theoretical Politics* 15(2): 201–232.

Gluckman M (1963) Papers in honor of Melville J. Herskovits: Gossip and scandal. *Current Anthropology* 4(3): 307–316.

Habermas J (2006) Political communication in media society: Does democracy still enjoy an epistemic dimensions? The impact of normative theory on empirical research. *Communication Theory* 16(4): 411–426.

Hajer MA and Wagenaar H (eds) (2003) *Deliberative Policy Analysis: Understanding Governance in the Network Society*. Cambridge: Cambridge University Press.

Hirst P (2006) Democracy and governance. In: Pierre J (ed.) *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press, pp.13–35.

Hunter M (2007) *Honor Betrayed: Sexual Assault in America's Military*. Fort Lee, NJ: Barricade Books.

Huntington SP (1957) *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. Cambridge, MA: Harvard University Press.

Janowitz M (1960) *The Professional Soldier: A Social and Political Portrait*. Glencoe: The Free Press.

Lawrence RG and Bennett WL (2001) Rethinking media politics and public opinion: Reactions to the Clinton-Lewinsky scandal. *Political Science Quarterly* 116(3): 425–446.
Loeb V (2004) Inquiry ordered into attacks on female GIs; sexual assaults are alleged overseas; women say treatment is lacking. *Washington Post*, 7 February, p. A18.
Markovits A and Silverstein M (1988) *The Politics of Scandal: Power and Process in Liberal Democracies*. New York: Holmes & Meier.
Merrill LL, Thomsen CJ, Gold SR, et al. (2001) Childhood assault and premilitary sexual assault in male Navy recruits. *Journal of Consulting and Clinical Psychology* 69(2): 252−261.
Mezner MB and Nigh D (1995) Buffer or bridge? Environmental and organizational determinants of public affairs. *The Academy of Management Journal* 38(4): 975–996.
Moffeit M and Herdy A (2003) Military justice probed. *The Denver Post* [online], 18 November. Available at: http://www.denverpost.com/ci_0001778298
Morral AR, Gore KL and Schell TL (2016) *Sexual Assault and Sexual Harassment in the U.S. Military: Volume 2, Estimates for Department of Defense Service Members from the 2014 RAND Military Workplace Study*. Santa Monica, CA: RAND Corporation.
New York Times (2013) Sexual assaults and military justice. *Editorial*, 13 March, p.A24.
Nyhan B (2015) Scandal potential: How political context and news congestion affect the president's vulnerability to media scandal. *British Journal of Political Science* 45(2): 435–466.
Oliver K (2006) *The My Lai Massacre in American History and Memory*. Manchester: Manchester University Press.
Parrish K (2012) Panetta announces initiatives targeting sexual assault. *DoD News* [online], 18 January. Available at: http://archive.defense.gov/news/newsarticle.aspx?id=66839 (accessed 13 September 2016).
Pierre J (2009) Reinventing governance, reinventing democracy? *Policy & Politics* 37(4): 591–609.
Pierre J (ed.) (2006) *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press.
Potter SJ and Moynihan MM (2011) Bringing in the bystander in-person prevention program to a U.S. military installation: Results from a pilot study. *Military Medicine* 176(8): 870–875.
Rottinghaus B (2014a) Monkey business: The effects of scandals on presidential primary nominations. *PS: Political Science and Politics* 47(2): 379–385.
Rottinghaus B (2014b) Surviving scandal: The political and institutional dynamics of national and state executive scandals. *PS: Political Science and Politics* 47(1): 131–140.
Rottinghaus B (2015) *The Institutional Effects of Executive Scandals*. Cambridge: Cambridge University Press.
Sass J and Crosbie T (2013) Democracy and scandal: A research agenda. *Comporative Sociology* 12: 851–862.
Schiff RL (1996) *The Military and Domestic Politics: A Concordance Theory of Civil-Military Relations*. New York: Routledge.
Schmitt E (2004) Military women reporting rapes by U.S. soldiers. *New York Times*, 25 February.
Segal DR and Kestnbaum M (2002) Professional closure in the military labor market: A critique of pure cohesion. In: Matthews LJ (ed.) *The Future of the Army Profession*. Boston: McGraw-Hill, pp.441–458.
Seifert R (1996) The second front: The logic of sexual violence in wars. *Women's Studies International Forum* 19(2): 35–43.
Thompson JB (2000) *Political Scandal: Power and Visibility in the Media Age*. Cambridge: Polity Press.
Turchik JA and Wilson SM (2010) Sexual assault in the US military: A review of the literature and recommendations for the future. *Aggression and Violent Behavior* 15(4): 267–277.
UPI (1970) Court martial of US marine. *New York Times*, 3 December. p. 13.
US Congress (1990a) *Nomination of Adm. Frank B. Kelso II to Be Chief of Naval Operation*s. Senate. Committee on Armed Services. 14 June. 101st Cong., 2nd sess.
US Congress (1990b) *Nomination of William J. Perry of California to Be Secretary of Defense*. Senate. Committee on Armed Services. 14 June. 103rd Cong., 2nd sess.
US Congress (1993) *Nomination of Gen John Shalikashvili to Be Chief of Staff of the Army*. Senate. Committee on Armed Services. September. 103rd Cong., 1st sess.
US Congress (1994a) *Action on the Nomination of Adm. Frank B. Kelso II, USN, to Retire in Grade*. Senate. Committee on Armed Services. 14 April. 103rd Cong., 2nd sess.
US Congress (1994b) *Nomination of Gen. Ronald R. Fogleman to Be Chief of Staff of the Air Force*. Senate. Committee on Armed Services. 29 September. 103rd Cong., 2nd sess.
US Congress (1996) *Nomination of Adm. Jay L. Johnson to Be Chief of Naval Operations*. Senate. Committee on Armed Services. 31 July. 104th Cong., 2nd sess.
US Congress (1997) *Nomination of William S. Cohen to Be Secretary of Defense*. Senate. Committee on Armed Services. 22 January. 105th Cong., 1st sess.

US Congress (2005a) *Nomination of Gen. Michael G. Mullen to Be Chief of Staff of the Army*. Senate. Committee on Armed Services. 19 April. 109th Cong., 1st sess.

US Congress (2005b) *Nomination of Gen. Michael T. Moseley to Be Chief of Staff of the Air Force*. Senate. Committee on Armed Services. 29 June. 109th Cong., 1st sess.

US Congress (2005c) *Nomination of Gen. Peter Pace to be Chairman of the Joint Chiefs of Staff Senate*. Committee on Armed Services. 29 June. 109th Cong., 1st sess.

US Congress (2012) *Nomination of Gen. Mark A. Welsh to Be Chief of Staff of the Air Force*. Senate. Committee on Armed Services. 19 July. 112th Cong., 2nd sess.

US Department of Defense (2004–2013) *Annual Reports*. Washington, DC: Sexual Assault Prevention and Response Office.

US Department of Defense (2013) *Sexual Assault Prevention and Response (SAPR) Program Procedures* (DOD instruction 6495.92). Washington, DC: Jessica L. Wright.

US Department of Defense Sexual Assault Prevention and Response Office (2014) *Department of Defense Annual Report on Sexual Assault in the Military*. Washington, DC: US Government Publishing Office.

US Department of Defense Sexual Assault Prevention and Response Office (2004–2014) *Department of Defense Annual Report on Sexual Assault in the Military*. Washington, DC: US Government Publishing Office.

US Department of Defense Sexual Assault Prevention and Response Office (2006–2015) *Annual Report on Sexual Harassment and Violence in the Military Service Academies*. Washington, DC: US Government Publishing Office.

USA Today (2004) Rape in the military: Female troops deserve much better. *USA Today*, 2 February, p. 10A.

Winerip M (2013) Revisiting the military's Tailhook scandal. *New York Times* [online], 13 May. Available at: http://www.nytimes.com/2013/05/13/booming/revisiting-the-militarys-tailhook-scandal-video.html

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