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Case Number 2098.0

## A Sharper Look at Zero Tolerance: Reports of Sexual Assault Rock the United States Air Force Academy

### Introduction

On October 29, 2002, Jessica Brakey—a senior at the United States Air Force Academy—fed up with how the Academy handled cases of sexual assault, sent an email to roughly 150 government and media addresses, reporting her own rape and that of several other female students.<sup>1</sup>

“Dear Sir or Ma’am,” she wrote:

I am a senior at the air force academy ... and since I have been here I know of many females who have been sexually assaulted (including myself) ... and the academy has done close to nothing to provide recourse, assistance or aid to the victims. ... The program they do have is inadequate, and fact is most girls who are raped end up leaving on their own after being “pushed out” by the system, or if they choose to stay endure so much political garbage that most of the time it deters them from reporting at all. The office of special investigations here has been known to purposely and negligently foil necessary evidence for rape victims ... all in the name of protecting the academy’s reputation. Is there anything that can be done? Can your office help some how?

Brakey had been raped by an upperclassman two years earlier but had decided to lodge an official complaint with the Academy just weeks before sending the email. By contrast, Brakey’s classmate Lisa Ballas, who was raped by a male cadet in 2001, had reported the incident to campus authorities, only for the case to be dropped after reaching “Article 32,” the military equivalent of a grand jury proceeding. In recent months, Brakey and Ballas had attended official and unofficial support groups for victims of sexual assault and harassment at the Academy. They found that most victims feared retaliation if they reported their attackers. The few who took action encountered either skepticism from superiors or risked punishment for infractions—such as possessing contraband or drinking in dormitories—at the time of the sexual assault. Brakey and Ballas, determined to seek justice for themselves and for fellow victims, drafted the email Brakey eventually sent.

Soon after receiving the email, a television news team in the nearby city of Denver began investigating the allegations. When journalists reached out to current and former female Academy students they were surprised to

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learn how many disclosed being raped or sexually harassed by male peers. Meanwhile, in December 2002 and again in January 2003, two other students sent anonymous emails to high-level Air Force officials at the Pentagon describing multiple incidents of sexual assault and harassment, as well as an entrenched culture of male impunity. In late January, yet another victim of rape, Beth Davis, disgruntled with the Academy's handling of her case met with a Colorado Senator, Republican Wayne Allard, who served on the Senate Armed Services Committee.<sup>A</sup> In February 2003, the Denver news team broke the story, detailing an alarming degree of sexual violence against female students. The television segment ended with Allard vowing to launch a Department of Defense investigation into the matter.

By the time Allard arrived on campus looking for answers, dozens of current and former students had come forward about being sexually assaulted at the Academy and the number was rising everyday. Academy Superintendent (equal to President of a civilian university) Lieutenant General John Dallager was at the center of an extraordinary crisis. Under the belief that his institution was at the forefront of military gender integration, Dallager did not anticipate the intense scrutiny to follow. Of all the military services, the Air Force was considered the most female friendly. The Academy enrolled women for the first time in 1976, and over the years, the Air Force had opened more than 99 percent of its positions to women, even that of fighter pilot—believed to be the most prestigious.<sup>2</sup> The sexual assault program Brakey referred to in her email was created a decade earlier by one of Dallager's predecessors. Counter to military policy elsewhere, it guaranteed confidentiality for victims of sexual assault. The program also offered a slew of prevention and support services. Dallager had learned that many regarded the Academy's repertoire of sexual assault services as the "gold standard," and over the years, several of its elements had been adopted at other universities.

But the growing number of allegations shined a harsh light on the Academy's culture and immediately cast doubts on Dallager's leadership. Why had he and other senior officials at the Academy failed to notice the scale of the problem? Or had they willfully ignored it? As public outrage grew and official investigators descended on campus, Dallager steeled himself.

### **United States Air Force Academy**

The US Congress established the US Air Force Academy in 1954. Similar to the roles of West Point for the Army, and the Naval Academy for the Navy, the Air Force Academy was created to train future Air Force officers. Graduates of the Academy received a rigorous four-year education that included military training, academics, athletics and what the military refers to as character development. Over the course of their time at the Academy, students, known as cadets, engaged in demanding military training, took required courses in a broad range of topics from engineering to social sciences, participated in team-based sports, and underwent mandatory coaching on leadership and character development before they could be commissioned as Second Lieutenants into the Air Force. With the help of the curriculum, Academy leaders sought to instill in cadets the core values of the Air Force – "Integrity first, Service before self, and Excellence in all we do," – while also teaching them the skills and knowledge they would need to succeed as Air Force officers.

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<sup>A</sup> Allard was also a member of the Academy's Board of Visitors.

Admission into the Academy was highly selective. Each year more than ten thousand high school students applied to the Academy but only about 1,200 were admitted. In addition to having a strong academic record and participation in extracurricular activities, candidates had to secure a nomination from a Congress member in their home district and pass a challenging physical aptitude test and medical examination. Furthermore, admitted applicants were supposed to be of “good moral character.” For this reason, Dean of the Academy David Wagie, like many others in the military, believed the Academy attracted “the best and brightest,” of young people in the country. “They are Eagle Scouts. They are student body presidents. Just the greatest kids,” Wagie said.<sup>3</sup>

Admitted students paid no tuition and received a monthly stipend, all covered by the U.S. government.<sup>B</sup> In exchange for free education, cadets committed to serve in the Air Force for several years after graduation.

The Academy’s roughly 4,000 strong student body, called the “cadet wing,” was organized into four groups of 10 squadrons each. Each squadron was assigned approximately 100 students, with equal numbers of cadets from each year. The cadet wing intentionally mirrored the Air Force “chain of command.” Fourth-year cadets (seniors), known as “First-Class” cadets, served at the top of the chain. Several third- (junior) and second-year (sophomore) cadets (known as “Second-Class” and “Third-Class” cadets respectively) were also selected for roles of responsibility, but the level of authority decreased with each lower class. A First-Class (senior) cadet led the entire cadet wing, and directed commanders of the four cadet groups. The four group commanders, in turn, led the commanders of the 10 squadrons in their groups. For all practical purposes, cadets lived and breathed with their squadrons during their time at the Academy. They shared the same dorms, ate meals together, and participated in military training and sports activities together. Together they learned to adhere to the cadet honor code, “we will not lie, steal, or cheat, nor tolerate among us anyone who does,” which formed the basis of all training at the Academy and informed much of the value system the authorities wanted to cultivate in the future Air Force officers.

As soon as they arrived on campus, first-year students (freshmen), or Fourth-Class cadets, faced a deluge of demands. Basic Cadet Training (known informally as “beast” for its challenging requirements) began the summer before the first year and ended with “recognition” in the spring. During this time, Fourth-Class cadets were supervised and disciplined by cadets from senior classes. First year training entailed a grueling discipline regimen designed to develop leadership skills, and given their status in the chain of command, Fourth-Class cadets were known as “doolies,” from the Greek word *duolos*, for slave.

Fourth-Class cadets faced a formidable list of rules, from personal cleanliness to maintaining order in the dormitories. Save for two personal possessions, Fourth-Class cadets couldn’t bring anything into their co-ed dorms. They were allowed phone calls on Sundays alone, and cell phones were banned. Television, music or video games were all considered contraband. Cadets were prohibited from having friendships or romantic or sexual relationships with cadets of different classes (known as fraternization). Upper class cadets were supposed to administer much of the discipline, but their actions were to be coordinated through the Commandant of Cadets (equal to Dean of Students at a civilian university), a general officer responsible for the cadets’ military training and development. Active duty officers were assigned to help guide and mentor each squadron and to assist the Comman-

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<sup>B</sup> In fiscal year 2002, the government cost was \$322,750 per Air Force Academy graduate.

dant in maintaining military discipline on campus. The Commandant exercised final authority when taking disciplinary action against significant infractions, such as underage drinking, drug use, or allegations of sexual assault.

The Commandant, the Dean of Faculty, and the Athletic Director reported to the Superintendent. The Superintendent, in turn, reported directly to the Air Force Chief of Staff.

In 2000, when the President appointed decorated Air Force officer and three-star Lieutenant General John Dallager as the 15th Superintendent of the Academy, it had been more than 30 years since Dallager had attended the Academy. Dallager's strongest memory of the Academy's Superintendent when he was a cadet was that of a "real old guy, whom we rarely saw."<sup>4</sup> Set to retire in September 2003, Dallager hoped to leave a legacy that would be carried forward by Air Force officers of the twenty-first century. Instead, his final position at the Air Force would test both his professional mettle and personal values.

### **John Dallager**

Dallager was perhaps six-year-old when his parents took him to watch the Thunderbirds—an aerial demonstration of a group of United States Air Force aircraft flying in formation. He was hooked ever since. He decided early to join the Air Force and was delighted to be admitted into the Academy in 1965. He found the Academy's training to be equal parts thrilling and humbling.

After graduating in mechanical engineering in 1969, Dallager trained to be a pilot, and his first assignment was flying fighter aircraft in the Vietnam War. He would later serve in combat and operations roles from US Air Force installations around the world, from Guam to Germany, and accumulate nearly 3,000 hours of flying experience. Over the years, Dallager developed a reputation for being a strategic commander and quickly rose up the ranks. In 1994, he was appointed as a fighter wing commander in Germany. The unit struggled as the military began reducing the number of bases in Europe, which placed additional demands on the staff that remained. Dallager noticed that service members in his unit were buckling under the pressure, and incidents of spousal and child abuse were on the rise. He worked with leaders at the Pentagon to bring in changes that would ensure tasks assigned to any given military installation would be commensurate with that installation's capacity.

In the spring of 2000, recently anointed three-star Lieutenant General Dallager arrived at the Air Force Academy to find an institution transformed. When he was last at the Academy there were no women cadets. "In so many aspects, the academics, the military training, and the composition of the student body, the Academy in 2000 was so much better," Dallager said. "The cadets themselves as they moved up to become sophomores, juniors and then seniors, took on more and more responsibilities that were more relevant to the actual Air Force and were about the style of leadership that you would expect to see in the Air Force."

Dallager relished his new role as Superintendent and found ways to interact with the cadets. For example, he personally gave one-on-one training to cadets on the Academy's motorized gliders so he could be part of introducing them to the joys of flight. But the terrorist attacks of September 11, 2001 shifted Dallager's focus. As the nation's military went into high alert, Dallager was tasked with securing the Academy's campus and personnel while still keeping its doors open to visitors. The Academy's sprawling grounds in the picturesque town of Colorado Springs was a top tourist destination attracting millions of visitors every year.

The day-to-day management of the Academy fell to the Dean, the Commandant, and the Athletic Director. But it was up to Dallager to oversee their activities, set the strategic direction for the Academy and maintain the highest academic, military and athletic standards.

After a disturbing event in mid-2002, when students posted a sexually derogatory flyer at an academic department party, Dallager understood the Academy had to redouble its efforts to promote a culture of respect for women. He recalled that he and his staff were working on those plans when the scandal broke.

## **Women in the Air Force**

In 1975, Congress passed legislation permitting women to attend the military service academies, and the first women entered the Air Force Academy in 1976. The move was hailed as an important step for the Air Force in specific and the military in general, yet from the beginning, female cadets faced a spate of challenges. The Class of 1979, the last male-only class, adopted the motto, "Loyalty, Courage, Wisdom, and Bravery" (LCWB); unofficially, the acronym stood for "Last Class With Balls," or the "Last Class Without Bitches."<sup>5</sup> Even as more female cadets were admitted to the Academy each year, reports suggested that resistance to women remained prevalent.<sup>6</sup>

Congressional law forbade women from serving as bomber and fighter pilots until the early 1990s. Over the years, however, Academy leaders sought to advance gender integration. Although experts didn't consider the Academy to be perfect, by the 1990s, it was seen as the most progressive of the nation's service academies.<sup>7</sup> The Government Accounting Office found that the Academy was often rated higher than the other military academies on gender integration.<sup>8</sup>

By 2003, 18 percent of the cadet body was female.<sup>9</sup> On average, however, women ended up dropping out more than men and thus were underrepresented at the higher ranks. The system of increasing authority given to upper-class cadets had the potential to make women, in particular, vulnerable to superiors who exercised a high degree of power and leverage over them. Beth Davis, for example, was sexually assaulted and later raped, over a period of months, by an upperclassman who had initially befriended her by promising access to contraband.

In a highly competitive environment where the cadets were scored not only on their academic grade, but also military bearing and athletic performance, the stakes were very high. "On the military performance dimension, the chain of command rates cadets," said Laura Miller, a military expert at RAND Corporation. "Peers rate them as well. The fact that any tiny thing might weigh against you in these evaluations or even when the Academy is selecting cadets for leadership positions is something cadets think carefully about."<sup>10</sup> Some female cadets, who were already a small minority in their squadrons, worried that others might question whether a victim of sexual assault could be a leader. And they were concerned that such doubts were likely to give an edge to male cadets or other female cadets who didn't lodge complaints. These evaluations mattered a great deal in large part because class standing at the end of four years was used to match cadet career preferences to available occupational positions. The higher a cadet was ranked, the more likely he/she was going to be able to choose a career field of interest. Thus, a drop in class standing could have a lasting impact, and one that not every cadet was willing to risk.

Being treated as second-class citizens was, in some ways, a way of life for many women at the Academy, and nearly three decades after the first female cadets joined the Academy, it appeared that the issue continued to plague the campus.

## **Sexual Assault Reporting**

A decade earlier, in 1993, Superintendent of the Academy Lieutenant General Bradley Hosmer, in response to an alleged gang rape of a female cadet by three male cadets, established a sexual assault response system that allowed victims to come forward confidentially. Victims could report being sexually assaulted to medical professionals or counselors, but the report would only move up the leadership chain of command if the victim chose to come forward and identify the accused.

Hosmer believed that confidential reporting was key to encouraging victims to come forward and seek care, but the new reporting system was in direct conflict with the way the rest of the military handled reports of sexual assault. The Office of Special Investigations (OSI), a law enforcement arm of the Air Force, was charged with investigating sexual assault offenses across the organization, and medical personnel in all units were required to notify the OSI of every alleged or suspected sexual assault. OSI did not approve of the Academy's new system because it potentially eliminated the opportunity to investigate alleged crimes and restricted the Air Force's ability to prosecute offenders.<sup>11</sup>

In 1997, the Academy proposed a compromise and requested a formal exception to Air Force regulations for the confidential reporting system. If a victim wished to remain anonymous, medical providers would initiate a process that tracked the assaults, through the Office of the Commandant, not the OSI. The OSI would investigate only if the Superintendent, on the advice of the Commandant, overruled the victim's request for anonymity. The Air Force granted the Academy a one-year exemption, but the Academy kept its system intact even after the exception expired.<sup>12</sup> And over the years, the Academy's sexual assault prevention and response program grew to include an educational component for cadets and staff, an anonymous hotline staffed by trained cadet volunteers, and cadet victim advocates supervised by the Dean. A counseling center was created under the office of the Dean to help victims receive the psychological support they needed. Because the counselors did not fall under the Commandant's authority, the Academy hoped victims would come forward freely. In parallel, a Sexual Assault Committee chaired by the Commandant took disciplinary action against alleged perpetrators and tracked sexual assault reporting with annual surveys. In addition, to urge greater reporting of sexual crimes, victims, in some instances, were eligible to receive amnesty for relatively minor infractions, such as drinking in the dormitories or "fraternization," committed at the time of the assault.

By 2002, the program was recognized as a comprehensive approach, and several military and civilian universities modeled their own sexual assault response programs on it.

## **The Scandal**

Yet for cadets like Jessica Brakey, Lisa Ballas, Beth Davis, and dozens of other former and current students who had come forward in 2003 saying they had been raped by male cadets, the sexual assault response program

at the Academy was simply not working. Many victims had never made allegations of rape because they feared not being taken seriously by the authorities or were worried that their careers would suffer if they made the assault public. Victims who sought help often felt scorned by superiors. And routinely, accused male cadets did not undergo court martial proceedings, while victims faced punishment for minor infractions. After being sexually assaulted, many women experienced severe psychological trauma, causing their grades and performance at the Academy to suffer. Several felt compelled to drop out, giving up on their dream of being Air Force officers. Those who stayed felt shunned by their peers or felt blamed by the authorities for allowing themselves to be raped.

Over the 10 years that the Hosmer sexual assault response and prevention program was in operation, there were 142 formal reports of sexual assault, but just one conviction.<sup>13</sup> In 2003, after multiple allegations of cadet sexual assault surfaced, it was clear that the official number reflected only a fraction of the reality on campus. To General David Wagie, Dean of Faculty, it was “excruciatingly painful to have students say that we didn’t protect them.”

After the scandal broke, Dallager tried to reconcile the fact that the Academy had a reputation for the best sexual assault response and prevention program even as scores of female students had experienced physical and emotional attacks under his watch. “I realized that the sexual assault problem was worse than we thought or were willing to admit,” Dallager said. “And unfortunately it was going to be very, very public, but that was probably the best thing that could happen. It would focus attention and resources on an issue that needed addressing.”

In January and February 2003, Dallager and his staff provided answers to a host of queries raised by officials such as Senator Allard and the Air Force Chief of Staff. They submitted documentation and reports to the Air Force and the Congress. They explained how the sexual assault response system was intended to function, provided an analysis of how the Academy dealt with reports of sexual assault, and offered their understanding of why there had not been more convictions in sexual assault cases.

Academy officials felt they had, over the years, tried to address the complex set of issues surrounding sexual crimes, which, by their nature, were difficult to bring to light and even harder to prosecute. “There is no reason anybody under our care should be assaulted by another member of our organization,” said Dean Wagie:

But it was a very challenging leadership issue. There had been allegations for years between the men and women cadets about sexual assault and other inappropriate behavior. When we had the ability to get evidence, we would certainly prosecute. But there was a sense at the Academy, as there is among any group of teenagers and college students, of not coming forward and saying anything, of not turning in your friend. That overall climate in the dorms was always hard to break.

Officials faced two interrelated challenges when it came to sexual assault cases. “One was to get to the bottom of each individual case,” explained Wagie. “And the other was to stem attitudes and behaviors within the student body that allowed such things to happen.”

Getting to the bottom of each case was difficult. Very often, victims didn’t come forward about being sexually assaulted or raped for months or even years, at which point there was rarely any forensic evidence of the assault

that could stand up in court. Regularly, victims spoke to counselors confidentially and did not want the assault to be made public. Without evidence, or under the charge of confidentiality, the Academy had little ability to take prosecutorial action. “It is very frustrating,” Wagie said. “You can’t prosecute individual cases if the person giving you the information doesn’t want it, or if there isn’t enough evidence to do so.”

Between 2000 and 2003, Dallager, Wagie, and Gilbert periodically talked about better ways to combat this problem. “We consulted experts,” said Wagie:

We asked if the Counseling Center should be under the Commandant. We asked if we should have non-confidentiality. So anytime we heard about an allegation, it would get run up through the normal channels. But all the professionals told us, and so did the students, that the counseling center needed to be a safe haven. On the disciplinary side officials wanted to take action if something was wrong. They would question anybody involved and try and get more information, but that’s what would make the alleged assault public. And we had female cadets who didn’t want their name made public. They didn’t want their peers to know that they came forward.

To balance the Academy’s need to collect accurate information even as it protected the needs of victims, Dallager’s staff focused on Character Development courses and workshops to increase awareness around sexual assault and engender a culture of respect and tolerance. Each year, the Counseling Center provided anonymous statistics on sexual assault rates to the Dean who used the data to gauge trends and determine future need for trainings, workshops or other services. An annual cadet survey conducted by the Commandant’s office was meant to get a sense of the issues and challenges students faced on campus.

With all these elements in place, Dallager and others believed they had an effective system in place. “In retrospect, we had a false sense of well-being,” said Dallager. “I learned that whenever you start believing your own press or you start drinking your own Kool-Aid that’s when you should get a little nervous and play devil’s advocate.”

By January 2003, it had become painfully evident to Dallager that the Academy leadership had unwittingly presided over a sexual assault epidemic on campus. In response to the allegations, Dallager talked to victims, held consultations with students and staff, and worked with Dean of Faculty David Wagie, the Commandant and other officials to understand the real scale of the problem. “[Dallager] was put in a very difficult situation,” said Wagie. “He had to decide between my input to him, the Commandant’s input to him and the legal office’s input to him on what he could do to change things.” In the wake of the scandal, “Dallager sat down with all of us. Asked us, ‘what do we do, how do we do it?’ I think he put a tremendous amount of effort into addressing the issue,” Wagie said.

Critics, however, contended that Dallager and his staff had powerful motives to hide their role in the problem growing to the extent that it did. In Washington, D.C., Congressional leaders and the Air Force Secretary moved swiftly to identify and bring to account those responsible. In January 2003, the Air Force created a high-level working group to assess the allegations. And soon after, the Air Force General Counsel sent investigators to the Academy to conduct surveys of students and staff, review how current and historical sexual assault cases had been handled, and analyze the Academy’s overall response and prevention program.



After several months, the investigators found the Academy leadership not culpable and declared that there was “no systemic acceptance of sexual assault ... or institutional avoidance of responsibility.”<sup>14</sup> The Air Force, however, ordered a series of changes to be made at the Academy in a nine-page manifesto entitled “Agenda for Change.” The changes ranged from removing a prominent sign at the Academy that read “Bring Me Men,” to making the student-led disciplinary system less onerous for freshman cadets.

In those same months, however, reports of sexual assault at the Academy kept rising and grew more problematic in detail. Several victims singled out Academy officials, such as the Commandant Taco Gilbert, and Colonel Laurie Slavec, in charge of cadet conduct, as unsupportive and prone to blaming the victim.<sup>c</sup> Other victims talked about how the counselors themselves discouraged cadets from coming forward about assaults, warning them that they would be ostracized by fellow cadets or that they would be jeopardizing their careers.<sup>15</sup>

With many questions still unanswered, Defense Secretary Donald Rumsfeld, under directions from Congress, created a seven-member independent panel in May and June 2003, headed by former Republican House Representative Tillie Fowler to investigate the allegations.

Around the same time, the Air Force Chief of Staff called Dallager and told him that he was replacing much of the top leadership at the Academy. Dallager would not serve the rest of his term as Superintendent. “I was effectively removed,” said Dallager, “and assigned as special assistant, which is just a holding pattern.” Commandant Gilbert and other leaders were also reassigned in the shuffle. Only Dean Wagie remained in his role and was joined by General John Weida as the new interim Superintendent.

### **The Fowler Commission**

In the months that the Fowler Commission investigated the sexual assault scandal, the panel visited the campus regularly, consulted with students, met with victims, analyzed the Academy’s survey data and carefully studied the documents provided by the Academy. They found a system that, in theory, was meant to prevent sexual assault and protect victims but, in practice, was flawed.

Laura Miller, a military sociologist at the RAND Corporation, was one of the members of the panel. “One thing we saw as problematic was leadership’s use of the cadet climate survey,” said Miller:

Among the survey questions were items related to sexual harassment, attitudes toward gender, and gender integration at the Academy. There were a lot of opportunities for cadets to make notes in the survey too. The office responsible would conduct the survey and provide the results to leadership. But we were told that one reason leadership didn’t respond to indications of gender-related problems in the survey results was that the surveys had been deemed statistically invalid. And yet, the next year, they would do the same survey with the same methods and come to the same conclusions. So as it was explained to us, each time they would collect and report the information but then discount it. Without changing anything about it to fix the problem.

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<sup>c</sup> Based on these reports, critics accused Gilbert’s crackdown on illicit drug use, as well as his penchant to hand out harsh punishments for even small infractions, as some of the reasons the rape epidemic remained undetected under his tenure.

According to the panel, the Academy leadership admitted that they had access to information from the cadet surveys, but “if they had questions about the validity of the survey instrument, they did nothing about it,” said Miller. “Why were the findings from the survey discounted or ignored?”

In another area of concern, the Commission found that the practice of granting confidentiality to the victim, while a worthy endeavor, created serious conflicts of interest. “The idea was their counseling center would be the first place the victims could go,” said Miller. “Then the counseling center could provide some general or anonymous information to leadership and then leadership would still have the right to override the request for confidentiality.” The Commission found that this policy took various forms over the years, but always ran the risk of going too far in any one direction. “If victims have no control over where the information goes, then we may never hear from them,” Miller explained. “On the other hand if victims have complete control over the information, leadership is worried that there’ll be an entire undercurrent of criminal and harmful behavior happening right under their noses and they won’t know anything about it. They’ll be unwittingly commissioning rapists into the Air Force.”

In setting up a system where counselors were the go-between, the Academy believed it had struck the right balance. “But if you think about social workers, psychologists, or psychiatrists and the professional training they undergo,” said Miller:

It is about confidentiality and protecting and prioritizing the patient, it’s not about prioritizing the needs of an institutional hierarchy. Some of the counselors were military officers, but they were practicing as psychotherapists so they had to make a judgment call. The problem was that not only were they not necessarily sharing that information with Air Force leaders, but in some cases they would discourage victims from filing official reports, because they thought it was just going to make things worse for the victim.

Time and again, the Commission’s inquiry hit upon a larger, more troubling issue: the culture at the Air Force Academy. “The Air Force had the greatest percentage of women,” said Miller:

They had almost all of their occupations open to women. So it was particularly striking to hear some of the same arguments among male Air Force cadets that I heard from older military personnel and those of the ground forces. They would focus on things like how many women did arm hangs versus pull-ups. And they would use it as evidence that women were somehow less qualified to be Air Force officers. It was baffling.

In analyzing the cadet surveys the panel found that on average one in five male cadets believed women did not belong at the Academy.<sup>16</sup> “These young men have no memory of an Air Force Academy without women, yet somehow they believe it should be that way,” noted Tillie Fowler.<sup>17</sup>

Overall, the panel received unsatisfactory answers for why officials had ignored signs of the sexual assault problem. “In 1993, General Hosmer did more with less,” Miller argued. “In hindsight we can question the system he came up with and how it was implemented, but he actively tried to find a solution. He reached out with very little information about the problem and uncovered what had been going on without leadership knowledge.” The panel found that same drive lacking in successive administrations.

In September 2003, once the inquiry was complete, the panel submitted a searing report to Secretary Rumsfeld, placing the blame squarely on past leaders of the Academy for disregarding warnings of sexual assault. “The sexual assault problems at the Academy are real and continue to this day,” said Tillie Fowler, the chair of the Commission. “We found a deep chasm in leadership during the most critical time in the Academy’s history.”<sup>18</sup> The report accused the Office of the Air Force General Counsel of failing to disclose the history of official neglect with its own prior investigation, and it accused the office of shielding the Air Force from public criticism. “Since at least 1993, the highest levels of Air Force leadership have known of serious sexual misconduct problems at the academy,” the report concluded. “But failed to take effective action.”<sup>19</sup> Instead, the Commission stated that officials only made limited efforts to investigate the issue but quickly abandoned those efforts.

The Commission singled out Dallager, Gilbert and others, severely criticizing them for their inaction despite the presence of warning signs, and demanded that their records come under serious scrutiny.

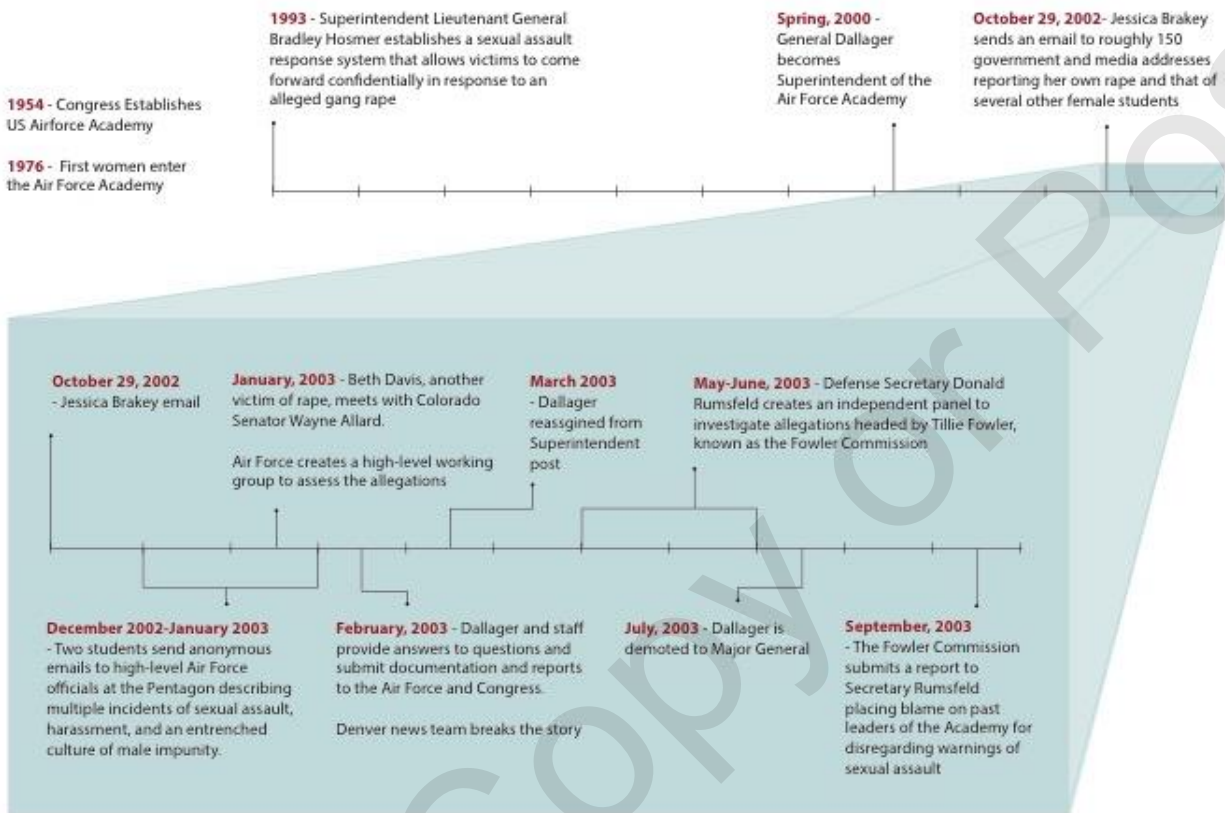
### **The Demotion**

But by the time the panel’s report had been made public, Dallager had already been held to account by the Air Force. Just weeks earlier, in July 2003, Dallager was demoted. It was the Air Force’s strongest step to punish a commanding officer for the scandal. In a press statement, the Air Force said that Dallager “did not exercise the degree of leadership in this situation that we expect of our commanders,” and added that he should have “heeded the indicators of problems and he should have aggressively pursued solutions to them.”<sup>20</sup>

Stripped of one of his three stars, Dallager would retire as Major General with a lower pension and a very public failure.

The day after he learned of the demotion, Dallager delivered his first and only public testimony to the Fowler Commission. He said he was “very disappointed” with his demotion but maintained that he was unaware of the degree to which sexual assault was a problem at the Academy.

## Exhibit A: Timeline of Events



Source: Created by Elizabeth Moran.

## Endnotes

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<sup>1</sup> Clara Bingham, "Code of Dishonor," *Vanity Fair*, December 2003.

<sup>2</sup> Margaret Harrell and Laura Miller, "New Opportunities for Military Women," RAND Corporation Research Brief, 1997.

<sup>3</sup> Unless otherwise stated, all quotations attributed to David Wagie were drawn from an interview with the author on December 2, 2015.

<sup>4</sup> Unless otherwise stated, all quotations attributed to John Dallager were drawn from interviews with the author on November 16, 20 and 23, 2015.

<sup>5</sup> Clara Bingham, "Code of Dishonor," *Vanity Fair*, December 2003.

<sup>6</sup> Lindsay, "Talking Paper on Integration and Performance of Women," April 12, 1985.

<sup>7</sup> R. Nicholson, "Report of DACOWITS visit to the United States Air Force Academy."

<sup>8</sup> Government Accounting Office, "DOD Service Academies: Update on Extent of Sexual Harassment," NSIAD -95-58, April 1995.

<sup>9</sup> Faye Fiore and David Kelly, "Air Force Academy women say cadets 'just don't get it,'" *Los Angeles Times*, March 16, 2003.

<sup>10</sup> Unless otherwise stated, all quotations attributed to Laura Miller were drawn from an interview with the author on November 24, 2015.

<sup>11</sup> United States Air Force, "The Report of the Working Group Concerning Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy," August 2004.

<sup>12</sup> "The Final Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy," September 2003.

<sup>13</sup> United States Air Force, "The Report of the Working Group Concerning Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy," August 2004.

<sup>14</sup> Ibid.

<sup>15</sup> Diana Jean Schemo, "4 Top Officers at Air Force Academy Are Replaced in Wake of Rape Scandal," *The New York Times*, March 26, 2003.

<sup>16</sup> "The Final Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy," September 2003.

<sup>17</sup> Ibid.

<sup>18</sup> Diana Jean Schemo "Air Force Ignored Academy Abuse," *The New York Times*, September 23, 2003.

<sup>19</sup> "The Final Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy," September 2003.

<sup>20</sup> Diana Jean Schemo "Ex-Superintendent of Air Force Academy is Demoted in Wake of Rape Scandal," *The New York Times*, July 12, 2003.