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# House Armed Services Committee Military Social Media Policies - (Hearing) - As Released By The U.S. Congress

## LIST OF PANEL MEMBERS AND WITNESSES

### AS RELEASED BY THE U.S. CONGRESS

COFFMAN:

This hearing is now called to order.

I want to welcome everyone here to this afternoon's Military Personnel Subcommittee hearing. The purpose of today's hearing is to receive an overview of the military services' existing social media policies and to learn what changes are being considered to strengthen, disseminate, and enforce these policies in light of recent reports of extremely disturbing online behavior.

The rapid emergence of social media as one of the dominant means of communication over the past few years has resulted in many positive and negative consequences. While social media has proven to be an effective and efficient means of instantly disseminating important information and views to millions of people, it can also serve as an all-too-effective platform for bullying and harassment.

Although social media has the power to connect service members and veterans seeking support, these same tools can be used to demean and psychologically harm fellow service members. While these issues are not limited to the military --

and, in fact, are rampant throughout civilian society -- social media harassment and military -- in a military setting can be particularly damaging because of its effect on service member morale and good order and discipline. In short, these actions can erode our military readiness.

In recognition of these challenges, I am aware that each of the military services has a social media policy designed to govern service members' conduct when using social media. However, it is clear from recent cases that these policies have not been effective and must be strengthened in order to prevent the abhorrent behavior recently reported in conjunction with the United States -- with the Marines United case.

I look forward to hearing from our witnesses today about the military services' current social media policies and how these policies are communicated and trained to the force. I am also interested to hear what improvements each of the services are considering in light of the recent cases, and how the services will ensure that every service member receives effective training on appropriate online behavior and bystander intervention.

Finally, I would like to know what resources are available for victims of online harassment, including legal and behavioral health assistance.

Before I introduce our panel, let me offer the ranking member, Ms. Speier, an opportunity to make her opening remarks.

SPEIER:

Mr. Chairman, thank you. I have to say, I am disappointed in the topic of this hearing. Framing the issue as military social media policies, frankly, misses the point. No one has ever gone on Facebook, looked at nonconsensually posted

intimate photos, typed a rape threat, and then stopped and said, Oh, I better not make rape threats, that is against the military's social media policy.

All of these services have had social media policies that state it is against good order and discipline to make disrespectful and derogatory posts. But here we are, exactly where we were 4 years ago, when I stood on the House floor and condemned the online bullying of U.S. Marine Corps service women on a public Facebook page.

At the time, General Amos, who was then the Commandant of the Marines, responded by stating, quote, "We share your indignation," unquote, then proceeded in his letter to address the online abuse of female marines as an IT [information technology] issue.

Colleagues, it is time to get serious about this. General Neller told us just last week, that, quote, "This is not a social media problem, but we have a cultural problem," unquote. So it is appalling that the committee is treating it as such in this hearing.

Now, it is appalling that we are not hearing from any service members or veterans who have been victimized by nonconsensual pornography. If this was just about inappropriate social media use, well, I don't want to have to be the one to have to tell Congress or military leadership about this, but it is not hard to find pornography on the internet.

There is no inherent need to seek out photos of one's colleagues to make puerile Facebook posts whether or not they are against official social media policy. No, this is about service members deliberately trying to degrade, humiliate, and threaten fellow service members. They encourage stalking, distributed stolen intimate photos, and have reduced their comrades to a collection of body parts.

This cultural rot, which is clearly regressed even before, since 2013, harms our troops and our readiness. It is abundantly clear that this is not a few bad actors but rather, a cancer that has continued to spread and thrive in both the enlisted ranks and the officer corps.

The collateral damage has been the countless women and men who have answered the call to serve their country and have been betrayed.

I have requested a hearing with the service chiefs to discuss these issues, but here we are talking about IT again without a single survivor of nonconsensual pornography giving testimony.

So, today, let's have a discussion about the culture of the military and how to enforce these policies and address inappropriate and illegal behavior on social media.

The services bring in almost 200,000 new enlistees every year that come from a wide variety of backgrounds. Increasingly, those recruits are female. For example, more than 25 percent of new Navy recruits are women. Female service members are not going away. They are here to stay. They have every right to serve their country. They have every right to have the opportunity to have an experience in the military that gives them benefits and the opportunity to extend their education.

As General Neller said last week, the reality is that we can't go to war without women anymore. So we need to deal with this. What I would like to learn from each of our witnesses today is how do you embed your policies into everyday training and military life.

If it is not engrained into daily life and operations of the military, then I believe it is not taken seriously. And how do you assess and adopt those policies when it is clear they are not working?

More importantly, how do you reinforce that the type of behavior we have seen recently is not okay? Do you need to re-evaluate how you are educating the force and what can Congress do to help? We don't need to talk about social media policies. We need to talk about how to end this hatred and misogyny.

Thank you, and I look forward to your testimony.

COFFMAN:

Thank you, Ms. Speier.

I ask unanimous consent that non-subcommittee members be allowed to participate in today's hearing after all subcommittee members have had an opportunity to ask questions.

Is there an objection? Seeing none, so ordered.

Without objection, non-subcommittee members will be recognized at the appropriate time for 5 minutes.

We are joined today by an outstanding panel. We will give each witness the opportunity to present his or her testimony and each member an opportunity to question the witnesses for 5 minutes. We would also respectfully remind the witnesses to summarize to the greatest extent possible the high points of your written testimony in 5 minutes or less. Your written comments and statements will be made part of the hearing record.

Let me welcome our panel. Mr. Anthony Kurta, performing the duties of Under Secretary of Defense for Personnel and Readiness; Lieutenant General Mark

Brilakis, Deputy Commandant, Manpower and Reserve Affairs; Lieutenant General Gina Grosso, Deputy Chief of Staff for Manpower, Personnel, and Services, United States Air Force; Vice Admiral William Burke, Chief of the Naval Personnel; and Major General Jason Evans, Director of Military Personnel Management, United States Army.

Okay. With that, Mr. Kurta, you may make your opening statement.

KURTA:

Mr. Chairman, Ranking Member Speier, distinguished members of the subcommittee, thank you for inviting us to testify today regarding DOD [Department of Defense] policies addressing sexual harassment, hazing, and bullying by service members through the use of electronic communications to include online social media sites.

The Department is committing to providing and promoting an environment where all service members are treated with dignity and respect.

We are focused on eradicating behaviors that undermine military readiness, including unlawful discrimination and harassment. Such misconduct is fundamentally at odds with our core values and the expectations of the American people. These behaviors jeopardize our military mission, weaken trust within our ranks, and erode unit cohesion.

The U.S. military is an institution held in high regard by the American people, mostly because we embody high standards and values. However, we are not a perfect institution.

Overwhelmingly, the vast majority of our brave men and women serving in uniform do so honorably and bravely. When these men and women volunteer to serve in our military, they do so knowing the risks involved. However, bullying

and sexual harassment, cyber or otherwise, by fellow service members should never be one of those risks.

We do our best to uphold our standards and values across the world every minute of every day. On occasion, service members fail to meet these standards. When that happens, we endeavor to the best of our ability to hold each and every one accountable for their actions.

I can tell you that the Secretary of Defense is investing a significant amount of his personal time to this issue, providing his vision and direction directly to the service secretaries and the Department's most senior uniformed leaders and listening to those most involved in setting and upholding our standards and our values.

The Secretary believes that our most successful and ready warfighting units are those with the best discipline. On the battlefield, you must have full trust and confidence in your teammates. That is not possible when you do not treat them with dignity and respect.

We have structures in place to address this issue with a combination of leadership, because we treat this as a leadership issue, education, and training, needed updates to our policies, and the flexibilities that the UCMJ [Uniform Code of Military Justice] affords us. As we continue to address social media activities and review our policies, we will, of course, work with the Congress on any issues or challenges that we identify.

Mr. Chairman, members of this subcommittee, thank you for the opportunity to speak with you today. It is an honor to serve our military members, and I look forward to your questions.

COFFMAN:

Thank you, Mr. Kurta.

Lieutenant General Brilakis, you are now recognized for 5 minutes.

BRILAKIS:

Chairman Coffman, Ranking Member Speier, and distinguished members of the subcommittee, I appreciate the opportunity to appear before this subcommittee today to provide an overview of Marine Corps social media policies. As our Commandant testified to last week, we were all disturbed and hugely disappointed by recent online conduct by some of our marines toward their fellow marines. We take this online behavior as an attack on our Marine Corps ethos.

You have my word that we will hold accountable any behavior that has a corrosive effect on the good order and discipline within our corps. We are all committed to using all of the means within our authority to address this unacceptable conduct.

Our first priority is to take care of those harms by this recent online conduct. We continue to encourage individuals to come forward, and we stand ready to provide immediate support, information, and referral services to those needing assistance.

Every marine who takes the oath to support and defend our Constitution, who puts on the uniform, and who puts their life on the line to defend our way of life here and at home is provided and has earned the trust and respect of the American people. So too should they be given that same trust and respect by those of us in uniform.

Any breach of that trust and respect within the ranks cannot be tolerated and must be dealt with with affirmative steps to support those individuals harmed by these actions with clarity to ensure that all marines act with honor and with accountability for those who fail to live up to our standards of conduct. We will



be immediate, decisive, unceasing in fixing this problem and defeating this attack on our core values.

Thank you for the opportunity to present at today's hearing.

COFFMAN:

Thank you for your testimony.

Lieutenant General Grosso, you are now recognized for 5 minutes.

GROSSO:

Chairman Coffman, Ranking Member Speier, and distinguished members of this subcommittee, thank you for the opportunity to discuss recent events effecting our airmen and their families.

Let me be clear: cyber bullying, hazing, and sharing private images of our airmen is inconsistent with the Air Force's core values and our culture of dignity and respect.

While the tools of modern warfare may change, the importance of trust never will. Trust is essential to victory on the battlefield, and when we violate trust on social media, we break down the fabric of what it means to be an airman. It also degrades the trust between the Air Force and the American people we serve.

For a number of years, the Air Force has worked to improve how we build culture and instill an understanding of expected behaviors in our airmen. We started in 2012 by publishing Air Force Instruction 1-1, Air Force Standards. It was further updated in 2014 to clarify, among other things, the social media section of the instruction. We went one step further in 2015 and in a time of diminishing resources when we stood up the Profession of Arms Center of Excellence,

affectionately known as PACE. PACE is dedicated to providing tools and training materials designed to help commanders, supervisors, and airmen understand and embrace our core values, our standards, and our expectations for all airmen.

In the specific area of social media, we have training modules in the curriculum of all of our accession sources, officer and enlisted, to include scenario-based training and basic military training that covers social media use. We also cover social media use in all our professional military education courses from Airman Leadership School through Air War College. We have incorporated social media policies into a variety of generic and functionally specific Air Force instructions that discuss professional and unprofessional relationships as well as the proper use of social media in Air Force communications.

In parallel, our performance evaluations system includes a requirement to evaluate and comment on an airman's adherence to treating other airmen with dignity and respect as well as an airman's responsibility to positively contribute to a healthy organizational climate.

While these various efforts have been ongoing, developing and improving our Air Force culture is a continuous journey whereby we monitor, adjust, and evolve. Unfortunately, these recent social media events provide us another lens to view areas where we can improve and better scaffold our training, education, and policy efforts.

From an accountability perspective, we condemn these inappropriate acts. The Air Force Office of Special Investigations is investigating allegations regarding information and inappropriate photographs of airmen posted on websites without their prior consent. Airmen whose images were posted without consent have a number of resources available to them.

Regardless if it is an airman who is deployed or at home station, they can seek help from their unit commanders, first sergeants, and supervisors. They are also encouraged to seek help directly from a variety of resources to include chaplains, military family life consultants, mental health professionals, airman and family readiness centers, master resiliency trainers, the Inspector General security forces, the local judge advocate, equal opportunity, our Office of Special Investigations, our victim advocates, special victims counsel, and sexual assault response coordinators, all who provide care and serve a bridge to other specialties. There are also online resources available through Military OneSource and the Department of Defense.

We are currently assessing all legal and administrative tools at our disposal to attack this problem and are considering additional authorities we need as a service. Once our review is complete, we will not hesitate to ask for your assistance in providing additional tools as necessary.

If the past two decades have taught us anything, it is that the demand for airspace and cyber power is growing. In the words of our chief of staff, "From our newest airman basic to the chief of staff, we are all accountable for meeting ethical and performance standards in our actions."

We should live our core values every day on and off duty. We must continuously conduct ourselves in a manner that brings credit to our Nation and each other. Service in our Air Force is a higher calling, and we carry this legacy forward for future generations of airmen.

Thank you for your time today, and I look forward to your questions.

COFFMAN:

Lieutenant General Grosso, thank you so much for your testimony.

Vice Admiral Burke, you are now recognized for 5 minutes.

BURKE:

Thank you Chairman Coffman, Ranking Member Speier, and distinguished members of this committee for this opportunity to discuss recent events.

The military has felt the sting of disappointment from multiple reports of unprofessional and totally inappropriate behavior by some of our service members.

Despite repeated efforts to end harassment and cyber bullying in our ranks, this intolerable behavior still exists. There is no room in our Navy for this toxic behavior, and we are aggressively going after it. It makes us weaker. It erodes trust within our team, and it cedes advantage to the enemy. We are committed to eradicating this behavior and this mindset from our force. The United States Navy is a professional force, and the American people expect us to maintain high standards. This type of behavior is not who we are. We expect better of ourselves.

The bad actors we have discovered have found a new home, underground. We will not tolerate their cowardice and the dark shadows of the internet. We will be relentless in exposing these perceived sanctuaries and reinforcing our expectation of sailors' conduct whether in uniform, at home, or online.

To get after this, the Navy immediately stood up a senior leader working group to attack this from the top down. This is not a one-and-done review, but rather, a comprehensive strategy and plan that underpins our efforts. In addition to helping any sailor who may be impacted by this sort of behavior, we are going after this in several ways, but the main points are, first, to go after character.

This is not how we treat our team members. This is an issue of both leadership and courage. Our Chief of Naval Operations, Admiral John Richardson, directed

force-wide discussions on expectations for online conduct emphasizing that there are no bystanders, even in cyberspace. As sailors, our conduct at work, at home, or online must exemplify the Navy's core values of honor, courage, and commitment at all times. And when we see something wrong, no team member should look the other way. These discussions are being led by our small team leaders, who are best positioned to influence both the workplace environment and off-duty conduct.

We are emphasizing this element of character and the idea of no bystander into the Navy's leader development framework and into our broader sexual harassment and sexual assault campaign plan.

Next, the online content. The Navy Criminal Investigative Service continues to investigate misbehavior online and is working with social media companies to curb this activity.

And then, accountability. We are reviewing the Uniform Code of Military Justice and Navy policy governing mandatory administrative separation to ensure that they are adequate.

Sailors who are involved in inappropriate online behavior and lose the trust and confidence of the commanding officers will be held accountable by a full range of criminal and administrative actions.

We have provided commanding officers and their teams the toolkit for this issue, which includes the UCMJ guidance, an updated online conduct guide, and a social media handbook. And we are encouraging anyone with direct knowledge of explicit photos taken without consent or knowledge to contact the Naval Criminal Investigative Service via multiple avenues.

In closing, we cannot allow ourselves to be tainted by those who do not share our values. And while we have made progress, there is still much work to be done.

Navy leaders, from the flag level down to the deck plates, own this problem. As a team, we will solve it.

Thank you, and I look forward to your questions.

COFFMAN:

Thank you, Vice Admiral Burke.

Major General Evans, you are now recognized for 5 minutes.

EVANS:

Chairman Coffman, Ranking Member Speier, distinguished members of the committee, thank you for the opportunity to appear before you on behalf of America's Army.

The Army is a value-based organization comprised of a team of professionals -- soldiers and Army civilians. Harassment, bullying, hazing, stalking, discrimination, retaliation, and any type of misconduct that undermines the dignity and respect will not be tolerated, and those found in violation will be held accountable.

The Army has worked diligently to develop a holistic continuum for professional conduct in all aspects of soldiers' and Army civilians' lives. The Army has implemented our online conduct policies throughout every level of training and military education so that every soldier understands how to treat others with dignity and respect.

Army policy states that hazing, bullying, and other behaviors that undermine dignity and respect are punitive in nature. These actions are fundamentally in opposition to the Army values and are prohibited behaviors. Our Army-wide guidance published in 2015 also makes clear that this prohibition applies at all times and extends to all forms of virtual and electronic media. Commanders and supervisors at all levels are responsible for enforcing this prohibition. They are required to conduct annual hazing and bullying training including online conduct, publish and post written command policy statements on the treatment of persons, and take appropriate actions in response to alleged violations.

In 2015, then-Chief of Staff of the Army General Odierno established a special initiatives team to address online harassment via social media. And to address the dilemma of prevention and response to unprofessional behavior online, the special initiatives team coordinated across the Army outlined three lines of efforts to achieve the goal of curbing unprofessional online behavior by soldiers.

First, by updating existing policies and regulations, updating training materials and infusing training base with the information and best practices, and sharing information regarding responsible online conduct.

The Army developed online conduct discussion points and vignettes in October of 2015. These discussion points and vignettes have been incorporated into institutional, command, and unit training packages for equal opportunity, equal employment opportunity, treatment of persons, sexual harassment/assault response and prevention, and cyber awareness, among others.

In addition to updated policy, Army Public Affairs developed a strategic messaging campaign to raise awareness of online conduct and the consequences of misconduct and published a social media handbook that includes an expanded

discussion of online responsibilities and best practices section on protecting oneself from and reporting online misconduct.

The Army developed methods to track and report online misconduct through sexual harassment assault response prevention reporting and law enforcement agencies.

Finally, Not in My Squad program, developed by the Center for the Army Profession and Ethics, was designed to help soldiers assess the state of mutual trust and cohesion within their squads. The grassroots nature of the interactive program helps junior leaders to gain situational understanding and inspire ethical and professional behavior. The Not in My Squad campaign facilitates leader involvement and accountability and aids in the creation of a professional and ethical culture among members of the Army team.

As our chief of staff, General Milley, recently remarked on this topic, we expect leaders and influencers, from squad level up, to talk about and demonstrate what respect looks like at work, at home, and online.

In closing, the Army recognizes the potential dangers concerning social media and is proactively working to ensure our soldiers are aware of the standards of conduct and policies, training, and programs.

We will continue to enforce standards and imbue soldiers and Army civilians with Army values and emphasize professional behavior in all that we do.

Again, thank you for the opportunity, and I look forward to your questions.

COFFMAN:

Major General Evans, thank you so much for your testimony.



Mr. Kurta, each of the services has a social media policy, but they differ in substance and form. In addition, the proponent for the social media policy differs from service to service. Is there a benefit to standardizing across the services these policies as well as the proponent for the policies?

KURTA:

Sir, thank you for the question, and I would say very briefly, no. I don't believe there is.

And I say that, because the Secretary has been very clear that the cultures of the individual services are great warfighting readiness advantages. And when we make policy, it has to be broad enough that the services within their cultures can do what is right. And so what is right and best for, you know, an Army soldier in a brigade combat team in Italy is not the same for that sailor that is out on the aircraft carrier, you know, somewhere in the Middle East.

So our policies have to be -- give the intent of the Secretary to the service secretaries and the service chiefs and be broad enough, directive enough so that they know the intent of what is expected, and then within their cultures devise the best solution that works best for their service.

COFFMAN:

I am going to ask all of you the same question. I will start with Lieutenant General Brilakis, United States Marine Corps. How are you integrating social media policies into training on other topics such as sexual assault prevention or ethics training?

BRILAKIS:

Sure. Thanks for the question. With respect to our social media policy, our first policy was written in 2010. It was the first of its kind. It was reinforced in a Marine administrative message in 2013, and last week, we reissued a new policy to cover the issues with social media to make marines mindful that they have responsibilities in the social space, to remind marines that they are our best messenger of the Marine Corps if they operate within the guidelines of the social media policy, and then to remind them that missed -- not adhering to that policy has consequences through the various elements of the Uniform Code of Military Justice.

Lastly, what it does is it talks to marines who may be the victims of misbehavior on social media, those remedies, those individuals they can reach out to, that support this throughout the Marine Corps, whether it is our sexual assault response coordinators, our unit victims advocates, the victims' legal counsel, the equal opportunity representatives and units, the legal counsel of the NCIS [Naval Criminal Investigative Service], et cetera, all wrapped up into that particular policy.

What we are running right now, what the Commandant has done is directed us to form a task force, very high-level task force, that is chaired by the Assistant Commandant of the Marine Corps. It has been meeting for the last 2 weeks. I sat through a 2\1/2\-hour meeting of the executive counsel of this task force today. There's been a lot of discussion. There is some progress. There is some tangible actions that are going on.

You mentioned education and training on the social media policy, and that is important. It is critical. Part of what is being looked at at this task force are not only current actions that can be taken. And you are well aware of Commandant Neller immediately getting out and publishing a video message to the entire force, telling them that this behavior is unacceptable, this behavior is antithetical to the

ethos of marines. Those actions that have updated this policy are all products of that task force.

The task force is also looking in terms of long-range future operations, if you will, with respect to the social media task force. Training and education is fundamental to that. A review of the programs and instructions and all of our formal courses will be part of that process to ensure that the training that we do is consistent, repetitive, and runs through the marine life service.

COFFMAN:

Okay. So my time is limited, so I will just leave it with the Marine Corps right now, since the problem seems to be centered on the Marine Corps, and that is that right now, though, is -- I realize you are reviewing all of this, but right now, is there a social media training requirement in terms of this particular issue at boot camp and then on an annual training requirement for every marine?

BRILAKIS:

I will be honest with you, sir, I can't tell you whether there is a training requirement as it existed prior to 2 weeks ago.

COFFMAN:

Okay.

BRILAKIS:

What I will tell you, what I will say is the Commandant has already been on a trip down to Camp Lejeune to pass a message that was put out in his video message and also in the MARADMIN [Marine administrative message]. He just signed off on a white letter that has gone out to all commanders. Every marine, to include

myself, will sign a formal counseling on the tenets of that policy and our expectations that they adhere to that policy.

COFFMAN:

Thank you. Ranking Member Speier, you are now recognized for 5 minutes.

SPEIER:

Mr. Kurta, I was somewhat astonished by your comment, frankly. To think that we need separate social media policies from one service to another makes no sense.

It would seem to me that if you take a picture without the consent of someone, and then post it on the internet with their name, rank, and serial number, whether you are a marine, or a sailor, or any one of the other services, you are violating the law. So why wouldn't we have a social media policy that was clear throughout all of the services?

KURTA:

Well, ma'am, I hope I didn't leave the impression that we think there should be no OSD [Office of the Secretary of Defense] policy on social media.

SPEIER:

No. You know what, you don't even need to answer it. I think that you are wrong. I think that this goes to just fundamental values. It goes to fundamental culture.

KURTA:

Yes.

SPEIER:

And I just want to make that statement. I just don't think it makes sense.

I just want to share with you a couple of, what I received back in 2013. "Don't wrap it and tap it, tape her and rape her." This is the Marines, now.

Here is another one: "Listen up, bitches. I am your worst nightmare. You piss us off, I won't give an F who you are, and we will rape your world. And I am not talking about the come- here-and-smell-this kind of rape." I won't read the rest of this.

Are you getting the message?

"I raped pregnant women once. Best threesome forever."

I just don't even want to look at any more of these.

It was bad in 2013. It is bad in 2017. Nothing has changed. Of the 30,000 persons that are on that Marines United website, 730 of them are Active Duty, and 150 of them are Reserves. So we have a problem here that just talking about the policy is just not going to cut it.

I guess I want to ask the other services. Let's start with you, General Grosso.

Have you gone now and -- since the Marines United dust-up, have you gone and looked to see if there were sites with Air Force members represented?

GROSSO:

Yes, ma'am. Our Office of Air Force and Special Investigations --

SPEIER:

Can you turn it on, please.

GROSSO:

Yes, ma'am.

Our Office of Air Force and Special Investigations has looked, and they have looked at over 30 different sites, and we, to date, have not found a site specifically dedicated to denigrating airmen, female airmen.

SPEIER:

Okay. How about you Admiral Burke?

BURKE:

Yes, ma'am. We worked with our Naval Criminal Investigative Service. There are no similar websites that are directly affiliated with the Navy that have been identified to date. There are, literally, millions of websites affiliated and that are dot-com, for-profit websites that have, you know, words like "topless sailor" and things like that in their title, with all sorts of postings and things of that nature on them. Many of them not official photographs. So those are the sorts of stuff that we are pouring through right now.

SPEIER:

General Evans.

EVANS:

Ma'am, I am aware of an effort, a multiservice investigation level to look at a site that was potentially linked to the Marines United site.

SPEIER:

That was an Army site?

EVANS:

No, ma'am, that had multiple service members on the site. A site called Tumblr, and I am aware of an ongoing multiservice investigation with that.

SPEIER:

But the rest of you weren't aware of that?

Okay. See, I hate -- I think you should all be aware of it. You should all be looking at it.

Let me ask you this: UCMJ article 120 only applies to those who take pictures, intimate pictures, of someone without their consent. There is nothing that refers to it being distributed without consent, because many pictures are sometimes taken and offered for in consent because your intimate partner is deployed, and you are sending them a picture. You then break up, and then your former intimate partner posts it.

We have introduced legislation last week that would amend UCMJ to include the prohibition of nonconsensual sharing of explicit photographs. I would like to ask each of the services if you support the legislation?

KURTA:

Ma'am, if I could take that one. We cannot comment on pending legislation; however, I would say as we all look at this problem and decide how best to respond to it, both at a department level and the individual service level, we are open to all good ideas and partnering with the Congress for anything that gives us

better tools for both awareness and accountability, but we cannot comment on pending legislation.

SPEIER:

How about the services? Can they comment independent of you?

KURTA:

No, ma'am, that is -- I am sorry. That is a department policy.

SPEIER:

All right. I yield back.

COFFMAN:

Thank you, Ranking Member Speier.

Mr. Jones, you are now recognized for 5 minutes.

JONES:

Mr. Chairman, thank you very much. And I associate with many of the comments that Ms. Speier has made. And I have been on this committee for 22 years and served with you and others for a long period of time, and I can't help but think the pressure that is on our society because of the new technology, the threat to our world because of cyberspace issues that we all deal with, particularly on this committee, classified briefings and everything.

And here we are dealing with the societal problems of the internet and how it impacts our young people, many who go into the military, all branches -- thank you all, again, for your service and being here today.



You know, I represent the Third District of North Carolina, which is the home of Camp Lejeune Marine Base and Cherry Point Marine Air Station, and obviously, this has been a huge issue for our Nation, but also for the district I represent -- not just those in uniform, the Marine Corps primarily, but for the citizens who really know that this problem is actually an issue that has grown and festered in our society.

And, you know, when you see children that are 5, 6, and 7 getting iPhones for Christmas, I think you all have an impossible responsibility to get to the genesis of what has happened in the different services. Not just one, even though this is primarily the Marine Corps, but this, I think -- I am afraid I am wrong -- I hope I am wrong, but I am afraid I might be right, this is going to be a battle, if I can put it that way, for the different services -- and, again, we talk primarily about the Marine Corps today -- that we have not seen before. And it is not going to change. It is going to be with us when I am dead and gone and many of you young people sitting out there being old men like I am today.

But I want to ask you, with all you are trying to do -- and I know that General Mattis, now Secretary of Defense, and also General Neller the Commandant, who I have great respect for, this is a task that is going to be a difficult one because of the darkness of the world of the internet, so to speak.

Do you feel at this beginning stage of this investigation that you have all the resources that you need to try to get to the genesis of this problem?

KURTA:

Sir, first, thank you for the question. And while we, you know, acknowledge that this is a problem that is also in society, we don't hide behind that.

JONES:

I understand.

KURTA:

We hold ourselves to higher values and standards than is in society. You know, I am also a little bit hopeful, because the Department has taken on great cultural issues in the past and been successful, whether it is integration of the races, whether it is the rampant drug abuse we used to see in the 1970s and 1980s, whether it is the alcohol problems that we saw, again, in the 1970s and 1980s, we have taken on some of those large issues and had cultural issues and had great success over time when we applied leadership and the element of time.

Now, some of those things took, you know, many decades to solve and to change the culture in an organization of 2 million-plus people, it does take time and we realize it is limited in this case. So I am hopeful. And I think as all of us here and the rest of the leadership in the Department get further into this, we will find out further tools that will be helpful to us. We don't have a list of those today, but we certainly will be talking further with you and the rest of the Congress and whoever else we need for access to certain tools.

BRILAKIS:

Thank you, Tony.

Congressman Jones, thank you. There's a lot of work to do. This task force that the Commandant has stood up is working across what is happening today, what we need to do for the future, current policies, a review of all the policies that affect this.

Most importantly, dealing with those individuals who have been harmed by this activity, this abhorrent activity. And so we are learning as we are going.

The commitment of the Commandant has been clear. It has been strong. He wants action soon, and we are working to give him a series of executable recommendations upon which he can act.

JONES:

Thank you, Mr. Chair.

COFFMAN:

Thank you, Mr. Jones.

Mr. Brady, you are now recognized for 5 minutes, and then we are going to have to recess for a vote.

BRADY:

Thank you, Mr. Chairman. I don't really have any questions. I probably have an observation.

Lieutenant General Brilakis, online humiliation, denigration, posting of images you have on your statement.

Lieutenant Grosso, vile -- I mean, private images you have sharing posted on your statement, inappropriate behavior, humility, harassment, and bullying.

Mr. Kurta, you have sexual harassment, hazing, and bullying, but I don't see any images.

And Vice Admiral Burke, you have inappropriate behavior, harassment, bullying but no images.

And the same with General Evans, harassment, bullying, hazing, stalking, retaliation but no images. I really was under the impression and am really kind of concerned about images, because that is the new thing now with the internet and people posting images, and God knows how far it goes or where it goes. I was wondering why the three of you don't have images?

KURTA:

Well, Congressman Brady, I would just say this: Whether it is the use of images, whether it is the use of social online media, those are tools by which people are denigrating their fellow service members, through hazing, bullying, sexual harassment. There's a number of different ways to characterize it.

So we were trying to represent the fundamental behavior, which is bullying, sexual harassment, hazing, in this case. There's a variety of tools that people use to perpetrate that type of behavior, but we have to get to the fundamental behavior.

BRADY:

Well, I just wanted to hear you say images.

KURTA:

Images, yes, sir. Absolutely, that is definitely one of the tools that is being used. Yes, sir.

BRADY:

Vice Admiral Burke.

BURKE:

Yes, sir. The images and the social media and the internet are just the new -- the environment we had not been thinking about as much as we should have been.

BRADY:

Major General.

EVANS:

Yes, sir. Images in terms of what we defined in the online additional guidance and online conduct would include any harm to do to anybody via virtual electronic, which would include images, sir.

BRADY:

Well, I'm glad to hear that, because all of these other things aren't really, like, online: Any inappropriate behavior, bullying, you know, harassment, that is not necessarily online. But the images are what we are talking about, which are online and which is what everybody, kind of, like, looks at. Thank you.

Thank you, Mr. Chairman.

COFFMAN:

Would the gentleman yield?

RUSSELL:

Thank you.

I would, just for clarification -- and I think we are all in very much agreement on this, not just with the panel but also here on the committee on these issues.

But I would like to point out that in section 920 of article 120c, that images and privacy and many of these things are addressed in the Uniform Code of Military Justice. There is a little bit of confusion about what is in the code.

Section 2: "knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy".

And then it defines this, reasonable expectation means under "circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of a person was being captured".

Broadcast means -- the term to broadcast means "to electronically transmit a visual image with the intent that it be viewed by a person or persons."

So the uniform code very much does address these issues. And what I would like to point out, this is really something that demands accountability rather than additional policy or code. I would be interested in your thoughts on that, Mr. Kurta, and whoever else would like to comment.

Do you see this as an accountability issue, or do you see that the uniform code doesn't adequately address it when it appears that in the language it already does?  
Sir?

SPEIER:

Would the gentleman yield before asking the question? The problem is, sometimes pictures are taken with consent, and then subsequently --

RUSSELL:

And if I may, to the ranking member, it does address on the privacy: Without being concerned that an image in terms of that. So it specifically addresses that it was not with consent. That they are actually assuming that they were in complete privacy.

And so I point that out, because in section 920, article 120c, the language seems to be pretty well defined to address a lot of the electronic digital imagery aspects of privacy.

I would be curious to know, is this an accountability issue, or is this something that the uniform code does not adequately cover?

KURTA:

Well, sir, thank you for the question. I am just saying, you know, the back and forth kind of illustrates how complex this problem is.

Absolutely, it is accountability. We have standards. We have values, as I mentioned, you know, in my opening statement, and sometimes we find that people don't live up to those values and standards. When they don't, we hold them accountable.

Again, as -- we can't talk about an ongoing investigation, but as it proceeds, I think we will have a better idea of our tools.

We have policies. I think they're, actually, in many respects very clear on hazing, bullying, sexual harassment, the use of online media to perpetrate those. So the policy is there, and we will see what our tools available for accountability --

RUSSELL:

And if I may point out, sir, it is the uniform code. This is something that can put people in prison, that can give them a felony conviction. This is something that would result in courts-martial, the loss of rank and privileges and honorable discharge, any number of things. So it is not just policy, it is the legal standard by which everything good order and discipline is governed.

And that is why before we got too confused on what is there and what is not, I wanted to point out my understanding under the UCMJ is that the language is in there.

Is it your understanding that it is not, because there's been some of that in the questioning today? My understanding is that it is there. So now it is a matter of accountability. Is that true, or not?

BRILAKIS:

No, sir. This is all about accountability. This is all about having individuals who have betrayed the trust of their fellow service members, holding them accountable.

The Uniform Code of Military Justice has a number of articles under which, in certain cases, we can bring these things to a prosecution. You have mentioned 120c; 120c is a relatively new article, and there is not a lot of experience behind it.

Right now, the NCIS, this is their number one priority. They have formed a task force with the other services' investigative bodies, and they are working cooperatively to determine the facts and uncover the investigatory material that we can then turn over to commanders to take out the Uniform Code of Military Justice --



SHEA-PORTER:

Mr. Chairman, I am not sure who I ask this. If I could just interject one second because of what my colleague just said, which is so relevant?

COFFMAN:

Why don't we --

SHEA-PORTER:

I won't be able to return, unfortunately. It is going to be very quick.

I am actually holding your enlistment document, and it says right here, subject to separation at the end of my enlistment: If my behavior fails to meet acceptable military standards I may be discharged and given a certificate for less than honorable service.

I don't know why we have to wait. If you tell them at the very beginning, and they sign off saying that their behavior is not acceptable, they understand what the parameters of acceptable is, and I hope they do, I don't understand why we have to, then, pursue many various avenues.

Do you still have the power to throw them out if it is very clear that they can't do this when they sign up and they signed on to this document?

BRILAKIS:

Yes, ma'am, absolutely, we have the authority. But everybody -- everybody deserves due process, and the Uniform Code of Military Justice requires due process. Whether it be through an administrative procedure or military justice procedure, there are processes.

SHEA-PORTER:

I understand --

BRILAKIS:

So the fact --

SHEA-PORTER:

I am sorry --

COFFMAN:

We are in recess for a vote.

SHEA-PORTER:

At the very beginning. They need to know and they will be thrown out. Thank you. And I yield back. Thank you, Chairman.

COFFMAN:

This hearing is called back to order.

I had started a question about training, and so I started in with the Marine Corps, and now I want to go to the other services, and the question is this: How are you integrating social media policies into training on other topics such as sexual assault prevention or ethics training? Lieutenant General Grosso, I wonder if you could answer this question, please.

GROSSO:

Yes, sir. As I indicated, we have training across our continuum of learning, but as we do, we stood up a task force as well to do a complete review of our policies and our training and our accountability, and that is one of the things that we are taking a hard look at. Is the training synchronized, is it properly scaffolded, is there other places we should put it, and some of the other places we are looking at, we do resiliency training, and we thought maybe putting some real scenarios in our resiliency training.

We also do new spouse training, and we start talking to our spouses about it through that program and through our key spouse program and in some of our predeployment training as well. We do social media training, but it is really around OPSEC [operational security], and there is probably other opportunities as we look at our training, our cradle-to-grave training where we can put that in.

And we also have a commander's call of the week, and we have already put that module out for the commander's call of the week, but there are, I am sure, other places that we will be able to embed this training in.

COFFMAN:

Just real quick. In terms of your sexual -- in terms of -- let's say you are going to integrate this in with your sexual assault training, it would probably fit there, sexual harassment, sexual assault training. Tell me what you do in -- so I assume you have training requirements in your basic training?

GROSSO:

Yes, sir, we do.

COFFMAN:

And then do you have them on an annual basis that are in fact required, that are noted in the personnel file?

GROSSO:

They are there. We don't necessarily put them in the personnel file.

COFFMAN:

Okay.

GROSSO:

But we track them, and there is annual training requirements for sexual assault and sexual harassment.

COFFMAN:

Okay. Vice Admiral Burke.

BURKE:

Yes, sir, we have a full spectrum of training that is aimed at sexual harassment and sexual assault prevention that includes a focus on social media. So at Recruit Training Command for our enlisted folks, we have a course that is called "Life Skills," and it is a full-spectrum course that teaches our sailors how to intervene when they see other sailors heading down paths of destructive behaviors.

You know, by this point in Recruit Training Command, they should have had Navy core values instilled in them, so it focuses on how to help other people that are heading down the wrong path. But then it focuses on healthy relationships, stress management, responsible alcohol use, hazing and fraternization, and then a heavy emphasis on sexual assault prevention. And this is where we teach folks

that it is okay to stand up and say -- in fact, they have a responsibility to stand up and say: That is wrong. I don't accept that type of behavior.

And we also emphasize what right looks like. We take that approach on it. And in that core module, we talk a lot about social media and acceptable behavior on social media, and we also cover OPSEC concerns there, but a lot of social media behavior discussion there.

We have a similar approach at the Naval Academy. There the course is called, SHAPE, Sexual Harassment and Assault Prevention Education, similar type of coverage there. And then when folks get out into the fleet, there is a refresher recurring training, that has morphed over the years. Last year's version was called, "Chart the Course," and there were 16 different modules. They were facilitated DVD [digital video disc] course modules, and one of --

COFFMAN:

Are there annual training requirements?

BURKE:

There are. There is an annual training requirement that is on the requirements, and then there is an additional facilitated vignette, and the vignette specifically was on, you know, a sailor videotaping someone against -- without their knowledge, and then the decision point and --

COFFMAN:

Sure.

Admiral Burke [continuing]. The discussion point was should he email it off or not, and it went from there. So there are -- there are those types of requirements throughout our curriculum, yes, sir.

Thank you. Major Evans, United States Army.

EVANS:

Yes, sir. All training plans and programs of instructions at all level of the Army, to include the initial military entry of training, to include precommand courses, and all professional military education, incorporate online conduct training as part of equal opportunity training, sexual harassment, assault and response prevention training. Thereafter, that training is required on an annual basis to conduct the equal opportunity training, the sexual harassment, assault and response training, and part of that is online conduct is a component of both of those annual trainings.

In addition to that, commanders are required to publish policy letters on both of those and make sure that soldiers know how they are supposed to conduct themselves and where they can report this kind of training, and the Army Public Affairs has published a social media handbook that provides examples of policy letters for social media conduct.

COFFMAN:

Thank you. Ms. Speier, you are now recognized for 5 minutes.

SPEIER:

Thank you, Mr. Chairman. I want to go back to what our good colleague from Oklahoma talked about before we recessed, because you have to read this very carefully. He is wrong, and I want to state it for the record.

First of all, article 120c has been around since 2012. So you have had 5 years to use it, and my first question is going to be have any of you used 120 -- article 120c in actually enforcing the social media misuse of photographs?

GROSSO:

Ranking Member, yes, ma'am, we have used article 120 in holding airmen accountable for this offense.

SPEIER:

For these specific -- for use of social media with consent or without consent?

GROSSO:

It was revenge porn, and it was charged along with other things, but it was part of the charge under 120c.

SPEIER:

So revenge porn is normally where it is -- it is a photograph, an image that is taken of someone with consent and then subsequently distributed without consent.

GROSSO:

I can get you more details.

SPEIER:

Okay. So my only point here is how about any of you others?

BRILAKIS:

Ma'am, I will have to take it for the record. I don't have it --

SPEIER:

All right. Would you, and then come back to us?

BURKE:

Ma'am, we had one case of videotaping on a submarine and six individuals were court-martialed under 120c.

SPEIER:

Without consent?

BURKE:

The video was without consent and it was distributed locally without consent.

SPEIER:

That is clearly under 120c. General Evans.

EVANS:

Ma'am, I would have to take it for the record, but the lawyers have advised me under -- for social media misconduct, article 92, 120c for nonconsent, consensual sending of photos; 133, conduct unbecoming an officer and gentleman; 134, clause 1, conduct prejudicial to good order and discipline; and clause 2, conduct of a nature to bring discredit upon the Armed Forces.

SPEIER:

I don't want to beat this horse, but it is very clear under 120c that it has to be taken without legal justification or lawful authorization. It is taken without



consent or it is distributed without the other person's consent and other circumstances in which the other person has a reasonable expectation of privacy.

So you have to -- knowingly broadcasting it or distributing such a recording of that person knew or reasonably should have known was made under the circumstances listed in paragraphs 1 or 2, in both cases you have to show that it was originally without consent, and in many of these cases, with revenge porn, the first image is taken with consent or it is shared with consent. It is just the subsequent distribution, so I just wanted to make that clear, Mr. Chairman.

Let me ask you this: How many of you have Facebook pages? Mr. Kurta.

KURTA:

Ma'am, I do not.

SPEIER:

General.

BRILAKIS:

No, ma'am, I do not.

GROSSO:

Ma'am, I do not.

SPEIER:

Admiral Burke.

BURKE:

No, I do not.

SPEIER:

General Evans.

EVANS:

Yes, ma'am, I do.

SPEIER:

All right. Of all of you, just one of you has a Facebook page. I think it would be edifying to you if you all had Facebook pages because it might help you understand how it is being used and misused.

General Evans, can you tell me a little bit about your experience using Facebook?

EVANS:

Yes, ma'am. I exclusively use it for family and close friends, and my experience with it is, you know, I have had my Facebook duplicated 12 times with public photos, people establishing a Facebook account in my image. I have had that happen. But I use mine primarily for family and close friends.

SPEIER:

Okay. One of the people that testified at the briefing suggested that of those who were identified as being Active Duty, when they actually went and interviewed them, their picture was not the same picture, but they did have their name. So there is many ways that you can abuse the system, and that is why having the kind of social media hygiene, I think is a good way of looking at it, is really very important.

I know my time has expired, but I would like to ask one more question of each of the services.

I am very troubled that this has not been addressed. I think you can understand my frustration. This was first identified 4 years ago in the Marines and nothing seems to have taken place. If you have 750 -- if you have 100 Active Duty service members who are using social media in a way that is degrading and dehumanizing, they shouldn't be in the military.

So what I would like for you to do for the committee, and Mr. Chairman, with your approval, I would like to have each of the services report back to the committee in 4 months with the specific actions that you have taken in making sure that the appropriate education and training is provided to your service members that is above and beyond what you have done so far, because I think we know that that appears to be insufficient at this point in time.

And then if you would, on a monthly basis, in the Marines, in particular, report to us on the disciplinary action that is being taken against those who you identify on Marines United.

COFFMAN:

We will take those -- we will take that question for the record.

SPEIER:

Mr. Chairman, can I have clarification? Are we going to -- is there any objection to having them report back to us?

COFFMAN:

We may have to put it in the National Defense Authorization Act.

SPEIER:

Why would we have to do that? They are here right now. If they are willing to do it.

COFFMAN:

Oh, if you are willing to answer the question now, if you have the information now, sure, certainly. You want them to answer now?

SPEIER:

I want to have them answer whether or not they will report back to me.

COFFMAN:

If I can do this, since we are over, if I can go to Representative McSally, and then I will go back to you. Ms. McSally, you are recognized for 5 minutes.

MCSALLY:

Thank you, Mr. Chairman. Thanks everybody. Sorry I missed the first part of the hearing. I apologize for that.

Mr. Kurta, good to see you again. Gina, good to see you again. Sorry, General Grosso. Thanks for your time and your thoughtfulness in trying to grapple with this 21st century challenge that we have in social media. But some of the discussions we have already had with General Neller both in our discussions here and in one-on-one conversations is culture, right? And I know you are here to talk about policies, but there is also an element of culture in addressing -- you know, we got to make sure we have the right policies to address bad behavior and that we can take administrative or criminal action if we need to, and that is important.

But we also got to make sure -- we are not going to be able to police 24/7, from my view, what is going on in somebody's heart and what they are going to try and choose to do anonymously, and trying to use all our resources in the military to chase them down and their activity off duty is not the best use of our resources, from my view, so we have got to inculcate in our troops the desire to have integrity and excellence in character and respect and honor 24/7, which I know we strive to do and many of us are infuriated and disturbed that we are finding individuals are not doing that, right?

My concern, as it relates to scandals like this, is that we don't have knee jerk reactions in addressing the culture, with new policies and training and PowerPoint briefings and everything that we have got to do in order to make sure that we are responding to Congress and the media and others, that actually in the end inculcates more resentment towards women, right? Now we are having to sit through another 5-hour training, another PowerPoint. I mean, I have seen this, and those of you who have been around awhile, you probably know what I am talking about.

And my concern is, you know, we inculcate this culture from the very beginning when we take civilians and we turn them into military in basic training, and I still think there is things that we all need to be addressing, that we are not inculcating any sort of subtle resentment, you know, towards the other gender, and from my view, that includes things like integration of basic training and women should be cutting their hair, and you know, not having any obvious double standards of a different experience.

So I just wanted to sort of share that as a statement that as you all are dealing with this current situation and you are reviewing training and policies, please keep in mind, when we are addressing these deeper cultural issues in training, that we

don't overdo it in a knee jerk way that actually has the exact opposite effect of what we are trying to do.

If we are inculcating resentment towards our female troops from the beginning, then that actually sows the seeds for people then having the types of behavior that could come out in a variety of different ways, if that makes sense.

I did want to ask, I know the Marines is setting up a task force on this that has been reported. General Brilakis, you are on that task force?

BRILAKIS:

Yes, ma'am.

MCSALLY:

Okay. Are the other personnel chiefs represented here, are there similar efforts going on in the other services, whatever you want to call them, task force reviews, whatever, and are each of you represented on those?

GROSSO:

Yes, ma'am, there is one in the Air Force that are represented.

MCSALLY:

Yeah.

BURKE:

Same for the Navy.

MCSALLY:

Same with all of you?

EVANS:

Ma'am, not at this time.

MCSALLY:

Not at this time. Okay. Are there any reports of Army -- I think there are. Army individuals --

EVANS:

Yes, ma'am. I mentioned earlier --

MCSALLY:

Yeah.

General Evans [continuing]. There was a -- was made aware of a Tumblr website where there is a multiservice investigative task force looking into that, but I am not serving on that particular task force.

Okay. Great. And it is a fair question of are there millennials on your task force who actually are experts at this type of behavior and the use of social media. You may have seen The New York Times article talking about, you know, former marines that are actually chasing some of these guys down and doing it in a very swift way that is, you know, able do that at the speed of social media versus sometimes we work at the speed of bureaucracy; so are you reaching out to make sure we have millennials on these teams and people who kind of can understand the social media environment?

BRILAKIS:

Ma'am, yes. Men, women, young, old, and to your earlier point, one of the discussions we had, we had a 2\1/2\ hour meeting with the executive committee today. One of the discussions in there was about not pointing this back at our women, at our marines who could typically be blamed for the reaction of the organization. So we are very mindful of that, and we want to ensure that we don't -- we don't create that.

Because quite frankly, if you talk about respect and dignity, then we are talking about diversity and we are talking about religion and sexual preference, et cetera, so this was brought to the forefront based on the behavior of individuals in treating women.

MCSALLY:

Right.

BRILAKIS:

But it goes -- if you are talking about respect and dignity, it is going to go broader than that, and we work with this.

MCSALLY:

And as you know, even when we are talking about that, that is a warfighting feature, though, as you know that. It is not diversity for the sake of it, it is not social experimentation. It is we become a stronger fighting force. I know you all know this, but I think it is important because we sometimes -- sometimes people think it is warfighting or diversity, and that gets characterized as a negative thing. It is about warfighting capability and having the best team. That comes with trust



and respect and honor and all those things that you all know well. Any other comments from the other witnesses?

GROSSO:

Ma'am, I am not aware that we have millennials because you can imagine it was an Air Staff effort, but we do -- as we do this review, we will certainly include them as we try to accomplish solutions to gaps we find.

MCSALLY:

Is there also -- and I have to choose my words wisely in this. If there is any training that is being considered related to policies, to make sure that your soldiers, sailors, airmen, and marines are also aware of when they post things of themselves in this environment, again, this is not blaming the victim, but this is when you post something of yourself that it can be used in ways that are harmful to you and to the unit and to provide that sort of increased, you know, situational awareness and just that awareness for some of this younger generation that maybe doesn't think about that at the time and they come to us with those habits.

GROSSO:

Ma'am, you have identified a gap that we have found that we need to help people understand. You give consent up when you post these, meaning it or not, so it is really what -- we are calling it literacy, you know, social media literacy, just how do you know what happens with things that you put in the ethernet.

MCSALLY:

Great. Thanks. Anybody else?

BURKE:

Ma'am, for the Navy, it is -- you know, this is just one new environment for harassment, bullying, all those things that have been going on in -- frankly, in the past and in broad daylight. Now they are going on in, you know, more hidden places, so we are attacking it as an individual's character, so it is a leadership and courage issue for us, and we are attacking it from that angle.

Teammates don't treat teammates like that, no bystanders, you have an obligation to take action when you see shipmates in need, and we are going after those elements of it. We do have a very diverse team working this and have taken a multi-aspect approach going forward.

MCSALLY:

Great.

BURKE:

And the products that we have made really do emphasize the -- you know, when you post something, one, don't assume that because you posted it while you were in your civilian, you know, role that it -- people won't assume you are in your military role and so on and so forth and it won't get forwarded.

EVANS:

And one of the things we have woven and integrated into the training at every level, to include a recent tri-signed letter sent out by the acting Secretary of the Army, Chief of Staff of the Army, and the Sergeant Major of the Army, and he also did a video last week of this is to think, type, post. Think about the communication you are about to send and who is going to review it; type a

communication that conforms with Army values; and post a communication that demonstrates dignity and respect for both self and others.

MCSALLY:

Okay. Thanks. I know I am well over my time but just to go back. Admiral Burke, on the bystander issue, I think it is critical. Just like the sexual assault, sexual harassment, you do have the perpetrators, but the vast majority of people are bystanders. They get that sheep mentality. Nobody wants to speak out, nobody wants to be looking different and taking on the wrath of others. That is where it is really going to be -- result is going to be. Sorry. Thank you. I appreciate it. Mr. Chairman.

COFFMAN:

Ms. Speier.

SPEIER:

Just a couple of points of clarification. There is a very different expectation when you post something on your Facebook page. That means that many people are going to see it. But when you text an intimate photograph, an image of yourself to your lover as a private conversation that subsequently after you break up is then used in a form of revenge porn, that is different, and there is an expectation when you post and there is an expectation when you text, and I think that is very important to distinguish.

General Brilakis, don't take offense at this. It is very important for you to hear this and for some of your colleagues who came and spoke to us at a briefing last week. I didn't mention it last week, but they used the same term, and it is inappropriate. The term you just used was "sexual preference." It is not a sexual

preference. It is a sexual orientation, and it would behoove all of us to use the term that really is reflective of what is a sexual orientation. It is not a preference that they are.

BRILAKIS:

Very well, ma'am, I stand corrected, and you are correct.

SPEIER:

Thank you.

COFFMAN:

Thank you. Ms. McSally, you are now recognized for 5 minutes.

MCSALLY:

Sorry. I wouldn't have gone so far over if I was going to get another round. I am actually good, Mr. Chairman. Thank you. I was following up on the bystander, which you guys all know. I think that is really critical. Thank you.

COFFMAN:

And just to inform the committee that we will be asking for briefing from all the services present, to include the Department of Defense, in 4 months to receive an update in terms of what actions you have taken between this hearing and 4 months. I wish to thank the witnesses for their testimony this afternoon. This has been a very -- this has been very informative. There being no further business, the subcommittee stands adjourned.

List of Panel Members and Witnesses

PANEL MEMBERS:

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REP. WALTER B. JONES (R-NC)

REP. ROBERT A. BRADY (D-PA)

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REP. CAROL SHEA-PORTER (D-NH)

REP. MARTHA MCSALLY (R-AZ)

WITNESSES:

ANTHONY KURTA

MARK BRILAKIS

LT GROSSO

ROBERT BURKE

JASON EVANS

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