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Statement of Gloria Allred

Today I am here in Oceanside California near Camp Pendleton with U.S. Marine Erika Butner and active duty Marine Lance Corporal Marisa Woytek.

Both Marines are victims of the Marines United Scandal and both are my clients. This is called a scandal because the Marines United webpage was a private webpage where current or former male Marines often posted naked, semi-naked or clothed photos of female Marines without the consent of the victim, resulting in comments to the photos that were obscene, or sometimes suggested that the female Marines should be raped or sexually assaulted or killed by “friendly fire”.

Although the webpage ultimately was closed, the photos often appeared on other pages which added similar photos of women in other branches of the Armed Services and the personal contact information of the victims, including where they were stationed. Victims who had not consented to their intimate photos and contact information being posted were then subject to harassment, loss of privacy and unwanted contact by potential sexual predators. This misconduct led to victims being placed in fear and lower morale, and it also presented a threat to national security since victims were at risk of blackmail.

Clearly this course of events needed to be addressed by the United States Congress, the Navy and the United States Marines. On March 16, 2017 I hand delivered a letter to the office of the Chair of the House Armed Services Committee, Representative Mac Thornberry. In it I asked the Chairman to hold a hearing and invite victims of this scandal to testify, including my clients Marisa and Erika. His committee did hold a hearing and invited Marine Commandant General Neller to testify but victims were excluded.

I have now received a response from Representative Thornberry. His letter states:

“Dear Ms. Allred:

Thank you for your letter dated March 16, 2017, in which you requested that survivors of social media harassment be allowed to testify before a House Armed Services Committee Hearing.

The revelations surrounding the Marines United case are very disturbing. The Committee believes the Military Services must ensure that all servicemembers are treated with dignity and respect. In addition to the social media hearing held last week, the Subcommittee on Military Personnel plans to hold a future hearing on sexual assault and prevention and response. As part of that hearing, the subcommittee will hear from a panel of survivors of sexual assault and harassment. To the maximum extent possible, the survivor panel will be comprised of individuals whose cases have been fully investigated and adjudicated in order to prevent any compromise of on-going criminal investigations.”

Thank you again for your letter.

Sincerely,
William M. “Mac” Thornberry
Chairman

His response, in my opinion, is an attempt to hide from the public the true facts about how the system has failed to protect female Marines and how and why it is failing to promptly and fairly impose appropriate discipline and consequences on the perpetrators who have wrongfully denigrated women Marines by posting sexually explicit photos without the consent of the women.

For example, Representative Thornberry states that his Committee will only be hearing from a survivor panel comprised of individuals whose cases have been fully investigated and adjudicated.

What about the victims who filed a report and whose cases were not investigated at all or whose cases were not properly investigated and were therefore never adjudicated. Why does the Committee not want to hear about the problems with NCIS or why victims have been afraid to report or why the reporting system has not been adequate to protect them? Why does the Committee only want to hear success stories? Who are they really trying to protect and why do they not want to hear the truth from any survivor brave enough to testify? Those victims could testify without providing the names of the wrongdoers.

Also, this month the Navy took action to promulgate a new interim Navy regulation which purportedly would make it easier to discipline perpetrators who posted sexually explicit images without the consent of the victim.

I have reviewed that regulation and I believe that it is weak and should have had clearer and stronger language if the intent was to make progress and make wrongdoers accountable.

For example, the Navy regulation makes a perpetrator subject to discipline if he knew or reasonably should have known that the posting of a sexually explicit image was done without the victim's consent. That standard could lead to the perpetrator asserting that the victim consented and the victim denying consent.

If the Navy was really serious about taking meaningful action they could have and should have eliminated the consent issue by requiring that the suspect provide written consent of the victim for posting. If the wrongdoer could not provide that written consent, the Navy should presume that the victim did not consent to the posting of sexually explicit photos.

Why did the Navy fail to adopt a stronger standard that could have led to more wrongdoers being disciplined? Is the new regulation just a face saving effort to repair their PR image?

It is not too late for the U.S. Marines and Navy to take meaningful action, but if they do not do so then certain male Marines may continue to bring dishonor to what should be a well-respected Marine Corps and female Marines who bravely serve their country will continue to be placed unnecessarily in harm's way, because the Navy and Marines are intentionally failing to protect them from unnecessary risks that they should not have to face as United States Marines who proudly serve their country.

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