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# SOCIAL MEDIA POLICIES OF THE MILITARY SERVICES

HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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# SOCIAL MEDIA POLICIES OF THE MILITARY SERVICES

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
*Washington, DC, Tuesday, March 21, 2017.*

The subcommittee met, pursuant to call, at 3:32 p.m., in room 2118, Rayburn House Office Building, Hon. Mike Coffman (chairman of the subcommittee) presiding.

## OPENING STATEMENT OF HON. MIKE COFFMAN, A REPRESENTATIVE FROM COLORADO, CHAIRMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. 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 consid-

ering 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.

[The prepared statement of Mr. Coffman can be found in the Appendix on page 31.]

**STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL**

Ms. 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.

Mr. 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.

**STATEMENT OF ANTHONY M. KURTA, PERFORMING THE DUTIES OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, OFFICE OF THE SECRETARY OF DEFENSE**

Mr. 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.

[The prepared statement of Mr. Kurta can be found in the Appendix on page 32.]

Mr. COFFMAN. Thank you, Mr. Kurta.

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

**STATEMENT OF LTGEN MARK A. BRILAKIS, USMC, DEPUTY COMMANDANT, MANPOWER AND RESERVE AFFAIRS, UNITED STATES MARINE CORPS**

General 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.

[The prepared statement of General Brilakis can be found in the Appendix on page 37.]

Mr. COFFMAN. Thank you for your testimony.

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

**STATEMENT OF LT GEN GINA M. GROSSO, USAF, DEPUTY CHIEF OF STAFF FOR MANPOWER, PERSONNEL AND SERVICES, UNITED STATES AIR FORCE**

General 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.

[The prepared statement of General Grosso can be found in the Appendix on page 45.]

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

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

**STATEMENT OF VADM ROBERT P. BURKE, USN, CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY**

Admiral 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.

[The prepared statement of Admiral Burke can be found in the Appendix on page 55.]

Mr. COFFMAN. Thank you, Vice Admiral Burke.

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

**STATEMENT OF MG JASON T. EVANS, USA, DIRECTOR, MILITARY PERSONNEL MANAGEMENT, UNITED STATES ARMY**

General 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.

[The prepared statement of General Evans can be found in the Appendix on page 60.]

Mr. 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?

Mr. 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.

Mr. 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?

General 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 2½-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.

Mr. 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?

General 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.

Mr. COFFMAN. Okay.

General 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.

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

Ms. 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?

Mr. 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.

Ms. 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.

Mr. KURTA. Yes.

Ms. 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?

General GROSSO. Yes, ma'am. Our Office of Air Force and Special Investigations——

Ms. SPEIER. Can you turn it on, please.

General 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.

Ms. SPEIER. Okay. How about you Admiral Burke?

Admiral 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.

Ms. SPEIER. General Evans.

General 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.

Ms. SPEIER. That was an Army site?

General 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.

Ms. 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?

Mr. 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.

Ms. SPEIER. How about the services? Can they comment independent of you?

Mr. KURTA. No, ma'am, that is—I am sorry. That is a department policy.

Ms. SPEIER. All right. I yield back.

Mr. COFFMAN. Thank you, Ranking Member Speier.

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

Mr. 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?

Mr. 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.

Mr. JONES. I understand.

Mr. 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.

General 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.

Mr. JONES. Thank you, Mr. Chair.

Mr. 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.

Mr. 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?

Mr. 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.

Mr. BRADY. Well, I just wanted to hear you say images.

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

Mr. BRADY. Vice Admiral Burke.

Admiral 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.

Mr. BRADY. Major General.

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.

Mr. 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.

Mr. COFFMAN. Would the gentleman yield?

Mr. 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?

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

Mr. 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?

Mr. 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——

Mr. 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?

General 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——

Ms. 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?

Mr. COFFMAN. Why don't we——

Ms. 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?

General 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.

Ms. SHEA-PORTER. I understand——

General BRILAKIS. So the fact——

Ms. SHEA-PORTER. I am sorry——

Mr. COFFMAN. We are in recess for a vote.

Ms. 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.

[Recess.]

Mr. 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.

General 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.

Mr. 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?

General GROSSO. Yes, sir, we do.

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

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

Mr. COFFMAN. Okay.

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

Mr. COFFMAN. Okay. Vice Admiral Burke.

Admiral 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——

Mr. COFFMAN. Are there annual training requirements?

Admiral 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——

Mr. 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.

Mr. COFFMAN. Thank you. Major Evans, United States Army.

General 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.

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

Ms. 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?

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

Ms. SPEIER. For these specific—for use of social media with consent or without consent?

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

Ms. 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.

General GROSSO. I can get you more details.

[The information referred to can be found in the Appendix on page 73.]

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

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

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

[The information referred to can be found in the Appendix on page 73.]

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

Ms. SPEIER. Without consent?

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

Ms. SPEIER. That is clearly under 120c. General Evans.

General 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.

[The information referred to can be found in the Appendix on page 74.]

Ms. 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.

Mr. KURTA. Ma'am, I do not.

Ms. SPEIER. General.

General BRILAKIS. No, ma'am, I do not.

General GROSSO. Ma'am, I do not.

Ms. SPEIER. Admiral Burke.

Admiral BURKE. No, I do not.

Ms. SPEIER. General Evans.

General EVANS. Yes, ma'am, I do.

Ms. 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?

General 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.

Ms. 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.

Mr. COFFMAN. We will take those—we will take that question for the record.

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

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

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

Mr. 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?

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

Mr. 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.

Ms. 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 try-

ing 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?

General BRILAKIS. Yes, ma'am.

Ms. 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?

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

Ms. MCSALLY. Yeah.

Admiral BURKE. Same for the Navy.

Ms. MCSALLY. Same with all of you?

General EVANS. Ma'am, not at this time.

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

General EVANS. Yes, ma'am. I mentioned earlier——

Ms. 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.

Ms. MCSALLY. 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?

General BRILAKIS. Ma'am, yes. Men, women, young, old, and to your earlier point, one of the discussions we had, we had a 2½-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.

Ms. MCSALLY. Right.

General 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.

Ms. 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?

General 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.

Ms. 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.

General 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.

Ms. MCSALLY. Great. Thanks. Anybody else?

Admiral 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.

Ms. MCSALLY. Great.

Admiral 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.

General 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.

Ms. 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.

Mr. COFFMAN. Ms. Speier.

Ms. 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.

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

Ms. SPEIER. Thank you.

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

Ms. 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.

Mr. 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.

[Whereupon, at 5:29 p.m., the subcommittee was adjourned.]

# A P P E N D I X

March 21, 2017

## PREPARED STATEMENTS SUBMITTED FOR THE RECORD

MARCH 21, 2017

**Opening Remarks – Chairman Coffman**
**Military Personnel Subcommittee Hearing**

**Social Media Policies of the Military Services**

**March 21, 2017**

I want to welcome everyone 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 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 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.

**STATEMENT**

**BY**

**MR. ANTHONY M. KURTA**

**PERFORMING THE DUTIES OF THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS**

**OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS**

**BEFORE THE**

**SUBCOMMITTEE ON MILITARY PERSONNEL**

**OF THE**

**HOUSE ARMED SERVICES COMMITTEE**

**MARCH 21, 2017**

**NOT FOR PUBLICATION UNTIL RELEASED BY THE COMMITTEE ON ARMED SERVICES US HOUSE OF REPRESENTATIVES**

Chairman Coffman, Ranking Member Speier, distinguished Members of the Subcommittee, thank you for inviting me to testify today regarding the Department of Defense's (DoD) policies addressing sexual harassment, hazing, and bullying by Service members through the use of electronic communications, including online social media sites.

The Department is committed to 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, harassment (including sexual harassment), hazing, and bullying. Such misconduct is fundamentally at odds with our core values and the expectations of the American people. These behaviors jeopardize our military missions, weaken trust within our ranks, and erode unit cohesion.

DoD 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. 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 them; when that happens, we endeavor to the best of our ability, to hold each and every one accountable for their action. It is because of this we are an effective fighting force able to carry out the missions assigned by our nation.

Personal behavior in social media represents an area where we find it difficult to: (1) be aware of what Service members are doing in that space, and (2) hold Service members accountable. As the members here today are aware, just because an American citizen joins the military, they do not give up all their rights. In the recent cases reported in the media, the individuals clearly demonstrated unacceptable behavior. In response, we will offer our full support for any Service members targeted by this abhorrent behavior. We will also take all available action to hold offenders appropriately accountable.

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 values. The Secretary believes that our most successful and ready warfighting units are those with the best discipline; they also have the lowest rates of bad behavior. 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. So, the Secretary has charged all of his leaders to ensure the proper command climate through proactive and positive leadership. In addition to the Secretary's direct guidance to leaders, the Department has issued

some policies in this space over the past few years.

***Current DoD Policies:***

In September 2014, the Department issued an updated policy memorandum on Prevention and Response to Sexual Harassment. This policy strengthens the policies and programs associated with sexual harassment; directs senior-level oversight of prevention training; outlines mechanisms for reporting incidents of sexual harassment, including procedures for reporting anonymously; and requires the reporting of the response to and resolution of alleged sexual harassment involving members of the Armed Forces. The policy states that all complaints of sexual harassment are processed according to existing sexual harassment investigative procedures.

- In December 2015, the Department issued a Hazing and Bullying Prevention and Response policy memorandum. The policy prohibits hazing and bullying in all circumstances and environments, including off-duty or in "unofficial" unit functions and settings. This policy includes such behaviors that may occur in the context of in-person interactions or "via electronic communications."
- In January 2017, DoD issued "The DoD Retaliation Prevention and Response Strategy and Implementation Plan." The plan directs the Military Services and the National Guard Bureau to update their respective social media policies to specifically prohibit retaliatory behavior, including, but not limited to, reprisal, ostracism, cruelty, oppression, maltreatment, and bullying against any victim, bystander, or first responder to a sexual assault or sexual harassment report. Required implementation of the aspects of the plan by the Military Services is projected to be completed by the end of FY 2018.

DoD and Service policies prohibit any form of harassment, hazing, and bullying. Current policy directs each Military Service to plan and conduct , in-person training within units to inform Service members how to prevent sexual harassment and ensure they are aware of the avenues for reporting such conduct, to include making anonymous reports. To comport with DoD sexual harassment, hazing, and bullying prevention and response policies, the Military Services have Service-specific policy and prevention efforts. You will hear directly from the Service representatives on this topic.

In closing, I want to assure members here today that this issue has the personal attention

of the Department's most senior leaders. It reduces our warfighting effectiveness. We will address it by continuing to build up awareness of our core values and standards and ensure we hold appropriately accountable those who fail to meet those standards. We thank Congress and the Subcommittee for their steadfast support of our efforts to promote the safest and most respectful environment for our Service members and for the civilian workforce who support them.

**Anthony M. Kurta**
**Performing the Duties of Under Secretary of Defense (Personnel & Readiness)**

Mr. Tony Kurta is performing the duties of Under Secretary of Defense for Personnel and Readiness.

Mr. Tony Kurta assumed the duties of Deputy Assistant Secretary of Defense for Military Personnel Policy on September 8, 2014.

A member of the Senior Executive Service, he is responsible for recruiting, retention, compensation, travel, and the related human resource management for the 1.4 million Active Duty military members of the U.S. Armed Services

A native of Columbia Falls, Montana, he graduated with merit from the U.S. Naval Academy in 1981, earned an M.A. in National Security Studies from Georgetown University, is a distinguished graduate of the Air Command and Staff College, and was a National Security Fellow at the John F. Kennedy School of Government at Harvard University.

Mr. Kurta's career includes over 32 years on active duty as a Navy Surface Warfare Officer, during which he commanded USS Sentry (MCM 3), USS Guardian (MCM 5), USS Warrior (MCM 10), USS Carney (DDG 64), Destroyer Squadron Two Four and Combined Joint Task Force, Horn of Africa (CJTF-HOA). As CJTF-HOA, his command included Active and Reserve officers and enlisted, Navy, Army, Marines, Air Force, Special Operations, National Guard, inter-agency and coalition personnel. Shore assignments included: Chief, Special Actions Division on the Joint Staff; Director, Surface Officer Distribution Division (Pers-41) at the Navy Personnel Command; Director for Policy, Resources and Strategy for U.S. Naval Forces Europe and Africa; and Director, Military Personnel Policy (N13) on the OPNAV Staff. Mr. Kurta retired from the Navy in 2013 as a Rear Admiral.

He has also served as a Senior Leader in the Department of the Navy from December 2013 through September 2014 as the Director of Navy Flag Officer Management and Development where he was responsible for flag officer community management and executive development.

His awards include the Distinguished Service Medal, Defense Superior Service Medals, Legions of Merit, Meritorious Service Medals, and various other awards and unit commendations.

NOT PUBLIC UNTIL RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

**STATEMENT**

**OF**

**LIEUTENANT GENERAL MARK A. BRILAKIS**

**DEPUTY COMMANDANT FOR MANPOWER & RESERVE AFFAIRS**

**UNITED STATES MARINE CORPS**

**BEFORE THE**

**SUBCOMMITTEE ON PERSONNEL**

**OF THE**

**HOUSE ARMED SERVICES COMMITTEE**

**CONCERNING**

**SOCIAL MEDIA POLICIES OF THE MILITARY SERVICES**

**ON**

**21 MARCH 2017**

NOT PUBLIC UNTIL RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

## INTRODUCTION

Chairman Coffman, Ranking Member Speier, and distinguished Members of the Subcommittee, I appreciate the opportunity to appear before the subcommittee today to provide an overview on Marine Corps social media policies.

As our Commandant testified to last week, we are all disturbed and outraged by the allegations that Marines have been subjected to online humiliation, including denigrating comments and posting of images, in some cases by fellow Marines. We take this online behavior as an attack on our Marine Corp ethos. We believe that every Marine who earns our title commands the respect of all Marines, past and present. We must hold accountable any behavior that has a corrosive effect on the good order and discipline within our Corps. We are committed to using all means within our authority to address this unacceptable conduct; our social media policies are one tool to accomplish this.

## MARINE CORPS SOCIAL MEDIA POLICIES

The Department of Defense (DoD), Department of the Navy (DoN), and the Marine Corps all have policies regarding use of social media. Our social media policy reminds all Marines that they are on duty 24/7, that their actions must reflect our core values, and that they are responsible for all content they publish on social networking sites, blogs or other websites. Marines must be thoughtful about non-Marine related content they post since the lines between Marines' personal and professional lives blur when online. Marines must use their best judgment at all times to avoid inappropriate behavior that could bring discredit upon themselves, their unit and the Marine Corps. This includes posting any defamatory, libelous, abusive, threatening, racially or ethnically hateful or otherwise offensive or illegal content. While the current policy is non-punitive, it warns Marines that any violations of federal law and DoD regulations or policies

may result in disciplinary action under the Uniform Code of Military Justice (UCMJ). Underpinning this policy is that, as Marines, each of us owes the rest of the force the respect and dignity they have earned as a U.S. Marine.

An update to our policy was just published (ALMAR 008/17). This policy specifically addresses individual online behaviors such as those we are discussing today; lays out our expectations for Marines; and delineates what is and is not acceptable. It also clearly identifies the punitive nature of certain online activities. Additionally this new ALMAR contains information related to victim care and how to report suspected prohibited behavior. I believe our new policy is stronger. It tells all Marines that such abhorrent behaviors are not part of being a Marine and are also punishable under the UCMJ. The previous policy said that, but it did not say it quite as directly. We are currently undertaking another review of other policies and are committed to still doing more.

**RECENT CHANGES/ACTIONS**

First, as stated by our Commandant, hearings such as this are an opportunity to ask Marines to come forward, not just Marines that may have been victimized, but Marines aware that such activities exist and are justifiably sickened by them. The Commandant has also utilized multi-media and personal engagements, including a trip to Camp LeJeune to address the force, to personally express the seriousness of this matter and urging individuals who are victims or have information to provide to do so.

In addition, our Commandant has established a task force, chaired by the Assistant Commandant, to get at the root of this problem. Its goal is to assess the degree to which such behaviors exist in the Marine Corps and how to stop them. The timeline is aggressive and the intent of the Commandant is perfectly clear: The superb women who serve in your Marine

Corps are vital to our readiness and warfighting capability. They join the Marine Corps to serve in a tough outfit and prove daily they are tough, ethical warriors. For now, we have a problem in our ranks in just how these patriots are treated – sometimes without the respect and dignity they deserve and have earned. We must keep and retain their trust. This task force will conclude with a set of actionable recommendations upon which leadership can act. It will involve senior officers and enlisted, males and females, and will expand to include the expertise called upon by this problem. In the long run, this effort will involve commitment by every tier of leadership within the Marine Corps.

**VICTIM SUPPORT**

Marines, their dependents, and civilians impacted by this online misconduct are our highest priority. We will take care of them. As I speak, we are working to identify and contact victims, in coordination with NCIS who is leading the investigation. Right now, the number of identified victims is small, and we need people to come forward. However, no matter the number, we will take care of those victimized or otherwise impacted by this behavior.

We have established many avenues to access support services and made sure our service providers have the tools necessary to support those impacted. We stand ready to provide immediate crisis intervention, information, and referrals to anyone who comes forward. Among our service providers are Chaplains, Victims' Legal Counsel, NCIS, advocates, the Inspector General, and others. Recently, we added the DSTRESS Helpline for 24/7/365 anonymous referral service across multiple platforms. To reach the widest audience with our message of support, we created a website listing support services and answering potential questions.

The Marine Corps is going out on every possible forum, including official Marine Corps social media, to ask Marines to come forward. The Commandant's messages are clear: Treat your fellow Marines with the respect and dignity the have earned and they deserve. We are better than this. Every tier of leadership is involved to get this message across. Marine leaders are addressing their Marines to share the Commandant's message.

We take every allegation of misconduct seriously and we will hold individuals responsible for discriminatory and discrediting actions. We call on all Marines to take a stand against this destructive conduct and to support and respect every Marine for the commitment they made when they earned their Eagle, Globe, and Anchor.

**ADDITIONAL TOOLS/RESOURCES NEEDED**

Our ability to manage what happens on social media is a complex issue. Social media is probably the most relevant place today where unacceptable behavior and Constitutional and privacy protections collide. It is an evolving area of both policy and law.

The UCMJ generally does not distinguish between online and in-person actions; once discovered and reported, conduct which is criminal can be punished regardless of where it takes place. For distribution or sharing of a recording to violate Article 120c, the photo or video must have been taken without the consent of the other person and where that person had a reasonable expectation of privacy. However, Article 134 allows commanders to punish activity that is prejudice of good order and discipline or brings discredit upon the service. Speech that is constitutionally unprotected, such as dangerous words and obscenity, may be punished as a violation of Article 134 if it is prejudicial to good order and discipline or service discrediting. Article 92, which allows commanders to punish both orders violations and dereliction of duty,

could also be used in various situations to punish online misconduct that violates Marine Corps policies on appropriate use of social media and online conduct.

Current orders may allow commanders to hold accountable those Marines who make social media commentary that is defamatory, threatening, or harassing. The Marine Corps and Navy are currently considering a proposed new article for the Navy Regulations that would prohibit the knowing and wrongful disclosure of an intimate image.

The vast and fluid nature of the internet does not lend itself well to the procedures for making a website or establishment "off-limits". With online activity, the establishment involved is less clear than one with a brick-and-mortar location. That websites can be easily moved, removed, deleted, and rebuilt frustrates the effectiveness of this course of action. Difficulty with enforcement and First Amendment concerns also exist.

Our ability to reach those who have left the Marine Corps or who are not in any way affiliated with the Federal Government is limited. We can recall a member of the Individual Ready Reserve, but have no authority under the UCMJ over those who are off active duty and not in a retired or reserve status. Similarly, we have no authority to recall individuals whose misconduct was committed when they were not subject to the UCMJ. The individuals over whom we have no authority would have to be held accountable by civilian authorities.

Several options currently exist for commanders to take adverse administrative action against Marines who are found to have committed misconduct on social media and the internet. Our policy mandates processing for administrative separation after the first substantiated instance of sexual misconduct, certain forms of sexual harassment, or participation in supremacist or extremist organizations or activities. For those whose misconduct does not

require processing, commanders still have other options for processing the offender for administrative separation. We are coordinating with the Department of the Navy on the potential to add additional tools that would allow us to separate Service members who commit certain forms of social media and internet misconduct.

From a social media perspective, we have implemented an operational planning team as part of our task force to examine all capabilities that might assist victims in clearing inappropriate content from the internet, as well as ways we might increase discovery of service member misconduct in the cyber domain. We are sensitive to the legal and privacy considerations that must be carefully considered and addressed.

**CONCLUSION**

Every young man and woman 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 at home is provided a high degree of trust and respect by the American People. So too, should he or she be given that same trust and respect by those in uniform. Any breach of that trust and respect within the very ranks of the services themselves cannot be tolerated and must be dealt with immediately, decisively, and unceasingly. We will be immediate, decisive and unceasing in fixing this problem and defeating this attack on our core values by those who purport to be counted among us or who have once served our Nation.

Thank you for the opportunity to present this testimony.

**Lieutenant General Mark A. Brilakis**
**Commanding General, Marine Corps Recruiting Command**

Lieutenant General Mark Andrew Brilakis is currently assigned as the Commanding General, Marine Corps Recruiting Command.

He graduated from Franklin and Marshall College, Lancaster, Pennsylvania, and was commissioned through the Platoon Leaders Class in May 1981.

Assignments in the Operating Forces include: Battery Officer, 1st Battalion, 10th Marines; Battery Commander, Battalion FDO, and S-3, 5th Battalion, 10th Marines; Naval Gunfire Control Officer and Assistant Supporting Arms Coordinator, Amphibious Group Two; Future Operations and MAGTF Planner, G-3, II MEF; Executive Officer, 10th Marine Regiment; Commanding Officer 1st Battalion, 10th Marines; Commanding General, 3d Marine Expeditionary Brigade, Deputy Commanding General, III Marine Expeditionary Force, and Commanding General, 3d Marine Division.

Assignments in the Supporting Establishment include: Company Officer and Commanding Officer, Company A, and Course Developer, MCI Company, Marine Barracks, Washington DC; and Commanding Officer, Weapons Training Battalion, Training Command.

Headquarters and Staff assignments include: Status of Forces Officer, Plans, Policies, and Operations Department, HQMC; Head, Program Development Branch, Programs and Resources Department, HQMC; Director, European Liaison Office, Headquarters, U.S. European Command, Deputy J-3, United States European Command, and Assistant Deputy Commandant (Programs), Programs & Resources Department, HQMC.

Military Education: Amphibious Warfare School; Command and Staff College; School of Advanced Warfighting; and CMC Fellow, Center for Strategic and International Studies. Masters in Military Studies, Marine Corps University.

DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE SUBCOMMITTEE ON PERSONNEL

COMMITTEE ON ARMED SERVICES

UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: SOCIAL MEDIA POLICIES OF THE MILITARY SERVICES

STATEMENT OF:

LIEUTENANT GENERAL GINA M. GROSSO
DEPUTY CHIEF OF STAFF MANPOWER, PERSONNEL
AND SERVICES UNITED STATES AIR FORCE

MARCH 21, 2017

NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

**INTRODUCTION**

Thank you Chairman Coffman, Ranking Member Speier, distinguished Members of the Subcommittee, for this opportunity to discuss recent events affecting our Airmen and their families.

Let me be clear: cyber bullying or hazing and sharing private images of our Airmen or civilians are inconsistent with the Air Force's 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 success and victory on the battlefield, and when we violate trust on social media with inappropriate and harassing actions, we breakdown the fabric of what it means to be an Airman. It also degrades the trust between the Air Force and the American people we so nobly serve. We live our core values everyday on- and off-duty and must conduct ourselves in ways that honor our solemn obligation to our fellow wingmen and our nation. We condemn these acts and are investigating to determine whether Airmen violated our standards or law. Victims are being provided tools and resources to cope with the negative effects of these acts. The Air Force is examining the entirety of its policies, tools, and support systems necessary to build a stronger understanding of conduct related to social media, both on- and off-duty.

**OUR POLICY**

For a number of years, the Air Force has worked to improve how we build a culture of dignity and respect to instill a fuller understanding of behavior expectations of our Airmen. This includes an overarching instruction, Air Force Instruction 1-1, titled *Air Force Standards* published in 2012 and updated in 2014, which establishes general expectations of conduct in the various social media platforms and other forms of communication. Specifically, Airmen do not

tolerate bullying, hazing, or any instance where an Airman inflicts any form of physical or psychological abuse that degrades, insults, dehumanizes, or injures another Airman. Regardless of the method of communication used, Air Force standards must be observed at all times both on- and off-duty. Civilians have similar guidance, including Air Force Instruction 36-703 which describes conduct required by civlians in an on-duty status.

Air Force Profession of Arms Handbook, known as "The Little Blue Book", contains the fundamentals of a Wingman Culture with dignity and respect, as they underpin the foundation of our core values: ***integrity first, service before self, and excellence in all we do***. Updated in 2015, the handbook unequivocally states ***respect is the lifeblood of our profession***. Without it, we simply cannot stand strong in defense of our nation. The handbook reminds Airmen they are accountable for meeting ethical and performance standards in our actions and are similarly accountable for our failure to take action, when appropriate.

Air Force Instruction for *Professional and Unprofessional Relationships* established standards of inappropriate use of social media and electronic communication between our recruiter and trainer forces and their recruits, cadets, and students. Specifically, recruiters and trainers, including those at the Air Force Academy, are prohibited from personal, intimate, or sexual relationships and include relationships conducted in person or via cards, letters, emails, telephone calls, instant messaging, video, photographs, social networking, or any other means of communication.

The Air Force measures Airmen performance with an annual evaluation preceded by performance feedback and initial expectations. Feedback and performance evaluations are two-way communication tools designed to build trust and confidence in the supervisor and their Airman, so they can identify barriers and implement a shared plan for mission success. With the

responsibility of all Airmen to nurture a respectful and positive organizational climate, these evaluations are required to document an Airman's contributions, both positive and negative, to the organization's climate. Leaders are evaluated on how well they set the stage for an environment of dignity and respect.

The Air Force inculcates new Airmen, both enlisted and officer, into a career-long continuum of learning with a blend of scenario-based and academic curriculum to build a professional core of Airmen. We prepare leaders and commanders through specific commander and supervisor training and have invested resources in a newly established Profession of Arms Center of Excellence, or PACE, in 2015. PACE is an enabling force with the ability to create contemporary content and methods that draw Airmen into our cultural concepts of critical thinking, understanding what it means to be a wingman with the courage to act, and leading to enhance the environment and climate in our units. PACE reached more than 65,000 Airmen in the last year and a half and created a cadre of leaders and Airmen equipped to respond to challenges to our culture.

Specifically, PACE provides a perspective to our leaders and Airmen with their "What Now Airman?" program. This program has two major components: (1) to make Airmen think about moral and ethical dilemmas and (2) help them appreciate how Air Force Core Values provide a reliable behavioral compass. Its focus is to assist decision-making, spur discussion, and enhance the character and professional development of all Airmen: officer, enlisted, and civilian, whether commander, recruiter, supervisor or Basic Military Trainee.

Additionally, Air University and the Air Force Academy prepare new officers with insights for a professional and respectful culture of engagement in social media and other means of communication at Officer Training School, Reserve Officer Training Corps Detachments, and

Basic Military Training. Culture of engagement curricula is also reinforced throughout the enlisted professional military education lifecycle at Airman Leadership School, Noncommissioned Officer Academy, Senior Noncommissioned Officer Academy, and Chief Master Sergeant Leadership Course. Like our enlisted force, our officers also receive specific curriculum at Squadron Officer School, Air Command and Staff College, Air War College, and Squadron, Group, and Wing Commanders courses.

**OUR ACTIONS**

The Air Force Office of Special Investigations (AFOSI) is investigating allegations regarding information and inappropriate photographs of service members and civilians posted on websites without their prior consent. As part of the on-going criminal investigation, Airmen identified, including civilians will be contacted directly by the AFOSI to determine whether they are victims, and if so, offered appropriate assistance.

As highlighted earlier, we continue to recognize the need to refine our efforts to sustain a professional core of Airmen, and we are reexamining, from end-to-end, our current policy guidance, lessons, and instructions. While these efforts are ongoing, developing and improving our Air Force culture is a continuous process and critical in our effort to meet the high standards articulated in our core values.

Leaders at all levels were encouraged to engage their Airmen and reinforce wingman conduct. Commanders were provided topics with the current policies of conduct on- and off-duty with their Airmen. These topics reinforce that participation in websites and/or activities that victimize or otherwise disparage others is completely unacceptable and is in direct conflict

with Air Force core values. Leaders should also encourage members who believe they may be victims to seek assistance from them or other appropriate resources.

**RESOURCES TO VICTIMS**

There are a number of resources available to victims. Regardless if Airmen are deployed or at home-station, victims should seek help from their unit commanders, first sergeants, and supervisors. Victims are also authorized and encouraged to seek help directly from a variety of resources. Within the last couple of years, the Air Force has increased the number of touch points available to our Total Force Family. Chaplains and Military Family Life Consultants provide confidential counseling and support. Mental health professionals, Airman and Family Readiness Centers, Master Resiliency Trainers, Inspector General, Security Forces, Judge Advocate General, Equal Opportunity, Office of Special Investigations, Victim Advocates, Special Victims Counsel, and the Sexual Assault Response Coordinators all provide care and serve as a bridge to other specialties as needed. Military One Source offers many online and referral resources for care and the Department of Defense Safe Helpline is available at any time.

**ADDITIONAL TOOLS WE MAY NEED**

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

**CONCLUSION**

The effect of inappropriate behaviors that target our sisters-and-brothers-in-arms whether personally, professionally, physically, mentally or emotionally is catastrophic, and breaks down the fabric of who we are as Airmen.

If the past two decades have taught us anything, it is that the demand for air, space, and cyber power is growing. We must ensure America's Airmen are resourced and trained to fight alongside the Army, Navy, Marines, and Coast Guard—the joint military team—to meet national security obligations. Teamwork is essential to triumph at every level, and trust is the bedrock.

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.*

There is no greater honor than to serve in the best Air Force in the world and to be recognized as America's Airmen. As such, we are committed to a culture of dignity and respect for all. Thank you.

**Lieutenant General Gina M. Grosso**

Lt. Gen. Gina M. Grosso is the Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters U.S. Air Force, Washington, D.C. General Grosso serves as the senior Air Force officer responsible for comprehensive plans and policies covering all life cycles of military and civilian personnel management, which includes military and civilian end strength management, education and training, compensation, resource allocation, and the worldwide U.S. Air Force services program.

General Grosso entered the Air Force in 1986 as a Reserve Officer Training Corps distinguished graduate from Carnegie-Mellon University, Pittsburgh, Pennsylvania. She has held several command and staff positions throughout her career. As a staff officer, she served as an operations analyst, personnel programs analyst, Air Staff and Office of the Secretary of Defense action officer, Major Command Director of Manpower and Personnel, Director of the Air Force Colonel Management Office, Director, Manpower, Organization and Resources, and Director of Force Management Policy. Her command tours include a Headquarters Squadron Section, Military Personnel Flight, Mission Support Squadron, command of the Air Force's sole Basic Military Training Group, and as Joint Base and 87th Air Base Wing commander at Joint Base McGuire-Dix-Lakehurst, NJ. Prior to her current assignment, she was the Director of the Air Force Sexual Assault Prevention and Response (SAPR), Office of the Vice Chief of Staff, Headquarters U.S. Air Force, Washington, D.C.

**EDUCATION**

1986 Bachelor of Science, Applied Mathematics and Industrial Management, Carnegie-Mellon University, Pittsburgh, Pa.
1992 Master's degree in business administration, College of William and Mary, Williamsburg, Va.
1993 Squadron Officer School, Maxwell AFB, Ala.
1997 Air Command and Staff College, Seminar
1999 Master's degree in national security and strategic studies, Naval Command and Staff College, Newport, R.I.
2000 Air War College, Seminar
2004 Fellow, Weatherhead Center for International Affairs, Harvard University, Boston, Mass.

**ASSIGNMENTS**

1. October 1986 - October 1988, Operations Analyst, followed by Commander, Headquarters Squadron Section, 554th Range Group, Nellis AFB, Nev.
2. November 1988 - April 1992, Personnel Programs and Force Programs Analyst, Deputy Chief of Staff, Personnel, Headquarters Tactical Air Command, Langley AFB, Va.
3. May 1992 - May 1993, Executive Officer, Directorate of Personnel, Headquarters Air Combat Command, Langley AFB, Va.
4. May 1993 - July 1993, Student, Squadron Officer School, Maxwell AFB, Ala.
5. August 1993 - May 1995, Commander, Military Personnel Flight, 6th Mission Support Squadron, MacDill AFB, Fla.
6. June 1995 - January 1997, Chief, Personnel Policy, followed by Deputy Chief, Support Division, Air Force Colonel Matters Office, Pentagon, Washington D.C.
7. January 1997 - July 1998, Member, Chief of Staff of the Air Force Operations Group, Headquarters Air Force, Pentagon, Washington D.C.
8. July 1998 - July 1999, Student, Naval Command and Staff College, Newport, R.I.
9. July 1999 - July 2001, Commander, 51st Mission Support Squadron, Osan Air Base, South Korea
10. July 2001 - May 2002, Assistant Director, Enlisted Plans and Policy, Office of the Secretary of Defense, the Pentagon, Washington D.C.

11. May 2002 - July 2003, Military Assistant, Deputy Under Secretary of Defense for Military Personnel Policy, Pentagon, Washington D.C.
12. July 2003 - July 2004, Fellow, Weatherhead Center for International Affairs, Harvard University, Boston, Mass.
13. July 2004 - July 2006, Commander, 737th Training Group, Lackland AFB, Texas
14. July 2006 - July 2007, Director, Manpower and Personnel, Headquarters Pacific Air Forces, Hickam AFB, Hawaii
15. July 2007 - March 2009, Director, Air Force Colonels Management Office, the Pentagon, Washington D.C.
16. March 2009 - June 2011, Commander, Joint Base and 87th Air Base Wing, Joint Base McGuire-Dix-Lakehurst, N.J.
17. June 2011 - August 2012, Director, Manpower, Organization and Resources, the Pentagon, Washington D.C.
18. August 2012 - January 2014, Director, Force Management Policy, the Pentagon, Washington D.C.
19. February 2014 - October 2015, Director, Air Force Sexual Assault Prevention and Response Office, Office of the Vice Chief of Staff, Headquarters U.S. Air Force, Washington, D.C.
20. October 2015 - present, Deputy Chief of Staff, Manpower, Personnel and Services, Headquarters U.S. Air Force, Washington D.C.

**SUMMARY OF JOINT ASSIGNMENTS**
1. July 2001 - May 2002, Assistant Director, Enlisted Plans and Policy, Office of the Secretary of Defense, Pentagon, Washington D.C., as a lieutenant colonel
2. May 2002 - July 2003, Military Assistant, Deputy Under Secretary of Defense for Military Personnel Policy, Pentagon, Washington D.C., as a lieutenant colonel
3. March 2009 - June 2011, Commander, Joint Base and 87th Air Base Wing, Joint Base McGuire-Dix-Lakehurst, N.J., as a colonel and brigadier general

**MAJOR AWARDS AND DECORATIONS**
Defense Superior Service Medal
Legion of Merit with two oak leaf cluster
Meritorious Service Medal with three oak leaf clusters
Army Commendation Medal
Air Force Commendation Medal
Joint Service Achievement Medal
Air Force Achievement Medal with one oak leaf cluster
Air Force Outstanding Unit Award with one oak leaf cluster
Air Force Organizational Excellence Award with three oak leaf clusters
National Defense Service Medal with bronze star
Global War on Terrorism Medal
Korean Defense Service Medal
Humanitarian Service Medal

**OTHER ACHIEVMENTS**
Tactical Air Command, Deputy Chief of Staff, Personnel, 1990 CGO of the Year
Tactical Air Command, 1991 Junior Personnel Manager of the Year
Distinguished Graduate, Squadron Officer School, 1993
6th Air Base Wing Lance P. Sijan Leadership Award, Junior Officer Category for 1995
Headquarters Air Force, Senior Personnel Manager of the Year for 1996

**EFFECTIVE DATES OF PROMOTION**
Second Lieutenant Oct. 2, 1986
First Lieutenant July 17, 1988
Captain July 17, 1990
Major Aug. 1, 1996
Lieutenant Colonel July 1, 1999

Colonel Aug. 1, 2003
Brigadier General April 1, 2011
Major General July 24, 2014
Lieutenant General Oct 15, 2015

(Current as of October 2015)

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
ARMED SERVICES COMMITTEE

**STATEMENT OF**

**VICE ADMIRAL ROBERT P. BURKE, U.S. NAVY**

**CHIEF OF NAVAL PERSONNEL**

**AND**

**DEPUTY CHIEF OF NAVAL OPERATIONS**

**(MANPOWER, PERSONNEL, TRAINING AND EDUCATION)**

**BEFORE THE**

**SUBCOMMITTEE ON MILITARY PERSONNEL**

**OF THE**

**HOUSE ARMED SERVICES COMMITTEE**

**ON**

**SOCIAL MEDIA POLICIES OF THE MILITARY SERVICES**

**MARCH 21, 2017**

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
ARMED SERVICES COMMITTEE

**Introduction**

Thank you Chairman Coffman, Ranking Member Speier, distinguished Members of the Subcommittee, 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, erodes trust within our team, and cedes advantage to the enemy. We are committed to eradicating this behavior and mindset from our force. The United States Navy is a professional force, and the American people expect us to maintain high standards. We expect better of ourselves.

In a personal message last week to all Navy commanders, the Chief of Naval Operations stressed that "…we have a problem that we really need to solve, we are not going to put a Band-Aid on it, whitewash over it, or look the other way." He emphasized that, "The discovery of online sites that degrade members of our team has shined a light on the fact that this problem persists. But we get daily reminders of it, when individuals are disrespected by crude jokes, wisecracks, sexual harassment, and in its worst manifestation, sexual assault – a serious violent crime. Despite a steady effort to get after this, we're not making enough progress."

While it is common to hear that "these actions are being taken by only a small minority," this is an unacceptable answer. This demeaning activity is utterly offensive and we cannot let ourselves be tainted by a pathetic few who do not share our values of honor, courage and commitment. We cannot allow these individuals to cause divisions in our teams. When we fight, we depend on each other with our lives. We trust the person to our left and right to have our back. There are no bystanders. Everyone must be engaged to win.

Tolerating vulgar comments from our peers, subordinates or seniors gives others the impression that we condone that behavior or might go easy on someone who does. We must get past the inability to speak out and not let fear of acceptance ruin us. Those who thought they could behave this way with anonymity or without consequence will find out they are flat wrong. This is an issue of the ideals of dignity and respect *and* warfighting readiness - we *will* continue to investigate and take action as appropriate.

This type of behavior is not who we are. I cannot stress enough that Navy is going after this behavior and it is not a one-and-done review. Rather, a comprehensive strategy underpins our efforts. We will not tolerate this in our ranks. Nor will we tolerate cowardice in the dark shadows of the internet.

**Current Social Media Policies**

Our social media policies mirror our general policy, in that any form of harassment, discrimination, or hazing, online or otherwise, is not tolerated, and is inconsistent with our core values. This policy provides commanders with mechanisms to administer judicial or non-judicial punishment as appropriate. Behaviors that rise to the level of sexual harassment, whether conducted person-to-person, online, or by any other method, are covered under this policy.

We have developed several training products, to include Social Media Handbooks for Ombudsmen, Command Triads, Public Affairs Officers, and other guidance explaining our policy in plain language. Each includes information about personal and operational security and appropriate online conduct.

**What We Are Doing – Policy Refinements and Additional Actions**

Following the discovery of the "Marines United" website, Navy stood up a Senior Leader Working Group to attack this issue from the top down. We are going after this problem in several ways, including:

- Completing force-wide discussion on "No Bystanders" and expectations of online conduct, as outlined by the Chief of Naval Operations on March 16, 2017
- Investigating suspected misbehavior and holding individuals accountable as appropriate – both criminally and administratively
- Encouraging anyone with direct knowledge of explicit photos taken or distributed without consent or knowledge, to contact the Naval Criminal Investigative Service (NCIS) via text, web, or smartphone app
- Establishing NCIS Text Tip Hotline links on Navy websites
- Reviewing the Uniform Code of Military Justice and Navy policy governing administrative separation
- Reviewing online policies and guides for Sailors' personal and professional activity.
- Expanding the extent to which we address online behavior in our continuing sexual assault/sexual harassment campaign plan
- Reviewing and expanding initial recruit and officer accession training
- Executing a Leader Development Framework, part of the Navy's *Design for Maintaining Maritime Superiority*. The framework outlines how the Navy will develop leaders who demonstrate both operational excellence *and* strong character.

**Resources Available to Victims of Cyber Bullying and Hazing**

Sailors or civilian employees who see or experience online misconduct are being strongly encouraged to promptly report it to their supervisor or chain of command. Additional reporting methods include contacting the NCIS text and tip line or the IG Hotline, especially for those instances in which the supervisor or chain of command may be involved in alleged misconduct. To assist personnel in accessing other methods of reporting, all Navy websites have been updated to provide a link to the NCIS text and tip line.

We provide support to victims through multiple resources, including counselors, chaplains, deployed resiliency counselors, mental health providers, legal assistance, Victim Legal Counsels, Sexual Assault Response Coordinators, Victim Advocates, *Military OneSource* counseling, and command managed equal opportunity representatives.

**Additional Tools We Need**

We are currently assessing all legal and administrative tools at our disposal to attack this problem, and considering additional authorities we might need, and we welcome your assistance.

Once we complete our reviews and assessments, we will not hesitate to ask Congress for assistance in providing additional tools to help eradicate this behavior from our Navy.

**Summary**

Admiral Richardson charged commanding officers at each level of leadership to talk to every member of their team about what respect for teammates looks like – at work, at home and online. He instructed commanders to make it absolutely clear that individuals who do not, and cannot, live up to our professional standards, in competence and character, are not welcome in our Navy. He reiterated that our standards call us to a higher commitment than the law – we are better than that. Finally, he charged them with making it crystal clear that to remain the world's most powerful Navy, we must be 100 percent focused on staying ahead of our competition, which starts with leadership and teamwork that is built on trust and respect. This is a challenge to all Navy leaders. Navy leaders, from the flag level down to the deck plates, own this problem. As a team, we will solve it.

**5/27/2016 - Present**
**Vice Admiral Robert P. Burke**

Vice Adm. Robert Burke grew up in Portage, Michigan, and holds bachelor's and master's degrees in electrical engineering from Western Michigan University and the University of Central Florida.

Burke's operational assignments include service aboard both attack and ballistic missile submarines, including USS Von Steuben (SSBN 632), USS Maryland (SSBN 738) and USS Bremerton (SSN 698). He commanded USS Hampton (SSN 767) in Norfolk, Virginia, and was commodore of Submarine Development Squadron (DEVRON) 12 in Groton, Connecticut. Burke was recognized by the United States Submarine League with the Jack Darby Award for Leadership in 2004 and the Vice Admiral James Bond Stockdale Award for Inspirational Leadership in 2005.

His staff assignments include tours as an instructor and director for the Electrical Engineering Division at Naval Nuclear Power School, junior board member on the Pacific Fleet Nuclear Propulsion Examining Board, submarine officer community manager/ nuclear officer program manager; senior Tactical Readiness Evaluation Team member at Commander, Submarine Force, U.S. Atlantic Fleet; the deputy director for Operations, Strategy and Policy Directorate (J5) at United States Joint Forces Command; the division director, Submarine/Nuclear Power Distribution (PERS-42); and director, Joint and Fleet Operations, N3/N5, U.S. Fleet Forces Command.

As a flag officer, Burke has served as deputy commander, U.S. 6th Fleet; director of operations (N3), U.S. Naval Forces Europe-Africa; commander, Submarine Group 8; and most recently as director, Military Personnel Plans and Policy (OPNAV N13).

He assumed duties as the Navy's 58th chief of naval personnel, May 27, 2016. Serving concurrently as the deputy chief of naval operations (Manpower, Personnel, Training and Education) (N1), he is responsible for the planning and programming of all manpower, personnel, training and education resources for the U.S. Navy. He leads more than 26,000 employees engaged in the recruiting, personnel management, training and development of Navy personnel. His responsibilities include overseeing Navy Recruiting Command, Navy Personnel Command and Naval Education and Training Command.

His awards include the Defense Superior Service Medal, the Legion of Merit (five awards) and various campaign and unit awards.

**RECORD VERSION**

**STATEMENT BY**
**MG JASON T. EVANS**
**DIRECTOR OF MILITARY PERSONNEL MANAGEMENT**

**BEFORE THE**

**SUBCOMMITTEE ON MILITARY PERSONNEL**
**HOUSE ARMED SERVICES COMMITTEE**

**FIRST SESSION, 115TH CONGRESS**

**ON SOCIAL MEDIA (ONLINE CONDUCT) POLICIES IN THE ARMY**

**MARCH 21, 2017**

**NOT FOR PUBLICATION UNTIL RELEASED BY THE**
**COMMITTEE ON ARMED SERVICES**

Chairman Coffman, Ranking Member Speier, Distinguished Members of this Committee, I thank you for the opportunity to appear before you on behalf of the United States Army to provide testimony regarding the Army's Social Media and Online Conduct policies.

**The Army Position on Social Media/Online Misconduct**

The Army is a values-based organization comprised of trusted Army professionals – Soldiers and Army Civilians – who serve our nation. Harassment, bullying, hazing, stalking, discrimination, retaliation, any other type of misconduct that undermines dignity and respect will not be tolerated. 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, even while benefiting from the potential anonymity of the internet.

**Current Army Social Media/Online Conduct Policies.**

Army policy for online conduct, which is punitive, states that hazing, bullying, and other behaviors that undermine dignity and respect are fundamentally in opposition to the Army Values and are prohibited. This policy, along with supplemental guidance published in 2015, also makes clear that this prohibition applies at all times and extends to all forms of virtual or electronic media government issued and personal devices. Commanders and supervisors at all levels are responsible for enforcing this prohibition:

and are required to publish and post written command policy statements on the treatment of persons; conduct annual hazing and bullying training including online conduct; and take appropriate action in response to alleged violations. Commanders also conduct Command Climate assessments at a minimum annually that may identify inappropriate behaviors.

**The Army's Ongoing Social Media/Online Conduct Initiatives**

In 2015, Army senior leadership established a special initiatives team to address online harassment via social media, and to address the challenge of preventing and responding to unprofessional behavior online. Then Chief of Staff of the Army, GEN (Retired) Raymond Odierno, stated, "I expect Soldiers to uphold our Army values, on and off duty, and treat each other with dignity and respect. This applies to our day-to-day interactions, at the office, in the field, on deployment, and at home, both in person and across social media." As a result of GEN (Retired) Odierno's commitment to combatting online harassment, the professionalization of online conduct initiatives team was established. This team included representatives of the major stakeholders: the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA (M&RA)), the Deputy Chief of Staff for Personnel (DCS, G1), the Inspector General, Criminal Investigations Division (CID) and the Provost Marshal's Office (PMO), The Judge Advocate General (TJAG), Installation Management, the Chief Information Officer (DCS, G6), Public Affairs (OCPA), Sexual Harassment/Assault Response and prevention (SHARP), Equal Opportunity (EO) and Equal Employment Opportunity (EEO), and Deputy Chief of Staff for Training (DCS, G3).

The special initiatives team outlined three lines of effort, coordinated across the Army and approved by leadership, to achieve the goal of curbing unprofessional online behavior by Soldiers. The three lines of effort focused on (1) updating existing policies, (2) updating training materials and infusing the training base with information and best practices, and (3) sharing information regarding responsible online conduct.

In response to the first line of effort regarding policy, the Army published interim guidance regarding online conduct in July 2015, re-issued in February 2017, to supplement the existing policy in Army Regulation 600-20 concerning the treatment of persons. The interim guidance, which will be incorporated into the next update of the regulation, advises Army personnel that online misconduct, to include harassment, bullying, hazing, stalking, discrimination, and retaliation, is inconsistent with Army Values and negatively impacts command climate and readiness; it encourages Army personnel to apply a "Think, Type, Post" approach to the use of electronic communication devices; and it encourages personnel experiencing or witnessing online misconduct to report it. The Army Social Media Handbook similarly advises Army personnel to: **"Think"** about what message is being communicated and who could potentially view it; **"Type"** messages that are consistent with U.S. Army Values; and **"Post"** only if the message demonstrates dignity and respect for self and others.

Furthermore, the Army developed methods to track and report online misconduct; updated its policies and contractual provisions to clarify Contractor responsibility for

appropriate online conduct; and updated its Acceptable Use Policy and Network Access User Agreement to address online misconduct while using government systems.

Members of the Army Team may seek information regarding mistreatment of persons or online misconduct from the following agencies: Family support services; Equal Opportunity professionals; Equal Employment Opportunity offices; the Inspector General (IG); law enforcement; and Army SHARP professionals. Agencies then refer complaints to the Commander, the IG, or law enforcement to file a complaint pertaining to the treatment of persons. Victims of sexual harassment conducted online are eligible for advocacy services from SHARP professionals, including referral services to mental health or Special Victim's Counsel (SVC), if applicable.

In response to the second line of effort regarding training, the Army modified the standardized Army programs of instruction and training plans on equal opportunity during initial military training and professional military education. This training includes discussion points and vignettes with respect to electronic communications and online conduct. These discussion points and vignettes have been incorporated into institutional, command, and unit training packages for Equal Opportunity (EO), Equal Employment Opportunity (EEO), Treatment of Persons, Sexual Harassment/Assault Response and Prevention (SHARP), and Cyber Awareness, among others. This training is for enlisted and officer personnel, and includes pre-command courses for command teams from company through brigade level, and functional courses that train recruiters

and initial military training cadre, such as drill sergeants and Advanced Individual Training platoon sergeants.

The instruction on social media and online conduct provides guidance on how Soldiers should conduct themselves online in a way that is consistent with the Army's Command Policy and the Army Values. The training defines online conduct and misconduct, and emphasizes the "think, type, post" approach that Soldiers should exercise to reduce the likelihood that they will they'll behave inappropriately online. Multiple vignettes are included to generate analysis and discussion, with checks on learning. The lesson also dispels the myths of anonymity, non-attribution, and impunity surrounding Soldier use of social media. In addition to giving Commanders and Leaders the information and tools they need to educate their Soldiers and respond appropriately to complaints, this line of effort contributes immeasurably to the Army's efforts to train current and future Soldiers and Army Civilians on how to protect themselves, identify and prevent inappropriate behavior, and report online-related misconduct.

In response to the third line of effort regarding communication, Army Public Affairs has developed a strategic messaging campaign to raise awareness of appropriate online conduct and the consequences of misconduct. As part of our communications information campaign, the Army has developed a Social Media Handbook that includes expanded discussion of online responsibilities and a “Best Practices” section on protecting oneself from and reporting online misconduct. In addition, the U.S. Army

Criminal Investigation Command is enhancing the Army's cyber understanding through cyber-crime prevention flyers to safeguard our Soldiers during their online activities.

Finally, the "Not in My Squad" program developed by the Center for the Army Profession and Ethic presents workshops and videos to Soldiers and Army Civilians on professional conduct. This initiative was designed to help Soldiers assess the state of mutual trust and cohesion within their squads. The grass-roots nature of the workshops helps junior leaders to gain situational understanding and inspire ethical and professional behavior. Based on their perceptions in the survey and workshops, individuals are directed to resources that can help them reinforce success, make adjustments to strengthen areas of weakness, and consider alternatives that can remediate areas of concern. This program facilitates leader involvement and accountability and aids in the creation of a professional and ethical culture among members of the Army Team.

**Accountability and Monitoring**

Leaders are responsible for communicating social media expectations to their Soldiers and Army Civilians. Army personnel using social media must abide by the UCMJ at all times, even when off duty while utilizing their private devices.

**The Way Forward**

The Army is aware of the potential negative aspects within the social media networks and is proactively working through policies, training, and programs to ensure Soldiers remain vigilant and know appropriate online behavior. The Army will continue to enforce

standards and imbue Soldiers and Army Civilians with Army Values and place an emphasis on professional behavior in all that we do.

Again, thank you for the opportunity to share the Army's program and initiatives. I look forward to your questions.

United States Army

Major General JASON T. EVANS

**Director, Military Personnel Management**
**Office of the Deputy Chief of Staff, G-1**
**United States Army**
**300 Army Pentagon 1D429**
**Washington, DC 20310-0300**
**Since: May 2015**

SOURCE OF COMMISSIONED SERVICE ROTC

EDUCATIONAL DEGREES
Wentworth Military Academy – AA – Business Administration
Bellevue University – BA – Business Administration
Webster University – MA – Business Administration
National Defense University – MS – National Resource Strategy

MILITARY SCHOOLS ATTENDED
Adjutant General Officer Basic and Advanced Courses
United States Army Command and General Staff College
Industrial College of the Armed Forces

FOREIGN LANGUAGE(S) None recorded

| PROMOTIONS | DATE OF APPOINTMENT |
|---|---|
| 2LT | 5 Feb 82 |
| 1LT | 4 Feb 85 |
| CPT | 1 Jul 87 |
| MAJ | 1 Mar 95 |
| LTC | 1 Jun 99 |
| COL | 1 Feb 05 |
| BG | 2 Jul 12 |
| MG | 2 Jun 15 |

| FROM | TO | ASSIGNMENT |
|---|---|---|
| May 15 | Present | Director, Military Personnel Management, Office of the Deputy Chief of Staff, G-1, United States Army, Washington, DC |
| Mar 13 | Apr 15 | Deputy Commanding General for Operations, later Deputy Commanding General/Chief of Staff, later Deputy Commanding General for Support, Installation Management Command, Joint Base San Antonio, Texas |
| Oct 12 | Mar 13 | The Adjutant General of the United States Army/Executive Director, Military Postal Service Agency, Fort Knox, Kentucky |
| Jul 11 | Mar 13 | The Adjutant General of the United States Army/Commanding General, Physical Disability Agency/Executive Director, Military Postal Service Agency, Fort Knox, Kentucky |
| Jul 09 | Jul 11 | Executive Officer to the Assistant Secretary of the Army (Manpower and Reserve Affairs), Washington, DC |
| Jun 08 | Jul 09 | CJ1, Multinational Force-Iraq (Director Personnel), OPERATION IRAQI FREEDOM, Iraq |
| Jun 05 | May 08 | Commander, United States Army Garrison, Fort Monroe, Virginia |
| Aug 04 | Jun 05 | Student, Industrial College of the Armed Forces, Fort McNair, Washington, DC |
| Jul 02 | Jun 04 | Chief, Department of the Army Secretariat for Officer Centralized Selection Boards, United States Total Army Personnel Command, Alexandria, Virginia |
| Jun 00 | Jun 02 | Commander, 510th Personnel Services Battalion, United States Army Europe and Seventh Army, Germany and Commander, Task Force 510th Personnel Services Battalion, Kosovo |
| Jun 99 | May 00 | Aide-de-Camp to the Deputy Chief of Staff for Personnel, United States Army, Washington, DC |
| Jun 98 | May 99 | Deputy Chief, General Officer Management Office, Office of the Chief of Staff, Army, Washington, DC |
| Jul 96 | May 98 | Assignments Officer, Adjutant General Branch, United States Total Army Personnel Command, Alexandria, Virginia |
| Jul 95 | Jun 96 | Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas |

| | | |
|---|---|---|
| Jan 94 | Jun 95 | Commander, Headquarters and Headquarters Detachment, later Executive Officer, 502d Personnel Service Battalion, 3d Personnel Group, III Corps, Fort Hood, Texas |
| Feb 91 | Jan 94 | Chief, Personnel Services Division, later Chief, Strength Management Division, 13th Corps Support Command, Fort Hood, Texas, later G-1, Joint Task Force Support Command, Mogadishu, Somalia |
| Oct 88 | Feb 91 | Executive Officer, Headquarters Company, United States Army Element, Allied Forces South, Supreme Headquarters Allied Powers, Europe, Naples, Italy |
| Apr 88 | Sep 88 | Student, Adjutant General Officer Advanced Course, Fort Benjamin Harrison, Indiana |
| Oct 86 | Apr 88 | Commander, Headquarters and Headquarters Detachment, Armament Munitions and Chemical Command, Army Materiel Command, Pine Bluff Arsenal, Arkansas |
| Oct 84 | Oct 86 | Adjutant, Armament Munitions and Chemical Command, Army Materiel Command, Pine Bluff Arsenal, Arkansas |

| SUMMARY OF JOINT ASSIGNMENTS | DATE | GRADE |
|---|---|---|
| CJ1, Multinational Force-Iraq (Director Personnel), OPERATION IRAQI FREEDOM, Iraq | Jun 08 - Jul 09 | Colonel |
| G-1, Joint Task Force Support Command, Mogadishu, Somalia | Jan 93 - May 93 | Captain |
| Executive Officer, Headquarters Company, United States Army Element, Allied Forces South, Supreme Headquarters Allied Powers, Europe, Naples, Italy | Oct 88 - Feb 91 | Captain |

| SUMMARY OF OPERATIONAL ASSIGNMENTS | DATE | GRADE |
|---|---|---|
| CJ1, Multinational Force-Iraq (Director Personnel), OPERATION IRAQI FREEDOM, Iraq | Jun 08 - Jul 09 | Colonel |
| Commander, Task Force 510th Personnel Services Battalion, Kosovo | Jun 00 - Jun 02 | Lieutenant Colonel |
| G-1, Joint Task Force Support Command, Mogadishu, Somalia | Jan 93 - May 93 | Captain |

US DECORATIONS AND BADGES

Distinguished Service Medal
Legion of Merit (with 1 Bronze Oak Leaf Cluster)
Bronze Star Medal
Defense Meritorious Service Medal
Meritorious Service Medal (with 4 Bronze Oak Leaf Clusters)
Army Commendation Medal (with 1 Bronze Oak Leaf Cluster)
Army Achievement Medal (with 1 Bronze Oak Leaf Cluster)
Parachutist Badge
Army Staff Identification Badge

**WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING**

MARCH 21, 2017

## RESPONSES TO QUESTIONS SUBMITTED BY MS. SPEIER

General BRILAKIS. As has been the case, I expect each of the commanders involved in these cases to exercise their independent and unfettered disciplinary disposition authority in reaching their decisions. Authorities for the various disciplinary actions have involved, among others: violations of the UCMJ Article 92, (pursuant to Article 1168, U.S. Navy Regulations, and Marine Corps Order 1000.9A (Sexual Harassment)); Article 120c; Article 134; and, 18 U.S.C. 2261A (Stalking).

In United States v. Quick, 74 M.J. 517, decided October 31, 2014, the Navy and Marine Corps Court of Criminal Appeals held that the specification under the charge for indecent viewing did not state an offense under Art. 120c, UCMJ, because the express proscription of the making or broadcasting of indecent visual recordings implied that the viewing of indecent visual recordings was not proscribed and that the specification did not allege that the appellant viewed the victim's private area but alleged that he viewed a visual recording of her private area.

NDAA updates, year over year, continue impact the area of military justice, to include both substantive and procedural changes. For example, Article 120c, UCMJ—other sexual misconduct—is amended to correct mistaken indications that it applies to the nonconsensual broadcasting of an image of a private area where the image was initially created with the subject's consent.

The National Defense Authorization Act for Fiscal Year 2018 has created a new punitive Article 117a, UCMJ, that expressly prohibits non-consensual distribution of intimate images. Additionally, the U.S. Navy Regulations of 1990 were modified on April 18, 2017 to include Article 1168 which prohibits the non-consensual distribution of intimate images by Marines and Sailors and is punishable under Art. 92, UCMJ. On May 9, 2017, the MARCORSEPMAN was amended to include processing for separation is mandatory following the first substantiated incident of sexual harassment involving a "[v]iolation of Article 1168 of the U.S. Navy Regulations including, but not limited to, the distribution or broadcasting of an intimate image, without consent, if done for personal gain; or with the intent to humiliate, harm, harass, intimidate, threaten, or coerce the depicted person; or with reckless disregard as to whether the depicted person would be humiliated, harmed, intimidated, threatened, or coerced."

In general, Art. 134, UCMJ, makes punishable acts in three categories of offenses not specifically covered in any other article of the code—such offenses to include "all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty." Art. 133, UCMJ, applicable to officers, criminalizes an act or omission that, under the circumstances, constituted conduct unbecoming an officer and gentleman—i.e., "action or behavior in an official capacity which, in dishonoring or disgracing the person as an officer, seriously compromises the officer's character as a gentleman, or action or behavior in an unofficial or private capacity which, in dishonoring or disgracing the officer personally, seriously compromises the person's standing as an officer." Art. 133 includes acts made punishable by any other Article. Whether or not the conduct described in the question above may be prosecuted under Arts. 133 and/or 134 depends on the facts or circumstances of each case. [See page 20.]

General GROSSO. Air Force commanders can and do use the Uniform Code of Military Justice (UCMJ) to hold Airmen accountable for failing to meet Air Force standards, including the standards for conduct on social media. In addition to holding Airmen accountable for misconduct committed on social media using Air Force Instruction 1–1 and Article 92 of the UCMJ, Air Force commanders consider the facts and circumstances of the particular case, which may implicate other articles of the UCMJ and can result in punishing the underlying misconduct, regardless of the means or method used to commit it. This includes charging a violation of Article 120c of the UCMJ for the sexual misconduct of indecent viewing, visual recording, or broadcasting. In one such case, an Airman was convicted at a trial by general court-martial of sexually assaulting an individual, recording the naked victim, and distributing the recording. The accused was convicted of sexual assault under Article 120(b) and other sexual misconduct under Article 120c and sentenced to a dis-

honorable discharge, reduction to Airman Basic, seven years of confinement, and forfeiture of all pay and allowances. Demonstrating that Air Force commanders can and do use multiple tools to hold Airmen accountable, another case involved a male Staff Sergeant dancing with a female Airman First Class while she was topless. With the female Airman's knowledge, the male Airman video-recorded her dancing topless. The male Airman distributed the recording to her and her boyfriend. Without the female Airman's consent, the male Airman also distributed the recording to a third person. The male Airman was found to have been derelict in his duties for failing to adhere to Air Force Instruction 1–1 by dancing with the female Airman while she was topless and lying about the distribution of the recording to a third person. He was also found guilty of conduct prejudicial to good order and discipline for creating the recording and then disseminating it to a third person without the female Airman's consent. He received nonjudicial punishment of reduction from Staff Sergeant to Senior Airman, extra duty, and a reprimand. [See page 19.]

General EVANS. The Army has used Article 120c, UCMJ, in punishing the social media misuse of photographs and video recordings both through courts-martial and nonjudicial punishment. In FY 2015, for example, the Army court-martialed a Soldier at Fort Hood under Article 120c, UCMJ for indecent broadcasting of sexual images without the consent of the subject. The Soldier, who was also convicted of offenses under Articles 92 and 120, UCMJ, was sentenced to 30 months confinement and a BCD. In FY 2016, the Army court-martialed a Soldier at Fort Benning under Article 120c for taking pictures of another's private area without consent and broadcasting those photographs online without consent. The Soldier, who was also convicted of offenses under Articles 120 and 128, UCMJ, was sentenced to reduction to E–1, confinement for 9 months, and a bad conduct discharge (BCD). Another Soldier who faced charges for indecent photographing and indecent broadcasting without consent was given an other-than-honorable discharge pursuant to Army Regulation (AR) 635–200, Chapter 10 in FY 2016. In addition to these courts-martial, the Army has imposed nonjudicial punishment for the online misuse of photographs and visual recordings in violation of Article 120c, UCMJ. In FY 2015, three Soldiers received nonjudicial punishment for broadcasting online indecent photographs or visual recordings without the consent of the subject in violation of Article 120c. In FY 2016, eight Soldiers received nonjudicial punishment for broadcasting online indecent photographs or visual recordings without the consent of the subject in violation of Article 120c. [See page 20.]

## QUESTIONS SUBMITTED BY MEMBERS POST HEARING

MARCH 21, 2017

## QUESTIONS SUBMITTED BY MS. SPEIER

Ms. SPEIER. In your service branch, how many people have been punished for violating the social media policies? What were the nature of the violations, and to what extent were the perpetrators punished?

Mr. KURTA. This question is best answered by the Military Services.

Ms. SPEIER. What measures of effectiveness or metric have been established with respect to your social media policies?

Mr. KURTA. This question is best answered by the Military Services.

Ms. SPEIER. In your service branch, how many people have been punished for violating the social media policies? What were the nature of the violations, and to what extent were the perpetrators punished?

General BRILAKIS. To date (since the report of misconduct involving members the Marines United Facebook group), there have been at least 116 subjects, suspects, or persons of interest (hereinafter, collectively, "subjects") reported for alleged online social media misconduct involving 22 non-DOD civilians and 94 Marines as subjects. Of the 94 cases in which the Marine Corps maintained at least administrative jurisdiction, 68 cases have reached disposition and 26 remain in a pending status. In terms of severity of action, there have been guilty findings at 5 special courts-martial and 1 summary court-martial; 10 cases adjudicated via non-judicial punishment; 5 administrative separations; 25 formal adverse administrative actions; and, in 22 cases, no formal administrative action. In each of these cases commanders have exercised their independent and unfettered disciplinary disposition authority in reaching their decisions. Authorities for the various disciplinary actions have involved, among others: violations of the UCMJ Article 92, (pursuant to Article 1168, U.S. Navy Regulations, and Marine Corps Order 1000.9A (Sexual Harassment)); Article 120c; Article 134; and, 18 U.S.C. 2261A (Stalking). [The investigation into the Marines United Facebook Group involved a review of more than 120,000 images from over 170 other websites. Investigators determined that while there were more than 22,000 images with persons depicted who had a possible Department of Defense affiliation, there were approximately 7,867 images with persons depicted who had a possible Marine Corps affiliation. Employing technology to include facial recognition software, investigators determined that only 68 potential victims were identifiable of the 7,867 images. Further, investigators confirmed 31 of the 68 potential victims, and only 8 confirmed victims were able to identify a subject. These subjects are factored into the 116 subjects reported for investigation and disposition.

Ms. SPEIER. What measures of effectiveness or metric have been established with respect to your social media policies?

General BRILAKIS. The CMC Task Force was established to address, in part, online social media misconduct includes and is assisted by the Social Media Awareness and Response Team (SMART) Cell. The SMART Cell is comprised of representatives from NCIS, Marine Corps CID, among other offices to coordinate the reporting of allegations of online social media misconduct from law enforcement to the proper disciplinary disposition authority and investigation agency for disposition. It is an enduring function that is expected to be incorporated into the Office of Personnel Studies and Oversight within M&RA.

To date (since the report of misconduct involving members the Marines United Facebook group), there have been at least 116 subjects, suspects, or persons of interest (hereinafter, collectively, "subjects") reported for alleged online social media misconduct involving 22 non-DOD civilians and 94 Marines as subjects. Of the 94 cases in which the Marine Corps maintained at least administrative jurisdiction, 68 cases have reached disposition and 26 remain in a pending status. In terms of severity of action, there have been guilty findings at 5 special courts-martial and 1 summary court-martial; 10 cases adjudicated via non-judicial punishment; 5 administrative separations; 25 formal adverse administrative actions; and, in 22 cases, no formal administrative action. In each of these cases commanders have exercised their independent and unfettered disciplinary disposition authority in reaching their decisions.

Ms. SPEIER. In your service branch, how many people have been punished for violating the social media policies? What were the nature of the violations, and to what extent were the perpetrators punished?

General GROSSO. Air Force commanders have a variety of different tools at their disposal to hold Airmen accountable for failing to meet Air Force standards, including the standards for conduct on social media; Airman can also be held accountable for using social media in violation of Air Force Instruction 1–1 as well as their commission of the underlying misconduct. As a result, the Air Force cannot provide a definitive number of all Airmen who have been held accountable for failing to meet the standards for conduct on social media. However, the Air Force can provide specific examples of cases that demonstrate Air Force commanders can and do hold Airmen accountable for failing to meet these standards. In one such case, an Airman sent a derogatory comment using Facebook messenger that was subsequently associated with the Airman's Facebook page. The Airman was found to have been derelict in his duties for failing to adhere to Air Force Instruction 1–1 on Facebook and lying about it. He received nonjudicial punishment of reduction from the grade of Staff Sergeant to the grade of Senior Airman, suspended forfeiture of pay, and a reprimand. Air Force standards for conduct on social media are encapsulated in Air Force Instruction 1–1, Air Force Standards. Issued in 2012 and updated in 2014, Air Force Instruction 1–1 states Airmen "must avoid offensive and/or inappropriate behavior on social networking platforms and through other forms of communication that could bring discredit upon the Air Force or you as a member of the Air Force, or that would be otherwise harmful to good order and discipline, respect for authority, unit cohesion, morale, mission accomplishment, or the trust and confidence the public has in the United States Air Force." Airmen are "personally responsible for what you say and post on social networking services and any other medium. Regardless of the method of communication used, Air Force standards must be observed at all times, both on and off-duty." Airmen who violate Air Force Instruction 1–1 can be held accountable for willful or negligent dereliction of duty under Article 92 of the UCMJ. In addition to holding Airmen accountable for misconduct committed on social media under Article 92 of the UCMJ, Air Force commanders consider the facts and circumstances of the particular case; this may implicate other articles of the UCMJ and can result in punishment for the underlying misconduct, regardless of the means or method used to commit it. For example, pictures of a subordinate posted on Facebook by a superior may constitute cruelty and maltreatment under Article 93 of the UCMJ. Comments made via Twitter from one Airman to other Airmen may amount to indecent language under Article 134 of the UCMJ.

Ms. SPEIER. What measures of effectiveness or metric have been established with respect to your social media policies?

General GROSSO. The Air Force has worked very diligently to build and strengthen Air Force values and our culture of dignity and respect. That said, Airmen are held to Air Force Standards, as established in Air Force Instruction 1–1. It states Airmen "must avoid offensive and/or inappropriate behavior on social networking platforms and through other forms of communication that could bring discredit upon the Air Force or you as a member of the Air Force, or that would be otherwise harmful to good order and discipline, respect for authority, unit cohesion, morale, mission accomplishment, or the trust and confidence the public has in the United States Air Force." Air Force commanders have a variety of tools at their disposal to hold Airmen accountable for failing to meet Air Force standards, including misconduct on social media. The Air Force does not track whether a failure to meet standards occurred on social media, in-person, or in some other forum. As we conduct our review of current policies and educational curriculum, we will also examine the use of metrics.

Ms. SPEIER. In your service branch, how many people have been punished for violating the social media policies? What were the nature of the violations, and to what extent were the perpetrators punished?

Admiral BURKE. There is no centralized system of records or database that captures all allegations of misconduct of this nature, nor is there any system that captures the full range of judicial, non-judicial and administrative actions that may have been exercised by individual commanders, commanding officers and officers in charge.

Even for offenses that rise to the level of judicial actions, i.e., special and general courts-martial, our Case Management System is arranged by accused and article violated, and does not lend itself well to this question since social media policy violations may be adjudicated under different articles based on the nature of the offense. Information captured on individual offenses may simply be attributed to violation of a specific article, or articles, of the Uniform Code of Military Justice (UCMJ), without capturing the level of detail or data necessary to relate the punishment to

social media misconduct, particularly given the number of UCMJ articles that could be deemed applicable on a case-by-case basis.

Navy is currently conducting a review of the Case Management System for offenses related to social media policy violation under UCMJ Articles 133 (Conduct Unbecoming an Officer), 134 (General Article), 92 (Failure to obey order or regulation), and 93 (Cruelty and maltreatment). We expect the analysis to be complete in the next several weeks.

Ms. SPEIER. What measures of effectiveness or metric have been established with respect to your social media policies?

Admiral BURKE. Social media is one forum by which individuals haze, discriminate or sexually harass others. These elements of misconduct are detractors from our positive Navy culture which we routinely measure. Thus, metrics about our social media policy are incorporated in general measures of effectiveness of culture or "Health of the Force." These metrics include:

- sexual harassment reports
- discrimination reports
- sexual assault reports
- hazing reports
- alcohol abuse incident reports
- drug abuse incident reports
- domestic abuse and violence reports
- suicide and suicide related behavior reports
- command climate surveys
- Sailor financial readiness metrics

For fiscal year 2016, Navy measured those incidences of sexual harassment, discrimination, hazing, and bullying that involved social media or electronic devices.

**FY16 Incidents Social Media or Electronic Device**

| Incident | Reports | Substantiated | Unsubstantiated | Pending | Other Misconduct |
|---|---|---|---|---|---|
| Hazing | 5 | 2 | 2 | 0 | 1 |
| Discrimination | 2 | 0 | 2 | 0 | 0 |
| Sexual Harassment | 11 | 5 | 2 | 4 | 0 |
| Bullying | 0 | 0 | 0 | 0 | 0 |

Ms. SPEIER. In your service branch, how many people have been punished for violating the social media policies? What were the nature of the violations, and to what extent were the perpetrators punished?

General EVANS. The Army has punished Soldiers for the misuse of social media to include the misuse of intimate photographs and video recordings. In FY 2015, for example, a Soldier was court-martialed for an indecent broadcasting violation of Article 120c, UCMJ (Article 120c, UCMJ encompasses multiple offenses, including: (1) indecent viewing, visual recording, or broadcasting; (2) forcible pandering; and (3) indecent exposure). He was convicted of indecent broadcasting, as well as disobeying a lawful order and sexual assault. He was sentenced to be confined for 30 months and discharged with a bad conduct discharge (BCD). Another Soldier was court-martialed under Article 133, UCMJ (conduct unbecoming an officer) for online misconduct including sending electronic messages of a sexual nature, posting comments of a sexual nature to a website, and posting photographs to a website. He was sentenced to be confined for 2 months and to be dismissed. Additionally, in FY 15 three Soldiers received nonjudicial punishment for Article 120c, UCMJ indecent broadcasting offenses. Their punishments included reductions in grade, forfeitures, extra duty, and restrictions. In FY 2016, a Soldier was court-martialed for indecent broadcasting in violation of Article 120c. He was convicted of the indecent broadcasting offense, as well as indecent visual recording, abusive sexual contact, assault, and assault consummated by battery. He was sentenced to be reduced to the grade of E–1, to be confined for 9 months, and to be discharged with a BCD. A second Soldier charged with an Article 120c indecent broadcasting offense was given an other-than-honorable discharge in lieu of a court-martial pursuant to AR 635–200, Chapter 10. Eight Soldiers received nonjudicial punishment for Article 120c indecent broad-

casting offenses. Their punishments included reductions in grade, forfeitures, extra duty, restrictions, and reprimands.

Ms. SPEIER. What measures of effectiveness or metric have been established with respect to your social media policies?

General EVANS. This is an emergent issue but the Army has directed the Assistant Secretary of the Army (Manpower and Reserve Affairs); Deputy Chief of Staff, G–1; Inspector General; The Judge Advocate General; and the Provost Marshal General to initiate updates to existing systems to track online-related incidents. These systems currently track misconduct related to equal opportunity, equal employment opportunity, SHARP, Inspector General Investigations, UCMJ disposition, and law enforcement investigations without capturing the manner in which the misconduct is perpetrated. We also believe that recent updates to Department of Defense surveys to query participants about misuse of social media will provide us additional insight.

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## QUESTIONS SUBMITTED BY MR. BACON

Mr. BACON. Do you believe that the UCMJ today gives commanders the necessary legal authority to identify and hold members accountable for social media misconduct, both on and off duty, to include the non-consensual sharing of photos with third parties which may had previously been shared consensually (i.e. revenge porn cases)?

Mr. KURTA. In consultation with DOD Office of General Counsel, I believe the UCMJ currently gives commanders sufficient legal authority to identify and hold offenders accountable. However, as the Navy/USMC investigations go forward and we find that we require additional authorities, we will immediately consult with this and all appropriate Committees.

Mr. BACON. What service policies, procedures, programs and resources exist to identify, protect and support victims of social media misconduct?

Mr. KURTA. This question is best answered by the Military Services.

Mr. BACON. Do you believe that the UCMJ today gives commanders the necessary legal authority to identify and hold members accountable for social media misconduct, both on and off duty, to include the non-consensual sharing of photos with third parties which may had previously been shared consensually (i.e. revenge porn cases)?

General BRILAKIS. The Commandant of the Marine Corps (CMC) takes seriously and understands the intolerable and corrosive effects that online social media misconduct has on our institution. He is committed to doing what is necessary to change the negative elements of within the organization that have failed to appreciate the core values of dignity and respect and have ultimately facilitated this problem.

On 14 March, CMC released ALMAR 008/17 which provides guidance for personnel who, in their personal capacity, desire to make unofficial posts on the internet regarding Marine Corps-related topics and guidance for Marines concerning unofficial online activity that has an adverse effect on good order and discipline within, or brings discredit upon, the armed forces. Additionally, CMC published a White Letter on 21 March, "Social Media Guidance-Mandatory Counseling Requirement," which mandated, within 30 days, every active duty and reserve Marine, officer and enlisted, receive a formal counseling confirming that they read and understand the updated social media guidance outlined in a message released to all Marines on 14 March. Per Article 1137 of the U.S. Navy Regulations, "[p]ersons in the naval service shall report as soon as possible to superior authority all offenses under the [UCMJ] which come under their observation, except when such persons are themselves already criminally involved in such offenses at the time such offenses first come under their observation."

The Acting Secretary of the Navy signed ALNAV 021–17 on 18 April, which changed the U.S. Navy Regulations to include Article 1168, prohibiting the non-consensual distribution of intimate images. This Article makes punishable under the UCMJ conduct that might not otherwise be criminalized under other portions of the Code. In addition, on 9 May, CMC issued MARADMIN 223/17, modifying the Marine Corps Separations and Retirement Manual to make administrative separation processing mandatory in the cases of Marines determined to have wrongfully distributed an intimate image of another person. These substantial changes are being undertaken in addition to the many other legal tools available to implement discipline under the UCMJ in such cases. Furthermore, the National Defense Authorization Act for Fiscal Year 2018 has created a new punitive Article 117a, UCMJ, that expressly prohibits non-consensual distribution of intimate images.

Additionally, authorities for the various disciplinary actions may involve, among others: violations of the UCMJ Article 92, (pursuant to Marine Corps Order 1000.9A (Sexual Harassment)); Article 120c; Article 133, Article 134; and, 18 U.S.C. 2261A (Stalking). Whether or not the conduct described in the question above may be prosecuted under one or more of the above-cited authorities depends on the facts or circumstances of each case.

As has been the case, I expect each of the commanders involved in these cases to exercise their independent and unfettered disciplinary disposition authority in reaching their decisions.

Mr. BACON. What service policies, procedures, programs and resources exist to identify, protect and support victims of social media misconduct?

General BRILAKIS. The Marine Corps is actively addressing online misconduct through an Interim Task Force. The purpose of the Task Force is to examine conditions that enable discrimination, harassment, and disrespect while seeking innovative and holistic approaches to address destructive behavior. In addition, the Personnel Studies and Oversight Office has been established to address and implement long term solutions to online misconduct and related cultural behaviors. This year the Marine Corps published an update to their social media conduct policy, specifically addressing unofficial online activity. The policy outlines how inappropriate behavior impacts morale and core values, as well as how misconduct may be punishable under the UCMJ. Further, the Commandant of the Marine Corps mandated all Marines sign a Page 11 entry for their individual record, acknowledging they will adhere to this guidance. A Leader's Handbook was released, providing tools for leaders to educate Marines on how to discuss and combat social media misconduct. In addition, a Social Media Complaint Process for reporting and tracking was established, to include routing reports to NCIS. Victims are afforded reporting options and access to supportive services, to include receiving support from the Victims' Legal Counsel, Victims' Advocates, and Chaplains. A White Letter was issued directing immediate action from leaders to support Marines, ensuring all remain ready to provide immediate crisis intervention, information and referrals as needed. The Marine Corps has also published a webpage tailored specifically to support victims of social media misconduct. The webpage provides various resource opportunities available and answers frequently asked questions for those seeking information. (http://www.usmc-mccs.org/socialmediaFAQs/).

Mr. BACON. Do you believe that the UCMJ today gives commanders the necessary legal authority to identify and hold members accountable for social media misconduct, both on and off duty, to include the non-consensual sharing of photos with third parties which may had previously been shared consensually (i.e. revenge porn cases)?

General GROSSO. Air Force standards for conduct on social media are encapsulated in Air Force Instruction 1–1, Air Force Standards. Issued in 2012 and updated in 2014, Air Force Instruction 1–1 states Airmen "must avoid offensive and/or inappropriate behavior on social networking platforms and through other forms of communication that could bring discredit upon the Air Force or you as a member of the Air Force, or that would be otherwise harmful to good order and discipline, respect for authority, unit cohesion, morale, mission accomplishment, or the trust and confidence the public has in the United States Air Force." Airmen are "personally responsible for what you say and post on social networking services and any other medium. Regardless of the method of communication used, Air Force standards must be observed at all times, both on and off-duty." Airmen who violate Air Force Instruction 1–1 can be held accountable for willful or negligent dereliction of duty under Article 92 of the Uniform Code of Military Justice. In addition to holding Airmen accountable for misconduct committed on social media under Article 92 of the UCMJ, Air Force commanders consider the facts and circumstances of the particular case, which may implicate other articles of the UCMJ. For example, pictures of a subordinate posted on social media by a superior may constitute cruelty and maltreatment under Article 93 of the UCMJ. Comments made on social media from one Airman to another Airman may amount to indecent language under Article 134 of the UCMJ. In addition, misconduct on social media may be conduct unbecoming an officer and gentleman under Article 133 of the UCMJ or conduct that is prejudicial to good order and discipline or is of a nature to bring discredit upon the armed forces under Article 134 of the UCMJ. Our judge advocates are working in conjunction with the other Services and the Department of Defense to review the UCMJ and develop potential modifications thereto that would allow commanders to more effectively hold Airmen accountable for misconduct on social media, including the nonconsensual distribution of certain images.

Mr. BACON. What service policies, procedures, programs and resources exist to identify, protect and support victims of social media misconduct?

General GROSSO. The Air Force provides a multitude of resources to assist victims of crimes. First, Special Victims' Counsel representation is available for victims of a 120c offense. Air Force Special Victims' Counsel provide comprehensive representational legal assistance to assist victims through myriad issues including assertion of privacy rights, requests for protective orders, and representation throughout the military justice process, including when cases are disposed of through an administrative process. Requests by victims of other social media misconduct would be considered on a case-by-case basis, taking into account factors such as whether the conduct was meant to retaliate, ostracize or humiliate the victim and whether the accused was subject to the Uniform Code of Military Justice. Chapter 7 of Air Force Instruction 51–201, Administration of Military Justice, outlines support given to victims and witnesses of all crime, including victims and witnesses of social media misconduct, through the Victim and Witness Assistance Program (VWAP). This instruction implements the Victim and Witness Protection Act of 1982 (42 U.S.C. §§ 10601–10605), the Crime Victims' Rights Act (18 U.S.C. § 3771), DOD Directive 1030.01, Victim and Witness Assistance, and DOD Instruction 1030.2, Victim and Witness Assistance Procedures. The goal of the VWAP is (1) to mitigate the physical, psychological, and financial hardships suffered by victims and witnesses of offenses investigated by US Air Force authorities, (2) foster cooperation of victims and witnesses within the military criminal justice system, and (3) ensure best efforts are made to accord to victims of crime certain enumerated rights. Once an investigation is initiated, a VWAP victim liaison is assigned to assist the victim with navigating the military justice system, provide the victim case information, help the victim utilize military and civilian community resources, and facilitate eligible victims' access to legal assistance, or attorney consultation for personal legal issues at no cost to the client. Finally, chaplains and medical and mental health providers are also available to assist victims with their spiritual, medical or psychological needs.

Mr. BACON. Do you believe that the UCMJ today gives commanders the necessary legal authority to identify and hold members accountable for social media misconduct, both on and off duty, to include the non-consensual sharing of photos with third parties which may had previously been shared consensually (i.e. revenge porn cases)?

Admiral BURKE. We assess that the UCMJ provides commanders the necessary legal authorities to identify offenders and hold them appropriately accountable for social media and cyber misconduct. Each case is unique and fact-specific, thus analysis requires consideration of the behavior, the intent, and its effect. The UCMJ provides a robust framework for addressing a wide-range of these issues, and in some cases, authorities beyond those available to civilian authorities. Below are some examples of articles of the UCMJ which could be used to address misconduct based on its intent or effect, regardless of the location or medium used. Such examples include:

Article 92 prohibits a violation of an order or regulation. A service member could be found in violation of Article 92 and disciplined for violation of policies on hazing, retaliation, ostracism, maltreatment, sexual harassment, fraternization, and misuse of government resources. The article also prohibits dereliction of duty, which could apply in the absence of a direct order if the behavior falls below the standards of service customs of naval personnel.

Article 93 prohibits the cruelty and maltreatment of another service member. This article could be used to hold service members accountable in alleged cased of stalking.

Article 133 prohibits conduct unbecoming for officers or midshipmen. This could afford broad authority to allow application for such violations as communicating a threat, obstructing justice, indecent language, as well as other conduct prejudicial to good order and discipline or that would bring discredit upon the United States Navy, such as nonconsensual publishing of private/intimate images. This article could also potentially allow for assimilating state or federal statutes that prohibit bullying or cyber-bullying.

Although we do not perceive gaps in our authorities, we are continuing to assess all legal and administrative tools at our disposal to address this problem. Where we determine internal changes are necessary, we are committed to making them. If legislative change is needed, we will come forward and work with Congress to enhance our ability to prevent and respond to this type of misconduct.

Mr. BACON. What service policies, procedures, programs and resources exist to identify, protect and support victims of social media misconduct?

Admiral BURKE. Navy provides support via a 24-hour, 7-days per week response capability ensuring victim support, worldwide reporting procedures, and appropriate accountability. Sexual Assault Response Coordinators, Victim Advocates, Mental Health Providers, Medical Forensic Examiners, Legal and Chaplain Services all pro-

vide a comprehensive response of professionalism and respect while preserving Navy mission readiness.

More than responding to a specific instance of misconduct, the recent "Marines United" incident revealed the need to use multiple methods in a campaign with our service members to ensure our service policies about appropriate behavior, character, and culture are understood. Navy's social media policies mirror our general policy, in that any form of harassment, discrimination, or hazing, on-line or otherwise, is not tolerated, and is inconsistent with our core values of Honor, Courage, and Commitment. Our policy provides commanders with mechanisms to administer judicial or non-judicial punishment as appropriate. Behaviors that rise to the level of sexual harassment, whether conducted person-to-person, online, or by any other method, are covered under this policy. Following the discovery of the "Marines United" website, Navy stood up a Senior Leader Working Group to attack this issue and get to the root. The Chief of Naval Operations charged all commanders to talk to their people about what respect for teammates looks like—at work, at home and online. He instructed commanders to make it absolutely clear that individuals who do not and cannot live up to our professional standards in competence and character are not welcome in our Navy. We are talking about this issue and future character development in multiple forums—online, via press release, on social media—to reach our people on every level. We developed several training products to include Social Media/On-line Conduct Guides for Sailors, Command Triads, Public Affairs Officers, and Ombudsmen that plainly explain our policy and expectations of Sailors. Two key examples of face-to-face training we are giving all Sailors include:

- Chart the Course launched in 2016 continued our efforts to combat destructive behaviors across the fleet while reinforcing and building upon our Navy Core Values and Navy Ethos. It blends scenario-based videos with facilitator-led discussion addressing the idea that all hands must take ownership of enhancing a positive and professional climate within their commands and work environment.
- Full Speed Ahead blends scenario-based videos with facilitator-led discussions with a unique emphasis on the critical role of mid-level leaders in addressing and preventing destructive behaviors and their associated effects on individuals, work centers (micro-climates), and commands.

We are implementing our Leader Development Framework, part of Navy's Design for Maintaining Maritime Superiority, which outlines how Navy will develop leaders who demonstrate both operational excellence and strong character. Further, we are reviewing our online policies, guides and training for Sailors to determine how we might improve upon them. We want to continuously refine our Sailors' tool kits for the ever-changing online environment.

Mr. BACON. Do you believe that the UCMJ today gives commanders the necessary legal authority to identify and hold members accountable for social media misconduct, both on and off duty, to include the non-consensual sharing of photos with third parties which may had previously been shared consensually (i.e. revenge porn cases)?

General EVANS. There are a wide variety of tools available to commanders to combat social media/online misconduct, whether the Soldier is on or off duty. While there are administrative options, when it comes to punitive disciplinary options, charging decisions depend upon many factors. Currently Army Regulation (AR) 600–20, para. 4–19a. has specific language that addresses and criminalizes, through Article 92 of the Uniform Code of Military Justice (UCMJ), "hazing, bullying, and other behaviors that undermine dignity and respect." These provisions reference "social media" (for hazing) and "electronic media" for bullying. So use of that punitive provision is possible. Furthermore, transmitting over social media an image made without the consent of the victim is an offense under Article 120(c)(3), UCMJ. Additionally, transmitting, receiving, or possessing such images made either consensually or not, could be criminal under Article 133, UCMJ (conduct unbecoming an officer and a gentleman) for officers, or under Article 134, UCMJ (conduct prejudicial to good order and discipline or service discrediting) for Soldiers and servicemembers generally. There are additional federal laws that could be charged as well, through assimilation under article 134, depending upon the crime. The federal crime of cyberstalking, for example, prohibits a person with an intent to harass or intimidate someone from using a computer that could reasonably be expected to cause emotional distress. Other federal laws prohibit accessing a computer without one's consent, or the transmission of obscene matters. Of course, the Army is prepared and willing to assist in providing technical advice regarding social media legislation if requested.

Mr. BACON. What service policies, procedures, programs and resources exist to identify, protect and support victims of social media misconduct?

General EVANS. Army policy prohibits online misconduct and the mistreatment of persons. Army policy, which is punitive, makes it clear that such misconduct is prohibited at all times and places, including when perpetrated through virtual or electronic media. Members of the Army team experiencing or witnessing online misconduct should promptly report matters to their chain of command or supervisor. Alternative avenues for reporting and acquiring information or support include: family support services, Equal Opportunity professionals, Equal Employment Opportunity (EEO) offices, the Inspector General (IG), law enforcement, and the Army SHARP professionals. As appropriate, those agencies refer complaints to the Commander, the IG, and law enforcement. Victims of sexually related online misconduct may be eligible for advocacy services from SHARP/EO professionals, including referral to mental health services or legal assistance.

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