

U.S. Marine Corps Sexual Violence on Okinawa

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Introduction

As revelations of sexual assaults and harassment roil the worlds of politics, sports and entertainment, one institution has largely escaped media and public scrutiny: the U.S. military.¹

According to the Department of Defense's most recent report, in 2016 approximately 40 service members were sexually assaulted every day. The *Annual Report on Sexual Assault in the Military* estimates 14,900 service members - 8,600 women and 6,300 men - experienced sexual assaults in 2016.²

Approximately 68% of those attacked did not report the offense.

Military victims of sexual assault face numerous institutional obstacles to receiving justice. The ultimate decision whether to prosecute suspects remains with the base commander. Perpetrators strike agreements which allow them to admit to lesser charges - often non-sexual - or to receive lighter punishments. In 2016, the U.S. military held only 389 courts-martial for those accused of sexual offenses. As a result, 261 service members were convicted - but only 124 of these were actually punished for sexual offenses; the remainder were convicted of lesser offenses such as non-sexual assault or disobeying orders.

Moreover, 58% of victims who reported sexual offenses claimed to have suffered retribution, including professional reprisal and ostracism.

Despite this pervasive problem, the media has failed to adopt the issue in the same way it has reported on the #MeToo movement.

Colonel Don Christensen is former Chief Prosecutor of the U.S. Air Force and current President of [Protect Our Defenders](#), the U.S. organization leading campaigns to reduce military sexual assaults and overhaul the operation of the military justice system. He attributes the media's silence on the matter to two key reasons.

"First, military victims do not feel they can speak out without being punished by the military. Whether explicitly or implicitly, military leadership makes it clear victims should not be speaking to the media about their #MeToo moment."

Christensen also blames the military's lack of transparency:

“Because the military justice system is so foreign to the rest of the country and so opaque, many journalists simply don't understand the enormity of the problem.”

These factors have combined to create a situation in which there is a lack of coverage of the scale of sexual assaults in today's U.S. military, a silence which extends to service members stationed overseas.

USMC on Okinawa

For the first time, internal military reports reveal that sexual violence is endemic among the USMC on Okinawa. The Japanese prefecture is host to 11 major USMC installations and, although precise numbers are not publicized, approximately 20,000 marines. For decades, local residents have decried the concentration of USMC installations on their island (in contrast mainland Japan has only two USMC bases) due to their environmental damage and ever-present risk of accidents.³



Major USMC installations on Okinawa April 2014. USMC

Among local residents' largest concerns has been sexual violence committed by the marines.

In the most infamous case, in 1995 two marines and a sailor from Camp Hansen, Kin Town, abducted and raped a 12-year old Okinawan girl. Public fury was exacerbated by subsequent comments from the commander of U.S. forces in the Pacific, **Admiral Richard C. Macke**, suggesting it would have been cheaper for the rapists to pay for a prostitute than to rent the car they drove to abduct the girl. Macke was forced to resign over the comments.³

More recently, in April 2016, former marine **Kenneth Shinzato** raped and murdered a 20-year old Okinawan woman. In December 2017, a Japanese court sentenced him to life in prison.⁴

Until now, it has been difficult to grasp the true extent of sexual violence within the USMC on Okinawa. However, following a year-long investigation which has been making headlines in Japan, it has now become possible to obtain a fuller picture of the problem.⁵

USMC courts-martial records from Okinawa show that 65 marines have been imprisoned for sexual offenses since 2015. Case files from the Naval Criminal Investigative Service (NCIS) reveal many more incidents are not proceeding to trial and, even in cases where charges are pursued, perpetrators often receive minor punishments or none at all. These NCIS records also detail previously-unreported offenses targeting Japanese civilians, including children. The problem appears to have reached the very top of the USMC in Japan. In 2017, the Inspector General of the USMC criticized leading Okinawa marines for failing to report a fellow officer for numerous offenses including sexual harassment; the perpetrator went on to molest a six-year old girl in the U.S.

Courts-martial records

According to USMC courts-martial records obtained from USMC Headquarters, between January 2015 and December 2017, 65 U.S. marines were imprisoned at courts-martial on Okinawa for sexual offenses targeting adults, children and, in one case, an unknown number of animals.

19 of those imprisoned targeted adults in acts including sexual assault and forcible sodomy. Sentences included several months to several years imprisonment followed by Bad Conduct or Dishonorable Discharges. 46 marines targeted children, including cases of actual and attempted sexual assault, possession and production of child pornography. The majority of offenders received military prison terms of approximately two or three years followed by Bad Conduct or Dishonorable Discharges.

Among those punished, the highest-ranking was **Lieutenant Colonel M. M. Farrell**. At a court-martial in September 2016, he was found guilty of offenses including attempted receipt of child pornography and attempted sexual assault of a child. He received a five-year prison term reduced to 30 months due to a pre-trial agreement.

Similarly, in March 2017, another pre-trial agreement allowed Gunnery **Sergeant M. C. Lowry** to avoid a 40-year sentence for offenses including sexual abuse and assault of a child. Instead, he received 20 years in a military prison.

The USMCHQ records also reveal that the USMC on Okinawa held the dubious distinction of conducting the only court-martial for bestiality throughout the USMC between 2015 and 2017. As a result, the service member, Lance Corporal M. A Ruiz, received a two-year sentence and Dishonorable Discharge; his offenses also included possession and production of child pornography.

NCIS case files

NCIS reports, obtained via the U.S. Freedom of Information Act, show that many marines investigated between 2015 and 2016 on suspicion of committing sexual offences on Okinawa were either not brought to trial or received only minor punishments.

In many of these cases, no charges were brought against the suspect for reasons including lack of evidence or the victim deciding not to participate in the NCIS investigation which, in some cases, took more than six months to complete.

Marines accused of committing sexual assaults were often punished for lesser offenses such as non-sexual assault, disobeying orders or adultery.

In one case on 11 April 2015, a male marine sexually assaulted a female marine twice in their barracks by groping her breasts, genitals and biting her. Witnesses had to knock him unconscious to halt the attack. However, he only received a minor punishment for assault and drunk and disorderly conduct.

On 11 December 2015, a male marine was tried at a court-martial for an attack on a female marine in which she claimed she was vaginally-raped, suffered an attempted anal rape and received injuries to her ribs. The perpetrator was found guilty of violation of a general order, assault and adultery; there was no conviction related to sexual assault. He received 30 days in the brig, a demotion and pay-cut but was apparently allowed to remain in the military.

One of the most disturbing cases occurred in June 2015 when a USMC master sergeant sexually assaulted a seven-year old girl, the daughter of a U.S. service member, in the hallway of a housing block at Camp Courtney, Uruma City. According to the NCIS report, the marine approached the girl while she was playing with her friends, attempted to lift the girl's dress then stuck his fingers in her mouth until she gagged.



NCIS photograph of the military housing block on USMC Camp Courtney where the June 2015 assault took place. NCIS



Inside the USMC housing block where the June 2015 assault occurred. NCIS

Under a pre-trial agreement in which the marine promised to retire from the military, he was able to avoid charges of sexual assault of a minor and instead plead guilty to a charge of drunk and disorderly conduct while on active duty. The only punishment he received was a six-month pay-cut.

In May 2016, a marine was investigated for the alleged sexual assault of two children after they had been brought to the emergency room of a military hospital on the island. Photographic evidence related to the incidents was discovered on the marine's mobile telephone but he was only punished for adultery. He received an Other Than Honorable Discharge.

The NCIS reports suggest the USMC on Okinawa is particularly loath to punish marines accused of male-on-male sexual offenses. On 8 February 2015, a male marine claimed he was awoken by his roommate anally raping him and he repeatedly told the assailant to stop. The attacker was found not guilty at a court-martial despite admitting to having sex with his roommate who he described as severely inebriated.

In another male-on-male case, on 23 March 2015, a male marine confessed to having sexually assaulted a number of fellow male marines – including one whom he said he had drugged and tied up. The self-confessed serial rapist then threatened to kill the person in whom he had confided. No action was taken because the U.S. military judged the claims unfounded.

In at least one case, the failure to sufficiently investigate or punish the suspected wrongdoer allowed him to re-offend. On 9 August 2015, a male marine was accused of raping a female marine on Camp Courtney. Prior to the assault, he had been investigated twice by the NCIS for sexual offences. This time, he received a Bad Conduct Discharge on the grounds of failure to obey an order, assault and adultery. There were no sexual assault convictions.

Christensen of Protect Our Defenders believes that service members stationed overseas may be particularly susceptible to sexual violence.

“Most young military members have never lived in a foreign country and they often feel isolated and are homesick. The isolation can lead to vulnerabilities resulting in sexual assault. At the same time the male service members may feel they are operating under a different set of rules and feel less constrained in their conduct.”

Japanese victims

Between 2015 and 2016, marines on Okinawa targeted Japanese civilians, including children, in at least four previously unpublicized sexual offense cases, according to the NCIS files. Two of the cases involved violent sexual attacks on adult women; another marine apparently exposed himself on two occasions outside schools near Camp Hansen.

According to the documents, in 2015, a Japanese base employee was raped by a marine from the III Marine Expeditionary Force (III MEF). The victim reported the attack to the USMC Criminal Intelligence Division who then notified NCIS agents. The victim agreed to cooperate in the NCIS investigation but she declined to participate in an investigation by Japanese police.

A medical check by military doctors revealed that the rape had left the victim with internal injuries. The suspect was detained and admitted to the attack. He then was placed in confinement to await trial.

During the subsequent NCIS investigation, which apparently took four months to conduct, the victim decided she no longer wanted to participate in the proceedings.

According to the NCIS report, the marine then “elected a separation in lieu of trial.” He received an Other Than Honorable Discharge but no other punishment.

According to Department of Defense data, in 2016, a total of 133 suspected sexual offenders selected to quit the military instead of facing a court-martial. The system has been condemned by many in the U.S. for allowing admitted criminals to walk free and possibly evade the U.S. system whereby sex offenders register on state or federal databases.

In 2016, another U.S. marine committed a violent sexual assault on a female civilian visiting a base on Okinawa. The NCIS case file describes how the marine physically assaulted the woman at least three times before attempting to rape her. After the woman fought him off, he fled the scene. He was arrested by military police and placed in pre-trial confinement.

The incident report describes the woman as a resident of Tokyo but it does not specify her nationality.

After the assault, the victim informed Japanese police she did not want to participate in the prosecution of the perpetrator. As a result, the marine was allowed to plead guilty to non-sexual assault charges as a Non Judicial Punishment, a system usually reserved for minor offences. He then apparently received an administrative discharge from the military.

Further evidence of how USMC sexual predators on Okinawa target civilians emerged in April 2015.

According to NCIS reports, a white male wearing a USMC uniform was witnessed masturbating in a car outside a junior high school and elementary school in Kin Town on 14 and 16 April. Japanese police and NCIS agents identified the owner of the car as a 27-year old marine sergeant assigned to Camp Hansen.

Following an interview with the marine, the sergeant denied the offenses and attempted to provide an alibi for where he was at the time. However, according to the NCIS file, follow-up interviews did not confirm the alibi.

When local police tried to interview the sergeant again, he refused to talk. Following this, the USMC military police advised the local police that the sergeant would not be answering any further questions.

At this point, it appears the local police abandoned their investigation.

Japanese justice and the Japan-U.S. Status of Forces Agreement (SOFA)

Recently, Japan's justice system has faced criticism for failing to pursue criminal cases against U.S. service members and their dependents. According to research by Okinawan daily newspaper, Ryukyu Shimpo, between 2007 and 2016, only 17.5% of service members and dependents who had committed general criminal offenses were indicted vis-à-vis an average of 41.2% in the general population in Japan.⁶ When it came to rape cases, the indictment rate was only 3% between 2007 and 2016 compared to a national average in Japan of 46.9% between 2005 and 2014. The newspaper attributed the low rate to a 1953 deal between the U.S. and Japan in which Japan apparently agreed only to take jurisdiction in cases "judged to be highly significant to Japan."

Under the Japan-U.S. Status of Forces Agreement (SOFA), U.S. service members, civilian contractors and their dependents have been able to avoid punishment under Japanese law for crimes committed while on duty. For many decades, for example, U.S. service members who had committed crimes against Okinawan and Japanese civilians sometimes returned to the U.S. to avoid punishment under Japanese law.

Following public outcry over serious incidents, the system has gradually changed to hold service members and their dependents more accountable – but critics argue further reforms are needed. Following the 1995 gang rape, an agreement was reached under which the U.S. would "give sympathetic consideration" to Japanese requests for military suspects to be handed over to local police. Also, in the wake of the 2016 murder, the definition of which U.S. civilians would be considered protected by SOFA status was tightened.⁷ However, the ultimate decision whether to hand over suspects often still lies with the U.S.

According to the Asahi Shimbun,

"Japanese authorities have the primary right to exercise jurisdiction over crimes and accidents involving off-duty American personnel. If, however, the suspects are held by the U.S. side, they are detained by U.S. authorities until indictment... But the decision on whether to hand over such suspects remains with the U.S. side. To ensure effective deterrence against crimes involving American personnel, a provision stipulating that the U.S. government shall grant such requests from Japan should be added to SOFA as a binding rule."

Inspector General of the Marine Corps (IGMC) report

On 2 June 2017, the IGMC published the findings of an investigation into the USMC's top marine on the island, III MEF Commander, **Lieutenant General Lawrence D. Nicholson**. The investigation criticized Nicholson and other leading Okinawa marines for failing to report offenses committed by III MEF **Colonel Daniel Hunter Wilson** while assigned as a liaison officer to Darwin, Australia, in February 2016.

In Australia, Wilson reportedly committed numerous offenses including sexual harassment,

heavy drinking and drunk-driving. After only approximately 11 days of, what was supposed to have been a six-month assignment, Wilson was recalled to Okinawa. Nicholson and other top Okinawa marines apparently decided not to report his offenses to the Military Justice Branch.

In April 2016, Wilson was deployed to USMC Camp Lejeune, North Carolina. There, he sexually assaulted a six-year old girl and was arrested. In September 2017, Wilson was sent to prison for 66 months for the assault and his previous offenses in Darwin. The IGMC investigation into Nicholson's actions criticized him for failing to report the violations committed by Wilson in Australia. Among his reasons for not reporting Wilson, Nicholson told the IGMC his subordinate had not done anything criminal or illegal in Australia: "he had just been stupid."

As a result of the IGMC's investigation, Nicholson received unspecified administrative action.



Lt. Gen. Lawrence D. Nicholson, commanding general, III Marine Expeditionary Force, on Camp Courtney, Okinawa, Japan Sept. 8, 2017 (U.S. Marine Corps photo by Sgt. Tiffany Edwards)

The IGMC report was obtained under the U.S. Freedom of Information Act by Military.com.

Commenting on the matter, **Major Brian Block**, Office of Marine Corps Communication, told The Okinawa Times,

"Misconduct of any kind cannot tolerated (sic), and we expect commanders to exercise their authorities (sic) to thoroughly investigate any marine suspected of misconduct."

Adrian Perry, the mother of the six-year old girl molested by Wilson, said his commander ought to have been punished more severely.

"Lt. Gen. Nicholson's failure to report Col. Daniel Hunter Wilson's behavior in Darwin is a failure that will haunt me for the rest of my life. I believe wholeheartedly that if Wilson had been punished for his shameful behavior in Australia, he would never have been able to hurt my child. Perry is currently working with other campaigners, including Protect Our Defenders, to reform the way the U.S. military investigates and punishes service members who commit sexual assaults.

Protect Our Defenders president Christensen is clear about what changes are needed.

"The first thing the military can do is create a professional, modern criminal justice system. The current system is an archaic process that gives commanders the power to make prosecution decisions rather than experienced prosecutors. Because commanders have so much authority over the process, additional rights have been heaped on an accused to counterbalance a perceived abuse of command authority. As a result, victims pay the price through a hostile system unlike any other in America. Creating a professional prosecutor-based system will lead directly to better decision making and better victim protections."

Until such reforms are implemented, it seems certain that service members, dependents and civilian neighbors will continue to become victims of military sexual violence – and the media will continue to ignore the problem.

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Notes

¹Antonieta Rico, "[Why Military Women Are Missing from the #MeToo Moment](#)," TIME, December 12, 2017.

²Department of Defense, [Annual Report on Sexual Assault in the Military \(2016\)](#), Sexual Assault Prevention and Response Office, May 1, 2017.

³For example, see Jon Mitchell, "[Environmental Contamination at USMC bases on Okinawa](#)," *Asia-Pacific Journal*, Vol. 15, Issue 4, Number 2. February 15, 2017; Kyodo, "[Japan says U.S. military aircraft mishaps more than doubled in 2017](#)," *The Japan Times*, January 23, 2018.

⁴Irvin Molotsky, "[Admiral Has to Quit Over His Comments On Okinawa Rape](#)," *New York Times*, November 18, 1995.

⁵Kyodo, "[Former U.S. base worker gets life in prison for murder of Okinawa woman](#)," *The Japan Times*, December 1, 2017.

⁶For example, see "[Okinawa Beigun Kichi to Seihanzai](#)" (Okinawa bases and sexual offenses), TBS News, November 25, 2017; Jon Mitchell, "[Beigun Seihanzai: Shinkoku na Jittai, Keibi na Shobun](#)" (U.S. military sexual offences: The true picture, light punishments), *Okinawa Times*, November 25, 2017.

⁷Ryota Shimabukuro, "[U.S. military crime's low indictment rates appear affected by secret agreement](#)," *Ryukyu Shimpo*, December 11, 2017.

⁸"[EDITORIAL: Full review of SOFA is needed, particularly over jurisdiction](#)," *Asahi Shimbun*, January 19, 2017.

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