

# The GAME: Unraveling a Military Sex Scandal<sup>1</sup>

Reviewed by Major John P. Norman\*

## I. Introduction

Recently, there has been no shortage of focus on the U.S. military with regard to its handling of sexual assault and sexual harassment cases within the ranks.<sup>2</sup> As much as this may feel like a new issue, it is not. Just as the U.S. Navy dealt with scrutiny following the infamous Tailhook Scandal of 1991,<sup>3</sup> the U.S. Army faced the same intense pressure in 1996 and 1997 over its handling of multiple sexual misconduct allegations in what has become known as the “Aberdeen Sex Scandal.”<sup>4</sup> At the center of this scandal was Major General Robert D. Shadley, U.S. Army (Retired).<sup>5</sup> In

*The GAME: Unraveling a Military Sex Scandal*, Major General Shadley provides the reader with a detailed account of his oversight and investigation of this scandal, and some lessons learned during his “most stressful [time] in the military.”<sup>6</sup> Major General Shadley’s “personal notes and unclassified documents” are generally referenced as the source materials for his book.<sup>7</sup> However, there are no specific citations to these or any other sources, so the book reads more as a personal memoir compiled from memory rather than a scholarly analysis of the situation.

On August 11, 1995, Major General Shadley took command of the U.S. Army Ordnance Center and School (USAOC&S),<sup>8</sup> headquartered at Aberdeen Proving Ground (APG) in Aberdeen, Maryland.<sup>9</sup> In *The GAME*, Major General Shadley recounts how his first year as the Commanding General (CG) was relatively normal and uneventful.<sup>10</sup> However, that all changed in September of 1996 when, through multiple sources and investigations, it became apparent to the APG leadership that there was a widespread problem with drill sergeants (DS) and members of the instructor cadre who were having both consensual and non-consensual sexual encounters with junior enlisted recruits and trainees.<sup>11</sup> Ultimately, these allegations of sexual misconduct led to twenty-six separate legal or

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<sup>1</sup> ROBERT D. SHADLEY, *THE GAME: UNRAVELING A MILITARY SEX SCANDAL* (2013). The title of the book comes from the acronym “GAM” standing for Game `a la Military. “GAM was the name for a deeply embedded system of sexual harassment and assault going on in the Army for many years.” *Id.* at 1.

<sup>2</sup> See, e.g., *THE INVISIBLE WAR* (Chain Camera Pictures 2012) (an investigative documentary about the problem of sexual assault in the U.S. military); Helene Cooper, *Pentagon Study Finds 50% Increase in Reports of Military Sexual Assaults*, N.Y. TIMES, May 2, 2014, at A14, available at 2014 WLNR 11769980; Ashley Parker, *Lawsuit Says the Military Is Rife with Sexual Abuse*, N.Y. TIMES, Feb. 16, 2011, at A18, available at 2011 WLNR 3032370; Quil Lawrence & Marisa Penalzoza, *Sexual Violence Victims Say Military Justice System is ‘Broken,’* NAT’L PUB. RADIO (Mar. 21, 2013, 3:05 AM), <http://www.npr.org/2013/03/21/174840895/sexual-violence-victims-say-military-justice-system-is-broken>; Craig Whitlock, *General’s Promotion Blocked Over Her Dismissal of Sex-Assault Verdict*, WASH. POST (May 6, 2013), [http://www.washingtonpost.com/world/national-security/generals-promotion-blocked-over-her-dismissal-of-sex-assault-verdict/2013/05/06/ef853f8c-b64c-11e2-bd07-b6e0e6152528\\_story.html](http://www.washingtonpost.com/world/national-security/generals-promotion-blocked-over-her-dismissal-of-sex-assault-verdict/2013/05/06/ef853f8c-b64c-11e2-bd07-b6e0e6152528_story.html).

<sup>3</sup> See generally GREGORY L. VISTICA, *FALL FROM GLORY: THE MEN WHO SANK THE U.S. NAVY* (Touchstone Books 1997) (1995). This book, written by the reporter for *Newsweek* who broke the story, covers many issues of corruption and scandal in the U.S. Navy, but there is a significant portion dedicated to the Tailhook Convention of 1991 held in Las Vegas, Nevada that became infamous for the sexual misconduct that took place there. Major General Shadley cites this book as a resource, which helped him deal with his command’s sexual misconduct crisis at Aberdeen Proving Ground. SHADLEY, *supra* note 1, at 60.

<sup>4</sup> SHADLEY, *supra* note 1, at ix. This is the term that Major General Shadley uses to refer to the entire sexual misconduct scandal at Aberdeen Proving Ground. Others have also used this same term to generalize the situation. See also *Drill Sergeant Raped Us, 2 Trainees Testify: Army Sex Scandal Reaches Trial*, CHI. TRIB., Apr. 15, 1997, at 10, available at 1997 WLNR 5824241 (using this exact same term when contemporaneously reporting on situation at Aberdeen Proving Ground).

<sup>5</sup> The author retired from the U.S. Army in 2000 after thirty-three years of distinguished service. SHADLEY, *supra* note 1, at 315. He “serv[ed] in key . . . assignments, to include combat tours in Viet Nam and OPERATION DESERT SHIELD/STORM.” *Id.* After his retirement, Major General Shadley “served as a senior mentor providing logistics and leadership . . . expertise to Army units prior to deployment to Afghanistan and Iraq.” *Id.*

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<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at ix.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> Aberdeen Proving Ground (APG) is a U.S. Army installation that was established in 1917 to provide a site where Army materiel could be tested. It is currently home to eleven major commands and over 100 other tenant units and activities. Aberdeen Proving Ground “provides facilities to perform research, development, testing, and evaluation of Army materiel.” U.S. Army, *About APG—Facts*, TEAM APG: OFFICIAL HOMEPAGE OF ABERDEEN PROVING GROUND, <http://www.apg.army.mil/AboutAPG/Facts> (last visited June 25, 2015).

<sup>10</sup> SHADLEY, *supra* note 1, at 5–11. Major General Shadley describes how he developed a command climate assessment when he took command of the U.S. Army Ordnance Center and School (USAOC&S). He writes that all of his “actions constituted what is referred to as the incoming commander doing a command climate assessment . . . . In 1995, there was no requirement . . . for a new commander to do such an assessment. As a result, there was no format or guide for a new commander to follow.” *Id.* at 9. This is an early example in the book of the author posturing himself against criticism which is easily picked up on by the reader. Whether a thorough command climate assessment was done or not becomes important later in the book because Major General Shadley reveals that he was reprimanded, in part, for “fail[ing] to conduct an accurate assessment of the command climate . . . at Aberdeen when [he] assumed command.” *Id.* at 227.

<sup>11</sup> *Id.* at 13–33. The author does not explain how the sexual misconduct at APG was discovered. It appears that commanders heard rumors from their troops and this led to command investigations, which eventually morphed into law enforcement investigations. *Id.*

disciplinary actions being taken against individual U.S. Army officers and noncommissioned officers (NCOs).<sup>12</sup>

Over the course of his book, Major General Shadley does not explain the facts of individual cases.<sup>13</sup> He instead focuses on his role in managing the crisis and providing leadership to his command team.<sup>14</sup> Ostensibly, Major General Shadley wrote *The GAME* to provide some lessons that he learned through crisis—lessons in leadership. He writes, “The events that occurred affected my thoughts on leadership and helped me shape and communicate those thoughts to several hundred [others] since leaving Aberdeen and the Army. The lessons I learned are applicable to today’s leaders both in and out of the military.”<sup>15</sup> However, Major General Shadley is only partially successful in delivering these lessons because the reader has to painstakingly pull them out of a work that is confusing, lacks a unifying theme, and is more of a defense against criticism than a guide for leaders. As a result of the “Aberdeen Sex Scandal,” Major General Shadley received a memorandum of reprimand (MOR) for failing in his “command responsibility to exercise proper[] oversight” of USAOC&S.<sup>16</sup> Unfortunately, almost a third of *The GAME* is devoted to Major General Shadley’s belief that he was made a scapegoat by the Army and his attempts to get the MOR removed from his official military personnel file (OMPF).<sup>17</sup>

Major General Shadley’s work is a thorough recounting of a significant time in his career and provides insight on the scope of what a general officer deals with on a daily basis during a political crisis for his command. However, it is difficult to glean true conclusions or lessons learned from this book because of the many distractions embedded in it. A reader looking for a roadmap for the way ahead in the area

of military sexual assault will be disappointed. This review will first point out some of the main distractions, then attempt to cull out some of the positive, concrete lessons in order to allow the reader to make an informed choice about whether to embark on this work or not.

## II. Distractions for the Reader to Overcome

The biggest distraction from the lessons on leadership in *The GAME* is certainly the day-by-day, event-by-event style that is used by the author without a unifying theme. For the first two-thirds of the book—pages 1 through 212 of 315—Major General Shadley records everything he did while dealing with the sex scandal on a daily basis from September 1996 to July 1997. Events are not linked causally or topically. Furthermore, random and unrelated events are sometimes inserted into the chronological chain, which further distracts the reader.

As an illustration of this writing style, in one passage, the author remarks about his frustration with the Department of the Army (DA) for not providing convenient healthcare to Reserve Component Soldiers, then he notes that his dog, Remington enjoyed his new Christmas toys, and, finally, he states that he received an e-mail from a subordinate about coordinating a joint press release with the National Association for the Advancement of Colored People (NAACP).<sup>18</sup> In another example, Major General Shadley discusses a *New York Times* article about how the U.S. Marine Corps does not integrate men and women in basic training, then goes on to discuss his attendance at a Martin Luther King, Jr. Commemorative Prayer Breakfast, next discussing the preferral of charges in one of the DS cases, and finally discusses how there was only one female trainee at Aberdeen who had allegedly lied about her allegations.<sup>19</sup> These examples are just samples of what the reader faces throughout *The GAME*. It is often difficult to understand what the author’s overall point is or why a certain fact has been included. The author’s style severely detracts from the effectiveness of the work.

The next distraction in this book is its dual nature as both an explanatory rebuttal to criticism and also a commentary on the problem of sexual assault in the military. The duality of the book is seen up front in the introduction. Alongside the previously quoted passage about leadership lessons gained from his experience,<sup>20</sup> Major General Shadley indicates his true purpose behind the book:

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<sup>18</sup> *Id.* at 96. This example is found literally paragraph-by-paragraph on one page of the book with no alteration by the reviewer for effect.

<sup>19</sup> *Id.* at 104–05. Again, these events are listed paragraph-by-paragraph over two pages of the book. These events are not related to each other in any way and are not causally linked together. There is no explanation given for why certain events are described in series with other unrelated events.

<sup>20</sup> See *supra* note 15 and accompanying text.

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<sup>12</sup> The author is not very clear on the exact legal actions taken in each case, but the reader is able to glean from references throughout the entire book that the disciplinary forums included general, special, and summary courts-martial, Article 15 Uniform Code of Military Justice (UCMJ) nonjudicial punishment, and administrative separations from the Army. See, e.g., *id.* at 210. Of the twenty-six individual cases, nineteen Soldiers were found guilty of some offense, but not necessarily sexual assault; seven Soldiers were found not guilty of any offense. *Id.*

<sup>13</sup> See, e.g., *supra* notes 11–12. Because the underlying misconduct is never explained, it is very difficult for the reader to understand the context of the problem faced by the commander. In fact, the title of the book is misleading because the book has little to do with “unraveling” the scandal and more to do with the various reactions to it.

<sup>14</sup> See *infra* notes 28–30 and accompanying text.

<sup>15</sup> SHADLEY, *supra* note 1, at 2.

<sup>16</sup> *Id.* at 226.

<sup>17</sup> *Id.* at 213–90. This section is the final third of the book and it describes the author’s legal battle, through defense counsel, to remove the Memorandum of Record (MOR) from his official military personnel file. Major General Shadley is ultimately successful in getting the MOR pulled from his record and is allowed to retire as a Major General. The fact that the author is ultimately successful in cleaning up his record, and thus not punished in any tangible way, adds to the reader’s sense that this portion of the book is unnecessary for the book’s better purpose.

I never imagined my efforts to correct these serious abuses would expose me to criticism and reprimand from the very Army I have loved and served for more than 30 years. I would be labeled a racist by some organizations and vilified by others in the press. My actions and those of my team were scrutinized by the media, private organizations, members of Congress, the Office of the Secretary of the Army, and the Office of the Secretary of Defense. Some had praise. Others had criticism.<sup>21</sup>

At this point, the reader knows that he is in for a defense of the author's actions and an attempt to favorably reframe what the author did or did not do. Major General Shadley goes on to later write:

My problem with a few folks who worked agendas such as race and women in the military was that in too many instances, the agenda took precedent over the individual. Some people would not hesitate to throw someone under a bus if they thought it would further their agenda. I would eventually get a view from under more than one bus.<sup>22</sup>

Aside from defending against race-and-gender based agendas, Major General Shadley spends most of his effort proclaiming that the DA used him personally<sup>23</sup> and APG generally as the focus of the problem in order to deflect attention from a wider sexual assault crisis in the Army. He says that he and his staff were "being set up" and were "doomed to be the scapegoat[s]."<sup>24</sup> Major General Shadley summed up his feelings when he said, "I [was] amazed that senior Army leaders . . . failed to acknowledge that sexual misconduct was not isolated to APG,"<sup>25</sup> and that "the image of the Army was the overriding, number one agenda for the Army senior leadership."<sup>26</sup> Apparently, Major General Shadley's rebuttal to being a scapegoat for the "Aberdeen Sex Scandal" is his listing of chronological facts showing all that he tried to do during this crisis. However, as it has

already been pointed out, this style is confusing and does not advance the more important points about leadership or preventing military sexual assault.

Major General Shadley's defense of himself and his team may be warranted, but he should not have tried to take on this task and also intersperse lessons learned and broader points about military sexual assault in one book. Military readers—especially commanders—could have benefited from Major General Shadley's thoughts on victim behavior, offender behavior, useful training ideas that may prevent sexual assault, or the preconditions in a military unit that may lead to sexual misconduct, to name a few. The dual nature of the book distracts from potential helpfulness. Further, if the author truly wanted the book to be about justifying and defending his own actions, he should have stated that plainly from the outset and framed the whole story that way. That would have been a more persuasive theme and an understandable approach. As it is, the reader is left confused, as the book moves back and forth between its two themes: (1) a defense-based explanation and (2) a commentary on the problem of sexual assault.

### III. Lessons Gleaned by the Careful Reader

Up to this point, this review has admittedly been critical. However, there are positive attributes to Major General Shadley's work. Major General Shadley found himself trying to fix a major problem that he did not create and he seems to have done it with true care for his Soldiers and for the U.S. Army; all the while, he was under intense political and media scrutiny. As a result, there are certainly lessons to be gleaned from Major General Shadley's experience for a reader who is willing to dig in.

The first place where Major General Shadley shows the reader a strong leadership lesson is when he describes setting up a multi-disciplined crisis action team (CAT) and then giving the team clear strategic guidance.<sup>27</sup> Major General Shadley clearly communicated three objectives to his team: "(1) identify potential victims and ensure we provide all necessary support to them; (2) identify alleged perpetrators and allow the judicial system to work its due process; and (3) identify systematic causes for the problem and initiate

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<sup>21</sup> SHADLEY, *supra* note 1, at 1.

<sup>22</sup> *Id.* at 80. Major General Shadley also states sarcastically, "No matter how this all turned out, it would be our fault that someone didn't get their desired outcome." *Id.* at 105.

<sup>23</sup> *See supra* note 17 and accompanying text.

<sup>24</sup> SHADLEY, *supra* note 1, at 187.

<sup>25</sup> *Id.* at 214–15.

<sup>26</sup> *Id.* at 215.

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<sup>27</sup> *Id.* at 18. Strategic guidance during crisis is critical. It allows subordinates to carry out the commander's intent with flexibility as the crisis unfolds. The U.S. Marine Corps, in its seminal doctrinal publication puts it like this: "The first requirement [in warfare or other crisis] is to establish what we want to accomplish, why, and how. Without a clearly identified concept and intent, the necessary unity of effort is inconceivable." U.S. MARINE CORPS, MARINE CORPS DOCTRINAL PUB. 1, WARFIGHTING 82 (20 June 1997) [hereinafter MCDP 1]. The doctrinal publication goes on to say this about commander's intent: "The purpose of providing [commander's] intent is to allow subordinates to exercise judgment and initiative—to depart from the original plan when the unforeseen occurs—in a way that is consistent with higher commanders' aims." *Id.* at 89.

corrective actions to preclude recurrence.”<sup>28</sup> These “vectors”<sup>29</sup> are referenced over and over in *The GAME* and it is easy to see how Major General Shadley’s guidance affected the actions of his team going forward.

A good example of Major General Shadley’s positive strategic influence is found in the decision by the Criminal Investigation Command (CID) to go back and interview all former trainees who had passed through USAOC&S while the alleged perpetrators had been assigned there.<sup>30</sup> This was a step that other Army commands who were dealing with sexual misconduct did not take at the time, but it led to APG being able to self-identify more victims and thus root out the problem more thoroughly. As Major General Shadley writes, “It was consistent with our objective of identifying potential victims and ensuring we provided all necessary support.”<sup>31</sup> The importance of strategic vision to guide people through crisis cannot be understated.

Another valuable lesson that can be gleaned from *The GAME* is how large and unexpected the scope of a crisis can become for a leader. Although, Major General Shadley’s day-by-day accounting of events can be hard to follow, by the end of the book, the reader is certainly impressed with the breadth of issues that he had to deal with. Throughout the book, Major General Shadley discusses dealing with politicians,<sup>32</sup> the media,<sup>33</sup> racial special interest groups,<sup>34</sup> and those concerned about gender equality in the armed forces.<sup>35</sup> It is imperative for commanders and those who practice in the area of military sexual assault—judge advocates, law enforcement personnel, and victim advocates—to realize that the issue is not simply about sexual assault as a stand-alone criminal act. The issue of sexual assault has many components and can often be used by special interest groups to advance their agendas. Without recognizing this early in the process, a commander or

practitioner could easily be thrown off-balance when those special interest groups come calling.

The ultimate lesson from Major General Shadley’s work is twofold: (1) leverage your personnel with distinct areas of expertise to handle pressure from multiple fronts,<sup>36</sup> and (2) always strive to “[do] the right thing” without regard to outside influences or pressures.<sup>37</sup>

#### IV. Conclusion

While it is possible to glean some leadership lessons and strategies for dealing with military sexual assault from *The GAME*, the book ultimately disappoints the reader looking for a way forward in this area due to the lack of a unifying theme. The reader instead finds a day-by-day account of a certain time period in Major General Shadley’s command followed by an explanation of why the personal consequences for the author were unjustified. Major General Shadley does eventually present some concrete suggestions over about one page of his epilogue;<sup>38</sup> however, it is too late at this point in the work to tie these suggestions back to the mass of information that has just been presented. If the author wanted to write a memoir-style history of his time dealing with the Aberdeen Sex Scandal, he could have done that. If he wanted to focus on lessons learned and suggestions for the future while using his experiences as context for those lessons and suggestions, he could have done that. Unfortunately, *The GAME* tries to do both, but is not fully successful at either. The reader looking for more than a critique of the late-1990s Army leadership and a cataloging of facts surrounding a certain historical event will ultimately be disappointed.

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<sup>28</sup> SHADLEY, *supra* note 1, at 19–20.

<sup>29</sup> *Id.* at 20.

<sup>30</sup> *Id.* at 34.

<sup>31</sup> *Id.*

<sup>32</sup> See, e.g., *id.* at 77-78 (describing a visit by Senator Barbara Mikulski); *id.* at 84-85 (describing a visit by a congressional delegation); *id.* at 100-02 (describing a visit by Congressman John Murtha); *id.* at 132-35 (describing a visit by the Congressional Black Caucus).

<sup>33</sup> See, e.g., *id.* at 49–52 (describing the author’s first press conference about the sexual misconduct scandal); *id.* at 55-67 (chapter 6, “A Media Spotlight Shines on Aberdeen”); *id.* at 204 (describing that the author directed forty-one press releases be issued during the sexual misconduct scandal).

<sup>34</sup> See, e.g., *id.* at 81–130 (four chapters of the book detailing the author’s interactions with the NAACP).

<sup>35</sup> See, e.g., *id.* at 105 (outlining the author’s response to an article written by a law professor about gender issues in the military).

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<sup>36</sup> See *supra* note 27 and accompanying text. Major General Shadley consistently praises his subordinates and their efforts during the sexual misconduct scandal. *Id.*

<sup>37</sup> SHADLEY, *supra* note 1, at 285.

<sup>38</sup> *Id.* at 288-89.