

NCO HISTORY BRIEF

THE UNTOLD STORY

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OUTLINE

I. Introduction.

A. References.

1. Charles W. Gittens. National Review, New York: May 1998 Volume 50.
2. Glen Skoler. The Washington Post, Washington, DC: March 1998, pg C7.
3. Gil High. Soldiers, Army News Services: August 1997.

B. This research paper will give you a look at the other side of the allegations against the 10th Sergeant Major of the Army.

II. Body

- A. The Beginning
- B. Sergeant Major of the Army
- C. Allegations
- D. Acquittal

III. Closing

A. Summary: During the preliminary hearing and court martial proceedings, the press reported defense contentions that in the post tailhook world, it was more

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politically safer for ambitious military prosecutors to go after black noncommissioned officers than to go after white commissioned officers.

B. Questions:

C. Conclusion: SGM McKinney's verdict has left many women feeling discouraged and victimized. But if the media abandons the presumption of innocence for the presumption that all sexual harassment accusers are victims, it hurts rather than helps women.

Gene C. McKinney enlisted in the Army 1968, straight out of high school in Tallahassee, Fla., and served one combat infantry tour in Vietnam. During a career that spanned nearly 30 years, Sergeant Major McKinney, held every single leadership position up to Sergeant Major of the Army (SMA). Immediately before becoming the 10th Sergeant Major of the Army, and the first black in that position, he was command sergeant major of the United States Army Europe. His decorations and awards are numerous: Legion of Merit, Bronze Star, Meritorious Service Medal and Good Conduct Medal, to name a few. Sergeant Major McKinney and his siblings, seven in all, took the promise of the Army seriously. There were five boys, including Gene's identical twin, James, and all of them were enlisted men. James & Gene were two of the six finalists for the position of Sergeant Major of the Army, which Gene was selected in 1995. Sergeant Major Gene C. McKinney gave life to the old Army television commercial, the one that urges recruits to "be all that you can be". He was a living symbol that the military is America's truest equal opportunity employer, a place where a poor boy who once picked peanuts can end up leader of the Army's enlisted men and women.

Sergeant Major McKinney's personal life took a back seat to his career, with the dutiful support of his wife, Wilhemina, his childhood sweetheart. She is a woman with a sweet singing voice, a college degree in music and a love of teaching that enabled her to find jobs wherever her husband's career took them. Outside of his military duties, the sergeant major's pleasures seem simple. For therapy, he would rake leaves, work on his cars or go fishing. The McKinney's had only one child, a son named Zubari, who

was killed in 1996 in an automobile accident when he was 18. The job of Sergeant Major of the Army is one that requires great sociability and charm, days and nights at conventions and banquets doing what Sergeant Major McKinney described as "grip and grin".

The Army Chief of Staff in 1997, General Dennis J. Reimer appointed two senior noncommissioned officers to serve as acting Sergeants Major of the Army. The office of the Army's highest enlisted soldier was vacant since then SMA Gene C. McKinney was suspended from his duties on February 10, 1997 for sexual misconduct allegations (Skoler, 07). General Reimer decided that the SMA position will rotate between command sergeant majors, who were serving as the senior enlisted soldiers of the Army's two largest major CONUS commands, at that time. The decision was effective June 13, 1997. The two were CSM Jerry T. Alley of United States Forces Command at Fort McPherson, Georgia and CSM James C. McKinney of United States Army Training and Doctrine Command at Fort Monroe, Virginia. Gene and James McKinney are identical twins (Gittens, 28).

At 1845hours on March 13, 1998, a military jury of four Army officers and four enlisted men filed into the courtroom at Fort Belvoir, Virginia, to read the verdict that they had reached after twenty hours of deliberation on the 19 charges of misconduct against former Command Sergeant Major of the Army Gene C. McKinney (Skoler, 07). As Sergeant Major McKinney stood at attention with his attorneys, the president of the court-martial, a colonel, read the verdict that acquitted Sergeant Major McKinney of 18

of the 19 charges, including all the charges of sexual misconduct made by his accusers. Sexual harassment cases never satisfy everyone. One person's word is often weighed against another's, and only one can be believed. But the outcome of the case against SGM Gene McKinney, formerly the Army's top enlisted soldier, had the distinction of not totally satisfying anyone. In what can only be seen as a bargained-out verdict, the onetime Sergeant Major of the Army was found not guilty of 18 counts of sexual misconduct, but guilty of obstruction of justice (Skoler, 07). The guilty verdict stemmed from a taped conversation in which SGM McKinney appeared to coach one of his accusers on what to tell investigators. It is hard to see how that conversation could be a crime if there was no improper behavior to conceal. Nonetheless, after a long and open preliminary hearing and a long and open trial, a military jury decided that prosecutors hadn't proven the charges of indecent assault and adultery beyond a reasonable doubt. Its verdict must be respected, but no one emerged a winner.

SGM McKinney's 30-year military career had come to a premature end. It was easy to see, even in the confines of a courtroom, how effective he must have been, with the bearing of a great athlete and the folksy drawl of the rural south (Gittens, 28). Despite the March 13, 1998 acquittal SGM Gene C. McKinney on 18 counts of sexual misconduct, he unfortunately is likely to remain guilty in the minds of most women and many men. Newspapers across the country expressed the sense of confusion over the verdict, declaring that this case had the distinction of not totally satisfying anyone (Skoler, 07). Why did the verdict seem to come as such a surprise? The answer, I

believe is largely due to the way the news media reported the initial charges and subsequent testimony at the court martial. The defense offered enough evidence to rise reasonable doubts about SGM McKinney's guilt, but that evidence was rarely showed in the daily news accounts that I researched. Much of the news coverage had a built-in bias, not an anti-SMG McKinney bias, but a pro-victim bias resulting from the well-intentioned but flawed conviction that sexual harassment complainants are automatically victims who deserve the media's protection. The press tended to maximize any allegations against SGM McKinney, while minimizing questions that emerged about the six complainants and their accounts. I don't blame women, or the media, for assuming SGM McKinney's guilt. Before my research of this paper, my limited knowledge of the case led me to think he must have done something improper.

Prosecutors had alleged that SGM McKinney was a kind of Jekyll and Hyde figure. A well decorated soldier with a remarkable 29-year military career, but also an indiscriminate sexual predator who suddenly began harassing and assaulting women as he reached middle age. Before he became Sergeant Major of the Army in 1995, SGM McKinney underwent an extensive background investigation that did not reveal any of the personality traits or improprieties later alleged by prosecutors. Most people homosexual or heterosexual, normal or perverse engage in a ritualized sexual arousal pattern. But the allegations against SGM McKinney had him all over the place. One day he is crudely exposing his genitals to a subordinate. Another day he is impulsively assaulting a soldier in a hotel room. Another day he is cleverly manipulating a married

woman, at least seven months pregnant, to meet him at his home for consensual intercourse. On another day he is setting up secret meetings. Even prosecutors had a hard time reconciling the diversity of allegations with SGM McKinney's admittedly remarkable rise from impoverished teenager to decorated Vietnam soldier to Sergeant Major of the Army, the first African American to serve in that position. SGM McKinney's defense is still unclear to the public. This is, I believe, because the strongest defense arguments were for the most part "politically incorrect." The news media seemed unwilling to take seriously the racial and sexual questions that SMG McKinney's defense raised about the integrity of the Army and its complainants. The public, after weeks of daily media coverage, still did not fully understand that there were not six independent, spontaneous complainants at the outset, but only one. The original complainant was a disgruntled former employee who had been asked to leave his staff. At a preliminary hearing, the defense team showed evidence that the Army had received a report about the complainant involving alleged homosexuality. The defense contended that she may have had a negative attitude toward men. The court cut off this general line of questioning, ruling that it was not relevant, so the subject did not come up at trial. But in a case like this one, that's the kind of information that a jury and the public might want to know from the beginning.

After the first complainant came forward, the Army investigators smelled an Aberdeen-type scandal; Another African American noncommissioned officer taking advantage of female subordinates. The Army launched a massive investigation, taping

phone calls and interviewing women who had contact with SGM McKinney. Some of his accusers, after his acquittal, said they felt pressured by superiors and investigators. SGM McKinney's lawyers alleged that the Army gave the complainants immunity for their own misconduct, as well as privileges, perks and desired assignments. One need not agree with his lawyer characterizations of the accusers as "liars" and "frauds" to believe in SGM McKinney's innocence. His lawyer also alleged that investigators coached witnesses to view SGM McKinney as a harasser. Therefore, it is possible that complainants were reinterpreting their encounters with SGM McKinney in light of the investigation. Behavior that might have been disregarded earlier (grabbing an arm, for example) was reevaluated and seen as evidence of sexual harassment. One of SGM McKinney's accusers claimed that he had "grabbed" her arm as part of a sexual overture. Reasonable people might differ on whether this act constituted sexual harassment. But a reasonable person also might be interested to learn the accuser admitted at trial that for her testimony, she had received Army immunity for alleged adultery and fraternization offenses, which are crimes under the UCMJ.

Why weren't such facts and allegations on SGM McKinney's side of the story told more thoroughly and presented to the public? The very legitimacy given to sexual harassment accusations has made them a powerful weapon. To maintain the integrity of such complaints, we must acknowledge the possible illegitimate use of a legitimate grievance. The character witnesses at his court-martial, 26 in all, including a four-star general, described a soldier beyond reproach, a stern but fair leader who was devoted

above all else to his soldiers' needs. They would trust him with their lives, and their children's lives. They were proud to know him! The woman who first accused SGM McKinney of sexual harassment told a former supervisor before she went public with her charges that she had a plan to bring down SGM McKinney. Maj. (R) Yamamoto testified at the court-martial that former SGM (R) Hoster's motivation for accusing SGM McKinney was her desire to return to active duty. Major (R) Yamamoto testified that SGM (R) Hoster, told her she had obtained a lawyer to help her end SGM McKinney's career. Also, that SGM (R) Hoster had told her of a case in which another former soldier had earned \$50,000 in back pay after making similar charges. SGM McKinney contending that the women fabricated their stories to seek revenge for his demanding style of military leadership. Testimony from another defense witness suggested racial bias against SGM McKinney, whose lawyers have claimed he was being prosecuted because he is an African American. Chief Warrant Officer Deborah Varga, testified that SSG Christina M. Fetrow, one of SGM McKinney's chief accusers, told her she wanted to be reassigned to Ireland, where there are all white people only (Skoler, 10).

The McKinneys thanked the jurors for their labors and asked for the right to exit the Army with some honor. At the close of the court-martial, the Chief of Staff of the Army at that time, General Dennis J. Reimer, released a statement about the fairness of the UCMJ system. SGM McKinney left the Army without much glory, after 29 years 9 months of service. He and Wilhemina had to start over and make a new life and they did.

WORKS CITED

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Gil High. Soldiers Army News Services Soldiers: August 1997