

## **Servicemember Intimate Privacy Protection Act (SIPPA)**

Currently, the Uniform Code of Military Justice (UCMJ) does not explicitly prohibit the dissemination of non-consensual pornography. This policy is inconsistent with the 34 states and District of Columbia that have a prohibition on this reprehensible conduct.

In the wake of the Marines United scandal, in which photos of servicewomen were shared without their consent, some in the military have argued that UCMJ Article 120c could be used to charge individuals for this conduct. This is clearly not the case. Article 120c only applies to sexually explicit images that were taken without consent, such as in a locker room. In the case of Marines United, a number of photos that were initially taken consensually were then distributed nonconsensually.

Under Article 134 of the UCMJ, the military can use a state or federal law, but in this case the only statute that might apply is a flawed North Carolina law which does outlaw nonconsensual pornography, but requires prosecutors to prove the “intent to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.”

The Servicemember Intimate Privacy Protection Act, or SIPPA, will close this gap in the UCMJ by making nonconsensual distribution of intimate images illegal under the UCMJ.

### **Background**

An estimated 30,000 Marines and others had access to the original Marines United page. Hundreds of women – both service women and civilians – had their photos distributed.

Not one survivor came forward because none of them had faith in military leadership to fix the problem and protect situation and protect the survivors from retaliation. The story only broke when a Marine veteran and blogger reported on it, and he has been subjected to death threats, and his family to rape threats, as a result of his bravery.

The Marine Corps has been aware of this type of site for many years. In 2013, Congresswoman Speier discovered a public Facebook page (F’N Wook) that depicted the same types of images. She wrote to Defense Secretary Chuck Hagel and Marine Commandant James Amos at that time demanding action. She received a written reply from the Commandant stating, “We share your indignation...,” but then went to refer to the attacks as an IT problem. Given the lack of understanding then, and the current situation, it is clear military leadership has failed in its duty to protect its troops and ensure its creed of good order and discipline is followed.