WRITTEN BY LOUISE FARR
PORTRAITS BY JILLY WENDELL

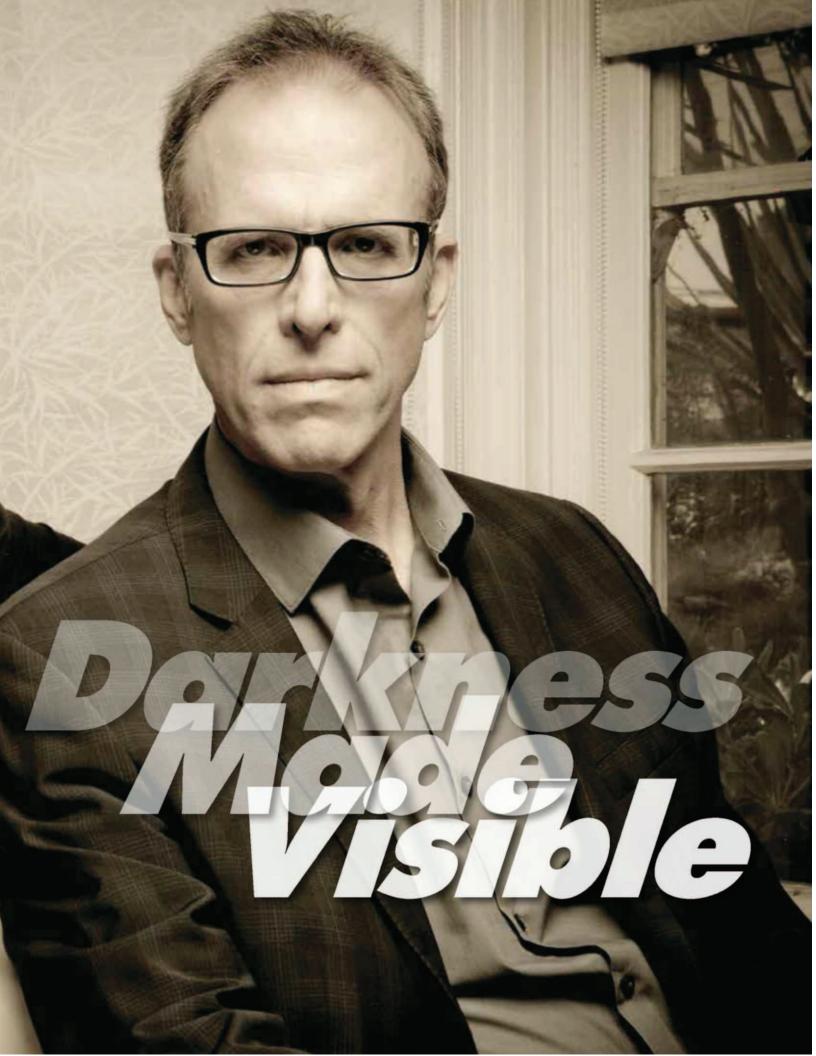
Kirby Dick and **Amy Ziering** document military rape in *The Invisble War*.

In October 2010, writer-director Kirby Dick and his producer Amy Ziering journeyed throughout the United States to make a documentary about sexual assaults in the U.S. military—an estimated 19,000 a year, with less than 14 percent reported to supervisors.

The shocking statistics are not from an anti-Army, agenda-driven organization. They come from the Department of Defense.

Rape survivors suffer from post-traumatic stress disorder, often with crippling symptoms that include agoraphobia, nightmares, flash-backs, and an inability to discuss their attacks, sometimes even with close family members. The filmmakers' first challenge was to locate women and men willing to talk about their assaults. Initial phone calls identified 25 possible subjects.





"You realize how patriotic these soldiers were and how devoted to the military, then how betrayed they were by the military," says Kirby Dick. "You realize that rape not only impacts them and their families and communities, it impacts our armed forces. Most people in the military are horrified by this. At Sundance, officers and enlisted people would come up to us and say, 'Thank you for making this film."

Starting in New York and making their way back to their Los Angeles home base—just the two of them, without a crew, to minimize the intimidation factor—Dick and Ziering conducted up to three interviews a day, afterward driving or flying overnight to their next location. Most of the interviewees were women, so Dick stayed largely behind the camera while Ziering asked the questions, eliciting harrowing tales of brutal assaults, often perpetrated by superiors, and the subsequent minimal-to-no investigations or prosecutions, accompanied by oppressive reprisals for having identified attackers. Eventually, Dick and Ziering talked to more than 100 veterans for the documentary they titled *The Invisible War*.

Jessica Hinves, a fighter-jet crew chief before being honorably discharged recently after 10 years in the Air Force, speaks of a rapist who still serves and was even honored with "Airman of the Quarter" during a yearlong investigation into her rape. After announcing that there was not enough evidence to prosecute, a commander explained to Hinves that her rapist simply "didn't act like a gentleman."

Kori Cioca, 19 when she joined the Coast Guard, recalls through tears the 2005 assault that left her with a broken jaw that remained broken because the Department of Veterans Affairs claimed the injuries were not military-related. The diminutive Cioca confides to Dick's camera that she had spurned the advances of an abusive commanding officer who had repeatedly overcome her, ultimately causing her injury, only to be promoted instead of facing rape charges.

The challenge had been to create a documentary that filmgoers could tolerate instead of withdrawing, as even Ziering did momentarily, from tales of shattered lives. Dick's hope was to make a work that the highest ranks of the military could and would view without dismissing it as propaganda.

Two days before the film's 2012 premiere at Sundance, where it went on to win the Audience Award, Secretary of Defense Leon Panetta held a press conference—preemptive, Dick believes—during which he announced new measures addressing military sexual assault. Close to \$10 million would be set aside for improved training of prosecutors and investigators, Panetta promised. Then in April, after he had seen the film, through executive order Panetta removed power from local commanders over reporting of sexual assault and rape allegations, requiring instead that they be referred to a special courtmartial authority.

"That rape is tolerated and celebrated brings enormous shame to anyone who has ever worn the uniform. This documentary should and must be considered required training for military personnel," says Army Reserve Colonel Kathy Platoni, psychology consultant to the chief, Medical Service Corps, and co-author/editor of War Trauma and Its Wake: Expanding the Circle of Healing. "No commanders should be excused from participation."



If watching *The Invisible War* moved Panetta enough to change strategy, making it was heartbreaking for Dick and Ziering. "Both Amy and I pretty much cried at every interview," Dick says, seated in the living room of his 1940s Silver Lake home, sandy-haired and dressed in khaki shorts, T-shirt, and flip-flops. "They were so idealistic, and you saw these lives lost."

Toward the end of the third day of their crosscountry odyssey, after an interview had gone less

Marine Lt. Elle Helmer, a former Barracks public information officer, told of being assaulted at the prestigious and iconic Marine Barracks in Washington, D.C. She described being ordered by a superior into his office, knocked unconscious, and raped by the officer. Early in 2012, Helmer and seven other former and current service members filed a federal suit, seeking damages against Secretary of Defense Panetta, former Secretaries Robert M. Gates and Donald Rumsfeld, as well as others, claiming that the military failed to protect them from rape and failed to investigate their cases.



than well, Dick asked Ziering if something was wrong. "Everything's fine," she snapped. Later, at her motel, the normally unflappable Ziering found herself locking doors and glancing warily behind. She was suffering from secondary PTSD, which can happen to therapists who work with trauma survivors. The next morning over breakfast, Ziering explained to Dick, "My body said it didn't want to hear any more. I couldn't take in these stories."

After recognizing her anxiety for what it was, Ziering began running every morning to help control it, and she and Dick cut back to two interviews a day. "It was unexpected," she says of her symptoms. "I should have known better." For Dick, the camera created a buffer. "I've made many, many films, and many were very emotional," he says. "I'm also in this sort of professional mode of the more emotional it is, the more powerful I can make the film. I'm always pushing in that direction."

Painful as it was, that first October trip was "formative" for the documentary. "I don't know how to describe it," Dick says, "but I got an understanding of the emotional core of the film, not necessarily taking shape, but what would emotionally drive it. You think, *Okay, I can see that; I can capture that.* I want my experience of having spoken to 25 survivors over 10 days, and the transformative effect it had on me, I want that to be passed on to the audience. The whole experience was not only transformative for us, but it was transformative for them."

"I came to it from an incredibly emotional place," Ziering remembers: "Oh, my God, I feel so bad for this person. We must make this film. And Kirby would come to it from a more social justice place: This is so effed-up and wrong. We've got to fight for the cause. That was a good combination, and the film ends up reflecting that. It's a very emotional film, but it's also a very cerebral, analytical film. Not that I'm not cerebral and analytical as well, but that heart and the analytical social justice detachment was a nice pairing of our talents."

Interviewers are fond of reminding Dick that he likes reaching into deep, dark places where others hesitate to go. His 1985 documentary, *Private Practices*, followed a sex surrogate and two of her clients; in 1997, with *Sick*, he showed masochist poet, wit, and performance artist Bob Flanagan hang his scarred body upside down in a gallery and nail his penis to a board. "I never thought I'd win an audience award," Dick commented dryly during his Sundance *Invisible War* acceptance speech this year, referring to his subject matter that habitually shakes up moviegoers and TV watchers.

There was Academy Award–nominated *Twist of Faith* (2004), confronting pedophilia and the silence of the Catholic Church. *Outrage*—which Ziering produced and was nominated for a 2010 Emmy—took on the hypocrisy of closeted politicians with anti-gay voting records. Unlike the military, the Motion Picture Association of America didn't initiate policy changes when, in 2006, with *This Film Is Not Yet Rated*, Dick embarked upon a blisteringly funny and troubling look at the previously anonymous folks of the MPAA ratings board who place stamps of approval or disapproval on films.

YES, DOCUMENTARIES ARE WRITTEN BY

The "written by" credit is very appropriate for documentaries, whether they're formally scripted or not. You're aware of the narrative issues that can potentially play, and you're always refining. There's a lot of similarity to the process of putting words on paper. You are taking something and forming it and refining it, but you just work with your editors and your producers.

In a documentary, the writing goes on from the very moment that you say, "I want to make this film," and immediately say, "How?" You have an idea of how you want to make the film, and that's a part of the writing. You have a character you're following. You start thinking, How does this experience of being a soldier affect their relationship with their spouse, their children, their family, their extended community, the people they know in the military?

Obviously, it's much different from writing a screenplay, but there is a quality of thinking and approach that are similar. You think about a character and you think about all the internal and external experiences that a character could go through. And you look for situations in the film, and in some cases encourage these situations, to be set up.

What I do differently from most documentary filmmakers is, when I make my first assembly, I don't try to have four to five hours of material. I actually try to have something that's close to two hours that—even if it doesn't have all the material that I'd like, or that I think is good—gives you a sense of what the film experience is going to be like.

And then I have these small screenings in my living room. As a documentary filmmaker—as any filmmaker—you're much more wrapped up in the material than any audience could be, but you're making a film with the audience's experience in mind. I ask people to respond in any way they want: the smallest detail to a significant dramatic critique.

I do that kind of screening perhaps a dozen times throughout the editing process. It's in many ways the most intense, complex discussion about the film that ever takes place around editing. Obviously, it's good for broad issues, but as the film starts refining, you can do it for very subtle issues—how the music is working, how characters are being shaded.

I try to make my films as dense and complicated as possible. Often a scene is very fascinating, but a character might start entering the realm of being repulsive to an audience. That is one of the delicate balances in a documentary and for a screenwriter. You want reality, but you have to be careful. If you [include] too much, the audience rejects the character, a character that is oftentimes carrying the theme of a film.

—Kirby Dick

YOU GET STRONGER WHEN YOU TELL YOUR STORY

Seaman Kori Cioca, formerly in the U.S. Coast Guard, on being raped after her jaw was shattered by the rapist.

"I don't know if I really knew what I was getting into when Kirby Dick and Amy Ziering arrived at my home. I actually was warned by a nonprofit organization not to film with them, that they would exploit me. Never once have I ever felt that way. It turned out I had 100 percent support, and I had someone to listen and someone to give me my voice back. It was the best therapy I've ever had. It has made me feel like I don't have to quit. You get stronger when you tell your story many times.

"My husband and I hardly noticed the camera. At first it was a little weird having it there, but knowing the people who were behind that camera, and their intentions, made it a lot easier to let them in. They filmed us for over two years, and because they filmed us so much, it wasn't even like the camera was there. What was in the film is our everyday life—and, sadly, everyday life for most rape victims. Kirby and Amy wouldn't show anything you didn't want to show, and if you needed a break, if they felt you were stressing out too much, they would shut off the camera and you would just sit and have a coffee or talk like a friend. They're very good people. They call me randomly to check up on me.

"I'm actually seeing a specialist right now about my jaw. A CEO and his wife, who has a foundation, stepped up [at Sundance]. I don't have to fiddle with the VA any more. We're going through a treatment process right now. If that works, they'll reconstruct my teeth and pull my jaw off my nerve. If that doesn't work, we'll have to go to some other measures. I get nerve block injections every week.

"My daily life depends on the type of day and what nightmares I've had. My husband and I try to shop at night. I feel comfortable when he has a weapon with him. You're always preparing for a trauma, but this time I'm going to make sure I have the necessary means to defend myself.

"In my hometown, 15 minutes away, I do get recognized, and people who used to talk to me turn around and walk away. I don't think they're educated on the consequences of military rape. I try not to take it hard but it definitely hurts. People are used to victim-blaming. If they watched The Invisible War, they would get a real lesson. Most people don't get to see the mess that the military leaves behind with victims of rape, and that's what The Invisible War shows.

"I regularly send Kirby and Amy thank-you letters for what they've done for me and my family." —As told to Louise Farr He embraces difficult themes, Dick confirms, partly because he wants material that will hold his interest for the couple of years it takes to make a film and because he has to live with the results for the rest of his life. There's something else: "I tend to look for things where failure is a possibility," he says. "It ups the level of risk, and risk is at play in a lot of good documentaries. Risk in that you don't know how the filmmaker is going to relate to the subject, you don't know where the story's going to go."

You're in the Army Now and Forever

There was no doubt that Dick could have failed with *The Invisible War*. Instead, he broke through the usually impenetrable wall of armed forces media spin by appropriating the Department of Defense's own statistics and even interviewing military law enforcement personnel. This approach helped create a damning portrait of a justice system weak on prosecuting rapists, many of whom are violent serial perpetrators who had raped before entering the service—and could rape after leaving.

Although sexual assault is the leading cause of PTSD in women veterans, a recent VA-funded study revealed that approximately half the women who reported military rape endured a negative investigative experience, with their fear of being blamed and further victimized a barrier to seeking mental health care. Another study confirmed that the majority of military women who experienced sexual assault did not report it. Rape and untreated PTSD can lead to homelessness, which between 2009 and 2011, for instance, increased 51 percent among female veterans in Los Angeles.

Not that some figures hadn't been previously reported: Dick and Ziering's interest was piqued by a *Salon* article written by Columbia University journalism professor Helen Benedict, who appears in *The Invisible War*. But by showing the human beings behind dry government statistics—devastated survivors punished when they sought help from an institution they trusted and revered—and by adding his own and Ziering's research, Dick illustrated the power of film over print to motivate people to seek justice.

"You can read about something and it doesn't have the same impact as seeing these people, realizing how patriotic



they were and how devoted to the military," Dick says, "then how betrayed they were by the military. You realize that the psychological impact not only impacts them and their families and communities, but it also impacts our armed forces. This is why we've had such an incredibly positive reception, not only from people outside the military but within the military as well. Most people in the military are horrified by this. At Sundance, officers and enlisted people would come up to us and say, 'Thank you for making this film.'"

One of Dick's ways of diffusing the piling on of shocking revelations is to give audiences an opportunity to scoff inwardly, or boo out loud, at numbskull bureaucrats. In *The Invisible War*, Dr. Kaye Whitley, director of DoD's Sexual Assault Prevention and Response Office, provided relief that might have been comic had it not been so tragic. Not a single question Dick posed seemed within her area of expertise. (Major General Mary Kay Hertog replaced Whitley last August.)

"These were people at the highest levels in the Pentagon, whose task it is, whose job is to deal with sexual assault," Dick says. "It was really astonishing in many cases what they didn't know. General Hertog, who is now retired, told us she had never spoken personally with a survivor; that conversation can change your whole perspective on this issue. Fifty percent of them were unaware of the most important sets of studies done by the military. They didn't read government-funded studies. And they didn't seem to be aware that most of these assaults are caused by serial perpetrators."

Despite having proclaimed a "zero tolerance" policy for sexual assault, the military keeps no central registry of sex offenders, Dick points out. "What they're doing is allowing these serial perpetrators to assault again and again, and in many ways learn their [predator] 'craft,' then have them leave with honorable discharges and certainly all the trust that society places on people who have been in the service. It makes the civilian society very vulnerable because the military hasn't done its job."

Since Hertog's retirement in June of this year, Major General Gary Patton has taken over, describing sexual assault as "an affront" to military values. However, the Major General has spoken against a bill introduced by Rep. Jackie Speier (D-San Mateo/San Francisco) that extends beyond Secretary Panetta's plan to move jurisdiction over sexual allegations up the chain of command. Speier, who likens Pentagon tactics to those of the Catholic church's protection of priest predators, wants to create a new oversight and response office, comprised of both civilian and military experts; Major General Patton wants investigations to remain solely within the armed services.

Camera Obscura

By providing some of his subjects cameras to film themselves in private, Dick was able to capture Kori Cioca's calls to an unresponsive VA health system as she tried to get treatment for her excruciatingly painful broken jaw, and the distress of a young husband over his wife's rape. This technique emerged from footage that Bob Flanagan's partner, Sheree Rose, shot during some of their most intimate moments, and that Dick included in *Sick*. "Knowing just how exuberant and dynamic that footage was

AFTER THE INVISIBLE WAR

The charges against Brigadier General Jeffrey Sinclair, announced in September, were lurid. The highly decorated officer was under arrest at Fort Bragg, North Carolina, accused of forcible sodomy, wrongful sexual conduct, maltreatment of subordinates, and other conduct unbecoming an officer. At a November hearing, prosecutors alleged that Sinclair threatened the life of one his five victims unless she remained silent.

The Sinclair affair joins a series of sex scandals that have dogged the U.S. military over the years. 1991 saw 83 women and seven men assaulted at the private Las Vegas Tailhook Association convention of Navy and Marine Corps aviators; in 2003, the Air Force Academy scandal erupted, with female cadets reporting a culture of sexual harassment and assault wherein victims were punished but not rapists. 2006 brought similar news from the Army's Aberdeen Training Ground, where drill instructors were charged with sex crimes against trainees: this time four assailants landed in prison and eight suffered other punishments, including dismissal.

The grim news continues. This year, the Pentagon announced increased reports of attacks at the Air Force Academy, with four cadets currently charged with sexual misconduct. And since July, five Lackland Air Force base drill instructors have been convicted on various sex charges committed against trainees, with the investigation ongoing.

Recently, Secretary of Defense Leon Panetta told NBC's The Today Show that he considers it "an outrage" for military rapes to go unprosecuted. The latest charges and convictions might make it appear that the situation is improving. But Washington, D.C., lawyer Susan Burke, who appears in The Invisible War and declares the film "gamechanging," considers Panetta's new directive to move rape reporting up the chain of command to be inadequate. She cites the high-ranking Sinclair as a vivid example: "The underreporting [of rape] is over 80 percent, and there's a reason for that. People don't trust putting that much unreviewable, unchecked power in the hands of just another person who is their boss, or their boss's boss. You need to have an impartial judicatory system."

In September, Burke filed the fifth in a series of lawsuits aimed at reforming the military's handling of sex charges. The 19 plaintiffs charge Panetta and others with violating their constitutional rights by retaliating against them when they reported sexual assaults and rapes. According to Burke, *The Invisible War* is helping. "It has made a dramatic difference," she says, "in drawing public attention to the plight of service members."

when someone was stoned and passionate, I came up with the method," Dick says. For *The End*, he gave cameras to people dying in a home hospice program, and in *Chain Camera* to students who, for a year, circulated cameras throughout their high school. "Rather than me finding the subjects, the cameras found the subjects," says Dick, an Arizona native who came to documentaries through video art, which he studied at Nova Scotia College of Art and Design, then at Valencia's California Institute of the Arts, completing his formal education with a directing fellowship at the American Film Institute.

"The training one receives at a contemporary art school is so rigorous and so open-ended," Dick says. "It could be the smallest piece, or a grand piece, and it just gets approached from the most personal— What does this mean to you?—to the political, to the societal. And it's just constant, over several hours, a continually moving critique from your peers and professors. That had a huge influence on me. The level of ambition that is hinted at, and suggested in that kind of crit, you want to realize eventually in your films."

He uses the word *voracious* to describe his process: "I like to go in every imaginable direction I can go. I like to start pushing, whether it's investigating, shooting, following characters, trying to break an investigative story, then sort of pull all those different threads and strands into a film. This is my 10th feature film, so I do understand the arc and continue having a vision of what the potential arcs could be and how these things could come together. I don't like to limit my understanding, or the arc of a film, going in, but I'm constantly changing it throughout production, and shooting and editing at the same time."

Which, he explains, is much like writing [see sidebar].

Habitually, Dick works as close as possible to the time when he must deliver a film. "I work with people I've worked with before, and we know exactly how far we can push it," he says. For example, with *The Invisible War* scheduled for Sundance in January 2012, he and Ziering found themselves still interviewing in December 2011. "Kirby wanted to make sure we had something extremely current," says Ziering of that Christmas, "otherwise it could have been critiqued or responded to by the military as, *Well that's very nice, but your most recent case was 2008, and since 2008 we've done x, y and z.* Kirby said, 'We've got to find a case that's happening right now.' So I jumped on that."

They dug up and broke the story of two Marine Corps officers, Ariana Klay and Elle Helmer, who told of being assaulted at the prestigious and iconic Marine Barracks in Washington, D.C. On camera, Klay spoke of being gang-raped in her home by an officer and his civilian friend, and Helmer described being ordered by a superior into his office, knocked unconscious, and raped by the officer. Then, early in 2012, six other former and current service members joined them in filing a federal suit, seeking damages against Secretary of Defense Panetta, former Secretaries Robert M. Gates and Donald Rumsfeld, as well as others, claiming that the military failed to protect them from rape and failed to investigate their cases.

(Last year, a judge dismissed a similar suit brought by Kori

Despite having proclaimed a "zero tolerance" policy for sexual assault, the U.S. military keeps no central registry of sex offenders, Kirby Dick points out. "What they're doing is allowing these serial perpetrators to assault again and again, and in many ways learn their [stalking] 'craft,' then have them leave with honorable discharges and certainly all the trust that society places on people who have been in the service. It makes the civilian society very vulnerable."

Cioca and 27 others, saying that rape was "incident to plaintiffs' military service," so the litigation could not proceed under a Supreme Court ruling known as the Feres Doctrine. Perhaps, suggests frustrated victim Cioca, whose case is pending an appeal at press time, a message similar to that of the surgeon general's on cigarette packs should accompany enlistment papers: Warning: Military Service Can Cause Rape.)

Before Ariana Klay's December interview, she mentioned to Ziering that her career military husband, Ben, an officer with two Iraq tours behind him, would speak to her and Dick but only off the record. They filmed him, suggesting that he not sign a release, but asking that he continue to think it over. "It's important to have men talking about this too," Ziering remembers telling him. "But I also said, 'Your happiness and your life come first—whatever your comfort level is.'"

The filmmakers sent Ben Klay his segment, and after watching it, he called Ziering to say that he would resign from the Marines in order to legally appear in the film. "That was huge," Ziering says. *The Invisible War* final edit happened two days before its Sundance screening.

"We didn't really know what we had," says Ziering of the finished documentary. "Kirby liked it, I liked it, my mom liked it, but we didn't know what the response would be. And once it opened, and we saw that it was getting this kind of incredible response—people were, like, *I'm not only upset but I want to help, what can I do?*—we were, wow, there's an energy we want to harness."

The buzz would last for a small time frame, they decided. Everyone wanted to give the film to someone they knew in Washington, so Ziering took tight control of that step. She

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knew how bureaucratic channels protect a system: "It goes to the gatekeeper, and the gatekeeper takes notes, and they have their talking points, and the people higher up never see it." Via Wikipedia, Ziering culled the names of the Joint Chiefs of Staff. Then Ziering asked if any of the film's executive producers knew the Chiefs' wives or children. The Invisible War executive producers included heavyweight activists and filmmakers Abigail E. Disney, Nicole Boxer-Keegan, Maria Cuomo Cole, Geralyn Dreyfous, Sarah Johnson-Redlich, Jennifer Siebel Newsom, and Regina Kulik Scully. Ziering's request proved effective. Washington, like Hollywood, is a small town with a single industry.

"Everybody worked on word of mouth, blogging, tweeting about it. It had a whole organic grassroots movement behind it," says Scully, a former CNN journalist turned activist and producer, one of whose films, Boyhood Shadows, focused on child molestation. First alerted to The Invisible War by Salt Lake City's Impact Partners, which puts investors interested in social causes together with independent filmmakers, Scully considered Dick and Ziering "incredibly brave," and had jumped on board. "Ninety-eight percent of the intelligent, well-educated people I know, knew nothing about the subject matter of this film, which is pretty extraordinary in a country like ours, where information is so rampant," Scully says.

With continued help from their executive producers, Ziering and Dick spearheaded a series of high level Washington screenings, often followed by Q&As. "One retired general's response was very interesting," says Dick. "He said he didn't know whether he was more ashamed or enraged. He had both emotions clashing inside him as the film finished."

Secretary Panetta has since proposed additional changes to be accomplished through legislation, including establishing Special Victims Units for each service branch. And in June, the Marine Corps published a report ac-

knowledging that they had been "ineffective at addressing and eliminating sexual assaults within our ranks."

Meanwhile, the military has beefed up campaigns intended to prevent rape and encourage its reporting. A 2009 Department of Defense attempt to instill sensitivity is depicted in The Invisible War. ASK HER WHEN SHE'S SOBER, proclaims a poster. An official online talking point for commanders to use during rape prevention instruction was worded, "There are sexy ways to ask for consent that don't spoil the mood. Get creative. Some suggestions to start the conversation: 'You are so hot, I want to _____. Is that okay?"" It was up to instructors to use their imaginations and fill in the blank. In a more recent video titled Band of Brothers and Sisters, rape victims tell their stories, Invisible War-style, albeit with far less emotion and no horrifying details.

Nevertheless, it's an improvement over 2009. Gratifying as the response to their film has been, Dick and Ziering know that for decades Congress held hearings on the subject, money had been flung at P.R. campaigns, resulting only in the rate of military sexual assault continuing to rise, up another one percent in fiscal year 2011.

"I'm hopeful that it really is substantive," Ziering says about early signs of progress. "And I'm optimistic that it will be, that the changes aren't just rhetorical, or just more public relations control effort."

Sitting a few feet away from the living room's 42-inch Panasonic flat screen on which he shows his movies to guests during editing, Dick runs his fingers through his hair and reflects. "We're glad that people are talking about it and that people are aware of it. But the numbers were close to 20,000 men and women assaulted each year in the U.S. military for the past five or six years. And there's a calculation made that one man or woman is assaulted in the military every four hours. So there's a long way to go."

Yet *The Invisible War* has made military rape visible and, at least, a talking point.