

The cases discussed here relate to three of the five U.S. formations involved in the invasion and occupation of Germany: the First, Third, and Fifteenth U.S. Armies. Nearly three-quarters concern the Fifteenth Army alone. While it is probable that much of this imbalance reflects differences in record-keeping and retention rather than the true pattern of sexual offending, it is worthy of mention that the Fifteenth Army saw little fighting in Germany, instead serving as an occupation force in the Rhineland, Saar, and Pfalz. A possible explanation, as some commentators have posited, is that members of rear-echelon units were particularly likely to commit sexual offenses. The fact that charges for rape were brought forward in no fewer than seventy-four cases against members of the fast-moving Seventh Army for the months of March and April 1945 alone, however, indicates that high rates of perpetration may be observed even among troops engaged in active combat.¹¹

Although not all the investigative files provide detailed information on the characteristics of victims or offenders, some generalizations are possible. Women and girls of a wide range of ages were targeted, the youngest being eleven years old and the oldest seventy-five. Victims in their thirties, however, were at almost as great a risk as those in their teens.¹² In cases where the perpetrator's race was identified, 41 percent of offenders were stated to be white, 52 percent black, and 1 percent Latino. The remaining 6 percent of attackers participated in rape gangs in which more than a single race was represented. Nearly all identified offenders were enlisted men or non-commissioned officers, with only a single commissioned officer brought up on charges. Multiple-victim rapes constituted more than a quarter of the reported cases, a significant indication of the perpetrators' confidence that they did not need to fear detection and punishment, notwithstanding the presence of several witnesses.

II

By the beginning of the Second World War, U.S. military law concerning sexual offending was well developed. The Articles of War, the legal code by which all U.S. servicemen were bound, treated rape with appropriate gravity. Article 92 specified that upon conviction, only two sentences could be passed on the guilty party: death, by hanging or shooting, or imprisonment for life at hard labor. The accompanying corpus of jurisprudence, briefly set forth in the updated 1943 edition of the army's *Manual for Courts-Martial*, defined the offense in the narrow fashion typical of the time: nonconsensual vaginal penetration by the penis, accomplished

11. Earl F. Ziemke, *The U.S. Army in the Occupation of Germany, 1944–1946* (Honolulu, HI: University Press of the Pacific, 2005), 220.

12. These figures, from a largely unprosecuted perpetrator cohort, are substantially at variance with those drawn from Lilly's study of convicted offenders, in which teenagers constituted 40 percent of German rape victims and women in their thirties only 14 percent. Lilly, *Taken by Force*, 142.