

investigators and prosecutors demonstrated a surprising degree of professionalism and impartiality on behalf of a population they had no reason to regard favorably. Though most victims did not obtain justice, this was less the result of fact-finders' skepticism or indifference than subsequent intervention by reviewing authorities, often responding to vociferous appeals from politicians and the public on behalf of military offenders. This, in turn, suggests that the concept of a pervasive "rape culture" may sometimes be too blunt an instrument to account satisfactorily for the ability of perpetrators in uniform to circumvent military law.

In what follows, I examine the investigation and prosecution of nearly a hundred individual episodes of rape of women and girls in Germany committed by members of the U.S. Army during the four months between early March and early July 1945. These offenses are recorded in the official case files compiled by prosecutors and military police, now preserved in the National Archives at College Park, Maryland, and in the court-martial documents generated when those suspects who were identified faced trial. In the great majority of cases, the malefactors were neither prosecuted nor identified. For that very reason, however, it is probable that the crimes under discussion here are more representative of the overall pattern of sexual violence prevailing at the time than those discussed by Robert Lilly, all of which atypically ended with the criminals being brought to justice. My sample, drawn from those cases in which investigative records have survived, includes 132 victims and more than 200 perpetrators.⁹ In most instances, the files include the victims' original handwritten statements, which shed valuable light on the character of the offenses and the conduct of the rapists. These accounts refute Lilly's belief that "the [court-martial] records contain information only about the most egregious and brutal gratuitous rapes" perpetrated by U.S. servicemen in the European theater.¹⁰ The gravity of any given offense bore no relation either to the volume of investigative resources devoted to the case or to the authorities' willingness to prosecute any offenders who could be identified.

The records reveal an unexpectedly open-minded approach on the part of the personnel charged with responding to these crimes. In contrast to their civilian counterparts, U.S. Army investigators wasted little time seeking to distinguish between "deserving" and "undeserving" victims or challenging the accuracy of the stories told to them. They generally accepted that the crimes had indeed occurred, and substantially in the ways the victims reported. Their priorities lay elsewhere: above all, in seeking to conform the task of rendering justice to the overriding demands of military necessity. It was the latter—as defined by battlefield commanders, divisional prosecutors, and, in particular, the judge advocate general's apparatus of judicial review—that interposed the highest obstacles to the process of holding military perpetrators to account.

9. In some multiple-perpetrator attacks, victims were unable to say, or disagreed over, precisely how many offenders were present.

10. Lilly, *Taken by Force*, 38–39.