



Military Sexual Assault
Women's Committee Report 2014
by Pandy Allen

Many young women today have the desire to serve their country. In fact, women currently make up 14 percent of the military. With the economy still suffering and unemployment still high, women are even more compelled to enlist. Unfortunately, there is a real danger from their comrades in arms, and this should be a major public health concern. The military can be a very dangerous environment for females with threats beyond the obvious combat dangers.

The Department of Defense estimates 26,000 instances of sexual abuse, sexual assault, and unwanted sexual conduct occurred in our military in 2012 alone. That figure does not include similar crimes in military academies or the Coast Guard and doesn't include complaints of sexual harassment. That is an average of 71 cases every day. In a recent Pentagon survey, roughly one in five military women said they were the victim of unwanted sexual contact, but the vast majority of cases go unreported. Only a little more than 3,300 troops reported the crimes against them. Overall, the Department of Veterans affairs reported that twenty percent of female veterans were sexually assaulted while serving. Men are also at risk for sexual assault in the military.

According to the Pentagon's own report, 47 percent of victims say they did not report the crime because they feared retaliation and/or impact to their career progression. The report also

found that 62 percent of those who did experience a sexual assault last year were retaliated against by their superiors. Victims do not come forward because they do not trust the chain of command: 25 percent of women and 27 percent of men who received unwanted sexual contact indicated the offender was someone in their military chain of command.

In a disturbing documentary entitled “The Invisible War,” the filmmaker interviewed several veterans from multiple branches of the U.S. Armed Forces who recount the events surrounding their assaults. Their stories show many common themes, such as the lack of recourse to an impartial justice system, reprisals against survivors instead of against perpetrators, the absence of adequate emotional and physical care for survivors, the unhindered advancement of perpetrators' careers, and the forced expulsion of survivors from service.

One such story describes the prestigious Marine Barracks in Washington D.C. where four out of five women who reported being sexually assaulted by officers found that they were investigated and punished after making the report. None of the officers were ever punished. Victims claimed they were interrogated as if they were the criminals. Investigators stated that most of the cases were assigned to men because females were considered “too sympathetic.” Many victims claim that as bad as the sexual assault was, the retaliation was just as bad, if not worse. In a bold move, several women veterans attempted to sue to change military policy by publicizing the issue. In the end, the court dismissed the lawsuit and stated that “sexual assault is an occupational hazard of military service.” Because the Supreme Court long ago held that a civilian court should abstain from reviewing military discipline, the dismissal was affirmed on appeal.

Top military officials have said the current system of military justice has proven ineffective and has for too long failed the victims who deserve justice and a system worthy of the service they defend and fight for. The military criminal justice system is broken. The problem is not new and the pledges of “zero tolerance” from commanders and senior members of the military date all the way back to Defense Secretary Dick Cheney in 1992. The statistics on sexual assault are grim, and they are increasing at astonishing rates. The military continues to preach zero tolerance, but the rhetoric is not being turned into the reality of protecting the women and men who serve.

A recent Navy study found that 15 percent of incoming recruits attempted or committed a sexual assault before entering the military. That is twice the percentage of the equivalent civilian

population. Thirty-three percent of service women did not report a sexual assault because the person to whom a report is made was a friend of the rapist. Twenty-five percent of service women did not report sexual assault because the superior to report to was the rapist. Most rapists are repetitive criminals; when they get off scot free they assault again. In the military, fewer than five percent of all sexual assaults are prosecuted and less than a third of those cases result in imprisonment.

Looking to end the epidemic of sexual assault in the military, Sen. Kirsten Gillibrand has twice introduced a bill supported by a bipartisan coalition of senators to put military sexual assault prosecutions into the hands of prosecutors and not military commanders, who continue to fall short of addressing and correcting the problem. The Military Justice Improvement Act of 2013 would transfer the decision from the military commanders and chain of command to independent, impartial military prosecutors. The act would provide a safe place for victims to report their attacks and possibly prevent others from being victimized. This measure has drawn strong opposition from the Pentagon and several lawmakers. At the time of this report the bill appears to be stuck in committee and short the 60 votes needed for a filibuster-proof majority. President Obama has yet to take a stand on the measure.

Sen. Claire McCaskill has drafted a competing measure which has some support in the Pentagon, but her bill does not go as far. The measure would strip the commander's current authority to dismiss court-martial convictions in cases of sexual assault, sexual abuse and other crimes. It would make it a crime to retaliate against a victim for reporting an attack, among other things. But, it would keep control of court-martial proceedings within the chain of command. This bill could be a small step in the right direction, but does not address the main issue of accountability in the military.

The effects of victim blaming and cover-up go far beyond individual cases of criminal justice. According to Service Women's Action Network, sexual assault and sexual harassment are strongly associated with a wide range of mental health conditions for both men and women veterans. They are leading causes of post-traumatic stress disorder among women veterans, while combat trauma is still the leading cause of PTSD among men.

Anybody can be a victim of sexual assault; it is not limited to women. Men suffer sexual assault because, as the civilian courts have long known, sexual assault is a violent crime involving power. Men generally do not talk about sexual assault, and they rarely report it.

The problem of sexual assault in the military is an issue involving human rights. In the civilian world, individuals have recourse to protect those rights in the criminal law, in civil tort law, and in civil rights law. Our military has no such recourse.

Congress must ensure that women and men in uniform can have access to all of the remedies available to civilian individuals. Including those covered under the Federal Tort Claims Act and the Civil Rights Act. It is a shared challenge; we must become part of a campaign to protect those who protect us. Some commanders believe that if these things are happening in their ranks, it is a reflection of poor leadership, so they want to keep it invisible. We all have a responsibility to let victims know they are not invisible. It is up to us to fight for justice for our military members. We need to make sure that our senators and congressional representatives hear us and fix the military justice system that continues to fail our service men and women.

Let your voice be heard. Log onto *notinvisible.org* and make them hear you!