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March 6, 2014

**Support Cloture and Final Passage of the Military Justice Improvement Act, S.1752**

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we urge you to support cloture and final passage of the Military Justice Improvement Act (MJIA), S.1752. It is well documented that the current system has failed to guarantee adequate prosecution of sexual assault crimes. While we recognize that modest reforms were made in the 2014 National Defense Authorization Act (NDAA), the fundamental shift in decisionmaking authority away from commanders to professional military justice prosecutors mandated in this bill is necessary to ensure that appropriate legal action is taken to prosecute and prevent future incidences of sexual assault.

The Leadership Conference believes it is critically important for Congress to support removing from the chain of command the prosecution and other key decisionmaking in military cases involving most serious crimes punishable by one year or more in confinement, including sexual assault. The Department of Defense estimates that 26,000 incidents of unwanted sexual contact occurred in 2012, of which only 9.8 percent were reported. Unfortunately, this unacceptably high level of unwanted sexual contact dates back more than two decades to the Tailhook convention in 1991 and subsequent scandals at Aberdeen Proving Grounds (1996), the Air Force Academy (2003), and Lackland (2012). Since that time, there has been broad agreement that the current system to protect service members from sexual assault is inadequate.

Just last month the *Associated Press* revealed that 1,000 sexual assault crimes involving U.S. military personnel based in Japan were reported between 2005 and early 2013. The AP's analysis found the handling of cases was random and inconsistent. And even when there was agreement that a crime had been committed, the suspects were generally fined or demoted, while very few served jail time.

Significant efforts to decrease sexual assault incidents through training and survivor assistance programs have been undertaken; however, these have proven insufficient in preventing the high incidents of sexual assault. Similarly, we believe the modest reforms in the NDAA and the other proposals under consideration are insufficient to address the magnitude of this persistent problem.

According to the FY 2012 report of the Sexual Assault Prevention and Response Office, incidents of sexual assault have increased by 37 percent since 2010.<sup>1</sup> Further, research

suggests that lack of accountability for perpetrators is directly related to the low reporting rate. Victims indicate that they do not trust the current system and are afraid to report because they do not think they will get a fair hearing, that the accused will not be held accountable, and that there will be retaliation within their unit.

Therefore, it is critical that decisionmaking in cases of sexual assault and other serious crimes except for those offenses that are uniquely military in nature be removed from the military chain of command as proposed by the MJIA. The MJIA is supported not only by survivors of sexual assault, but also by a bipartisan group of senators led by Senator Gillibrand, along with Senators Boxer, Blumenthal, Shaheen, Hirono, Collins, Grassley Murkowski, Paul, and Cruz. The MJIA is also supported by a dozen retired military leaders, and several veterans and women's groups, including the Service Womens Action Network, Vietnam Veterans of America, National Women's Law Center, and the National Research Center for Women and Families. Notably, The Defense Advisory Committee on Women in the Services (DACOWITS), which is composed of civilian men and women who are appointed by the Secretary of Defense, has recommended support for the bill. DACOWITS' recommendations have historically been instrumental in changing laws to the benefit of military women.<sup>2</sup>

There is broad agreement that victims of unwanted sexual contact should not have to live in fear of coming forward. Our military service members risk their lives for this country, and it is time that meaningful structural changes are made to ensure their safety within the military justice system. Individuals who make sacrifices for this country should not have to sacrifice their voice as well. The MJIA will provide an objective system so that victims can come forward and be provided an impartial hearing without fear of retaliation.

For these reasons, we urge you to vote for cloture and final passage of the Military Justice Improvement Act (MJIA), S. 1752. We look forward to working with you on this important legislation. If you have any questions, please feel free to contact June Zeitlin at (202) 263-2852 . Thank you for your consideration of this critical issue.

Sincerely,



Wade Henderson  
President & CEO



Nancy Zirkin  
Executive Vice President

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<sup>1</sup> Comprehensive Resource Center for the Military Justice Improvement Act 2013.

<http://www.gillibrand.senate.gov/mjia>

<sup>2</sup> Recommendation from the Defense Advisory Committee on Women in the Service (DACOWITS).

<http://www.gillibrand.senate.gov/mjia/dacowits>