



June 10, 2015

**Support Amendment 1578, the Military Justice Improvement Act, to the National  
Defense Authorization Act, S.1376**

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 Amendment 1578, which incorporates the provisions of the Military Justice Improvement Act (MJIA). Despite repeated promises from the Department of Defense and modest reforms made in the 2014 National Defense Authorization Act (NDAA), recent documentation from the Rand survey demonstrates that the current system still fails to result in adequate prosecution of sexual assault crimes or any punishment for retaliation against survivors of sexual assault.<sup>1</sup> The fundamental shift in decision-making authority away from commanders to professional military justice prosecutors mandated in this amendment 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 military chain of command the prosecution and other key decision-making in military cases involving most serious crimes punishable by one year or more in confinement, including sexual assault. The recent Rand Corporation study found that the sexual assault rate remains the same as in 2010.<sup>2</sup> Moreover, 1 in 7 victims were assaulted by someone in their chain of command.<sup>3</sup> Perhaps, most importantly, this independent Rand survey found that 86 percent of victims did not report the crime in 2014. They believe that reporting would hurt their career; that the process would be unfair; or that nothing would be done and feared retaliation from their chain of command or coworkers.<sup>4</sup> And given that the retaliation rate against victims remains at 62 percent, the same rate as in 2012,<sup>5</sup> these service members appear to have good cause for their concern that reporting could hurt their career. A recent report from Human Rights Watch corroborates these findings. Both male and female military personnel who report sexual assault are 12 times as likely to experience some form of retaliation as to see their attacker convicted of a sex offense.<sup>6</sup> Additionally, of

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<sup>1</sup> RAND Corporation, *Sexual Assault and Sexual Harassment in the U.S. Military*, Volume 2. (2015). [http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR800/RR870z2/RAND\\_RR870z2.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR800/RR870z2/RAND_RR870z2.pdf)

<sup>2</sup> *Id.* at 69

<sup>3</sup> *Id.* at 22

<sup>4</sup> *Id.* at 53

<sup>5</sup> *Id.* at 73

<sup>6</sup> Human Rights Watch, *US: Military Whistleblowers at Risk*, (May 18, 2015). <http://www.hrw.org/news/2015/05/18/us-military-whistleblowers-risk>

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the female service members that did not report a sexual assault incident, 47 percent listed fear of retaliation as a reason for not reporting.<sup>7</sup>

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 clearly are insufficient to address the magnitude of this persistent problem. It is critical that decision-making in cases of sexual assault, retaliation, and other serious crimes except those offenses that are uniquely military in nature, be removed from the military chain of command as proposed by Amendment 1578, the Military Justice Improvement Act, to the NDAA.

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 within the military justice system to ensure their safety. The MJIA will provide a fair and 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 Amendment 1578 to S.1376. We look forward to working with you on this important legislation. If you have any questions, please feel free to contact June Zeitlin, Director of Human Rights Policy at [zeitlin@civilrights.org](mailto:zeitlin@civilrights.org) or (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>7</sup> Human Rights Watch, *Embattled: Retaliation against Sexual Assault Survivors in the US Military* (2015), [http://www.hrw.org/sites/default/files/reports/usmilitary0515\\_web.pdf](http://www.hrw.org/sites/default/files/reports/usmilitary0515_web.pdf), pg. 27.