

House Panel Focuses on Prevention of Sexual Assault in the Military

On June 3, the House Armed Forces Total Force Subcommittee heard testimony on the prevention of sexual assault in the military. The hearing included details of a 90-day Department of Defense (DoD) task force report commissioned by Secretary of Defense Donald Rumsfeld in February 2004.

Subcommittee Chair John McHugh (R-NY) quoted a letter from a servicewoman who was a victim of sexual assault. "Sergeant Emmer's experience is just another example of the system failing our service members," Rep. McHugh said. "Despite lessons learned and calls for corrective action, many of the same problems identified in earlier investigations appear to remain unresolved with sexual assaults continuing to plague the military at alarming rates."

Ranking Member Vic Snyder (D-AR) noted that the military has often "led the way on social change," but in this case seems to be falling behind.

Under Secretary of Defense for Personnel and Readiness David Chu and Deputy Assistant Secretary of Defense Ellen Embrey jointly presented the DoD task force report and highlighted its findings: 1) current policies and programs in place within the department primarily address sexual harassment and do not sufficiently address sexual assault; 2) experts such as legal personnel, mental and medical health professionals, and social workers are not functioning as a team to provide victims with needed support; 3) commanders are concerned, but often are not sufficiently educated, trained or sensitized to all of the needs of sexual assault victims; 4) victim advocates, available in the Navy and Marine Corps, need an expanded role; and 5) commanders are often frustrated by factors that limit their ability to take action.

According to Dr. Chu and Ms. Embrey, the task force recommends "a single point of accountability for all sexual assault matters DoD-wide within the Office of the Undersecretary of Defense for Personnel and Readiness," in addition to a combatant commanders' conference on the task force's recommendations and a summit "involving senior military and civilian leaders within the DoD, as well as outside experts on sexual assault."

Testifying on behalf of the Army, Assistant Secretary for Manpower and Reserve Affairs Reginald Brown affirmed, "Sexual assault is a criminal offense that has no

place in our Army.” Mr. Brown said that a recent Army task force found that there is no integrated approach for delivering support and services to sexual assault victims, and action taken when sexual assault is reported varies among commanders. He stated, “The findings reinforce the belief that proactive involvement by leaders at all levels is key to successfully addressing sexual assault in the Army.” Mr. Brown summarized the recommendations, which include creating a policy focused on education, prevention and integrated victim support; and developing sustained, comprehensive, progressive, and sequential training that integrates sexual assault topics into all leadership, Army values, and human relations training.

Regarding Navy policies, Assistant Secretary for Manpower and Reserve Affairs William Navas declared, “Whenever a sexual assault occurs, we act immediately to handle that specific case – taking care of the victim, conducting a full and fair investigation, and taking prompt remedial action.” Mr. Navas described the Navy’s Sexual Assault Victim Intervention (SAVI) program as the “heart and soul” of the Navy’s response system. “While it is not perfect,” he said, “it does focus on victim advocacy and intervention, two of the keystones in successfully dealing with sexual assault.” Mr. Navas explained that the SAVI program requires commanders to develop a responsive sexual assault victim advocate program with a coordinated community response. He noted that maximizing victim privacy is paramount, and that compliance with SAVI requirements is integrated with command responsibility at the command officer level.

Addressing sexual assault policies in the Marine Corps, Mr. Navas described the current Marine Corps’ Victim Advocate Program, and stated that a new Marine Corps Order will provide “clear policy and guidance” and establish a Sexual Assault Prevention and Response Office. Mr. Navas highlighted the Marine Corps’ Mentors in Violence Prevention program, which “focuses on men assuming responsibility for preventing violence against women.”

Air Force Assistant Secretary for Manpower and Reserve Affairs Michael Dominguez testified that, following Air Force-wide assessments, a plan was approved in May 2004, to “take specific actions within 90 days” to address sexual assault in the Air Force. These actions include:

- Developing an Air Force prevention and response policy that focuses on cultural and institutional change;
- Developing an educational and training strategy that establishes a training baseline and multi-tiered program for all personnel;
- Designing and deploying a system of reporting that maximizes reporting rates while balancing victim confidentiality;
- Establishing a Victim Advocate Coordinator and/or response teams; and
- Standardizing sexual assault prevention and reporting policies during deployment.

Mr. Dominguez pointed out that according to assessment reports, “85 percent of

offenders were known by the victim,” and “alcohol was involved in at least 70 percent of the Air Force allegations.”

During the question and answer period, Rep. McHugh acknowledged the “good ideas and positive direction,” but asked, “How do we begin to assure...women that we’re serious?” Dr. Chu stated, “We can and must do better,” adding that there has been a “substantial reduction” in sexual assaults and sexual harassment, according to a 2002 survey. Rep. McHugh declared, “We’re in real danger of losing the faith and trust of the female contingent of the U.S. military...We’ve got a real selling job to ensure that they have some confidence in the reporting system.”

Rep. Loretta Sanchez (D-CA) stated, “Somehow DoD has not really taken this seriously,” and added, “I’m frankly concerned about the state of the Army.” She asked if training was the root of the problem. Mr. Brown confirmed that “additional training” was needed for leaders. Ms. Embrey described a “multi-faceted series of problems” rather than one root problem, and noted that the DoD is “not well-organized to support the victim.” Dr. Chu agreed with Ms. Embrey, but stressed, “In the long term, the most important objective is prevention.”

Rep. Robin Hayes (R-NC) asked the panel to comment on the effectiveness of the Uniform Code of Military Justice (UCMJ). Dr. Chu responded that the UCMJ provides sufficient authority for prosecution. “We need to devote full-time resources to victim advocacy or victim care,” he said. Rep. McHugh stated that the UCMJ “has not been updated in decades” and needs to be “modernized.”

Referring to Iraq, Rep. Sanchez asked for the number of combat hospitals, if rape consultants, rape kits and emergency contraception were available, and if abortions were available in case a rape resulted in pregnancy. Ms. Embrey said that DoD would provide the subcommittee with the number of combat hospitals, and that in the hospitals the task force visited, individuals qualified to provide assistance were available, in addition to kits and emergency contraception. Ms. Embrey stated, “Abortions are not authorized unless the life of the person is threatened.” Rep. Sanchez disagreed, saying that it was the policy of Congress and the DoD that, in case of rape and incest, abortions are allowed overseas. Current law states that the Department of Defense covers abortions in domestic and military facilities only in cases where the life of the pregnant woman is endangered. In cases of rape and incest, women must prove that they have been the victim of rape or incest. If they can prove this, they may obtain abortion services with their own funds. Rep. McHugh concurred with Rep. Sanchez.

A second panel of civilian experts provided their insights. Francis Murphy of the Department of Veterans’ Affairs cited a 1998 General Accounting Office (GAO) report that found “the total number of women receiving sexual trauma counseling at VA medical centers and Vet Centers increased by 230 percent between 1993 and 1997. GAO also found patient satisfaction to be high.” Ms. Murphy noted that, according to 2004 data, 20.69 percent of female veterans reported experiencing military sexual

trauma. In response, the VA has developed an “extensive program,” she explained, highlighting education for primary care and other practitioners, free outpatient pharmacy services, and a “network of web sites.” Additionally, “Women can access services through the Women’s Veterans Program Manager at each VA facility,” Ms. Murphy said.

Speaking for the National Center for Domestic and Sexual Violence, Juliet Walters described the work of the DoD task force as “credible” and stressed the need “to act upon the recommendations quickly.” Ms. Walters urged a “standardized approach...collaborating across Services.”

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