

DENVER POST

Betrayal in the Ranks

Military Response to Sex Assaults in Panel's Sights

Miles Moffeit and Amy Herdy, *Denver Post* Staff Writers

Sunday, February 22, 2004

The optimists believe Congress is preparing to pound out serious reform to improve how the military handles violence against women. The pessimists believe a silent handshake bonds Congress and the military, preventing any meaningful change.

Whatever the case, a Senate Armed Services Committee hearing set for Wednesday kicks off perhaps the broadest congressional examination ever into the military's approach to sexual assault and domestic violence issues, experts say.

And behind the scenes, military procedural changes are underway to help make women in the ranks safer, with Secretary of Defense Donald Rumsfeld expanding victim advocacy services and improving investigations into domestic-violence deaths - actions long sought by experts and a Defense Department task force.

"There is a lot of stuff finally breaking loose," said Deborah Tucker, co-chair of the now-defunct Defense Department Task Force on Domestic Violence, and a civilian advocacy expert who is scheduled to testify. "It's hard to get people to change from long-held views they've had, but I see glimmers of hope. What Congress is finally saying by holding this hearing is, 'Let's talk about this issue more broadly.'"

Testimony on Wednesday will signal whether Congress plans to delve deeply into entrenched military practices that veer sharply from the civilian world. Two panels of witnesses will testify: one consisting of Undersecretary David Chu and high-ranking military officials representing each service branch, the other consisting of victim advocates.

Intense scrutiny

A key test to know just how serious Congress is: whether senators will move beyond policy issues and challenge military leaders on the fairness of their justice system, which allows commanders to decide whether their soldiers are prosecuted, said Gene Fidell, head of the National Institute of Military Justice. Thousands of sex offenders in the military have been allowed to avoid prosecution, according to military records obtained by The Denver Post.

"It would be healthy to consider having some of the major decisions on crimes made by career prosecutors, rather than commanders," Fidell said. "Right now, we have a command-centric

military justice system, one that (18th-century British Vice Adm.) Lord Nelson would have recognized. But I'm not particularly optimistic that Congress will be going down this road. No major review has been conducted since the 1950s."

Georgia Sen. Saxby Chambliss, who heads the personnel subcommittee taking the lead on the investigation, has declined to foretell his line of questioning. His spokesmen, however, say the public can expect detailed inquiries and an "open mind" from the senator. Once Wednesday's hearing is over, Chambliss and Sen. John Warner, the committee chairman, will develop a focus for other possible hearings.

Scrutiny of the military is at its most intense since the Tailhook scandal prompted hearings on the issues in the early '90s. Dozens of members of the Women's Caucus, led by Rep. Louise Slaughter, D-N.Y., recently promised to hold hearings into problems, stressing in petitions to congressional leaders that the Uniform Code of Military Justice must be re-examined, as well as flaws with victim services.

The female lawmakers waged their campaign citing Post stories that have chronicled widespread domestic and sexual abuse among veterans, military spouses and, most recently, female soldiers serving war duty in Iraq and other overseas locations. The women have reported being assaulted, then being retraumatized by their commands through retaliation and isolation without protective care.

Government investigations are moving along several tracks: There is the Chambliss-led Senate inquiry, the Women's Caucus inquiry and an internal review ordered by Rumsfeld himself. An Air Force task force also is investigating a string of rape reports at Sheppard Air Force Base in Texas. The House has not scheduled hearings on the broader issues, but leaders have sought information from Rumsfeld about the issues.

Tucker, who met privately with Chu last week, said she was assured that Rumsfeld had signed off on new programs that would improve services to victims. She asked Chu for the commitments in writing but has yet to receive any details, she said.

Chu declined to comment to The Post about his pending testimony. But he confirmed in a written statement that the armed forces are expanding victim-advocacy programs and implementing fatality-review teams to investigate how military commands respond to domestic-violence deaths. Both measures were recommended by Tucker's task force, but the Pentagon was required by law to respond nine months ago.

"They (victim advocates) will work to meet both immediate and long-term needs and assist in obtaining shelter services if required," according to Chu's statement.

Doubts about sincerity

In the aftermath of high-profile sexual assault scandals such as the Navy's Tailhook sexual assault incidents and the Aberdeen Proving Ground rape controversy, no major reforms have been pursued by congressional or military leaders. Panels subsequently formed to address

problems were frequently met with a chorus of criticism that the military and Congress failed to act or hid problems.

As a result, doubts still abound about how serious the current interest among lawmakers is and whether another round of hearings will lead to serious legislation.

Still, “talking about changing the military justice system - that is really new,” said Dr. Leora Rosen, a social science analyst for the National Institute of Justice and a former whistle-blower who decried efforts by the Army’s Senior Review Panel to hide statistical data on sexual harassment in the wake of the Aberdeen scandal. She was an adviser to the panel.

Members of the committee declined to investigate her allegations at the time, she said. Army officials later acknowledged that survey information was kept from the public.

“My impression has been that the Armed Services Committee members have not been as aggressive as other lawmakers who do not work frequently with the military,” Rosen said. “Some are loath to be too critical of the military.”

Sen. Wayne Allard, R-Colo., who has led calls to investigate the Air Force Academy’s handling of assault cases during the last year, will be among the senators on the panel quizzing generals.

“From Sen. Allard’s perspective, there is no secret handshake,” said Angela De Rocha, spokeswoman for Allard. “The senator will be at the hearing asking tough questions, but he and other senators are still reviewing information.”

Women’s Caucus leaders have promised that they will pursue their own hearings, regardless of how the Armed Services Committee hearings unfold. It also is likely caucus members will pursue testimony from victims, sources say.

Meanwhile, Sen. Susan Collins, R-Maine, a member of the caucus and the Armed Services Committee, plans to demand answers Wednesday from military leaders on what preventive measures they are taking to curb assaults, as well as retaliation, her representatives said.

“What will DOD and the Air Force do to ensure that accusations and trials will not affect the promotions and careers of victims?” said Jen Burita, a Collins spokeswoman.

As for the justice issues, Fidell said, Congress created the military’s legal system. So it has the authority to yank it away - or modify it.

But no major change in the system has been pursued by Congress since the late ‘40s, when the Vanderbilt Commission held hearings across the country and condemned commanders’ abuses of power over trials during the World War II era.

“What Congress has done since is punt on a number of important issues,” said Fidell, a former Yale professor. “Experience teaches us that what it takes to get a country moving on a fresh look at things is some case that grips the public attention. There were big changes in 1950 and some

in 1968, but my entire professional lifetime has gone by without seemingly any major effort to analyze the military justice system.”

Improving the military’s approach, Tucker said, will boil down to whether defense leaders can accept drastic culture change in how they perceive domestic and sexual violence against women.

“I think they (military leaders) have to recognize that the acts being committed are crimes and the struggle to see violence against women as some kind of psychological problem is just an old view,” Tucker said. “It goes all the way back to Freud. It’s hard to get people to change from the view that they’ve had, to accept a new way of thinking.”

A way to drive that message home is to allow the victims an opportunity to air their concerns during future hearings, advocates say.

Chambliss, his representatives say, has not decided whether he will take testimony from assault survivors. They stress that he has already spoken “with some victims” privately.

“If they don’t have survivors testify, they don’t get a true picture of the issue,” said Orinda Marquez, an Army lieutenant who said she was forced out of the military after reporting her sexual assault.

“I know they want to keep emotions out of it, but emotions are part of it - it ruins your life. I think hearing from the victims makes it more real and more understood.”

Copyright 2004 Denver Post