



BIPARTISAN MOMENTUM CONTINUES...ANOTHER RETIRED GENERAL COMES FORWARD IN SUPPORT OF GILLIBRAND PROPOSAL TO CREATE INDEPENDENT, NON-BIASED, OBJECTIVE MILITARY JUSTICE SYSTEM FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY

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Brian Purchia [REDACTED]

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KIRSTEN GILLIBRAND
UNITED STATES SENATOR FOR NEW YORK

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Former Vermont National Guard Adjutant General and Retired Air Force Major General, Martha Rainville: “This Substantive and Visible Change Will Support a Safer Environment for All of Our Military Men and Women...Will Contribute to a Stronger and More Effective Force”

Rainville Was First Woman in the History of the National Guard to Serve as a State Adjutant General, Career Spanned 27 Years in Air Force, Air Force Reserve, Air National Guard – 14 of Those Years in Command Positions

Earlier This Week, Senators Rand Paul and Ted Cruz Joined Growing Bipartisan Momentum for

Measure Supported by Major Victims' Advocacy Groups and Former JAG Officers Creating Real Reform and Accountability in Military Justice System by Having Trained, Independent Military Prosecutors Make Decisions Over Whether Serious Crimes Go to Trial

Washington D.C. - Just two days after announcing that Senators Rand Paul (R-KY) and Ted Cruz (R-TX) have joined a growing bipartisan coalition of 41 Senators publicly supportive of creating an independent military justice system outside the chain of command, including 34 cosponsors of the Military Justice Improvement Act, Senator Kirsten Gillibrand released a letter from the latest retired General to speak out in favor of this carefully crafted proposal.

In a letter to Gillibrand (see full letter below), former Vermont National Guard Adjutant General and Retired Air Force Major General, Martha Rainville who served in the military for twenty-seven years, including fourteen years in command positions wrote:

"As a former commander, endorsing a change that removes certain authority from military commanders has been a tough decision," said Rainville. "It was driven by my conviction that our men and women in uniform deserve to know, without doubt, that they are valued and will be treated fairly with all due process should they report an offense and seek help, or face being accused of an offense. When allegations of serious criminal misconduct have been made, the decision whether to prosecute should be made by a trained legal professional. Fairness and justice require sound judgment based on evidence and facts, independent of pre-existing command relationships."

Rainville, the first woman in the history of the National Guard to serve as a state Adjutant General, joins other voices with military experience who publicly support Gillibrand's bipartisan proposal, including:

Former JAG Corps officer in the U.S. Navy and Executive Director of Protect our Defenders, Taryn Meeks:

"In my experience, mid-level commanders, department heads, and military leadership do not want this responsibility. They don't want the burden of convening a court-martial and the entire process is a distraction from the mission. These mid-level leaders are busy with operational demands, and handling complex sexual assault cases occupies their time and energy and is counter-productive to mission readiness."

Retired U.S. Army Maj. Gen. Dennis Laich:

"We have relied on the chain of command to deal with this issue, and the chain of command has failed for

decades. America gives us their sons and daughters, and we've failed to discharge the responsibility to take care of them."

Former Army JAG officer with the U.S. 82nd Airborne Division while stationed in Iraq from 2003-2004 and former Congressman Patrick Murphy:

"It's time for real, commonsense changes. District attorneys and attorneys general don't have to get permission from mayors or governors to prosecute cases because they're independent. At the felony level, military judge advocates should be independent too."

Former Air Force officer and law professor Diane H. Mazur:

"Everything about the proposal takes military needs into account, except for the fact that military leaders don't like change."

The carefully crafted *Military Justice Improvement Act* moves the decision whether to prosecute any crime punishable by one year or more in confinement to independent, trained, professional military prosecutors, with the exception of crimes that are uniquely military in nature, such as disobeying orders or going Absent Without Leave. The decision whether to prosecute 37 serious crimes uniquely military in nature plus all crimes punishable by less than one year of confinement would remain within the chain of command. The *Military Justice Improvement Act* will be offered as an amendment when the annual National Defense Authorization Act (NDAA) is debated on the full Senate floor.

The full letter from former Vermont National Guard Adjutant General and Retired Air Force Major General, Martha Rainville to Senator Gillibrand is here:

Dear Senator Gillibrand,

17 July 2013

I am writing to support key changes you proposed in the Military Justice Improvement Act. After spending almost 27 years serving in the USAF, the Air Force Reserve, and the Air National Guard, with 14 of those years in command billets, I am convinced that the system of reporting, investigating and prosecuting serious offenses must change. After years of sexual harassment education, widely publicized scandals followed by corrective actions, and recent examples of system failures to address sexual harassment and assault, we should not expect lasting improvements in the military environment and culture without permanent, substantive changes in how the military services process allegations of sexual harassment and assault along with other violent crimes.

As a former commander, endorsing a change that removes certain authority from military commanders has been a tough decision. It was driven by my conviction that our men and women in uniform deserve to know, without doubt, that they are valued and will be treated fairly with all due process should they report an offense and seek help, or face being accused of an offense. When allegations of serious criminal misconduct have been made, the decision whether to prosecute should be made by a trained legal professional. Fairness and justice require sound judgment based on evidence and facts, independent of pre-existing command relationships.

As a retired general officer I attend military functions and am invited to speak at forums attended by veterans and those currently serving. I hear from a cross section of soldiers and airmen and more recently, from a group of dedicated Marine women aviators. Sadly, there are many more instances of harassment and assault than I had realized.

Sexual harassment and assault continue to poison the culture of our military, and I strongly support placing the decisions to prosecute sexual assault – and other serious crimes – with the military legal system rather than keeping it as a commander's responsibility. An improved and resourced system of well-trained investigative and legal professionals would provide assurance to all who serve that they will be dealt with in a fair, just, timely and consistent manner. This substantive and visible change will support a safer environment for all our military men and women and by doing so will contribute to a stronger and more effective force.

Sincerely,

Martha T. Rainville

Maj Gen, USAF (Ret)

Former Adjutant General, Vermont

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