

#### Victim 1

Young woman in the Marines raped in 2010 while on active duty in California. After she reported, she was retaliated against. The rapist and his friends in her unit initiated a financial audit of her pay. The rape did not go to Court Martial. The rapist was given as punishment restriction to the gym, work and home. That's it. She had to work with him every day.

After reporting she was brought up on charges that she was taking overpayment from the Marines. Without providing any evidence, they took 75% of her pay, which she needed to feed her family. Her Legal Aid Officer has provided proof that she was not overpaid but the Commander didn't want to admit the error. Instead they have chaptered her out with a mental disability. She now is not able to collect VA benefits.

#### Victim 2

Young man in the Air Force sexually assaulted by his superior in 2012 at the age of 19. Since the assault the victim has experienced sexual harassment by other service members, became suicidal, and was diagnosed with PTSD. The perpetrator's Command gave the assailant an Article 15, and he was never court-martialed. After being transferred to Travis Air Force Base in California, the victim's diagnosis was changed to a Personality Disorder, and his command is in the process of trying to force him out through the Med Board process.

#### Victim 3

Young woman in the Navy raped in 2010 by two first class military members in her home in San Diego. One of her attackers was her own LPO in her chain of command and the other was also a LPO. She reported the attack to San Diego Police, but the case was handed over to NCIS and the Navy to investigate. NCIS conducted a phone sting with the victim to collect evidence. During the investigation, she was forced to live and work on base with her assailants. Despite the evidence and the fact that one of the assailants was a repeat offender, her commander failed to refer her case to court-martial. The victim ended her career as a result of the trauma and lack of justice.

#### Victim 4

Young woman in the Navy sexually assaulted in the past year. Command dropped the charges, and then diagnosed the victims with an Adjustment Disorder and began chaptering her out of the service.

#### Victim 5

Young woman in the Army sexually assaulted in 2008 while stationed in Okinawa, Japan. After reporting she faced retaliation and harassment, and had to reach out to

**Congress in order to obtain a transfer off the base. Her attacker was not prosecuted, but after reporting she was charged with two Article 15s. She is now being chaptered out of the military.**

**Victim 6**

**Young woman in the Army sexually assaulted while deployed to Iraq. She waited a year to report because her attacker was in her chain of command. After reporting, she was punished and demoted, and then diagnosed with a Personality Disorder. Her assailant was promoted.**

**Victim 7**

**Young woman in the Army sexually assaulted in 2012. While the case is still pending, she has been denied counseling, subjected to harassment and ridicule in her unit, and by her command. She was denied an expedited transfer. Her command has begun the process of trying to chapter her out.**

**PROTECT OUR DEFENDERS**  
**SASC Hearing, June 4, 2013**

**A female soldier's story: January, 2013 Case 62009**

"I was medically discharged on Dec 27, 2012. I was on my second deployment doing missions in Iraq when I was initially harassed and finally raped...He was from reserve unit and I was Active Duty...I had noticed that a tire on my trailer needed changing and I pulled out the required tools when he appears....I crawled into the back of my cab to grab a bottle of water out of my cooler[in the back seat]....he asked me to wait a few because he wanted to talk to me....thought nothing of it. Right up until he combat locks the door and out comes a knife at me. My weapon was in front, otherwise he would be dead. He had his though but the knife is what he used....I got raped by this bastard, to this day I play it over in my head....wondering why I didn't do enough to protect myself....When I tried to talk to my squad leader I got shut down and reminded that he was a Senior NCO and I was NOT to be talking sh.t about him like that....I waited til we got back down to [location] and spoke with my platoon SFC and Lt., I thought for sure they had my back. I then got told if I say another word to ANYONE about it than I was going to be charged with Adultery and get an AR 15 for it....I shut down inside, I was lead Vic in Convoy and kept hoping to hit an IED after that.... (I told my roommate, she got moved away after speaking out) Again I get shut down with threats....started getting put on BS details....they won. I got injured when I was raped, I have a scar on my left breast to remind me of it daily. Can't miss it, size of a 50 cent piece. In May, 2012 I was sent back to the states over injuries sustained on a mission and tried to pursue it then, I told my squad leader at the time... and the next thing ya know I get told they are chaptering me on an adjustment disorder....I write all this to you so that you can attempt change. I am one of the 'Unreported statistics' but not without trying....He is free and able to do it again as long as he wears the Uniform, the Uniform represents a Protective Shield if you're a rapist with rank."

**Request from a commander, 2012**

Mrs Parrish.

I have a young female Soldier that will be filing a Congressional complaint on the investigation conducted regarding an incident. She lives in [town] and I live on the [name] Coast. I was wondering if there is any specific Congressional Representative that has been key in your efforts and would give more than lip service to her issue.

As her Commander I have supported and encouraged her reporting, but have been disappointed in the way it has been handled and the lack of support given to her by her command ( higher than me).

I would appreciate any direction you could advise. As I am still in the Command discretion would be appreciated.

Sincerely,

[name]

From: [Mother of survivor]  
Date: Wed, Jun 12, 2013 at 11:27 PM  
Subject: Referred by xxxxxxxxxx  
To: [Nancy Parrish] [REDACTED]

Hello, Nancy....

My name is [Mother of survivor]. I was referred to you by the wonderful, [name]. I spoke with [name of survivor] about my daughter who is currently active duty for the USAF [REDACTED] stationed in Texas. She has been there since January 15, 2012. This is a training base. The series of events that have taken place feel like those right out of a movie. Surely these things don't happen today... Not in this country. WOW.....Do they ever. My daughter is enduring a never ending nightmare.. As is our entire family. She has been falsely charged and convicted of a crime after reporting a sexual assault that occurred as she was asleep in her dorm. The male stole the duty key and entered her room. The assault was reported in less than 24 hours. It was never investigated. They removed the male that assaulted her away from the scheduling office and to another place of duty. That's it. Later... This male names my daughter as the person who gave him Xanax pills.

She is very afraid of doing anything. She is scared to death of increased retaliation. She has already been to jail....

There is urgency in this situation. We have entered the clemency stage of this ridiculous military judicial system.

My daughter is afraid to get her hopes up about anything changing or helping her situation.

I look forward to discussing her options with you.

I have certainly met some amazing people while trying to figure out how I can help my daughter. I have found a cause I am passionate about and look forward to bringing awareness and ultimately positive changes to our military justice system.

Thank you, Nancy

Most sincerely,  
[Mother of survivor]  
Sent from my iPhone

Hi Nancy,

I just spoke with [survivor]. She had a meeting today with her 1st sergeant regarding her status. She was told that she should be discharged by the end of the week. She was told that she will not get to keep any of her GI bill or be entitled to any VA benefits.

She is beside herself.

I wish she would have made contact with you sooner than last night. She has been

afraid. She didn't believe [until recently] that they were obligated to investigate it until she read it in black and white. She didn't recognize the signs of MST and PTSD until she read them in black and white. She continued her loyalty and was conflicted by it. She has been hurt, and severely retaliated against...even gone to jail. They are about to send her home with a federal conviction and no help.  
Please, Nancy, help.

Thank you,  
[Mother of survivor]

From: [Survivor]  
Date: Wed, Jul 10, 2013 at 7:56 AM  
Subject: Special advocate  
To: [Nancy Parrish]  
Cc: [Mother of survivor]

Dear Ms. Parish,

I am requesting a special victims counsel if possible.  
I do not remember the name of the lady that I made the OSI report too. She was only with me for maybe 15 minutes. She was African American and had short hair.  
I went to my on base attorney first and he called over to OSI to let them know I was coming to make the report.  
My cell number is [REDACTED].  
Thank you for help.

Respectfully,  
[Survivor]

From: [Mother of survivor]  
Date: Sat, Jul 13, 2013 at 9:58 AM  
Subject: Re: a couple of timely questions  
To: Nancy Parrish [REDACTED]

Hello,

She new him from tech school, his rank was [REDACTED].  
[Survivor] never had anything to do with any Xanax in any way. No pills were ever seen through out this ordeal. [Assailant] was reported by someone to have been acting strangely. He was questioned and admitted to taking Xanax and drinking. During interrogation by OSI, [assailant] named [survivor] as the person who gave

him 2 Xanax. He was protecting [REDACTED] who was his girlfriend at the time. During [survivor]'s trial, [assailant] states that he lied about [survivor] giving him the Xanax and that he was "protecting someone else he cared more about at the time."

The now Airman [REDACTED] testified that she gave [assailant] the Xanax and that she had been receiving Xanax, ecstasy, and other drugs in peanut butter jars to her person on base.

Thanks....

[Mother of survivor]

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From: **[Mother of survivor]**

Date: Tue, May 14, 2013 at 4:08 PM

Subject: Please help my daughter NOW- currently in Army- was assaulted- being chaptered out

To: [Nancy Parrish]

I need your help – Please I am at my wits end – no one is listening  
My daughter is being emotional abused after being sexually abused in the ARMY-  
and a cover up is brewing right now, I am being ignored and my daughter can't get  
any help.

.. [Survivor] – [REDACTED] JBLM (Lewis McChord) Tacoma WA

An immediate inquiry and investigation is needed. There is a cover up going on and  
a push to chapter my daughter out so the man code to protect careers over these  
victim soldiers is happening right now.

Colonel [REDACTED], Colonel [REDACTED] and Capt [REDACTED] have stood  
behind lies and omitted truths. to JAG who say the company did nothing  
wrong. [Survivor] was a STELLAR" soldier before sexually assaulted and in a 4  
month time has become anxiety ridden, self-loathing, borderline suicidal and drug  
dependent. She asked for help through ASAP and SHARP and was on the path to  
sanity when the captain shared her issues with the company subjecting her to mass  
ridicule, name calling and harassment which he personal was involved in. Denied  
her counseling, IG and JAG contact and placed her in all male escort care and all  
men's barracks- \*\*\* this may be protocol for the average person but not a sexually  
assaulted recovering victim of the ARMY... Please help me stop this injustice. Please  
call Colonel [REDACTED] through [REDACTED]. I reluctantly supported my  
daughter going into the army – fearing that she may be a casualty victim in combat  
overseas by some foreign enemy. I never imagined she would be a victim on US soil  
from the very Army she partnered with to protect the USA and our rights. She was  
sexual assaulted the end of 2012 which is a case still pending, She has lost her lust  
for life , became dependent on drugs to mask the pain and now being pushed out of

the army because the captain is derelict in his responsibilities and failed to respond to her plight. He has re-victimized her emotionally by exposing her to unsafe conditions; verbal abuse and total discard for her a soldier or a woman. I fear for her safety and wellbeing. They are trying to cover this up and to chapter her out quickly- I managed to get IG involved but I have lost my confidence they will protect her over their own agenda to hide this from the white house or the media. Help me please.

**I can be reached at [REDACTED] or [REDACTED] . I beg for your help [REDACTED]**

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**From: [victim]**

**Date: Sun, Jan 13, 2013 at 9:26 AM**

**Subject: speaking out finally**

**To: [Nancy Parrish]**

Nancy,

My name is [name], I was recently medically retired from the Army on Dec 27, 2012. I was on my second deployment doing missions in Iraq when I was initially harassed and finally raped by an E-7 from our Battalion, different Company as he was from Arizona National Guard and I was Active Duty. I had met him in the Chaplains Christmas Choir in 2009, always talked about his faith and his family back home. I had assumed, like an idiot that this was a person of morals. I was the only female in my squad for a long time. I was an 88M Combat HET driver, M1070/M1000, we generally haul Tanks and heavy equipment. We travel as a squad in what we call a CLiP (Combat Logistics Patrol) anyways, this E-7 who had not gone outside the wire, had started going on missions with a clip that mirrored our clips route. He had access to the TOC where information on what clip was going where was listed. Since I was the only female on my clip I was used to being around guys all the time, if I didn't feel safe at a FOB than I slept in my truck, believe it or not I felt safer in a tent with my entire squad than a tent where I was alone. We had pulled into [REDACTED] right after the Christmas Blackout conditions were lifted. It was about 4AM, I had gathered my bag and weapon and headed into the FOB after our trucks were secured and did my routine, I showered, changed into my PT's and headed for the laundry room to was my dirty items when he comes in. Small FOB so no surprise, everyone pulling in does their laundry, he suggests we go eat chow while waiting for the washers to get done, I do that anyways and agreed. I Put my stuff into the dryer and went to [REDACTED] to grab a cup of coffee and go for a smoke in the smoke pit while I waited for my dryer to quit. Went to lay down in the females tent and secured my laundry but a few hours later a group of LOUD females came in and flipped on the lights, that ended my sleep so I decided to go clean out my truck, its daylight so I had not thought anything of it. I had noticed that a tire on my trailer neede changing and I pulled out the required tools to complete the task when he appears... asks if I need help and told him I was almost done and had it handled. After I put my old tire on the back of my trailer I crawled into my cab to grab a water

bottle out of my cooler, I only had my driver door unlocked and open since that was all I needed. My cooler was on my backseat so I had climbed in to get it, as soon as I sit on the back seat to grab my water bottle, he appears. I felt a bit uncomfortable so I suggested I needed to get out and go get some ice since mine was about gone... he asked me to wait a few because he wanted to talk to me about a problem he was having with his wife and wanted my perspective on it. I get this a lot from the guys in my squad so, again, thought nothing of it. Right up until he combat locks the door (dead bolts it to the frame of the cab) and out comes a knife at me. My weapon was in front, otherwise he would be dead. He had his though, but the knife is what he used, I got raped by this bastard, to this day I play it over in my head like it was yesterday, wondering why I didnt do enough to protect myself. I should have shot him when he finished, but instead I sat there like a baby and cried... smoked a cigarette and go another set of PTs so I could go shower and threw the set I was wearing away. When I went to my truck later that night to head northbound into BIAP (Baghdad) I see the ass standing there joking with my squad leader. Apparently they had diner together... when I tried to talk to my squad leader I got shut down and reminded that he was a Senior NCO and I was NOT to be talking shit about him like that... I waited til we got back down do Kuwait and spoke with my Plt SFC and Lt, I thought for sure they had my back. I then get told that if I say another word to ANYONE about it than I was going to be charged with Adultery and get an AR 15 for it. The next day I see the ass, he comes to my truck as I am getting it ready for another mission and lets me know that MY Plt SFC had told him what I said and he told him that I was simply trying to "hit on him" wanted me charged with harassment!! I shut down inside, I was lead Vic in our Convoy and kept hoping to hit an IED after that. I was only an E-4 at the time... he had sent some pics using his AKO of himself which I had shown my roommate so she knew I was telling them the truth. She got moved away from me after she spoke up. Again I got shut down with threats. Started getting put on BS details, mandated full battle rattle PT twice a day, and many times got put on Guard Duty that was generally reserved for someone on a profile that couldnt go on mission. Not me, as soon as I got off overnight duty, I had a full day ahead of me and did that repeatedly until I gave up trying to pursue it... they won. I got injured when I was raped, I have a scar on my left breast to remind me of it daily. cant miss it, size of a 50 cent piece. In May I was sent back to the states VIA MEDEVAC over injuries sustained on a mission and tried to pursue it then, I told my squad leader at the WTB here [REDACTED] at the time and next thing ya know I get told they were trying to chapter me on an adjustment disorder. I arrived at [REDACTED] July 7, 2010 and I just left there n Dec 2012. I was placed on TDRL (Temporary Disabled Retirement List) as they disagreed with the VA on a PTSD Diagnosis. I was finally able to tell my husband a few months ago, that is leading to a divorce as he cant see why I did not protect myself enough either. Everyone assumes that since we have a weapon its safe. Well, my weapon was NOT loaded with a magazine, no need for it on a FOB, my weapon had NO round chambered, again, not needed on a FOB. and it was up front. I couldnt read this guys mind, wish I could. I see a counselor at the VA and take medications that help somewhat, the human mind wont turn off no matter how hard you try... I write all this to you so that you can attempt change. I am one of the 'Unreported

statistics" not without trying, I assure you of that. He is free and able to do it again as long as he wears the Uniform, the Uniform represents a Protective Shield if you're a rapist with rank. My life gets ruined and he gets promoted. I read your name in an article on Stars and Stripes and did a google search for you and found Protect our Defenders. Its too bad that the Military protects and defends rapists. I am not the first and unfortunately I will not be the last, but change has to start somewhere. I wrote my Congressman [REDACTED] and Senator [REDACTED], their response was a generic political ad leading me to their website... again, I got nowhere with them. Stand up and make it known loud and clear at these upcoming inquiries in Texas that they need to STOP protecting the rapists and start protecting US! I am tired of hearing about others like me who get punished for trying to come forward. If a sister in arms came to me today and told me she were raped I would have to advise her against coming forward, because nothing good comes from it and it makes things worse on her. I still have pride in the job I did, nothing will ever take that from me, I am just ashamed at leadership and my Uniform. I used to have pride wearing it, until I started seeing it as a Protective Shield for rapists. I am thankful to not ever have to wear it again, one less reminder of it...

Thank you for taking time out to read this and THANK YOU for standing up for us.

Regards,  
[REDACTED]

23 July 2013

Dear Senator Gillibrand,

I am writing to support the needed changes you propose in the Military Justice Improvement Act. I spent over 25 years on active duty in the United States Navy and had the privilege of serving as Commanding Officer, Naval Telecommunications Station, Diego Garcia, British Indian Ocean Territory, a position in which I was the court-martial Convening Authority for the almost 400 people who were part of my command. For the past 13 years, I have served as Director of the Women in the Military Project at the Women's Research & Education Institute (WREI). In both these capacities, I have closely watched the struggle of the U.S. military to halt sexual assault in its ranks for over 35 years.

During this entire time, military Convening Authorities have had the power to investigate, refer to courts-martial and make final disposition of all charges of sexual assault within their commands, and yet they have not made a dent in the problem. As a former Commanding Officer and Convening Authority, I completely understand the services' insistence that commanders must retain their authority to dispose of charges of sexual assault. However, as an advocate for military women—and men—it is crystal clear to me that too many commanders have betrayed the trust placed in them by their subordinates, their services and their fellow citizens because they have not used this authority properly. I have, therefore, come to the reluctant conclusion that that authority must be removed from the chain of command and placed in the hands of trained military prosecutors who can serve as unbiased, professional experts on the disposition of sexual assaults and other felony cases. This is critical to ending sexual assault in the military.

Thank you, Senator Gillibrand, for your strong leadership in this matter of deepest importance to our future national security.

Sincerely,

  
Lory Manning  
Captain, USN (ret.)  
Director, Women in the Military Project  
Women's Research & Education Institute



Roger A. Canaff  
Attorney At Law\*



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*\*licensed in Virginia and New York*

September 16, 2013

Ms. Taryn Meeks, Executive Director  
Protect Our Defenders

Dear Ms. Meeks:

Recent efforts to remove the decision making process from commanders where serious sexual assaults and major felonies are concerned are controversial but ultimately well advised. The issue is not the quality of the prosecutors or investigators; I was a civilian consultant in the U.S. Army JAG Corps for almost three years, and encountered largely dedicated and well-trained men and women who wanted justice for victims.

But I also found a continuing blind spot that makes sexual violence in particular impossible to adequately address under current military justice practice. In simplest terms, our military as a whole faces a "perfect storm" of a small but prolific percentage of predators in its midst colliding with an especially vulnerable population. Combined with the dynamics often associated with both, the approach to making the military safe within the ranks must evolve to recognize and meet this threat.

Contrary to what many assume, most sexual violence is perpetrated in serial fashion by predatory men known to their victims. Most do not appear as criminals and in fact are often successful and respected in their environments. They often seek "soft targets" who either won't report or won't be believed, and an environment that will provide them relative security. Predators are not created by environments; they are drawn to them.

Respected, values-based institutions are attractive to predators who pervert those ideals and use them to exploit trust and weaken victims. Sadly, military values like self-sacrifice, honor, duty and loyalty, characteristics taken seriously by the great majority, are manipulated by a dangerous few. Exacerbating the draw are combat training, access to weapons, and an instant recognition of power relationships due to rank. The great majority of service men and women are not predatory; quite the opposite is true. But even a small percentage in an institutional environment can create tremendous damage.

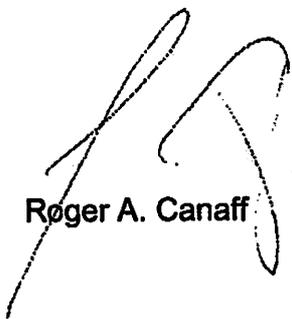
On the other side, a large percentage of enlistee females report sexual abuse prior to enlistment. Sadly, this prior victimization puts them statistically at a higher risk to be re-victimized. Their experiences may also lead to other behaviors that predators view as attractive; many are neither well-adjusted to military life nor highly valued by the command. Worse, reactions to sexual assault in any given case are often counter-intuitive and misunderstood.

Enter a commander considering sexual assault charges and perceiving an accused who is valuable and well-liked against a complainant who is a liability to unit cohesion and function. Combined with myths about sexual violence and deeply complex dynamics, valid cases are too often stopped in their tracks. In this way, predators continue to offend and victims continue to suffer without recourse, eventually weakening the entire military structure. Of course, victims can be and often are successful and well-adjusted to military life. But they similarly suffer blame for everything from "inviting" the attack to simply creating conflict within the unit.

Without a doubt, the civilian world is no different in terms of its struggle to understand and confront the issue of sexual violence. Improvement is needed everywhere, and victims suffer unfairly in all areas of life. But the military involves unique and inherent risks, conflicts, and disadvantages for sexual violence victims. Military commanders are the appropriate arbiters where most matters of discipline and good order are concerned, and will always have a crucial role in prevention as well as response. But because of the often misunderstood dynamics that arise in major felonies- particularly but not exclusively sexual violence- their prosecution under the UCMJ is better handled by prosecutors still in uniform but possessed of specialized knowledge. This knowledge involves legal details, cultural aspects, and offense dynamics. Military lawyers specially trained and unburdened by command concerns are in a better position to pursue justice and make our military healthier and more efficient.

Currently, commanders have complete and total responsibility for decisions regarding sexual violence and other serious crimes from the inception of the complaint through the final review of the sentence. Removing primary responsibility for the prosecution of these select crimes will not render commanders uninvolved and unable to remain a crucial part of the response to possible serious violations of the Code. Commanders will still have appropriately broad discretion to control the movements of accused persons as well as to protect them, the alleged victim, and any potential witnesses from harm or undue harassment during the process. Commanders will still set the tone for their units where mutual respect, discipline, and core military values are concerned. Further, they will be freer to concentrate on other serious matters already competing for their valuable time.

Respectfully,



Roger A. Canaff



**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**

1 message



Thu, Jul 18, 2013 at 11:40 AM



**KIRSTEN GILLIBRAND**  
UNITED STATES SENATOR FOR NEW YORK

**FOR IMMEDIATE RELEASE**

**Thursday, July 18, 2013**

**Contact: Glen Caplin** 

**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**

*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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**The New York Times**

June 20, 2013

# Bills on Military Sex Abuse

**To the Editor:**

Re “Complex Fight in Senate Over Curbing Sexual Assaults in Military” (news article, June 15):

News reports have not recognized that Senator Kirsten E. Gillibrand’s bill demonstrates deep understanding of the military justice system.

She made three thoughtful choices: not singling out sexual assault for special treatment but treating all felony offenses the same; leaving minor misconduct under command control but sending felony cases to military lawyers; and leaving full responsibility for “military” crimes (those without civilian counterpart) with commanders.

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

Senator Carl Levin’s proposal will make the problem worse. It applies only to sexual assault crimes, and then only when prosecution is declined. Cue the screams from defense lawyers and service members that every prosecution is brought for political reasons.

**DIANE H. MAZUR**

Davis, Calif., June 15, 2013

*The writer, a law professor at the University of Florida and a former Air Force officer, is the author of “A More Perfect Military: How the Constitution Can Make Our Military Stronger.”*

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