

PRESS RELEASE: Protect Our Defenders Calls For Investigation Into Lt Gen Harding & Col Rockwell's Campaign Against Removing Sexual Assault Claims From The Military Chain of Command

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FOR IMMEDIATE RELEASE

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**If you would like to receive a copy of the documents from Air Force Lt Gen Harding and Col Rockwell please email: brian@protectourdefenders.com*

*** PRESS RELEASE ***

PROTECT OUR DEFENDERS CALLS FOR INVESTIGATION INTO LT GEN HARDING AND COL ROCKWELL'S CAMPAIGN AGAINST REMOVING SEXUAL ASSAULT CLAIMS FROM THE MILITARY CHAIN OF COMMAND

Newly disclosed documents shows Air Force leadership improperly using influence — launched coordinated campaign instructing JAG corps subordinates to rally support against congressional legislation supported by military sexual assault survivors; Protect Our Defenders calls on Department of Defense's Inspector General to investigate

WASHINGTON, D.C. - Protect Our Defenders has recently obtained new documents that reveal that military leadership is using their considerable influence to rally support against an independent, impartial and professional military justice system for our men and women in uniform. Despite decades of failure to fix a broken system and countless military sexual abuse scandals from Tailhook to Aberdeen to Lackland to the ongoing Naval Academy scandal and scathing investigative reports that illustrate the core issue ([They Accused superiors of assault & harassment: Now their careers are over](#), [The U.S. military's enemy within](#), [Twice Betrayed](#), [Chain of Command](#)) — military brass continues to undermine “good order and discipline” by allowing a systematic culture of rape and sexual harassment to continue unchecked.

Earlier this month, Lieutenant General Richard C. Harding and Colonel Jeffrey A. Rockwell sent all members of the United States Air Force Judge Advocate General's Corps (JAGC) a letter, [“Looking Back to Look Forward.”](#) In the letter, Lt Gen Harding and Col Rockwell — both of whom are active members and leaders in the Air Force — embark on a campaign to garner support among Air Force members for continuing the current practices of adjudicating

sexual assault claims in the military justice system. Today, Protect Our Defenders joined with Attorney Susan Burke in calling on the Department of Defense's Inspector General to investigate [[Click here for letter from Susan Burke to the IG](#)].

“Please read, absorb and share with your commanders and media types wherever you are located.” – Lt Gen Richard C Harding letter [Read full letter by [clicking here](#)].

Lt Gen Harding and Col Rockwell's letter attempts to sway the support of members of the Air Force JAGC in favor of keeping the adjudication of sexual assault claims within the military chain of command. These efforts are in clear violation of the provisions and spirit of Air Force Instruction 51-902 (AFI 51-902), *Political Activities by Members of the US Air Force*. These efforts are shown by the language employed in the letter, which emphasizes the importance of the chain of command to achieving the military mission and the harm that could result if society “breaks, or unnecessarily dilute[s]” this authority in the context of sexual assault claims.

Nancy Parrish, President of Protect Our Defenders released the following statement about the newly disclosed Air Force documents:

“The revelation that active Air Force leadership has launched a coordinated campaign instructing JAG corps subordinates to rally support against congressional legislation supported by military sexual assault survivors attempting to remove sexual assault claims from the military chain of command is a serious issue and needs to be investigated. Based on what we hear from active duty service members — military leadership has not only silenced voices of reform from within, but are now using their considerable influence to rally political support to lobby on this issue. We are disappointed and disheartened by this latest disclosure.

Col Rockwell and Lt Gen Harding are essentially arguing that the status quo should be maintained, and that the UCMJ is fine as is and should not be reformed. They argue that Article 32 and 60 embody ‘timeless brilliance’ and therefore should only evolve through gradual legal precedence, clearly minimizing reform and congressional initiative.

They make these arguments even in the face of the travesties we all have observed during the recent Naval Academy Article 32 hearing and General Franklin's use of his Article 60 authority to set aside the guilty sexual assault verdict of Lt Col Wilkerson — rendered by five Colonels in the case at Aviano Air Base.

Most commanders do not have General Court Martial Convening Authority (CA), which is where most sexual assault cases would go to trial, and yet they are still able to do their jobs and maintain order within their units. The problem is that those few commanders who do have CA have it because of the primary assignment they happen to have at the time, not because they are particularly suited for the responsibility. They are also embedded within the chain of the accused, and are therefore conflicted and potentially biased. In addition, they do not necessarily have a judicial temperament and skill set well suited to the responsibility of administering blind and effective justice.

It is amazing that our military leadership could remain so invested in the status quo and opposed to common sense reforms. It seems they do not really grasp the impact of the broken military justice system on their troops and unit cohesion. This is a force protection issue, as it has been for decades, and it is undermining our military readiness.”

Pentagon officials have furiously objected to the creation of an independent and impartial justice system, saying it will negatively impact “good order and discipline,” even though there is no evidence of this from our many allies with systems similar to that proposed by Senator Kirsten Gillibrand (D-NY). In fact, the evidence speaks to the opposite — the epidemic of rape and sexual assault in the U.S. military and broken military justice system undermines “good order and discipline” by eroding trust within the unit. Last month, the director-general of the Australian Defence Force Legal Service, Paul Cronan who was asked to testify at a [hearing on the epidemic](#) said they had faced the same set of arguments from military leaders.

“It’s a little bit like when we opened up [to] gays in military in the late ‘80s,” Cronan said. “There was a lot of concern at that time that there’d be issues. But not surprisingly, there haven’t been any.”

Earlier this year, Senator Gillibrand introduced the Military Justice Improvement Act (MJIA) to move the decision to prosecute and adjudicate sexual assault cases from an often-biased chain of command — a step toward creating an independent and impartial military justice system. [Former generals](#), and an [official Pentagon advisory group](#) have all come out in support of this common sense reform, It also has widespread bipartisan backing, with 46 senators publicly supporting the bill, including Senator Barbara Boxer (D-CA), Senator Susan Collins (R-ME), Senator Elizabeth Warren (D-MA), and Senator Rand Paul (R-KY).

On the House side, Congresswoman Jackie Speier (D-CA) has introduced the Sexual Assault Training Oversight and Prevention Act (STOP Act). This bill removes authority for handling these cases from the chain of command. The legislation currently has 148 co-sponsors. Thus far the Chairman of the House Armed Services Committee has failed to allow the bill to come before the committee for a vote.

In 2012 alone, an estimated 26,000 men and women in the military experienced unwanted sexual contact. According to the Pentagon’s 2012 SAPRO report, 25 percent of those victims indicated the offender is someone in their chain of command. Of the estimated 26,000 cases, over 90 percent were never reported, with over 50 percent of victims stating that fear of retaliation kept them from coming forward. For those brave service members who did come forward to file a report, 62 percent say they experienced retaliation as a result of reporting their attack.