

## Sailor: Navy compounded shame after sex assault

By Rick Maze, Staff writer  
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*Brian Lewis, a former Navy petty officer third class, pauses as he testifies on Capitol Hill on March 13 before a Senate hearing on sexual assault in the military. Lewis told the subcommittee not to forget that many victims of sexual assault and harassment in the military are male. Lewis said he was raped in 2000 by a non-commissioned officer who outranked him.*

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A Navy veteran who says he was raped in 2000 by a higher-ranking petty officer aboard a submarine tender told a Senate committee he carries permanent shame — not for the sexual assault, but over how the Navy forced him to leave.

Former Fire Control Technician 3rd Class Brian K. Lewis was one of the thousands of service members who received a general discharge after being diagnosed as having a personality disorder that pre-existed his military service.

"I carry my discharge as an official and permanent symbol of shame, on top of the trauma of the physical attack, the retaliation and its aftermath," Lewis said in Wednesday testimony before the Senate Armed Service Committee's military personnel panel, which is investigating sexual assaults in the military.

"I fear it will be discussed when I apply for law school, when I apply to take the bar exam, even when I apply for a job, and I wonder what opportunities it may destroy for me," Lewis said.

His discharge is one of more than 31,000 similar career-ending diagnoses of personality or adjustment disorders that would be reviewed under a proposed change in law to determine if service-connected post-traumatic stress, and not a pre-service mental disorder, was the proper diagnosis.

The review would be required by HR 975, a bill sponsored by Rep. Tim Walz, D-Minn.

Lewis said that after he was raped, his command ordered him not to report the crime to the Naval Criminal Investigative Service, and he didn't, which made it difficult when he tried to receive disability benefits from the Veterans Affairs Department after leaving the military. His petition to the Board for Correction of Naval Records to have his discharge upgrade was denied, he said.

"My story is all too common," he said. "It is only natural for commanders to want to believe that a crime did not happen. Making it disappear entails less risk for their careers."

The military personnel panel, chaired by Sen. Kirsten Gillibrand, D-N.Y., is looking at potential changes in how the military investigates and prosecutes sexual assault crimes. One option is to remove the chain of command from the process, Gillibrand said.

Lewis endorsed that idea. "Not pursuing prosecution is much less disruptive for their units," he said of commanders, noting that most have a natural bias to support the people they know and lead.

"Commanders have tremendous power over the lives and future careers of those in their command. It is only natural that survivors experience repeated patterns of cover-up and retaliation," he said.

Bias against prosecution is one of the reasons why victims are reluctant to report rape and sexual assault, Lewis said.

"A system where less than one out of 10 reported perpetrators are held accountable for their alleged crimes is not a system that is working," Gillibrand said. "And that is just reported crimes."

What's needed, she said, is a system in which troops feel coming forward to report a crime and to help in prosecution will not be "detrimental to their safety or future."

The hearing comes after a high-profile case in which an Air Force lieutenant general overturned a lieutenant colonel's court-martial conviction for sexual assault, a move Gillibrand called "shocking."

Legislation has been introduced in the House and Senate that would take away the right of senior court-martial convening authorities to review and modify

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