

# NEWS

## Military Sexual Assaults Panel Meets Behind Closed Doors

Experts face powerful group that will ultimately advise Hagel on sexual assaults emergency

By [PAUL D. SHINKMAN](#)

January 8, 2014

***This story was updated at 2:40 p.m. on 1/16/2014***

The military panel studying the role of commanders in sexual assault cases now has released transcripts of its previous meetings. The transcripts for the meetings on [Nov. 13](#) and [Nov. 20, 2013](#), and for [Jan. 8, 2014](#), are now available online.

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A string of ongoing hearings and meetings conducted by a powerful panel will ultimately offer recommendations to the Pentagon chief on how to stem the [growing tide of sexual assaults](#) in the military.

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Sen. Kirsten Gillibrand, D-N.Y., recently led a failed effort to reform military sexual assault investigations.

At the forefront of the debate is whether the military should overturn current rules that senior officers should oversee sexual assault cases within their chain of command. The Pentagon has been openly vocal about its support of the policy, while some members of Congress and advocacy groups have staunchly opposed it, most vocally Sen. Kirsten Gillibrand, D-N.Y., who has [introduced legislation that would change the rules](#).

Defense Secretary Chuck Hagel put together the [nine-member Response Systems to Adult Sexual Assault Crimes Panel](#) (RSP) – comprised of retired military officers, a former member of Congress and legal experts – to study this and other issues related to sexual assaults. The panel's Role of the Commander subcommittee met Wednesday behind closed doors at a military office building outside Washington, D.C.

At least one person who delivered expert testimony Wednesday believes the committee already has made up its mind on the chain of command issue.

"I don't think they were receptive to the statements we were giving them," says Denise Krepp, a former officer in the U.S. Coast Guard whom President Barack Obama tapped to serve as chief counsel to the U.S. Maritime Administration. She [left that position abruptly](#) in February 2012, and since has [been openly critical](#) of some of Obama's policies.

Krepp penned [an op-ed in September](#) heavily critical of a culture in the service academies and active-duty military that she says makes it almost impossible for female troops to report sexual assaults.

"I viewed it as a whitewashed hearing: 'OK, check the box, these are the people we were told to bring in,'" she says, also critical of the fact that the hearings were closed to the public and press.

"The Department of Defense, by not opening this very specific panel, prevented a lot of people from hearing some very smart men and women who support Sen. Gillibrand," Krepp says. "They're going to enable people to continue to believe that everyone in the military opposes this."

The subcommittee's meeting on Wednesday involved two panels of nine experts each: One, on which Krepp spoke, was comprised of former officers and commanders who support the idea of removing sexual assault cases from under the chain of command. A second panel opposed the move.

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Members of the second panel included retired Air Force Gen. [Roger Brady](#) and retired Air Force Maj. Gen. [Mary Kay Hertog](#), who previously served as the head of the military's Sexual Assault Prevention and Response Office until the Pentagon announced in June 2012 she would step down. Both officers have written publicly about their support of keeping sexual assault cases within the chain of command.

Asked why the hearings were closed, panel spokeswoman Terri Saunders says such hearings do not have to be open to the public and press, according to regulations under the Federal Advisory Committee Act.

"However, while not required under FACA, in order to be completely transparent and inform the public, the subcommittee chairs have requested that all subcommittee hearings be transcribed verbatim and these transcripts will be posted on the RSP's website," she says in an email.

Transcripts for previous subcommittee hearings on Nov. 13 and Nov. 20 are still listed as "pending" on the website. Saunders says these and the transcript for Wednesday's hearing will be available "in the next few days."

The panel will hold a full meeting open to the public on Jan. 30, when it will focus on the role of the commander, Saunders says.

Regarding Krepp's claims, Saunders says the public soon will be able to determine the fairness of these hearings.

"It would be inappropriate for me to comment on how one of the presenters may have perceived the motivations of one of the subcommittee members based on the question posed," Saunders says. "We will post the transcript of this hearing to our website when we receive it so you can see the full context of all questions and answers."

Another expert who testified alongside Krepp disagrees with her impressions of the hearing.

"I think they were really doing their due diligence on what's best for the victims, the commander and for military justice," says former Rep. Patrick Murphy, D-Pa., a former Army captain and Iraq War veteran who served in Congress from 2007 to 2011. He agrees that sexual assault cases [should be removed from the chain of command](#), and believes some members of the defense panel feel the same way.

"If this panel prevents just one sexual assault from happening, their work will be worth it," he says. "I believe this is an issue of perception, and perception becomes reality within the ranks."

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Army Chief of Staff Gen. Ray Odierno was asked why the subcommittee hearings were closed while speaking at the National Press Club on Tuesday. He responded, "I don't know."

"I asked that question of Congress, I think they're holding the hearing," he said.

Odierno staunchly supported the Defense Department's stance of retaining military commanders' oversight of sexual assault cases.

"The chain of command is the essence of who we are," he said. "Taking away a tool that is incredibly effective to us – the [Uniformed Code of Military Justice] – is a mistake."

"We need to hold the leaders accountable who are not using the tools we have given them, such as the UCMJ, to solve this problem," Odierno said. "Don't take the tool away. What we have to do is hold accountable those who are not using these tools properly."

Odierno also talked about the importance of "taking care of our victims," and ensuring they don't become "victims again and again and again." Not victims of sexual assault, he said, but "victims of the process."

The increased pressure coming from some members of Congress and military advocacy groups will help the military "stay on point to solve this problem," Odierno said, adding that quelling the rise in sexual assaults also will require a culture change.

There are probably 10 percent of soldiers who believe women don't belong in the Army, and those people themselves should be removed from the service, he said.

"You're always going to have that, but what you have to have is a culture that doesn't tolerate that attitude," he said.

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Updated 1/16/2014: This article was updated with new information released by the military's sexual assault panel.

**Tags:**Kirsten Gillibrand, military, sexual abuse, sexual assault