

Statement by U.S. Senator Bernie Sanders
Joint Hearing of House Committee on General, Housing and Military Affairs, and
Senate Committee on Government Operations
Military Sexual Assault
January 30, 2014

There is no question that we must act aggressively to end the scourge of sexual assault in the military. According to the Department of Defense, an estimated 26,000 service members experienced unwanted sexual contact, rape or sexual assault during 2012; an increase of 37% from the year before. As I discussed with Defense Secretary Chuck Hagel prior to his confirmation, this is an issue that he must prioritize – for the sake of our honorable service members, and the very values they risk their lives to defend.

Clearly, reasonable people can differ on how best to achieve that goal. What stands out to me is that only 13% of victims actually report these incidents. Of the victims who choose not to report, 47 percent cited fear of retaliation as a reason for not reporting. While 62% percent of victims who *did* report an incident claimed that they experienced some form of social, administrative or professional retaliation within their unit.

To my mind, it is simply unacceptable if the brave men and women in our military, who are willing to risk their lives to defend this country, do not feel comfortable reporting a sexual assault or do not believe the military would adequately respond to such a report. While the military chain of command works extraordinary well for dealing with most infractions, I personally believe the reporting and prosecution of certain crimes should be taken out of the chain of command structure.

That is why I am a co-sponsor of the Military Justice Improvement Act (MJIA). This legislation, championed by my colleague, Senator Kirsten Gillibrand from New York, would give service members an independent route –outside the chain of command – to report serious crimes such as sexual assault. Under the MJIA, independent military prosecutors would decide whether to prosecute most crimes that are punishable by one year or more in confinement.

The decision whether to prosecute 37 serious crimes *uniquely military in nature* – such as disobeying orders or going Absent Without Leave – plus *all* crimes punishable by less than one year of confinement, would remain within the chain of command.

Congress did recently make some important changes in the way the military treats rape and sexual assault cases. Under the 2014 National Defense Authorization Act – which became law last month – military commanders can no longer overturn jury convictions. A civilian review is now required if a commander declines to prosecute a case. Any individual convicted of sexual assault now faces a dishonorable discharge or dismissal. Moreover, the new law eliminates the statute of limitations for courts-martial in rape and sexual assault cases, and criminalizes retaliation against victims who report a sexual assault. Lastly, it limits intrusive and aggressive cross examination of victims during preliminary “Article 32” hearings.

While those are very important steps, they do not go far enough. I will continue to support Senator Gillibrand’s efforts to pass the Military Justice Improvement Act.

As Chair of the Senate Veterans’ Affairs Committee, I am also working hard to make sure that veterans, who have suffered such crimes, receive the benefits they have earned and deserve. I have asked Katie Van Haste of the Senate Veterans’ Affairs Committee staff to brief you on various important changes we have proposed.