

Congress of the United States

Washington, DC 20515

April 15, 2004

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary,

We are writing because we are concerned about the Defense Department's response to the issue of sexual assault and harassment in the military. We understand that because of the many reports of sexual misconduct in Kuwait, Afghanistan, and Iraq, you have commissioned the *Department of Defense Task Force on Care for Victims of Sexual Assaults*.

We have doubts, however, that this investigation will yield tangible results. A review of 18 reports conducted on sexual misconduct in the military over the past 16 years shows that similar recommendations have been made in multiple reports, but as far as we know, have not been implemented. We are concerned that the problem of sexual misconduct in the military is repeatedly investigated, but recommendations for substantive change in the reports are often ignored.

We respectfully request a meeting to discuss the actions that the Department of Defense has taken in response to these 18 prior investigations, listed below. We would also welcome a discussion of DoD's plan for implementing any recommendations that come out of the current investigation.

Existing reports include *Sexual Harassment in the Military: 1988* (DoD, 1988); *Strategies to Eradicate Sexual Harassment in the Military and Civilian Environment* (DoD, 1991); *Hearings into Gender Discrimination in the Military* (House Armed Services Committee, 1992); *Women in the Military: The Tailhook Affair and the Problem of Sexual Harassment* (House Armed Services Committee, 1992); *The Tailhook Report: The Official Inquiry into the Events of Tailhook '91* (Inspector General, DoD, 1993); *Sexual Harassment in the Active Duty Navy: Findings 1991 Navy-wide Survey* (Naval Personnel Research and Development Center, 1993); *DOD Service Academies: More Actions Needed to Eliminate Sexual Harassment* (GAO, 1994); *Abuse Victims Study Final Report* (DoD, 1994); *Report of the Task Force on Discrimination and Sexual Harassment* (DoD Defense Equal Opportunity Council, 1995); *Sexual Harassment of Navy Personnel: Results of a 1993 Survey* (Naval Personnel Research and Development Center, 1995); *1995 Sexual Harassment Survey* (DoD, 1996); *Special Investigation of Initial Entry Training, Equal Opportunity and Sexual Harassment Policies and Procedures* (Army Inspector General, 1997); *Secretary of the Army's Senior Review Panel Report on Sexual Harassment*. Vol. I and II. (Secretary of the Army, 1997); *The Report of the Federal Advisory Commission on Gender-Integrated Training and Related Issues to the Secretary of Defense* (DoD, chaired by Nancy

Kassebaum Baker, 1997); *Adapting Military Sex Crime Investigations to Changing Times* (Congress, National Academy of Public Administration, 1999); *Congressional Commission on Military Training and Gender-Related Issues - Final Report* vols.1-4 (Congress, chaired by Anita Blair, 1999); *Report of the Working Group Concerning the Deterrence and Response to Incidents of Sexual Assault at the U.S. Air Force Academy* (USAF, 2003); *Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy* (Congress, Tillie Fowler chaired, 2003).

In 1988, a survey commissioned by the Department of Defense entitled *Sexual Harassment in the Military: 1988* found that more than 90% of military sexual-harassment victims did not report their incidents, some because they feared they would be blamed. Fifteen years later, at the U.S. Air Force Academy, “a May 2003 survey of Academy cadets showed that 80.8% of females who said they have been victims of sexual assault at the Academy did not report the incident.” (*Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy*) In June 2003, a separate investigation described the Air Force Academy as “a less than optimal environment to deter and respond to sexual assault or bring assailants to justice” (*Report of the Working Group Concerning the Deterrence and Response to Incidents of Sexual Assault at the U.S. Air Force Academy*). It appears that DoD did not act to improve the climate for harassment or assault victims in response to the 1988 findings.

The issue of inappropriate commander responses to reports of sexual assault is a significant complaint of those women currently filing complaints. The Denver Post reports that “today, leniency is still the rule, as military leaders continue to choose administrative punishments twice as often as criminal prosecution for those accused of sexual assault and domestic violence” (11/18/2003). This issue has been addressed in multiple reports but has not been satisfactorily resolved. Under current law, commanders have the authority to use their discretion in dealing with cases of sexual misconduct and abuse. The 1994 *Abuse Victims Study* performed by the Office of the Undersecretary of Defense for Personnel found “concerns and complaints of arbitrary and inconsistent punitive responses” by commanders to claims of domestic abuse and recommended that commanders “need more guidance on when and what types of legal or administrative action to take in abuse cases.” In 2001, the *Report of the Commission on the 50th Anniversary of the Uniform Code of Military Justice*, published by the National Institute of Military Justice, reported that “[i]t has been recognized since the adoption of the UCMJ that the invidiousness of command influence strikes at the heart of the fairness of the process...The current system encourages disparate treatment of servicemembers...Widely varying punishments are inconsistent with the UCMJ’s fundamental goal of standardizing and modernizing criminal sanctions in the armed forces and should be corrected.” The importance of uniform standards of punishment was recommended once in 1994, 7 years passed, another investigation was done, the importance of uniform standards was again emphasized in the investigation’s report, and three years later we still have victims of sexual assault in the military complaining of inappropriate care for themselves and inappropriate and variable punishments for their attackers. This is hardly an effective use of taxpayer dollars and does nothing to help victims of sexual assault in the military.

One recent investigation on this issue was commissioned by Congress in 1997. Congresswoman Carolyn Maloney introduced H.R. 1072, the "Commission on Military Justice and Fairness Act," in March 1997 in response to a sexual assault scandal at the Aberdeen Proving Ground in Maryland. Certain provisions of this act were included in H.R. 1119 which became Public Law 105-85. This law established a commission to investigate policies and procedures with respect to the military investigation of reports of sexual misconduct. The result was the report *Adapting Military Sex Crime Investigations to Changing Times* published in June of 1999.

We respectfully request that you meet with us to inform us of actions that the Department of Defense has taken in response to any and all recommendations made in the reports of these sexual misconduct investigations. We are specifically interested in what the Department of Defense has done in response to the following recommendations of the 1999 report:

1. *the establishment of a new program management office focused on sex crimes and domestic violence staffed by a trained cadre of specialists on sex crimes in each branch of the armed forces;*
2. *the Secretary of Defense strengthen and vigorously enforce guidance against command interference in MCIO investigations;*
3. *that qualified civilians and military personnel be equally eligible for leadership positions at all levels in the military criminal investigative organizations (MCIOs);*
4. *that the investigative organizations (MCIOs) require the inclusion of a specific block of sex crime instruction in basic investigator training and an advanced sex crime course for investigating agents.*

Thank you for your consideration of our request. We look forward to meeting with you not only to hear what you are doing to address sexual misconduct in the military but to better understand how we as members of Congress can help to resolve the problems associated with this issue.

Please have your staff contact Orly Isaacson with Representative Maloney at 202-225-7944 to arrange for a meeting and to answer any questions you may have.



CAROLYN B. MALONEY
Member of Congress

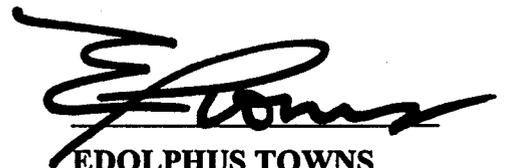
Sincerely,



LOUISE M. SLAUGHTER
Member of Congress

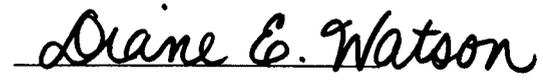


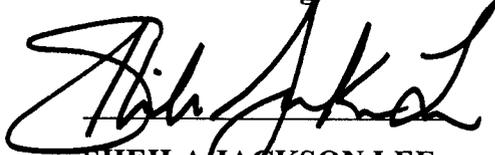
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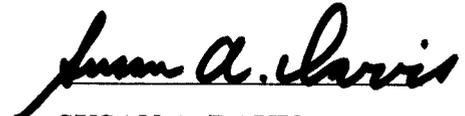


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Member of Congress

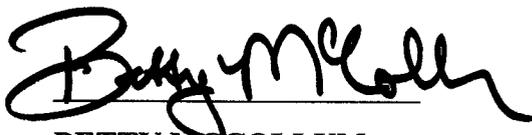

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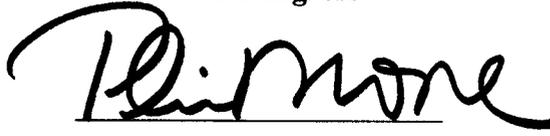

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Member of Congress

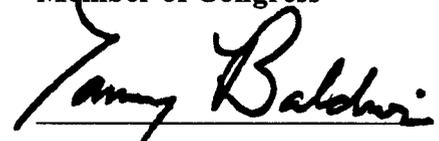

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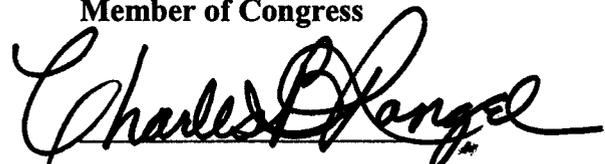

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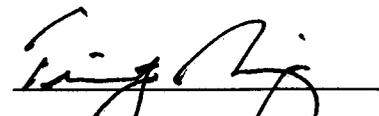

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Member of Congress

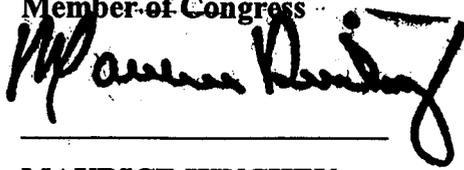

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Member of Congress

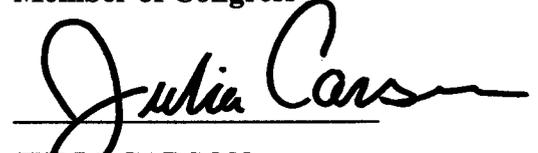

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Member of Congress

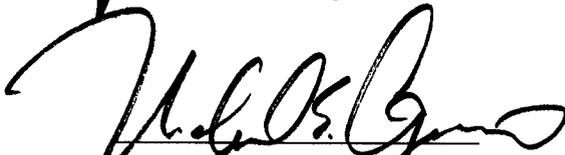

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Member of Congress

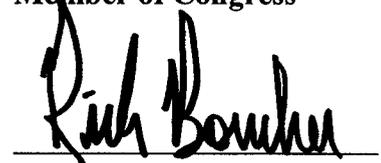

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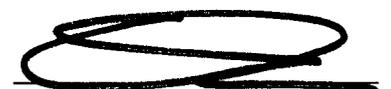

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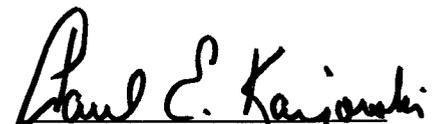

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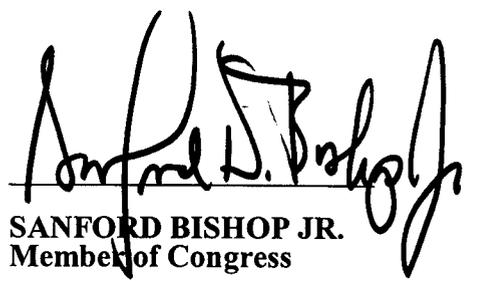
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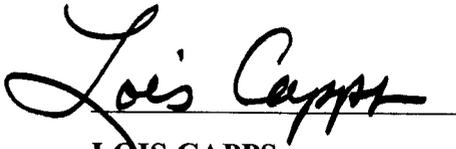
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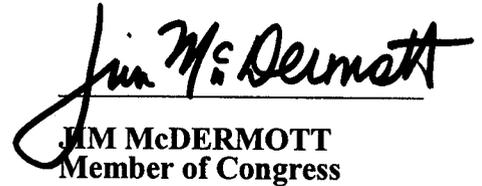
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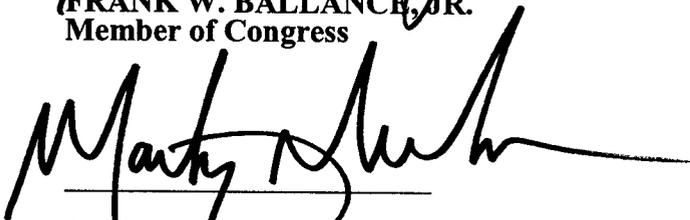
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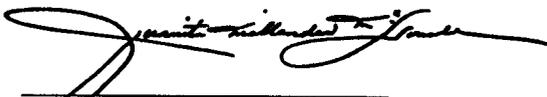
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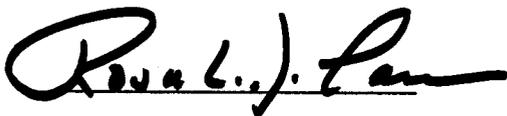
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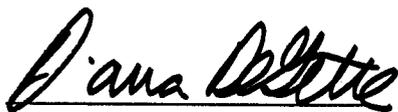
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