

TESTIMONY BY THE HONORABLE LOUISE M. SLAUGHTER

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS**

OVERSIGHT HEARING ON SEXUAL ASSAULT IN THE MILITARY

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Thank you Chairman Tierney and Ranking Member Shays for inviting me to testify before your panel today. I would like to express my sincere and genuine gratitude to this subcommittee for its continued oversight activities aimed at addressing the problem of sexual assault in the military. It is an ongoing problem that has continued for too long, and I am appreciative of this subcommittee's efforts to hold the Department of Defense accountable for implementing programs to prevent and prosecute sexual assault and care for victims.

Incidents of sexual assault and sexual harassment in the military undermine the solidarity and trust essential to the success of our military operations. The very nature of military engagements exposes our brave service women and men to dangers most of us could never imagine. But those who enlist to serve expect to sacrifice their safety to protect Americans from foreign enemies, they do not—and should not—expect to have to defend themselves from their fellow service-members.

I did not realize how serious the problem of sexual assault and harassment in the military had become until 2003 when I read a horrifying expose in the *Denver Post* that chronicled the experiences of women who had been sexually assaulted while serving. The sheer number of incidents was disturbing. More than that, however, the military's responses to victims who came forward were antiquated, often punishing the victim rather than the perpetrator. It was shameful.

Around the time the *Post* series broke, women returning home from Iraq and Afghanistan began to come forward to say they had been sexually assaulted while serving overseas. Given the professional risks associated with publicly sharing such incidents and the inherent stress of returning home from a war zone, these women should be commended for their courage and their role in bringing this issue to the forefront.

As a result of these brave women speaking out, as well as numerous others who had endured years of abuse at the Air Force Academy, I and my fellow female colleagues decided to act. In March 2004, as Co-Chair of the Congressional Caucus on Women's Issues, I held a hearing on this issue. I will never forget when one of the witnesses spoke about having to salute her rapist every day after the assault. She finally left the military.

Stories like hers served as a wake-up call to Congress and the Department of Defense. We cannot afford to lose talented, effective military personnel to internal threats to individual safety and security.

Following the hearing, the House unanimously adopted an amendment I offered to the FY05 Defense Authorization bill that required the Pentagon to develop a comprehensive and uniform policy to prevent and respond to sexual assault of women in the military. Every year since, Congress has been chipping away at the problem.

During consideration of the FY06 Defense Authorization bill, Congress directed the Secretary of Defense to assess the availability and accessibility within assigned or deployed units of trained personnel, rape evidence kits, testing supplies for pregnancies

and STIs, as well as other critical resources. It also required the Secretary of Defense to develop a plan to enhance accessibility of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. The following year, Congress directed the Department of Defense to include the results of disciplinary action, including Article 15s and court-martial convictions, as part of the annual report on sexual assault in the military.

Undeniably, the Department of Defense has come a long way in acknowledging and addressing sexual assault and harassment. Establishing the Sexual Assault Prevention and Response Office as a “single point of accountability” marks an important step forward in providing a uniform approach to addressing sexual assault among the armed services. Moreover, DoD has required every major defense installation to appoint a Sexual Assault Response Coordinator (SARC) to coordinate care for victims of sexual assault and organize prevention, education, and outreach campaigns. Though I am concerned that the SARCs lack adequate resources and time, I am encouraged that there is an effort to centralize and provide uniformity to sexual assault responses.

Beginning in 2006, DoD allowed victims of sexual assault options in reporting. Unrestricted reporting triggers the chain of command, making health care information and other details part of a record available to military law enforcement. Restricted reporting enables a victim to get the counseling and health care services they need to recover from sexual assault without alerting the chain of command. This option gives victims of sexual assault the ability to get the care they need. However, the DoD needs to expand this protection to allow victims to come forward and seek justice through the legal system without compromising the confidentiality of their private health care treatment.

I was pleased to learn that the Pentagon welcomed and concurred with many of the Government Accountability Office’s recommendations for improving its efforts to address sexual assault. Continued and increased cooperation between the Pentagon and Congress is key to effective policy making.

Despite the progress the Department of Defense has made, much more needs to be done. In March, the Department of Defense’s fourth annual report on sexual assault military stated that 2,688 sexual assaults reported last year by people in uniform. That was down about 9 percent from the 2,947 reported the year before. However, the decline follows a change from calendar-year to fiscal year reporting methods and two years of marked increases in reports of sexual assault. Reports of sexual assault jumped by about 24 percent in 2006 and nearly 40 percent in 2005. Given the increase in reports of sexual assault documented in two previous reports and possible discrepancies arising out of the change in reporting methods, it is hard to conclusively determine that the decline in reports of sexual assault reflects an actual decline in such behavior.

Failure to uniformly gather and report information related to the investigation and disposition of sexual assault claims complicates Congressional policy-based efforts to address sexual assault in the military and frustrates the purpose of the Department of

Defense's existing programs. For example, while the Pentagon includes in its annual report to Congress the number of complaints resulting in Court Martial, it does not include the conviction rate. Moreover, failure to use common terminology in reporting among the services prevents Congress and DoD from having a complete understanding of the problem.

Additionally, the holes in information and understanding left open by a lack of cohesive reporting practices are made worse by an overall lack of coordination among the services. For example, while SAPRO sets policies that require the services to establish a Sexual Assault Prevention Program, each service implements their own program. While it is appropriate for the services to have input as to how programs pertaining to sexual assault would best be implemented, lack of uniformity among the services could result in a varying quality of prevention and response programming among the services, could produce unclear analysis regarding which policies most efficiently address the problem, and could inhibit SAPRO's ability to effectively oversee and develop policy.

Together, Congress and the Department of Defense have made strides in ensuring that the individuals serving in our military are protected from unwanted sexual advances. However, these piecemeal solutions will not solve a pervasive problem. We need a comprehensive approach to addressing sexual assault and harassment in the military. That is why I have reintroduced the *Military Domestic and Sexual Violence Response Act*. This important piece of legislation will ensure greater protections for service members and their families if they become victims of violence. It also will strengthen programs to prevent violence against fellow soldiers and military families.

The *Military Domestic and Sexual Violence Response Act* will bring military law up to par with civilian laws. Specifically, this bill will:

- Establish an Office of Victims Advocate (OVA) within DoD, bring the Family Advocacy Program under OVA, and create a Director of OVA to oversee and coordinate efforts to prevent and respond to cases of family violence, domestic violence, sexual assault, and stalking within the military and among military families;
- Codify rights, restitution policies, treatment and other services for victims within the UCMJ, including creating comprehensive confidentiality protocols to protect the rights of victims within military law;
- Strengthen policies for reporting, prosecuting and treating perpetrators of violence; and
- Create counseling and treatment programs through the Department of Veterans Affairs.

In addition to protecting our service-members from sexual assault and harassment, we have a duty to ensure that individuals working as contractors overseas are safe. Earlier

this year, I was troubled to hear the story of Jamie Leigh Jones, an American citizen, who alleged that she was assaulted and gang raped by fellow employees while employed in Baghdad by KBR, a former subsidiary of Halliburton, in 2005. After the alleged attack, Army doctors performed a medical examination on Ms. Jones and found evidence of vaginal and anal rape. For reasons beyond my comprehension, the results of the rape kit were turned over to KBR, Ms. Jones' employer. According to Ms. Jones, she was then held captive under armed guard and deprived of food and water for 24 hours by KBR security to whom she was released by the Army. Though State Department agents in the US Embassy at Baghdad facilitated Ms. Jones' release, she would later discover that portions of that kit had mysteriously disappeared. Over two and a half years later, Jamie's assailants have yet to be indicted, and she has yet to receive justice.

We would like to believe this is a single isolated horrifying incident. But Jamie Leigh is far from alone.

The affidavits filed in the case of Jamie Leigh Jones show an alarming pattern of widespread sexual assault and harassment among government contracted employees, environments that condone and support such behavior, and retaliation against victims who come forward regarding these crimes. Indeed it seems contractors prefer to sweep allegations under the rug and out of the public view because billions of dollars, taxpayer dollars, are at stake.

In April, *The Nation* published the harrowing story of "Lisa Smith" another KBR contracted employee raped while working in Iraq. KBR discouraged Lisa repeatedly from reporting her assault, warning that doing so would put her in danger.

In another case, American citizen Tracy Barker, while employed by KBR, alleged that she was sexually assaulted by a State Department employee. Her alleged assaulter continues to work for the State Department today.

Unfortunately, these are not isolated incidents. Many other women have reported sexual assault and harassment while working for government contractors. I understand that DoD has a protocol for dealing with sexual assault claims raised by contractors, but Ms. Jones', Ms. Smith's, and Ms. Baker's harrowing experiences prompt us to pose serious questions regarding the DoD's overall efforts to address crimes against individuals in similar situations. DoD must do more ensure that American civilians serving in Iraq and Afghanistan receive the same protections as our service members. An essential part of any policy to eliminate incidents of sexual assault is creating an atmosphere in which sexual assault is not tolerated and is punished justly and swiftly regardless of the offender or victim.

Any incident of sexual assault is one too many. The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of service men and women, or military family members, victimized by sexual assault and domestic violence. Our Armed Forces must be able to guarantee the most basic protections to ensure these victims can receive necessary counseling, treatment, and justice. If a victim cannot access essential care for fear of stigma, public embarrassment, threats to their career, or

because they just do not know what resources are available, the military will continue to lose valuable female and male soldiers.

Our service members put themselves in harm's way to protect us and our nation from threats at home and abroad. They should not be given lesser rights and protections than the civilians whose freedoms they protect.

The *Military Domestic and Sexual Violence Response Act* ensures that service members and their families are adequately protected when dealing with the horrible tragedy of sexual assault or domestic violence by implementing comprehensive, cohesive approach to preventing, responding, and reporting such incidents. I urge my colleagues here today to continue the important oversight efforts that I hope will bring the military in line with the protections afforded civilian victims of domestic and sexual violence.

Thank you.