

SWAN Service Women's Action Network

220 East 23rd Street, Suite 509 | 1225 Eye Street NW, Suite 307
New York, NY 10010 | Washington, DC 20005
646-569-5200 | 646-569-5216

**Testimony for Senate Armed Services Committee Hearing on
Pending Legislation Regarding Sexual Assault in the Military, June 4, 2013
Anu Bhagwati, Executive Director of Service Women's Action Network
and former U.S. Marine Corps Captain**

Good Afternoon, Chairman Levin, Ranking Member Inhofe, and Members of the Armed Services Committee. Thank you for convening this hearing, and for the privilege of testifying before you today.

My name is Anu Bhagwati. I am the Executive Director of Service Women's Action Network (SWAN) and a former Marine Corps Captain. SWAN has been at the forefront of working to end military sexual violence since 2007. We are a non-partisan, veterans-led non-profit organization. It is our mission to transform military culture by securing equal opportunity and freedom to serve without discrimination, harassment or assault; and to reform veterans' services to ensure high quality health care and benefits for women veterans and their families.

I would like to begin by saying that I have a deep, abiding love for the military that comes from spending 5 years serving as an officer of Marines. I want to see our service members succeed and our armed forces thrive. The issue of sexual violence in the military has been a priority for our organization since its inception. Daily interactions on our legal and social services helpline with service members and veterans have shown us that the impact that sexual violence has had on our military in terms of recruitment, readiness and retention is profound, and the pain and damage to individual survivors is in many cases irreparable. Even more distressing, the continued failure of the military to address this situation has caused troops to lose faith in their leadership and in the military's criminal justice system. This is evident in the abysmally low reporting rates for sexual assaults. Service members tell us they don't report primarily for two reasons: they fear retaliation and they are convinced that nothing will happen to their perpetrator.

With approximately 26,000 members of the military having experienced some form of sexual assault over the past year alone, this issue calls for immediate action. Sexual violence presents a challenge to the force that requires the same level of planning, leadership and execution that goes into the most critical military operations. Resolving this crisis will require a comprehensive approach, as well as a joint effort by the DOD, Congress, the White House and outside experts and advocates. Issues that must be addressed include victim services, protection from retaliation, military justice reform that reevaluates the role of the commander and removes bias against both the victim and the accused, and wholesale changes to military culture. These issue areas require solutions that transcend traditions or rhetoric – everything must be put on the table and a climate of cooperation and change must prevail if we are to restore our military's standing in the eyes of its own members, the nation and the world.

SWAN believes that part of this change requires a dramatic increase to accession rates of women into all the service branches and all commissioning sources. The answer to the sexual violence crisis lies in part with the need to drastically increase women's presence in the Armed Forces. And until women are afforded the same access to all jobs and assignments as men, until sex discrimination ends, we will also have a military that condones sexual harassment and assault. We simply cannot expect to recruit or retain enough women in the force when they are treated so poorly. And we cannot expect military culture to improve with so few women at the highest echelons of enlisted and officer leadership.

As you may know, I come to this hearing with professional experience with these issues, having personally experienced and witnessed widespread discrimination and sexual harassment during my own military career, having witnessed my own senior officers sweep numerous cases of rape and sexual

SWAN Service Women's Action Network

220 East 23rd Street, Suite 509 | 1225 Eye Street NW, Suite 307
New York, NY 10010 | Washington, DC 20005
646-569-5200 | 646-569-5216

assault under the rug, and having experienced personal and professional retaliation for reporting abuse in my units. I know intimately what intimidation by my chain of command feels like. I know deeply what long-term personal trauma from reporting these incidents feels like. And I know deeply how it feels to lose a career I loved because my own commanding officers did not support my troops or me in doing the right thing.

For any service members, veterans, or civilians who are here in this room or who are watching this hearing today, who have experienced military rape, sexual assault, or sexual harassment, please know that you are not alone. I believe you. We believe you. And millions of Americans across this nation believe you.

We know that the military justice system has not worked effectively for you. We know that the trauma, fear, intimidation and retaliation you experienced is a travesty of justice. It is a violation of everything that your fellow service members swore to uphold. It is a betrayal of the oaths that your officers swore to uphold. You didn't deserve this when you volunteered to serve your nation. I am so proud of you for making it through each and every day, while your fellow brothers and sisters in arms may have blamed you for what was never your fault, while your chain of command and even your own families may not have believed or supported you, while the VA made it nearly impossible for you to get the benefits you deserved, making you feel again and again like what happened to you was your fault and not the fault of those who violated your trust.

Mr. Chairman, we are facing a crisis in the ranks. Our military today is a sexually hostile environment in which women and men must put up with all kinds of degrading behavior, that are not random acts but rather routine rites of passage that are still condoned by senior enlisted and officer leaders—going to strip clubs, brothels and red light districts both within the United States and overseas, exposure to violent bestial pornography, rape jokes and constant verbal harassment. We should not be surprised that in the age of Steubenville, it is also not safe to be a woman at the Service Academies, where a culture of silence and the glorification of student athletes has allowed a culture of sexual violence and mistreatment of women cadets and midshipmen to flourish.

In a culture that is so deeply rooted in sexist traditions, in which sexual assault of men occurs even more often than sexual assault of women, in which sexualized hazing and abuse rituals to allegedly toughen up our male service members are routine, in which service women practically become numb to sexual harassment because it is so common, when even service women often do not support fellow service women who are abused or harassed because few of them want to be considered trouble-makers or rabble-rousers, in this kind of proud warrior society, where stepping in line is the norm and the very idea of being a victim is considered antithetical to everything we are taught is strong, heroic, and valued, we need to think well outside the box to find transformative solutions.

Mr. Chairman, several bills related to military sexual violence have been introduced in recent weeks by members of this Committee and other congressional champions for reform. Some bills address the need to improve victim services, some address the critical need for UCMJ reform, and others are focused on the impact that sexual assault and sexual harassment have on veterans. The majority of these are bipartisan and bicameral, which speaks to the collective approach required to see real change happen. I would like to highlight these bills and urge the committee to give them serious consideration as it moves forward with this year's Defense Authorization Act:

S. 538 which modifies the authority of commanders under Article 60.

SWAN Service Women's Action Network

220 East 23rd Street, Suite 509 | 1225 Eye Street NW, Suite 307
New York, NY 10010 | Washington, DC 20005
646-569-5200 | 646-569-5216

S. 548 the Military Sexual Assault Prevention Act which requires retention of all sexual assault reports, restricted and unrestricted for 50 years, and requires substantiated complaints of sexual-related offenses be placed in the perpetrator's personnel record.

S. 871 the Combating Military Sexual Assault Act which would require the Air Force's special victims counsel program be implemented DOD-wide, prohibit sexual acts and contact between instructors and trainees, provide enhanced oversight responsibilities to the SAPRO offices and make SARCs available to all National Guard troops.

S. 967 the Military Justice Improvement Act, a critical bill that professionalizes the military justice system by ensuring that trained, professional, impartial prosecutors control the keys to the courthouse for felony-level crimes while still allowing commanders to maintain judicial authority over crimes that are unique to the military and requiring more expeditious and localized justice to ensure good order and discipline.

S. 992 which would require SAPR personnel billets to be nominative positions.

S. 1032 the BE SAFE Act that would mandate dismissal or dishonorable discharge of those convicted for specific sex crimes, remove the 5 year statute of limitations on sexual assault cases and allow for consideration for accused transfer from the unit.

S. 1041 the Military Crimes Victim Act that extends crime victims' rights to offenses under the UCMJ.

S. 1050 the Coast Guard STRONG Act that requires the Coast Guard to implement sexual assault prevention and response reforms.

S. 1081, the Military Whistle Blowers Enhancement Act which would help protect victims from retaliation and reprisal by expanding protections under the existing Whistleblower Protection Enhancement Act for federal workers, require timely IG investigations, ensure discipline for those who retaliate and improve corrective relief for victims.

Unless and until we professionalize the military justice system, and afford service members at least the same access to legal redress that civilian victims have, including critical access to civil suits, we will not change this culture. Military perpetrators will continue to be serial predators, taking advantage of a broken system to prey on victims, and tens of thousands of victims of rape, assault, and harassment will continue to suck up their pain, trauma, shame and humiliation, year after year, and decade after decade, with no hope for justice.

Beyond just punishing bad behavior, a professional, fair and impartial legal system aids in prevention training. It creates a bright shining line that is the hallmark of effective military training. If you do the crime, you do the time. It creates a deterrent and a respect for laws and regulations. That is what maintains good order and discipline within the ranks. That is also what will restore the full faith and confidence of troops in military commanders and the military justice system.

As entrenched as military sexual violence is right now, SWAN is convinced that the military can transform its culture, because it has done so in the past. In the 1980s, the military took decisive action to counter soaring rates of drinking and driving. It didn't treat driving under the influence (DUI) as a lapse in professionalism or bad judgment, as it so often does sexual assault. It didn't just hold safety stand-downs and attempt to train its way out of the problem. Instead the military instituted firm, fair policies that made getting a DUI what the military calls a "showstopper." If you got caught drinking and driving, you faced

SWAN Service Women's Action Network

220 East 23rd Street, Suite 509 | 1225 Eye Street NW, Suite 307
New York, NY 10010 | Washington, DC 20005
646-569-5200 | 646-569-5216

discipline, prosecution if appropriate and an end to your career. In less than 10 years, alcohol related incidents in the military were brought below civilian statistics. And to this day service members know what will happen to them if they get caught drunk behind the wheel. The military treated DUI as a crime, just like it needs to treat sexual assault as a crime.

I now urge the Committee: please put yourselves in the shoes of the average victim—junior enlisted, powerless, and shamed into silence and invisibility. Please think of them, and move this critical legislation forward. To wait any longer is to welcome the next generation of American victims.

Thank you.