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July 31, 2008

Testimony for the Committee on Oversight and Government Reform,
Subcommittee on National Security and Foreign Affairs

Sixty years have passed since President Truman issued his historic order ending racial segregation in the US military. Here in Congress, we recently commemorated this milestone with Defense Secretary Robert Gates and former Secretary of State and Chairman of the Joint Chiefs of Staff, Colin Powell.

Speaking at the event, Secretary Powell, who joined the Army just 10 years after Truman's order, said, "…they no longer cared whether I was black or white, immigrant or not." His commanders asked only one question, "Can you perform?" And as we all know, he did perform.

Perhaps less well-known is that, the same year racial segregation was officially ended in the military, Truman also signed the Women's Armed Services Integration Act into law - - landmark legislation that allowed women to serve permanently in the Armed Forces.

As noteworthy as these events were, the progress they represented on paper still in many important respects eludes us in practice.

Let me focus on one specific problem – rape and sexual assault in the military – and the legislation that Congressman Turner and I have introduced to help halt it.

The stories are shocking in their simplicity and brutality: a female military recruit is pinned down at knifepoint and raped repeatedly in her barracks. Though her attackers hid their faces she identified them by their uniforms. They were her fellow soldiers. During a routine gynecological exam, a female soldier is attacked and raped by her military physician. Yet another young soldier, still adapting to life in a war zone, is raped by her commanding officer. Afraid for her standing in her unit, she feels she has nowhere to turn.

These are true stories, and, sadly, not isolated incidents. Women serving in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq.

The scope of the problem was brought into acute focus for me during a visit to the West Los Angeles VA Health Center, where I met with female veterans and their doctors. My jaw dropped when the doctors told me that 41% of female veterans seen there say they were victims of sexual assault while in the military and 29% report being raped during their military service. They spoke of their continued terror, feelings of helplessness, and the downward spirals many of their lives have since taken.

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Numbers reported by the Department of Defense show the same sickening pattern. In 2006, 2,947 sexual assaults were reported – 73% more than in 2004. The DOD's most recent report, released earlier this summer, indicates that 2,688 reports were made in 2007, but a recent shift from calendar-year reporting to fiscal-year reporting makes comparisons with data from previous years much more difficult.

The Pentagon has made some efforts to manage this epidemic – most notably in 2005, after the media received anonymous e-mail messages about sexual assaults at the Air Force Academy. The press scrutiny and congressional attention that followed led DOD to create the Sexual Assault and Response Office. Since its inception, SAPRO has initiated training and improved reporting of rapes and sexual assaults but has inexplicably failed to track prosecution rates or how victims are faring within the military structure.

At the heart of this crisis is an apparent inability or unwillingness to prosecute rapists in the ranks. According to the DOD's own statistics, a mere 181 out of 2,212 subjects – or 8 percent – investigated for sexual assault in 2007 (including 1,259 reports of rape) were referred to courts martial. In nearly half of the cases investigated, the chain of command took no action and in the majority of those that were acted upon, the offenders were assigned administrative or non-judicial punishment. In other words, slaps on the wrist. In more than one-third of the cases that were not pursued, the commander took no action because of "insufficient evidence."

This is in stark contrast to the civil justice system, where 40 percent of those arrested for rape are prosecuted, according to the Department of Justice and FBI.

The DOD must close this gap and remove the obstacles to effective investigation and prosecution. Failure to draw bright red lines produces two harmful consequences: it deters victims from reporting rapes and it fails to deter offenders. The absence of rigorous prosecution perpetuates a culture tolerant of sexual assault and rape — an attitude that says "boys will be boys."

The legislation that Mr. Turner and I have introduced calls on the Secretary of Defense to develop and implement a comprehensive strategy to end assault and rape in the military – to encourage and increase investigations and prosecutions. It also urges the Secretary to provide better protection for victims from their alleged attackers after reporting a sexual assault or rape.

I have raised this issue personally with Defense Secretary Gates, Chairman of the Joint Chiefs Admiral Mullen, and our former colleague, Army Secretary Geren, among others. While they express real concern - - and the Army under Pete Geren is making strides - - much, much more needs to be done.

Congress must do better too. While these sexual assault statistics are readily available, our oversight has failed to come to grips with the magnitude of the crisis. No doubt the abhorrent and graphic nature of the reports makes people uncomfortable. But this is no excuse for inaction. I applaud this subcommittee for holding this hearing to shine a light on the failure of existing policies.

Most of our servicewomen and men are patriotic, courageous and hard-working people who embody the best of what it means to be an American. The failure to stem sexual assault and rape in the military runs counter to those ideals and shames us all.