

**Statement of John F. Tierney
Chairman
Subcommittee on National Security and Foreign Affairs**

“Oversight Hearing on Sexual Assault in the Military, Part II”

As Prepared for Delivery

September 10, 2008

Good morning, and thank you all for being here.

We are here today to continue our oversight investigation into the problems of sexual assault and harassment in the U.S. military. In July of this year, this subcommittee held the first Congressional hearing focusing on the military’s sexual assault prevention and response programs since 2006.

But just because the Pentagon establishes some offices and task forces does not mean the intolerable situation and longstanding military culture, where sexual assaults are both underreported and under-prosecuted, has been resolved. These programs need to be standardized, staffed with dedicated personnel and funding, and most importantly, need to be enforced from the platoon leader all the way to the Secretary of Defense. The message must come from the top that not one single case of sexual assault by or against a member of the U.S. military is tolerable, and will be punished to the full extent of the law.

Starting several months ago, we had asked the Department of Defense to send its top expert on sexual assault issues, Dr. Whitley, the director of the department’s Sexual Assault Prevention and Response Office, to testify at the first hearing. Dr. Whitley, is by the Pentagon’s own acknowledgement, the “single point of accountability” for the department on these matters. She had already briefed committee staff, and we found her knowledgeable and candid about her office’s successes and challenges.

Yet, inexplicably, and in defiance of a Congressional subpoena to appear, Dr. Whitley was instructed by her superiors to ignore the subpoena and not appear at the July 31 hearing. Not only did the department choose to defy a valid legal notice, and place Dr. Whitley in danger of contempt and personal legal jeopardy for her non-appearance, but they gave us no valid reason for ordering her not to appear. Only after protests and communications by the Committee with Defense Secretary Robert Gates about the department’s non-compliance with the committee’s oversight jurisdiction, was Dr. Whitley made available.

We are pleased that Dr. Whitley is finally able to appear unfettered today, and to shed some light on the work of her office and the challenges which remain. But what kind of message does the Department’s unwillingness to allow Dr. Whitley’s testimony

send to our men and women in uniform? Does it take Dr. Whitley's office seriously? Is she being muzzled? What is the Department of Defense hiding by reacting this way?

What we learned at the July hearing only reinforces in my mind that there needs to be a sea change in the attitudes of Pentagon officials if we are to ever stem the tide of sexual assault in the military. We heard that the department's task force on sexual assault in the military services had just scheduled its first meeting after having been created three years ago with an operating budget of \$15 million. We learned that all installation-specific data is still not readily available to senior Defense officials so they can keep track of where incidents of sexual assault were occurring the most.

We also heard from two brave women who shared their deeply moving stories with us – Ms. Ingrid Torres and Mrs. Mary Lauterbach. Ms. Torres, an employee of the American Red Cross who is stationed at military bases, was raped by an installation doctor at Kunsan Air Base in South Korea. She told us how she received different levels of care by the various victim advocates and health specialists who were assigned to her case, including some who had little to no knowledge of the military's own prevention and response procedures.

Mrs. Lauterbach, the mother of Marine Lance Corporal Maria Lauterbach, told the subcommittee how she is still trying to get answers from the Navy Criminal Investigative Service and the Marine Corps on the facts surrounding her daughter's rape and subsequent death by a fellow soldier. These included the lax response by the Marines at Camp Lejeune to several red flags which may have helped protect Maria from her attacker.

At the first hearing, we also heard preliminary observations from the Government Accountability Office on its investigation into the Department of Defense's leadership and management in addressing the way it approaches and responds to sexual assault incidents in the military. Today, the GAO will testify again on the final results of its investigation, and I look forward to their recommendations to improve oversight and accountability of the department-wide programs.

I understand that the Department has taken the GAO findings and recommendations seriously, and has already begun to institute several changes to standardize and improve the training, education, and care of all soldiers in our nation's military. While I applaud these reforms, and hope to learn more about their implementation today, I believe that much more needs to be done to address long-standing cultural problems on the prevention side, and greater effectiveness and willingness to bring sex offenders to justice on the response side.

Sexual assault scandals have taken place in every administration and in each and every military service, from Vietnam to the 1991 Tailhook scandal in the Navy; from the 1996 Aberdeen incidents in the Army to the Air Force Academy in 2003. They continue today, and what all of the experts agree on, is that many more assaults are unreported.

Today, the Subcommittee will assess Dr. Whitley's office and the military's efforts, with a specific focus on exploring what more we can do to prevent sexual assaults from happening in the first place; to provide support, dignity, and services to victims; and to punish those committing these heinous crimes.

I hope we have an open and constructive dialogue here today, with the goal of empowering sexual assault victims to come forward to seek justice and to receive help and to ensure a climate in our military where sexual assault is in no way – either officially or unofficially – condoned, ignored, or tolerated.

I now yield to the Ranking Member of the subcommittee, Mr. Shays, for your opening statement. I want to thank him again for his leadership on these issues, and for the cooperation of his staff in working together with us on a bipartisan basis in preparation for these hearings.