July 22, 2021

The Honorable Chuck Schumer
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
1236 Longworth H.O.B.
Washington, DC 20515

The Honorable Kevin McCarthy
2468 Rayburn House H.O.B.
Washington, DC 20515

Re: Gender Justice, Women's Rights, Social Justice, Labor and Military Advocacy Organizations
Sign-on Letter in Support of The Military Justice Improvement and Increasing Prevention Act
(\textit{S.1520}) and Vanessa Guillén Military Justice Improvement and Increasing Prevention Act (\textit{H.R. 4104})

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy,

Our service members’ safety and wellbeing are at risk — they need change now. The problems of sexual assault and harassment are systemic and pervasive and have gone unaddressed for far too long. We urge Congress to take swift action to promote safety in the military and protect our troops from harm by passing key legislation designed to target the root of the problem.

We are a coalition of organizations and individuals dedicated to equity, inclusion, and safety for all. We represent gender, racial, labor, and military advocacy groups who believe all workers should be safe from assault and harassment in the workplace.

The Department of Defense (DoD) is no different. As the nation's largest employer with nearly 1.3 million active-duty service members, the DoD has a responsibility to set a gold standard for safety and equity in the workplace. Instead, it has operated under an extreme set of laws and cultural expectations that has allowed abuse, mistreatment, and discrimination to go unchecked. Despite decades of promise of zero tolerance, millions of dollars spent on prevention programs and multiple legislative reforms, current military policies, including the deeply flawed commander-controlled justice system, have failed to hold offenders accountable or reverse the long term trend of sexual abuse that denies service members safe work environments and places our national security at risk.

Women make up only a small fraction of service members but face assault and harassment at high rates. \textit{The facts are alarming.} In a 2018 scientific survey conducted by the DoD, there were an estimate of 20,500 cases of service members that were sexually assaulted or raped, including 13,000 women.\footnote{https://int.nyt.com/data/documenthelper/800-dod-annual-report-on-sexual-as/d659d6d0126ad2b19c18/optimized/full.pdf#page=1} Of women who reported a penetrative sexual assault in FY18, 59\% were assaulted by someone with a higher rank than them, and 24\% were assaulted by someone in their chain of command.\footnote{https://www.sapr.mil/sites/default/files/FY18_DOD_Annual_Report_on_Sexual_Assault_in_the_Military.pdf} And yet, these statistics do not capture the full scope of the

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problem: 70% of victims did not report the crime in FY18. In FY20, of the 5,640 unrestricted reports of sexual assault, 25 (4.50%) cases were tried by court martial. In particular, we seldom see justice for victims of color: in 2020, the military commanders preferred a penetrative sexual offense charge in 29% of cases involving white victims, they only did so in 24% of cases involving non-white victims – a statistically significant difference.

We are facing 15 years of no progress: sexual assault numbers have not appreciably changed since the DoD started tracking them in 2006. That means the current approach is not working. Necessary changes include increasing accountability and prevention measures, reinventing the current prosecution structure, and centering survivors in the aftermath of harm.

As a broad coalition of women's equity and social justice rights organizations, we recognize our efforts to achieve gender equity and safe work spaces for women of all kinds will remain stalemate without solutions designed to dismantle systemic racism. Not only has the military justice system failed sexual assault victims of color, it has disproportionately enacted accountability standards based on race and ethnicity. According to a 2017 study, Black service members across the board were "substantially more likely than white service members to face military justice or disciplinary action." Specifically, Black service members were at least 1.29 times and as much as 2.61 times more likely to have disciplinary action taken against them across all branches of the military from 2006-2015. This data was supported by a 2019 report issued by the Government Accountability Office (GAO) that found Black service members were roughly twice as likely as white service members to be tried in general and special courts-martial in the Army, Navy, and Marine Corps; and Hispanic service members were nearly 1.5 times as likely to be tried in general and special courts-martial in the Army and the Navy.

The application of military justice is alarmingly uneven across racial and ethnic lines and flies in the face of fundamental fairness and due process. The only way to solve for this level of implicit bias within the UCMJ is to create a consistent standard of accountability across the board. We agree with Senator Gillibrand's approach and believe that means prosecutorial determinations for the most serious crimes—those with a maximum penalty of more than 1 year of confinement— must be transferred from commanders and given to military attorneys with significant trial experience and training.

The Military Justice Improvement and Increasing Prevention Act (MJIIPA) in the Senate and its companion bill in the House, the Vanessa Guillén Military Justice Improvement and Increasing Prevention Act (VG-MJIIPA), would create a safer and more equitable military. Under the leadership of bill sponsors Senators Kirsten Gillibrand (D-NY), Joni Ernst (R-IA), and Charles Grassley (R-IA) in the Senate and Congresswoman Jackie Speier (D-CA) and Congressman Michael R. Turner (R-OH) in the House, the bills would professionalize how the military prosecutes complex crimes and invest in sexual assault prevention. Notably, the legislation promotes trained and experienced military prosecutors to make prosecutorial determinations in the military justice system for serious crimes like murder, rape, and assault rather than the current systems where determinations are made by unit commanders.

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3 [https://www.sapr.mil/sites/default/files/FY18_DOD_Annual_Report_on_Sexual_Assault_in_the_Military.pdf](https://www.sapr.mil/sites/default/files/FY18_DOD_Annual_Report_on_Sexual_Assault_in_the_Military.pdf)
Specifically, the bills would:

- Professionalize how the military prosecutes complex crimes;
- Increase prevention through increasing training for leadership;
- Improve training for servicemembers on the response to sexual assault; and,
- Improve the physical security of living accommodations on military installations.

As non-military civilians, we need to raise our voices in the call for long-overdue action, because the fact is, when those who protect our nation from harm do not feel safe in their workplace, we are not safe either. This moment offers an historic opportunity for progress. The current administration has already signaled its commitment by conducting a review and making recommendations from its 90-day Independent Review Commission on Sexual Assault in the Military. Now it’s time for Congress to act. We urge Congress to pass the MJIIIPA and the VG-MJIIPA now. While this legislation is not the only step required to transform the military’s approach to assault and harassment, it is a critical step that troops need now.

We would be happy to discuss this matter with you further. Thank you.

Sincerely,

California National Organization for Women
Clearinghouse on Women's Issues
Coalition of Labor Union Women, AFL-CIO
Colorado Coalition Against Sexual Assault
Combat Sexual Assault
Delaware Alliance Against Sexual Violence
Equal Rights Advocates
Feminist Majority Foundation
Futures Without Violence
GENDER EQUALITY LAW CENTER
Illinois Coalition Against Sexual Assault
Iowa Coalition Against Sexual Assault
Iraq and Afghanistan Veterans of America
It's On Us
Kathryn Spletstoser, COL, U.S. Army Retired
Kentucky Association of Sexual Assault Programs
Louisiana Foundation Against Sexual Assault (LaFASA)
Maine Coalition Against Sexual Assault
MANA, A National Latina Organization
Maryland Coalition Against Sexual Assault
National Coalition Against Domestic Violence
National Council of Jewish Women
National Women's Law Center
NC Coalition Against Sexual Assault
Nebraska Coalition to End Sexual and Domestic Violence
Never Alone Advocacy, Founder Amy Braley Franck
New York State Coalition Against Sexual Assault
Not Without Black Women
Pennsylvania Coalition Against Rape
PB Work Solutions
PowHer New York
Protect Our Defenders
Service Women's Action Network (SWAN)
Stop Sexual Assault in Schools
Texas Association Against Sexual Assault
The Every Voice Coalition
The Kyle Palmieri Foundation
The National Organization of Sistwrs of Color Ending Sexual Assault (SCESA)
The Pink Berets
The Purple Campaign
TIME'S UP
Ujima: The National Center on Violence Against Women in the Black Community
UltraViolet
United State of Women
Vermont Network Against Domestic and Sexual Violence
Virginia Sexual & Domestic Violence Action Alliance
West Virginia Foundation for Rape Information and Services
WINC: For All Women Veterans
Wisconsin Coalition Against Sexual Assault
Women's All Points Bulletin WAPB
Women's Law Project
YWCA USA