



**QUICK FACTS**  
**JULY 2012**

## ***Rape, Sexual Assault and Sexual Harassment in the Military***

Despite over 25 years of Pentagon studies, task force recommendations, and congressional hearings; rape, sexual assault and sexual harassment continue to occur at alarming rates year after year. In addition to the devastating effects of sexual violence on survivors and their families, rape, sexual assault, and sexual harassment threaten the strength, readiness, and morale of the U.S. military, undermining U.S. national security.

### **THE CRISIS**

\* 3,192 military sexual assaults were reported in fiscal year 2011, an increase of 1% from FY 2010 and a 1.1% decrease from FY 2009.<sup>i</sup>

\* While sexual assaults are generally under-reported, under-reporting is exacerbated in military settings. In 2010, out of the 19,000 sexual assaults that occurred in the military, the Department of Defense (DOD) estimates that only 13.5% of survivors reported assault.<sup>ii</sup> It is difficult to determine the actual number of assaults in 2011 since the *Workplace and Gender Relations Survey of Active Duty Member* (WGRA) was not conducted in 2011.

\* In 2010, approximately 55% of women and 38% of men reported that their assailant sexually harassed or stalked them prior to the incident of rape or sexual assault.<sup>iii</sup>

\* In 2011, 1,518 of the 3,192 reported sexual assaults were considered actionable<sup>iv</sup> by the military, a decrease of 22% from the previous year. Prosecution rates for sexual predators are astoundingly low—in 2011, less than 8% of reported cases went to trial. Of the cases that went to trial, 191 subjects were convicted, resulting in 148 offenders serving jail sentences and 122 being discharged. An estimated 10% of perpetrators resigned in lieu of courts-martial (RILO), which effectively means the military allowed rapists to quit their jobs in order to avoid facing charges.<sup>v</sup> Additionally, 2 out of 3 convicted sex offenders' cases are discharged or dismissed from the military.<sup>vi</sup>

\* 1 in 3 convicted military sex offenders remain in the military.<sup>vii</sup> SWAN advocates DOD policy should discharge all convicted military sex offenders, eliminating the need to establish a military sex offender registry. Currently, the Navy is the only branch of the military that discharges all convicted sex offender. Convicted navy sex offenders that are not punitively discharged are given an administrative separation.<sup>viii</sup>

### **CONSEQUENCES OF MILITARY RAPE, SEXUAL ASSAULT AND SEXUAL HARASSMENT**

\* While rape, sexual assault, and sexual harassment are strongly associated with a wide range of mental health conditions for both men and women veterans, Military Sexual Trauma (MST)<sup>ix</sup> is the leading cause of post-traumatic stress disorder (PTSD) among women veterans, while combat trauma is the leading cause of PTSD among men.<sup>x</sup>

\* Rape, sexual assault, sexual harassment and their attendant consequences are often risk factors for homelessness among women veterans. The Veterans Health Administration (VHA) found that 39-53% of homeless women veteran users screened positive for MST in FY 2010 compared to 22% of all women VHA users.<sup>xi</sup>

\* Stress, depression, and other mental health issues associated with surviving rape, sexual assault, and sexual harassment make it more likely that survivors will experience high rates of substance abuse and will have difficulty finding work after discharge from the military.<sup>xii</sup>

## THE AFTERMATH: PROBLEMS WITH ACCESSING BENEFITS AND TREATMENT

- \* The Veterans' Administration (VA) rejected two out of three MST claims in FY 2008-2010.<sup>xiii</sup>
- \* 75.9% of veterans from Iraq and Afghanistan who screened positive for MST utilized care within a year. Gender was the biggest predictor of utilization, with men using less care than women.<sup>xiv</sup>
- \* In FY 2009, 65,264 patients received at least one instance of outpatient care for MST-related conditions at VHA facilities. Of the 65,264 patients, 59.6% were women and 40.4% were men.<sup>xv</sup>
- \* Some evidence suggests that rape, sexual assault, and sexual harassment survivors who have been treated in military medical settings experience a "second victimization" while under care, often reporting increased rates of depression and PTSD.<sup>xvi</sup>
- \* Female rape, sexual assault, and sexual harassment survivors who have used VHA services reported a lower quality of care and dissatisfaction with VHA services compared to women using outside care.<sup>xvii</sup>

## THE COSTS OF MILITARY RAPE, SEXUAL ASSAULT AND SEXUAL HARASSMENT

- \* While women and men both face enormous barriers to receiving VA disability compensation for MST-related PTSD, evidence indicates that men receive higher compensation ratings than women. Women are more likely than men to receive 10% to 30% compensation ratings. Men are more likely than women to receive 70% to 100% compensation ratings for MST-related PTSD claims.<sup>xviii</sup>
- \* The VA spends approximately \$10,880 on healthcare costs per military sexual assault survivor.<sup>xix</sup> Adjusting for inflation, this means that in 2010 alone, the VA spent almost \$872 million dollars on sexual assault related healthcare expenditures.
- \* A barrier to seeking care for PTSD is the presence of copayments.<sup>xx</sup> In 1995, the VA eliminated all copayments for veterans seeking MST-related outpatient care. Critics deride this "free-care mandate" as costly, but in reality the estimated copayment revenue forgone by the free-care mandate for MST is modest, totaling \$418,244 in FY 2006, \$516,696 in FY 2007, and \$454,524 in FY 2008.<sup>xxi</sup> In other words, waiving copayments for MST survivors totals less than one tenth of one percent of all outpatient copayments.<sup>xxii</sup>

## WHAT SWAN DOES: ADVOCATING FOR JUSTICE, HEALING THE WOUNDS

- \* SWAN is spearheading a national movement to end rape, sexual assault and sexual harassment in the military using litigation, legislative remedies, media advocacy and public education. In order to achieve sexual assault policy reform in the military, SWAN's focus is on the following three areas: protecting victims, prosecuting and punishing sex offenders, and providing civil remedies to service members.
- \* Through our National Helpline for Legal and Social Service Referrals, SWAN provides confidential legal and social service referrals to service members, veterans and family members of survivors of rape, sexual assault and sexual harassment in the military.

**For more information, please contact [policy@servicewomen.org](mailto:policy@servicewomen.org) or call (646) 569-5216 x216.**

*SWAN is a non-partisan non-profit civil rights organization founded and led by women veterans. SWAN's vision is to transform military culture by securing equal opportunity and the freedom to serve in uniform without threat of harassment, discrimination, intimidation or assault. SWAN also seeks to reform veterans' services on a national scale to guarantee equal access to quality health care, benefits and resources for women veterans and their families. You can follow Service Women's Action Network on Twitter at <http://twitter.com/servicewomen>, or on Facebook at <http://www.facebook.com/servicewomen>.*

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- <sup>i</sup> Department of Defense, SAPRO. 2012. "Fiscal Year 2011 Annual Report on Sexual Assault in the Military." Available: [http://www.sapr.mil/media/pdf/reports/Department\\_of\\_Defense\\_Fiscal\\_Year\\_2011\\_Annual\\_Report\\_on\\_Sexual\\_Assault\\_in\\_the\\_Military.pdf](http://www.sapr.mil/media/pdf/reports/Department_of_Defense_Fiscal_Year_2011_Annual_Report_on_Sexual_Assault_in_the_Military.pdf); Department of Defense, DMDC. 2011. "2010 Workplace and Gender Relations Survey of Active Duty Members." Available: [http://www.sapr.mil/media/pdf/research/DMDC\\_2010\\_WGRA\\_Overview\\_Report\\_of\\_Sexual\\_Assault.pdf](http://www.sapr.mil/media/pdf/research/DMDC_2010_WGRA_Overview_Report_of_Sexual_Assault.pdf).
- <sup>ii</sup> Department of Defense, SAPRO, 2011.
- <sup>iii</sup> Department of Defense, DMDC, 2011.
- <sup>iv</sup> Actionable cases are sexual assault allegations that have been investigated by the service's criminal investigations office and found to be both substantiated and within the jurisdiction of the military's criminal justice system.
- <sup>v</sup> Department of Defense, SAPRO. 2012.
- <sup>vi</sup> Department of Defense, SAPRO. 2012.
- <sup>vii</sup> Department of Defense, SAPRO. 2012.
- <sup>viii</sup> Office of the Chief of Naval Operations, Policy 1752.3, May 27, 2009. <http://doni.daps.dla.mil/Directives/01000%20Military%20Personnel%20Support/01-700%20Morale,%20Community%20and%20Religious%20Services/1752.3.pdf>
- <sup>ix</sup> The phrase Military Sexual Trauma (MST) is the official term for the psychological trauma that may result from military rape, sexual assault and sexual harassment. SWAN considers the term a euphemism and prefers to call these crimes and violations what they are—rape, sexual assault and sexual harassment. The term "MST" masks the severity of this crisis, and it is important to properly name these egregious acts committed against our men and women in uniform.
- <sup>x</sup> Street et al. 2008. "Sexual harassment and assault experienced by reservists during military service: Prevalence and health correlates." *Journal of Rehabilitation Research and Development* 45: 409-420; Kang et al. 2005. "The role of sexual assault on the risk of PTSD among Gulf War veterans." *Annals of Epidemiology* 15(3):191-195.
- <sup>xi</sup> Vanessa Williamson and Erin Mulhall. 2009. "Invisible Wounds: Psychological and Neurological Injuries Confront a New Generation of Veterans." New York: Iraq and Afghanistan Veterans of America. Erick Eckholm, "Surge Seen in Number of Homeless Veterans," *The New York Times*, November 8, 2007.
- <sup>xii</sup> Skinner et al. 2000. "The Prevalence of Military Sexual Assault Among Female Veterans' Administration Outpatients." *Journal of Interpersonal Violence* 15 (3):291-310.
- <sup>xiii</sup> In conjunction with the ACLU, SWAN filed a Freedom of Information Act (FOIA) request to obtain data concerning gender differences in compensation awarded for MST-related PTSD claims.
- <sup>xiv</sup> Jessica, Turchik A., Pavao Joanne, Mark Hanna, and Kimerling Rachel. "Utilization and Intensity of Outpatient Care Related to Military Sexual Trauma for Veterans from Afghanistan and Iraq." *Journal of Behavioral Health Services and Research* (2012).
- <sup>xv</sup> Department of Veterans Affairs, Office of Inspector General. 2010. "Review of Inappropriate Copayment Billing for Treatment Related to Military Sexual Trauma." <http://www4.va.gov/oig/54/reports/VAOIG-09-01110-81.pdf>.
- <sup>xvi</sup> Rebecca Campbell and Sheela Raja. 2005. "The Sexual Assault and Secondary Victimization of Female Veterans: Help-Seeking Experiences with Military and Civilian Social Systems." *Psychology of Women Quarterly* 29 (1): 97-106.
- <sup>xvii</sup> Kelly et al. 2008. "Effects of Military Trauma Exposure on Women Veterans' Use and Perceptions of Veterans Health Administration Care." *Journal of General Internal Medicine* 23 (6):741-747.
- <sup>xviii</sup> In conjunction with the ACLU, SWAN filed a Freedom of Information Act (FOIA) request to obtain data concerning gender differences in compensation awarded for MST-related PTSD claims. Based on data analyzed for fiscal years 2008-2010, men are more likely than women to receive 70% and 100% ratings for MST-related PTSD claims ( $p < .001$ ). See also Department of Veterans Affairs, Office of Inspector General. 2010 "Review of Combat Stress in Women Veterans Receiving VA Health Care and Disability Benefits." Washington, D.C.: Office of Inspector General.
- <sup>xix</sup> Suris, Alina et al. Sexual Assault in Women Veterans: An Examination of PTSD Risk, Health Care Utilization, and Cost of Care. *Psychosomatic Medicine* 66 (2004), pg. 754.
- <sup>xx</sup> Copayment: a payment defined in the insurance policy and paid by the insured person each time a medical service is accessed
- <sup>xxi</sup> Mark, Smith W., Chow Adam, and Kimerling Rachel. "Estimating Lost Revenue From a Free-Care Mandate in the U.S. Department of Veterans Affairs." *Psychiatric Services* 61 (2010): 150-152.
- <sup>xxii</sup> Ibid.

**Source:**

<http://www.npr.org/2013/03/13/174198164/fighting-sexual-assault-seen-as-military-betrayal>

# Fighting Sexual Assault Seen As Military Betrayal

March 13, 2013 12:00 PM

## [Listen to the Story](#)

Members of the U.S. Senate Armed Services Committee are holding a hearing today on sexual assault in the military. Host Michel Martin discusses how the military handles sexual assault cases with Anu Bhagwati, the executive director of the Service Women's Action Network, and with Jennifer Hlad, a reporter for *Stars and Stripes*.

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MICHEL MARTIN, HOST:

This is TELL ME MORE from NPR News. I'm Michel Martin. Coming up, we have some dramatic stories about retirement. One, somebody who retired young, and I mean really young. And another about how even the best planned retirement can go wrong when life happens. We hope you'll find something useful in each of those conversations which is in just a few minutes.

But first, we are taking a new look at a difficult topic that has bedeviled this country's military and civilian leaders. That topic is sexual assault in the military. And this might be a good place to tell you that this conversation might not be for every listener. The issue is in the news again because Defense Secretary Chuck Hagel has pledged to investigate a case where a sexual assault conviction against an Air Force officer was thrown out by his commander.

But that's just one of the cases that will be reviewed today on Capitol Hill as members of the Senate Armed Services Committee meet to talk about how the military addresses sexual violence and harassment, which is also being discussed as more military jobs, including infantry positions, are open to women. In advance of today's hearing, we caught up with reporter Jennifer Hlad.

She's been covering this story for Stars and Stripes. That's an independent newspaper which focuses on military affairs. Also with us once again is Anu Bhagwati. She is a former Marine officer and she is the executive director and co-founder of [SWAN](#), the Service Women's Action Network, and she is scheduled to testify at today's hearing. Welcome to you both. Thank you both so much for joining us.

JENNIFER HLAD: Thank you.

ANU BHAGWATI: Thank you.

MARTIN: So, Jennifer, let's start with you. This hearing is the first time that the Senate has formally addressed sexual assault in the military in the last almost 10 years. Why is this coming up now?

HLAD: Well, I think it's a confluence of things. There was a documentary that came out last year called "The Invisible War" about military sexual assault. I think that really got people talking about it more than had been in the past. Also there was the scandal, you might call it, at Lackland where...

MARTIN: Lackland Air Force Base?

HLAD: Right. At Lackland Air Force Base. Dozens of the recruits were sexually assaulted by trainers there. And unfortunately, not very many of the trainers who have been involved have been sentenced yet and the ones that have, many of their sentences have been - they seem a little light, you might say. Now recently, there's this case in Italy where an Air Force lieutenant colonel was convicted of aggravated sexual assault and sentenced to a year in jail.

And told that he was going to have to leave the Air Force. And then his commander overturned that and said, no, just kidding. You know, you can go back into the Air Force and you're not convicted anymore. So...

MARTIN: So he vacates the conviction and restores him and reassigns him.

HLAD: Right.

MARTIN: And there's been a lot of, what? How would you describe the reaction?

HLAD: Well, I think people are really, really upset about it. I mean, and Secretary Hagel has pledged now to look at this case and try to figure out what's going on there. He's reviewing the case. He's also reviewing the rule that allows the convening authority, which in this case is the general who overturned the case, even the authority to overturn such a case. So I think most people are pretty upset about it.

MARTIN: Congresswoman combat veteran Tammy Duckworth recently finished a stint in the Department of Veterans Affairs, ran and won a seat in Congress, has been quoted as saying that this isn't a victim's problem, it's a predator problem. Anu, as a former Marine officer - I know you don't speak for Congresswoman Duckworth - but what is she talking about? Why does she say that?

BHAGWATI: Well, the perception is, and I would say the reality is also, that the military is not handling these cases well, that perpetrators are generally not prosecuted, not punished. I mean, there's very little reporting to begin with and what often happens is victims are retaliated against when they do come forward. They're threatened. They're made to feel unsafe. In fact, they are unsafe in many cases. And they end up feeling the brunt of the punishment.

MARTIN: But is there something in particular about the process that makes complainants feel that justice is weighted against them?

BHAGWATI: Well, the criminal justice system in the military is very insulated. And it's also - it operates differently than it does in the civilian world. And so you actually have a system right now in which not only sex crimes, but crimes generally, are not adjudicated by the most professional people. And by that what I mean is that commanders are actually endowed with what Jennifer called convening authority to determine which cases go to trial.

And so, you know, while we generally are speaking for the victims of these crimes, we're not in a situation in which even the accused is necessarily receiving a fair and impartial trial. Because it's his officer in his own chain of command that is the convening authority. So at some point he either directly knows the accused or someone the accused is working for.

MARTIN: If you're just joining us, we are talking about sexual assault in the military. Our guests are former Marine officer Anu Bhagwati. She is with the Service Women's Action Network. That's one of the advocates for women in the military. And also with us Jennifer Hlad. She's a reporter at the independent newspaper Stars and Stripes. It focuses on issues of importance to the military.

So, Jennifer, what about the reporting? Anu suggested that sexual assault is probably very much underreported in the military. Former Defense Secretary Leon Panetta said that there were more than 3,000 reported cases of sexual assault alone in the military in 2011, but from your reporting is there a sense that that number is accurate?

HLAD: Secretary Panetta had said that there were 3,192 reported in fiscal 2011 but he thought that there were closer 19,000 actual...

MARTIN: Nineteen thousand?

HLAD: Yes. And that's...

MARTIN: What accounts for that big gap?

HLAD: I mean, there are a couple factors. What Anu was talking about is a big factor in the military which is if you are sexually assaulted and you are in the military you have to report that to your boss. And then your boss decides whether you are telling the truth or the person you have accused is telling the truth. And so, I mean, there's just a lot of problems there, as you might imagine.

And then you have a lot of people who have said that they did report it, then they were retaliated against and people were harassing them. Everyone knew who it was who had reported it, even if they didn't want everyone to know because it gets out.

MARTIN: Anu, you were talking to us about the fact that, you know, obviously sexual assault is an awful thing to experience wherever you are, whether you're in the military or whether you're in the civilian world. But you are suggesting that there is also an added emotional dimension. Can you sort of describe what you think that extra dimension might be?

BHAGWATI: Sure. Victims in the military experience trauma that's much closer to what incest victims experience.

MARTIN: How do we know this?

BHAGWATI: Well, psychiatrists and mental health providers speak about this quite well, but the point being that when you're attacked, harassed, abused, assaulted by someone who's also wearing the uniform, you know, that person is akin to your brother, your father, or your sister. And so the kind of relationship you have to the uniform, to your branch of service, to your nation, which is really what we're kind of indoctrinated to believe and to kind of grow up in when we're in the military, is completely shattered.

MARTIN: So that extra sense of betrayal.

HLAD: And victims often experience what we call a triple betrayal. First, they're betrayed by their perpetrator, you know, their brother-in-arms. Then they're often betrayed by their unit or their commander. So that the larger, you know, the larger military who doesn't believe them. And then the third betrayal often happens in the VA department, where a veteran who's experienced sexual assault or sexual harassment is filing that disability claim for post-traumatic stress related to assault or harassment in service are flat-out denied.

MARTIN: Jennifer, we've been describing this as a particular issue for women, which are only about 11 percent, right, of active duty military. But are they all women?

HLAD: No. They're not. The unrestricted reports, which are - the military makes a distinction. You can report it and have your name associated with it and try to go forward with charges. That's an unrestricted report. Twelve percent of the people who reported a sexual assault in that capacity were men. It's generally thought that there are tons more men who haven't reported because all of the things that stop women from reporting, the men have that. And then they maybe have the extra layer of I'm this male warrior and therefore, I don't want to make my boss think that I'm not.

I was going to say, too, the other thing that maybe causes people - men and women - to not report it is if they are in a certain situation when they are attacked that, maybe they're drinking underage, maybe they are off base when they're not supposed to be off base, something that they could get in trouble for, they may hesitate to report because they don't want to get in trouble for this other, you know, probably minor offense, but they don't want to be charged with that.

Or, sometimes, they can be charged with things. You know, I've heard of people being charged with adultery after they reported being raped. So there are just lots of reasons that you might not want to report it.

MARTIN: Anu, I'm going to ask you, since you are an advocate. You've been working on this for quite some time. In fact, this is one of the main reasons that your organization was founded. What are the recommendations that you are making and do you have any confidence that you are getting a hearing now, given all of these issues that are now before the public?

BHAGWATI: Well, we have two sweeping recommendations. The first involves the military criminal justice system as it exists and we want to professionalize the process for both victims and the accused; which is to say that commanders should have nothing to do with whether or not a case goes to trial and certainly should never be given the authority to, you know, reverse a conviction. Really, prosecutors are the folks who should be dealing with these issues, or just trained lawyers, period.

The second sweeping recommendation that we are suggesting is that service members deserve and must have access to civil courts. The civilian justice system offers victims of workplace harassment and discrimination this very necessary form of redress so that you can actually take your employer to court and sue for damages. Military personnel - basically, that option is off limits for them.

MARTIN: Jennifer, before we let you go, I wanted to give you the final word as a person who's reported on this as the new Secretary of Defense Chuck Hagel, who just recently came back from his first overseas trip, a very dramatic one. Has he indicated that he believes this is an area that needs to change?

HLAD: He has. During his confirmation hearing, he was asked about it and he said that he wanted to make it an important issue that he would focus on and he - with the Lieutenant Colonel Wilkerson case, he had said that he was going to review it. I think that he's definitely looking into it and he's not just looking into that case because, unfortunately, he actually can't do a lot about that case. But, as far as the authorities that are in place that allowed that situation to happen, he is looking at that.

I think that some people in Congress are hoping to maybe push that along a little bit more and maybe allow for more changes to take place, but he has said that this is something he's going to focus on, so that's a good sign, I think.

MARTIN: Jennifer Hlad is a reporter for Stars and Stripes. That's an independent newspaper that focuses on issues of particular interest to the military. Anu Bhagwati is a former Marine officer. Can I thank you again for your service?

BHAGWATI: Thank you.

MARTIN: And she's the executive director and cofounder of SWAN, the Service Women's Action Network. They were both kind enough to join us in our Washington, D.C. studios.

Thank you both so much for joining us.

HLAD: Thank you.

BHAGWATI: Thank you.

(SOUNDBITE OF MUSIC)

MARTIN: Coming up, Stan Hinden spent years reporting on business and finance as a financial journalist, but none of that really prepared him for his own retirement, especially when his wife was diagnosed with Alzheimer's.

STAN HINDEN: I don't feel cheated. I feel sad and I feel more sad for Sara than for me. It's probably more difficult for her.

MARTIN: He shares advice from his journey in his new book, "How to Retire Happy." That's ahead on TELL ME MORE from NPR News. I'm Michel Martin.

(SOUNDBITE OF MUSIC)

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**Source:**

<http://www.npr.org/2013/03/13/174231283/sexual-assault-victims-militarys-criminal-justice-system-is-broken>

# Sexual Assault Victims: Military's Criminal Justice System Is Broken

by [Tom Bowman](#)

March 13, 2013 3:00 PM

## [Listen to the Story](#)

Victims of sexual assault in the military testified Wednesday on Capitol Hill. They spoke of commanders who brushed aside their charges and a culture that ridiculed women. It's why most victims never come forward, according to Pentagon polls.

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AUDIE CORNISH, HOST:

A difficult conversation about the military occurred today at a Senate panel on Capitol Hill. Victims of sexual assault testified that the military's criminal justice system is broken. They spoke of commanders who brushed aside their claims, prosecutors who decided not to pursue charges, and a military culture that protects predators. The hearing comes after a general's decision to overturn an officer's conviction on sexual assault. NPR's Tom Bowman has the story.

TOM BOWMAN, BYLINE: Rebekah Havrilla was a soldier serving in Afghanistan several years ago, the only woman on a bomb squad. She told senators her male sergeant, her team leader, sexually harassed her. Then something worse happened.

REBEKAH HAVRILLA: One week before my unit was scheduled to return back to the United States, I was raped by another service member that had worked with our team.

BOWMAN: But because of the harassment from her superior and the sex jokes and rape jokes he tolerated among the men, Havrilla never filed a report.

HAVRILLA: Because I had no faith in my chain of command.

BOWMAN: Havrilla is not alone. The Defense Department estimates that about half of all victims of sexual assaults don't file a report because they fear retaliation or indifference from commanders. And officials say the numbers are revealing. The most recent data from the Pentagon says there were about 2,500 sexual assault cases reported to authorities. Only 240 of those made it to trial. The Pentagon believes the true number of sexual assaults in the ranks is about 19,000.

SENATOR KIRSTEN GILLIBRAND: Too often, women and men have found themselves in the fight of their lives.

BOWMAN: New York's Democratic Senator Kirsten Gillibrand chaired today's hearing.

GILLIBRAND: Not in the theater of war but in their own ranks, among their own brothers and sisters and ranking officers in an environment that enables sexual assault.

ROBERT TAYLOR: We must combat this scourge with all the resources at our disposal.

BOWMAN: That's acting Pentagon general counsel Robert Taylor. He says the Air Force recently teamed up sexual assault victims with special counselors to help guide them through the legal system. But the hearing came just after a decision by a senior Air Force officer illustrated the problems women face. Last month, Air Force Lieutenant General Craig Franklin overturned a sexual assault conviction against Lieutenant Colonel James Wilkerson, a former inspector general at Aviano Air Base in Italy.

Defense Secretary Chuck Hagel has told senators the law does not allow him to reverse General Franklin's decision and he's reviewing the matter. Pentagon officials say the role of the commanders in criminal cases has been narrowed somewhat but preserved by Congress. Anu Bhagwati, a former Marine officer with the Service Women's Action Network, said commanders must be removed from overseeing criminal cases against their subordinates.

ANU BHAGWATI: Commanding officers cannot make truly impartial decisions because of their professional affiliation with the accused and oftentimes with the victim as well.

BOWMAN: Several lawmakers are introducing legislation to do what Bhagwati is suggesting. Today, the victim in the Aviano case, a 49-year-old physician's assistant released a statement to the committee. She wrote: Why bother to put investigators, prosecutors, judge, jury and me through this if one person can set justice aside with the swipe of a pen? Tom Bowman, NPR News, Washington.

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