

November 23, 2021

The Honorable Jack Reed
Chairman
Armed Services Committee
U.S. Senate

The Honorable Adam Smith
Chairman
Armed Services Committee
U.S. House of Representatives

The Honorable Jim Inhofe
Ranking Member
Armed Services Committee
U.S. Senate

The Honorable Mike Rogers
Ranking Member
Armed Services Committee
U.S. House of Representatives

Dear Chairman Reed, Chairman Smith, Ranking Member Inhofe, and Ranking Member Rogers:

On behalf of the organizations signed below, which represent the interests and concerns of millions of veterans, servicemembers, and military families, we urge you to ensure the *Military Justice Improvement and Increasing Prevention Act*, as passed by the Senate, remains in the conference reported version of the Fiscal Year 2022 National Defense Authorization Act (NDAA).

The legislation is bipartisan with 220 co-sponsors in the House and 66 co-sponsors in the Senate. The scourge of sexual assault in the military is a serious concern and demands a real solution, not a watered-down provision slipped in the final bill behind closed doors. Retaining the full provision will ensure that the will of this strong majority of both houses of Congress is respected. This provision is the only reform that will provide true independence for prosecutors in the military justice system and is essential to ensure that victims, the accused, and the public all have full faith and confidence in the military justice process.

According to VA, approximately 1 in 3 women veterans and 1 in 50 male veterans experienced military sexual trauma (MST) while serving their country. DoD has given this issue a great deal of attention over the past few years but has failed to find the right solution as numbers continue to rise each year. In IAVA's most recent survey, 73% of members that reported their sexual assault experienced retaliation as a direct result. The same survey also showed that only 31% of sexual assault victims reported the crime. Of those that did not report, they listed their reasons as; fear of retaliation by their peers or commander, concern about the impact on their career, and they doubted that their commander would believe them. This is just one of the reasons that a trained military prosecutor should have the authority to decide to move forward with a sexual assault case or other serious crime, instead of a commander.

It is also important to address that removing only sexual assault would only further stigmatize the crime and make it seem that it is "less than." It is well known that survivors have to deal with backlash after reporting the crime, singling out military sexual assault could potentially increase the instances of retaliation. It is imperative that military sexual assault is viewed, and prosecuted, on the same level as any other non-military felony crime. Creating prosecutors that just look at special victims would inevitably also create a caste of high-performing special prosecutors that receive special training and additional

funding. We should not bifurcate the system in this way. To do so would create a separate but unequal system of justice.

Passage of MJIIPA would not just help victims of military sexual assault but would also address the issue of inequality within the military justice system. In 2019, the Government Accountability Office reported Sailors, Soldiers, and Marines are twice as likely to be sent to general and special courts-martial by a commander if they are Black, while Sailors and Soldiers are nearly 1.5 times as likely to face general and special courts-martial if they are Hispanic. Furthermore, a recent study by Protect Our Defenders showed that 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 in an average year across all branches.

Over the years, this legislation has continued to receive an increasing amount of support from legislators and veteran service organizations, coming to an all-time high this Congress. It would be disrespectful to all those that have experienced the injustice this legislation would address to not include the Senate passed verbiage within the NDAA. Once again, we urge you to ensure the full MJIIPPA is not stripped out of the final NDAA. Our servicemembers deserve fair and impartial justice and only the full *Military Justice Improvement and Increasing Prevention Act* has the correct language to take real action.

We appreciate your attention to this request.

Sincerely,

American Veterans
Blinded Veterans of America
Common Defense
Enlisted Association of the National Guard of the United States
Gold Star Wives
Iraq and Afghanistan Veterans of America
Minority Veterans of America
Modern Military Association of America
National Military Families Association
Protect Our Defenders
Service Women Action Network
Student Veterans of America
Veteran Warriors
Veterans Recovery Project
Vietnam Veterans of America