

Congress of the United States

Washington, DC 20515

July 9, 2004

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary,

We are writing to request that the Department of Defense implement immediate, concrete measures to support victims of sexual assault in the military and provide a timeline for the implementation of the longer-term recommendations made in the recently released *Department of Defense Task Force Report on Care for Victims of Sexual Assault*. The number of victims of sexual assault in the military continues to grow. On June 3, the Total Force Subcommittee of the House Armed Services Committee received testimony from the Miles Foundation stating that 178 women serving in Iraq, Kuwait, Afghanistan, and Bahrain have made credible reports of sexual assault. During the same period, the Miles Foundation received 457 credible reports of sexual assault associated with regular military installations. In addition, the Army recently issued a report saying that sexual assaults increased in the Army by 19% between 1999 and 2002.

DoD released the *Department of Defense Task Force Report on Care for Victims of Sexual Assault* last month in response to many reports of poor care for victims within the military. We are disappointed in the report because it does nothing concrete to help these women and men who have volunteered to serve their country. For decades, DoD has failed to adequately address the problem of sexual assault within its ranks. We are concerned that this report may be another well-intentioned attempt to solve the problem that fails to follow through with the necessary, explicit steps to correct it.

We were expecting the report to relay the immediate changes that you would be making to help these members of our military. We expected to read that DoD was providing DNA rape kits accessible to all deployed troops, that the alleged assailant was being separated from the alleged victim, how the task force had determined to protect the confidentiality of victims, how assailants were being punished if found guilty, and that the military was now immediately providing counseling and a victim advocate for any soldier who claimed to have been sexually assaulted.

Instead, we received a report with even fewer concrete recommendations than those made in many of the over 40 surveys, reports, and hearings listed in Appendix C of your current report. This latest report makes long-term, broad recommendations to "develop policies" and to "establish guidelines" rather than specific recommendations for immediate actions to be taken. Previous reports have made more concrete recommendations. Congresswoman Carolyn Maloney introduced H.R. 1072, the "Commission on Military Justice and Fairness Act," in March 1997 in response to a sexual assault scandal at the Aberdeen Proving Ground in Maryland. The result was the report *Adapting Military Sex Crime Investigations to Changing Times* published in June

of 1999. This report made a number of concrete recommendations. For example, the report made one recommendation that the military criminal investigative organizations require sex crime instruction in basic investigator training. This is a recommendation that is clear and could have been readily implemented had DoD chosen to do so. The majority of recommendations in the current report are less tangible than this or recommend actions that are still several steps removed from ever making a difference for a victim. This report calls for reporting to be encouraged, strategies to be developed, and summits to be convened. For example, this report makes one recommendation as follows: "Within the next three months, convene a summit of DoD leaders and recognized experts on sexual assault, to develop strategic courses of action to establish avenues within DoD to increase privacy and provide confidential disclosure for sexual assault victims." Rather than providing a way for a victim to confidentially report an attack, this report allows up to 3 months before the summit is even convened and then an unspecified amount of time before any agreed-upon changes can be implemented. We understand that it may take some time to formulate a permanent confidentiality policy, but confidentiality is not a new issue. In 1997, the *Secretary of the Army's Senior Review Panel on Sexual Harassment* recommended that the Army "pursue relief from current rules that limit confidentiality for victims of sexual harassment." Given that confidentiality has been identified repeatedly as a significant barrier to victims reporting an assault, one would expect DoD to have an idea about how to protect the privacy of victims that could be implemented quickly. We expected this report - devoted solely to the care for victims - to provide, if not a permanent policy, then, at minimum, an interim policy to protect the confidentiality of victims.

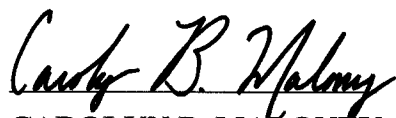
As many of us mentioned in our April 15, 2004, letter to you, the problem of sexual assault has been studied over and over with little improvement regarding care for victims. Data collection provides an illustrative example. The current report makes a recommendation to "[d]evelop an integrated strategy for sexual assault data collection." Since 1988, DoD has been required, by law, to provide data on criminal activity to the Justice Department using the Defense Incident-Based Reporting System (DIBRS) but has yet to fully comply. This report says: "Defense Incident-Based Reporting System will capture much of the information that is needed when it is fully implemented within the Department.....Meeting the request (to provide quantitative data on reported assaults for calendar years 2002 and 2003) required significant time and effort by the Services to gather, collate, and present the data...Despite the Services' best efforts, the data provided to the Task Force was inconsistent and incomplete." For sixteen years, DoD has failed to provide data on criminal activity that it is required by law to provide. Sadly, the victims are the ones who pay the price for this inaction.

At the June 3, 2004, Total Force Subcommittee hearing, Congressman Vic Snyder asked Undersecretary Chu whether it was necessary for Congress to direct DoD to address the DNA backlog. Dr. Chu answered that DoD is capable of handling the DNA backlog on its own and does not need action from Congress. Given DoD's history of failing to implement report recommendations, however, it is difficult for us to feel confident that DoD will handle the DNA backlog or implement any of the other recommendations on its own. We would like a timeline for when DoD will implement the recommendations made in this report.

It is time to stop making the victims pay for DoD's failure to deal effectively with the problem of sexual assault. It is time to provide the victims with the services that they need and to provide the enforcement mechanisms necessary to deter these crimes. It will clearly take some time for DoD to develop policies and guidelines. However, victims of sexual assault should not continue to suffer because of DoD's history of inattention to this problem. We request that DoD implement immediate, concrete measures to support victims that can be put into place quickly while those long-term solutions are being formulated.

We appreciate Dr. Chu's response to our April 15, 2004, letter to you and look forward to meeting with him. The April 15 letter requested information on actions that DoD has taken in response to recommendations made in past reports. In addition, to aid us and our colleagues in Congress in our oversight responsibility, we expect him to present the timeline of the implementation of the current recommendations as well as the immediate actions that DoD will take to support our troops who are victims of sexual assault.

Sincerely,

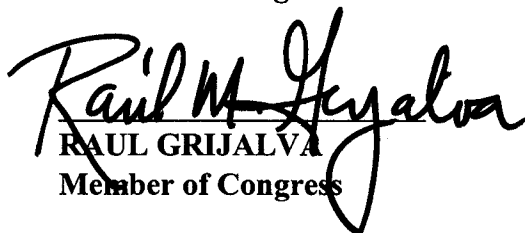


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Member of Congress

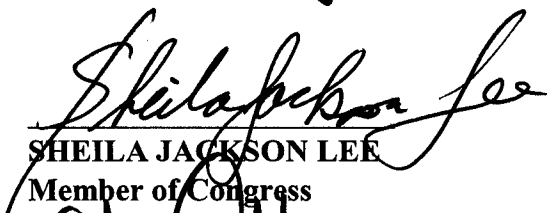
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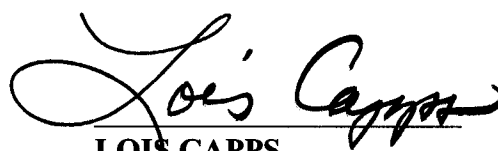
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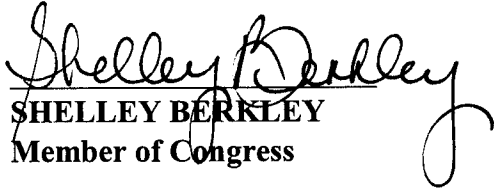
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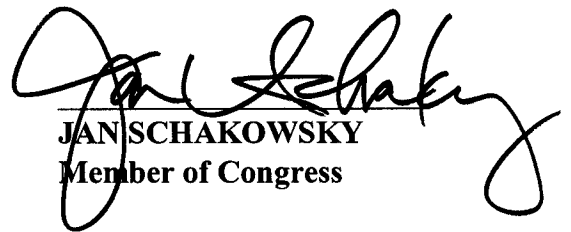
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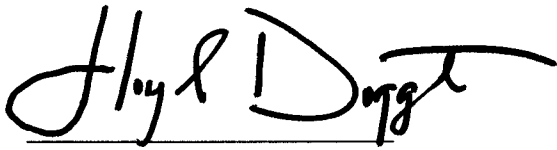
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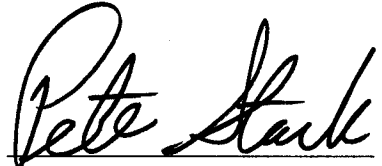
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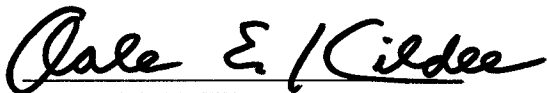
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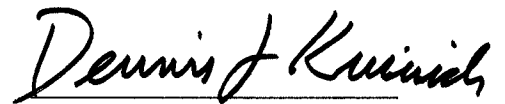
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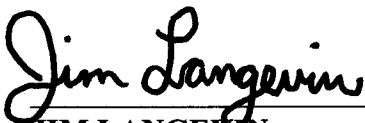
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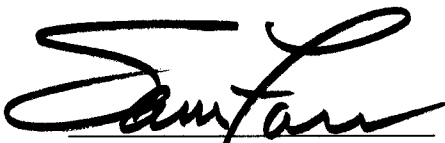
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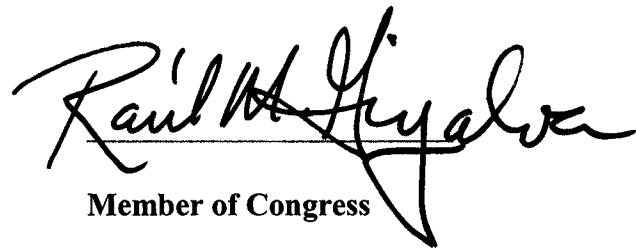
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Member of Congress



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Member of Congress



SAM FARR
Member of Congress



Member of Congress

Member of Congress

Member of Congress

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