

SB

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ALASKA STATE COUNCIL

January 22, 2015

REF: SB25

Chairman Bill Stoltze,

We have watched with horror as the scandals in our Alaska National Guard have unfolded over the past four (4) years and with growing anger and concern in the past 24 months. Although members of the National Guard are not legally considered veterans in the federal definitions, we embrace them as fellow warriors who have volunteered to stand guard for Alaska and America. Many Alaska Guard members have seen federal deployments and as such have fully qualified as veterans.

The absolute failure by our state's senior management to address the wide range of clear violations of not only state law but the most basic standards of behavior expected by Members in Service is not acceptable. We communicated our feelings directly to the Governor and his staff a number of times during the almost daily discoveries of more inaction during 2014.

Although a number of the violations we have seen in the report from the special investigator involve other areas of inappropriate, even criminal behavior we want to focus today on the violations dealing sexual assault and the absolute failure of the Chain of Command to follow even the most obvious rules of and military honor in responding to these formal complaints.

The sexual assault of a service member is not only a direct and specific violation of the Code it is a state crime. But let's look a little closer at the specifics in the Alaska National Guard. Most Alaskans do not understand that members of the Guard are state employees and are not part of the 'regular army or air core'. They are basically civilians for the most part who put on the uniform one weekend a month and also participate in an annual training program once a year. But there are other significant organizational differences such as a member of the Guard can join and be in the Guard for 30 years – in the same organization whereas in the regular Army all rotate on a 3 to 5 year basis – and for a very specific organizational purpose.

Do you know of any other state employee that has to report being sexually assaulted by a coworker to their supervisor? Rather than to local law enforcement? I sure don't.

This is not to discard the extremely important role of the Chain of Command. We understand the role of the Chain of Command, but with all due respect, if the 'Chain of Command' was able, even willing to address this specific violation of the Code in an appropriate and responsible manner, we would not be talking about this problem this session. It has not worked, it cannot work, and it will not work because of the very nature of these organizations. If it could it would have decades ago.

So any service member or veteran who stands up and demands the reporting and investigation of sexual assault in service remain in the Chain of Command either doesn't know what they are talking about or is unwilling to treat these egregious violations as they should be addressed.

Let me also point out that over the past decade the number of actually reported sexual assaults of men on men now exceed those of men on women. And some wonder why the reported numbers are relatively low? Because to report such violations in service is not easy – it's very hard – it takes enormous courage – it is an expression of a violation of trust and our most basic of privacies.

What are the numbers? The Department of Defense (DoD) has now admitted that almost one third of women in service will experience rape/sexual assault and almost 90% experience sexual harassment. Recent VA surveys of registered veterans found almost 60,000 men have been raped or sexually assaulted during their time in service. The DoD reports there were approximately 19,000 incidents of sexual assault in 2010 or 52 service members a day. No, this is not from the Alaska National Guard, but they do reflect the level of this problem in military service – and the Chain of Command has not solved this problem - it continues to grow. **It's clearly time to change this paradigm.**

SB25 is a good, well thought out – it's right out of the special investigator's report recommendations – first step at addressing this horror. The ability of any Guard member to file a complaint on line and have it kept absolutely confidential is critical. Any legislator who opposes this is to us suspect and causes us to wonder about their point of view or reference.

The next and critical step is the state's adoption of the new Uniform Code of Military Justice specifically written for state Guard's and adopted by XX states. Why is Alaska so far behind again?

As the former National Chairman for Government Affairs for Vietnam Veterans of America, the only Congressionally chartered Veteran Service Organization specifically charged with representing Vietnam Veterans we have now for years been on the front line on the question of sexual assault and taking it out of the Chain of Command. We are confident that we will prevail this year in Congress to make this the standard in all services.

But here in our own home state we have watched not only as the leadership of our Guard failed, but so did our state's leadership even when so many of us were trying to help get them on the right track.

The bottom line is that a number of Alaskans and some who have left Alaska as a result of this horror have been criminally violated by sexual assault. This must – this will change this legislative session.

It is an honor,



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To Whom It May Concern:

DOD NEEDS TO ADDRESS MILITARY SEXUAL TRAUMA OUTSIDE CHAIN OF COMMAND

What is the issue: According to reports by the Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO), almost 1/3 of women in the service will experience rape/sexual assault and almost 90% of sexual harassment. VA surveys of registered Veterans found almost 60,000 men have experienced rape/sexual assault during their time in the military. According to reports from DoD, there were approximately 19,000 incidents in 2010. This equates to 52 service members per day. However, only 3,158 were reported; of those only 529 were prosecuted.

Given that the story of the military's tolerance of violence against women in its ranks has been in the headlines many times over the last four decades, with little or no significant improvement in how the Chain of Command (COC) handles these crimes. When military sexual assault gets in the papers and on TV there is a flurry of hand wringing, a vague official report, and adamant statements about the COC having to keep control of the process in order to "maintain good order & discipline" in the ranks. There are pledges top of the military services that the Chain of Command that they can and will fix these gross miscarriages of justice. Then then nothing much changes.

VVA's position is that if the Chain of Command had the drive and motivation to solve this problem it would have done so long ago. Rape of a comrade in arms is a fundamental betrayal of trust and destroys "good order and discipline."

Duty, honor, and Semper Fidelis military values do not, and should not, tolerate these rapes, assaults, and violence. The high esteem and respect for our military by the American public depends on the CoC and individuals at every rank conducting themselves in such a way as to remain true in fact to professed noble values.

VVA firmly believes that Congress needs to take the lead and call for the creation of an autonomous DoD Oversight and Response Office that is staffed by both military and civilian personnel; military personnel providing expertise in the proper language and issues pertaining to the military, civilian personnel ensuring that the military Chain of Command (CoC) is not overpowering or influencing service members who want to make a report. It would be a defined system of checks and balances, leveling the playing field. This office should also have a legal presence committed to victim's rights on the team.

VVA as a national organization also calls on state legislatures to take the lead to enact state law that creates a similar organizational mechanism in their state's National Guard.

This office could assist in the elimination of non-judicial punishments (NJP) for those who are charged with sexual assault, enabling more cases to be processed as sexual assault and rape rather than plead them down to lesser crimes. This office could also create a database in DoD with information that could be shared with the Department of Justice (DoJ) sexual offender database.

According to SAPRO, the majority of survivors (71%) are under 24 years old and of lower ranks; whereas the majority of assailants (59.5%) are between 20 and 34 and of a higher rank than the survivor. Often in the same unit the survivor may feel afraid that if a report is made through the CoC it could get back to the assailant.

Military groups are extremely small communities and it is impossible to guarantee that confidential information will stay with those who have a 'need-to-know'. Additionally, survivors may be scared that their own actions may be cause for punishment. The threat of retaliation or fear of being reprimanded or even kicked out of the military with a discharge denying them VA services for life on trumped up false pretexts is enough to silence many survivors, or to have them recant their stories. The creation of a separate and independent office would remove the necessity of informing the CoC and could assist in removing these barriers to reporting. It is an added layer of protection and safety for the victims.

Request: VVA will pursue legislation that reassigns the complaints of military sexual trauma by service members to be addressed outside her or his immediate chain of command, and that upon the victim's request they be moved to another locale/ duty station.

Financial Impact: Unknown but would have negligible impact the DoD budget.

Sincerely,



Rick Weidman
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for Policy & Government Affairs
Vietnam Veterans of America (VVA)