

June 14, 2021

Dear Members of Congress,

On behalf of the organizations signed below, which represent the interests and concerns of veterans, servicemembers, and military families, we urge you to pass The *Military Justice Improvement and Increasing Prevention Act (MJIIPA)* (S.1520) expeditiously.

The MJIIPA would take the decision to prosecute serious crimes, such as sexual assault, murder, and child pornography, out of a servicemember's chain of command and give it to independently trained military prosecutors. It would also increase security measures at military installations to keep servicemembers safe and improve sexual assault and harassment training procedures. This legislation, which has reached a filibuster-proof bipartisan majority in the Senate, is designed to address the systemic fear that survivors of military sexual assault have in deciding whether to report the crimes committed against them.

According to VA, approximately 1 in 3 women veterans, and 1 in 50 male veterans, experienced military sexual trauma¹ (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 some sort of retaliation as a direct result. IAVA's survey also showed that only 31% of IAVA members that experienced sexual assault 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, 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 crimes. 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 reported² 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 Defenders³ 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.

We strongly urge you to bring the *Military Justice Improvement and Increasing Prevention Act* to the Senate floor for a vote and allow this groundbreaking legislation to pass. We can no longer wait to make a change. The men and women that make up our military force put their lives on the line every day and deserve equal and impartial justice.

Sincerely,

Iraq and Afghanistan Veterans of America
Veterans Recovery Project
Modern Military Association of America

Common Defense
AMVETS
Protect Our Defenders

Vietnam Veterans of America
Service Women Action Network
Minority Veterans of America

¹ https://www.mentalhealth.va.gov/docs/mst_general_factsheet.pdf

² <https://www.gao.gov/assets/gao-20-648t.pdf>

³ https://www.protectourdefenders.com/wp-content/uploads/2017/05/Report_20.pdf