



VETERANS UNITED FOR TRUTH, Inc.

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<http://www.VeteransUnitedForTruth.org>

July 22, 2021

Congressman Salud Carbajal
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Washington, DC 20515
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Subj: Military Sexual Assaults

REQUEST:

Would you please get legislation passed in Congress that completely removes the military and its chain of command from handling claims of sexual assault, and instead, have the local civilian law enforcement agencies handle them?

SUMMARY:

There is a sexual assault crisis in the military that has worsened over the past 10 years despite the military leadership promising every year to do better. It's time to do something different and implement proven effective policy.

The California Military Department, which includes the California National Guard, has not allowed its chain of command to handle claims of sexual assault since 2014 when then State Senator Alex Padilla got Governor Brown to sign SB 1422 into law. The law mandates that the local civilian police and District Attorney handle them. This law has been a success.

The military's chain of command consists of the victim's supervisors and management. By removing the chain of command, it would eliminate male-driven, employer bias from deciding what to do if anything, substantially reduce retaliation against the victim since 66% of victims in the military are retaliated against for reporting a sexual assault, and prevent additional trauma caused when the victims are retaliated against.

DETAILS:

Over 20,000 men and women serving in the military are sexually assaulted every year. Every year. Active duty women have a greater chance of being raped by a fellow comrade than being shot by the enemy. 90% of the military rape victims are women but women only make up 17% of the military. 60% of women raped in the military are raped by someone of a higher rank.

While an investigation is supposed to be conducted when a claim of sexual assault is made, very often one is not conducted. If an investigation is conducted, the results are then sent to the victim's Commanding Officer, who is not an attorney, not trained in law enforcement, and not trained to handle reports of sexual assaults, but he gets to decide whether or not the offender will be prosecuted in a military court of law. We use the terms he/him because 83% of the members of the military are men so chances are excellent that the Commanding Officer is a man.

Many times, the Commanding Officer will not believe the victim, tells the victim to just get over it, tells the victim to drop it because it's in her best interest to do so, or that sexual assaults come with the territory of being around so many men so what do you expect. Commanding Officers also may make the decision not to prosecute the offender because the offender is considered more valuable to his unit than the victim, or the offender is one of his buddies, or he believes that women should not be in the military.

Common retaliatory actions include giving victims a bad performance review which ends their career, telling others in the unit that the victim is a slut and she asked for it, getting other men to harass the victim, relegating victims to do worthless and/or isolated work, or discharging the victim from the military. In fact, one-third of women who reported their rape were discharged within 7 months of reporting.

As a civilian, can you imagine reporting to your boss at work that you were raped? And, what if he tells other people you work with that you were raped, and then retaliates against you?

For civilians, claims of sexual assaults are handled very differently. The victim reports it to the police, a nurse conducts a 6-8 hour rape examination, and if the cops catch and arrest the rapist based on sufficient evidence, the District Attorney takes him to court. The common theme throughout this civilian process is that all of the folks responding to the crime are professionals trained in law enforcement and they are not the victim's supervisors at her place of employment.

It's way past time to fix this pandemic.

Respectfully,

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Justice for Military Sexual Assault Victims

Whereas, Over 20,000 men and women serving in the military are sexually assaulted every year, active duty women have a greater chance of being raped by a fellow comrade than being shot by the enemy, and less than 2% of the perpetrators are convicted, and

Whereas, The victim's employer through the chain of command, which consist of supervisors who are not attorneys, not trained in law enforcement, and not trained to handle reports of sexual assaults, gets to decide whether or not the offender will be prosecuted in a military court of law at the same time 66% of the victims are retaliated against for reporting the assault, and

Whereas, Seventeen % of the military are women and 83% are men but almost 75% of sexual assault victims are women, and 60% of assaults against women were by someone of a higher rank, and

Whereas, Empirical evidence has proven over the past decade that the male-driven military chain of command and their high ranking buddies on base operate within the "good 'ole boys clubs" do more to protect offenders who they deem more valuable to the unit than seeking justice for sexual assault victims, which is biased, a conflict of interest, and motivated by sex discrimination, and

Whereas, The California Military Department, which includes the California National Guard, has not allowed its chain of command to handle claims of sexual assault since 2014 when Governor Brown signed SB 1422 into law, which mandates that the local civilian police and District Attorney handle them, and our allies, the United Kingdom, Israel, Australia and others, have removed the decision making of sexual assault claims from the military chain of command, which helped promote good order and discipline,

Now, Therefore Be It Resolved, that the Santa Barbara County Board of Supervisors calls on Congressman Carbajal to work with Congresswoman Speier to amend her bill, H.R. 4104, Section 2(d), to remove the military entirely from handling claims of sexual assault and instead be referred to local civilian law enforcement, and do what is necessary to whip up enough votes for the bill to pass in the House of Representatives and be sent to the U.S. Senate.

Stop Deportation of Veterans and Restore the MAVNI Program

Whereas, Approximately 8,000 non-citizens join the military each year according to the National Immigration Forum, and as long as they have received certification from the Pentagon that they have served honorably, all are eligible for expedited citizenship under the Immigration and Nationality Act (INA), and

Whereas, Citizenship in exchange for service is a long-standing military tradition that the military supports, which is why the Military Accessions Vital to the National Interest Program (MAVNI) was created in 2008 during President Bush's administration to help foreign nationals earn citizenship through military service, and

Whereas, Trump's Department of Defense changed the MAVNI process in 2017 so that it made it much harder for noncitizen service members to become naturalized, if not impossible, by dramatically slowing the certification process and limiting the number of officials who could approve the applications, and

Whereas, During his tenure, Trump deported permanent legal residents who were veterans who served our country honorably, which is a violation of the Immigration and Nationality Act (INA), and

Whereas, President Biden's administration continues to deport permanent legal residents who are veterans and prevents them from returning back to the United States, and

Whereas, It is past time to honor our promise to those who are serving or have served our country honorably, and

Now, Therefore Be It Resolved, that the Santa Barbara County Board of Supervisors calls on Congressman Carbajal to get legislation passed in Congress that prevents the deportation of veterans who are permanent legal residents who have not been charged with a felony and instruct the military to honor all existing MAVNI contracts by fast-tracking their citizenship for active duty military personnel and veterans.