

Dear Senator,

On behalf of veterans and service members, Service Women's Action Network (SWAN), Iraq and Afghanistan Veterans of America (IAVA) and Vietnam Veterans of America (VVA) call upon you to support the bipartisan Military Justice Improvement Act as an amendment to the 2014 National Defense Authorization Act.

A Department of Defense (DoD) survey estimated 26,000 cases of unwanted sexual contact occurred during 2012. Yet only 3,374 cases of sexual assault were reported. According to the DoD, 62% of victims who reported sexual assault experienced retaliation. Those who do not report fear retaliation or that their cases will be swept under the rug.

Despite ongoing advances in the areas of military medicine, technology, weaponry, and tactics, no significant progress has been made in ending sexual assault within the ranks. Our military justice system remains rooted in an obsolete, 18th century model. Commanders, rather than trained military legal personnel, are vested with the authority to administer justice. This "convening authority" includes the ability to make charging decisions, select jury members and modify or overturn court decisions.

Because the commander making these decisions is in the accused's chain of command, military justice suffers from an inherent bias that compromises both the accused's right to a fair and impartial trial as well as the victim's access to justice.

The Military Justice Improvement Act (MJIA) reassigns the convening authority powers for serious crimes to an experienced, impartial military prosecutor. The change applies to all serious crimes that can be punished with more than one year of confinement except for crimes specific to the military, such as a failure to obey a lawful order.

MJIA strengthens military justice for both the victim and the accused by balancing concerns of victims with the rights of the accused. Placing charging decisions under the authority of experienced, impartial military prosecutors increases the likelihood that decisions are made based on the law alone rather than on political pressure, internal politics, or any other compromising factor.

The MJIA will not let commanders off the hook. Commanders will continue to play a critical role in ending military sexual assault. They create and maintain the climate within their units, and will continue to do so. Furthermore, if a military prosecutor decides not to try a case, a commander can still move forward with other forms of military discipline, including non-judicial punishment and administrative separation.

Additionally, removing the commander's convening authority does not undermine good order and discipline in a unit. In fact, most leaders responsible for maintaining good order and discipline, including non-commissioned and company grade officers, do not have convening authority. In many joint commands, general officers do not possess convening authority. The collective effort of all of our military leaders determines unit discipline, cohesion and combat readiness.

It's time to make a change that many of our closest allies, including the UK, Canada, Australia and Israel, have made without a negative impact to good order and discipline.

The time is now. We urge you to support the Military Justice Improvement Act.

Respectfully,

Anu Bhagwati, Executive Director, Service Women's Action Network

Paul Rieckhoff, Founder and CEO, Iraq and Afghanistan Veterans of America

John Rowan, National President, Vietnam Veterans of America