

MAR 04 2014

SENATE CONCURRENT RESOLUTION

ENCOURAGING FEMALE MEMBERS OF THE UNITED STATES SENATE TO REFORM
MILITARY INVESTIGATORY AND PROSECUTORIAL SYSTEMS GOVERNING
SEXUAL ASSAULTS.

1 WHEREAS, the Hawaii Women's Legislative Caucus is concerned
2 about the prevalence of sexual assault in the United States
3 military; and

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5 WHEREAS, sexual assault within military ranks is
6 increasingly coming under scrutiny as victims and lawmakers call
7 for action and transparency; and

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9 WHEREAS, the number of reported sexual assaults in the
10 military is on the rise; and

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12 WHEREAS, according to data released by the Pentagon, last
13 year soldiers were fifteen times more likely to be raped by a
14 comrade than killed by an enemy; and

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16 WHEREAS, the United States Department of Labor reports that
17 between twenty and forty-eight percent of female veterans were
18 sexually assaulted in the military, and more women leave the
19 military with post-traumatic stress disorder from rape than from
20 combat; and

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22 WHEREAS, proposed legislation seeks to reverse a systemic
23 fear of reporting expressed by victims of military sexual
24 assault due to the clear bias and inherent conflicts of interest
25 posed by the military chain of command's current sole decision-
26 making power over whether a case moves forward to trial; and

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28 WHEREAS, according to a 2012 report by the United States
29 Department of Defense, there were 26,000 incidents of unwanted
30 sexual contact, sexual assault, and rape throughout the United
31 States military in 2012, but only 3,374 of the incidents were
32 reported, commanders only initiated action in 4.3 percent of the



1 reported incidents, and only 302 of the incidents were
2 prosecuted; and

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4 WHEREAS, United States Department of Defense data indicates
5 that in over twenty-five percent of cases, the alleged offender
6 was in the victim's chain of command; and

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8 WHEREAS, according to the United States Department of
9 Defense's report, sixty-two percent of sexual assault victims in
10 the military indicate they were retaliated against after
11 reporting, and fifty percent of active duty women who did not
12 report unwanted sexual contact indicate they believed that
13 nothing would be done with their report because the decision-
14 making lies within their own chain of command; and

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16 WHEREAS, top military leadership has admitted that the
17 current system has failed, and Commandant of the Marine Corps,
18 General James F. Amos stated in a 2013 speech at Parris Island
19 that sexual assault victims in the military do not come forward
20 because they do not trust the chain of command; and

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22 WHEREAS, a recent investigation by The Associated Press
23 titled, "AP Analysis of US Military Sex Crimes in Japan"
24 (February 9, 2014), found a pattern of inconsistent judgments
25 and extremely light penalties for sexual assaults at United
26 States military bases in Japan, with few substantiated cases
27 requiring incarceration and many cases culminating with a letter
28 of reprimand as the only punishment; and

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30 WHEREAS, The Associated Press investigation also
31 illustrates inconsistency between different branches of the
32 military, the Marines being more likely to send offenders to
33 prison with fifty-three prison sentences out of two hundred
34 seventy cases, and the Air Force being the most lenient with one
35 hundred twenty-four sex crimes and a letter of reprimand as the
36 only punishment for twenty-one offenders; and

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38 WHEREAS, the military's handling to date of sexual assault
39 investigations is unacceptable and needs to be drastically
40 reformed; and

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42 WHEREAS, the service members who protect and serve the
43 United States deserve an independent and objective military
44 justice system; and



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2 WHEREAS, President Barack Obama signed a bill in December
3 2013, requiring civilian review of cases in which commanders
4 decline to indict service members accused of sex crimes,
5 preventing commanders from reversing sexual assault convictions,
6 and establishing punishments for retaliation against a person in
7 the military who alleges sexual assault; and

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9 WHEREAS, the bipartisan Military Justice Improvement Act,
10 introduced by United States Senator Kirsten Gillibrand and
11 supported by forty-two United States Senators, proposes that the
12 decision-making power over whether serious crimes akin to
13 felonies go to trial be moved from the chain of command into the
14 hands of non-biased, professionally trained, military
15 prosecutors so that the decision to proceed to trial would be
16 independent of the commander and any possible influence from
17 within the chain of command; and

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19 WHEREAS, the Military Justice Improvement Act proposes that
20 crimes that are uniquely military in nature remain within the
21 chain of command, including thirty-seven serious crimes that are
22 unique to the military and all misdemeanor type crimes; and

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24 WHEREAS, other ideas to address sexual assault in the
25 military, such as one offered by United States Senators Claire
26 McCaskill and Kelly Ayotte, have been proposed as well, all of
27 which facilitate vigorous, open discussions of necessary reform;
28 and

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30 WHEREAS, Senator Gillibrand has requested reports from the
31 Department of Defense that detail sexual assault and rape cases
32 over the last five years at four major United States military
33 bases to shed light on how military commanders make decisions
34 about court martials and punishments in sexual assault cases and
35 whether the inconsistent judgments found by the Associated Press
36 in Japan are more widespread; and

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38 WHEREAS, Hawaii is home to all five branches of the
39 military forces; and

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41 WHEREAS, this body endorses reformation of the military's
42 investigatory, adjudication, and sentencing guidelines in order
43 to create a safe environment for this country's service members,
44 and to begin transforming the military culture into one that is



1 more transparent and in keeping with the military's mission of
2 protecting our country, including the individuals serving among
3 its ranks; and
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5 WHEREAS, the Hawaii Women's Legislative Caucus applauds
6 United States Senator Gillibrand's efforts to highlight how the
7 current system handles sexual assaults within the military and
8 the work by Senator Gillibrand and other female members of the
9 United States Senate to end sexual assault; and
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11 WHEREAS, the Hawaii Women's Legislative Caucus applauds the
12 female members of the United States Senate who are working in a
13 bipartisan fashion to highlight and resolve the chronic and
14 unacceptable problem of sexual assault in the military; now,
15 therefore,
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17 BE IT RESOLVED by the Senate of the Twenty-seventh
18 Legislature of the State of Hawaii, Regular Session of 2014, the
19 House of Representatives concurring, that this body respectfully
20 encourages female members of the United States Senate to reform
21 the military investigatory and prosecutorial systems governing
22 sexual assault in view of the concerns expressed in this
23 measure; and
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25 BE IT FURTHER RESOLVED that Senator Gillibrand is
26 encouraged to continue her efforts to require the military to
27 adopt sweeping systemic changes to eliminate or dramatically
28 reduce sexual assault of this country's service members; and
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30 BE IT FURTHER RESOLVED that the United States Department of
31 Defense is encouraged to cooperate with Senator Gillibrand's
32 efforts and provide her with the internal reports and documents
33 regarding sexual assaults and rapes within military ranks that
34 she has requested; and
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36 BE IT FURTHER RESOLVED that certified copies of this
37 Concurrent Resolution be transmitted to United States Senators
38 Kelly Ayotte, Tammy Baldwin, Barbara Boxer, Maria Cantwell,
39 Susan Collins, Dianne Feinstein, Deb Fischer, Kirsten
40 Gillibrand, Kay Hagan, Heidi Heitkamp, Amy Klobuchar, Mary
41 Landrieu, Claire McCaskill, Barbara Mikulski, Lisa Murkowski,
42



S.C.R. NO. 63

1 Patty Murray, Jeanne Shaheen, Debbie Stabenow, and Elizabeth
2 Warren; Hawaii's congressional delegation; and the Governor.

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