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## **OPINION: Rapists in the Ranks**

*Sexual assaults are frequent, and frequently ignored, in the armed services.*

**By Jane Harman**

The stories are shocking in their simplicity and brutality: A female military recruit is pinned down at knifepoint and raped repeatedly in her own barracks. Her attackers hid their faces but she identified them by their uniforms; they were her fellow soldiers. During a routine gynecological exam, a female soldier is attacked and raped by her military physician. Yet another young soldier, still adapting to life in a war zone, is raped by her commanding officer. Afraid for her standing in her unit, she feels she has nowhere to turn.

These are true stories, and, sadly, not isolated incidents. Women serving in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq.

The scope of the problem was brought into acute focus for me during a visit to the West Los Angeles VA Healthcare Center, where I met with female veterans and their doctors. My jaw dropped when the doctors told me that 41% of female veterans seen at the clinic say they were victims of sexual assault while in the military, and 29% report being raped during their military service. They spoke of their continued terror, feelings of helplessness and the downward spirals many of their lives have since taken.

Numbers reported by the Department of Defense show a sickening pattern. In 2006, 2,947 sexual assaults were reported – 73% more than in 2004. The DOD's newest report, released this month, indicates that 2,688 reports were made in 2007, but a recent shift from calendar-year reporting to fiscal-year reporting makes comparisons with data from previous years much more difficult.

The Defense Department has made some efforts to manage this epidemic – most notably in 2005, after the media received anonymous e-mail messages about sexual assaults at the Air Force Academy. The media scrutiny and congressional attention that followed led the DOD to create the Sexual Assault and Response Office. Since its inception, the office has initiated education and training programs, which have improved the reporting of cases of rapes and other sexual assaults. But more must be done to prevent attacks and to increase accountability.

At the heart of this crisis is an apparent inability or unwillingness to prosecute rapists in the ranks. According to DOD statistics, only 181 out of 2,212 subjects investigated for sexual assault in 2007, including 1,259 reports of rape, were referred to courts-martial, the equivalent of a criminal prosecution in the military. Another 218 were handled via nonpunitive administrative action or discharge, and 201 subjects were disciplined through “nonjudicial punishment,” which means they may have been confined to quarters, assigned extra duty or received a similar slap on the wrist. In nearly half of the cases investigated, the chain of command took no action; more than a third of the time, that was because of “insufficient evidence.”

This is in stark contrast to the civilian trend of prosecuting sexual assault. In California, for example, 44% of reported rapes result in arrests, and 64% of those who are arrested are prosecuted, according to the California Department of Justice.

The DOD must close this gap and remove the obstacles to effective investigation and prosecution. Failure to do so produces two harmful consequences: It deters victims from reporting, and it fails to deter offenders. The absence of rigorous prosecution perpetuates a culture tolerant of sexual assault – an attitude that says “boys will be boys.”

I have raised the issue with Defense Secretary Robert Gates. Although I believe that he is concerned, thus far, the military’s response has been underwhelming – and the apparent lack of urgency is inexcusable.

Congress is not doing much better. Although these sexual assault statistics are readily available, our oversight has failed to come to grips with the magnitude of the crisis. The abhorrent and graphic nature of the reports may make people uncomfortable, but that is no excuse for inaction. Congressional hearings are urgently needed to highlight the failure of existing policies. Most of our servicewomen and men are patriotic, courageous and hardworking people who embody the best of what it means to be an American. The failure to address military sexual assault runs counter to those ideals and shames us all.

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