

**November 11, 2021**

**ATTORNEY GENERAL RAOUL URGES CONGRESS TO REFORM MILITARY JUSTICE FOR SEXUAL ASSAULT SURVIVORS**

**Chicago** — Attorney General Kwame Raoul and Nebraska Attorney General Doug Peterson led a bipartisan coalition of 29 attorneys general calling on Congress to pass the Military Justice Improvement and Increasing Prevention Act of 2021. The legislation, which has strong bipartisan support, would reshape the manner in which the United States military investigates and prosecutes sexual assault.

“We owe an immense debt of gratitude to the men and women who serve our nation and protect our freedom.” Raoul said. “They deserve a justice system that is equipped to handle sex-related crimes. As we honor Veteran’s Day, it is past time to reform the military justice system to ensure that all survivors can report sexual assault without fear of retaliation, and to guarantee an unbiased investigation and prosecution of sexual assault charges.”

[In the letter](#), Raoul and the coalition highlight the need to address serious, longstanding problems in underreporting and prosecuting sexual assaults in the military. The Military Justice Improvement and Increasing Prevention Act would professionalize the military’s prosecution of serious crimes like sexual assault. The act addresses widespread reluctance to report sexual assault due to bias in the military chain of command’s power to decide whether cases move forward to a trial. The act would instead ensure that decisions about whether to prosecute sexual assault or domestic violence crimes are made by independent, trained, professional military prosecutors, while leaving uniquely military crimes within the chain of command.

Additionally, the act requires increased sexual assault prevention training for military personnel, as well as added instruction for prosecutors on the proper conduct, presentation, and handling of sexual assault and domestic violence cases. If passed, the Military Justice Improvement and Increasing Prevention Act would constitute the largest change to the military justice system in the last 70 years.

Each year, thousands of service members experience sexual assault. Of those, only a small percentage ever report their assault – often because they suffer retaliation. In many cases, the assailant is someone in the service member’s own chain of command, creating an additional risk of retaliation. Even when sexual assaults are reported, only a handful of perpetrators are held accountable; in fact, only approximately 9% of assaults result in conviction.

The Military Justice Improvement and Increasing Prevention Act would support the work Raoul and other state attorneys general do to protect victims of sexual assault and advocate on behalf of military members and veterans. Raoul’s Military and Veterans Rights Bureau advocates for veterans and service members in crisis, protects rights through enforcement of veteran and service-member related laws, and works to ensure veterans, service members, and their dependents receive benefits.

The Illinois Attorney General’s office also provides services aimed at protecting assault survivors, such as offering grant funding through the Violent Crime Victims Assistance Act to help victims of violent crime recover and rebuild their lives. For more information about the services Raoul’s office provides, please visit the Illinois Attorney General’s website, or call 1-800-382-3000 (Military and Veteran’s Rights) or 1-800-228-3368 (Crime Victims Assistance).

Joining Raoul and Peterson in calling on Congress to pass the Military Justice Improvement and Increasing Prevention Act are the attorneys general of Alaska, California, Colorado, Connecticut, Delaware, the District of Columbia, Guam, Hawaii, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Vermont, Virginia, Wisconsin and Wyoming.



**STATE OF ILLINOIS  
OFFICE OF THE ATTORNEY GENERAL  
KWAME RAOUL  
ATTORNEY GENERAL**



**STATE OF NEBRASKA  
OFFICE OF THE ATTORNEY GENERAL  
DOUG PETERSON  
ATTORNEY GENERAL**

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-232, The Capitol  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
H-204, The Capitol  
Washington, DC 20510

The Honorable Charles Schumer  
Senate Majority Leader  
U.S. Senate  
S-221, The Capitol  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
S-230, The Capitol  
Washington, DC 20510

**Re: The Military Justice Improvement and Increasing Prevention Act**

Dear Congressional Leaders:

We, the undersigned state Attorneys General, write to urge Congress to swiftly pass the Military Justice Improvement and Increasing Prevention Act.<sup>1</sup> This bill, which has broad bipartisan support in both chambers of Congress, aims to address serious, longstanding problems in underreporting and prosecuting sexual assault in the military. As we honor Veteran's Day this year, it is past time to remedy these issues.

We owe an immense debt of gratitude to the men and women who serve our nation and protect our freedom. Yet each year, thousands of service members are sexually assaulted. In 2018, the Department of Defense reported that 6.2% of women (an estimated 12,927 service members) and 0.7% of men (an estimated 7,546 service members) had experienced a sexual assault in the past 12 months.<sup>2</sup> Other studies have indicated that between 22% and 84% of military service women

---

<sup>1</sup> Military Justice Improvement and Increasing Prevention Act of 2021, S.1520, 117<sup>th</sup> Congress (2021); Military Justice Improvement and Increasing Prevention Act of 2021, H.R. 4104, 117<sup>th</sup> Congress (2021).

<sup>2</sup> See Department of Defense, Office of People Analytics, *2018 Workplace and Gender Relations Survey of Active Duty Members*, vi (2018) available at <https://bit.ly/3CPIhCP>.

report being sexually harassed or assaulted during their military service.<sup>3</sup> Of those service members, only a small percentage ever report their assault<sup>4</sup> – often because they suffer retaliation when they do. For instance, in 2018, the Department of Defense found that roughly one-quarter of women who reported sexual assault experienced retaliation, including professional reprisal, ostracism, and maltreatment.<sup>5</sup> Other estimates are higher.<sup>6</sup> In many cases, the assailant is someone in the service member’s own chain of command, creating an additional risk of retaliation. Even when sexual assault is reported, only a handful of perpetrators are held accountable; a mere nine percent of assaults result in conviction.<sup>7</sup> And the effects of failing to prevent and redress sexual assault in the military are costly: according to the Rand Corporation, military sexual assault and its aftermath cost U.S. taxpayers over \$3.5 billion a year.<sup>8</sup> Studies have also found that the effects of sexual assault and trauma negatively impact military readiness.<sup>9</sup>

One reason for this is that the existing prosecutorial system for serious crimes in the military does not adequately account for the complexity of sexual assault cases or the likelihood that bias may affect how sexual assaults are investigated and charged. Sexual assault allegations are frequently investigated by agencies that are not solely dedicated to criminal investigation and prevention, dividing their focus, and diminishing their effectiveness. The decision to prosecute is then made by non-attorney military commanders who often experience career and higher command pressures, which are not related to the facts of the cases. The current system also produces racial disparities.<sup>10</sup>

The Military Justice Improvement and Increasing Prevention Act is intended to remedy these issues by professionalizing military prosecution of serious crimes like sexual assault. It addresses widespread reluctance to report sexual assault due to bias inherent in the military chain of command’s power to decide whether cases move forward to a trial. This legislation instead moves the decision over whether to prosecute to independent, trained, professional military

---

<sup>3</sup> See, e.g., Turchik, J. A., & Wilson, S. M., *Sexual Assault in the U.S. Military: A Review of the Literature and Recommendations for the Future*, *Aggression and Violent Behavior*, 15(4), 267-277, available at <https://bit.ly/3CUh1mv>.

<sup>4</sup> In 2018, 76% of victims did not report the assault. See Department of Defense, *Annual Report on Sexual Assault in the Military*, Appendix B, 12 (2018), available at <https://bit.ly/3o0BPTc>.

<sup>5</sup> See Department of Defense, Office of People Analytics, *2018 Workplace and Gender Relations Survey of Active Duty Members*, viii (2018).

<sup>6</sup> In 2016, the Department of Defense reported that 6 out of 10 survivors experience retaliation. See Department of Defense, *Annual Report on Sexual Assault in the Military*, 37 (2016), available at <https://bit.ly/3BQh81c>.

<sup>7</sup> See *id.*

<sup>8</sup> See Farris, Coreen et al., *Enemy Within: Military Sexual Assault Inflicts Physical, Psychological, Financial Pain*, RAND Corporation (2013).

<sup>9</sup> Klein, M., & Gallus, J. A., *The Readiness Imperative For Reducing Sexual Violence in the U.S. Armed Forces*, *Military Psychology* 30(3), 264-269, available at <https://bit.ly/2YkGUNn> (2018).

<sup>10</sup> See, e.g., Government Accountability Office, *Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial Disparities*, available at <https://bit.ly/3wss7gg> (2020) (“GAO’s analysis of available data identified disparities in how likely service members of different races were to be subjects of investigations recorded in military criminal investigative organization databases and tried in general and special courts-martial in particular”).

prosecutors, while leaving uniquely military crimes within the chain of command.<sup>11</sup> Authorizing military prosecutors to make these determinations will help ensure that unacceptable factors, such as a military member's assault by a commanding officer, or race or ethnicity, are not considered at any stage of the process. The Act additionally requires increased training on sexual assault prevention for military personnel, as well as added instruction for prosecutors on the proper conduct, presentation, and handling of sexual assault and domestic violence cases.<sup>12</sup>

Passing the Military Justice Improvement and Increasing Prevention Act would also support the work state attorneys general do to protect victims of sexual assault and advocate on behalf of military members and veterans. For instance, the Illinois Attorney General's Military and Veterans Rights Bureau advocates for veterans and service members in crisis, protects rights through enforcement of veteran and service-member related laws, and works to ensure veterans, service members, and their dependents receive benefits. Similarly, state attorneys general provide services aimed at protecting assault survivors, such as offering grant funding through the Victims of Crimes Act or developing trainings for law enforcement and first responders to give them better tools to prevent and prosecute sex offenses. Ensuring that military sexual assault is appropriately reported and prosecuted under federal law would enhance the work we do as state law enforcement officials.

We applaud the bipartisan, bicameral sponsors and cosponsors of the Military Justice Improvement and Increasing Prevention Act. As we celebrate Veteran's Day, we ask committee members to give this bill due consideration and we urge the House and the Senate to ensure passage.

Respectfully,



Kwame Raoul  
Illinois Attorney General



Douglas Peterson  
Nebraska Attorney General



Treg R. Taylor  
Alaska Attorney General



Rob Bonta  
California Attorney General

---

<sup>11</sup> Excluded offenses that are not affected by the Act and remain within the military chain of command include all offenses that are uniquely military in nature, plus all crimes punishable by less than one year of confinement. They include 37 offenses ranging from desertion to espionage to destruction of military property. *See* S.1520, § 2(A)(2).

<sup>12</sup> S. 1520, §§ 7-8.

Phil Weiser  
Colorado Attorney General

William Tong  
Connecticut Attorney General

Kathleen Jennings  
Delaware Attorney General

Karl A. Racine  
District of Columbia Attorney General

Leevin Taitano Camacho  
Guam Attorney General

Clare E. Connors  
Hawaii Attorney General

Lawrence Wasden  
Idaho Attorney General

Aaron M. Frey  
Maine Attorney General

Brian Frosh  
Maryland Attorney General

Maura Healey  
Massachusetts Attorney General

Dana Nessel  
Michigan Attorney General

Keith Ellison  
Minnesota Attorney General

Aaron D. Ford  
Nevada Attorney General

John M. Formella  
New Hampshire Attorney General



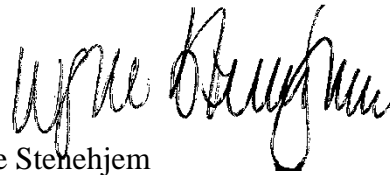
Andrew Bruck  
Acting New Jersey Attorney General



Hector Balderas  
New Mexico Attorney General



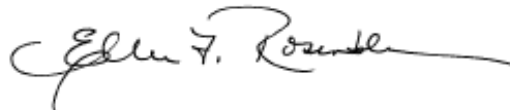
Letitia James  
New York Attorney General



Wayne Stenehjem  
North Dakota Attorney General



Dave Yost  
Ohio Attorney General



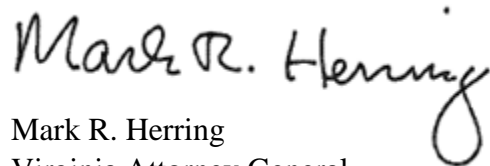
Ellen F. Rosenblum  
Oregon Attorney General



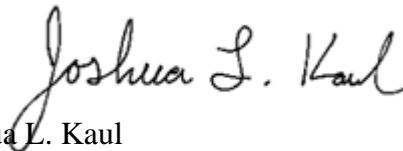
Josh Shapiro  
Pennsylvania Attorney General



T.J. Donovan  
Vermont Attorney General



Mark R. Herring  
Virginia Attorney General



Joshua L. Kaul  
Wisconsin Attorney General



Bridget Hill  
Wyoming Attorney General