

DEFENDING OUR DEFENDERS: THE SEARCH FOR LEGISLATION TO DECREASE MILITARY SEXUAL ASSAULT

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Abstract

Sexual assault is a pervasive problem in the United States military. It is estimated that, in the vast majority of cases, perpetrators of sexual assault are not court-martialed for their offense. In the current military justice system, the commanding officer of a military unit is given discretion about whether a case should go to trial. In order to fix this allegedly biased system, Senator Kirsten Gillibrand (D-NY) introduced the Military Justice Improvement Act (MJIA) in 2013. This act would give prosecutorial discretion to an independent Judge Advocate General's Corp (JAG) prosecutor. Much debate exists as to whether this action would more effectively combat sexual assault. This study examines sexual assault reporting rates in the Canadian military after legislation similar to the MJIA was implemented. The study also compares recent rates of reporting in the Canadian military and the United States military. Based on past Canadian precedent, the study ultimately finds no proof that the implementation of the MJIA would result in increased reports of sexual assault.

Introduction

My career was looking very promising – a “Mustang Officer” who had served in combat, qualified in two combat arms branches, and now served as a Military Intelligence Officer and Counterintelligence Special Agent and Antiterrorism Officer. I had always dreamed of having a long military career, and after spending seven years as an Enlisted Soldier, I loved taking care of troops and their families... Well, those dreams came to an end in November 2005 when a Senior Officer (Lieutenant Colonel) sexually harassed and then sexually assaulted me. At first, I thought this couldn’t be happening. I thought, I’m a professional and have served my country in combat. At that time, I was 30 years old and had been in the Army for almost 14 years so this shouldn’t be happening to me. (“Mike’s Story,” n.d., para. 1-2)

This is Mike’s story. His last name has been removed to protect his identity. Mike went on to experience months of sexual and physical assault after attempting to report what had happened to him. Mike’s life was saved when the Inspector General of his base, who attempted to cover up what was occurring, sent him to a mental screening examination to dismiss him as insane. A medical doctor saw the evidence of assault and reported outside of Mike’s chain of command (“Mike’s Story,” n.d.). Unfortunately, Mike’s story is not isolated. At the beginning of 2014, the Department of Defense requested that the RAND National Defense Research Institute conduct a study on sexual assault in the military. The survey produced shocking results. In that year, approximately 116,600 active-component service members were sexually harassed. This represents 22 percent of all women and 7 percent of all men in the military (Morral et al., 2015). Currently, an estimated 75% of men and women in uniform who have been sexually assaulted do not report the crimes due to a lack of confidence in the military justice system (Department of Defense, 2016). Oftentimes, the 25% of victims who do attempt to report an assault experience retaliation from superiors. Perpetrators are rarely held responsible (“Embattled,” 2015).

Many attribute these shocking statistics to a biased reporting and prosecution protocol in the military justice system. Currently, the commanding officer decides whether a sexual assault case will be prosecuted in trial (“Comprehensive Resource Center,” 2015). Since an estimated 60% of military sexual harassments are perpetrated by individuals in the victim’s chain of command, victims rarely report the sexual assault (Morral et al., 2015). Experts who oppose the current system claim that sexual assaults would be reported more frequently if commanding officers were not given prosecutorial discretion (Christensen, 2015). In the past three years,

Senator Kirsten Gillibrand (D-NY) has presented a bill before Congress known as the Military Justice Improvement Act (MJIA). The MJIA seeks to place prosecutorial discretion in the hands of an independent Judge Advocate General's Corp (JAG) prosecutor instead of the commanding officer of a unit ("Comprehensive Resource Center," 2015). However, other experts have also concluded that reforms such as the MJIA would decrease the military's effectiveness in combatting sexual assault (Stimson, 2014). This presents a clear research question: Does placing prosecutorial discretion in the hands of an independent military investigator increase the rate at which sexual assaults are reported?

Several western nations have instituted reforms similar to the MJIA in order to address sexual assault in their militaries. Canada is one such nation (Ahmad, Buchanan, Palmer, Levush, & Feikert-Ahalt, 2013). Using Canada as an example, this study will investigate whether reforms similar to the MJIA would increase sexual assault reporting in the military. This study hypothesizes that giving prosecutorial discretion to independent attorneys will more effectively combat sexual assault by increasing reporting.

Literature Review

The Military Justice Improvement Act (MJIA) has been hotly contested. It has failed to overcome a Senate filibuster three times in a row, with the third failure occurring in 2016 (Tumulty, 2016). Yet despite the Senate's rejection of the MJIA, it has been supported by multiple experts and prestigious organizations ("Comprehensive Resource Center," 2015).

Some researchers have stated that the MJIA is not needed because the military has fixed many former problems that led to sexual assault. Stimson (2014) stated that there is no "evidentiary basis at this time supporting a conclusion that removing senior commanders as convening authorities will reduce the incidence of sexual assault or increase sexual assault reporting" (para. 52). He also added that "numerous channels [exist] outside the chain of command to report incidents of sexual assault" and that "[u]nder current law and practice, sexual assault allegations must be referred to, and investigated by, military criminal investigative organizations that are independent of the chain of command" (Stimson, 2014, para. 52). It is estimated that between 2012 and 2014, there was a 27% decrease in sexual assault (Holmes, 2015). Yet Senator Kirsten Gillibrand stated that the current system is not enough and that the rate of sexual assault has not decreased since 2012. In 2015, she estimated that there were 52 sexual assaults occurring per day in the US Military and that 75% of them were not reported ("Comprehensive Resource Center," 2015). According to Christensen, Petersen, and Tsliker (2016), the Pentagon has claimed that the current system is successful at bringing perpetrators to justice because commanders

are beginning to regularly insist that cases be prosecuted. However, they reached a different conclusion:

[T]he Pentagon was unable to provide a single example of a commander “insisting” a case be prosecuted. Instead, in every case for which such information was provided, either military investigators or military attorneys were the ones to request jurisdiction over the case. Crucially, the military did not identify a single case where a commander sent a case to trial after a military prosecutor refused to prosecute. The facts behind the Pentagon’s claims reveal the great lengths they went to in order to distort the data to counter momentum and prevent reform. (Christensen, Petersen, & Tsliker, 2016, p. 2)

If commanders were not prosecuting cases like the military claimed, Christensen, Petersen, and Tsliker (2016) suggested that only a reform like the MJIA would truly reduce sexual assault rates by giving military members a justice system that they can rely on.

However, experts have doubts about whether or not the act would effectively reduce military sexual assault. Navy Admiral James Winnefeld, who formerly served as the vice chairman of the Joint Chiefs of Staff, argued that fewer sexual assault cases would be brought to trial if Gillibrand’s bill was enacted (Tumulty, 2016). Hanson (2015) stated that the reforms would be unsuccessful because military courts are not supposed to operate like civilian courts. While he agreed that sexual assault must be stopped, he stated that justice will be ensured when military commanders, or those who know the unit best, are allowed to decide whether a case goes to trial. He concluded that commanders are not nearly as biased as many would believe (Hanson, 2015). Stimson (2014) commented that

[R]emoving authority to convene courts-martial from senior commanders will: Not reduce the incidence of sexual assault or increase reporting of sexual assaults in the armed forces, [n]ot increase confidence among victims of sexual assault about the fairness of the military justice system, and [n]ot reduce victim’s concerns about possible reprisals for making reports of sexual assault. (para. 51)

Opponents to the MJIA have stated that the bill would actually leave more victims behind. Senator McCaskill cited 93 cases in which JAG prosecutors decided not to pursue charges, yet military commanders insisted that the cases be prosecuted

(“McCaskill Proposal,” 2013). Supposedly, these 93 alleged victims would have never been given justice if prosecutorial discretion was taken outside the chain of command. However, Christensen (2015) countered that, while researchers requested data and files surrounding these 93 cases, the data and files were never provided. He concluded that the research of the bill’s proponents was little more than speculation.

Experts disagree about whether the MJIA would improve the current system. However, since the bill has not been passed, these opinions are largely conjecture. To minimize speculation, researchers have begun to study similar legislative acts in countries that are US allies. Notably, the United Kingdom, Canada, Germany, Israel, and Australia have implemented reforms in their militaries similar to the MJIA (Ahmad et al., 2013). Both sides point to precedent in an attempt to prove the success or failure that the Act might have.

To help Congress determine whether there is a precedent of successful reforms similar to the MJIA, multiple foreign officials testified before the Role of the Commander Subcommittee. The UK, Canada, and Australia have chosen to try all felonies in criminal courts, and this appears to have increased the transparency of criminal trials while allowing commanders to maintain military discipline (Joyner & Weirick, 2015). The British military saw a drastic increase in sexual assault reporting numbers after it passed a reform similar to the MJIA. In fact, only a single year after the policy was implemented, the British military saw the number of reports of female sexual assault increase by a factor of six (Ahmad et al., 2013). The more that cases are successfully reported, the more perpetrators that will be brought to justice. The Advocate General of the Canadian Armed forces also testified:

The 1999 changes to the military justice system were battle tested in the theater of active operations and, in my view were a key contributor to the combat effectiveness of the Canadian armed forces. The current military justice system contributed substantially to the fielding and sustainment of a disciplined and efficient force with high morale. (Cathcart, Noonan, Cronan, & Spence, n.d., para. 1)

Initial reports on precedent suggest that sexual assault is effectively combatted through reforms similar to the MJIA.

However, multiple observers believe that precedent demonstrates that the Act will eventually fail. Hanson (2015) noted that when Canada and other countries passed reforms similar to the MJIA, their intent was not to reduce sexual assault. Furthermore, some evidence suggests that these reforms only reduced justice. Stimson (2013) observed:

Some proponents of the removal of command authority have identified as “success” stories similar policies in Canada, New Zealand, Australia, and the United Kingdom and urge the United States to follow suit. But these countries’ removal of prosecutions from the chain of command can hardly be touted as a success for victims. In fact, most of our allies reported that removing the authority to prosecute from the chain of command has slowed prosecutions, and they saw no increase in the number of convictions under the new system. (para. 9)

Furthermore, the Role of the Commander Subcommittee concluded that there was no evidence for change in the levels of reporting for sexual assault cases (Jones, 2013).

Much research has investigated increases or decreases in prosecution rates, reporting, and investigation of sexual assault cases. However, until this point, most research has been conducted by experts gathering data to lobby for one side or another. This study works to objectively analyze the effectiveness of MJIA-type legislation by examining records formed outside of any consideration for the MJIA and its passage.

Data and Methods

This study performs secondary qualitative and quantitative analysis on legislation similar to the Military Justice Improvement Act to determine if the MJIA would increase reporting rates for sexual assault cases. The study examines precedent from similar action taken by the Canadian military in the form of a case study. This study also compares the reporting rates of sexual assault in the United States and Canadian militaries to determine if sexual assault reporting rates increased due to the implementation of MJIA type legislation.

The Canadian military was selected as a case study for several reasons. First, Canada implemented reforms similar to the MJIA relatively recently (Ahmad et al., 2013). This will lead to more reliable application of the study than would exist if a case study was conducted on nations such as Israel, which implemented legislation similar to the MJIA in 1955 (Ahmad et al., 2013). Second, reforms similar to the MJIA are still in place in Canada. This will lead to a more accurate application of the case studies than instances such as Australia, which abolished its respective legislative act similar to the MJIA in a 2009 Australian Supreme Court case (Ahmad et al., 2013). Third, the Canadian version of the MJIA fits the prescribed definition for a bill similar to the MJIA. This makes it more applicable to the American system than nations such as Great Britain, which gave prosecutorial discretion for sexual

assault cases to civilian attorneys and not just military attorneys (Ahmad et al., 2013).

The independent variable is the implementation of reforms similar to the MJIA. Based on his own testimony, the Advocate General of the Canadian Armed Forces appears to consider 1999 to be the first time that the Canadian military officially transitioned to an MJIA-type system (Cathcart et al., n.d.). For the purposes of this study, 1999 will be considered the year that legislation similar to the MJIA was implemented and enforced.

The dependent variable in this study is the rate of reporting of sexual assaults. The more sexual assaults that are reported, the more likely it is that perpetrators will be brought to justice. When analyzing Canadian precedent, the amount of sexual assault reporting will be represented as a rate that compares the amount of reported sexual assaults with the overall size of the military during the year that the assaults were reported. The rate will be defined in units of number of reported assaults per 1,000 soldiers. Analyzing reporting rates in light of the size of the military will lead to a more fair analysis. For example, sexual assault reporting could increase by two cases, yet, if the military doubled in size, it would be inaccurate to say that reporting increased relative to previous years. As a result, a rate system will be more effective at analyzing reporting.

If the success of legislation similar to the MJIA is judged based on an increase of reporting, it could be argued that the study is inaccurately measuring success. An increase in reporting could be due to an increase in sexual assault rates, rather than effective legislation. In order to account for this intervening variable, this study also examines overall sexual assault rates in the Canadian military. By examining the overall rate in comparison to the reporting rate, the intervening variable should be accounted for and the results should be valid. This study also compares the modern Canadian military and the United States military to determine if sexual assault reporting rates are worse or better in Canada due to the bill.

This study analyzes Canada's sexual assault rates from the years 1996-1998 and 2013-2015. Analyzing the reporting rates three years prior to the implementation of reforms provides a pre-test. Furthermore, analyzing data from 2013-2015 serves as a post-test and gives an idea of the long term effects of the bill.

Research

Canada: Background

Canada spent years implementing legislation similar to the MJIA. The process included a case that went before the Canadian Supreme Court as well as the passage of multiple laws.

Steps to develop their system began in the 1990s in *R. v. Généreux*, which was a case that went before the Canadian Supreme Court. The defendant, Généreux, was tried before a military court and was convicted of possession of illegal drugs, trafficking of illegal drugs, and being absent without leave (*R. v. Généreux*, 1992). Généreux was sentenced to fifteen months of prison and was dishonorably discharged from the Canadian army. After appealing his case through the Canadian federal courts, the case reached the Supreme Court. The Canadian Supreme Court made multiple changes to the procedures of Canadian Military Courts. Among these changes were multiple invalidations of prior statutes that outlined a commander's role in military justice (Hanson, 2013). As a result of this ruling, Canada rewrote many portions of its code related to military justice. Hanson (2013) summarized the most important portion of this rewriting:

Changes following *Généreux* altered the traditional role of the military commander so that commanders could no longer conduct a summary action on a case which they have personally investigated. While a commander still has the authority to bring charges, the military police also has independent authority to investigate serious and sensitive cases, and it too can bring charges independent of the military commander. (p. 237)

R. v. Généreux marked the first time that the Canadian military justice system allowed individuals outside the chain of command to have prosecutorial discretion over select cases. Commanders still had authority to proceed with a case, but they no longer had authority to dismiss a case if they had investigated it and military police believed it needed to be prosecuted (Hanson, 2013).

Bill C-25, which was implemented in December of 1998, further reduced the role of commanders in the military justice system and “institutionally separate[d] the functions and responsibilities of the main actors in the military justice system” (Ahmad et al., 2013, p. 21). The bill solidified multiple regulations relating to how cases are prosecuted in the Canadian military justice system (“Bill C-25,” 1998). As previously mentioned, many consider 1999 to be the first year that sexual assault cases were handled in a way similar to the proposed reforms of the MJIA (Cathcart, n.d.). Finally, it is important to note that these reforms were not made out of an intention to prevent sexual assault in the Canadian military. Rather, they were related to broader criminal offenses in the Canadian military. Since sexual assault is classified as a criminal offense, these legislative actions and judicial rulings affected sexual assault cases (Hanson, 2015).

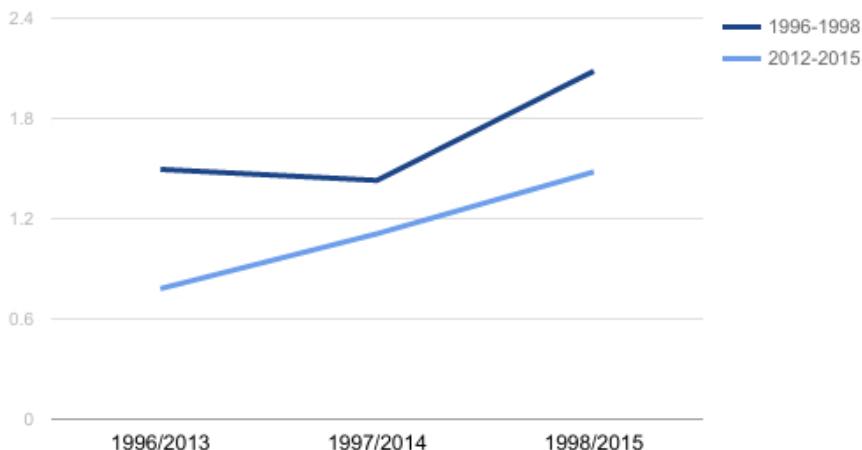
Canada: Statistics Before and After Implementation of Legislation Similar to the MJIA

The following information logs the way that the statistics in this study were gathered and computed. This section also documents the statistics themselves. Statistics were primarily computed by analyzing yearly records of sexual assault reports. This was done to ensure objectivity. Since the data was not initially collected with the MJIA in mind, there is no possible way for this data to be skewed due to bias related to the MJIA.

First, rates of reporting for military sexual assault from 1996-1998 were calculated. These rates represent the time period before reforms similar to the MJIA were fully implemented in the Canadian military. In 1996, there were 145 reported sexual assaults, 140 sexual assaults in 1997, and 200 assaults in 1998 (Canadian Forces Provost Marshal, 2000). The Canadian military had roughly 97,000 troops in 1996, 98,000 in 1997, and 96,000 in 1998 (Park, 2008). This would lead to a sexual assault reporting rate of 1.495 reports per 1,000 troops in 1996, 1.429 reports per 1,000 troops in 1997, and 2.083 reports per 1,000 troops in 1998.

Next, the rates of reported sexual assaults were calculated for the post-reform environment in Canadian military justice. In 2013, there were 72 cases of reported sexual assault, in 2014, there were 101 cases of reported sexual assault, and finally, in 2015, there were 130 cases of reported sexual assault (Canadian Forces Provost Marshal, 2016). During this period, the Canadian military had 92,209 troops in 2013, 90,973 troops in 2014, and 87,837 troops in 2015 (Department of National Defence and the Canadian Armed Forces, 2013; Department of National Defence, 2014; Department of National Defence and the Canadian Armed Forces, 2015). This leads to a sexual assault reporting rate of 0.781 reports per 1,000 troops in 2013, 1.110 reports per 1,000 troops in 2014, and 1.480 reports per 1,000 troops in 2015.

The rate of sexual assault reporting from these two different eras in Canadian military justice is represented in Graph A on the following page. The graph demonstrates that the rate of reporting for sexual assault was actually higher prior to the implementation MJIA-type legislation. While the rate of sexual assault reporting has been increasing in recent years, the rate is still generally lower than the rate seen prior to the passage of legislation similar to the MJIA. Yet these are the initial reports. However, as noted earlier, the intervening variable of an decrease in the rate of sexual assault must be accounted for. In order to truly conclude that legislation similar to the MJIA is not effective at increasing reporting rates of sexual assault, it must be proved that sexual assault reporting was not occurring at a lower rate simply because there were fewer sexual assaults.



Graph A: Rate of Sexual Assault Reports Per 1,000 Troops

Accounting For the Intervening Variable

In order to account for the intervening variable of an increase in sexual assault rates, data was gathered about the overall rate of sexual assault in the Canadian military. Recent research on the rate of sexual assault demonstrates that it is an extreme problem. In the current Canadian military, it is estimated that 27.3% of women and 3.8% of men have been sexually assaulted at some point in time during their military career (Cotter, 2016). Cotter (2016) further commented, “Four in five (79%) members of the Regular Force saw, heard, or were personally targeted by sexualized behaviour in the military workplace or involving other military members, Department of National Defence employees, or contractors, within the past 12 months” (Highlights section 2, para. 1). Furthermore, in a single year, 31% of women and 15% of men reported being targeted by sexualized or discriminatory behavior (Cotter, 2016). Unfortunately, sexual assault in the Canadian military is a topic that has only been recently researched. Prior to Cotter’s 2016 report, almost no statistics existed regarding the overall rate of sexual assault in the Canadian military. As a result, it is difficult to verify that the slight decrease in reporting was due to a lower rate of sexual assault.

However, given the reasons why the report was initiated in the first place, it appears unlikely that sexual assault was worse prior to the implementation of legislation similar to the MJIA. Cotter’s 2016 report was commissioned because there had been recent concerns expressed by military members that sexual assault was becoming a rampant problem in the Canadian military. Ultimately, the Canadian government was forced to take action following a 2015 qualitative study

that was conducted by Marie Deschamps. A 2015 report found that the military culture was hostile to women and LGBTQ individuals and engendered serious cases of sexual assault (Austen, 2016). Despite the passage of legislation similar to the MJIA, it became clear that sexual assault was incredibly common. Deschamps (2015) documented:

One of the key findings of the External Review Authority (the ERA) is that there is an underlying sexualized culture in the CAF that is hostile to women and LGTBQ members, and conducive to more serious incidents of sexual harassment and assault... The ERA found a disjunction, however, between the high professional standards established by the CAF's policies on inappropriate sexual conduct, including sexual assault and sexual harassment, and the reality experienced by many members day-to-day... Some participants further reported instances of sexual assault, including instances of dubious relationships between lower rank women and higher rank men, and date rape. At the most serious extreme, these reports of sexual violence highlighted the use of sex to enforce power relationships and to punish and ostracize a member of a unit. (para. 2)

While there are no statistics to compare current rates of sexual assault with the rates of assault before MJIA-type legislation was passed, it is important to note that no similar studies were commissioned by the Canadian government until 2016. Furthermore, if sexual assault has indeed become worse since the 90s, the decrease in reporting rates would not be due to the supposed intervening variable. However, even if sexual assault has indeed decreased and was poorly documented in the 90s, the amount of reporting related to sexual assaults today is still small. Cotter (2016) estimated that only 23% of sexual assaults that occur in the Canadian military are reported in any form. Additionally, based on his survey, Cotter also estimated that only 7% of Canadian soldiers who were sexually assaulted reported the assault to individuals in the Canadian military justice system. Despite the implementation of MJIA-type legislation, sexual assault remains incredibly underreported. In the event that today's sexual assault epidemic is not as bad as it was in the 1990s, the improvement could not have occurred due to reforms similar to the MJIA.

A Comparison of the Canadian Military and the United States Military

Even with MJIA-type legislation, the culture related to sexual assault is worse in the Canadian military than in the United States military. Previously, this study determined that the primary way to measure the success of MJIA type legislation

is reporting rates. Legislation similar to the MJIA works to achieve justice in more cases by increasing reporting of sexual assault. The Department of Defense (2016) estimated that 75% of men and women in the US military who are sexually assaulted choose not to report the assault. Similarly, in the Canadian military, 77% of sexual assaults are not reported (Cotter, 2016). Many soldiers in the United States military have expressed that they choose not to report the assault out of fear that they will receive repercussions (“Comprehensive Resource Center,” 2015). Surprisingly, even though the Canadian military has implemented legislation similar to the MJIA, many Canadian soldiers who are sexually assaulted express fear that they will receive repercussions as well. Deschamps (2015) wrote:

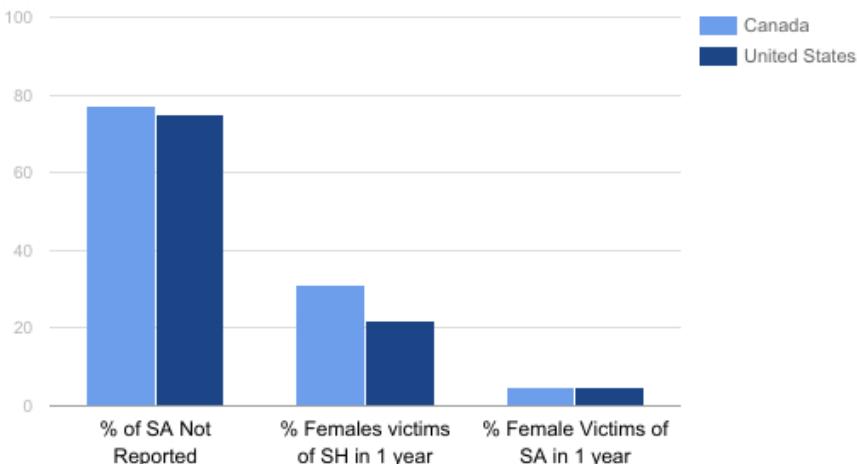
It was readily apparent throughout the consultations that a large percentage of incidents of sexual harassment and sexual assault are not reported. First and foremost, interviewees stated that fear of negative repercussions for career progression, including being removed from the unit, is one of the most important reasons why members do not report such incidents. Victims expressed concern about not being believed, being stigmatized as weak, labeled as a trouble-maker, subjected to retaliation by peers and supervisors, or diagnosed as unfit for work. There is also a strong perception that the complaint process lacks confidentiality. Underlying all of these concerns is a deep mistrust that the chain of command will take such complaints seriously. (para. 12)

Even with the implementation of legislation similar to the MJIA, victims of sexual assault still do not report for fear of negative repercussions and lack of confidence that the Canadian chain of command will do anything to fix the problem. These concerns still exist despite the fact that prosecutors in the Canadian military have full ability to determine whether or not a sexual assault case goes to trial.

Furthermore, the Canadian military contains higher rates of sexual harassment than the United States military. In the US, it is estimated that roughly 22% of women and 7% of men in the military were sexually harassed in a single year (Morral et al., 2015). In the Canadian military, 31% of women and 15% of men reported being targeted by sexualized or discriminatory behavior on the basis of their gender or sexual orientation (Cotter, 2016).

Additionally, overall rates of sexual assault are similar in both militaries even though one has implemented MJIA-type legislation and the other has not. In a single year in the United States military, an estimated 1.0% of men and 4.9% of women were sexually assaulted. Likewise, in the Canadian military, an estimated 4.8% of women and 1.2% of men were sexually assaulted in a single year. Graph B provides a

comparison of these statistics. For reference, SH refers to “Sexual Harassment” while SA refers to “Sexual Assault.”



Graph B: Sexual Assault in United States and Canadian Militaries

Even though Canada has implemented legislation similar to the MJIA, its rates of sexual assault and related problems are similar to the United States. It cannot be concluded that sexual assault rates and reporting rates are better in the Canadian military than in the United States military.

Conclusion

The fact that sexual assault is rampant in the United States military is morally sickening and tactically dangerous for the strength of our military. Sexual assault must be addressed if we want our troops to successfully defend this nation. However, based on the research conducted, it has become clear that the hypothesis was not supported by the case study of the Canadian military. Despite the probable increase of sexual assault in the Canadian military, reporting rates with regard to sexual assault have actually decreased. If reporting rates decreased, then the MJIA-type legislation that Canada implemented failed in relation to sexual assault.

Furthermore, upon comparing the Canadian military and the United States military, it became clear that issues with reporting were prominent regardless of who was given prosecutorial discretion. Canadian military members were still afraid to report due to backlash, lack of confidence in the system, and lack of confidence in the chain of command. This suggests that the remedy to the current problem of sexual assault cannot simply come from transferring prosecutorial discretion to a

JAG prosecutor. Additionally, more research needs to be conducted on the topic. In no way does this study claim to be completely comprehensive or the final say on the MJIA. However, at least with the country of Canada, MJIA-style reforms cannot be touted as a successful method to increase reporting rates.

To be sure, the military needs to find more effective ways to combat its rampant sexual assault problem. Victims need justice. If incidents like Mike's story continue in the United States military, our troops will not be able to operate effectively as a unit. Deschamps (2015) made two policy recommendations in her report for the Canadian military that could be applicable to the United States military as well:

First, cultural change is key. Without broad-scale cultural reform, policy change is unlikely to be effective. This requires the CAF to address not only more serious incidents of sexual harassment and assault, but also low-level sexual harassment, such as the use of sexualized and demeaning language, which contributes to an environment that is hostile to women and LGBTQ members.
Second, strong leadership drives reform. The deep, genuine, and concrete commitment of senior leaders is essential to developing programs that will meaningfully impact the organization, as well as to convey a clear message to CAF members that inappropriate sexual conduct will not be tolerated, and to rebuild trust between CAF members and senior leadership. (para. 34)

While United States military leadership has implemented reforms such as these in order to prevent sexual assault, these policy recommendations must continue to be implemented and expanded.

United States military members put their lives on the line daily in order to keep this nation free. If a young person joins the military, the last thing they should have to worry about is sexual harassment or assault. Given that the MJIA has the potential to be ineffective, researchers and the United States government ought to continue to search for realistic but effective solutions in order to prevent sexual assault from occurring.

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