

US Military Chiefs Want Hand in Tackling Sexual Assault in Ranks

America's top military officers are likely to advise Congress not to go too far overhauling the U.S. military's justice system to address the problem of sexual assault when they testify at a Senate hearing on Tuesday.

The chairman of the Joint Chiefs of Staff, Gen. Martin Dempsey, and top officers from each branch of the military will comment on legislation meant to stem a rise in sexual assault cases.

According to letters sent to the committee, and obtained by Reuters, top brass supported some important curbs but appeared concerned about taking away too much power from commanders.

One measure they are likely to balk at is Democratic Sen. Kirsten Gillibrand's proposal to take responsibility for prosecuting sex crimes out of the victim's chain of command altogether and give it to special prosecutors.

"Victims need to know that their commander holds offenders accountable, not some unknown third-party prosecutor," wrote Gen. James Amos, Commandant of the Marine Corps, in his letter dated May 17.

A study the Defense Department released in May estimated that cases of unwanted sexual contact in the military, from groping to rape, rose 37 percent in 2012, to about 26,000 cases from 19,000 the previous year.

There has been outcry in Congress over how the military handles such cases, including those in which commanders showed leniency to accused offenders.

In one high-profile case, a senior U.S. military commander in Europe set aside the sexual assault conviction of an Air Force officer, throwing out his one-year prison term and dismissal from the service.

That outrage has led lawmakers to put together legislation that, in some cases, commanders think goes too far. It was not clear whether words of caution from top brass at the hearing will prompt lawmakers to reverse course.

Don't Go Too Far, Too Fast

Gen. Raymond Odierno, the Army chief of staff, wrote that changes to the system "must not be made in a piecemeal fashion."

"And poor decisions by a few of my commanders should not be the impetus for drastic and rapid legislative amendments," he wrote in a May 20 letter.

Still, Odierno, along with Dempsey and the top uniformed officers of the Navy, Air Force and Marines, in their letters to committee, backed an April recommendation by Defense Secretary Chuck Hagel to Congress to eliminate the power of senior commanders to alter verdicts in courts-martial for major crimes like murder or sexual assault.

But Hagel also recommended commanders retain the power to alter sentences.

Defense officials have said that ability to reduce sentences is key to being able to engage in plea bargaining, in which defendants cooperate in exchange for a lesser sentence.

Throughout their letters, the officers warned that undermining a commander's authority too much risked also undermining his ability to ensure good order and discipline.

"A message that commanders cannot be trusted to mete out discipline will undermine this responsibility; removing

commanders from the military justice process will convey just such a message,” Dempsey wrote.

Odierno said in his letter to the committee that any efforts to impose sentencing minimums “would be premature absent significant study and deliberation,” as would other measures, like restricting venue options for proceedings.

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