



Duckworth, Durbin Join Gillibrand, Grassley & Cruz in Proposing Bipartisan NDAA Amendment to Improve Military Prosecution of Serious Crimes

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WASHINGTON, D.C. – Combat Veteran and U.S. Senator Tammy Duckworth (D-IL), member of the Senate Armed Services Committee, and Senator Dick Durbin (D-IL) joined Senators Kirsten Gillibrand (D-NY), Chuck Grassley (R-IA) and Ted Cruz (R-TX) to offer the bipartisan *Military Justice Improvement Act* as an amendment to this year's *National Defense Authorization Act*. The *Military Justice Improvement Act* would professionalize how the military prosecutes serious crimes, like sexual assault, by moving the decision over whether to prosecute them to independent, trained, professional military prosecutors.

“The military has failed to address the sexual assault crisis, letting victims down and harming our military’s readiness, recruitment and retention efforts. Unfortunately, far too many of our men and women in uniform do not trust they’ll get the justice they deserve if they pursue it through the current system,” Duckworth said. “As a former commander of an assault helicopter company, it’s become clear to me that we need to pass meaningful reforms to bring more perpetrators to justice and ensure survivors have the resources and support they need to heal and be able to resume the careers they dreamt about from the time they entered the military. I’m proud to join Senators Gillibrand, Grassley and Cruz in proposing this amendment, which will help deliver justice to survivors without sacrificing military commanders’ abilities to maintain discipline within their unit at home or while deployed.”

“When a service member bravely comes forward about their sexual assault, we must ensure that impartial justice is delivered and that survivors are not retaliated against for reporting their assault. It’s past time that sexual assault cases were handed over to professional military prosecutors who will decide whether to prosecute independently of

the chain of command,” said Durbin. “I’m proud to stand with the survivors of assault in calling for the passage of the *Military Justice Improvement Act*.”

Despite years of Congressional reforms, thousands of service members are raped and sexually assaulted every year, and in many of those cases, the assailant is someone in the survivor’s own chain of command. Only a small fraction of the perpetrators are ever held accountable for their violent crimes.

The *Military Justice Improvement Act* would help remove the systemic fear that survivors of military sexual assault describe in deciding whether to report the crimes committed against them. This legislation would remove the sole decision-making authority over whether serious crimes are prosecuted from the military chain-of-command and give it to independent, trained military prosecutors. Uniquely military crimes, comprising the majority of crimes under the UCMJ, and other non-judicial and administrative remedies would stay within the chain of command.

Specifically, the *Military Justice Improvement Act* would do the following:

- Grant the authority to send criminal charges to trial (disposition authority) to designated judge advocates (military lawyers) in the rank of O-6 or higher who possess significant criminal justice experience.
- Ensure that judge advocates vested with disposition authority would:
- Be outside the chain of command of the accused.
- Exercise professional prosecutorial judgment when deciding whether to proceed to court martial.
- Render decisions to proceed to trial free from conflicts of interest.

Last year, the Department of Defense announced a [record number of sexual assaults reported by or against service members](#), and yet, less than 10 percent of cases considered for command action ever proceeded to trial. Worse yet, despite repeated efforts to stamp out the scourge of retaliation against military sexual assault survivors, [the most recent Pentagon survey](#) found that 64 percent of survivors say they have experienced some form of retaliation for reporting the crime. That figure is statistically unchanged from 2016.

In addition to Senators Duckworth, Durbin, Gillibrand, Grassley, and Cruz, the *Military Justice Improvement Act* is cosponsored by Jeanne Shaheen (D-NH), Patrick Leahy (D-VT), Elizabeth Warren (D-MA), Michael Bennet (D-CO), Jeff Merkley (D-OR), Richard Blumenthal (D-CT), Ron Wyden (D-OR), Mazie Hirono (D-HI), Maggie Hassan (D-NH), Tammy Baldwin (D-WI), Chris Coons (D-DE), Bob Menendez (D-NJ), Dianne Feinstein (D-CA), Tom Udall (D-NM), Amy Klobuchar (D-MN), Sherrod Brown (D-OH), Lisa Murkowski (R-AK), Tina Smith (D-MN), Cory Booker (D-NJ),

Bernie Sanders (I-VT), Bob Casey (D-PA), Rand Paul (R-KY), Kamala Harris (D-CA), Ed Markey (D-MA) and Martin Heinrich (D-NM).