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MONDAY Dec 13, 2010 14:02 EST

ACLU lawsuit: Military won't release rape records

By JOHN CHRISTOFFERSEN , Associated Press

Sexual assault pervades the military, but the Pentagon refuses to release records that fully document the problem and how it is handled, the American Civil Liberties Union and other groups said in a federal lawsuit that seeks access to the records.

Tens of thousands of service members have reported some form of sexual assault, harassment or trauma in the past decade, according to the lawsuit filed Monday in New Haven against the departments of Defense and Veterans Affairs. The plaintiffs include the Service Women's Action Network, the ACLU of Connecticut and Yale Law School students.

The groups that filed suit want information on the number of acquittals, convictions and sentences, the number of disability claims related to sexual trauma that were accepted and rejected, and the number of sexual harassment complaints. The records are needed to determine the extent of the problem and what has been done to address it, the groups say.

"The government's refusal to even take the first step of providing comprehensive and accurate information about the sexual trauma inflicted upon our women and men in uniform ... is all too telling," said Anuradha Bhagwati, a former Marine captain and executive director of SWAN. "The DOD and VA should put the interests of service members first and expose information on the extent of sexual trauma in the military to the sanitizing light of day."

The Department of Defense does not comment on pending lawsuits, a spokeswoman said. A message was left Monday with the Department of Veterans Affairs.

The government prosecutes 8 percent of military sex offenders, while 40 percent of civilian sex offenders are prosecuted, according to the lawsuit. Post-traumatic stress disorder claims related to sexual trauma are often denied for failing to prove the case, even when men and women in uniform have been diagnosed with the disorder, the lawsuit said.

The Department of Defense said there were 3,230 reports of sexual assault involving military service members as victims or subjects in fiscal year 2009, an increase of 11 percent from the prior year. The report said part of the increase stemmed from a social marketing campaign aimed at preventing sexual assault.

The lawsuit contends sexual assaults are nearly twice as common within military ranks as in civilian society, and surveys show that nearly one in three women report being sexually assaulted during their time in the military.

About 80 percent of unwanted or threatening sexual acts are not reported, according to the lawsuit. Victims who report abuse to their superiors often face social isolation, retribution and counteraccusations, the lawsuit says.

Sexual abuse is the primary causes of PTSD among female service members.

"Much of the information about the extent and cost of the (military sexual trauma) problem, along with the government's reluctance to prosecute offenders and treat victims, is not in the public sphere," the lawsuit states. "The public has a compelling interest in knowing this information, given the potential enormity of the problem, the emotional and financial cost that it imposes on military service members and the increasing number of women serving in Afghanistan and Iraq."