

SWAN and ACLU File Lawsuit Seeking Military Sexual Trauma Records Withheld by Federal Government

Thousands of Service Members Denied Recourse Or Benefits For Trauma

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NEW HAVEN, CT – The Service Women’s Action Network (SWAN), the American Civil Liberties Union and the ACLU of Connecticut filed a lawsuit today with the U.S. District Court in New Haven, Connecticut against the Department of Defense and Department of Veterans Affairs for their failure to respond to Freedom of Information Act requests seeking government records documenting incidents of rape, sexual assault and sexual harassment in the military. Tens of thousands of service members each year are estimated to have experienced some form of military sexual trauma (MST). These acts occur nearly twice as often within military ranks as they do within civilian society.

“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, and the treatment and benefits MST survivors receive after service, 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 lawsuit filed today states that the goal of the lawsuit is to “obtain the release of records on a matter of public concern, namely, the prevalence of MST within the armed services, the policies of the DOD and VA regarding MST and other related disabilities, and the nature of each agency’s response to MST.”

“The known statistics on military sexual trauma suggest that sexual abuse is all too prevalent in our military,” said Sandra Park, staff attorney with the ACLU Women’s Rights Project. “But we know that many service members who suffer from abuse are not receiving the treatment they need. The truth about the extent of this abuse and what has been done to address it must be made known.”

MST is particularly widespread among servicewomen, many of whom struggle to return to civilian life after suffering sexual assault or harassment while serving. While the number of homeless veterans has declined over the past 10 years, the number of homeless women veterans has doubled. In fact, 40 percent of homeless women veterans have been sexually assaulted while serving in the armed forces.

Survivors’ VA disability claims are often rejected because they cannot prove an initial assault or rape, even if the veteran has been diagnosed with post-traumatic stress disorder by a VA military

sexual trauma counselor.

"The government is failing to care for the overwhelming number of women who so desperately need help coping with something as devastating as rape, sexual assault and harassment," said Andrew Schneider, Executive Director of the ACLU of Connecticut. "These women have already put their lives on the line by serving their country. The least that the government can do is disclose the scope of the problem."

Counsel on the case include William Bornstein and Taylor Asen, law student interns, and Michael Wishnie, Supervising Attorney, of the Yale Law School Veterans Legal Services Clinic; Sandra Park and Lenora Lapidus of the ACLU Women's Rights Project; and Sandra Staub of the ACLU of Connecticut.

A copy of the lawsuit can be found at: <http://www.servicewomen.org/userfiles/File/2010-12-13-MSTFOIAComplaint.pdf>

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