

HEARING OF THE SENATE ARMED SERVICES COMMITTEE;

SUBJECT: THE FISCAL YEAR 2012 DEPARTMENT OF DEFENSE BUDGET REQUEST;

CHAIR BY: SENATOR CARL LEVIN (D-MI);

**WITNESSES: SECRETARY OF DEFENSE ROBERT GATES; ADMIRAL MICHAEL MULLEN (USN),
CHAIRMAN, JOINT CHIEFS OF STAFF; AND ROBERT HALE, UNDERSECRETARY OF DEFENSE
(COMPTROLLER);**

LOCATION: G-50 DIRKSEN SENATE OFFICE BUILDING, WASHINGTON, D.C.

FEBRUARY 17, 2011

SENATOR CLAIRE MCCASKILL (D-MO): Thank you, as always, for being here. And I want to say, Secretary Gates, that I know the president has an awful lot of hard decisions to make this year. I think one of the hardest decisions he has is how he's going to replace you.

Let me start with a topic that is -- that is very difficult, I think, for you all to get your arms around, and that is the incredibly serious allegations that have been made about sexual assault within the military. I'm not assuming that the allegations that are contained in a lawsuit that was recently filed are true. But if you take them as factual, then we have a real serious problem -- that a woman in our military was raped by more than one member of the military and the video shared around the unit of this rape that had occurred; a woman raped and who goes to the chaplain and the chaplain tells her that she needs to go to church more, if she would attend church more.

The rape kits are only kept for a year. I can't think of a police department in the country that would only hold on to for a rape kit for a year.

I just think that we have got to look at this problem in a systemic way in terms of duties; women have a safe place they can go. Are we gathering the evidence quickly? Are -- do we have experts available in terms of prosecuting these cases? But if someone rapes a woman and the evidence is there and that person doesn't end up in prison, then we have failed. And I know that you all feel probably as strongly about this as I do. But I'd like you to address this and tell me what -- who I should deal with within the military structure to follow up and make sure that we make some obviously very important changes that are needed.

SEC. GATES: Well, Senator, it is a problem. And it's a serious problem. I have zero tolerance for any kind of sexual assault, as do the leaders of all of the services. And I've worked with Admiral Mullen and the service chiefs and the service secretaries to ensure that we're doing all we can to respond to sexual assaults. I've engaged -- I've had a number of meetings myself with the senior leadership of the department, have focused in four areas: reducing the stigma associated with reporting, ensuring sufficient commander training, ensuring investigator training and resourcing, and ensuring trial counsel training and resourcing.

We've made some progress. We've hired dozens more investigators, field instructors prosecutors and lab examiners. We've spent almost \$2 million over the past two years training our prosecutors better. Generally the defendants go to somebody who specialize in this kind of allegation or crime. And our prosecutors tend to be generalists, and so we don't do very well in the court, and so we've spent this money to try and make our prosecutors more effective.

More victims are stepping forward. We have had improvement -- there's an increase in the number of court-martials. We've gone from about 30 percent of alleged violators being court-martialed to about 52 percent now, so at least it's headed in the right direction. We've expanded the sexual assault response coordinator and victim advocate program tenfold, from about 300 to 3,000. We now have an advocate at every base and installation around the world, including in Iraq and Afghanistan.

I heard some suggestions and comments yesterday in the House hearing that I take very seriously and would like to pursue. One of them is ensuring the confidentiality of the relationship between the victim advocate and a victim, ensuring -- providing a military lawyer for victims. Commanders have the authority to move somebody out of a unit. I'm worried by the press accounts that that hasn't happened. And so they're considering over on the House side legislation that would create this as a right for somebody who's been a victim, so they can get out of a unit where the person who attacked them is in the same unit; and so on.

So I think that there are some ideas that I heard in that hearing yesterday that I think are definitely worth pursuing. So we do take it seriously. We -- I have taken this seriously, frankly, because sexual assault is a problem on university campuses.

SEN. MCCASKILL: Right.

SEC. GATES: And, you know, Texas A&M, just like every other big public university in America, has a problem with this. And one of the suggestions that I've made to our folks working on this is to get in touch with some of the universities that have the best prevention programs in the country to see if we can learn something from these universities.

So I think we have a -- we have a broad program to try and tackle this, but there is no question that there's more to do. And I'd just invite Admiral Mullen to come in.

ADM. MULLEN: I testified over here in 2004, as a vice chief of the Navy, on this subject. And there was a lot of work that needed to be done. It was very obvious in all the services. I testified with my three vice service chiefs. And so I think what the secretary -- I mean, I agree with what the secretary has said in terms of we've made progress. It's not enough. It's completely intolerable. And it has to be answered, I think, on the -- sort of the skill side as well as the leadership side.

And I just -- I still hear too many anecdotal stories where it's ongoing, including in theater. We visit -- with my wife, we visit VA hospitals, and females talk about trying -- having come in the military, previously sexually assaulted before they come in, coming into the military looking for a safe haven and finding out that it isn't. It's almost -- you know, it's an intensity that certainly is not expected.

This is, as you know, Senator, a vastly under-reported offense. And so we can see the statistics we have, but it's the ones that we don't have that we've got to get after as well. So while we've made a lot of progress, there's a lot left to do.

SEN. MCCASKILL: And I guarantee you it's more under-reported in the military than it is even on a university campus or in the civilian population at large.

I would just make one suggestion. Having spent many, many, many, many hours and days in courtrooms prosecuting sexual assault cases as a young prosecutor, I've relied heavily on people who had specialized in prosecuting those crimes for my training. I relied heavily on the victim advocacy network that we had in terms of rape victims.

In the civilian sector in any major city, you're going to have a large group of people with great expertise. I know they would volunteer their time to help train and mentor people that you need to have this expertise, whether it's people at the emergency rooms that are gathering rape kits, having a victim advocate with the victim at the hospital when the rape kit -- or the medical facility where the rape kit is gathered; whether it's victim advocacy, I think you could find -- and I've mentioned to General Quantock at Fort Leonard Wood that I would be happy to assist him getting in touch with this expertise that exists out there.

And I think these people that do this -- they aren't rape prosecutors and sexual prosecutors because they're making big money. They're very much true believers and want to help in this regard; same thing with the victim advocacy organizations.

I think this is one where you might be able to get a lot of free training and get you guys up to the point where the civilian population has gotten over the last 20 or 30 years. And thank you for your interest in this. And I'll continue to follow up.