

Military Justice Improvement Act of 2017 (MJIA) (S-2141)

Statement of Support: The Servicewomen's Action Network supports the enactment of the Military Justice Improvement Act of 2017 (S-2141). An earlier version of this act, the Military Justice Improvement Act of 2013 (S-1752), failed to win passage.

Impact: MJIA makes a revolutionary change to the Uniform Code of Military Justice (UCMJ) by removing from the accused's commander the authority to dispose of felony-level charges (i.e., charges for which the accused could receive at least one year in prison if convicted) for non-military-specific crimes. The commander will retain the authority to dispose of 37 military-specific felonies, such as desertion and he/she will also retain the authority to dispose of misdemeanors (for which the maximum penalty is less than a year in prison) using Non-Judicial Punishment (NJP). The disposition of felony-level crimes will become the providence of military JAG officers with substantial prosecutorial training and experience—training and experience which few military commanders have.

Background: MJIA is needed because too many commanders have failed to properly investigate, prosecute or review convictions of subordinates charged with UCMJ violations involving sexual misconduct ranging from rape to unwanted touching. This has led many servicemembers to refuse to report sexual offenses because they do not trust their commanders to make proper disposition of such charges or to protect them from retaliation from superiors or peers.

Current Situation:

Recent National Defense Authorization Acts have made substantial improvements to the UCMJ to preempt the potential for commanders' failings. These include limiting commanders' abilities to set aside verdicts and punishments; requiring Service Secretaries to review commanders' decisions to override a staff JAG's recommendation to go to trial; and raising the rank of commanders empowered to make decisions on prosecuting crimes involving sexual assault. As of May 2018, these changes, while helpful, have not resulted in a trend toward lowering the estimated number of sexual assault crimes, upping the conviction rates or ending retaliation against those reporting such crimes.

Additionally, recent decisions by the Court of Appeals for the Armed Forces have cited undue command influence in throwing out convictions of lower courts in cases involving sexual crimes and hazing. Professionalizing felony prosecutions will solve the often-conflicting duties of both preventing and prosecuting sexual assault presently faced commanders.

Action: Support passage of MJIA of 2017 (S-2141).

Take Action

- Contact SWAN and tell us your story. SWAN is going to create a national data base of survivor stories.
- Contact your federal representatives to express your support for the Military Justice Improvement Act.

Find your U.S. Member of Congress:

<https://www.house.gov/representatives/find-your-representative>

Find your U.S. Senator:

https://www.senate.gov/reference/common/faq/How_to_correspond_senators.htm

You may phone the U.S. Capitol Switchboard at (202) 224-3121. A switchboard operator will connect you directly with the House and Senate office you request.

- Connect nationally with the Service Women's Action Network. Attend a national summit. Take part in the #MeTooMilitary movement.
<https://www.servicewomen.org/>
- Connect with your local organizations assisting women in the military.
- Contact the Sexual Assault Prevention and Response Office at (877) 995-5247 and let them know what more can be done to support sexual assault victims.

sapro@sapr.mil

<http://www.sapr.mil>

<http://www.safehelpline.org> (Safe Helpline-Sexual Assault Support for the DOD Community)

- Contact the Military Sexual Assault Prevention Caucus

House Co-chairs: Congressman Mike Turner

<https://turner.house.gov>

and Congresswoman Niki Tsongas

<https://tsongas.house.gov>