

Do the Right Thing

DEPENDING upon when you wish to begin counting, the Air Force has either been at war for 12 or 23 consecutive years. As the nation focused on defending against external threats and defeating enemy attacks, however, it inadvertently neglected an internal crisis.

The Air Force, and the US military as a whole, has seen an unacceptable increase in sexual assaults. The acceptable number is zero.

Defense Department-wide, reported sexual assaults increased nearly six percent, from 3,192 to 3,374, between Fiscal 2011 and 2012, according to DOD statistics. But because sexual assaults (which range from inappropriate touching to rape) are notoriously under-reported, the Pentagon estimates there were actually 26,000 sex assaults in the ranks last year.

Attacks have occurred pretty much everywhere: at basic military training, at forward fire bases in Afghanistan, and in parking lots near the Pentagon. All of them were inexcusable and horrible. Troops are being attacked by the very people who should be looking out for them, and this cannot continue if the US military is going to maintain a culture of excellence and recruit and retain high-quality personnel.

"We're all outraged and disgusted over these very troubling allegations," said Defense Secretary Chuck Hagel. "Sexual assault is a despicable crime and one of the most serious challenges facing this department."

Up and down the chain of command, military leaders recognize the gravity of this problem. "Providing a safe and professional training environment to our nation's sons and daughters who choose to become airmen is a sacred responsibility," said Gen. Mark A. Welsh III, Air Force Chief of Staff. Airmen shouldn't need to be told any of this.

But DOD's leadership, for its part, clearly made too many assumptions about where it needed to focus its training and educational efforts. A relevant question is posed by Hagel: "It's not good enough to say we have a zero-tolerance policy," he said in May. "How does that translate into changing anything?"

For the Air Force, there have been many recent changes, Welsh noted in June testimony before a Senate panel.

For starters, USAF has moved to "clean up" its work areas by removing offensive or sexual materials. The culture in some offices needed to change. USAF will help this along.

More recently, the Air Force elevated its Sexual Assault Prevention and Response (SAPR) office. Sadly, this move came after Lt. Col. Jeffrey Krusinski, former head of the office, was arrested in May on charges of sexual battery after he allegedly groped a woman in an Arlington, Va., parking lot.

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The Air Force moved to significantly upgrade the office. In June, it announced that Maj. Gen. Margaret Woodward would lead an expanded SAPR office. Woodward previously served as USAF's chief of safety, led the NATO air war against Libya, and investigated the sexual misconduct scandal at Air Force basic training. "In very lean times, we're increasing billets by more than 30 here," she pointed out.

Sexual assault is a national issue, and the Air Force draws its airmen from the general population. The service allowed an unacceptable cultural problem to migrate into uniform. This is not an excuse, but it is a reality.

Still, a pair of high-profile sex assault court-martial reversals have generated a firestorm of criticism and led to calls to reform the Uniform Code of Military Justice. Changes may be coming to the UCMJ, but it is important to note that a court-martial is not a civilian trial.

Court-martial "is, first and foremost, a tool of discipline," wrote Col. Andrew S. Williams, 14th Air Force staff judge advocate, in a recent paper. "A court-martial panel is not a true jury," as it has only five members who do not have to be unanimous.

First to come to light was a reversal earlier this year by Lt. Gen. Craig Franklin, commander of 3rd Air Force, who overturned a guilty verdict in a sexual assault case against Lt. Col. James Wilkerson. "I could not in good conscience let stand the finding of guilty," Franklin wrote in a letter explaining his decision.

"Accusations by some that ... I do not take the crime of sexual assault seriously are complete and utter nonsense."

Similarly, in February 2012, Lt. Gen. Susan Helms, commander of 14th Air Force, overturned an aggravated sexual assault verdict. "I made the decision to disapprove the finding of guilty, to dismiss the charge, and to punish Capt. [Matthew] Herrera under Article 15, UCMJ, for the lesser crime of an indecent act," Helms wrote in a memo explaining her decision.

In both reversals, the convening authorities determined that prosecutors failed to prove guilt beyond a reasonable doubt. Both cases lacked physical evidence and featured conflicting testimony among multiple witnesses.

Helms' nomination to become vice commander of Air Force Space Command is now being held by Sen. Claire McCaskill (D-Mo.), who objects to Helms' decision in that case.

Welsh said USAF's responsibility is to ensure "if sexual misconduct occurs, victims are treated with compassionate care, they feel confident to report the incident without fear of retaliation or reprisal, and that alleged perpetrators are given a fair impartial forum and held accountable if proven guilty." Every part of that sequence is important, and Air Force prosecution and conviction rates mirror nationwide norms.

In the past five years, of 327 sexual assault findings, the only one to be completely overturned without follow-on disciplinary action was by Franklin. In the cases at BMT, USAF completed 19 courts-martial by mid-June with 18 convictions and one appeal still pending.

The Air Force must keep its attention on this complex problem. Airmen need better and continual training and a sharper focus on their ethical responsibilities. Predators must be prosecuted, airmen must be wingmen, and there is no place for witch hunts. The UCMJ may need updating, but commanders cannot see their authority undermined by politicians who are looking to "do something" about the problem.

Sexual assault is illegal, a threat to the service, and morally reprehensible. With the war in Iraq over and Afghanistan winding down, it is past time to win this war at home. ■