

# Protect Our Defenders 2014 Annual Report



“Son, Men Don’t Get Raped”



The New York Times Magazine

November 30, 2014

The Military's Rough Justice  
By Robert Draper

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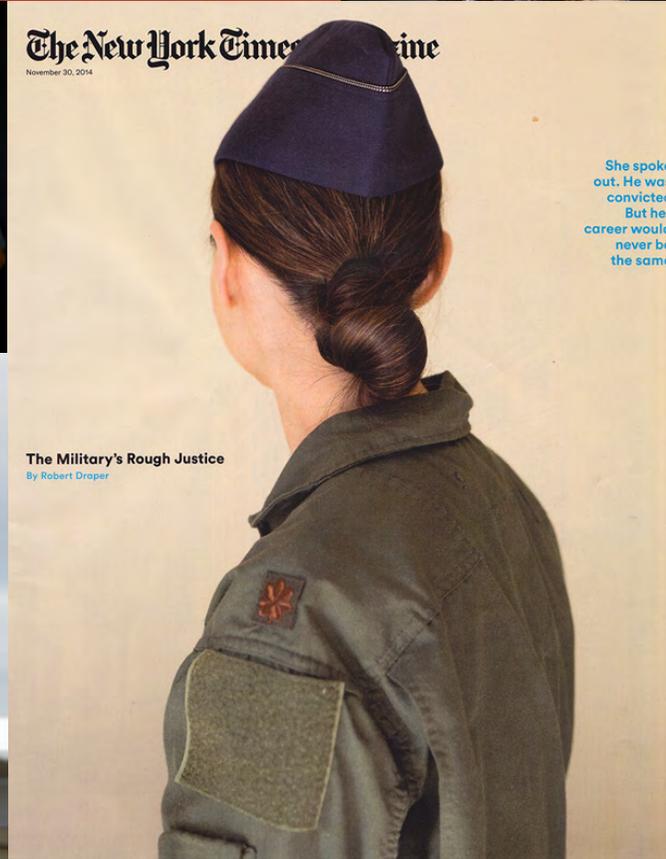


Photo by Alec Sloth





# Introduction

*Dear Friends,*

Founded in 2011, Protect Our Defenders is the only national human rights organization solely dedicated to ending the epidemic of harassment and sexual assault in the U.S. military, preventing retaliation against victims, and ensuring justice and support for survivors. To date, Protect Our Defenders (POD) has made rapid, tangible progress by coalescing and mobilizing the survivor community, maintaining an active presence on Capitol Hill and in the media, providing victims with case assistance, and supporting legal challenges in military courts to procedures that harm victims.

I joined POD in November as President after retiring from a 23-year career in the Air Force, most recently as Chief Prosecutor. I left to pursue justice as a civilian because it was clear to me that it was no longer possible to effectively advocate for reform from within. I joined because POD has done more to reform the military justice system in the past three years than has been achieved over the previous five decades.

Over the past 12 months, we have seen great strides in the nation's awareness and resolve to stem the epidemic of military sexual assault. In early 2013, there was no visible champion of fundamental reform in the Senate. Just one year later, 55 Senators – a significant bi-partisan majority and only five votes short of the 60 required to overcome a filibuster – voted to remove prosecution and adjudication authority from the chain of command. In the wake of this momentum, we continued to meet with Senators and provide thorough policy analysis, leading to a set of important policy changes that were passed through the National Defense Authorization Act detailed in our Policy Highlights.

2014 marked the first full year of POD's Pro Bono Legal Network, through which active duty victims and veterans receive free legal and casework support from POD staff and a network of attorneys and partnering organizations throughout the country. POD's collaboration with journalists, editorial boards, and survivors kept military sexual assault on the front pages of our nation's top news outlets, highlighted in our Media and Advocacy Report. Additionally, we directed our attention to the Commander in Chief as we launched a national advocacy campaign with 12 brave survivors. The campaign asks President Obama to stand with victims and support reform through a series of moving photographs, ads, and a petition.

We face significant challenges ahead. The Department of Defense's 2014 survey on sexual assault, conducted by RAND, revealed that no improvements have occurred in sexual assault rates since 2010 for men or women. Disturbingly, 84% of military victims still do not have enough confidence in the system to publicly report their sexual assault, and retaliation persists at startling rates – with 62% of women respondents saying they faced retaliation after reporting the crime.

As we enter 2015, we will remain steadfast to ensure all service members are afforded a fair and impartial military justice system. Thank you for being a part of this community and historical movement to secure justice for those who serve our country.

A handwritten signature in black ink that reads "Don Christensen".

Don Christensen, President  
Colonel, USAF, Ret  
Former Chief Prosecutor

# Policy Highlights

In 2014, Protect Our Defenders continued to operate as the leading voice for reforming the military justice system. POD has maintained an active presence on Capitol Hill, organizing press conferences, bringing survivors to testify before Congress, meeting with members and their staff, and drafting proposals for legislative change. In addition, POD helped influence reform through our Pro Bono Legal Network, through which we support legal challenges in military courts to rules and procedures that harm victims. Further, POD staff testified before a Congressionally appointed panel charged with reviewing the military justice system's handling of sexual assault, highlighting the inadequacies of the current system and providing proposals for improving the processes that impact victims directly.

Through this comprehensive approach, we have made important progress while continuing to push for fundamental reform.

## A YEAR OF PROGRESS

Key reforms included in the National Defense Authorization Act (NDAA) for Fiscal Year 2015:

- **Eliminated the Good Military Character defense:** An assailant will no longer be able to use their military character to raise reasonable doubt to avoid justice. POD worked to specify the offenses where this defense may no longer be used to ensure this provision explicitly applied to sexual assault proceedings.
- **Closed the deposition loophole to Article 32 reform:** In 2013, Congress passed reform to the Article 32 pre-trial hearing to make victims' testimony voluntary. In reaction, defense counsel began using military judges to force victims to sit for a deposition prior to the court-martial. Unlike most civilian jurisdictions, a judge could only deny a deposition request for good cause. A provision included in the NDAA helps close this loophole by shifting the burden of proof for deposing a victim to the defense. In order to depose a victim, a party must now demonstrate that due to exceptional circumstances, it is in the interest of justice that the testimony be preserved for use at an Article 32 pretrial hearing or court-martial.
- **Codified the right of Special Victims' Counsel (SVCs) to represent victims, instead of only to accompany and advise them:** This change is crucial to SVCs' abilities to advocate for their clients in court to protect their rights.
- **Eliminated the "constitutionally required" exception to the Psychotherapist-patient privilege (MRE 513):** This exception served as a gaping loophole for the introduction of victims' mental health records and led to judges indiscriminately reviewing victims' mental health records and turning them over to defense. POD worked to get this provision included in the House version of the NDAA and successfully pushed for its inclusion in the final bill. This change raises the threshold needed in order to gain access to and use such evidence against a victim.
- **Expanded application of Article 32 hearing reform:** Changes passed in 2013 made victims' testimony voluntary at pre-trial hearings and limited the scope of such hearings to determine

probable cause. Previously, these changes were limited to those crimes that happened after the initial changes went into effect. With the passage of the latest NDAA, this provision will now apply to all future Article 32 hearings.

- **Expanded eligibility for SVCs to include Reserve members:** Prior to this reform, Reservists who were not serving on active status were not entitled to an SVC if they reported an assault.
- **Confidential review of discharge characterizations for sexual assault survivors:** Currently, survivors who were kicked out of the service with a less than honorable discharge face immense challenges in obtaining an upgrade from a less than honorable discharge, which disqualifies them from receiving critical veterans' benefits. This reform requires boards for the correction of military records to consider the impact of a sex-related offense on survivors when reviewing discharge upgrade requests, in order to provide victims with another chance to overcome retaliation and receive the benefits they deserve.

## Victories in the Executive Branch

- The Joint Services Committee (JSC), which is responsible for providing recommendations to the President regarding military rules and procedure, recently proposed changes to limit the admissibility of evidence regarding a victims' prior sexual history during the Article 32 pre-trial hearing. This new proposal comes in the wake of intense pushback from POD after the President signed harmful changes into law last year. In July of 2014, President Obama signed an Executive Order, based on a recommendation by the Pentagon, that substantially weakened the protections of Military Rule of Evidence (MRE) 412, the military's rape shield rule. These changes made it easier for defendants to introduce prejudicial and irrelevant evidence about a victims' prior sexual history at pre-trial hearings. After it was signed, Congresswoman Jackie Speier (D-CA) led a vote in the House to defund the order, which passed with bipartisan support. Although the amendment did not pass the Senate, pressure from POD and Congresswoman Speier led to the changes proposed by the JSC. The new changes proposed by the JSC, which will be

presented to the President to sign into law through executive order, would mitigate the harmful impact of those previously enacted changes and limit the applicability of evidence under MRE 412 during an Article 32 hearing.

## Confronting Barriers to Accessing Benefits

- In September of 2014, POD's Communications Director, Brian Purchia, met with Veterans Affairs (VA) Secretary Robert McDonald and presented suggestions to improve VA operations and processes to ease access to health care for veterans. He also provided input on the new VA Digital Services.
- In January of 2015, POD joined the American Civil Liberties Union (ACLU) in a brief supporting a petition to the U.S. Court of Appeals for the Federal Circuit in order to eliminate a disparity in the VA disability benefits application process. Currently, veterans applying for compensation for PTSD stemming from military sexual trauma (MST) must provide corroborating evidence of the assault. Because of the highly underreported nature of these crimes, this evidence often does not exist, and these regulations place a higher standard of evidence on survivors of sexual violence than on those with combat-related PTSD. This petition would require the VA to eliminate this disparity, and ensure that all veterans are able to obtain the benefits they deserve.

## Testimony Before the Judicial Proceedings Panel

- On October 9, 2014, POD's Programs and Policy Director, Miranda Petersen, spoke before the Judicial Proceedings Panel during a meeting focused on victim privacy issues in sexual assault cases. The meeting focused particularly on the use of evidence of a victims' past sexual conduct and mental health records during the military justice process.
- On December 12, 2014, POD's President, Don Christensen, spoke before the Judicial Proceedings

Panel during a public meeting on the Special Victims' Counsel (SVC) programs established by the services.

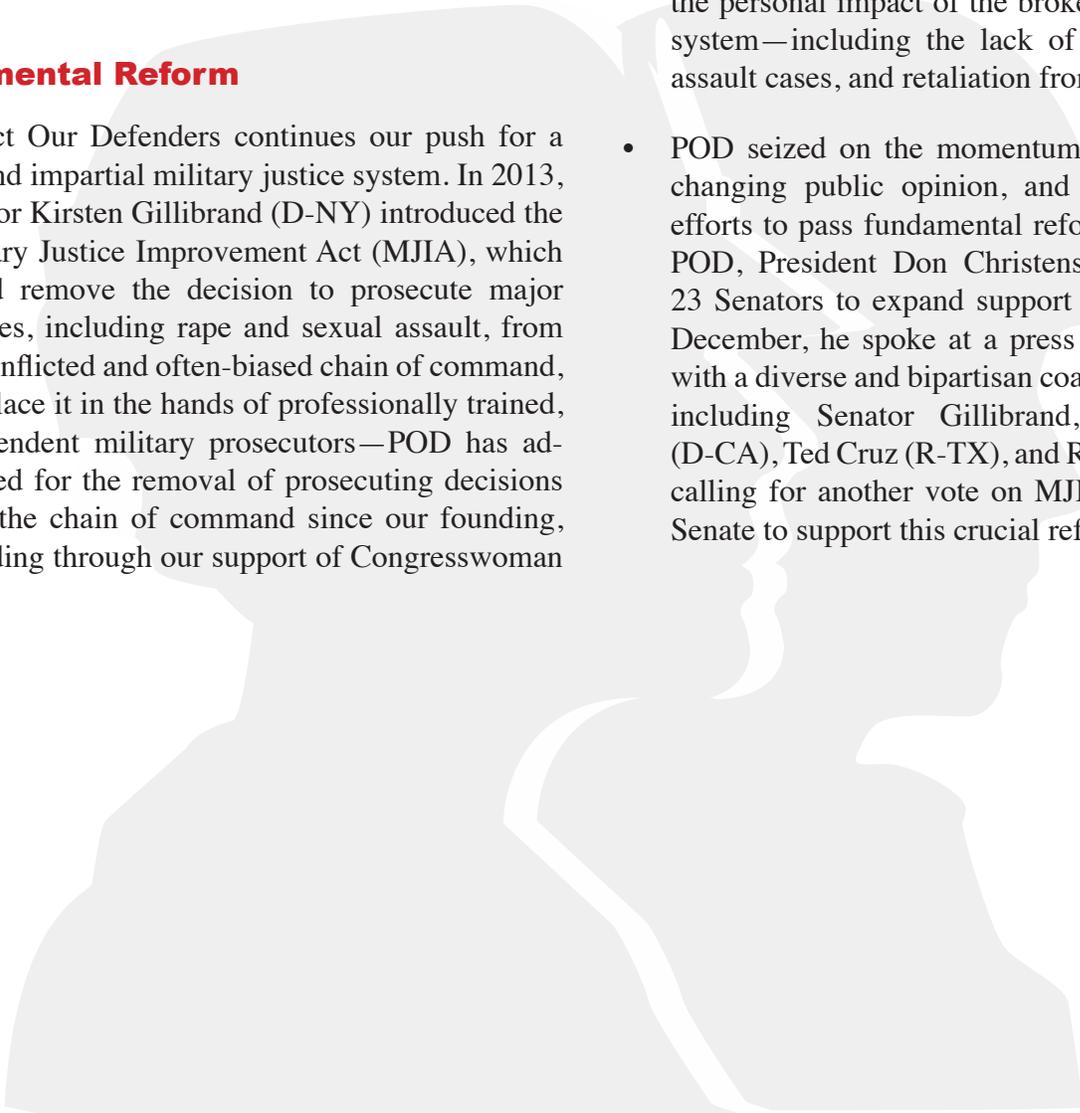
- The Judicial Proceedings Panel was established by Congress to conduct an independent review and assessment of judicial proceedings in the military relating to adult sexual assault and related offenses, and to develop recommendations for improvement of the system.

## **Fundamental Reform**

- Protect Our Defenders continues our push for a fair and impartial military justice system. In 2013, Senator Kirsten Gillibrand (D-NY) introduced the Military Justice Improvement Act (MJIA), which would remove the decision to prosecute major felonies, including rape and sexual assault, from the conflicted and often-biased chain of command, and place it in the hands of professionally trained, independent military prosecutors—POD has advocated for the removal of prosecuting decisions from the chain of command since our founding, including through our support of Congresswoman

Jackie Speier's (D-CA) introduction of the STOP Act in the House.

- In March of 2014, a majority of the U.S. Senate—55 Senators—voted in favor of MJIA. This unprecedented support, while 5 votes short of breaking a filibuster, signaled the growing momentum for true reform. In preparation for the vote, POD facilitated meetings and correspondence between survivors and their Senators to educate lawmakers on the personal impact of the broken military justice system—including the lack of justice in sexual assault cases, and retaliation from commanders.
- POD seized on the momentum in Congress and changing public opinion, and has doubled our efforts to pass fundamental reform. Since joining POD, President Don Christensen has met with 23 Senators to expand support for MJIA, and in December, he spoke at a press conference along with a diverse and bipartisan coalition of Senators, including Senator Gillibrand, Barbara Boxer (D-CA), Ted Cruz (R-TX), and Rand Paul (R-KY), calling for another vote on MJIA and urging the Senate to support this crucial reform.



# Pro Bono Network

Since Protect Our Defenders launched the Pro Bono Network (PBN) in July of 2013, we have received over 300 requests for assistance from survivors who have not been able to obtain adequate support from the military.

Over 200 survivors have completed an in-depth interview with our intake staff. During the intake process, we provide education on possible avenues for assistance and plan a course of action that directly matches survivors' needs. Our staff then collects and prepares documentation that makes it possible to advance each survivor's request.

POD has provided 109 victims with legal referrals, guidance and/or casework assistance. We have assisted victims and their family members in a variety of ways. Last year, we:

- Drafted Freedom of Information Act (FOIA) requests and assisted survivors with filing
- Drafted letters to members of Congress and followed up with the Congressional staff to advance each request
- Filed Congressional or Inspector General (IG) complaints into the mishandling of cases
- Conducted inquiries into services for survivors
- Provided guidance on obtaining VA care
- Secured legal representation for the survivor
- Secured legal guidance from civilian attorneys
- Provided referrals to a legal services organization specializing in veterans affairs

The initial intake process is often extended through multiple requests. For instance, a victim might initially contact POD for help acquiring basic information about the status of their case, and then may need help with a FOIA to retrieve the adequate documentation, and then ultimately may need a referral or representation.

## Broad Impact

Our work on individual cases deepens our expertise on issues impacting victims of sexual assault and further informs our understanding of the broken military justice system. The issues faced by survivors who come through our PBN have focused our agenda and led to meaningful policy change.

For example, POD helps fight adverse motions and rulings by military judges in the active criminal cases of the victims we are able to place with attorneys. These rulings have the potential to improve the experience of all victims of military sexual assault. By fighting rulings that order a victim's therapist to testify against them in court, we aim to shape legal precedent in favor of greater protection for victims and call attention to the abuse of victims' privileged communications. We have drafted and filed Amicus Briefs to support survivors' appeals for higher court intervention to protect their rights and to establish judicial guidance on the right of victims to be represented in court, consulted on evidentiary motions to help SVCs prepare the best argument for their client's privacy rights, and worked with military-assigned special victims counsel (SVCs) to ensure that they are prepared to adequately fight for their clients.

## Case Examples

One victim was ordered by a military judge to sit for a deposition by her assailant's defense counsel, despite recent reforms designed to protect victims from being forced to testify prior to trial. The victim sought assistance from POD and obtained a referral to an attorney from our Pro Bono Network. POD provided support to the victim and her pro bono attorney in challenging the judge's order. Although the order was not overturned in this individual case, POD was able to successfully propose a policy reform to prevent such abuse in the future. This policy change was included in the National Defense Authorization Act for Fiscal Year 2015 and signed into law by the President in December of 2014. The survivor's mother sent us the following, used with permission:

*"If it would not have been for Protect Our Defenders connecting us with an attorney, I don't know if we could have faced this. Your work is vital."*

★ ★ ★

A civilian employee of the Air Force was raped by a service member in 2013. The civilian employee contacted POD after she was forced to undergo an Article 32 hearing without legal representation; because she was not a service member, she did not qualify for a Special Victims Counsel (SVC). POD was able to place her case with a pro bono attorney to represent her through the remainder of the court-martial process. We received the following message from this survivor:

*"POD's involvement in my case has been a game changer for me and my sanity. The court martial...is scheduled for next week. Once the case has ended, I intend to work with you as much as you'll let me to help protect others like me . . . Thank you so much for everything you do."*

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A National Guard member, after reporting a rape, was placed by her commander on an administrative "hold" and then left to languish there, unpaid and not allowed to work for two years. When she contacted POD, both the criminal investigation into her

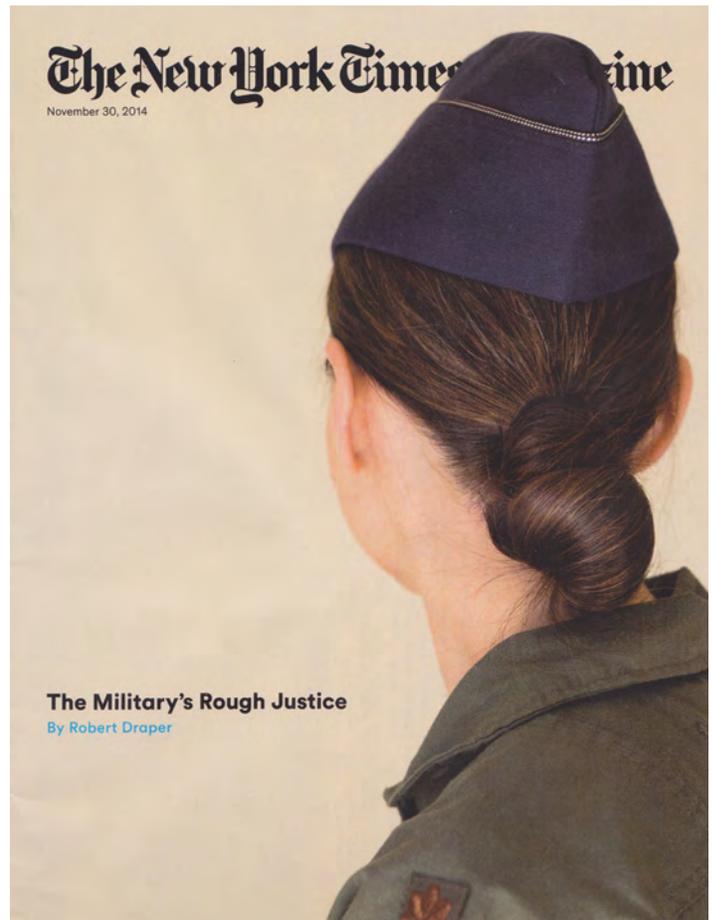
assault and the "line of duty" investigation needed for her to medically retire were pending. We conducted outreach to Congressional offices on her behalf, and after two weeks of facilitated communication with two Congressional offices, she was finally assigned a Special Victims' Counsel (SVC) attorney to assist her and advocate for her rights. However, since she continued to face actions against her, POD continued to facilitate communication with several Congressional offices, leading to a new Congressional inquiry into her case. Throughout this process, POD maintained a dialogue with the survivor, her SVC, and her husband to obtain updates, explain her options, and help support her as she fights for medical retirement. In response to the help provided, she sent this message:

*"Thank you again for all that you do. I would not have an SVC had it not been for Protect Our Defenders and your dedication to me."*

★ ★ ★

A service member was raped by a fellow service member, and then forced to serve on the same base with him for weeks before finally obtaining a transfer. Although she had been assigned an SVC, her SVC had barely spoken to her—despite an upcoming Article 32 hearing, where she was expected to testify. At that point, no one had advised her of the process or her rights, or prepared her to testify at the hearing. POD helped place the case with a civilian attorney who was able to rigorously fight to protect her privacy rights, and who helped represent the victims's interest during a negotiation of a plea deal. After the case was over, the victim's mother sent the following message to POD staff:

*"I would have been lost without you. These military proceedings are very difficult for a civilian to maneuver. You, your organization, and [Pro Bono Attorney] were instrumental in helping to achieve this positive outcome."*



## Media and Advocacy Highlights

Protect Our Defenders Foundation (POD) continues to be the most vocal proponent of victims' rights for those who have been raped or sexually assaulted in the military – leading the charge for a fair and impartial military justice system while providing support for these service members and veterans. Our presence in national and local media, as well as our substantial social media activity keeps the drumbeat going for fundamental reform.

### Summary

Protect Our Defenders has been featured in hundreds of articles in 2014, including the **New York Times**, **Washington Post**, **Wall Street Journal**, **USA Today**, and all major television news outlets including **NBC**, **ABC**, **CBS**, **ESPN** and others. We work with the media to break investigative reports that keep the

issue of military sexual assault in the headlines. We also work closely with editorial boards to influence public opinion.

On November 30th, a sweeping indictment of the military justice system hit shelves in the form of a **New York Times Magazine** cover story. In a gripping piece, reporter Robert Draper exposed yet another scandal of retaliation and broke the news that Colonel Don Christensen was leaving the United States Air Force after 23 years to fix the broken system from the outside: *“He [Col Christensen] is now the president of Protect Our Defenders, a three-year-old nonprofit organization that has quickly become the nation’s pre-eminent advocacy group on behalf of victims of sexual assault in the military, with an advisory board that includes Wesley Clark and several other retired generals, in addition to Magic Johnson, Sigourney Weaver and Garry Trudeau.”*

Having served 23 years as a U.S. Air Force JAG, four as the Chief Prosecutor—the longest tenure for anyone in that position—as well as a defense attorney and a judge in a number of high profile cases, Col Christensen brings a unique perspective to the ongoing sexual assault crisis in the military. The **New York Times** cover story was followed by a front-page story on **Yahoo.com** from investigative reporter, Michael Isikoff, and a press conference introducing the former Chief Prosecutor on Capitol Hill with a tenth of the United States Senate standing by his side, reigniting calls for fundamental reform.

This past March, the Senate filibustered Senator Kirsten Gillibrand’s (D-NY) Military Justice Improvement Act (MJIA) and a vote on the bill was held up again in late December. POD has worked closely with Senator Gillibrand on the proposed legislation, and helped gain unprecedented support for reform through media outreach, petitions and social media. This conservative, bipartisan legislation now has a majority of Senators and the public standing behind it. MJIA would remove the power to decide whether cases go to trial from the accused’s boss, and give it to independent, trained prosecutors. Since the filibuster, the press has reported on at least 30 separate sexual assault scandals in the military.

POD has been involved in numerous investigative reports in 2014 beginning with a four-year **Associated Press** investigation in February. The report exposed “a pattern of random and inconsistent judgments” in sexual assault cases at U.S. Military bases in Japan. POD has also worked closely with the two Air Force Academy whistleblowers that were retaliated against after their work in the Air Force Office of Special Investigations (OSI) led to the first successful prosecutions of sexual assault at the Academy in over a decade. **ABC News** and **ESPN** brought their stories of retaliation into the national spotlight. POD also worked with **GQ Magazine** on an investigative piece about male survivors of sexual assault.

We collaborated with **Fusion** on a piece that shed new light on just how difficult it is for victims of sexual assault to have punitive discharges overturned or have “questionable psychological diagnoses” stemming from sexual assaults changed. POD also continues to regularly provide comments and stories for military publications including **Stars and Stripes** and the **Air Force Times**.

Protect Our Defenders is a resource for key regional papers, like the **San Antonio Express-News**, a prominent voice on the issue of sexual assault in

## San Antonio Express-News

*In May 2014, the Express-News won the American Bar Association’s Silver Gavel Award for Newspapers for its in-depth coverage of sexual assaults in “Twice Betrayed.”*

### San Antonio Express-News

SPECIAL REPORT

# TWICE BETRAYED

Introduction    Part I: Psychiatric Discharges    Part II: Impunity for Perpetrators    Part III: Expedited Transfers



### Video overview

A seven-month San Antonio Express-News investigation into the pervasive and long-standing problem of sex assaults in the military shows victims who report the incidents often are retaliated against and discharged on false claims that they have mental disorders. Offenders, meanwhile, are rarely punished, and most are allowed to stay in the armed forces.

the military. The Express-News broke the scandal at Lackland Air Force Base and has continued to rely on POD for information and analysis. In 2013, POD helped the Express-News with their groundbreaking investigative series, *“Twice Betrayed”* that detailed how the military has consistently been more interested in punishing victims than attackers.

In May 2014, the **Express-News** won the American Bar Association’s Silver Gavel Award for Newspapers for its in-depth coverage of sexual assaults in *“Twice Betrayed.”* The Express News also won first place in community service at the Texas Associated Press Managing Editors Convention for its coverage of sexual assault. And the Headliners Foundation of Texas awarded investigative reporter Karisa King a ‘Star Reporter of the Year’ Award for her work in *“Twice Betrayed.”*

The issue of military sexual assault has also made its way out of news cycle and into pop culture. The ongoing crisis was a running storyline in the acclaimed series **House of Cards**. The series included an incident ripped straight from the headlines, where Robin Wright’s character, Claire Underwood quotes a military brochure on sexual assault prevention that advises victims to submit to an attack rather than resist. Less than a year before, Protect Our Defenders broke the real life story of a similar brochure at Shaw Air Force Base, S.C. The issue of sexual assault in the military was even featured in a sketch by comedian Amy Schumer.

We continue to keep the news in the headlines and respond immediately and accurately to Pentagon spin. POD was the “go to” resource for outlets looking for comments on the recently released Pentagon report on sexual assault in the military. We analyzed the report and released our findings the same day the report came out. In our analysis, we found “no evidence that the military justice system’s ability to handle sexual assault cases has improved. On the contrary, these numbers continue to paint a chilling picture of a system consistently incapable of handling sexual assault.” Those findings were echoed in multiple articles from top tier publications, as well as editorials calling for fundamental reform.

In December 2013, President Obama gave military leaders one year to “make substantial improvements

with respect to sexual assault prevention and response.” He also told service members who have experienced sexual assault that he had their backs. Multiple investigative stories in 2014 have uncovered shocking misconduct and sexual assault cases that have been inappropriately handled by military leadership, or simply swept under the rug.

As the President’s deadline came to an end, POD launched a national campaign with 12 survivors of military sexual assault, calling on President Obama to stand with them and all survivors by supporting fundamental reform to the broken military “justice” system.

## Colonel Don Christensen Leaves U.S. Air Force to Join Protect Our Defenders

Former Air Force Chief Prosecutor, Colonel Don Christensen (Ret.) announced that he was leaving the service after 23 years to become President of Protect Our Defenders in a November **New York Times Magazine** cover story, *“The Military’s Rough Justice”*.

In his role as Chief Prosecutor, Col Christensen was responsible for managing military prosecutors all



The screenshot shows the top of a web page from Air Force Times, a Gannett Company. The navigation bar includes links for HOME, YOUR AIR FORCE, WASHINGTON, BEST FOR VETS, BENEFITS CENTER, and OFFDUT. The main headline reads "AF chief prosecutor leaves service for victims advocacy group". Below the headline, it says "By Kristin Davis, Staff writer" and "4:37 p.m. EST November 26, 2014". The sub-headline is "Former Air Force chief prosecutor Don Christensen calls military justice system 'fundamentally broken'". There is a photo of Don Christensen in military uniform. To the right of the photo are social media sharing icons for Facebook, Twitter (15), LinkedIn, Comment, Email, and More. Below the photo and icons, the text reads: "The Air Force's former chief prosecutor, who won a sexual assault conviction against an F-16 pilot that was later overturned by a three-star general, is leaving the military for high-profile victims advocacy group Protect Our Defenders." At the bottom of the article snippet, it says: "In a statement, retired Col. Don Christensen called the military criminal justice system 'fundamentally broken' and said the only way to help fix it is from the outside."

(Photo: Air Force)

over the world. Among the many cases he chose to prosecute personally in this role was one of the most high-profile cases in recent Air Force history—the case at Aviano Air Base in Italy, where Lt Colonel James Wilkerson was found guilty of aggravated sexual assault, sentenced to a year in jail, and dismissed from the Air Force. In that case, Lt General Craig Franklin, the convening authority, overturned the conviction and freed his fellow fighter pilot, reinstating him back into the Air Force against the recommendation of his own legal counsel. POD led the charge to force Franklin and Wilkerson out of the military.

Christensen said this about his departure, “I realized that in order to see substantial change, I would need to leave the Air Force, breaking a military tradition that has been a part of my family for over 150 years.”

After joining POD, Col Christensen sat down with Yahoo News’ investigative reporter Michael Isikoff. The emotional television interview was featured on the front page of **Yahoo.com**, the 5th most viewed website in the United States. Isikoff had previously spoken with Col Christensen last year in a **NBC News** report where Kim, the victim in the Aviano case, first broke her silence.

Shortly after Col Christensen’s announcement, he joined Senator Kirsten Gillibrand (D-NY) at a press conference with a bipartisan coalition of U.S. Senators to introduce himself to the public, and discuss the Military Justice Improvement Act (MJIA). The broad group of Senators included Barbara Boxer (D-CA), Chuck Grassley (R-IA), Ted Cruz (R-TX), Mazie Hirono (D-HI), Rand Paul (R-KY) and others.

Col Christensen also spoke at a public meeting in December at the Judicial Proceedings Panel on Sexual Assault in the Military about necessary changes to the new Special Victims Counsel.



## Yahoo News

*After joining POD, Col Christensen sat down with Yahoo News’ investigative reporter Michael Isikoff. The emotional television interview was featured on the front page of Yahoo.com, the 5th most viewed website in the United States.*



## Survivors, Protect Our Defenders Calls on President Obama to Support Reform

Protect Our Defenders recently launched a national campaign to educate lawmakers and the public on the military justice system's structural failings to protect victims of rape and sexual assault. As part of the campaign, 12 survivors of military sexual abuse came forward publicly to ask President Obama to declare that after 20 years of "zero tolerance," a year filled with news of retaliation against victims, and a new survey showing no progress over the past eight years, it's time to change the military justice system.

Protect Our Defenders sent a photographer across the country this year to meet with survivors and capture stories of their experiences of sexual assault, harassment and retaliation while serving our country. By sharing such moving images and detailing the accounts of their own personal experiences, these brave service members and veterans put forth a searing indictment of the epidemic of military sexual assault and retaliation victims face when reporting the crime. Their photos and stories appeared in ads in the **New York Times**, **Washington Post** and **Politico** as part of this campaign – encouraging Americans to join with

them in asking the President to support reform to fix the broken system.

The survivors featured in the campaign are just a few among thousands of victims who have been retaliated against by their chain of command after reporting sexual abuse and being denied access to a fair and impartial justice system. The campaign launched in December and in one month we received thousands of signatures to the letter to the President, including hundreds of survivors of military sexual assault.

## Pentagon's Report on Sexual Assault in the Military

In December 2014, the Pentagon released new figures on sexual assault in the military, which highlight the continued need for fundamental reform, transparency, and accountability. The numbers, which were taken from a new survey conducted by the RAND Corporation, shows that the epidemic of sexual assault continues.

Protect Our Defenders analyzed the new survey and released its findings. Despite the Pentagon's conclusions, the report to the President provides no evidence that the military justice system's ability to

### National Advocacy Campaign

**PRESIDENT OBAMA:**

**IT IS TIME TO REFORM THE MILITARY JUSTICE SYSTEM**

We are among the thousands of survivors of military sexual assault.  
Hear our stories, take action, help change the system.



*Protect Our Defenders sent photographer Chris Bartlett across the country this year to meet with survivors and capture stories of their experiences of sexual assault, harassment and retaliation while serving our country.*

handle sexual assault cases has improved. On the contrary, these numbers continue to paint a chilling picture of a system consistently incapable of handling sexual assault.

We were the “go to” organization for media outlets trying to make sense of these new findings. Col Christensen was interviewed by the **Wall Street Journal**, **New York Times**, **Bloomberg News**, **San Antonio Express-News** and others about the report. The former Chief Prosecutor also helped shape editorials that ran in **USA Today** and **The New York Times** after the report was released. **The New York Times** editorial, “*Military Sexual Assault Unresolved*” said, “Transforming the culture of the military to deal with the problem of sexual assaults is an important matter of justice and national security.”

In early May 2014, the Department of Defense (DoD) released a preliminary report on sexual assault in the military, which underscored the need for fundamental reform, transparency, and accountability. Media outlets again relied on POD for comments and analysis in order to make sense of this new information coming out of the Pentagon. Along with releasing a statement, POD Founder Nancy Parrish’s comments were featured in articles from the **Washington Post**, **Bloomberg News**, **Reuters** and many others.

POD Advisory Board Member and regular **CNN** contributor BriGette McCoy also wrote an op-ed that was featured in **The Guardian** the day after the preliminary report was released. And **NBC News** interviewed Brian Lewis, another POD Advisory Board Member for a story about the increase in numbers coming from the same report.

### Associated Press Investigation

In February 2014, the **Associated Press** released a four year investigative report, “Documents reveal chaotic military sex-abuse record” revealing in detail the military’s flawed and insufficient handling of over 1,000 sex crimes that were reported by service members stationed in Japan between 2005 and 2013. Protect Our Defenders worked with AP’s reporters in Washington, D.C. and Japan to help break this story.



### Wall Street Journal

*In December 2014, the Pentagon released new figures on sexual assault in the military. We were the “go to” organization for media outlets trying to make sense of these new findings.*

A screenshot of a WSJ Live video player. At the top, it says "WSJ VIDEO" and has navigation links for "HOME", "BROWSE", "TOPICS", "PROGRAMS", and "CONTENT FROM". The main video area shows a split-screen interview. On the left is a woman with blonde hair, and on the right is a man in a suit and tie. The text "San Francisco via Skype" is in the top right corner of the video frame. A blue banner at the bottom of the video frame reads "Military Sexual Assault Reports Rise". In the bottom right corner of the video frame, it says "#WSJLIVE WSJ Live". Below the video frame, there is a large white banner with the text "Military Sexual Assault Reports Rise" and social media icons for Facebook, Twitter, YouTube, and others.

Just prior to the release of the report, POD organized a press conference with Advocacy Committee Member Stacey Thompson, who had been assaulted in Japan years earlier and Senator Kirsten Gillibrand (D-NY).

## **GQ Expose on Male Survivors**

In September 2014, **GQ Magazine** published an investigative series with male survivors of military



sexual assault titled, *“Son, Men Don’t Get Raped”*. The series features brave stories from POD Advocacy Committee Member Brian Lewis, as well as Heath Phillips, Trent Smith and many others who have worked closely with us.

Protect Our Defenders worked with correspondent Nathaniel Penn on this important piece for months, connecting him with survivors, military health professionals and support services.

**GQ** had this to say about Protect Our Defenders: *“POD is the nation’s leading advocacy and support group for survivors of military sexual trauma. Their searchable Help page lists a wide array of local and national services, including MST treatment, legal help, and family therapy.”*

The March issue of **Vogue Magazine** profiled Senator Gillibrand’s ongoing efforts to enact fundamental reform to the way the military handles sexual assault cases. Protect Our Defenders was featured in the piece, along with two of POD’s Advocacy Committee Members, Jessica Hinves and Heather Pitcovich. POD worked with award winning author Mimi Swartz to develop the story for almost a year, introducing her to Jessica and Heather. This was the first time that Heather shared her story publicly.

## **GQ Magazine**



*Protect Our Defenders worked with correspondent Nathaniel Penn on this important piece for months, connecting him with survivors, military health professionals and support services.*

From the article:

*Pitcovich said she eventually agreed to meet the officer at a bar near her home. “When I asked who was going to be there, he named a bunch of other senior people,” she told me. Later that night, she awoke at her house with a vague memory of getting sick and needing to be taken home. As her head slowly cleared, she said, she realized she was naked, and the officer was on top of her. “I couldn’t move,” she said. “I was trying to*

*process what was going on.” Pitcovich said it took her months to recall another detail from that evening: the men she had been with laughing at the far end of the bar while a round of drinks was prepared. She became convinced she’d been drugged. She said she filed a report, and eventually, after a contentious Article 32 hearing—a prerequisite to a military trial—negotiated an agreement with the defendant, who accepted nonjudicial punishment for sexual harassment and fraternization.*

**Vogue**

☰ **VOGUE** FASHION BEAUTY CULTURE  
MAGAZINE

# Sexual Misconduct in the Military—and Why Kirsten Gillibrand Is Pushing Reform to the Top of Her Agenda

*In March, Vogue Magazine profiled Senator Gillibrand and the stories of two POD Advocacy Committee members.*





ESPN's award-winning news magazine, E:60 aired "Operation Gridiron," an investigation into allegations of sexual violence involving members of the Academy football team, and what happened to Enos and Thomas when they tried to blow the whistle.

## Air Force Academy Scandal – ABC's Nightline and ESPN Investigative

Throughout 2014, POD worked with former Air Force investigator Special Agent (SA) Brandon Enos, and Eric Thomas, a former cadet at the U.S. Air Force Academy. Both Enos and Thomas were retaliated against after their work in the Air Force Office of Special Investigations (OSI) led to the first successful prosecutions of sexual assault at the Academy in over a decade.

After helping to successfully prosecute the cases, SA Enos was transferred out of the academy, stripped of his badge and eventually forced out of the Air Force. Cadet Thomas was expelled for actions related to the undercover work he did during the investigation for the OSI.

On October 30, an **ABC News' Nightline** investigation reported on allegations of sexual violence involving members of the Air Force Academy and the retaliation that both SA Enos and former Cadet Thomas faced. Days later, **ESPN's** award-winning news magazine, **E:60** aired "**Operation Gridiron**," an investigation into allegations of sexual violence involving members of the Academy football team, and what happened to Enos and Thomas when they tried to blow the whistle.

Special Agent Enos talked to **ABC News** about Cadet Thomas. "Here's a man that actually upheld the honor

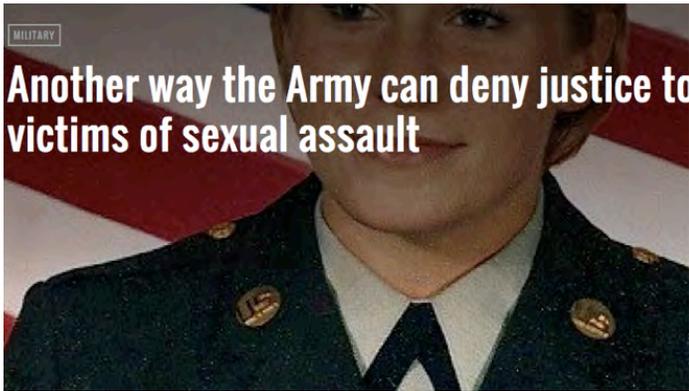
code and he gets hammered and kicked out of the academy. And the message that sends to everybody is, 'You don't talk about sexual assaults.'"

## Fusion Investigates U.S. Army

Protect Our Defenders worked with **Fusion** for nearly a year on an investigative piece of how the U.S. Army denies justice to victims of sexual assault in the military. The Board for Correction of Military Records (BCMR) is the only place in the Army with the power to change a veteran's discharge, which includes granting a medical discharge for service-connected disabilities, like PTSD caused by sexual assault. This is what they uncovered.

From the article:

*Fusion analyzed thousands of publicly available decisions for three common discharges from 2001 through 2012 that disqualified veterans from military benefits. We found that not one of 23 applicants who sought to overturn a discharge where sexual assault was a factor was successful. Fusion only had access to the Board's decisions, which we found do not always mention evidence brought by applicants regarding sexual assault, so it's possible more victims of sexual assault appealed. Even so, advocates and veterans say the system is so inaccessible and it is so difficult to get the grounds for a discharge changed, most do not even attempt it.*



## Building Support for the Military Justice Improvement Act

Since 2013, Protect Our Defenders had been working with Stacey Thompson, a Marine Corps veteran and sexual assault survivor who up until last May, had never told her story publicly. Stacey has become an extremely active Advocacy Committee Member for Protect Our Defenders. In early February, Stacey joined Senator Gillibrand, Senator Boxer and Tailhook whistleblower and Protect Our Defenders Board of Directors Member Paula Coughlin at a press conference in Washington, D.C. in support of MJIA.

Protect Our Defenders' Founder Nancy Parrish and Policy Director Miranda Petersen were both quoted in the piece:

“There are several points of failure in the system” that deals with sexual assault in the military, said Nancy Parrish, Director of Protect Our Defenders, an advocacy group. “The Boards are one of those.”

“We’ve been trying to get more attorneys on board to do these, just because of the abysmal rates of people doing this on their own,” said Miranda Petersen, program and policy director of Protect Our Defenders. The group has been able to overturn one psychological diagnosis for bipolar disorder, with “a tremendous amount of resources on our part.”

At the event, Stacey called on Congress to pass the Military Justice Improvement Act.

In March 2014 Protect Our Defenders launched a petition on **Causes.com** from Paula Coughlin, calling for the Senate to give victims a vote, and not allow a couple of Senators to filibuster justice. In only a couple days, Paula’s petition received over 9,000 signatures, from supporters who also called, tweeted and Facebooked the offices of Senators who had yet to support MJIA.

As an extension of our 2013 “Educate Your State” campaign, survivor advocates in key states wrote

### ABC World News Tonight

*Stacey Thompson discussed the filibuster on ABC World News Tonight with Diane Sawyer. She shared her personal experience with reporter Cecilia Vega.*



letters, attended press conferences and hearings, and met with their Senators and staff to share their experiences with elected officials and ask for their support of the Military Justice Improvement Act.



## Vote On Military Justice Improvement Act

In March 2014, the Military Justice Improvement Act did not receive enough votes to overcome a filibuster led by Senator Claire McCaskill (D-MO). However, the bill had the support of 55 Senators and the majority of the American public.

Protect Our Defenders made sure that we were out in front of the media following the vote, appearing on

national broadcast outlets, and in multiple newspaper publications.

POD Advocacy Committee Member, Veteran, and Founder of Women Veterans Social Justice, BriGette McCoy, was on **CNN's The Lead with Jake Tapper** directly following the vote. She discussed the Senate's failure to pass fundamental reform and spoke for thousands of survivors when she said Senator McCaskill "betrayed" her by spearheading a filibuster that gave other Senators political cover to stand with the status quo. BriGette was also a keynote speaker at the Inaugural Georgia Women Veterans Conference in April 2014 that she helped organize.

Stacey Thompson discussed the filibuster on **ABC World News Tonight** with Diane Sawyer. She shared her personal experience with reporter Cecilia Vega, to explain why the reporting of sexual assault cases must be taken out of the chain of command. The newscast featured video from other survivors profiled on POD's website.

While we lost this Congressional battle due to political maneuverings, our organization is certain that it is only a matter of time before we see effective reforms put into place.

## CNN's The Lead



*BriGette McCoy was on CNN's The Lead with Jake Tapper directly following the vote on MIJA.*

## Petition To Rescind Executive Order

*On June 13, 2014, President Obama signed an Executive Order, proposed by the Pentagon which undermines essential “rape shield” protections for sexual assault victims in the military.*



### Petition Calling on President Obama to Rescind Executive Order

On June 13, 2014, President Obama signed an Executive Order, proposed by the Pentagon which undermines essential “rape shield” protections for sexual assault victims in the military. This order severely weakens victims’ privacy rights, and delivers a substantial blow to ongoing efforts by those who have been working tirelessly to reform the military justice system.

In response, POD worked with Paula Coughlin to create a petition on **Causes.com**, calling on the President to rescind the portions of the Executive Order that undermine basic privacy protections for victims of sexual assault in the military. In less than one week the petition received over 4,000 signatures.

To promote the petition Nancy Parrish wrote a blog that was featured by the Huffington Post, while other advocates and influencers also joined with POD to spread the word. Arianna Huffington retweeted Nancy’s blog post to her 1.5 million Twitter followers. **Causes.com** and the **Invisible War** shared the petition on their social networks, and POD promoted the petition through our social networks as well.

In response to the President’s action, Congresswoman Jackie Speier (D-CA) offered an amendment, approved by the House, which prohibits funding to implement the offending portion of the Executive Order. Rep

Speier’s office quoted Founder Nancy Parrish in a press release announcing the amendment’s approval.

### Pro Bono Legal Network

Launched in July 2013, POD’s Pro Bono Legal Network (PBN) provides service members and veterans who are survivors of military sexual trauma (MST) with free legal and casework support. The volunteer network of attorneys and service organizations, along with POD staff, help and support victims attempting to navigate the complex and biased military justice system that all too often favors the accused and retaliates against victims.

In a **Huffington Post** blog marking the one-year anniversary of the Pro Bono Legal Network, POD Founder Nancy Parrish recounted some of the cases that had come through the PBN.

“Jenny was on her first duty assignment with the Marine Corps when a superior raped her on ship. When Jenny reached out to Protect Our Defenders (POD), she was facing an investigation that was going nowhere, with the military claiming they could not locate her active-duty assailant. POD found Jenny an attorney to fight to protect her privacy rights and demand answers from the Naval Criminal Investigative Service (NCIS). Our staff is now helping her with an Inspector General complaint regarding the continued mishandling of her case.”

## Panel Discussion at Martha's Vineyard with Lesley Stahl

In early August, POD hosted a panel discussion in Martha's Vineyard on the military sexual assault crisis, moderated by Emmy Award winning news correspondent Lesley Stahl. The event benefited Protect Our Defenders' Pro Bono Network.

Panel participants included: Major General Robert Shadley (ret) author of *The GAME*, who led the 1996 Aberdeen sexual assault scandal investigation; Paula Coughlin, former Navy Lieutenant and helicopter pilot who risked her career as a whistleblower to expose the military sexual assault scandal known as Tailhook; and attorney Susan Burke, who, with her clients, are featured in the Academy Award nominated documentary *The Invisible War*.

## Protect Our Defenders Wins Veteran's Organization of the Year

In March 2014, Protect Our Defenders received the Veteran's Organization of the Year award from the Veteran's Caucus of the California Democratic Party. Stacey Thompson accepted the award, and spoke on POD's behalf at the awards ceremony. At the event, Stacey told the crowd, "As a veteran of the United

States Marine Corps and survivor of military sexual trauma, I have decided to lend my voice for change. It wasn't easy last year when I told my story publically for the first time, but the overwhelming support I've received from Protect Our Defenders reassured me that I am not alone."



The Caucus also named Protect Our Defenders Advocacy Committee Member Kate Weber the 2013 California Veteran of the Year. Kate is a fierce advocate for victims of military sexual assault, and last year joined Senator Gillibrand to call on Congress to support the MJIA. Kate has also testified in front of the California State Assembly on the issue of sexual assault in the military, and appeared in the Oscar nominated documentary, *The Invisible War*.

## Panel Discussion Moderated by Lesley Stahl



In early August, POD hosted a panel discussion in Martha's Vineyard on the military sexual assault crisis, moderated by Emmy award winning news correspondent Lesley Stahl.

## DC Event with Secretary Albright and Senator Gillibrand

The Washington, DC event featured Sec. Madeleine Albright along with a panel discussion moderated by Judy Woodruff with Paula Coughlin, Sen. Kirsten Gillibrand, and Col. Don Christensen (ret.).



### DC Event with Secretary Albright and Senator Gillibrand

In December, Ambassador Elizabeth Bagley hosted an event in Washington, DC on behalf of POD featuring former Secretary of State Madeleine Albright. The event included a panel discussion on the sexual assault crisis in the military moderated by Judy Woodruff with Sen. Kirsten Gillibrand, retired Navy Lt. and helicopter pilot, Tailhook scandal whistleblower Paula Coughlin, and former USAF Chief Prosecutor Col. Don Christensen (ret.).

### Advocacy on the Ground

POD mentors and supports the work of survivors on the ground in local communities. POD Advisory Board member and Army and Navy veteran Terri J. Odom serves as a volunteer veteran adviser with the VA St. Louis Health Care System. She conducts veteran outreach, trains VA staff to serve veterans more holistically, and speaks to troops before and after deployments. POD Advisory Board member and Army veteran BriGette McCoy founded Women Veteran's Social Justice, a non-profit that empowers the women's military community through mobile technology education programs, and serves as the Atlanta Veterans Affairs Commission Vice Chair. Survivors like Terri and BriGette speak at local events, provide critical peer support, help fellow veterans navigate the VA system, and advocate for improvements in VA Military Sexual Trauma (MST) care.

### Social Media

In addition to making sure the viewpoints of survivors are accurately reflected in the traditional media, Protect Our Defenders continues to organize advocacy through online campaigns to put pressure on our elected officials to investigate the epidemic of sexual assaults in our military and legislate fundamental reforms.

POD's Facebook page has over 21,500 'likes' and continues to grow. POD also has 25,000 subscribers to our e-news and nearly 2,000 followers on Twitter — where we are constantly engaging with reporters, elected officials, and other prominent voices in the advocacy community.

We also have over 19,000 supporters on Causes.com, the world's largest online campaigning platform.

POD's advocacy work and media outreach will continue as we work with survivors and encourage President Obama and elected officials to support fundamental reform.



# Protect Our Defenders

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