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Congress targets sex assaults in military

Measure demands Pentagon action

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GLOBE STAFF

WASHINGTON — A fellow airman pestered her almost daily with sexual advances, Sergeant Mary Gallagher said, sometimes following her home after their shifts at Sather Air

Force Base outside Baghdad in 2009. She met twice with a superior officer, who did nothing to stop the harassment.

The attack followed within days of the second visit.

“I came out of the bathroom stall, and there he was. He pushed me against the wall,” the Norwood woman said. “He raped me.”

An outcry over such attacks

has prompted Congress to step in. Language deep within the 1,150-page, \$662 billion defense appropriations bill, approved by the House last night, demands that the Pentagon aggressively address the violence and protect service members.

For Gallagher and others who say they are victims of not only sexual assaults but also of an indifferent military bureau-

cracy, the provisions are long overdue.

“It’s unfortunate that it takes an act of Congress to get the military’s attention,” Gallagher said.

After being attacked, Gallagher said, she spent the night wrestling a gut-twisting question: Should I speak up? In the morning, she went back to her superior, a woman, and told her

ATTACKS, Page A13

‘She told me that this stuff happens, and that I had to deal with it.’

MARY GALLAGHER, *after talking with her superior officer*

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► ATTACKS

Continued from Page A1

of the alleged rape. The response, Gallagher said, was confounding: “She told me that this stuff happens, and that I had to deal with it.”

Stunned, Gallagher did not file a rape report.

Her experience is not unique. According to the Pentagon’s own studies, as many as one in every three women leaving military service said they were sexually assaulted while serving their country. The study estimates that the vast majority, 86 percent, of sexual assault victims remain silent.

Among civilians, 40 percent of sexual allegations lead to prosecutions; in the military, 8 percent are prosecuted, although recent studies suggest this number could be increasing.

“No man or woman seeking to serve our nation should ever be victimized by our own soldiers,” said Representative Niki Tsongas of Massachusetts, a member of the House Armed Services Committee. Tsongas, a Lowell Democrat, co-wrote many of the sexual assault provisions, which include:

- Requiring the Pentagon for the first time to provide legal assistance to victims, a key change that promises to help them wade through the often-onerous military legal system, according to advocates.

- Strengthening the right of victims to seek a transfer. While the rules would not automatically grant the request, commanding officers must decide within three days. If a request is turned down, service members can appeal. Advocates, saying that currently victims often must continue serving with their assailants, point to the case of Maria Lauterbach, an Ohio woman who was raped and killed while stationed at Camp Lejeune, N.C. A fellow Marine was convicted in her death — the same Marine she



Mary Gallagher at Sather Air Force Base near Baghdad in October 2009, about a month, she said, before she was raped.

had months earlier accused of assaulting her.

- Providing victims the right to all records from legal proceedings related to a sexual attack.

- Requiring the Pentagon to appoint a senior officer to lead its sexual assault prevention and response office. The Pentagon would require every member of the military to undergo training, including yearly refresher courses, to prevent assaults.

Raising the profile of the response center and intensifying training are crucial, advocates say, to ending the apathy among officers that discourages victims from coming forward.

“Maybe this will lead to a cultural change — starting in the high levels — to start taking this seriously, and I hope it will eventually trickle down,” said Panayiota Bertzikis, who founded the Military Rape Crisis Center in Cambridge. Bertzikis, 30, said she was raped while serving in the Coast Guard.

For too long, “the chain of command has looked the other way,” said Representative Michael Turner, an Ohio Republican who chairs the House subcommittee on strategic forces and who co-wrote some of the rules with Tsongas. “Service members need to know that this is an overwhelming problem.”

The drumbeat for greater pro-

tections is unlikely to fade. Women are assuming a wider variety of roles, both in close combat support and in leadership positions. Their number is projected to swell to a fourth of all military personnel by 2025.

The Globe’s policy is not to identify victims of rape, but both Gallagher and Bertzikis agreed to have their names used in this story.

The broader defense bill is expected to be passed by the Senate and signed by President Obama by the end of the week. The new policy on sexual assault prevention and education would eventually cost about \$100 million, according to the Congressional Budget Office. Such an increase bucks an overall belt-tightening for the Pentagon, which would receive \$27 billion less than what Obama requested.

Looming cuts in other programs have raised concern that the sexual assault rules will not be fully implemented.

In October, Tsongas pressed Defense Secretary Leon Panetta for assurances that the Pentagon would not shirk its duty to protect enlisted men and women from sexual violence. He responded that justice would be rendered quickly.

“I take him at his word,” Tsongas said last week. “I will seek to hold him to it.”

Senator John F. Kerry, a Massachusetts Democrat who sponsored the Senate version of the new rules, expressed confidence that Panetta will give the matter serious attention.

A Pentagon spokeswoman declined to comment on the specific provisions of the legislation, but reiterated Panetta’s vows that the Department of Defense would do all it can to address sexual assaults, particularly reducing the stigma that often surrounds victims.

The department has invested \$1.8 million in the past two years to train judge advocates to handle sexual assault cases.

Yet victims’ advocates call that response inadequate. The Government Accountability Office concluded the Pentagon lacked the oversight to ensure “a consistent and effective approach” to sexual assault investigations.

Earlier this year, Bertzikis joined a class-action lawsuit — later joined by Gallagher — to force the Pentagon to adopt more aggressive measures. A federal judge in Virginia on Tuesday dismissed the lawsuit, saying that the political arena is the proper venue for such changes.

Saying the rape survivors seek reform, the group’s lawyer, Susan Burke, added: “We welcome and applaud congressional efforts.”

For Gallagher, who was a technical sergeant in the Air National Guard, the lack of response to the attack eroded her trust in an institution she once revered. She gave up on rape charges, after frustrations with the military’s investigation.

“I went into the military to pay off school. But I fell in love with it,” she said. “My goal was to stay in the military for 40 years.”

In June, after 12 years, she gave up her military career.

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