



2016 ANNUAL REPORT

FIVE YEARS OF IMPACT



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From Our Leadership

As we round out five years of working to provide our service members with a safe work environment and economic security by fighting military rape, sexual assault, and harassment, it is appropriate to take a moment to reflect on what has been accomplished. Prior to Protect Our Defenders' (POD) formation, the military's crisis of pervasive sexual assault had only sporadically bubbled up into the national consciousness in reaction to one crisis after another. However, the anger created by scandals such as Tailhook and Aberdeen Proving Ground proved short-lived, resulting only in empty promises and no meaningful reform.

POD was founded to finally put an end to this cycle of abuse. We knew that, to end the military sexual assault crisis, it would take an organization dedicated to persistently supporting and serving survivors through our Pro Bono Legal Network Program, uplifting their stories, and exposing the misogynistic culture and broken justice system. We have helped hundreds of survivors fight injustice and our pro bono attorneys have donated over \$3.2 million in legal services over the last 2 years.

For five years, POD has been dedicated to fulfilling this mission. We continue to lead a critical and ongoing effort to reform an archaic and hostile military justice system. From the outset, we knew education was key to reform. That is why we have dedicated resources to media advocacy resulting in thousands of stories, including features in all of the largest and most powerful outlets. In addition, we have personally met with dozens of members of Congress and made sure many more have heard directly from the survivor community. These efforts have resulted in a fundamental shift in the way the public and lawmakers view this crisis.

POD's work plus the advocacy of our courageous survivor community, coalition partners, and other supporters has resulted in the most far-reaching reform of military justice in over 60 years.

Commanders, for the first time in the history of our country, may no longer overturn convictions for rape, sexual assault, and other serious offenses; a rapist can no longer be found not guilty based simply on his reputation as a good soldier; and survivors have gained critical rights that help protect them from the existing hostile system, including:

- **The right to demand the presence of an attorney before meeting with defense counsel**
- **The right not to be forced to testify in pre-trial hearings**

- **The right to appeal a judge's ruling that violates a survivor's privacy protections**
- **The requirement that military courts consider a survivor's schedule when setting a trial date**
- **Elimination of an abusive defense tactic of using pretrial depositions as a method to force survivors to submit to defense interviews**

These reforms have significantly enhanced the protections of survivors in the court-martial process and the chances of achieving a just result.

Together, we have accomplished a great deal, but we still have an important journey ahead. "Justice" in the military is still administered by commanders with inherent biases, experienced professional prosecutors are not allowed to make critical decisions, and sexual assault and harassment, gender-based discrimination, and retaliation against victims remain pervasive.

Moreover, we must be constantly vigilant to ensure our recent victories remain intact, especially during this time of change and uncertainty. POD remains dedicated to building an independent, prosecutor-based justice system in the military. This would free commanders to focus on prevention and much-needed cultural change and provide all service members – both victims and the accused – with access to a fair, conflict-free system of justice. We remain steadfast in our efforts to stand with survivors to ensure they are treated with dignity.

It is for these reasons that we will continue to press the new administration and Congress to support fundamental change and finally deliver the men and women serving our country a justice system equal to their sacrifice on our behalf.



DON CHRISTENSEN
Colonel, USAF (ret.)
President



NANCY PARRISH
Founder & CEO

Highlights: Five Years of Impact

2011

■ **Protect Our Defenders (POD) founded** by Nancy Parrish and community of survivors to address the crisis of rape and sexual assault in the military.

■ **Survivor stories documented:** POD travels across the country to interview survivors featured in videos for website.

■ **STOP Act introduced:** POD joined Rep. Jackie Speier to introduce bill to remove decision to prosecute sexual assault from chain of command.

2012

■ **POD founder and survivors called on Congress to investigate a complaint** filed by an Air Force Tech Sergeant that exposed a pervasive culture of misogyny within the Air Force. Her complaint disclosed songbooks that glorified the rape and abuse of women. POD's advocacy efforts around this complaint led to an Air Force-wide sweep of all work areas and led to the confiscation of thousands of inappropriate materials, including pornography.

■ **Lackland Scandal:** In the wake of reports of widespread sexual abuse of trainees at Lackland Air Force Base, POD Advisory Board member and Tailhook whistleblower Paula Coughlin successfully led efforts to pressure then-House Armed Services Committee chairman Buck McKeon to hold a congressional hearing into the allegations.

2013

■ **Aviano Air Base Scandal:** organized response to a General who overturned the sexual assault conviction of a fellow fighter pilot, leading to Senate hearings and major policy reform.

■ **POD founder and survivor advocates testified before the Senate Armed Services Committee,** including the first male survivor to testify before Congress.

■ **Fought successfully to limit commanders' ability to overturn convictions** and eliminate the ability to use an accused rapist's "good military character" to decide not to prosecute.

2014

- **New York Times breaks story: Col Christensen (ret.), former Chief Prosecutor of U.S. Air Force, joins POD as President.**

- **Worked to codify victims' right** to be represented by an attorney during the court-martial process to protect their rights.

- **A culmination of advocacy efforts led to a vote by a bipartisan majority of the Senate** to give prosecutors - instead of an accused's commander - the power to decide which cases are prosecuted.

- **Strengthened privacy protections for victims** to make it harder for an accused rapist to use a victim's mental health records against them at trial.

- **Launched a successful effort to abolish the abusive practice** of allowing defense counsel to conduct unlimited public cross-examination of victims during pre-trial hearings.

2015

- **Partnered with Human Rights Watch** on an in-depth report on retaliation against victims.

- **Strengthened victims rights**, successfully pushing for legislative and executive action to strengthen victims' ability to challenge decisions by a military judge that violate their rights.

- **Keeping momentum for impartial justice:** For a second time, a bipartisan majority of the Senate voted for fundamental reform.

2016

- **POD holds DoD accountable:** POD released a report, along with an independent AP investigation, exposing efforts by DoD to mislead Congress in order to block fundamental reform.

- **Called on President Obama to launch independent investigation and to support reform:** delivered over 160,000 signatures to the White House in support of military justice reform.

- **Supported legislation to combat retaliatory discharges** that deny survivors earned benefits.

- **Convened coalition of organizations and allies for justice reform.**

For a full and complete timeline, visit:
www.protectourdefenders.com/accomplishments

Research, Analysis, and Reports

Protect Our Defenders (POD) collaborates with researchers and tracks external data and findings in order to present a fair, objective, and accurate analysis of sexual assault in the military for the public and lawmakers. We analyze and synthesize data and research on sexual assault and harassment, advocate for the collection and disclosure of military data on demographics and disparities affecting both the victim and the accused, and educate the public and press on key findings. We also initiate and collaborate on major research reports.

The integrity of our work is consistently recognized by members of Congress, the press, and advocacy organizations who rely upon our fact sheets and reports for policy analysis. Professional legal groups and military legal offices routinely seek POD's input and expertise.

This year, in addition to providing analysis of the Pentagon's own data to reveal the full scope of the ongoing military sexual assault crisis, we published our first in-house research report, *Debunked: Fact-Checking the Pentagon's Claims Regarding Military Justice*, which revealed the Pentagon provided misleading testimony to Congress in order to block vital military justice reform, which would give prosecutors rather than commanders the authority to determine which cases are sent to court-martial. We also continued our collaboration with Human Rights Watch (HRW) for a second report, *Booted*, focused on the collateral damage of retaliatory discharges against survivors of sexual assault and the barriers survivors face in correcting them.

Debunked: Fact-Checking the Pentagon's Claims Regarding Military Justice

In July 2013, at the height of a contentious Senate debate over legislation to create an impartial military justice system, then-Vice Chairman of the Joint Chiefs of Staff Admiral James Winnefeld testified before Congress that the military would "have fewer prosecutions" if sexual assault prosecution decisions were removed from the chain of command and given to military prosecutors. In a subsequent letter, Adm. Winnefeld highlighted 93 cases of sexual assault from 2010 to 2013 where, he claimed, civilian prosecutors "refused" to prosecute and commanders subsequently "insisted" those cases be sent to court-martial.

POD released *Debunked*, which, along with a subsequent independent Associated Press (AP) investigation, documented that the Pentagon testified falsely to Congress and used those untrue claims as a basis to oppose military justice reform. Specifically, the Pentagon falsely claimed that there were 93 cases where civilian prosecutors "refused" to prosecute and military commanders had to "insist" the cases go forward to trial. Preparing the report involved two years of Freedom of Information Act requests, eight months of research, and three months of working with the AP.

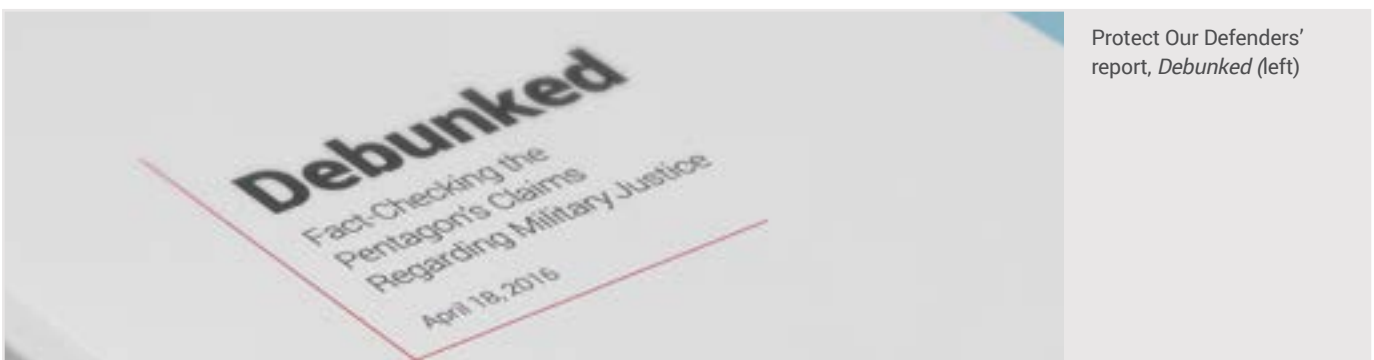
Our report exposing the Pentagon's dishonest attempt to derail reform created a media firestorm and had a substantial impact on the debate over fundamental reform of the military justice system in Congress.



Samantha Bee (above) on *Full Frontal with Samantha Bee*

Following our report, Sen. Gillibrand (D-NY) and Sen. Grassley (R-IA) called on President Obama to open an independent investigation, and a bipartisan group of Senators asked for a meeting with the Secretary of Defense. In response to POD’s report and calls from the Senate for an independent investigation, President Obama ordered a review by the Secretary of Defense of the Department of Defense’s actions. Defense Secretary Ash Carter followed up with a letter and white paper to Congress, which continued to mislead and failed to directly address or explain POD or the AP’s findings. In response, POD drafted a point-by-point rebuttal, which was disseminated to lawmakers considering reform.

“There was a lot of evidence given that the military can handle this on their own that was just outright misleading. That evidence has come to the attention of all of us.” – Sen. Grassley



Fact-Checking the Pentagon's Claims Regarding Military Justice



Out of 81 cases, there was **not one** example of a commander “insisting” a case be prosecuted.



In two-thirds of cases, there was no sexual assault allegation, civilian prosecutors never declined the case, or the military failed to prosecute for sexual assault.



Conviction rates for sexual assault were **significantly lower than claimed**.



“93 cases” cherry-picked by the Pentagon **represent less than 1% of the 12,232 sexual assault reports** the military received during the same time period.

Human Rights Watch Report: Booted

POD collaborated with Human Rights Watch (HRW) for a second year to help produce *Booted: Lack of Recourse for Wrongfully Discharged US Military Rape Survivors*. The report found that for decades, victims of sexual assault have been wrongfully discharged from the military, leaving veterans with stigmatizing discharge papers that prevent them from getting jobs and benefits. The report also found that survivors with bad discharges effectively have no recourse, as the boards charged with correcting unfair discharges provide relief in just 5.6% of sexual assault cases.

We provided HRW with general consultation, case files, subject matter expertise, and contributed feedback and policy recommendations for the final report. POD helped identify and secure consent for survivors willing to be interviewed, including POD Advisory Board and Advocacy Committee members. We joined HRW for a press conference and a briefing to lawmakers on this issue and the importance of legislative reforms to protect victims, both while in the military and after their discharge.



Human Rights Watch's report, *Booted* (above)

FOIA Requests

POD has filed a series of Freedom of Information Act (FOIA) requests with the military service branches seeking information about racial disparities in the military justice system. Data provided by the Air Force and Marine Corps shows that African Americans are significantly more likely to be court-martialed and punished through non-judicial channels than white service members, suggesting that the bias inherent in the command-based system has a wide-reaching impact.

“ Why should I be discharged because I was raped? I did what I was supposed to do. Had I never come forward, I truly believe I would still be in the Air Force. ” - Jane

Award for Social Courage



Georgia Institute of Technology President G.P. "Bud" Peterson (left) presenting POD founder and CEO Nancy Parrish (right) with the Ivan Allen Jr. Prize for Social Courage

Protect Our Defenders Founder & CEO Awarded Ivan Allen Jr. \$100,000 Prize for Social Courage, Benefiting POD's Policy, Advocacy, and Legal Services for Survivors

Georgia Institute of Technology President G.P. "Bud" Peterson awarded Nancy Parrish, Protect Our Defenders (POD) founder & CEO, the 2016 Ivan Allen Jr. Prize for Social Courage in February 2016. The award recognizes Parrish's work in helping to launch a national movement to reform how the U.S. military addresses rape and sexual assault through legal reform, advocacy, public education, and free casework services and legal referrals for survivors of military sexual assault and harassment.

"Ms. Nancy Parrish has long been at the forefront in addressing the many difficult social issues facing our country today," Peterson said. "Through her exemplary efforts as founder and CEO of Protect Our Defenders, she has given a voice to victims of sexual assault in the military. Our world and our country have been greatly enriched by her selfless service."

The Ivan Allen Jr. Prize for Social Courage recognizes individuals who, by standing up for clear moral principles in the social arena, have positively affected public discourse at the risk of their own careers and livelihoods. The prize came with a \$100,000 stipend. Parrish donated the funds to POD. Prior recipients include William Foege, U.S. Representative John Lewis, Beatrice Mtetwa, and former Senator Sam Nunn. The recently announced 2017 recipients will be President Jimmy Carter and Roselyn Carter.

"Since Protect Our Defenders' founding, I have watched the United States experience exponential growth in its awareness and resolve to address the treatment of rape victims in the military," said Loree Sutton, MD Brigadier General (ret.) Commissioner, NYC Veterans' Affairs. "Nancy Parrish has been the single most influential leader in this movement and continues to offer lifesaving hope for those in despair an accessible platform for those otherwise silenced, and a long-range strategy aiming for transformational cultural change within our nation's communities and institutions."

Parrish accepted the prize during a day long symposium at Georgia Tech for faculty, students, and community leaders. POD staff spoke on panels addressing Ethical Leadership and Creating and Sustaining Social Change.

Pro Bono Network

Protect Our Defenders' (POD) Pro Bono Network (PBN), founded in 2013, is the only national program providing free legal services specifically for survivors of military sexual assault and harassment. Through our PBN, we connect active duty service members, veterans, and U.S. civilians with legal referrals and casework support for a broad array of issues arising from rape and sexual assault, such as fighting professional retaliation or an inaccurate mental health diagnosis used to separate a victim from service and protecting a victim's privacy rights during the court-martial process.

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 helped focus our agenda and led to meaningful changes to the military justice process.** For example, POD helps fight adverse motions and rulings by military judges in active criminal cases on behalf of victims we are able to place with attorneys and in turn, help to shape legal precedent that impacts survivors.

In one recent case, POD filed an Amicus Brief in support of a survivor who challenged a military judge's interpretation of Military Rule of Evidence (MRE) 513, the psychotherapist-patient privilege. **POD had previously worked with Congress to amend MRE 513 to make it more difficult for judges to turn over victims' mental health records to their rapists. In this case, the judge ignored these changes and ordered disclosure in violation of the survivor's rights.** POD filed an Amicus Brief before the Court of Appeals for the Armed Forces (CAAF) urging the Court to clarify the protections afforded victims under the new law. Unfortunately, the CAAF refused to rule on the merits of the case, finding they lacked jurisdiction. In light of the Court's failure, POD is now working to press lawmakers to pass a clarification of the law that will ensure victims' rights are protected in the future.

In 2016, 251 survivors requested assistance from POD. Of these, 170 survivors completed an interview, and 114 survivors received case assistance, often including victim legal representation for the military justice process, protection from retaliation, discharge record corrections, and assistance with receiving needed health care. Pro bono attorneys donated over \$3.2 million in legal services over the past two years.



251 Survivors Requested Assistance



170 Completed an Interview



114 Survivors Received Case Assistance

Pro bono attorneys donated over \$3.2 million in legal services over the past two years.

Case Examples and Quotes

Sarah, a civilian, was raped by an active duty service member in 2013. She reported the assault to local law enforcement, who turned the case over to the Air Force. After an investigation, the Air Force held an Article 32 (pre-trial) preliminary hearing and referred the case to court-martial. As a civilian, Sarah was not eligible for legal representation by a military Special Victims Counsel (SVC), and she felt lost trying to navigate the military justice process. POD found Sarah a pair of attorneys to act as civilian SVCs—guiding her through the process, preparing her to testify, and advocating for her rights. Sarah’s assailant was convicted of sexual assault.

“[My pro bono attorneys] each did such a wonderful job... From the small town detective all the way up to the military attorneys, I saw in-person how sloppy, inefficient, and uncaring our [military] justice system can be. [My attorneys] were a bright spot. They were the fulcrums that balanced out all of the bad, unpleasant, and upsetting aspects that surrounded the trial... I was always stunned by how much they offered and how genuine they were... They truly cared about my case, my family, and myself, and they guided all of us through a very dark and troubling time. I am deeply appreciative of all that they did and hope that others in situations like mine could have a bright spot like I was able to have.” - Sarah

John, a Navy veteran, was sexually assaulted twice while serving. After he reported the second assault, he received a General Under Honorable discharge under Don’t Ask, Don’t Tell (DADT) on the basis of the assault. After the repeal of DADT, POD found a pair of attorneys to help him upgrade his discharge paperwork. The attorneys were successful, and his discharge papers were

corrected. John now has an Honorable discharge, is able to reenlist, and is able to obtain the full benefits to which he is entitled.

“During a Google search for help for military sexual assault survivors, I came across Protect Our Defenders... Thanks to them I was referred to legal counsel and got my discharge upgraded to Honorable. I spent ten years trying to find help. While I am still coping with the injustices dealt to me, at least I have received the proper characterization of discharge.” - John

Rachel, a Navy veteran, was raped while serving on active duty. After her discharge into the Navy Reserves, the military moved to administratively separate her without full benefits. POD found Rachel an attorney, who successfully fought for her to be medically retired for Post-Traumatic Stress Disorder (PTSD) due to Military Sexual Trauma (MST). Despite this victory, Rachel continued to struggle to obtain her benefits, and both the military and the VA suddenly claimed that she had outstanding debts. Rachel’s attorney again fought for her, applying for a records correction and demanding answers from her prior command, and POD connected Rachel to her Senator for additional support. As a result, Rachel was able to secure her medical retirement benefits. POD and Rachel’s attorney continue to help her fight this retaliatory debt so that she can finally obtain closure.

“I’m extremely grateful to [POD staff] for all you have done. Of course, we cannot sufficiently express our gratitude to [Rachel’s pro bono attorney] and her staff for fighting for Rachel for so many years, against so many odds. It’s reassuring to know that Protect Our Defenders, and the pro bono lawyers who assist you, are working hard on behalf of MST survivors.” - Sandra, Rachel’s mother

Iris, an Air National Guard veteran, was sexually assaulted while training with her unit. Struggling to cope, she was diagnosed by the VA with PTSD. After a retaliatory discharge from the military, Iris applied for VA benefits, but her claim was denied. At Iris' request, POD wrote a letter of support for her to use in challenging her denied claim, describing the widespread nature of retaliation within the Armed Forces, and our interactions with her as she sought help. POD also informed her of legal resources. POD staff will stay in touch with Iris to help support her going forward.

"I am speechless... This letter, it speaks volumes for me. It has been an uphill journey, I am still trying to readjust from this incident. Sometimes, I felt silenced, but I am learning my voice is powerful... I dream of a better tomorrow for all those who were affected, too. I know I have a purpose. Your organization has done so much for me and others who were affected. This is our story, my journey, and I am grateful to have you for not turning a deaf ear. Thank you from the bottom of my heart." – Iris

Catherine, a Navy Reservist, was sexually assaulted several times and has never seen justice. When she contacted POD, she was going through the medical retirement process for PTSD. She had also been unable to obtain divorce benefits from her ex-husband, one of her assailants, due to issues in her divorce decree. POD helped prepare a request for the investigation records into her assaults, so that she might finally learn what happened in these cases. POD also referred Catherine to an organization for legal representation during the medical retirement process and found her a local attorney for assistance with her divorce decree.

"Thank you so much for speaking with me and helping people like me. I appreciate it more than you will ever know." – Catherine

PBN Lawyers Receive First Annual Justice Award

On January 28, 2016, POD presented our first annual Protect Our Defenders Justice Award. The inaugural annual award was given to two attorneys from the Legal Aid Society-Employment Law Center (LAS-ELC), Cacilia Kim, Special Counsel, and Elizabeth Kristen, Director of the Gender Equality & LGBT Rights Program. Ms. Kim and Ms. Kristen have worked tirelessly on behalf of military sexual assault survivors through POD's PBN. Thanks to the generous efforts of attorneys like Cacilia and Elizabeth, many survivors have known that there was someone in their corner, fighting for their rights and demanding justice on their behalf.



Elizabeth Kristen (above), Director of the Gender Equality & LGBT Rights Program, accepting POD Justice Award

The Awardees have worked on a number of cases that bear a disturbing similarity: cases where survivors were diagnosed with pre-existing personality disorders instead of PTSD due to MST after reporting their attacks. These diagnoses can be used to cut short a service member's career and can have a profoundly negative impact on veterans' benefits, employment prospects, and overall well-being after a discharge.



Cacilia Kim (right), Special Counsel, accepting POD Justice Award and Congresswoman Jackie Speier (left)

"It has been a privilege to work with Protect Our Defenders as part of their Pro Bono Network for the past few years. They fill a critical need – providing independent legal assistance to service members who have been sexually assaulted during their military service," said Ms. Kim. "Their passionate pursuit to right such egregious wrongs is inspiring and contagious. I am truly honored to receive this award." Ms. Kim works mainly in LAS-ELC's Gender Equality & LGBT Rights Program and handles a variety of cases, including Title IX federal class action lawsuits seeking equal access to education, and state, federal, and administrative actions on behalf of military service members who were sexually assaulted during their service.

"I am humbled and impressed by the courage shown by our brave servicemen and women who are on the frontlines everyday dealing with sexual assault and harassment while serving our country. When they contact Protect our Defenders seeking help to fight for their own rights, we need to be there for them," said Ms. Kristen. "I have been privileged to do so. My admiration for Protect our Defenders is boundless so I am particularly honored to receive this award."

Ms. Kristen launched LAS-ELC's Veterans and Military Families Project and co-founded a monthly civil legal needs clinic for veterans in Fresno, CA. Ms. Kristen has worked with veterans with PTSD due to military sexual trauma in internal military proceedings and discharge reviews, in connection with VA benefits, and in civilian employment situations.



Policy

Through in-depth policy analysis and recommendations, investigative reports exposing abuse, and legal challenges in military and civilian courts, Protect Our Defenders (POD) works to reform the culture of harassment and retribution and empower victims to enforce their rights.

We work to address various points of failure in the military justice system that harm victims of sexual assault and improve access to needed VA care and treatment for Military Sexual Trauma (MST). We engage and inform policymakers and military leadership of the need to create a fair and impartial justice system for both the victims and the accused, and fight to strengthen substantive and procedural protections for victims during the legal process, including efforts to enforce their privacy rights and shield victims' therapy and medical records from exposure, fighting to ensure access to a robust appellate mechanism to challenge violations of their rights, and increasing transparency and accountability within the military justice system.

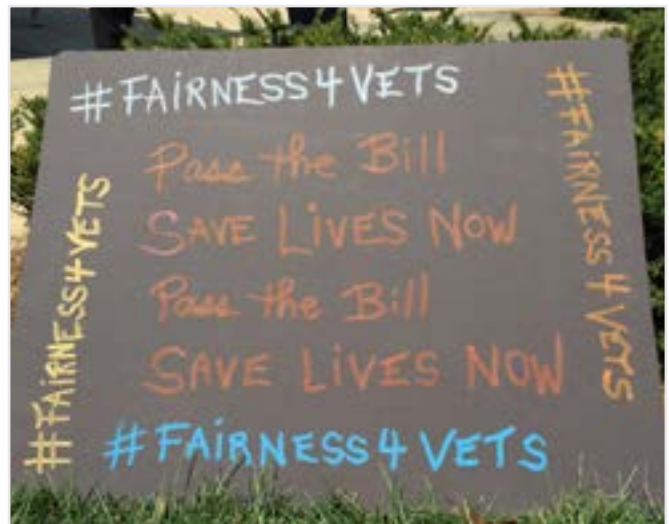
Our advocacy efforts have led to significant reforms, including changes to federal law that establish basic legal protections for victims in the military, such as guaranteeing victims the right to legal representation, reforming the pretrial hearing process that had been routinely used to humiliate and intimidate victims, and strengthening victims' privacy rights by making it harder to access their mental health counseling records. In addition, we successfully advocated for the elimination of the "Good Military Character" defense and limitations on commanders' ability to overturn convictions with the stroke of a pen.

Protecting Survivors from Unfair Discharges

Following the release of Human Rights Watch's *Booted* report, which found that survivors of military sexual assault have been improperly discharged from the military with little to no opportunity to correct their records, POD partnered with 30 advocacy and veterans' organizations to demand that Congress solve this issue. Together, we succeeded in securing several provisions in the FY 2017 National Defense Authorization Act (NDAA) that strengthened protections for military whistleblowers and ensure that victims who are retaliated against for reporting a sexual assault have appropriate recourse.

On September 13, 2016, Col (ret.) Christensen participated in a Fairness for Veterans press

conference organized by Vietnam Veterans of America (VVA) in support of a provision to reform the military discharge review process.



Sign (above) at the Fairness for Veterans press conference organized by Vietnam Veterans of America

Fighting for Access to Vital MST Care

For several years, the Department of Veteran's Affairs (VA) operated under a directive to provide medical care to MST survivors for conditions related to their assault, even if they did not qualify for other VA benefits. However, after the expiration of this directive, the VA issued a memo indicating that the VA will no longer provide this support to survivors with Other Than Honorable discharges—even though such discharges may be directly related to the sexual trauma and subsequent Post-Traumatic Stress Disorder (PTSD) or retaliation. In response, POD issued a letter to the VA Secretary expressing concern and called on the VA to ensure that all survivors of military sexual assault have access to critical, life-saving services, regardless of their discharge status. POD has joined other veterans' organizations and legal service clinics in an effort to clarify VA policy in support of survivors.

Continuing the Fight for Fundamental Reform

The current military justice system is at odds with our country's notion of fundamental fairness: the person who decides whether or not a case will be prosecuted is not a trained military lawyer, but the commander of the accused. A prosecutor wrote to POD describing the ineffective and dysfunctional system as follows:

"I am a prosecutor in one of the busiest litigation offices in the world. The [military justice system] creates barriers to effective, efficient justice... Cases are lost or overturned on appeal due to errors and victims don't want to come forward because of distrust in the chain of command. Please keep working... It is truly a broken system. I've been debating getting out... I want to stay and help victims, but the current system is wearing me down."

The Military Justice Improvement Act (MJIA) would vest military prosecutors with the authority to make prosecution decisions in serious cases, such as sexual assault, while leaving commanders with authority over military-specific offenses. This change would professionalize the system and ensure impartial justice for our service members. This year, POD worked to expand our efforts by convening a coalition of over 20 national advocacy, social justice, and veteran organizations who support reform.

Seeking Enforcement of Victims' Mental Health Privilege

Despite efforts by POD to secure reforms that strengthen privacy protections for victims' mental health records under Military Rule of Evidence (MRE) 513, the military's psychotherapist-patient privilege, these rights continue to be disregarded. Without the ability to appeal rulings that violate the mental health privilege, military judges are free to ignore recent changes and violate victims' rights with impunity.

This year, POD pro bono attorneys worked to support a U.S. civilian who was sexually assaulted by a member of the military and who fought in vain to prevent a military judge from turning over her mental health records to her assailant.

In the case, **POD filed an Amicus Brief before the Court of Appeals for the Armed Forces (CAAF) challenging the judge's order**, but the Court ruled that it did not have jurisdiction to hear the victim's appeal, effectively denying her relief. After CAAF declined to hear her case, POD's pro bono attorneys helped file an appeal to a federal judge in Washington, D.C., asking the federal judge to stop the disclosure of her mental health records and arguing that the military judge improperly ruled that the victim's mental health records should be turned over to her sexual assailant based on

an incorrect and outdated reading of the rules of evidence. **Despite acknowledgement by the federal judge that the military judge's ruling was "questionable" and that the victim had raised persuasive concerns**, he transferred the case to California, finding lack of venue. The Department of Justice opposed the victim's appeal, and the California district judge dismissed her claim on sovereign immunity grounds without ruling on the merits of her case.

This case exposed the limits of recent changes to MRE 513 designed to better protect victims' mental health records and emphasized the need for victims to have the ability to appeal such rulings in order to ensure enforcement of their rights. POD is now working to educate lawmakers about this case and pushing vigorously for greater protection of victims' mental health records.

Input for the Judicial Proceedings Panel

On October 14, 2016, Col Christensen appeared in support of victims' privacy and appellate rights before the Judicial Proceedings Panel (JPP), which was established by Congress to review military justice policies and practices pertaining to sexual assault and to make recommendations for improvement. **Col Christensen's testimony focused on the failure by military judges to consistently and effectively enforce MRE 513, which is meant to protect victims' mental health records**, and emphasized the need for a more robust appellate mechanism for victims to challenge rulings that violate their rights. He also recommended legislative changes to improve the quality of judicial appointments in military courts.

In addition to in-person testimony, POD regularly provides input to the JPP through written comments and drafts legislative language in support of improvements to military justice.

Advising the Executive Branch

In October this year, POD, joined by veterans' groups, Vietnam Veterans of America (VVA) and Iraq and Afghanistan Veterans of America (IAVA), **met with senior White House staff to present POD recommendations for concrete actions President Obama should take before leaving office** to improve the experience of victims in the military justice process and increase transparency and accountability of the system. POD presented several proposed steps, including ensuring public access to court records and timely provision of case documentation to victims and their attorneys, increased appellate rights for victims whose rights have been violated during the military justice process, and higher professional standards for military Judge Advocate Generals and judges that encourage more specialization and experience in the courtroom. POD will continue to urge the Commander in Chief to prioritize fair and impartial justice for all service members.

Executive Order on Confessions

In 2015, CAAF, in a deeply flawed ruling, dramatically changed the rule concerning the admissibility of confessions. The new holding, based on a poorly drafted evidentiary rule, would allow accused sex offenders to escape accountability even after fully admitting to their crime. **POD quickly proposed legislation to change the evidentiary rule to ensure an accused's confession would be admissible in a manner consistent with federal law.** As a result, Congress passed legislation requiring the President to modify the military's rule governing confessions to ensure the accused will be held fully accountable for the crimes admitted to, and the rule was modified accordingly. This rule change is particularly important to ensure justice for crimes involving children and incapacitated victims where the accused's confession is often the only source of the full extent of the crimes committed.

| Advocacy



Building a Coalition for Impartial Justice

The military justice crisis is a gender, racial, and economic justice issue, and we are leading a social justice movement to fix it.

In October 2016, **Protect Our Defenders (POD)** brought together a coalition of organizations and allies working to advance veterans issues, human rights, social justice, criminal justice reform, women's and LGBTQ rights, and racial justice issues **to advocate collectively in support of impartial justice for all service members – the victims as well as those accused.** Together, we are committed to calling on our elected and military leaders to create a military justice system that is transparent and accountable.

The movement for fair and impartial justice in the military is a demand for fundamental fairness and justice for the individuals who serve our country. The United States military has traditionally been a vehicle for social mobility. Without a fair and objective system of justice, ongoing discrimination, pervasive sexual assault, harassment, and retaliation threaten the safety, careers, and well-being of our service members and undermine the integrity of our armed services. The current command-centered justice process is depriving our service members of their fundamental rights and fails to embody the American values that they have committed their lives to protect.

We believe the military should be a leader, not lag behind, in addressing sexual violence.

The coalition will urge President Donald Trump to direct the Secretary of Defense to work with Congress to develop a comprehensive plan to transition the military to an independent, prosecutor-driven justice system for serious, non-military specific crimes, such as rape, sexual assault, and murder.

Convening Women of Color Survivors

Sexual assault and harassment in the military significantly impact women of color. Black women enlist at over twice their proportion in the civilian female population, yet black service members are significantly underrepresented in senior enlisted and officer ranks. **Research has shown that being a young woman of minority racial status is associated with higher risk of sexual harassment and assault in the military.**

Minority women often face institutional and overt discrimination and alienation within the

military system, and they continue to face these challenges long after they have completed their military service and transition into the civilian community. However, the risks faced by women of color and their unique needs have not been adequately addressed.

In an effort to center issues of race and ethnicity within the broader discussion and empower women of color to emerge as leaders on this issue, POD has convened a focus group of women of color survivors who have experienced military sexual assault to explore the unique challenges they have faced and identify ways to empower

POD'S REACH



79,355
E-Newsletter
Subscribers



22,245
Facebook
Followers



2,644
Twitter
Followers



570,247
YouTube
Views

and uplift their voices in the debate around reform. Next, POD will train and mentor women veteran and active duty survivors of color to lead and share their stories with the press, their elected officials and community leaders, and peers.

This convening is led by POD Advisory Board member and survivor BriGette McCoy. BriGette is the founder of the nonprofit, Women Veteran Social Justice, and advocates for equal access to VA services.



POD Advisory Board member BriGette McCoy (above) testifying before the Senate Armed Services Committee about her sexual assault and retaliation she faced after reporting

Advocating to Reform the Military Justice System

Senator Kirsten Gillibrand renewed her fight to pass the **Military Justice Improvement Act (MJIA)**, which would create a fair and impartial military justice system by empowering military prosecutors, rather than commanders, to make prosecution decisions for serious offenses. Senator Gillibrand used POD's *Debunked* report as evidence revealing that previous votes were made on the basis of false and misleading information provided under oath on behalf of the Pentagon.

On May 24, 2016, Col Christensen and Samantha Jackson, a survivor of military sexual assault who was provided legal representation by POD's Pro Bono Network, **joined a bipartisan coalition of Senators and veterans' advocates at a press conference to share her story and call for military justice reform.**

In addition to Senator Gillibrand, we joined Senators Chuck Grassley (R-IA), Barbara Boxer (D-CA), Rand Paul (R-KY), Mazie Hirono (D-HI) and Richard Blumenthal (D-CT), veterans advocates from Iraq and Afghanistan Veterans of America (IAVA), Vietnam Veterans of America (VVA), and Service Women's Action Network (SWAN) at the press conference.

POD mobilized the survivor community to call their Senators to share their stories to educate them on the need for impartial military justice



Samantha Jackson speaking at a press conference for military justice reform. From left to right: POD President Col (ret.) Don Christensen, Senator Charles Grassley, Senator Rand Paul, Senator Kirsten Gillibrand, Samantha Jackson, Senator Richard Blumenthal, IAVA, VVA

and coordinated a letter-writing campaign for survivors in key states. Unfortunately, on June 14, 2016, the Senate abruptly ended debate on the National Defense Authorization Act (NDAA), shutting down the opportunity to vote on MJIA. This legislation would have created a fair and impartial justice system for service members. While disappointed, we applaud the continued determination of Senators Gillibrand, Grassley, and all supporters in the Senate majority – and the many citizens and survivors who called and wrote their Senators – and will continue to advocate for this reform.

Excerpts from survivor letters on the need for impartial military justice:

“This bill would mean that the thousands of service members who are raped and sexually assaulted while serving our nation every year will finally have a chance at justice. I cannot put into words how much your support would mean to me and to the thousands of service members, veterans, and civilians who have suffered through this crime. I urge you to support the MJIA.”
- Madeline

“I have experienced the anguish of a child who has been raped by another service member, a fellow brother-in-arms whom she should have been able to trust. Please support the [MJIA], a common sense law that significantly improves the military justice system... I believe that if the MJIA is passed, it could save lives and will positively affect the lives of survivors, both victims and their families... Please hold the military to a higher standard by voting yes to an unbiased military system, promoted in MJIA... 20,000 survivors of sexual assault in 2014 alone is an embarrassment to this great nation and stains our military

as the world watches. Let's move forward from the shame. I hope we can count on you to support MJIA.” - Lisa

Samantha's Petition to President Obama - 160,000 Strong

Samantha Jackson was raped by her then-husband, an Army soldier, while unconscious. A year later, she found out he had videotaped the assault. She reported the rape to the authorities and her attacker confessed. But the military declined to prosecute him, despite telling civilian prosecutors that they would handle her case. While the Army told Samantha they were reconsidering their decision not to prosecute, they allowed her assailant to leave the Army and escape their jurisdiction. Through the Pro Bono Network, POD found an attorney to represent Samantha and brought her to Washington, D.C. to speak about her treatment.

Samantha and POD launched a petition urging President Obama to investigate the Pentagon for intentionally misleading Congress and the public about its handling of sexual assault cases and to support fundamental reforms to fix the broken justice system before he left office.

“The military told the civilian DA they would handle my case, but then declined to prosecute him. While they were supposedly reviewing my request, they allowed him to separate, so he could no longer be prosecuted. We've recently learned that this was not an isolated event. Now I, along with thousands of other survivors, am calling on President Obama to ensure all service members have access to a fair, impartial system of justice.” - Samantha

Col Christensen, Samantha, and POD Advisory Board member Paula Coughlin attempted to



Delivering Samantha Jackson's petition to the White House. From left to right: POD Advocacy and Program Associate Angela Lee, POD Executive Director Miranda Petersen, Samantha Jackson, POD Advisory Board member Paula Coughlin, POD President Col (ret.) Don Christensen, Research Consultant Yelena Tsilker, Arnold & Porter pro bono attorney Rachel Baylis

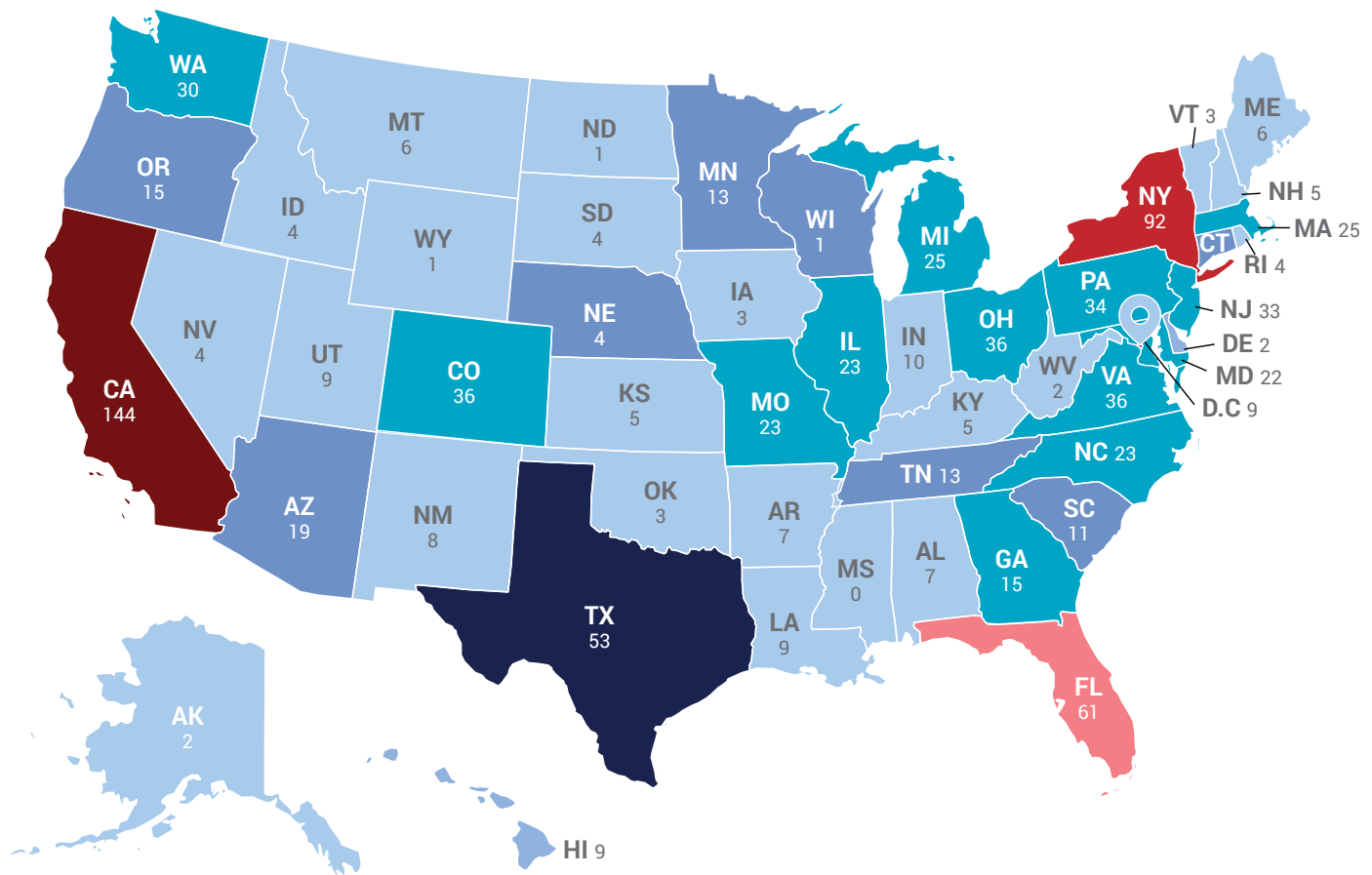
deliver the petition – now signed by over 160,000 people – to the White House. While a scheduled meeting was cancelled at the last minute by the White House, the attempted delivery and press conference generated national interest.

An ABC affiliate reported:

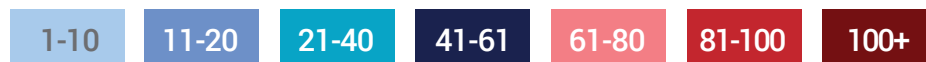
“Samantha Jackson walked up to the White House, 100,000 signatures in hand, ready to share her message with President Obama. But the boxes were left unopened. Something Jackson says she is used to...

For Samantha the proof is in the boxes and she hopes the President decides to open them up. 'This is part of closure for me, this is vindication, this is being heard,' Jackson added. ”

Constituent Outreach



Number of survivors and supporters who personally contacted their Senators in support of military justice reform in 2016



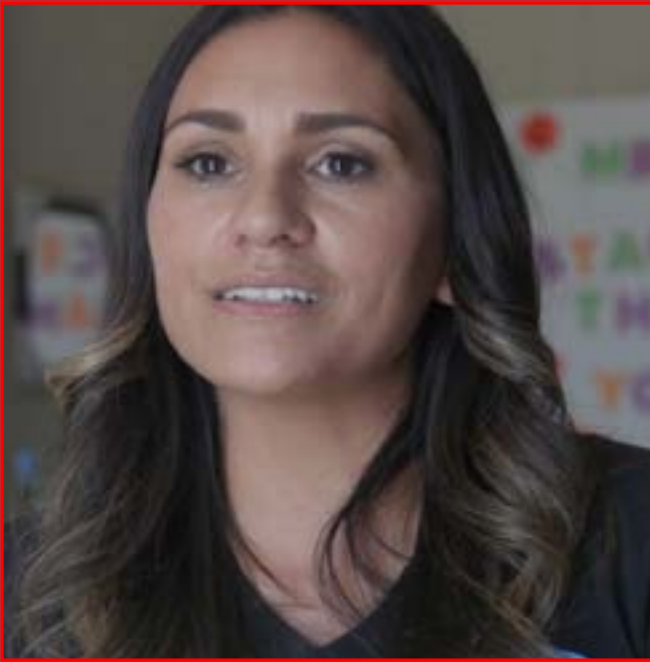
Survivor Advocacy

The community of survivors has been crucial in shaping our organization and driving our policy agenda. Survivor community leaders are doing amazing and innovative work every day to support their peers and effect change.

POD Advisory Board member Terri Odom used a donation from POD to Women Veterans at the VA St. Louis Health Care System to provide

comfortable robes for female veterans who are hospitalized.

"These robes carry the emblem of the Veterans Administration, and provide our Women Veterans with dignity as they go to different departments within the hospital for testing. I have received many positive comments and tears from Women Veterans when they receive these robes, as I meet with them, hear about



POD Advocacy Committee member Stacey Thompson

was featured in a PBS SoCAL documentary series called *Veterans Coming Home*. In the episode, "Invisible Wounds: Life After Military Sexual Assault and PTSD," which aired in June 2016, Stacey shares her experiences as a Marine, efforts to fight for her benefits after leaving the military, and mosaic art and writing as mechanisms to help her work through her PTSD.

their journey and honor them with this simple gesture for their service." -Letter POD received from Eve Holzemer, Women Veterans Program Manager at the VA St. Louis Health Care System.



POD Advisory Board member Terri Odom (above) wearing a robe provided for female veterans by POD for the VA St. Louis Health Care System

In April 2016, POD Advocacy Committee member Katie Weber moderated a Military Sexual Trauma (MST) panel at the Californian Women Veterans UnConference event. The event was meant to honor and support female veterans and active duty service members, as well as provide an update on military sexual assault issues to the community. The MST panel offered women veterans and attendees hope and guidance on where to seek assistance and how the military system has changed in the past five years. Katie also spoke on legislative efforts regarding military sexual assault.

POD Advisory Board Member BriGette McCoy and members of her organization, Women Veteran Social Justice, contributed articles for the January 2016 issue of *Combat Stress* and recruited other women veteran writers to contribute. BriGette wrote the articles, "**Women Veteran Social Justice and the Digital Social Impact: Creating Online Community Networks and Using Mobile Technology**" and "**Overcoming Military Sexual Trauma: Moving Forward Through Identification, Connection, and Empowerment.**"

Education, Outreach, and Training

Protect Our Defenders (POD) works to promote education and awareness, provide training, and grow our community of survivors, family, and civilian advocates who support reform.

We provide speakers—professional experts and survivor advocates—and training materials for sexual assault prevention programs at military bases, training programs at VA centers, and contribute to educational events hosted by universities and national organizations. Our mini-documentary videos featuring military-specific survivor stories are frequently requested and repurposed for military, VA, and community training and support events. Topics include the history of military justice and efforts to modernize the system, the personal experiences of survivors, and best practices in supporting survivors following an assault on base and care at the VA.

In 2016, POD staff and survivor advocates participated in a range of educational and training events.

Presentation to Coast Guard Special Victims Counsel (SVC)

Col Christensen spoke to 20 SVCs in the U.S. Coast Guard about the history of the SVC program, fighting for their clients' rights and how to appeal adverse rulings as well as POD's services.

Speaking to Asian American Bar Association of New York

Col Christensen spoke on a panel before 30 attorney members of the Asian American Bar Association of New York, along with a former Marine Corps JAG and a law professor and retired JAG, in New York City about the system of military justice and the need for fundamental reform.

Panel on Military Justice

Col Christensen spoke on a panel at the American Bar Association (ABA) responding to a legislative proposal by the Department of Defense (DoD) to amend the Uniform Code of Military Justice

(UCMJ). The panel was co-sponsored by the ABA's Standing Committee on Armed Forces Law, the Standing Committee on Law and National Security, and the Judge Advocates Association.

The DoD proposal marked the first military justice package submitted to Congress by the DoD in more than 30 years. While it contained important provisions to modernize military justice, including critical reforms to the sentencing and appellate process, it failed to include a provision to ensure the impartial administration of justice and lacked crucial provisions to protect victims of sexual assault. Col Christensen discussed the nuances of the bill and countered the narrative that the proposal was comprehensive. Portions of the legislation, along with additional provisions advocated by POD, were incorporated into the House and Senate versions of the FY 17 National Defense Authorization Act (NDAA), which President Obama signed into law in December 2016.



POD President Col (ret.) Don Christensen (right) sitting on a panel with members of the Asian American Bar Association of New York

Meeting with Army Counsel Regarding Victim Representation

After representing several victims of military sexual assault, including an Army soldier, Mary Rose Hughes of Perkins Coie from the POD Pro Bono Network (PBN) met with the Program Manager for the Army Special Victims' Counsel (SVC) Program, at the Army's request. Participants of the meeting discussed ways Army and civilian counsel can improve communication and learn from each other. Col Christensen coordinated with Mary Rose regarding issues to be highlighted during the meeting and ways in which the Army, working with civilians, can ensure that all victims receive appropriate, comprehensive legal representation during the military justice process. As a result of this meeting, the Army SVC Program Manager is now including information on civilian SVCs in their trainings and is pushing for trial counsel trainings to incorporate information about the role of both military and civilian SVCs.

Mitchell Hamline School of Law CLE Seminar

In April 2016, POD Advisory Board member Brian Lewis coordinated a day long Military Sexual Trauma Continuing Legal Education (CLE) seminar at Mitchell Hamline Law School in Minneapolis. Col Christensen led a session on prosecuting military sexual assault and the policy implications of the ongoing crisis.

Georgetown Law Panel on Military Sexual Assault

In September 2016, Col Christensen participated in a panel discussion on military sexual assault at Georgetown University Law Center hosted by the Military Law Society and Advocates Against Sexual Violence. The panel was moderated by the Honorable Jamie Baker, former Chief Judge of the Court of Appeals for the Armed Forces (CAAF), and included an SVC currently serving in the Coast Guard and Navy JAG who serves as the head of the Navy Defense Appellate office.



POD Advisory Board members at the Mitchell Hamline School of Law CLE seminar. From left to right: Terri Odom, Heath Phillips, BriGette McCoy

SHARP Program at Fort Drum

The Sexual Harassment Assault Response and Prevention (SHARP) office at Fort Drum Army Base in New York held a series of events for Sexual Assault Awareness and Prevention month in April 2016. As part of the program, POD Advisory Board member Heath Phillips was invited to speak to over 100 troop members about his personal experience as a survivor in order to raise awareness of military sexual assault among soldiers.

Educating the Durham VA on Caring for Military Sexual Assault Survivors

In August 2016, POD Advisory Board member Terri Odom spoke at a training for healthcare providers, doctors, nurses, and staff at the Durham, North Carolina VA Emergency Department about best practices in caring for Military Sexual Trauma (MST) survivors. This training was called "Military Sexual Trauma and PTSD: A Veteran's Story" and was based on Terri's personal and professional experiences at the St. Louis VA.

“ I want to help people because that's how I help myself. Every time I share my story, it's like I peel away a layer and go back to the person I was before this happened to me. For me, it's a win-win. ” - Heath

Media Report

Protect Our Defenders (POD) continues to be the leading voice for victims of rape and sexual assault in the military. For the past five years, POD has led the charge for a fair and impartial military justice system, ending the crisis of sexual assault, and changing the culture of pervasive sexual harassment and victim blaming. And POD has been a fierce advocate for service members, veterans, and their families. Our continued presence in national and local media, as well as our social media efforts, keep the epidemic of sexual assault in the military and need for fundamental reform in the spotlight.

POD has been featured in hundreds of articles, including major newspapers such as *New York Times*, *Washington Post*, *Wall Street Journal*, *USA Today*, and all the major broadcast news outlets including NBC, ABC, CBS, NPR, and others. POD has worked with the media on investigative reports, exposing scandals, and diving deeper into cases that have brought the epidemic to light. We also continue to work closely with award-winning reporters who have exposed this crisis to the American public.

In a March 2016 *Washington Post* article, Col Christensen spoke about inherent conflict of interest when it comes to the current military justice system. When asked about senior officers being charged with sexual assault and accountability, Col Christensen said, “There’s not a lot of transparency when it comes to senior-officer misconduct.

They don’t like the American public knowing what’s going on, so they drag their heels in getting information out.”

Military Sexual Assault and the 2016 Presidential Election

POD helped to bring the issue of sexual assault and the role of women in the military into the national spotlight again after President Donald Trump was asked at a “Commander in Chief” forum hosted by NBC, [to clarify a tweet of his from 2013](#) that read, “26,000 unreported sexual assaults in the military, only 238 convictions.



New York Times article (above) regarding Trump’s remarks

What did these geniuses expect when they put men and women together?” Mr. Trump doubled down, stating it was “a correct tweet,” and also stated that the best way to address the sexual assault crisis was to “set up a court system within the military.”

POD was quick to respond and also worked with the [New York Times on a front-page story](#) about Trump’s comments. In the article, Col Christensen called Trump’s tweet “more than victim blaming,” and said that it “misunderstands the historical role of women in the military.”

POD also helped connect the media with survivors like POD Advisory Board member Heath Phillips to put a face to Mr. Trump's remarks in stories like this one from the [Times Union](#): **"If I had been able to come forward outside the chain of command, they would have listened to me," [Phillips] said. "But the commander's response generally is 'let's sweep this under the rug.'"**

[Vox addressed Trump's comments](#) and used [charts created by POD](#) that illustrate that the military justice system lacks transparency and is cumbersome, often dysfunctional, and hindered by inherent conflict. POD was also [featured in a CNN article that fact-checked Mr. Trump's comments](#) related to sexual assault in the military and highlighted that he completely ignored the fact that more than half the victims are men.

From the article:

["According to the advocacy group Protect Our Defenders, of the 20,300 members of the military who say they were sexually assaulted in a 2014 survey, 10,600 were men, who are most often victimized by other men.](#)

*Retired US Air Force chief prosecutor and Protect Our Defenders president Col Don Christensen said that shouldn't come as a surprise because **[men make up 85% of the military.](#)***

"The rate of assault is higher among women, but most of the victims identified in the surveys are men," he said."

Since Mr. Trump's comments on the rape crisis in the military and POD's response, there's been a significant increase in media coverage concerning the crisis of rape in the military.

Pentagon Misleads Congress on Military Sexual Assault Cases

In July 2013, at the height of a contentious Senate debate over legislation to create an impartial military justice system, the Pentagon provided misleading and unsupported claims to Congress to block reform. In testimony and a letter to Congress, Admiral James Winnefeld, Vice-Chairman of the Joint Chiefs of Staff, claimed that there were 93 cases where civilian prosecutors "refused" to prosecute, but military commanders subsequently "insisted" those cases be sent to court-martial. This claim was used to influence undecided Senators and was [referenced repeatedly](#) by lawmakers opposed to reform.

Through a Freedom of Information Act (FOIA) request, POD obtained and analyzed the underlying case documents. Our analysis and an independent Associated Press (AP) investigation revealed that the Pentagon exaggerated and distorted the facts in order to undermine fundamental reform of the military justice system.

These findings are detailed in [POD's report, Debunked: Fact-Checking the Pentagon's Claims Regarding Military Justice.](#)

POD shared the information gained from the FOIA request to the AP. **The AP carried out its own independent investigation and confirmed that the Pentagon had in fact misled Congress.**

From the article:

"The Pentagon misled Congress by using inaccurate or vague information about sexual assault cases in an effort to blunt support for a Senate bill that would make a major change in how the military handles allegations of sexual misconduct, an Associated Press investigation found.

AP headline (left) for its investigation on the Pentagon misleading Congress on military sexual assault cases

Pentagon misled lawmakers on military sexual assault cases

But in a number of the cases, the steps taken by civilian authorities were described incorrectly or omitted, according to AP research and interviews. Other case descriptions were too imprecise to be verified.

There also is nothing in the records that supports the primary reason the Pentagon told Congress about the cases in the first place: To cast top military brass as hard-nosed crime fighters who insisted on taking the cases to trial after civilian law enforcement said no.

Col Christensen told the AP, 'Someone at the Pentagon should be held accountable. Whether you agree or disagree with the policy, every senator – especially those who repeated the claim or based their vote on the claim – should be outraged.'"

In order to stop justice reform, the Pentagon alleged that military commanders were tougher on sexual assault and prosecuted 93 cases that local district attorneys refused to prosecute. The Pentagon argued that fewer victims would have their cases prosecuted if commanders lost the authority to send cases to trial. The AP's reporting disputed those claims. One local District Attorney (DA) pushed backing stating, "It is extremely rare that my office 'declines to prosecute' a case unless there are serious evidentiary issues that we feel cannot be overcome."

Another independent report from NBC News also confirmed POD's claims made in *Debunked*.

The [tepid response from the Pentagon](#) in disputing the AP investigation's claims relied on information it refused to make public. Instead, the Pentagon referred to undisclosed files about several of the cases that the Pentagon claimed challenged the investigation's findings.

160,000+ Call on President Obama to Investigate Pentagon for Misleading Congress

After the release of the two reports, Samantha Jackson, a military sexual assault survivor, [launched a petition with POD](#) urging President Obama to investigate the Pentagon for intentionally misleading Congress and the public about its handling of sexual assault cases and to enact fundamental reforms to fix the broken justice system before he leaves office. To date, the petition has over 160,000 signatures.



Admiral James Winnefeld (above) testifying before Congress on military sexual assault cases

In the petition, Samantha said:

"I was raped by an Army soldier while unconscious. A year later, I was shocked to learn that my rapist had videotaped the assault. I reported the rape to the authorities. He confessed. The military told the civilian DA they would handle my case, but then declined to prosecute him. In 2014, the Army told me they would reconsider their decision not to prosecute. However, while they were supposedly reviewing my request, they allowed him to separate, so he could no longer be prosecuted."

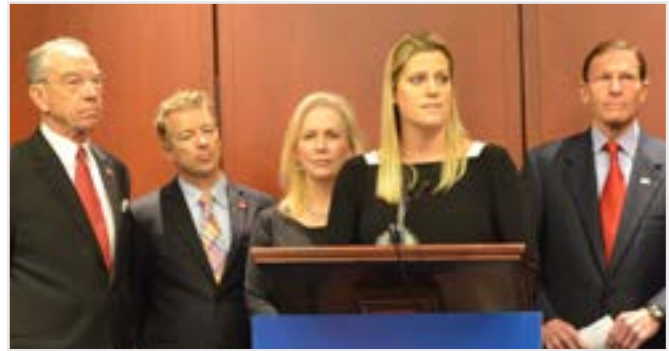
To gain signatures, POD took to social media and created a targeted Facebook Ads campaign, pinpointing Facebook users who would be likely to support Samantha's petition.

Petition Press Conference with Senators and White House Drop-Off

On May 24, 2016, Samantha, Tailhook whistleblower and POD Advisory Board member Paula Coughlin, and POD joined Senators Kirsten Gillibrand (D-NY), Chuck Grassley (R-IA), and a bipartisan coalition of Senators at a press conference to advocate for survivors. The senators [called on President Obama to open an independent investigation](#) into the misleading testimony the Pentagon gave on sexual assault.

At the press conference, Gillibrand said that Obama could call for fundamental reform on his own: "I've spoken to the President directly about this issue, and what I'm frustrated about is he is the Commander in Chief. So he could change this rule all by himself."

The Senators also announced they would reintroduce the Military Justice Improvement Act (MJIA) – a bill that would create a fair system of



Samantha Jackson speaking at a press conference for military justice reform. From left to right: Senator Chuck Grassley, Senator Rand Paul, Senator Kirsten Gillibrand, Samantha Jackson, Senator Richard Blumenthal

justice – as part of an annual defense authorization bill. The Senators are renewing their fight to pass MJIA after previous votes were held under the influence of false and misleading information from the Pentagon, according to a recent POD report and subsequent AP investigation.

After the press conference, Samantha – joined by Paula and POD – brought Samantha's petition to the White House, calling on President Obama to lead on military sexual assault reform.

We invited a TV reporter from Gray TV to join Samantha. The story [aired in 50 local markets including KCRG \(Iowa\), CBS 19 \(Virginia\), KOTA \(South Dakota\), WBKO \(Kentucky\)](#) who reported on the press conference and on POD's attempted petition delivery.

Numerous editorials were also written about the Pentagon's false testimony throughout the country. An [editorial out of New York](#) claimed that a "fog of lies" has been standard operating procedure at the Pentagon." Another [called on its local Congresswoman](#) to "do more to protect our men and women in uniform."

The [Poughkeepsie Journal Editorial Board stated](#), "The victims of sexual assault – especially our brave men and women who don military garb – deserve the utmost respect, candor and

consideration when reporting these crimes. It's simply unfair, and cruel, for them to be subjected to ridicule, threats and disenfranchisement for speaking up for themselves."

Multiple outlets including [ABC News](#), [New York Daily News](#), [Washington Examiner](#), [San Antonio Express-News](#) and many others covered the press conference.

Col Christensen was also [interviewed for a Vox article](#) that took an in-depth look at the epidemic of military sexual assault, POD's report, and the importance of reform to create an impartial military justice system. The article included [charts made by POD](#) that explained the differences between the military justice system and the civilian justice system.



Samantha Jackson (left), POD Advisory Board member Paula Coughlin (center), and POD President Col (ret.) Don Christensen (right) delivering Samantha's petition to the White House

A few weeks later, the Senate [refused to hold a vote on MJIA](#). Even after it was revealed that the Pentagon intentionally misled Congress on its handling of sexual assault cases, the Senate failed to vote on bipartisan legislation supported by a majority of the American public, which was twice-backed by a majority of the Senate.

Human Rights Watch Partners with POD on Retaliation Report

In May 2016, Human Rights Watch (HRW) released, [Booted: Lack of Recourse for Wrongfully Discharged US Military Rape Survivors](#). The 124-page report

was the result of a 28-month investigation by HRW, with the support of POD, and was based on interviews with 163 victims of sexual assault from all branches of the military.

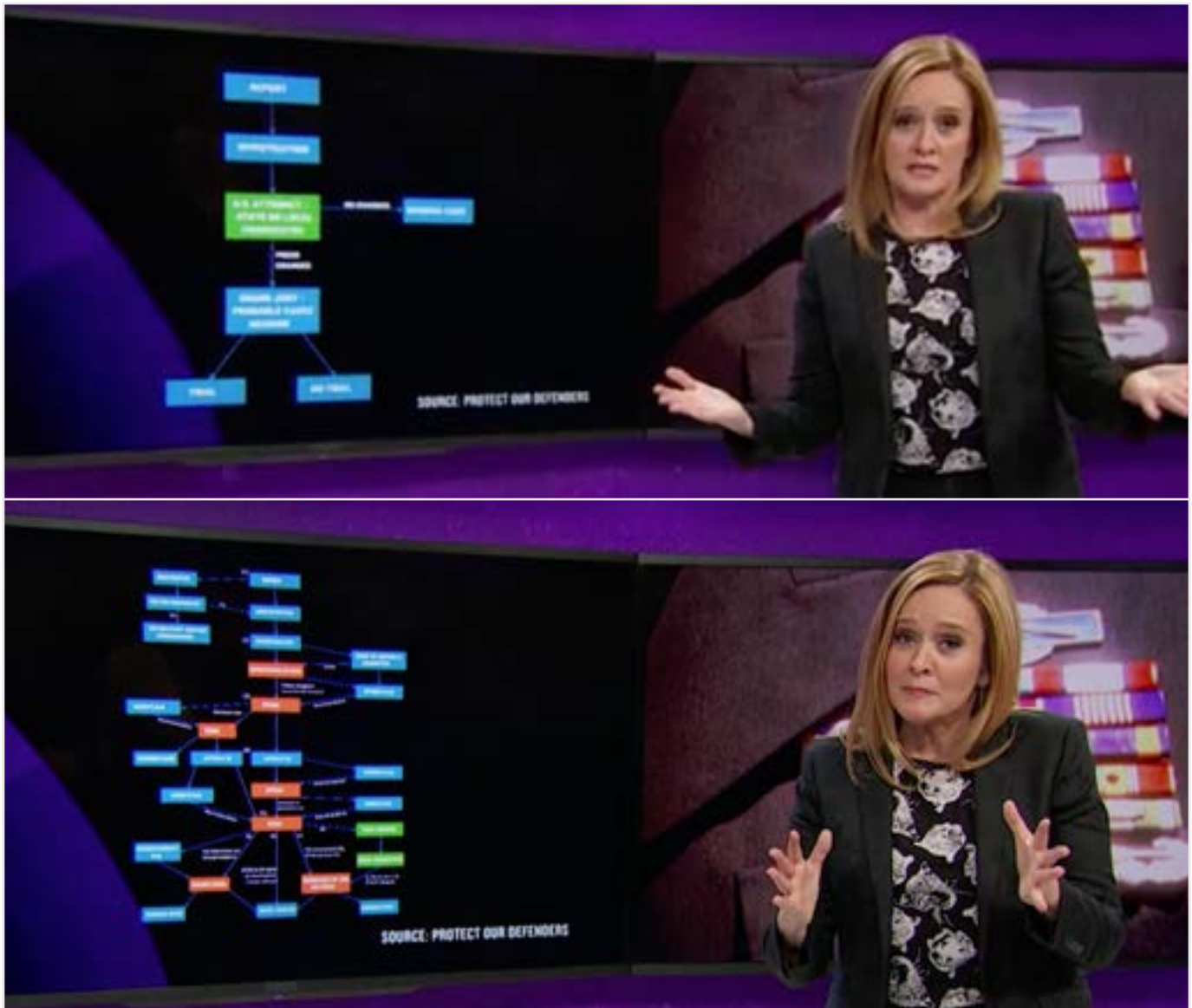
The report found that many rape victims suffering from trauma were unfairly discharged for a "personality disorder" or other mental health condition that makes them ineligible for benefits. Others were given "Other Than Honorable" discharges for misconduct related to the assault that shut them out of the Department of Veterans Affairs healthcare system and a broad range of educational and financial assistance. The consequences of having "bad paper" - any discharge other than "Honorable" - or being labeled as having a "personality disorder" are far-reaching for veterans and their families, impacting employment, child custody, health care, disability payments, burial rights, and virtually all aspects of life.

One of the 163 victims [told CNN's Sanjay Gupta](#), "Within two weeks of filing a report, [the staff sergeants] said I was causing problems. I constantly had extra duty. I was getting more and more nervous every day. The more they ignored my report, the more arrogant [the attacker] became."

Along with CNN, the report was covered by the [Air Force Times](#), [The Hill](#), [Task & Purpose](#), and many other outlets.



CNN's Sanjay Gupta (above) listening to a military sexual assault victim describe experiencing retaliation for reporting the assault



Samantha Bee (above) on *Full Frontal with Samantha Bee* discussing the differences between the civilian and military justice systems using charts created by POD

Daily Show Alum Tackle Military Sexual Assault Through Comedy

In a [blistering piece featured on *Full Frontal with Samantha Bee*](#) that aired in June, Bee addressed the Pentagon’s misleading of Congress on its handling of sexual assault cases, as revealed in a report by POD. Bee also called on President Obama to stand with survivors and fix this broken system before he left office. The segment featured testimony from POD Advisory Board members BriGette McCoy and Brian Lewis, as well as an interview with Senator Gillibrand.

Bee aptly explained the inherent conflict of interest commanders are faced with when dealing with sexual assaults, saying that, “Commanders can’t indict a rapist without indicting themselves.”

The segment also featured the [charts created by POD](#) that explained the differences between the military and civilian justice systems.

A month earlier, on Comedy Central’s *The Nightly Show with Larry Wilmore*, comedian Holly Walker [took the military to task regarding the Pentagon misleading Congress](#) on the issue of sexual assault. The AP

investigation and POD report that exposed the Pentagon for intentionally misleading Congress to block much-needed reforms to fix the broken military justice system was the basis for her segment.

POD President Featured in Episodes of VICELAND and Vanity Fair

In a [June episode of VICELAND](#), Gloria Steinem and others take on the epidemic of sexual assault in the military. Col Christensen is featured in the episode. Col Christensen was also featured in a *Vanity Fair Confidential* episode on accusations of sexual misconduct at the United States Air Force Academy.

Update on Air Force Academy Case

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.

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.

In June 2016, the Pentagon's Inspector General (IG) [found that the former superintendent of the U.S. Air Force Academy intentionally hindered the investigation](#) into sexual assault

accusations of Academy football players by shielding the team's football coach from questioning. Ultimately, no actions were taken against the football coach.

Col Christensen called the case, "another example of military leadership failing to address sexual assault and putting too much faith in high-ranking commanders to act appropriately."

Awards

At the beginning of 2016, [POD awarded the first annual Protect Our Defenders Justice Award.](#)

The inaugural annual award was given to two attorneys from the Legal Aid Society-Employment Law Center (LAS-ELC), Cacilia Kim, Special Counsel, and Elizabeth Kristen, Director of their Gender Equality & LGBT Rights Program, for their remarkable efforts on behalf of military sexual assault survivors through our Pro Bono Network.



POD Justice Award Winners, Cacilia Kim (left) and Elizabeth Kristen (center), with Congresswoman Jackie Speier (right)

San Francisco's local ABC affiliate [aired a *Beyond the Headlines* piece](#) with Ms. Kim and Ms. Kristen along with Col Christensen, Nancy Parrish, Rep. Jackie Speier, and POD Advisory Board member Heath Phillips.

In February 2016, POD's founder and CEO Nancy Parrish, [received the Ivan Allen Jr. Prize for Social Courage](#). This prestigious prize, established by the Georgia Institute of Technology, honors those who have made a positive difference in the world by standing up for moral principles.

On accepting the award, Nancy said, "Our work is rooted in a passion and commitment to legal and cultural change to end this epidemic! And a commitment to justice and dignity for survivors of sexual assault. We are driven by the belief that all people – including particularly the men and women who have signed up to serve and protect our citizens – deserve access to equal, impartial, and effective justice, whether they are the victim or the accused."

In March 2016, photojournalist Mary F. Calvert [was awarded 1st Prize for Long Term Projects in the 2016 World Press Photo competition for her *moving photo* series, "Sexual Assault in America's Military."](#) Her winning photo shows Spc. Natasha Schuette who was pressured not to report being assaulted by her drill sergeant during basic training in Fort Jackson, South Carolina.

Social Media

In addition to making sure the viewpoints of survivors are accurately reflected in the traditional media, POD 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 22,245 'likes' and continues to grow. Videos on our [YouTube page](#) have 570,247 views. POD also has over 79,355 subscribers to our e-news and over 2,644 followers [on Twitter](#) where we are constantly engaging with reporters, elected officials, and other prominent voices in the advocacy community. POD also updated its website to improve communication and access for our community.

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

Leadership

Board of Directors

Founder, Co-Chair and CEO

Nancy Parrish

Chairman

Davis Weinstock

Secretary and General Counsel

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Contributors

Former Chief of Staff Jennifer Wells



Headquarters: Washington, DC
info@protectourdefenders.com | 202-733-5196
www.protectourdefenders.com

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