



JUDICIAL PROCEEDINGS PANEL
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FOR IMMEDIATE RELEASE

Judicial Proceedings Panel on Sexual Assault in the Military Hears Testimony From Military Judges and Civilian Experts on Sexual Assault Law

Washington, D.C. – The Judicial Proceedings Panel (JPP) on Sexual Assault in the Military held its first public meeting on August 7, 2014, at George Washington University Law School, focusing on the history and elements of the laws criminalizing rape and sexual assault under state and federal law and the Uniform Code of Military Justice (UCMJ) which governs crimes committed by active duty members of the Armed Forces.

Before the meeting, the Deputy General Counsel of the Department of Defense, Mr. Robert Taylor conducted a swearing-in ceremony with the members. Panel members taking the oath of service Thursday were, Panel Chair, Hon. Elizabeth Holtzman, Hon. Barbara S. Jones, VADM (Ret.) Patricia A. Tracey, Mr. Thomas W. Taylor, and Mr. Victor Stone.

The morning session began with testimony from Mr. Dwight Sullivan, Associate Deputy General Counsel for Military Justice at the Department of Defense, concerning the UCMJ and procedures for resolving allegations of misconduct through courts-martial, nonjudicial punishment, and other administrative procedures. He reviewed legislative amendments to the UCMJ that have changed or will change courts-martial processes for resolving allegations of rape, sexual assault, and other sex-related offenses by members of the military. In addition to his current position at DoD, Mr. Sullivan is a retired Marine judge advocate and author of more than a dozen law review and law journal articles on military justice.

The second session of the morning was a review of the findings and recommendations of the preceding Response Systems to Adult Sexual Assault Crimes Panel. The report was presented by JPP Chair Holtzman and Judge Jones, both of whom served on the Response Systems Panel. Members of the JPP discussed the tasks assigned to the JPP by Congress and reviewed how the work of the RSP that will affect the JPP's study.

After a break for lunch, the Panel heard from four civilian experts on the evolution of rape and sexual assault laws in the United States. Ms. Carol Tracy, Executive Director of the Women's Law Project and lecturer at Bryn Mawr School of Social Research, was joined by Ms. Charlene Whitman and Mr. John Wilkinson of AEquitas, The Prosecutors' Resources on Violence Against Women, to

present the findings of a comprehensive report authored and released last year by the Women's Law Project and AEquitas that compared the rape and sexual assault laws across the states.

Professor Stephen Schulhofer, a renowned author and scholar of criminal justice from New York University School of Law, participated by phone to explain draft sexual assault provisions of the Model Penal Code (MPC). Professor Schulhofer noted that the draft, which is now under consideration by the American Law Institute (ALI), represents the first revision of the MPC's sexual assault provisions since they were adopted in 1962. Professor Schulhofer explained features of the draft provisions and provided his assessment of how they compare to Article 120 of the UCMJ.

Following the civilian experts, the Panel heard testimony from military justice practitioners about the evolution of Article 120 of the UCMJ. Navy Captain Christian Reismeier, Assistant Judge Advocate General, Chief Judge, Department of the Navy; recently retired Army judge, Colonel (ret.) Timothy Grammel; and Air Force Colonel Gary Jackson, Staff Judge Advocate, Headquarters Air Force Global Strike Command, offered insights into issues arising in military sexual assault prosecutions. A considerable focus of the discussion concerned the revisions made to Article 120 by Congress in 2007 and again in 2012, and the impact that the changes have had on courts-martial prosecutions.

Mr. William Cassara, a former Army judge advocate who has been representing Service members of all military branches for more than 20 years, provided the Panel with his perspective as a defense counsel on Article 120 and military sexual assault prosecutions.

The meeting was held as part of the JPP's congressionally mandated mission to comprehensively review and assess military judicial proceedings for sexual assault offenses and the impact that changes made by Congress to the sexual assault provisions of the UCMJ in 2012 have had on sexual assault cases. The next meeting of the Panel is scheduled for September 19, 2014. The JPP will continue its work through September 2017 and will provide reports and assessments to the Secretary of Defense and Congress.

For more information about the Judicial Proceedings Panel and future meetings visit the website, <http://jpp.whs.mil>. Requests to make public comment, submission of written comments or materials for the Panel's consideration and any other inquiries may be directed to Ms. Julie Carson at whs.pentagon.em.mbx.judicial-panel@mail.mil or (703) 693-3849.