

David L. McGinnis

August 21, 2013

Senator Kirsten E. Gillibrand
478 Russell Senate Office Building
Washington, DC 20510

Dear Sen. Gillibrand:

I fully support your efforts to stamp out sexual assault in the United States military and believe that there is nothing in Bill S967 that is inconsistent with the responsibility or authority of command. Your efforts in this regard have much broader implications that will actually strengthen the "good order and discipline" of our military, which I believe accounts for much of the resistance that S967 is receiving.

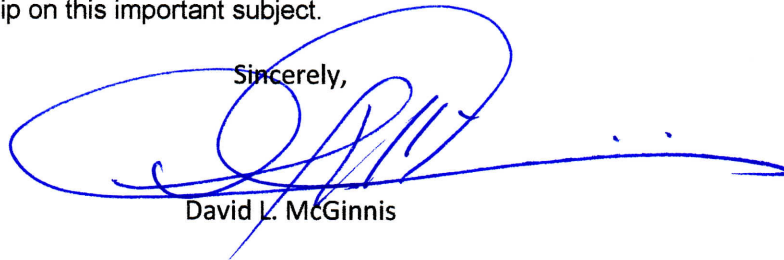
The inadequate response to sexual assaults by our military leadership is symptomatic of broader problems in military culture, military values and the growing separation between our military and the American mainstream. The foundations of these challenges stem from the Vietnam era which has mutated our military culture to where "wink and nod" has replaced "Duty, Honor, Country". Military cultures are double-edged swords: they provide strength and consistency within military forces when embracing a value set that correctly guides the conduct of its leaders and personnel at every level, conversely when the culture crosses the standards of conduct threshold it becomes the escape clause for weak character and misplaced loyalty. Unfortunately the latter is the case where a broad body of evidence demonstrates inappropriate conduct; including "fraternization" has been finessed with political slight-of-hand and bureaucratic obstruction. Protecting the victims these abuses and restoring American values to our military culture is long overdue.

I can provide you with a litany of examples that demonstrate this evolution and support my assessment. The foremost item I will share is a steady slide in where the "welfare of subordinates" resides within the value set of the officer corps, especially within the Army and the Air Force. By the end of the Cold War this paradigm had moved from a position of preeminence immediately behind the commander's mission to the lower 25 percentile of all the officers' concerns. An equally significant element is the historic lack of sincerity within the Department of Defense on issues related to women in the military. Returning to the Pentagon in 2009 I found the Defense Advisory Committee on Women in the Service (DACOWITS) in complete disarray. While the Administration actively recruited strong members and selected a respected chairperson with national recognition, DACOWITS continued to encountered difficulty obtaining routine administrative support, securing regular calendared sessions with the proponent Undersecretary and gaining access to the Secretary of Defense and key members of the Military Departments.

I understand that some members of the Armed Services Committee currently hold a position that the challenge of sexual assault can be addressed without changing the Uniform Code of Military Justice (UCMJ). First, the current UCMJ represents our national experience through World War II, setting the legal framework of a mid-20th Century military built on conscripting males. Historically it is also important to note that many of the instructions placed in the National Defense Authorization Act (NDAA) to which the military services object rarely receive more than lip service or Committee oversight when the Service Chief personally intercedes with the Chairman on the matter.

Thank you for your leadership on this important subject.

Sincerely,



David L. McGinnis