

Biden will STRIP military commanders of their power to prosecute sexual assault, rape, and murder cases in huge upheaval to Pentagon chain of command

By James Reinl, Social Affairs Correspondent, For Dailymail.Com 11:19 EDT 28 Jul 2023 , updated 11:21 EDT 28 Jul 2023



- **Biden will sign off on the biggest shift in military justice since 1950**
- **The Pentagon has failed to halt the rising number of sex assaults in the military**
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President [Joe Biden](#) will on Friday sign an executive order stripping military commanders of the power to prosecute sexual assault, rape, and murder cases, in a major shakeup of the chain of command.

Decisions about prosecutions will instead be made by independent military attorneys.

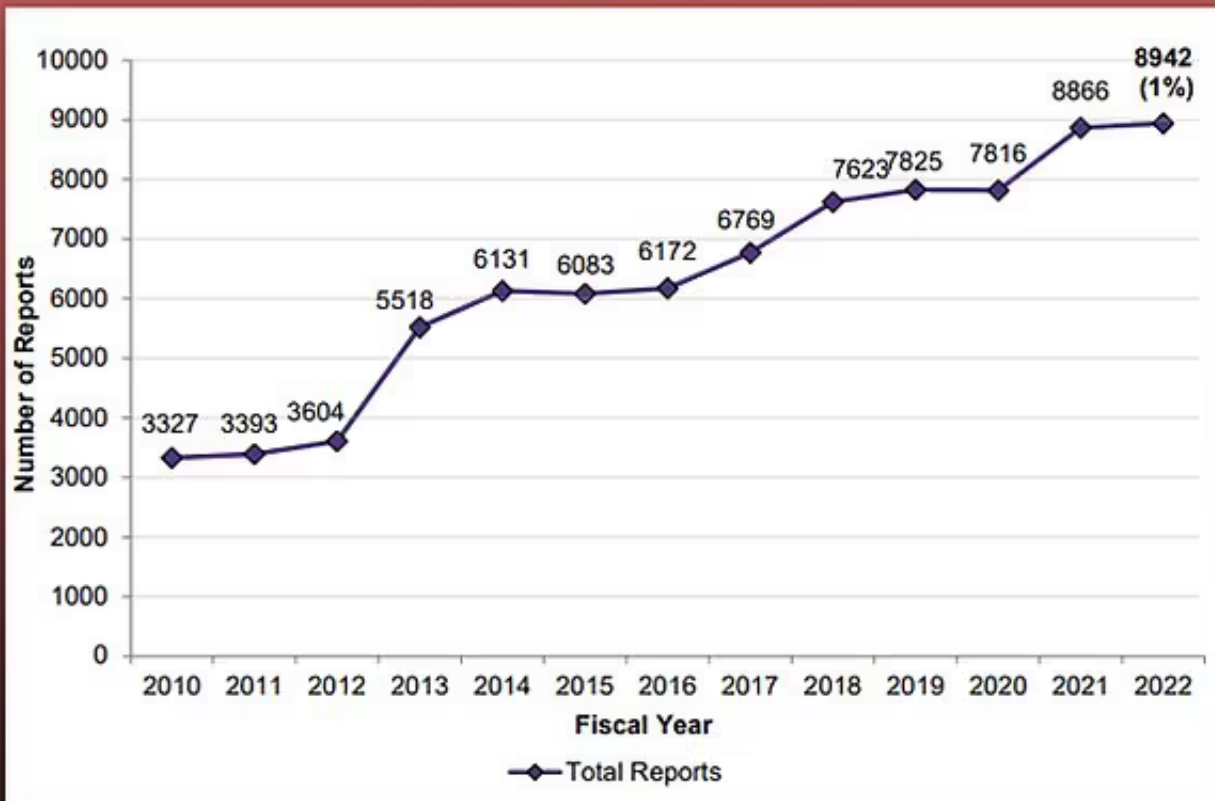
The move aims to strengthening safeguards for those in uniform, removing the power of their commanders to decide which allegations to take seriously.

It comes amid rising rates of sexual assaults in the military, ebbing faith in its justice system, and high-profile cases, such as Vanessa Guillen, who was murdered in 2020 after her claims of sexual harassment were ignored.



An investigation into the murder of Army specialist Vanessa Guillen, 20, revealed that her claims of sexual harassment had been ignored. Pictured: protestors rally against flawed military justice

REPORTED SEXUAL ASSAULTS IN THE MILITARY FY2010/FY2022



SOURCE: US DEPARTMENT OF DEFENSE

Reported cases have climbed steadily for years, from 3,327 in the 2010 financial year to 8,942 in the 2022 financial year

A White House statement says Biden's amendment to the Uniform Code of Military Justice (UCMJ) represents the 'most significant transformation of the military justice system' since the code was created in 1950.

'These reforms are a turning point for survivors of gender-based violence in the military,' said the statement.

'They fulfill President Biden's promise to fundamentally shift how the military justice system responds to sexual assault and related crimes.'

Lawmakers have grown frustrated with the rising rate of sexual assaults in the military, and increasingly sparred with Pentagon chiefs over how to

restore faith in the system of justice for service members.

They said commanders were sometimes ignoring complaints or incidents in their units to protect those accused, and that using independent lawyers would lead to more successful prosecutions.

Pentagon officials warned that it would erode commanders' authority.

The change was among more than two dozen recommendations made in 2021 by an independent review commission on sexual assault in the military that was set up by Defense Secretary Lloyd Austin.

It was included in the annual defense bill last year, but changes to the UCMJ require formal presidential action.

The Pentagon had already begun making changes.

Last year, the Army, Navy, Marine Corps and Air Force set up the new special trial counsel offices, which will assume authority over prosecution decisions by the end of this year.

That authority will extend to sexual harassment cases from 2025.

The policy shifts come as the military continues to grapple with rising numbers of reported sexual assaults in its ranks.



Some \$975,000 was awarded to ex-Col. Kathryn Spletstoser, four years after she filed a suit against then-Gen. John Hyten for alleged sexual assault and battery



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Spletstoser served as Hyten's aide in 2017, two years before he was tapped to serve the Pentagon's Joint Chiefs of Staff. The pair was seen together at the US Army Space and Missile Defense Command at Peterson Air Force Base in Colorado Springs in November of that year

The number of incidents reported in the military has risen steadily for years, from 3,327 in the 2010 financial year to 8,942 in the 2022 financial year.

Military chiefs and lawmakers have made it easier for service members to make a claim of abuse, but have struggled to reduce the overall number of assaults, as ever more women enlist across the services.

Defense chiefs say the increase in reports of sexual abuse is a positive sign that victims feel they will be heard and protected.

Still, they've also been blindsided by high-profile cases of the military justice system creaking under the strain.

In one landmark example, the Army revealed 'major flaws' in the culture at Fort Hood base in Texas and disciplined more than a dozen officials following the murder of Guillen, 20, an Army specialist.

Guillen was last seen alive at Fort Hood in April 2020. Her dismembered remains were found two months later. The soldier suspected of killing her, Spc. Aaron Robinson, shot himself dead as police closed in to arrest him.

The investigation afterward revealed Guillén had reported being sexually assaulted by a fellow soldier. Supervisors had failed to relay her complaints up the chain, highlighting stark failures in the culture on base.