

**Written Testimony for the House Armed Services Committee
Regarding the FY2015 National Defense Authorization Act**

Rep. Judy Chu

Monday, April 7, 2014

Four days ago, April 3, 2014, marked the third anniversary of the death of my nephew, Harry Lew. Harry was an enlisted Marine deployed to Afghanistan. He took his own life just minutes after enduring three and a half hours of degrading, humiliating, and physically abusive hazing by his fellow Marines.

Sadly, what happened to Harry was not an isolated incident. In the wake of his death, I came to learn about the tragic loss of Private Danny Chen, Private Hamson Daniels MacPherson, Jr., Specialist Brushaun Anderson, and many other brave, dedicated members of our Armed Forces who were needlessly subjected to physical and emotional torment at the hands of their peers. To make matters worse, the aftermaths of crimes like these often see no justice for the victims nor provide any form of consolation to their families. For example, all eight of Private Chen's tormentors had their highest charges dropped or were found not guilty of their highest charges. In the case of my nephew, Harry, only one of his three attackers was convicted of any wrongdoing, for which he was sentenced to only 30 days in confinement.

For the past three years, I have been dedicated to ensuring that hazing in our nation's military is addressed by the Department of Defense, and I will continue to push forward to solve this problem. It is imperative for lawmakers and the leaders of our Armed Forces to understand that hazing is a serious concern for our military. Hazing does not create a bond within a unit nor provide useful training to service members. Rather, it breeds fear and distrust of peers and leadership. Additionally, where hazing has resulted in death or serious physical or psychological harm, there has often been no justice for the victims. The prevalence of hazing has had a negative impact on military retention and the long-term health of service members and veterans. In fact, the Department of Veterans Affairs (VA) recently estimated that 22 veterans of current or previous wars commit suicide each day, and hazing most certainly plays a role. For the future safety and security of our service members and our country, we must continue working together to eliminate hazing in the military.

Since I began working on this issue, I have been encouraged by the support I have received from the public, various advocacy groups, and my fellow Members of Congress. With your help, we were able to include language in the FY2013 National Defense Authorization Act that required the Department of Defense to report to Congress the manner in which hazing is reported, tracked, and prevented by each branch of the Armed Forces.

These reports revealed some startling trends and practices.

Substandard hazing tracking systems result in unreliable data

Reported numbers of instances of hazing are unreliable because most branches do not track allegations or incidents of hazing separately from similar punishable offenses, such as assault and bullying. For example, the Air Force reported investigating 16 allegations of hazing since 2000. They arrived at this total by searching a JAG database for the word "haze" and its

derivatives. In that same report, the Air Force admitted, “our experience demonstrates that the concept of hazing can be confused with bullying, unfair treatment, or other perceived untoward behaviors.” If hazing is often confused with other forms of “untoward behaviors”, it is difficult to believe that a database search for the word “haze” resulted in an accurate return. The real number of hazing incidents in the Air Force could easily be much higher.

The branches that do not require hazing to be reported have more hazing incidents

The reports show that the branches with the highest known numbers of hazing incidents are also the branches that do not require service members to report if they are hazed or witness hazing. The only two branches that do not require hazing to be reported are the Army and the Marine Corps. Not surprisingly, the Army and the Marine Corps reported higher occurrences of hazing than the other three branches. It would appear that policies that do not explicitly require service members to report hazing have thereby tacitly condoned the practice, thus allowing it to happen with greater frequency.

Much more information is needed

The lack of reliable statistics and other information in these reports underscores the need for an independent review of DOD hazing policies. Although reports from all branches of our Armed Services are useful and appreciated, they are only a small part of what is required. We still need objective, thorough studies to fully understand the scope of the hazing problem in the armed services. As lawmakers, we must ensure we have well-researched, unbiased information on which to formulate policy.

In light of the disclosures of the DOD hazing reports, I ask the Committee to:

1. Request updated hazing reports from DOD

Several of the reports indicated recent or future actions by the branches of services in their ongoing efforts to eliminate hazing. For example, the Marine Corps instituted a new hazing policy in May 2013, the Army expected to implement a new hazing policy in March 2014, and the Air Force intended to issue new guidance on combating violence within its ranks in the spring of 2014. These updated reports should also include comments on best practices for tracking hazing, including a self-assessment of current tracking systems and the feasibility of implementing a DOD-wide hazing database. As we continue to refine and perfect DOD hazing policies, we will need the most up-to-date information on each branch’s efforts. An update to each branch’s report will be crucial as we move forward.

2. Request that the Government Accountability Office (GAO) conduct an independent review of hazing within the Department of Defense

A GAO review of hazing occurrences, policies, tracking systems, and reporting requirements in order to identify problems, trends, and best practices among the various branches of the military is vital to a better understanding of the scope of hazing in the military. The importance of objective information in the effort to eliminate hazing in the military cannot be understated. For the FY2015 National Defense Authorization Act, the inclusion of language requiring independent analysis of DOD hazing policies will be my top priority.

The failure of Congress to follow through with our responsibility to provide civilian oversight of our nation's military would be a disservice to the memories of Harry Lew, Danny Chen, and all those who have suffered or lost their lives as a result of hazing. As the House Armed Services Committee begins the process of crafting the FY2015 National Defense Authorization Act, I urge you to consider the disastrous impact of hazing on morale, unit cohesion, the health of our troops and veterans, the long-term effectiveness of our military, and its ability to perform its mission of keeping our country safe. Thank you for your continued support of this very important issue.

Sincerely,

JUDY CHU
Member of Congress