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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED THIRTEENTH CONGRESS

March 12, 2013

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ROBERT L. SIMMONS, II, STAFF DIRECTOR

The Honorable Chuck Hagel
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hagel:

Recently, a convening authority overturned the guilty verdict in an Air Force court-martial involving sexual assault charges. That decision has raised significant concerns among Members of Congress regarding not only the appropriateness of the decision, but also the rationale for the underlying statutory authority upon which the decision was based. We share those concerns.

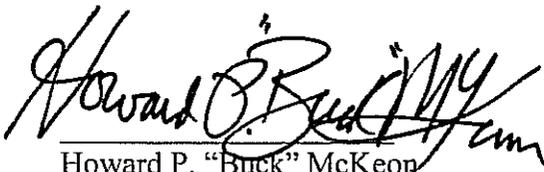
Given the intense Member interest in this issue, we expect that it will be a matter addressed in the Committee's deliberations on the national defense authorization bill for fiscal year 2014. In order to assist our deliberations, we ask your expeditious responses to the following questions:

- How is a convening authority's ability to overturn the adjudged sexual assault conviction and sentence of a General Court-Martial, as in the case of Lieutenant Colonel James Wilkerson, USAF, appropriate and consistent with justice, good order and discipline, and the Department's policy of zero tolerance for sexual assault?
- What changes, if any, should be made to Article 60 of the Uniform Code of Military Justice?

To further assist our deliberations in this matter, we request that you provide the Committee with the following, as soon as possible:

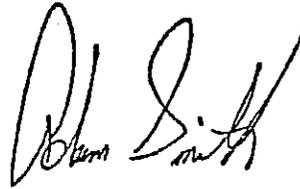
- An analysis of the underlying rationale for the convening authority's role and responsibilities in the UCMJ? How has it developed over time?
- A summary, by service, going back to 2008, of the cases and times when a convening authority in a general or special court-martial, exercised the authority under Article 60, UCMJ, to dismiss or disapprove either in full or in part the findings or sentence adjudged by the court-martial, or to change a finding of guilty in one charge to a finding of guilty to a lesser included offense, or ordered a proceeding in revision or a rehearing on either the adjudged findings or sentence.
- An analysis of how other military justice systems address the role of the convening authority in courts-martial.

We look forward to your response and with working with you as the Committee deliberates this issue as part of the national defense authorization bill for fiscal year 2014.

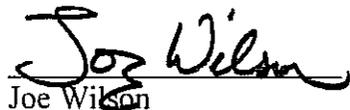


Howard P. "Buck" McKeon
Chairman
House Committee on Armed Services

Sincerely,



Adam Smith
Ranking Member
House Committee on Armed Services



Joe Wilson
Chairman
Subcommittee Military Personnel



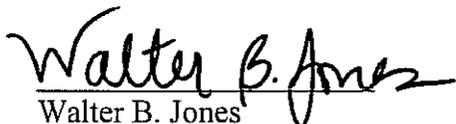
Susan A. Davis
Ranking Member
Subcommittee Military Personnel

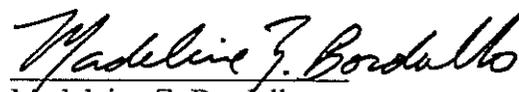


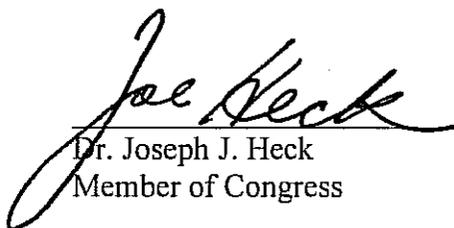
Michael R. Turner
Member of Congress

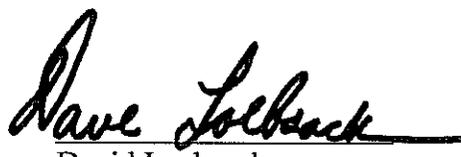


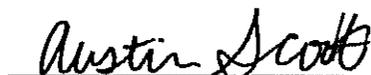
Niki Tsongas
Member of Congress


Walter B. Jones
Member of Congress


Madeleine Z. Bordallo
Member of Congress


Dr. Joseph J. Heck
Member of Congress

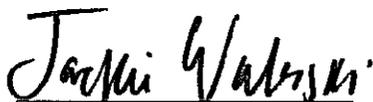

David Loeb sack
Member of Congress


Austin Scott
Member of Congress

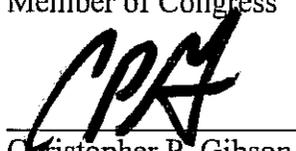


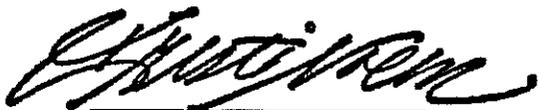

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Member of Congress




Jackie Walorski
Member of Congress




Christopher P. Gibson
Member of Congress


Kristi L. Noem
Member of Congress