



SAVE OUR HEROES®

# Save Our Heroes

[www.saveourheroesproject.com](http://www.saveourheroesproject.com) a 501(c)(3) organization

10650 Culebra Road, # 104-106 \* San Antonio TX 78251 \* 210-612-2453

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18 Sep 2017

**The Honorable Chuck Grassley – Chairman Senate Committee on the Judiciary**  
**The Honorable Diane Feinstein – Ranking Member Senate Committee on the Judiciary**  
**Senate Committee on the Judiciary**  
**Dirksen Senate Office Building Rm 224**  
**Washington, D.C. 20510**

**Dear Senator Grassley and Senator Feinstein,**

**Save Our Heroes' Project** (SOH) is a 501(c)(3) nonprofit organization founded in 2015, and is devoted to passionately advocating, supporting, and helping military service members and their families who may face wrongful military judicial action, and those who have been wrongfully convicted and incarcerated.

For nearly two years, Save Our Heroes' Project, has received and evaluated approximately 220 individual military criminal cases in which evidence strongly reveals service members have been wrongfully convicted and incarcerated. Shockingly, several constitutional violations are occurring on a regular basis. They are, but not limited to the following;

- Unlawful Command Influence.
- Preferring criminal charges to court-martial based on false allegations or which lack sufficient probable cause for prosecution.
- Excessive military prosecutorial and law enforcement agent misconduct.
- Rogue military prosecutors and law enforcement agents.
- Failure on the part of military prosecutors and law enforcement agents to pursue evidence of innocence.
- Failure to comply with discovery obligations.
- The enticement of lavish financial compensation packages encouraging many to make false allegations.
- The failure to hold those accountable for filing false allegations.

On behalf of **Save Our Heroes' Project**, representing thousands of service members and their families, I respectfully ask for hearings with the Judiciary Committee on the military judicial system.

In recent years, our military judicial system has turned into a politically motivated unjust system which we strongly believe has seriously negated constitutional, and due process protections. The military judicial system has morphed from its original purpose of following the basic tenant of 'innocent until proven guilty,' to guilty until officially proven guilty in a military judicial proceeding.

There is strong evidence misguided special interest groups and some in the legislature have politicized limited provisions of the Uniform Code of Military Justice (UCMJ), resulting in wrongful convictions and incarcerations. The current pattern of pursuing military criminal cases, which lack evidence and sufficient probable cause, have devastated many military families and has been responsible for several service member suicides.

If permitted to testify before the committee, Save Our Heroes' Project will provide evidence and facts where these problems are occurring on a regular basis.

For example, in the 2015 Air Force case of A1C Wright, testimony was presented on how then Air Force Judge Advocate General, Lieutenant General Richard Harding <sup>1</sup>, stated all sexual assault cases are to proceed to a court martial, unless there was a 'smoking gun' to justify not sending it.

In the 2015, the Army convicted Sergeant Mario Jeffers in a court-martial of sexual assault, even after his accuser admitted in a civilian video recorded police interview the encounter was entirely consensual. No crime had been committed, yet Sergeant Jeffers is currently serving time in the Leavenworth Detention Barracks <sup>2</sup>.

In another highly published report, retired Rear Admiral Patrick Lorge said political pressure and unlawful command influence caused him to rule against Navy SEAL Keith Barry in a 2014 sexual assault conviction <sup>3</sup>. Admiral Lorge who was the Convening Authority for the sexual assault court-martial, admitted he convicted Barry for a sexual assault charge and sentenced to three years in the Navy Brig and a dishonorable discharge, all due to political pressure. Admiral Lorge has now publicly admitted Barry was wrongly convicted and wrote an affidavit of his belief to the appeals court. In the affidavit, Admiral Lorge claims he would have overturned this conviction due to lack of credible evidence, but did not at the time due to pressure from the Judge Advocate General of the Navy, Vice Admiral Nanette DeRenzi.

These are just three examples of multiple cases SOH has investigated. How does this happen? Is our military leadership more scared of Congress than insuring the sanctity of the Constitution? Congressional Hearings will reveal the truth. Save Our Heroes' Project believes the comments by Lt Gen Harding and the pressure put on Admiral Lorge, by Vice Admiral Nanette DeRenzi, are responsible for an exponential increase in wrongful convictions after 2012. It can be proven both these Service JAGs comments were the direct result of Congressional pressure. In the case of Army Sergeant Mario Jeffers, the pressure from some in the legislature and special interest groups, resulted in a wrongful conviction, despite the fact that no crime had been committed.

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<sup>1</sup> <https://www.stripes.com/sexual-assault-case-not-dismissed-despite-ruling-of-unlawful-command-influence-1.362563#.WSBhy2jys2w>

<sup>2</sup> <http://ncfm.org/wp-content/uploads/2016/11/161025-SGT-Jeffers-Bar-Complaint.pdf>

<sup>3</sup> [http://dailycaller.com/2017/05/19/admiral-admits-political-pressure-caused-him-to-convict-navy-seal-accused-of-rape/?utm\\_campaign=atdailycaller&utm\\_source=Twitter&utm\\_medium=Social](http://dailycaller.com/2017/05/19/admiral-admits-political-pressure-caused-him-to-convict-navy-seal-accused-of-rape/?utm_campaign=atdailycaller&utm_source=Twitter&utm_medium=Social)



Despite the claims commonly heard in the media and by special interest groups, false allegations of sexual misconduct are a significant problem in the military. This is because the current system has failed. It has failed those falsely accused, their families, and it has *failed those who have been truly victimized*. A common sense, fact based, constitutionally protected legislative reform effort is immediately needed.

In previous hearings in the Judiciary and Armed Services committees, hearings have been one sided with no testimony coming from those who have been falsely accused, or wrongfully convicted. Their families have not been able to present the horror and devastation that have been brought into their lives due to an out of control military judicial system.

Those found guilty, in accordance with all legal provisions and constitutional protections, should and must be punished according to law. It should be noted however that nearly 60% of persons who have been exonerated through the efforts of the 'Innocence Project,' were for violations of sexual assault. Therefore, this is not a minor problem involving just a handful of individuals, but rather an epidemic that can, and has had national security implications. The time for the legislature to act is now, and hearings on the issue of wrongful military convictions must be addressed. The legislature must hear from those who have unjustly suffered and the leadership who is promulgating this façade of a judicial system.

Thank you for your time and understanding. Your committee member's Staff have been outstanding in support of our efforts and we will continue to work with them towards our goal of providing testimony. In conclusion, please refer to the Judicial Proceedings Panel Subcommittee Report on Barriers to the Fair Administration of Military Justice in Sexual Assault Cases as confirmation. This report reinforces the need for urgent reform.

**Sincerely,**

**Doug James, Colonel (Ret.)**  
**Chairman of the Board – Save Our Heroes Project**

