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ROBERT L. SIMMONS, II, STAFF DIRECTOR

October 6, 2015

The Honorable John M. McHugh
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20310

Dear Secretary McHugh:

As I indicated during our phone conversation, several weeks ago at my direction, the House Armed Services Committee began looking into the case of Sergeant First Class (SFC) Charles Martland, following news reports that he was being discharged from the Army for assaulting an Afghan Local Police Officer accused of sexually assaulting a young boy in 2011.

The committee has reviewed SFC Martland's service record, the Army's investigation into the incident, and the Qualitative Management Program (QMP) board that selected him for separation. We consulted with those involved in the case and spoke with SFC Martland himself. We received input about this case, and the larger policy questions on human rights from U.S. Central Command, the Office of the Secretary of Defense, the Joint Staff, and the Army. Our review is ongoing.

Congress cannot substitute our judgment for that of the military chain of command. We are, however, responsible for ensuring that the processes in place are fair and adequate to the demands of an Army at war. In my review of SFC Martland's case, I noted potential procedural errors in due process. I believe the best recourse now would be to allow SFC Martland to remain in the Army long enough for him to prepare an appeal with adequate military counsel and for the Army to act on such an appeal.

Separately, I will note that the 2011 incident, and subsequent reports of other service members' attempts to stop similar sexual abuse in Afghanistan raise a larger point of concern: that military personnel must have a viable and responsive reporting system that will have real impact when confronted with human rights abuses in Afghanistan and elsewhere. I am not satisfied that the policies in place are robust enough, or that our men and women in uniform find

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them reliable. We expect a lot of our forces while deployed in harm's way, but we cannot expect them to stop being Americans. We cannot condone vigilantism, but we have failed our troops if they believe that is their only credible recourse. The committee will continue to work on this important issue.

As a final matter, it is not lost on me that the Army saw fit to retain SFC Martland for 4 years after this incident. It was not until the Army was forced to shed tens of thousands of soldiers, that it opened the QMP process to a population to which it would not otherwise have applied. This is the unfortunate by-product of indiscriminate cuts to our military. I hope those who raised few public objections to military cuts will not only take up the cause of an individual service member, but will also recognize that as these defense cuts persist, other dedicated personnel will be forced to separate from the military no matter how well they have served or what they have left to contribute—to our nation's own detriment.

Sincerely,



William M. "Mac" Thornberry
Chairman

WMT:chc