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September 16, 2008

The Honorable Carl Levin, Chair
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Senator Levin:

On behalf of the American Bar Association and members of our armed services, I am writing to bring to your attention the need for prompt floor consideration of S. 2052, the Equal Justice for United States Military Personnel Act of 2007. This bill, which enjoys bipartisan support, was approved by the Senate Judiciary Committee last Thursday by voice vote.

S. 2052 would eliminate a troubling inequity in current law by permitting all court-martialed service members who face dismissal, discharge or confinement for a year or more to petition the Supreme Court for discretionary review through writ of certiorari. At present, only a small percentage of service members facing such charges may petition the Supreme Court, whereas the government routinely has the opportunity to petition the Supreme Court for review of adverse courts-martial rulings in any case where the charges are severe enough to make a punitive discharge possible.

That the Senate Judiciary Committee acted on this legislation on September 11 serves as a sober reminder that our military service members regularly place their lives on the line in defense of freedoms that we frequently take for granted. The very least they deserve is to be accorded the same due process rights in uniform that they would enjoy out of uniform. To do otherwise demeans their service and denigrates the democratic ideals for which they risk their lives.

S. 2052 is straight-forward, narrowly tailored, remedial legislation that will restore due process and equal treatment under the law to our military service members. Its enactment

Page 2 of 2
September 16, 2008

will not result in any increase in direct spending. As part of the final business during these waning weeks of the 110th Congress, we urge you to schedule this legislation for a floor vote. It is grossly unfair to deny service members the same right that the government has to seek Supreme Court review.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Susman", with a long horizontal flourish extending to the right.

Tom Susman, Director

cc: The Honorable Diane Feinstein
The Honorable Patrick Leahy
The Honorable Orrin Hatch