



September 25, 2013

Honorable Chuck Hagel
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301

Dear Mr. Secretary,

Please find attached a copy of a letter mailed on September 25, 2013 to President Obama requesting he not sign a proposed Executive Order, approved by the Joint Services Committee of the DOD that would change Rules for Courts-Martial (RCM) 405(i). The proposed order would expressly apply Military Rules of Evidence (MRE) 412 at Article 32 proceedings, and would require the Investigative Officer (IO) to follow the same standards a military judge would use during a court-martial when ruling on the admissibility of MRE 412 evidence.

The effect of this proposed change to RCM 405 would be that MRE 412 evidence could clearly be admitted at Article 32 hearings. Even if the IO ultimately did not rule any MRE 412 evidence admissible, the victim would still have to undergo a MRE 412 hearing as part of the Article 32 process, only to go through it again before trial.

I am writing to request that, if this Executive Order has not already been sent to the President, you do not send it. If it has been sent, we respectfully request that it be rescinded.

Sincerely,

Nancy Parrish,
President, Protect Our Defenders
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