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November 3, 2011

Bill Murphy Jr.
Washington Reporter
Stars and Stripes
529 14th Street NW, Suite 350
Washington, DC 20024

Dear Mr. Murphy:

The August 14, 2009 email from the Chief Prosecutor with the recommendation of the top Government lawyer at Fort Carson corroborates my previous assertion that commanders and their lawyers are court-martialing injured Soldiers who are in the process of receiving a medical discharge for minor misconduct that would normally be handled through a Chapter 14. By court-martialing an injured Soldier for minor misconduct, the Government is attempting to force the Soldier to choose a Chapter 10 (forfeiting his benefits) in order to avoid incurring a criminal conviction, jail time, and a punitive discharge.

This practice is an abuse of the military justice system. First, it takes the choice away from the Commanding General who would otherwise make the decision to approve the Chapter 14 or the MEB (allowing him to keep his benefits). Second, it distorts the proper application of the UCMJ. If a Soldier commits misconduct befitting a Chapter 14, then he should receive a Chapter 14, not a Chapter 10 in lieu of a court-martial because it is expedient for the Government.

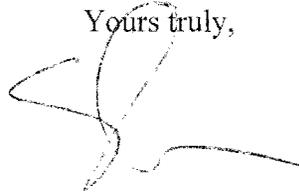
The worst part of this practice of court-martialing injured Soldiers is that by focusing only on the misconduct, it assumes the worst about their character and motives. The fact of the matter is that injured Soldiers who engage in minor misconduct are well aware that they do not escape the possibility of receiving a Chapter 14 and losing their benefits. The e-mail acknowledges this.

Perhaps injured Soldiers commit minor misconduct in large part because they suffer from combat-related issues, such as PTSD. The e-mail clearly assumes that injured Soldiers commit misconduct because they have bad attitudes, that they view themselves as “untouchable just because [they are] pending an MEB/PEB.” This practice demonstrates, at a minimum, a callous disregard for our injured Soldiers’ well-being. However, the tone of the e-mail suggests that the motive behind this practice could be

even worse, i.e., “it is time to teach these kinds of Soldiers a lesson” by taking away their benefits. Bottom line: this e-mail substantiates that this practice causes our injured Soldiers to be treated worse than our non-injured Soldiers for the same misconduct, creating a fundamental injustice for our injured Soldiers.

I reiterate my call for the President, Congress, or both to investigate this shameful practice imposed on our Soldiers at Fort Carson and to shut it down wherever it is found. We owe it to our brave Soldiers to root out these abuses, and I encourage the media and the public to get involved to ensure that justice is done.

Yours truly,

A handwritten signature in black ink, appearing to be 'S. Karns', with a long horizontal line extending to the right.

Stephen P. Karns