

Uniformed Services League

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UniformedServicesLeague.org



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Advisory Board**

33 Years (founded 1986*)

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Eternal Vigilance is the Price of Liberty

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The Retired Military Officers Advisory Board of National Security Center, founded 1986, has been merged with Uniformed Services League 2017.

October 29, 2019

Donald J. Trump
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

Secretary of the Army
Department of the Army
Attn: OTJAG-CLD
Pentagon
Washington, DC 20310

Ref: Clemency Request for John E. Hatley

Dear Mr. President,

As a combat veteran of the Vietnam war, a Military Adviser to and in behalf of the Uniformed Services League, I am writing to introduce the enclosed letter from our legal counsel, detailing our reasons to ask your intervention in the case of John Hatley.

We strongly believe that both as the Commander in Chief of our Armed Forces and because of your constitutional role as President, you have the authority to provide relief to this decorated combat warrior, unfairly convicted and sentenced to imprisonment at the United States Disciplinary Barracks at Fort Leavenworth, Kansas.

The Parole Board in Arlington, Virginia, after its recent 10/17 hearing, announced that he will continue to be imprisoned for the next one year.

Mr. President, for the reasons outlined in detail in the enclosed letter from our legal counsel, the Uniformed Services League would like to ask you to send John Hatley home for the holidays. Right now.

Over please.

I believe that if we had this many lawyers unfairly hunting combat veterans during the Vietnam War, the Korean War, and World Wars I and II, then we would have seen criminal prosecutions of tens of thousands or even hundreds of thousands of our combat soldiers, and a terrible wounding of our military capability due to the decline of morale from such unfair prosecutions - which is what is happening today in too many instances.

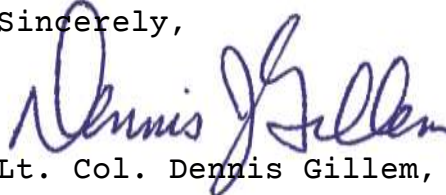
Mr. President, we submit that it is in the national security interest of the United States, and in the interest of justice, that you help combat warrior John E. Hatley right now.

Your helping focus attention on the good work of Congressman Louie Gohmert and his Congressional Justice for Warriors Caucus, would also be deeply appreciated.

It is about time that Congress perform oversight of the sometimes very unfair military justice system, and the Congressmen who answered the call of Louie Gohmert to join his new Caucus, are performing a badly overdue role.

I speak for Uniformed Services League in thanking God we have you as our President, making and now keeping America Great Again. You can best achieve this important and continuing mission by reviewing the enclosed letter of our attorney, David Carroll, and helping Sgt. Hatley. Thank you for your consideration. God bless you, all those who serve in uniform, their families who make such a sacrifice for the common good, and the United States of America.

Sincerely,

A handwritten signature in blue ink that reads "Dennis Gillem". The signature is written in a cursive, flowing style.

Lt. Col. Dennis Gillem, USA (Ret.)
USL Military Adviser

P.S. Mr. President, I have been authorized to humbly request your appearance as a guest on my radio talk show, *FrontLines of Freedom*, which airs every weekend on 190 radio stations reaching 150,000 Americans interested in national security issues. Such an interview would be proudly sponsored by Uniformed Services League and give you the opportunity to directly address armed services and their families, a major part of our audience.

cc: Hon. Louie Gohmert

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October 29, 2019

Via Federal Express

Hon. Donald J. Trump
President of the United States of America
C/O and through the
Secretary of the Army
Department of the Army
ATTN: OTJAG-CLD
Pentagon
Washington, DC 20310

Re: Clemency Request for John E. Hatley

Dear Mr. President and Mr. Secretary,

I represent the Uniformed Services League, a project of the United States Public Policy Council. The Uniformed Services League advocates on issues related to military and former military personnel. The Uniformed Services League asks for the President to exercise constitutional power to grant clemency to decorated former First Sergeant John E. Hatley who has been convicted and imprisoned in the United States Disciplinary Barracks at Fort Leavenworth, Kansas, for 10 years so far (on a 25 year sentence) for murders that did not happen, murders of unnamed persons for whom no bodies have been found and whose friends and relatives deny that anyone is dead or missing.

Service

Former First Sergeant John E. Hatley served in Operation Desert Shield / Storm (Saudi Arabia / Iraq); Operation Joint Forge (Bosnia); Operation Joint Guardian II (Kosovo); Operation Iraqi Freedom II; Operation Iraqi Freedom 06-08, among other postings.

Awards and Decorations.

We understand that he has received the following awards and decorations:
Bronze Star Medal-2, Meritorious Service Medal-2, Valorous Unit Award-2, Meritorious

Unit Commendation, Army Commendation Medal for Valor, Army Commendation Medal-3, Army Achievement Medal-7, Ranger Tab, Combat Infantryman Badge- 2, Expert Infantryman Badge, Parachutist Badge, Air Assault Badge, German Marine Schutzenschnur (Marksmanship) Badge (Gold), Army Service Ribbon, Iraq Campaign Medal, Global War on Terrorism Medal, Southwest Asia Service Ribbon w/2 BSS (Bronze Service Star), Saudi Liberation Medal (Saudi Arabia), Saudi Liberation Medal (Kuwait), National Defense Service Medal-2, NCO Professional Development Ribbon-3, Korean Defense Service Medal, Armed Forces Expeditionary Medal, Army Good Conduct Medal-S, Overseas Service Ribbon-S, Kosovo Service Medal, NATO Service Medal-2, Overseas Service Bars (Combat Stripes), Marksmanship Badge (Expert)

Uniformed Services League believes that former First Sergeant John E. Hatley was and is the victim of a serious miscarriage of justice.

How Did the Miscarriage of Justice Happen?

1 The Facts¹

1.1 The Beginning.

The following events are undisputed by the Government prosecutors. In March or April 2007 in Iraq, Sgt. Hatley's vehicle crew accompanied a routine patrol from 2nd Platoon. Approximately one hour into the patrol, they saw two suspicious looking men running across the street. The crew pursued the men and detained them. The crew conducted a search of the individuals and found several hand grenades on one of the men. This search took place in an unfinished house immediately adjacent to a house that had been riddled with bullet holes and had a burned-out car in the courtyard.

The crew questioned the men to identify why these men were there and why they were in possession of hand grenades. One of the individuals informed them that the adjacent house was his family's, and they had come back to the area to protect his home. The other man was a friend of his. He further stated that several men had come to his home and threatened that if they did not move, they would come back and kill him and his family. Before these men left, the men who threatened them shot up his home and set his car on fire.

Sgt Hatley asked if the man had any proof that the home was his. The man stated he had proof in his house. They then entered his house and asked more questions. The man provided paperwork from his home that their interpreter verified was the equivalent to a deed and which confirmed that it was his home.

¹ As an independent third party, Uniformed Services League has been forced to rely on third party sources for this information but believes the transcript of the trial will confirm the accuracy of the facts recited. Uniform Services League does not currently have access to the trial transcript.

The crew asked if he could and would be willing to identify the men who threatened them. The crew asked if he knew where these men were located. He said yes, but he did not want to be recognized.

The crew released the other man. The crew returned outside and placed the informant in Sgt. Hatley's vehicle. These events took place over approximately 30 minutes.

1.2 The Firefight

The informant had just been loaded into the vehicle when the patrol began taking fire. The trail vehicle identified that four to five men were engaging from two blocks south of the patrol's location across an open field. Hatley and a few others moved to the roof of a home directly to the south and returned fire. The enemy personnel were already retreating to the west. The patrol was unable to cross the open area because it was flooded and impassable. The trail vehicle maintained visual contact and the crew mounted their vehicles. They pursued the enemy to the west until it was possible to cross to the south and close with them.

The trail vehicle operator, now in the lead vehicle, spotted the shooters entering a house. The patrol cordoned off the house, entered, and began clearing and searching the house. Several women and children were in the home, as well as the five men they had been pursuing.

The crew segregated the women from the men in a living room area and took the men outside to the front of their home. When questioned, the women identified the men as their family members.

The crew identified these men as the ones that had engaged them earlier. The man in the vehicle identified these men as the ones who had threatened his family and burned his car. While several members of the team questioned the men, the other soldiers continued to search the house. Under the staircase leading to the roof, the crew found a duffel bag of linked machine gun ammunition.

Iraqi homes differ from American homes. There were stores attached to the front of this home which is quite common. In the front of the house, the left half of the storefronts were some type of travel agency. The right half was used for storage, somewhat like a garage.

When the crew opened the second door on the right half of the storefronts, the found a cache of binoculars, night vision goggles, machine guns (PKM's and RPK's), sniper rifles, and bulletproof vests.

Sgt. Hatley called another NCO aside and consulted with him on whether it would be a waste of time to take these men to the detainee holding area (DHA) or if they should just be released. Since the cache was not found in the same room as the

individuals, Hatley was confident the DHA would not hold them. There had been several such cases in the past where the DHA had released detainees under similar circumstances. Hatley decided to take them back to the company combat outpost (COP) and consult with the Headquarters Platoon Sergeant (HQ PSG), who was the de facto detainee specialist. This was common practice within the company. At no point was it ever discussed that they would be killed.

Returning to the COP, Sgt. Hatley went into the operations center to discuss the detainees with the HQ PSG. He drew out the floor plan of the house in detail on the dry erase board and explained the situation. The HQ PSG agreed with the initial assessment that it would be a waste of time to take the men in and that they should just be released.

1.3 Release of the Detainees

There are several methods employed to release detainees. They could be let out of the front gate of the COP, taken to the location where they were detained, or if they potentially posed a significant threat, they would be taken to the far edge of the sector. Because of the firefight and weapons found, Sgt Hatley chose to take them to the far edge of the sector, on the bank of the canal, for release. This was a common practice, and hundreds of detainees had been released in the past using these exact same methods.

The next event was disputed by the Government. At the release point according to the Sgt Hatley, the crew removed the detainees' handcuffs and blindfolds. Sgt. Hatley informed them to leave the area and that they could go home.

1.4 The CID Investigation

In January 2008, Staff Sgt. Cunningham faced disciplinary charges for striking two junior noncommissioned officers which happened before the alleged shooting, and later threatening an officer with bodily harm. To save himself from disciplinary action, Cunningham claimed to know of murders that took place in Iraq, specifically the murders of the detainees who had in fact been released.

1.5 CID Investigation

CID conducted a thorough investigation. CID scoured the area, the canal (using divers) and its bank, where the detainees were allegedly shot. CID found no evidence of bodies. CID found no shell casings. On interviewing with the landowner, the landowner denied any knowledge of any shootings or bodies on his land. CID located absolutely no physical evidence of the shootings of any detainees.

CID interviewed the family and friends of the detainees who were allegedly shot. The family and friends denied that anyone had died or that anyone was missing. As a result, CID could not name any of the alleged victims

CID interviewed members of the crew, in some cases threatening them with prosecution but immunity if they testified against Sgt. Hatley. In other cases, the charge members of the crew but offered them the possibility of parole rather than life in prison if they would testify against Sgt Hatley.

1.6 The Trial

The trial proceeded without any forensic evidence or physical evidence that any murders that even occurred. The only evidence was the testimony of witnesses who had been coerced by promises of leniency of one kind or another.

As is typical with fabricated stories, the crewmembers contradicted each other over the most obvious facts, such as whether the detainees were facing the canal or facing away from it when they were shot.²

The testimony was fabricated is shown by the testimony of supposed eyewitness Michael Leahy. The Government had originally also charged Sgt. Hatley with an unrelated murder of a detainee on a different date. The Government based the separate charge upon the uncorroborated testimony of Michael Leahy, one of the same crew members in who testified about the four bodyless murders. He testified that he saw Sgt. Hatley shoot that detainee in the stomach and head. The court acquitted Sgt. Hatley of that murder, because the forensic evidence demonstrated that the detainee did not have any bullet wounds in the stomach or head, directly contradicting the testimony of "eyewitness" Leahy.

Nevertheless, a single Army trial judge convicted First Sergeant Hatley of the murder of four unnamed detainees whose families denied they were dead or missing, without any bodies, without any names, without any physical evidence whatsoever. First Sergeant Hatley was sentenced to life in prison. His sentence was later reduced to 40 years by the convening authority. In 2016 the Army Clemency and Parole Board reduced the sentence to 25 years. He has served 10 years so far.

2 Legal Standards.

Article II Section 2 of the Constitution of the United States of America provides in part, "[The President] shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." Clemency is a constitutional power of the President not established or controllable by any act of Congress.

Because the President's clemency power is constitutional, the President has the legal ability to consider guilt or innocence even though the Secretary of the Army

² This will no doubt be corroborated by the trial transcript, but as an independent third party, Uniform Services League does not have access to the transcript of the trial testimony.

regulation 15-130, Sec. 302(c) states that matters of guilt should not be considered by the Army Clemency and Parole Board. We are mindful that parole boards typically want to hear from prisoners and acknowledgment of responsibility for the crime and expressions of remorse. That is an unreasonable request for an innocent wrongly convicted prisoner.

By all reports, John E. Hatley has been a model prisoner despite the wrongful conviction. While in prison, he has earned a baccalaureate degree in management and is working on a Master of Business Administration degree. There is no reason to believe that he is any danger to society. To the contrary there is every reason to believe that upon release, he will be a highly productive member of society consistent with his 20 years of military service before the trial.

I make this request on behalf of the Uniformed Services League. The Uniformed Services League, representing over 10,000 supporters from all states, strongly believes that the case of Sgt. John E. Hatley is debilitating to the morale of the armed forces of the United States, and will have a terrible effect on future enlistments, and on the conduct of officers and soldiers in future armed conflict when their lives are on the line.

We believe the sad and unfair story of Sgt. John E. Hatley, as it currently stands, gives aid and comfort to those who hate America all over the world, and those who always tear down the work of the good men and women of our armed forces.

Our Request

The Uniformed Services League respectfully requests your consideration in providing the maximum available remedy for an innocent John E Hatley who has served 10 years of a 25 year sentence for the murders of unnamed, unfound individual whose losses denied by their family and friends and for which there was no physical evidence of any crime despite an extensive CID investigation. At a minimum, Uniform Services League request the commutation of Johnny Hatley sentence along with a restoration of all rights and rank.

We believe that your action as President and Commander-in-Chief of the Armed Forces of the United States to immediately restore freedom to Sgt. John E. Hatley, will have a salutary effect on the morale of all who serve our country in uniform, and cheer all those who have served in the past, and all those who support the mission, purpose and sacrifice made by those who put their lives on the line to defend the freedom that too many take for granted.

President Donald J. Trump

October 29, 2019

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We understand that via parole, he would be released in another year, but please, Sir, send Mr. Hartley home right away!

Very truly yours,

A handwritten signature in blue ink that reads "David W. T. Carroll". The signature is written in a cursive style with a large initial "D".

David W. T. Carroll

Legal counsel for the Uniform Services League

DWTC:bmh

ENCLOSURES (About Uniformed Services League)

cc: Hon. Louie Gohmert, Chairman, Justice for Warriors Caucus, United State House of Representatives, c/o brian.allen@mail.house.gov

Lt. Col. Dennis Gillem, USA (Ret.), Retired Military Officers Advisory Board of Uniformed Services League

(to be later distributed to) 10,000 supporters of Uniformed Services League