



February 13, 2019

Via Electronic Mail and United States Mail

The Honorable Bill Flores  
United States House of Representatives  
2228 Rayburn House Office Building  
Washington, D.C. 20515

Re: US Army First Sergeant John Hatley

Dear Congressman Flores:

As requested, the following is a summation of the reasons supporting Executive Action to “disapprove the findings and the sentence” or commute his sentence to time-served.

John is a 50-year-old Texas native who served almost 20 years in the Army with an otherwise excellent and longstanding combat and military record as a Paratrooper, Ranger, and Infantryman. He was convicted of killing detainees in a war zone in Iraq during a routine patrol in early 2007. He was convicted solely on testimony with no physical or forensic evidence, no identified victims, or reports of missing persons being presented at trial. John has served nearly 10 years of a 25-year sentence at the United States Disciplinary Barracks (USDB) on Fort Leavenworth, KS. Due to the extenuating circumstances of his trial, his honorable service and impeccable record before and since conviction, he is seeking a commutation of sentence. In August 2017, John became eligible for parole pursuant to Army Regulation (AR) 15-130, Army Clemency and Parole Board, Chapter 3-1e.

In 2017, the Army Clemency and Parole Board recommended release. However, the Assistant Secretary of the Army, Francine Blackmon, in a rare action, disapproved the Board and determined not to parole John. She determined, in essence, that the severity of his convictions required additional incarceration.

In 2018, the Board reversed itself from its previous recommendation to release John, even though in the intervening year, his conduct has been spotless. This can reasonably be seen as the Board seeking to support their boss’s view of the issue, which, if true, is an abdication of the Board’s responsibility to fully and fairly evaluate the record to determine if fundamental corrections philosophies in John’s case have been satisfied. That the Board concluded they were in 2017, then reversed itself in 2018, suggests an arbitrary and even capricious review to appease a superior rather than fairly evaluate the record.

The reason the Board provided for its having reversed itself from 2017 to 2018 is equally problematic. Notwithstanding substantial evidence that John’s having served 10-years in confinement with a perfect record indicates excellent conditions for transition to civilian society, the board focused on a perceived lack of acceptance of responsibility. Although a consideration

contained in the applicable regulations, it was not a concern in 2017, and, personnel are free to continue to abide by their plea of not guilty without having it held against them.

The “ask” is for Executive Action to remit the remainder of John’s sentence, as reflected by each of the following criteria having been established, as the Board found in 2017. That is, each of the goals of the corrections system has been achieved. Article 74, 10 U.S.C. § 974, Uniform Code of Military Justice (U.C.M.J.); AR 15-130, Chapter 3-2(a)(1)-(6).

**Chapter 3-2(a)(1)**. John has promoted respect for the law as demonstrated by his truly unassailable record while confined and expert corrections’ opinions that he is no danger to society nor will he be a recidivist. The data show that recidivism for “war crimes” rates at zero. While confined, John completed his Undergraduate Degree in Management, is working towards an MBA, and is an example to other inmates of model behavior. His salient factor score is the highest possible which represents the lowest risk. Salient factor scores, as you know, serve as an aid in determining parole prognosis and potential risk of parole violations.

**Chapter 302(a)(2)**. First Sergeant John Hatley’s prior military record, combat service, awards and decorations, and favorable personnel actions have been consistently exceptional by any standard through his entire career spanning back to 1989.

**Chapter 302(a)(3)**. John’s conduct and disciplinary records during confinement prove that he has achieved the degree of rehabilitation necessary to warrant commutation or parole. For 10 years, John complied with all institutional rules and to participated meaningfully in available correctional treatment programs. Comments by institution counselors, reports of institution boards, evaluations by institution cadre, and John’s enrollment in and completion of available education, vocational, and correctional treatment programs demonstrate his suitability for commutation or parole.

**Chapter 302(a)(4)**. John has achieved a sense of purpose, demonstrated a desire for self-improvement, and exhibited self-discipline. John’s parents and family live nearby, in a location with business, commerce, friends, a social network, religious services, within a community that looks forward to welcoming John home. While a model inmate, John has demonstrated his self-discipline, calm demeanor, self-possession, and maturity not only through completion of formal educational programs, but also in leading other inmates by his example of peaceful living with obedience to societal expectations.

**Chapter 302(a)(5)**. John willingly accepts any conditions of parole in terms of meeting with a parole officer, providing urinalysis, and demonstrating that he is gainfully employed. The USDB reports no need for alcohol/drug treatment, no need for anger-management/coping skills. In addition to his home with his fiancée near his parents in his home town, John has three offers of employment, a means of transportation, and a social network of business, community, religious, and law enforcement leaders who have pledged their support and offered their assistance to facilitate John’s transition from confinement to society.

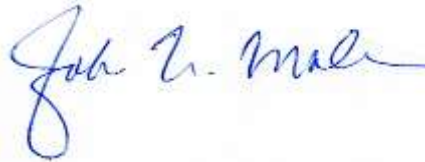


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**Chapter 302(a)(6)**. Because no bodies, victims, or victim's family members were identified as part of this case, no evidence as to victim impact is available.

All this to say, the corrections reasons to continue John's incarceration have all been satisfied, leaving no legitimate governmental interest in his continued confinement, especially on his exceptional military record and his decade-long record as a productive prisoner.

Sincerely,



JOHN N. MAHER

cc: Kevin J. Mikolashek, Esquire  
David Bolgiano, Esquire  
*Counsel for Hatley*

Mr. Ricky Rand  
*Hatley Family Representative*

Lieutenant Colonel David Gurfein (USMCR Ret.)  
Chief Executive Officer  
United American Patriots, Inc.  
*Non-profit supporting and defending Lorraine*

