

To The Honorable Members of the Committee:

INTRO

Thank you very much to the staff and committee for granting me the opportunity to again have a voice on such an important matter for both the Military, Veterans, and the public. I continue to advocate for a service free of sexual assault, as well as fair and impartial processes of justice. As stated, my name is Darin Lopez, and I am a former Navy Intelligence Specialist who honorably served by country for 12 years. I was convicted of a sexual assault in 2014 against my plea of **not guilty** and was sentenced to three years confinement and a bad conduct discharge where consent was the argued point. Today, again I am here in the interest of Justice and respectfully request a status of what I proposed in the September 21, 2022 meeting in the public comments, document submissions, and reading room. My cause was to share with the committee that I was unjustly and wrongfully convicted and after exhausting all options proposed a way forward for wrongfully convicted Veterans to seek relief. I brought up what I called the Falsely Accused Individual Review (FAIR) unit, committee, or subcommittee and that such entity should be granted fact-finding authority and make necessary recommendations to the appellate services and/or board of corrections for adjudication. Although my initial my plight is based upon relief for those believed to be affected by Unlawful Command Influence, I still believe there is a need beyond that single scope and that such review committee should be permanently commissioned in the interest of all service members and military justice.

In an effort to ensure that those like me are not left behind, I am sharing in hopes that someone, or group of individuals finally use all of the known information regarding Unlawful Command Influence, the violations of human rights regarding the mishandling of military courts-martials revealed through case law over this passed decade.

KEY POINTS

The Implications

The implications of unlawful command influence (UCI) in the military justice system that is not adequately addressed can be severe. UCI is a form of bias that can negatively impact the outcomes of military justice proceedings. Because commanders are responsible for justice proceedings and also have the power to exercise discretion in matters such as recommending clemency, there is a potential for bias in favor of the military's own interests. This can lead to an unfair and biased results in court-martial cases.

If UCI is not adequately addressed, it can have a long-term negative impact on military justice. Soldiers may begin to doubt the fairness of the justice system or lose faith in their commanders, who could be seen as impartial decision- makers. This could lead to a breakdown of trust and morale as well as a decrease in the public's confidence in the military's disciplinary system.

Taking Action

As one of the most significant problems I have observed is not the knowledge of problem, or even solution for that matter, yet still when it comes to action there has been little. here further are some thoughtful proposed courses of action that would result in limiting and work toward eradication of Unlawful Command Influence (UCI) as well as retroactively correcting wrongful convictions.

1. Strengthen enforcement of existing policies and regulations prohibiting unlawful command influence.

2. Implement an independent body in the military to review any case involving unlawful command influence and make recommendations for disciplinary action or changes to policies or regulations.
3. Enact stronger whistleblower protection for those who report instances of unlawful command influence.
4. Review cases of wrongful conviction due to unlawful command influence and determine methods for providing restorative justice for those that have been wrongfully convicted.
5. Create a task force to review any changes needed in relation to policies, procedures, and legislation to strengthen protections from unlawful command influence.
6. Increase military personnel's education and training on recognizing, reporting, and challenging unlawful command influence.
7. Establish a commission to assess further recommendations to protect members of the military from unlawful command influence.

Again, in short the armed forces has experienced **the largest account of Unlawful Command Influence (UCI) in US history** and those who are damaged and will be damaged by a lack of action deserve the proper attention as they have sworn oaths and supported and took action for this nation's defense without hesitation and the presumption that if ever accused of anything wrong doing, justice would be fair and impartial.

I would like to end this statement with this following quote by one of my favorite former Presidents. I believe there is some added value in revisiting the wisdom of the past to ensure a better future.

The Man in the Arena

“The Man in the Arena” tells us that those we should praise are that who are fighting David battles, regardless of the outcome.

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat"

- President Theodore "Teddy" Roosevelt

I am very appreciative and thankful for the opportunity to submit documentation for consideration as this area specifically has forever altered the course of my life, and I want to ensure I am doing all that I can to continue positive change so that others never have to suffer the damages that I have. Support our troops.

Very Respectfully,

Darin G. Lopez