



National Coalition For Men (NCFM)

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March 29, 2015

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General Ray Odierno
Chief of Staff, United States Army
1400 Defense Pentagon
Washington, DC 20301-1400

Senator Rand Paul
124 Russell Senate Office Building
Washington DC, 20510

Re: (1) Court-Martial of U.S. Army Officer, Major Christian Martin, Ft. Campbell, Kentucky (2) Unlawful Command Influence, Brigadier General Mark Stammer, Ft. Campbell, Kentucky and (3) abuse of process, discrimination against male soldiers, false allegations

Honorable Gentlemen,

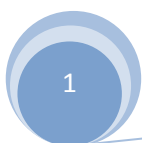
The National Coalition for Men (NCFM) is a 501(c)(3) educational nonprofit corporation and the nation's oldest men's human rights organization. Our directors, advisors, liaisons, and members are men *and* women from a wide variety of professions, including military men and women. NCFM is recognized domestically and internationally. You can learn more about NCFM, our interests, efforts, and accomplishments by visiting our website, www.ncfm.org.

NCFM is committed to the removal of gender-based stereotypes, especially as they adversely impact boys, men, their families, and the women who love them, including but not limited to, issues involving the criminal justice, family court, and military judicial systems.

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Committed to ending harmful gender based stereotypes

Synopsis

This letter concerns:

- 1) Gender-biased training, misuse of protective orders, prosecutorial overreach, retaliation, and Unlawful Command Influence involving allegations of sexual assault and domestic violence in the military.
- 2) The Court-Martial case of Major Christian “Kit” Martin, 101st Airborne Division, Fort Campbell, Kentucky, who has been charged with several sex-related offenses, despite evidence to the contrary based on discredited allegations from a vindictive bigamist ex-wife during a high conflict separation.
- 3) The appearance of Unlawful Command Influence¹ and retaliation on the part of Brigadier General Mark Stammer, Deputy Commanding General of the 101st Airborne Division, Major Martin’s superior.

According to Little Rock Arkansas family law attorney James L. Tirpcony, “[F]alse allegations are often made to gain the “upper hand” during a custody battle, to put the opposition at an immediate disadvantage, to tie up the other party with additional litigation, and to hurt the other party out of hate, fear, or spite. False allegations are an effective way of reversing the prevailing direction of the case... The most common false allegations made are allegations of child molestation, domestic violence, and sexual abuse. Most currently available information suggests that wives are more likely to make false accusations than are husbands. When made in the context of custody disputes, mothers are the overwhelming majority of false accusers, in part because they are more likely to be believed than fathers who make similar accusations.”²

*“False allegations are lies and people who make false allegations are liars. A false allegation of abuse isn’t just any lie; it’s one of the most contemptible lies that exist.”*³ Dr. Tara J. Palmatier, PsyD, 2011

Abstract

Over the past several years, NCFM has received disconcerting inquiries and complaints about issues related to sexual harassment, sexual assault, and domestic violence in the military, for example but not limited to false allegations, gender biased training, and unlawful command influence.

¹ For an explanation and discussion of “undue command influence” see <http://www.Court-Martial.com/unlawful-command-influence-uci.html>

² False Allegations FAQ, Tipcony, May & Associates, <http://www.tripconylawfirm.com/faq-list-child-false-allegations.html>

³ A Shrink for Men, <http://shrink4men.com/2011/08/24/false-allegations-in-divorce-and-custody-battles-the-personality-types-of-false-accusers-and-the-falsely-accused/>



Last year we received a complaint from a military fire department about mandatory annual training by a civilian contractor who routinely demeaned and degraded men as perpetrators and rapists while depicting only women as victims. Several of the firefighters were embroiled in high conflict divorce cases, had been falsely accused of domestic violence or child abuse, and suffered at the hands of a vengeful spouse. Absences increased and morale suffered. These men knew better and resented the presenter.

Recently, at Fort Campbell, Kentucky there was a picture of a male soldier on an electronic billboard in front of the Family Resource Center directly across the street from the senior leadership housing, and the home of Acting Senior Commander General Stammer. The message concerned sexual assault, depicted a male soldier and read, *"your new year's resolution is to get the F\$*F (bleep) away from him."*

The electronic billboard exemplifies stereotypical bias against men wherein only male soldiers are perpetrators and women are victims. Such messages reinforce generally accepted but wrongheaded thinking about interpersonal violence, including the beliefs of potential jurors, judicial officers, and all those who see it. In fact, women and men commit domestic violence at roughly the same rates.⁴ Women commit sexual harassment and sexual assault, especially in, but not limited to, same sex relationships.

In January 2015, NCFM sent a letter to Commanding General, Major General Gary J. Volesky asking him to order the removal of the offensive picture and message.⁵ We understand the offensive message is no longer there, though we have received no response from General Volesky.

General Stammer, reports to General Volesky, is Major Martins' superior officer, and is directly involved in Major Martin's Court-Martial. The information below will show a pattern of Unlawful Command Influence as defined under Article 37 in the Uniform Code of Military Justice (UCMJ).

Public statements by General Stammer show his stance on allegations of sexual harassment and sexual assault, in an interview he emphasized, "Sexual harassment and sexual assault are inconsistent with Army values and are not going to be tolerated here at Ft. Campbell."⁶ In a meeting with Ft. Campbell leaders, General Stammer said,

"If the assault occurs in military jurisdiction, I prefer it to stay there. I have absolute trust, faith, and confidence in the chain of command and our judges that they will address these issues fairly and timely...The Commander, at whatever level, is the leader...he is singularly responsible...not

⁴ REFERENCES EXAMING ASSAULTS BY WOMEN ON THEIR SPOUSES OR MALE PARTNERS AN ANNOTATED BIBLIOGRAPHY, Martin S. Fiebert, Department of Psychology, California State University, Long Beach, SUMMARY: This bibliography examines 286 scholarly investigations: 221 empirical studies and 65 reviews and/or analyses, which demonstrate that women are as physically aggressive, or more aggressive, than men in their relationships with spouses or male partners. The aggregate sample size in the reviewed studies exceeds 371,600, <http://web.csulb.edu/~mfiebert/assault.htm>

⁵ NCFM sends complaint to commanding general at Fort Campbell Kentucky re disrespecting his soldiers, <http://ncfm.org/2015/02/news/uncategorized/ncfm-sends-complaint-to-commanding-general-at-ft-brag-re-disrespecting-his-soldiers/>

⁶ Stammer Talks SHARP, Fort Campbell's Role
http://www.army.mil/article/104958/Stammer_talks_SHARP_Fort_Campbell_s_role/



a prosecutor, not someone on the periphery, not a staff adviser, him and him alone...I am going to hold him personally accountable for doing his job. He is not going to have an excuse.⁷

We will show how civilian and military authorities in several separate investigations exonerated Major Martin for lack of evidence, fraud and credibility of the accusers. Yet, General Stammer ignored or rejected considerable, clear, undeniable evidence of Major Martin's innocence in favor of insisting upon a retaliatory Court-Martial designed to insure a conviction.

Moreover, several JAG (Judge Advocate General's Corp) officers influenced or attempted to influence civilian authorities to drop at least one felony charge of bigamy against Major Martin's purported wife in both Tennessee and Kentucky. CID (Army Criminal Investigation Division) investigators also intimidated Major Martin's previous wife and also his current fiancé, who they attempted to coerce and intimidate into saying they had been abused by Major Martin. Both denied it absolutely and were either put in fear or rage at the extreme pressure leveled by CID. These two women are readily available for interview.

In 2013, Congress weighed in when Senator Kirsten Gillibrand, D-N.Y., served notice that she would facilitate a complete overhaul of the Uniform Code of Military Justice to take away commanders' authority to refer charges and overrule judicial decisions. "It is time to move the sole decision-making power over whether serious crimes go to trial from the chain of command into the hands of non-biased, professionally trained military prosecutors -- where it belongs," Senator Gillibrand said.⁸

Ideologically driven politics, highly questionable *advocacy* research, and "rape culture" fiction fueled the recent media storm about the nonexistent epidemic of sexual assaults in the military, where false reports outpace actual assaults.⁹ In response, the military serves up high profile male soldiers to satisfy personal and political agendas,¹⁰ which cannot happen without Unlawful Command Influence.

Unlawful Command Influence coupled with retaliation and political pressure compromise investigations, prosecutions, and justice. For example, the misuse and abuse of the protective orders is a common and well-known practice in family law cases.¹¹ False allegations set in motion events leading to unjust and overzealous prosecutions when there is no evidence to substantiate the charges.

⁷ Ft. Campell leaders discuss sexual assaults in the military <http://clarksvillenow.com/local/ft-campbell-leaders-discuss-sexual-assaults-in-the-military/>

⁸ *Command Influence to Figure in Navy Rape Case*, military.com, October 14, 2013. <http://www.military.com/daily-news/2013/10/14/command-influence-to-figure-in-navy-rape-case.html>

⁹ *False reports outpace sex assaults in the military*, The Washington Times, May 12, 2013
<http://www.washingtontimes.com/news/2013/may/12/false-reports-outpace-sex-assaults-in-the-military/?page=all>

¹⁰ *Military's dubious stats on false sex assault cases cloud prosecutions, debate*; Stars & Stripes, October 5, 2013,
<http://www.stripes.com/news/military-s-dubious-stats-on-false-sex-assault-cases-cloud-prosecutions-debate-1.241057>

¹¹ "The misuse of orders of protection by women when going through a divorce is one of the more prevalent and unfortunate trends in family law. A system that was designed to protect against abuse is itself being abused, but to me, they are better known as tactical nuclear weapons," Joseph E. Cordell, Family Law Attorney, the Huffington Post 2011.

Major Martin's nightmare started when he requested a divorce and later called police after his wife's violent reaction. His wife responded the next day with a protective order against him based on false allegations. Inexplicably, months later he now faces up to 58 years in prison (a life sentence) while his false accuser goes unpunished, free to abuse again, as she did to Major Martin and others before him.

False accusers are rarely if ever punished, yet they are the true perpetrators, if not criminals. The falsely accused are the real victims. Ever expanding definitions of sexual harassment, sexual assault, and domestic violence exacerbate such problems with relatively innocent interactions easily construed as one or more offenses.

False accusations arise from,

1. *Spite or revenge*¹²
2. *Personality or psychological disorders*
3. *Covering up their own misconduct, for example an illicit affair*
4. *Attempting to avoid negative performance evaluations*
5. *Attempting to avoid deployment or to be removed from a deployment area*
6. *Attempting to gain a preferred duty assignment or location*
7. *Financial considerations, to secure advantage in a divorce or separation cases regarding child custody and property distribution, real and personal*
8. *Attempting to gain substantial military benefits associated with being a "victim"*
9. *A desire to obtain an early discharge*

At Fort Campbell, by order of General Stammer's Policy Letter 7, any allegation of domestic violence directs commanders to take negative actions against accused Soldiers with no evidence required.¹³ Among other things, it directs commanders to issue a military protective order against the soldier, move the soldier to the barracks, require them to turn in their private weapons, and consider separation from service. Commanders must also contact social workers, Family Advocacy Program (FAP), trial counsel prosecutors, victim advocate programs, and other agencies based on just one unconfirmed allegation.

Some soldiers, in programs such as FAP, have told their counselors and instructors they refused to file for divorce for fear their spouse would file false allegations, which in turn would adversely affect their careers, deprive them of their children, and land them in prison. This is exactly what is happening to Major Martin. Some men reported avoiding female military members to protect against false harassment or assault allegations. In 2012, a Marine Corps survey of 53,000 male Marines found that being falsely

"There are approximately two million protective orders issued to men in the U.S. every year, and approximately 90% are considered false, or where there was no allegation or evidence of intimate partner violence, nor threat of intimate partner violence." Stop Abusive & Violent Environments, 201

¹² A U.S. Air Force study found over one-fourth of women who accused men of rape recanted either just before taking or after failing a lie detector test - their most common reason being "spite or revenge" - and it concluded 60% of the rape allegations were false (Forensic Science Digest, v. 11. n. 4, 12/85; Archives of Sexual Behavior, 1994, v. 23, n. 1.)

¹³ Attachment 9, General Stammer's 5-page Policy Letter 7, dated October 4, 2013 showing the "minimum" actions that will be taken if a soldier is accused of any domestic violence or sexual assault allegations.

accused of sexual harassment or sexual assault was the top concern about women in combat positions, thousands of respondents indicated the change might cause them to leave the service altogether.¹⁴

Unlawful Command Influence and political pressure creep into such cases. Some commanders capitulate to overly zealous political propaganda, fear the label “anti-women,” or overreact with zero tolerance policies that facilitate false accusations and destroy the innocent, primarily men. In some cases, commanders use the hysterics of a non-existent sexual assault epidemic in the military for self-serving purposes.

Moreover, civilian and military criminal defense attorneys talk of the current political *witch-hunt* for sex offenders putting the military justice system in peril. One attorney likened the political climate in Washington D.C. to a “hanging party.” Elaine Donnelly, who heads the Center for Military Readiness said it is wrong to redefine justice to mean accusations alone prove guilt. The Army judge in the infamous high-profile Brigadier General Jeffrey Sinclair sexual scandal noted Unlawful Command Influence tainted the prosecution.¹⁵

In 2013, a Navy judge In Hawaii overseeing two separate military sexual assault trials ruled that statements made by the President, the Defense Secretary, the Secretary of the Navy, and others constituted Unlawful Command Influence. The judge found the Unlawful Command Influence protected the defendants from punitive discharge from the Service.¹⁶

False allegations in the military are common, destructive, feared, and real. Ideologically driven political pressure, misdirection, shoddy investigations, maladministration, and Unlawful Command Influence corrupt the military justice system. The system sacrifices innocent soldiers while handsomely rewarding false accusers. Oaths to uphold and protect are surrendered by some command officers for advancement, convenience, and political correctness. All, weakening justice, morale, mission, our culture, and society.

The Case of Army Major Christian “Kit” Martin, 101st Airborne Division

Major Christian “Kit” Martin is a highly decorated Apache helicopter pilot assigned to the 101st Airborne Division at Fort Campbell Kentucky. He has an unblemished 27-year military record, several combat deployments, numerous awards, no criminal record, not even a speeding ticket. What follows is his saga, as we know it. Our investigation includes the review of hundreds of pages of official documents, reports, public records and interviews. We have no reason to believe the following is not true.

¹⁴ Marine survey lists concerns on women in combat, <http://news.yahoo.com/marine-survey-lists-concerns-women-combat-002047180.html>

¹⁵ Washington Times, “Political hunt for sex abusers puts military justice in peril, lawyers say.” <http://www.washingtontimes.com/news/2014/mar/30/political-hunt-for-sex-abusers-puts-military-justi/>

¹⁶ Stars & Stripes, Judge: Obama sex assault comments 'unlawful command influence,' <http://www.stripes.com/judge-obama-sex-assault-comments-unlawful-command-influence-1.225974>

Major Martin faces Court-Martial for alleged sex and abuse related offenses, which civilian authorities earlier investigated and dismissed. All of which stem from a high-conflict divorce, spiteful ex-wife, numerous false allegations by her and a married man who many believe is her lover, and what appear to be unlawful command influence and retaliation for Major Martin's attempt to defend himself.

Ms. Joan Harmon and her still legal husband Carlos Guerra were married before she fraudulently married Major Martin in 2004. The States of Kentucky and Tennessee investigated, found no record of a divorce, and the State of Kentucky charged Ms. Harmon with felony Bigamy.¹⁷ Ms. Harmon fled with their children about a decade ago after making similar allegations of abuse against husband Guerra as she has now made against Major Martin.

A lawyer and private investigator hired by Major Martin uncovered the bigamy. Mr. Guerra told the investigator, and later the CID (Criminal Investigation Division), Ms. Harmon made allegations against him very similar to the ones she has now made against Major Martin. Mr. Guerra explained Ms. Harmon abducted their two daughters over a decade ago. He explained how he unsuccessfully searched for them for years. Ms. Harmon also has a son by still another man whose identity is unknown, except perhaps by Ms. Harmon. All of which reveals more about Ms. Harmon's character and lack of credibility.

Aside from possible Child Abduction and Bigamy, our investigation shows Ms. Harmon may have committed or been involved with the commission of the following crimes:

- 1) *Obtaining military benefits by fraud or deceit for over nine years*
- 2) *Obtaining domestic violence benefits by fraud or deceit*
- 3) *Obtaining food stamp (SNAP) benefits by fraud or deceit*
- 4) *Grand theft*
- 5) *Perjury*
- 6) *Subornation of Perjury*
- 7) *Conspiracy*
- 8) *Obstruction of Justice*
- 9) *Providing false information to state and federal authorities*
- 10) *Animal abuse*
- 11) *Witness tampering*
- 12) *Evidence tampering*
- 13) *Vandalism*
- 14) *Intrinsic Fraud upon the Court*
- 15) *Abuse of Process*
- 16) *Civil Rights Violations*

¹⁷ Attachment 1, Christian County Circuit Court Indictment of Ms. Harmon Harmon on a felony charge of Bigamy, dated October 31, 2014.

Records clearly establish that CID investigators at Fort Campbell and General Stammer were fully aware of the deceit, lack of credibility, and criminal violations committed by Ms. Harmon. They were also aware of Major Martin's otherwise outstanding and unblemished service record.

JAG prosecutors lobbied illegally and unethically the Christian County Commonwealth Attorney's Office to drop the felony Bigamy charges in Kentucky, clearly to further bolster Ms. Harmon's discredited believability in their Court-Martial case, which may violate the Posse Comitatus Act, 18 U.S.C. 1385 and various civil rights laws. The assistant Christian County, Kentucky Commonwealth Attorney who directly received the unlawful conduct is available for interview and has documents to underscore her complete rejection of the Army's demands.

Congruently, as "abuse victims," Ms. Harmon and her children may now be receiving generous benefits through the military Transitional Compensation Program,¹⁸ and through a similar civilian Victim Compensation Program, speculatively. According to Transitional Compensation Program guidelines, the Army has to establish that Ms. Harmon was legally married to Major Martin when she claimed abuse and spousal rape, no marriage, no spouse. If the bigamy charges go away, Ms. Harmon and her children may be eligible for hundreds of thousands of dollars in benefits.

It is our understanding Ms. Harmon was offered no jail time in exchange for a guilty plea for Bigamy, but she would have been ineligible for the Transitional Compensation Program had she accepted and a felon when she testified against Major Martin. Additionally, the Army could seek reimbursement of benefits she and her children may have illegally received for almost ten years, and prosecute the JAG personnel involved with the fraud itself. Moreover, JAG officers who intimidated State prosecutors should be sanctioned, including, as applicable, losing their licenses to practice law.

Regardless, conviction or no conviction, she is not legally married to Major Martin, which was determined by a Circuit Court order in Kentucky. How the Army legitimately maintains Major Martin and Ms. Harmon are legally married appears linked to the Court-Martial. Ms. Harmon and JAG prosecutors have a common interest in seeing that Ms. Harmon's felony Bigamy charges disappear. JAG wants a conviction. Ms. Harmon wants compensation.

Obviously, Major Martin's marriage was not good. His wife was abusive, purportedly having an affair with a married neighbor, which was witnessed by others including local police. Major Martin documented how she squandered his earnings giving family money better spent on their children to cult organizations and astrologers. Major Martin was the sole provider for Ms. Harmon and her children – all three by other men – yet he provided them with the best private schools and support he could afford.

¹⁸ "The Transitional Compensation Program provides financial, health and commissary and exchange benefits to family members who have been abused by a Service member... A victim can receive transitional compensation benefits for a minimum of 12 months and a maximum of 36 months. The monetary benefit [money payment] changes every year, and although it must be reported as income, it is not taxable (similar to child support payments), Domestic and Child Abuse in The Military, Quick Series, Quick Series Publishing, 2012.

In September 2012, Ms. Harmon went into a rage after finding out that Major Martin planned to have lunch with his 19-year-old daughter from a previous marriage. He told Ms. Harmon he had had enough, he was tired of her abuse, and wanted a divorce. She said, *“I will ruin your life if you divorce me. I will ruin your career, I can do it. I’ll tell them you’re abusive....”* Major Martin’s adult daughter heard the threat. Major Martin encouraged his wife to call the police. She hesitated, so he called the police. According to an incident report, no crime was committed and Ms. Harmon displayed no injuries.

The day after Major Martin filed for divorce Ms. Harmon secured an ex-parte EPO (Emergency Protective Order) by falsely alleging domestic violence, later child abuse. The magistrate did not consider the police report from the previous night’s events proving the allegations false, arguably the catalyst for the series of events that follow. Regardless, the protective order forced Major Martin and his biological daughter from their home and into motels and shelters for two weeks while waiting for a hearing on the validity of the temporary protective order. The investigating officer later testified during the protective order hearing that Ms. Harmon’s account was false. The Court conclusively denied the protective order because there was absolutely no corroboration and deemed the testimony of Ms. Martin’s sixteen-year-old son to be a reckless disregard for the truth.

Subsequently, at the EPO hearing, two separate witnesses testified overhearing Ms. Harmon’s children in the court waiting room discussing what their mother had coached them to say on the witness stand. One of these witnesses was highly regarded Christian County Kentucky Aid Attorney Laurel King-Davis who had been practicing law for 37 years. Ms. King-Davis felt compelled to testify that she saw and heard Ms. Harmon’s children discussing what to say and not say on the witness stand. The judge found the oldest child obviously lied and the other children’s recollections were “framed,” thus completely unreliable.

The EPO was dismissed and Major Martin and his daughter were permitted back on their property. During the intervening two-week period with the EPO in effect, Ms. Harmon removed everything from the house except some large furniture, Major Martin’s oldest daughter’s clothing, tools, and military gear. She took Major Martin’s irreplaceable family heirlooms, pictures and videos of his biological children, his passports, titles to all the vehicles, documents, and set about turning off all the utilities. Near the end of the two-week period, Ms. Harmon abandoned Major Martin’s dog *Sarge* with a contractor working on the house. He called Major Martin. Sarge was starving, emaciated, dehydrated, had a broken a leg, could barely move and was near death. Major Martin rushed him to the veterinarian who tried three times to get authorities to charge Ms. Harmon with animal cruelty.

Now, Trial Counsel will use Ms. Harmon’s fraudulent testimony to attempt to gain a conviction of Major Martin unethically at Court Martial, knowing full well that a sitting Judge, on the record, decried its truthfulness, denied Ms. Harmon’s request for a protective order, found no evidence of spousal abuse, and denounced her credibility.

The court denied Ms. Harmon’s request for a permanent protective order after becoming aware of her earlier false testimony (lies) and coaching her children to give false testimony. Court transcripts also verify Ms. Harmon’s threat to *“ruin the career and life of Major Martin and that she knew how to do it.”*

The Commonwealth's Family Court ordered a mutual stay-away order which Ms. Harmon routinely violated almost daily by visiting her purported married lover Calvin Phillips at his house across the street from Major Martin's home. During their ongoing divorce, Major Martin's property was vandalized numerous times and he and his daughter were threatened several times, all of which he reported and was documented by various authorities.

In January of 2013, Major Martin was completely cleared of any child abuse and neglect in Kentucky after Child Protective Services found Ms. Harmon's accusations *unsubstantiated*.¹⁹

Despite being a bigamist, her ongoing harassment, violating the stay-away order, routinely lying, filing false accusations, leaving Sarge to die, coaching her children to lie, perhaps vandalizing Major Martin's property, his command ordered Major Martin to continue supporting Mr. Harmon financially until July 2013, even though he was not legally married to her.

Upon learning of her bigamy being exposed during divorce proceedings in October 2012, Ms. Harmon went to the local police and the Federal Bureau of Investigation (FBI) in Hopkinsville, Kentucky in December 2012, claiming Major Martin was a spy. She provided some documents and a laptop computer. She told a tangled and delusional tale about Major Martin being an international spy who had orchestrated "secret meetings with other spies" while the Martin family lived in Europe, vacationed in various countries, and went on cruises. Ms. Harmon planned all these trips while Major Martin was deployed or in training.

Unbeknownst to Major Martin, the FBI and Army Counter Intelligence Units launched investigations. Major Martin became aware of the investigations roughly six months after Ms. Harmon filed her false accusations when he was called to Counter Intelligence and interrogated for three hours. He cooperated fully, volunteered for interviews, insisted on having his house searched immediately, passed an extensive polygraph examination, and was cleared of any wrongdoing.²⁰

On September 20, 2013, after being cleared of all Ms. Harmon's accusations to this point, Major Martin sent a Memorandum of Request²¹ to his U.S. Senator, Rand Paul. The letter was sent through Major Martin's chain of command, requesting a Congressional Inquiry, asking in part that the State of Kentucky's use of emergency protective orders and various policies of the Army Family Advocacy Program (FAP) be investigated.

His letter, among other things, asserted military personnel, primarily men, were ordered into group counseling and batterer intervention programs even when charges against them were known to be false. Worse, officers were ordered into the same group counseling and batterer intervention programs with enlisted personnel who the officers supervised, thereby undermining the officers' authority and unit

19 See attachment 1, letter from the Commonwealth of Kentucky, Cabinet for Health and Family Services; signed by Social Service Worker Abby Nicole Dill, dated January 3, 2013.

20 Attachment 2, email from Military Intelligence Special Agent in Charge Curtis Messer dated March 20, 2014 and attachment 3, sworn statement of Agent Vincent Jenkins dated March 27, 2014.

21 Attachment 4, Request for Congressional Inquiry to Senator Rand Paul, dated September 20, 2013.

morale. FAP apparently maintains a “blacklist” of soldiers ordered into such programs. Once blacklisted, even if guilty of no crime, the career of the person blacklisted is seriously harmed.

On October 4, 2013, without proper notice or requisite counseling, Major Martin was officially flagged (put in limbo status), and assigned to a desk job in the 101st Airborne Division, directly under the command of General Stammer.

Major Martin learned he had been officially “flagged” weeks later by Human Resources Command while applying for a school. Major Martin filed a complaint with the Inspector General’s Office (IG) because he had been flagged without proper notice and requisite counseling. The IG’s office investigated and found his complaint justified.²² Major Martin then received a Memorandum from Major Breslow dated November 20, 2013 showing he had been flagged since October 4, 2013, over six weeks earlier. The next day he received a new adverse action flag, again without proper counseling.

Major Martin’s father, a retired Air Force E-9 Chief Master Sergeant and his sister, a nursing professor and retired Air Force Major, emailed General Stammer expressing their displeasure with the treatment of their son and brother, respectively. They threatened to go public with his story.

Rather than disqualifying himself because he was not impartial, General Stammer initiated another investigation against Major Martin. Major Martin then faced an Article 15 non-judicial punishment by a soldier’s superior officer, General Stammer.

The Article 15 concerned the laptop given to the Hopkinsville, Kentucky FBI, by Ms. Harmon. The FBI forwarded the laptop to the Military Counter Intelligence (MCI) unit at Fort Campbell for investigation.

Ms. Harmon and Mr. Phillips made sworn but contradictory statements about when and where the laptop was allegedly discovered. Ms. Harmon claimed she found the laptop and some computer disks in a plastic bin at Mr. Phillips storage facility a month after she moved out of the marital home. She claimed that there were labels on the items that said “Secret.” She alleged Major Martin was involved in some type of espionage. She waited approximately three months after “finding” the computer before taking it along with her fanciful story to the FBI. Suspiciously, Ms. Harmon’s going to the FBI coincided with her being exposed as a bigamist.

Army investigators determined the laptop came from an Army intelligence unit in Maryland. Apparently, the laptop was removed from Army inventory in 2007. Major Martin was never in Maryland nor assigned to a military intelligence unit. He was an aviator stationed in Germany and on multiple deployments to Iraq continuously from 2005 until 2010 when he returned to the United States to attend the USNWC (United States Navy Warfare College).

²² Attachment 5, Memorandum for Record to Major Martin from Major Anastasia M. Breslow, dated November 20, 2013.

Suspect is how this laptop came into the possession of Ms. Harmon and her married purported lover, Calvin Phillips. They waited three months before taking the laptop to the FBI claiming Major Martin was a spy, during which time they admitted trying to access the laptop. Interestingly, Mr. Phillips is an Army Veteran who worked in supply. To our knowledge, the Army made no effort to determine whether Mr. Phillips was complicit in the disappearance and re-appearance of the laptop.

Given the above, Major Martin felt he could not get a fair Article 15 hearing under General Stammer. He rightly believed the laptop charges arose from patently false and wholly discredited information. He refused to plead guilty to the *wrongful possession and improper storage of classified information* and requested a meeting with the Chief of Staff and the Commanding General, Major General McConville. Major Martin wanted to show General Stammer was not impartial and request a new adjudicating authority. His meeting requests were initially approved, but then later denied unilaterally unless he plead guilty first.²³

As previously stated, Major Martin had already been investigated by Counter Intelligence and placed under surveillance, interrogated, had his emails and financial records scrutinized, and passed a polygraph examination. An email dated March 20, 2014 to Major Martin from Military Intelligence Special Agent in Charge Curtis Messer states, “*we found no indication you had committed espionage or was a national security threat.*”²⁴

Since Major Martin refused to plead guilty to the manufactured Article 15, General Stammer initiated a third new investigation, this time with the CID (Army Criminal Investigations) for Court-Martial proceedings. With a Court-Martial instead of an Article 15, Major Martin’s polygraph would no longer be admissible evidence. Moreover, absent a criminal conviction, Ms. Harmon’s bigamy and courtroom perjury might not be admissible, thereby bolstering her credibility.

In April and June 2014, roughly, 18 months after Ms. Harmon and Major Martin separated, CID agents interviewed Ms. Harmon. It is from those stale interviews from which the bulk of the current charges stem, the same or similar charges rejected by civilian authorities, the FBI, and earlier Army investigations.

CID agents then searched Major Martin’s off post home. They went to Major Martin’s home and lied to his fiancée, Laura Spencer, violating various protocols. They falsely told her that Major Martin gave them permission to search his home for a routine safety inspection. Safety Inspections are by order of a unit commander only must not be directed at an individual, and 24-hour notice must be given to the affected soldier.²⁵ Soldiers living off post can refuse. The agents walked around inside the home without a search warrant looking unsuccessfully for a specific item, and they even detailed their efforts in their report. Despite her objections, CID agents repeatedly tried coercing Ms. Spencer into saying Major Martin

²³ Attachment 6, redacted email dated March 26, 2014 regarding the denial of Major Martin request to have his Article 15 heard by a different convening authority.

²⁴ Attachment 2, email from Military Intelligence Special Agent in Charge Curtis Messer dated March 20, 2014.

²⁵ Army Regulation 1-201 (AR 1-201) http://www.apd.army.mil/pdffiles/r1_201.pdf

abused her. This was difficult and insulting to her because she was an Army widow that had been in a prior abusive relationship. She was also a nursing instructor trained to identify and report abuse. She and her children repeatedly told CID agents Major Martin was never abusive. She prepared a written five-page statement immediately after the agents left.²⁶

Criminal Investigation Division agents also went to the home of Major Martin's first wife, Stacey Johnson. When they arrived, the only person home was Major Martin and Ms. Johnson's youngest son. Terrified, he watched unidentified men dressed in civilian clothes walk around the house with firearms exposed. Ms. Johnson arrived home where the agents interviewed her and her children. Here again, they tried to get Ms. Johnson to say she had been abused by Major Martin. She refused and told them Major Martin was always a good father and husband throughout their 13-year marriage.

The CID report shows an absence of generally accepted professional methods of investigative interviewing. CID investigators re-interviewed Ms. Harmon and her children together, thereby seriously polluting information discerned from the interviews. To facilitate truth, investigations require interviewing everyone separately and using specially certified experts when interviewing children.²⁷

Consequently, in July 2014, Major Martin faced over a dozen new sex-related charges. To reiterate for emphasis, many of the same or similar charges civilian authorities had thoroughly investigated and dismissed for lack of evidence. Earlier investigations found Ms. Harmon lied, coached her children to lie, involved her purported lover as an accomplice, and falsified one allegation after another.

During the related Court-Martial Article 32 hearing,²⁸ which is similar to a civilian court preliminary hearing, the impartial Investigating Officer recommended dropping the sex related charges. Major Bashore, Special Victims Prosecutor and later LTC (Lieutenant Colonel) Robert Insani, Staff Judge Advocate, recommended Major Martin resign. The lead prosecutor and even Ms. Harmon and her

²⁶ Attachment 7, five pages of handwritten notes from Laura Spencer attached

²⁷ Tulsa Oklahoma Psychologist Dr. Judith K. Adams, PhD, LMFT, LADC has written extensively about proper protocol of interviewing child sexual assault victims. She posits investigators trained in child sexual abuse should interview such children separately, and that any interviews include a trained psychologist in such matters too. This is standard practice for topic professionals to avoid compromising information and to reduce the possibility of the suggestibility during the interview. Institute for Psychological Therapies (IPT), Dr. Judith K. Adams PhD, http://www.ipt-forensics.com/journal/volume9/j9_1_4.htm

Additionally, The National Institute of Child Health and Human Development has established protocols for the proper interview techniques for child sexual abuse victims so that, "The quality of forensic interviewing practices is of utmost importance if child victims are to be protected, at the same time as the rights of the *innocent suspects* are to be upheld." <https://www.ncjrs.gov/pdffiles1/nij/233282.pdf>

²⁸ "The Fifth-Amendment constitutional right to grand jury indictment is expressly inapplicable to the Armed Forces. In its absence, Article 32 of the Uniform Code of Military Justice (Section 832 of Title 10, United States Code), requires a thorough and impartial investigation of charges and specifications before they may be referred to a general court-martial (the most serious level of courts-martial). However, the accused may waive the Article 32 investigation requirement. The purpose of this pretrial investigation is to inquire into the truth of the matter set forth in the charges, to consider the form of the charges, and to secure information to determine what disposition should be made of the case in the interest of justice and discipline. The investigation also serves as a means of pretrial discovery for the accused and defense counsel in that copies of the criminal investigation and witness statements are provided and witnesses who testify may be cross-examined," more at, Military Article 32 Investigations, <http://www.usmilitarylawyer.com/military-article-32-investigations.asp>

children concurred.²⁹ Major Martin accepted. General Stammer overruled them all and recommended continuing to Court-Martial.

Conclusions

The above inescapably shows, if not proves, Major Martin has been the victim of Unlawful Command Influence and General Stammer, while Acting Senior Commander (ASC) at Fort Campbell, orchestrated or facilitated Major Martin's pending Court-Martial.

Ignored, rejected, or overlooked by General Stammer are Ms. Harmon's fabrications, manipulations, and crimes. Instead, Major Martin, has been criminally charged based on unsubstantiated allegations from a vengeful "ex-wife" proven to be a habitual, if not, pathological liar.

Ms. Harmon appears to have committed premeditated, contrived, malicious, and fraudulent acts against Major Martin, various civilian authorities, and Army investigative agencies, including salacious sexual assault charges. Major Martin on the other hand is a decorated Army officer with no history of prior misconduct and an impeccable record of service.

Major Martin was shamefully mistreated, appears to be a scapegoat, perhaps to satisfy personal and political agendas. Ms. Harmon is free to abuse others, has not been charged with anything other than Bigamy, took whatever she wanted from their marital home while protected by a trumped up protective order, left Major Martin's friend Sarge to die, and may benefit fraudulently from the Transitional Compensation Program.

General Stammer told the press³⁰ about his strong, no nonsense, and zero-tolerance position on allegations of sexual assault, harassment, or domestic violence, further evidenced by his written policies,³¹ He asserted, that if assaults occur in military jurisdiction, he prefers they stay in military jurisdiction because he has,

"absolute trust, faith, and confidence in the chain of command and our judges that they will address these issues fairly and timely...The Commander... is the leader...he is singularly responsible... him and him alone...I am going to hold him personally accountable for doing his job. He is not going to have an excuse."

In a June 16, 2013 article in the Fort Campbell Courier, General Stammer is quoted as saying,

²⁹ Attachment 10, Memorandum from LTC Robert Insani, Staff Judge Advocate to the Fort Campbell Commander recommending Major Martin's resignation, dated December 17, 2014.

³⁰ Army Times, "101st commander: Strong response to sex assault"
<http://archive.armytimes.com/article/20130606/NEWS06/306060035/101st-commander-Strong-response-sex-assault>

³¹ Attachment 9, Memorandum of Command Response to Domestic Violence Incidents, by General Stammer, October 4, 2013.

“I believe that leadership responsibility and accountability are crucial to successfully addressing the sexual misconduct issue. Most important, we need responsible leadership to change the culture of even the slightest bit of tolerance for ill-disciplined and criminal behaviors.”³²

We strongly agree, sexual harassment and sexual assault are inconsistent with Army (and civilian) values, and should not be tolerated. General Stammer is a highly regarded, decorated, and competent commander. We hope he exemplifies his own values, demonstrates responsible leadership, holds himself accountable, offers no excuses, and makes Major Martin whole, while finding ways to hold Ms. Harmon legally accountable for her actions. In no way should she benefit from her malevolent behavior, nor should her criminal acts be tolerated. In our view, she belongs in prison.

Unfortunately, it appears General Stammer’s strong commitment to thwarting sexual violence, real or imagined, caused him to unfairly retaliate against Major Martin and exert Unlawful Command Influence.

In deference to General Stammer, ripe were the recent flurry of sensational news reports about *rape culture*, a *sexual assault epidemic*, and the highly publicized case of LTC Colonel Darin Haas³³ arrested for stalking his ex-wife. LTC Haas was Ft. Campbell’s Sexual Harassment and Assault Response Prevention/Equal Opportunity program manager.³⁴ The Haas case may have been a compelling factor in General Stammer’s inflexible stance against Major Martin.

Sensational news reports concerning sexual harassment and sexual assault in the military drew from highly questionable and conflicting studies, reports, skewed data, hefty political overbearance, and specious propaganda. In an extensive investigative report on the “war on rape” in the military, McClatchyDC reporters asserted,³⁵

“Under the political gun, the Pentagon has bulked up its anti-rape campaign far more than many people realize. It’s expensive, aggressive, and imperfect. Training on preventing and dealing with sexual assault has proliferated. Sometimes it’s tainted juries. Budgets have ballooned. So have bureaucracies. Lawmakers have tried to protect victims. Sometimes they’ve bungled the job. Higher-ups have demanded tougher action. Sometimes they’ve unduly cowed subordinates.”

Regardless, growing public and political scrutiny forced military leaders to focus on related issues. Here, General Stammer may have himself succumbed to politically correct command influence. Major Martin became the sacrificial scapegoat, so too may become General Stammer.

³² Fort Campbell Courier, Stammer discusses SHARP, Fort Campbell’s Role, June 6, 2013
http://www.fortcampbellcourier.com/news/article_29efa2a0-cef0-11e2-895f-001a4bcf887a.html

³³ Darin Haas, Fort Campbell Sexual Assault Program Manager, Arrested In Domestic Violence Dispute, Huffington Post Politics, May 16, 2013. http://www.huffingtonpost.com/2013/05/16/darin-haas-arrested_n_3288732.html

³⁴ Fort Campbell sexual assault and harassment manager arrested, USA Today, Chris Smith, The (Clarksville, Tenn.) Leaf-Chronicle, May 16, 2013 <http://www.usatoday.com/story/news/nation/2013/05/16/fort-campbell-sexual-harassment-manager-arrested/2182437/>

³⁵ Bureaucracy has blossomed in military’s war on rape, Michael Doyle and Maris Taylor, McClatchy Newspapers, November 28, 2011, <http://www.mcclatchydc.com/2011/11/28/131524/bureaucracy-has-blossomed-in-militarys.html>

The above circumstances, timeline of events, attachments, mountain of related documents, and General Stammer's beliefs, policies, and actions are evidence which clearly suggest wrongdoing by General Stammer concerning the escalation of charges against Major Martin, which seem to stem from,

- 1) *Major Martin going "off the reservation," asking a U.S. Senator for a congressional investigation,*
- 2) *Major Martin filing a complaint with the Inspector General,*
- 3) *General Stammers possible displeasure from emails on Major Martin's behalf by his father and sister*
- 4) *Major Martin refusing the Article 15,*
- 5) *Major Martin's family and fiancé's threats to go public,*
- 6) *General Stammers zealous focus on domestic violence, harassment and sexual assault.*³⁶
- 7) *General Stammers inexplicable disregard for the plethora of facts and findings showing Major Martin's innocence and Ms. Harmon's culpability.*
- 8) *Higher command influence and politically correct bravado.*

The case of Major Martin is a particularly disturbing, warrants unbiased inquiry and intervention by the military and political leaders concerning wrongful prosecution and Unlawful Command Influence. Consider the damning statement from the 101st's own JAG, LTC Insani:

b. The Court-Martial was initiated after the Soldier turned down nonjudicial punishment for the wrongful possession and improper storage of classified information. The allegations that the Soldier abused his family came to light when military attorneys contacted his putative former spouse for additional information. The Judge Advocate that investigated the allegations pursuant to Article 32, UCMJ recommended against referring the allegations of sexual assault to trial. At the time, however, the Convening Authority decided to refer all charges to a General Court-Martial. In the course of diligent preparation for trial, several specific, substantial and unforeseen developments raised uncertainty about the evidence expected to be presented at trial.

Allegations of sexual assault and abuse against Major Martin are not supported by sufficient evidence and have been discredited. Whatever the reasons, General Stammer's Unlawful Command Influence appears to be responsible for continuing Major Martin's prosecution.

Gender biased training, misuse of protective orders, prosecutorial overreach, retaliation, and Unlawful Command Influence involving allegations of sexual harassment, sexual assault and domestic violence in

³⁶ 101st commander: Strong response to sex assault, Military Times, June 6, 2013, <http://archive.armytimes.com/article/20130606/NEWS06/306060035/101st-commander-Strong-response-sex-assault>

the military destroy careers, adversely impact morale, and jeopardize mission. In the rush to satisfy current political affairs innocent soldiers, primarily men, are wrongly labeled offenders, thereby destroying careers, families, and futures.

Exacerbating such problems are ever expanding definitions of sexual harassment, sexual assault, and domestic violence. Virtually any interaction can now easily be construed as one or more of those. Moreover, questioning the veracity of a “victim” is now understood to be *re-victimizing*,” especially if the *alleged* victim is female. Consequently, unsupported and highly suspect allegations are accepted as proof, no evidence required, perhaps like Ms. Harmon’s, who here has no credibility whatsoever.

Solutions to ending relationship violence are ill served by shaming, blaming, and demeaning an entire gender. An experienced civilian military criminal defense attorney noted that terrorism suspects have more rights than military men accused of domestic violence, harassment, and sexual assault.

It seems wrongheaded stereotypes, maladministration, political reforms and tinkering, media sensationalism, General Stammer’s personal views, and misplaced sense of command; perhaps career ambition, and even a strong desire to do right, overpowered his good judgment, common sense, and impartiality, all to the detriment of Major Martin.

We Respectfully Ask That,

1. *Impartial authorities thoroughly investigate Major Martin’s situation, absent bias and Unlawful Command Influence.*
2. *Major Martin’s request for a Congressional Investigation is fully acted upon.*
3. *Charges against Major Martin are dropped with no damage to his career.*
4. *Policies are developed to protect soldiers from false allegations.*
5. *Policies are developed to hold those accountable who falsely accuse soldiers.*
6. *All outreach and training efforts to end sexual violence be gender inclusive and neutral.*
7. *Policies are developed to ensure the gender (sex) impartiality of government contractors hired to conduct sexual and family violence prevention programs.*
8. *General Stammer is investigated for Unlawful Command Influence concerning Major Martin and similar situations involving other Soldiers, and be treated accordingly.*
9. *Ms. Harmon is prosecuted, as applicable, for the crimes she committed.*

Respectfully Submitted,



Harry Crouch, President, NCFM

cc: Major Christian “Kit” Martin
Mr. Herman Martin
Chief Master Sergeant, Retired
U.S. Air Force
Amanda Flagg, PhD.
Major, Retired
U.S. Air Force
Major General Gary J. Volesky
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Ms. Katherine Garber
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Senator Lamar Alexander
State of Tennessee
Senator Bob Corker
State of Tennessee
Senator Mitch McConnell
State of Kentucky
Senator Tom Cotton
State of Arkansas
Congressman Duncan Hunter
State of California, 50th District

Senator John McCain
State of Arizona
Senator Lindsey Graham
State of South Carolina
Congresswoman Diane Black
State of Tennessee, 6th District
Congressman Ed Whitfield
State of Kentucky, 21st District
Senator Kristen Gillibrand
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Editor, Manchester Times
Mr. Richard Sandra
Managing Editor, Military Times
Mr. David Smallwood
Editor, www.militarycorruption.com
Tiara Hughes
Producer, Dateline
Crown Productions
Toronto, Canada

Attachments

NOTE: *not all “cc” packages contain the attachments*

1. Two-page Christian County Circuit Court Indictment of Ms. Harmon on a felony charge of Bigamy, dated October 31, 2014.
2. One-page letter from Cabinet for Health and Family Services, Commonwealth of Kentucky to Mr. Christian Martin dated January 3, 2013, clearing Christian Martin of child abuse and neglect charges.
3. One page email to Major Christian Martin from Fort Campbell Military Intelligence Special Agent in Charge Curtis Messer, dated March 20, 2014, clearing Major Martin of espionage or as a national security threat.
4. Two-page sworn statement from the 902nd Military Intelligence Group Special Agent Vincent Jenkins clearing Major Martin of allegations of espionage and the closure of their investigation, dated March 27, 2014.
5. Four page Memorandum of Request for Congressional Inquiry, submitted by Major Martin, through the Chain of Command to Senator Rand Paul, dated September 20, 2013.
6. One page Memorandum for Record to Major Martin from Major Anastasia M. Breslow dated November 20, 2013 showing Major Martin had been flagged without notification for almost six weeks before he contacted the IG’s Office.
7. Redacted email dated March 26, 2014 regarding the denial of Major Martin request to have his Article 15 heard by a different convening authority.
8. Five pages of handwritten notes by Laura Spencer regarding the search of her home by CID Agents dated April 2, 2014, written immediately after the event.
9. General Stammer’s 5-page Policy Letter 7, dated October 4, 2013 showing the “minimum” actions that will be taken if a soldier is accused of any domestic violence or sexual assault allegations.
10. Two-page Memorandum from LTC Robert Insani, Staff Judge Advocate to the Fort Campbell Commander recommending the acceptance of Major Martin’s resignation, dated December 17, 2014.
11. One page Memorandum from General Stammer to the U.S. Army Human Resources Command recommending that Major Martin’s resignation be denied dated December 17, 2014.