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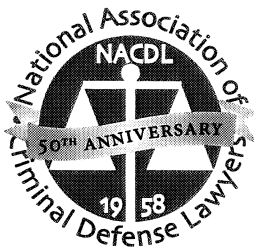
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NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

May 19, 2009

The Honorable John Conyers, Jr., Chair
 Committee on the Judiciary
 United States House of Representatives
 Washington, DC 20515

The Honorable Lamar Smith
 Committee on the Judiciary
 United States House of Representatives
 Washington, DC 20515

The Honorable Patrick Leahy, Chair
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

The Honorable Jeff Sessions
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

Dear House and Senate Leaders:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I am writing to endorse the Equal Justice for Our Military Act of 2009 (H.R. 569, S. 357). The bill enjoys broad congressional support and has been endorsed by an array of military and legal advocacy organizations. In the 110th Congress, the full House passed identical legislation (H.R. 3174) and the Senate Judiciary Committee approved its counterpart (S. 2052) by unanimous voice vote. Sadly, the full Senate failed to take further action. It is time to finally pass the Equal Justice for Our Military Act and give our military personnel the same appellate rights as civilians.

The Equal Justice for Our Military Act of 2009 would even the appellate playing field by permitting court-martialed service members to petition for certiorari at the Supreme Court. Under existing law, a defendant in the military justice system may only petition for discretionary review at the U.S. Court of Appeals for the Armed Forces (CAAF). Absent review on the merits by CAAF, an accused cannot directly seek review at the Supreme Court. By contrast, the government may certify a case for review by CAAF and is free to seek Supreme Court review. H.R. 569 and S. 357 would change the law to allow an accused to seek certiorari at the Supreme Court even if CAAF does not grant review. This change reflects the civilian appellate process, eliminates the inequity between the appellate rights of the

"LIBERTY'S LAST CHAMPION"

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government and the accused, and gives our uniformed men and women the same access to the Nation's highest court as the civilians they fight to protect.

As a defender of the Constitution and a national bar association whose more than 12,000 include military defense attorneys, NACDL is committed to preserving due process and equal treatment under the law. NACDL therefore strongly supports the Equal Justice for Our Military Act and urges the House and Senate Judiciary Committees to move forward with H.R. 569 and S. 357 and take whatever action is necessary to ensure that this long overdue reform becomes law.

Sincerely,



John Wesley Hall
President, National Association of Criminal Defense Lawyers



Donald G. Rehkopf, Jr.
Co-Chair, NACDL Military Law Committee

cc: Members of the House and Senate Judiciary Committees