

**Congress of the United States**  
**Washington, DC 20515**

March 13, 2013

Secretary Michael B. Donley  
1670 Air Force Pentagon  
Washington, D.C. 20330-1670

Dear Secretary Donley,

We are writing to express our deep dismay regarding a recent decision by a military convening authority to disapprove and dismiss the adjudged General Court-Martial conviction and sentence of 31<sup>st</sup> Fighter Wing Inspector General, Lt Col James Wilkerson. We are struggling to understand how and why a commander would dismiss a jury conviction against Lt. Colonel Wilkerson, after a panel of senior Air Force officers at a General Court-Martial had found him guilty beyond a reasonable doubt of aggravated sexual assault, abusive sexual contact and three violations of conduct unbecoming an officer, and sentenced him to a Dismissal and 1 year of confinement.

Over the last several months, we had become optimistic that the Air Force was making some notable progress in investigating, prosecuting, and adjudicating sexual assault crimes. Unfortunately, this decision seems to be a step backward.

Given the intense Member interest in this issue, we intend to work closely with the House Armed Services Committee and anticipate that this matter will be addressed in the committee's deliberations on the National Defense Authorization Act for Fiscal Year 2014. As co-chairs of the Military Sexual Assault Prevention Caucus, we would like to request a thorough briefing for the members of our Caucus, who represent a broad bipartisan coalition across Congress, on the *U.S. vs. LtCol James Wilkerson* case. We would like to gain a solid understanding of the necessity or appropriateness of the convening authority's broad post-trial review authority, under Article 60 of the Uniform Code of Military Justice. We would also like an explanation of how a convening authority's ability to overturn the adjudged sexual assault conviction and sentence of a General Court-Martial, as in the case of Lieutenant Colonel James Wilkerson, is appropriate and consistent with justice, good order and discipline, and the Department of Defense's sexual assault prevention and response policies and programs.

We appreciate your attention to this matter.

Sincerely,



Niki Tsongas  
Member of Congress



Michael Turner  
Member of Congress