

The Honorable Susan A. Davis

June 5, 2009

Testimony before the House Judiciary Committee
Subcommittee on Courts and Competition Policy

H.R. 569, the "Equal Justice For Our Military Act of 2009"

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Chairman Johnson, Ranking Member Coble, and members of the Committee, I would like to thank you for taking the time to hold this hearing as well as giving me the opportunity to testify and submit my remarks for the record.

When American men and women decide to serve their nation in the Armed Forces, they make many sacrifices – from lost time with families to injury to irreplaceable loss of life.

However, most Americans are not aware that active-duty service members also sacrifice one of the fundamental legal rights that all civilian Americans enjoy.

Under current law, members of the military who are convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court.

After exhausting their appeals through the United States Court of Appeals for the Armed Forces (CAAF), most have no recourse.

This issue was brought to the attention of my office years ago by a then-constituent of mine, a former service member who had concerns about the military justice system.

He has since become a tireless champion for this issue and other military justice reform on behalf of the service members and veterans that fall under the jurisdiction of those courts.

As the Chairwoman of the Subcommittee on Military Personnel, a long-time advocate for service members, and a representative of San Diego - one of the largest military communities in the nation - I feel an obligation to fight to ensure that the members of our military are treated fairly.

It is unjust to deny members of our Armed Forces access to our system of justice as they fight to preserve this very system.

The Equal Justice for Our Military Act, H.R. 569, amends U.S. Code to permit convicted service members to appeal to the Supreme Court in cases where their petitions for review by the Court of Appeals for the Armed Forces have been denied, as well as in situations where the military court has denied an extraordinary writ or writ-appeal.

This remedial approach would provide service members with due process access to discretionary Supreme Court review similar to that which is permitted the government.

This legislation has been endorsed by the American Bar Association, the Military Officers Association of America, and many other military and legal advocates.

Last Congress, this bill was passed by voice vote on the House floor.

In addition, the Senate Judiciary Committee unanimously approved companion legislation introduced by Senator Dianne Feinstein.

I believe it is fundamentally unjust to deny to those who serve in uniform on behalf of our country one of the basic rights afforded to all other Americans.

They deserve better.

I hope that you will join me in support of this legislation to attain equal treatment for those who fight for our country.

Chairman Johnson, thank you again for the opportunity to submit my remarks for the record, and I look forward to working together on this issue.