

MARY FALLIN  
5TH DISTRICT, OKLAHOMA

1432 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2132  
FAX (202) 226-1463

120 NORTH ROBINSON, SUITE 100  
OKLAHOMA CITY, OK 73102  
(405) 234-9900  
FAX (405) 234-9909

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

COMMITTEE ON  
ARMED SERVICES

COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE

COMMITTEE ON  
SMALL BUSINESS

October 14, 2009

Colonel James Gray  
Commandant, United States Disciplinary Barracks  
1301 Warehouse Road  
Fort Leavenworth, Kansas 66027

Dear Colonel Gray:

We have the utmost respect for the U.S. Army, its institutions, and its commitment to justice and the welfare of American soldiers. We also take great pride in the fact that all men and women in uniform are afforded every opportunity for a fair trial. As you consider 1LT Michael Behenna for clemency, we respectfully request you consider not only the nature and circumstances of the case but also ensure that any sentence adjudged be consistent with the crime for which he was convicted.

The nature and circumstances of every case are unique and the case of 1LT Behenna is no different. We ask the board to take into consideration the nature of the case, the circumstances surrounding the case, past history of 1LT Behenna and prior sentences handed down in similar cases. We also ask the board take into consideration the recommendations of the trial judge, COL Theodore E. Dixon, who presided over 1LT Behenna's trial. Judge Dixon recommended to the General Court-Martial Convening Authority that 1LT Behenna's sentence not exceed 18 years, as 18 years was the sentence handed down in recent cases where servicemen were found guilty of *premeditated* murder of Iraqi detainees. As Judge Dixon noted, "the aggravating circumstances in those cases far exceeded the circumstance of this case." Thus, in the trial judge's opinion, "when considering sentence appropriateness in this case, the interests of justice would continue to be served by approving a sentence that is no more severe than that approved in those two cases."

As the Clemency and Parole Board considers the case of 1LT Michael Behenna, we respectfully request your careful consideration of this information. Thank you for your attention to this matter.

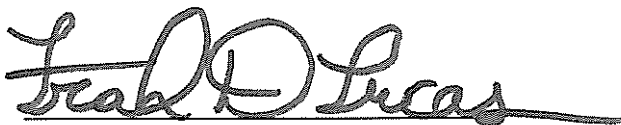
Sincerely,



James Inhofe  
United States Senator



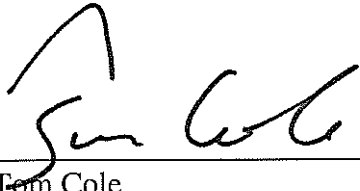
Tom Coburn  
United States Senator



Frank Lucas  
Member of Congress



John Sullivan  
Member of Congress



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Tom Cole  
Member of Congress



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Dan Boren  
Member of Congress



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Mary Fallin  
Member of Congress