

March 5, 2013

The Honorable Michael B. Donley
Secretary of the Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670

General Mark A. Welsh III
Chief of Staff of the Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670

Dear Secretary Donley and General Welsh:

As a former prosecutor who tried many challenging rape and sexual assault cases, I was appalled to learn of Lt. Gen. Craig Franklin's decision to dismiss the charges in the Air Force case *United States vs. Wilkerson*, charges that had resulted in a conviction. As you are no doubt aware, the defendant in the case had been convicted and sentenced by a duly-appointed military jury, and had begun to serve his sentence. It has now been reported that Lt. Gen. Franklin, as the Convening Authority in the court martial, subsequently decided to dismiss the charges against the defendant, doing so, according to reports, contrary to the advice of his legal team. As a result of Lt. Gen. Franklin's action, the defendant was reinstated to the Air Force and made eligible for promotion. This stunning decision demonstrates a total disregard for the survivors of sexual assault and for the findings of the military justice system at a time when holding sexual predators accountable is critical to our military.

As the Air Force and other military organizations are redoubling efforts to erase a culture that has often turned a blind eye on sexual assault, Lt. Gen. Franklin's conduct undermines this important shift. His decision shows ignorance, at best, and malfeasance, at worst. I strongly urge you to undertake an immediate review of his conduct and consider removing him from his leadership position.

As the commander of the 3rd Air Force, Lt. Gen. Franklin has the responsibility to set an example for the men and women under his command. His actions contribute to a command culture. In this instance, Lt. Gen. Franklin's actions send the unacceptable message that the United States Air Force specifically, and the U.S. Armed Forces as a whole, do not take seriously holding accountable perpetrators of sexual assault.

I have held the hands of survivors of sexual assault. I have comforted them about their fears in testifying against those who attacked them. I know how difficult it is for a survivor to come

forward under the best of circumstances. When they see a dismissal like that carried out by Lt. Gen. Franklin in this case, the message to a survivor of sexual assault is clear: do not bother coming forward. I know you join me in finding this message unacceptable. Survivors must be encouraged to report the assaults against them, justice must be pursued and survivors must receive the care they need.

The Uniform Code of Military Justice empowers commanders like Lt. Gen. Franklin with extensive authorities, but if they are not executed with sound judgment it becomes our responsibility, as Congress, to rein them in. As the leaders of the Air Force, it is likewise up to you to take the appropriate actions to restore confidence to the airmen under your authority. In light of this case, I will be reviewing whether formal legislative actions need to be taken to limit the authorities of military commanders to undo the work of military courts martial.

I expect to be fully informed of any actions you take, as well as any investigations and findings you make in this case. I expect your review will be immediate and the actions you take will be swift. I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" starting with a large loop and the last name "McCaskill" ending with a large flourish.

Claire McCaskill
United States Senator