

July 5, 2016

The Honorable Mac Thornberry
Chairman
Armed Services Committee
United States House of Representatives



The Honorable Adam Smith
Ranking Member
Armed Services Committee
United States House of Representatives



Re: H.R. 4717, the MARTLAND Act

Dear Chairman Thornberry and Ranking Member Smith:

By way of introduction, the American Center for Law and Justice (ACLJ) is an organization dedicated to the defense of constitutional liberties and the rule of law at home and abroad. ACLJ attorneys have argued a number of significant cases before the Supreme Court of the United States and lower federal courts and have argued and filed amicus briefs both in support of and in opposition to the United States government.¹

I am writing to request your support for H.R. 4717, the Mandating America's Responsibility To Limit Abuse, Negligence and Depravity (MARTLAND) Act. This legislation would establish a long-overdue policy that violations of basic human rights – including child abuse – will not be tolerated or condoned on any United States military installations, regardless of whether the installation is in the United States or overseas.

¹See, e.g., *Pleasant Grove City v. Sumnum*, 555 U.S. 460 (2009) (unanimously holding that a monument erected and maintained by the government on its own property constitutes government speech and does not create a right for private individuals to demand that the government erect other monuments); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Ctr. Moriches Sch. Dist.*, 508 U.S. 384 (1993) (holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

The need for this common-sense legislation stems from the wrongful treatment of Sergeant First Class Charles Martland, who, while serving in a forward-deployed location, intervened to defend a child who was being sexually abused by an Afghan commander. SFC Martland became aware of the abuse and intervened to confront the abuser and stop the abuse. SFC Martland's actions were an exercise of his moral obligation to intervene, and yet he was formally reprimanded by his chain of command for his actions and was subsequently targeted for involuntary separation from the military.

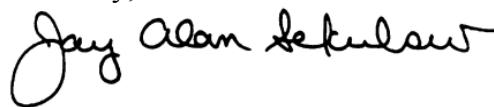
Fortunately, through the good work of Congressman Duncan Hunter, SFC Martland's separation was overturned on appeal, and his service to our country continues.

However, the abuse of children in areas controlled by U.S. forces continues. In a disgusting practice called *bacha bazi*, which means "boy play," countless numbers of Afghani men from the Pashtun tribe take young boys as involuntary sexual partners. The horrors that ensue are significant and only compounded by what appears to be a U.S. policy of looking the other way. SFC Martland and others were ordered to ignore instances of such abuse of children and told that the practice was simply a cultural norm. Such a policy not only prevents American service members from intervening on behalf of innocent child victims, but it also actually punishes those who disrupt this perverted custom.

The ACLJ is grateful that SFC Martland has been permitted to continue his honorable service, but we remain seriously concerned that little has been done to ensure that the *bacha bazi* child abuse is confronted and eliminated wherever it is encountered. More than 156,000 people have signed our petition in support of H.R. 4717's common-sense approach to accomplish this goal. When the U.S. military has assumed at least some security leadership in a region, it must also assume the responsibility to intervene when confronted with egregious violations of fundamental human rights such as *bacha bazi*.

For these reasons, we respectfully urge the House Armed Services Committee to approve H.R. 4717 and work for its passage by your House colleagues. The ACLJ and its members stand ready to applaud your efforts in defense of these innocent victims.

Sincerely,

A handwritten signature in black ink that reads "Jay Alan Sekulow". The signature is written in a cursive, flowing style.

Jay Alan Sekulow
Chief Counsel