

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

October 2, 2012

Jeh C. Johnson  
General Counsel of the Department of Defense  
1600 Defense Pentagon  
Washington, DC 20301-1600

Dear Mr. Johnson:

We write today to urge you to issue recommendations to Congress on the inclusion of an anti-hazing statute in the Uniform Code of Military Justice (UCMJ). We strongly believe that adding a specific anti-hazing statute in military criminal law would not only reinforce the fact that hazing has no place in America's military, but would enable the Department of Defense to better track and respond to hazing across the services while sending an unequivocal message that it will be met with serious consequences should it occur.

Over the last few years, there have been several shocking cases of hazing across the Armed Services. In 2010, Army Spc. Brushaun Anderson committed suicide in a portable toilet after enduring physical and emotional hazing because of his physical appearance. In April 2011, Marine Lance Corporal Harry Lew, committed suicide in a foxhole after hours of physical abuse. In June 2011, seven Coast Guardsmen were convicted for tying down fellow crew members, forcing them to strip, coating them in foreign substances and calling them derogatory names. In October 2011, Private Danny Chen was found dead apparently of a self-inflicted wound after enduring weeks of physical and verbal hazing. Eight soldiers have been charged for their participation in his abuse. And month after month new military hazing stories continue to surface in the press.

While these incidents may seem isolated to some, our inquiries into the military's hazing policies raised concerns about the lack of focus on preventing hazing in the services and have highlighted serious gaps in hazing policies. So on March 22, 2012, the House Armed Services Subcommittee on Military Personnel held a hearing entitled "Hazing in the Military." In the hearing both the representatives from the Marine Corps and the Army expressed interest in creating a statutory definition of hazing in the UCMJ. They implied that this would make it easier for them to track, and thus prevent, hazing incidents.

As you may know, there is strong precedent for an anti-hazing statute under the civilian judicial system. Currently, 44 states have anti-hazing laws and 31 states define hazing as a crime in their criminal codes. In fact, some of these states, including California and Florida, have gone a step further—allowing for felony prosecutions in the most serious instances of hazing.

On June 19, 2012, the House of Representatives passed the FY 2013 National Defense Authorization Act (H.R. 4310). This legislation included provisions under Section 535 to prevent and respond to hazing incidents involving members of the armed forces. One of the

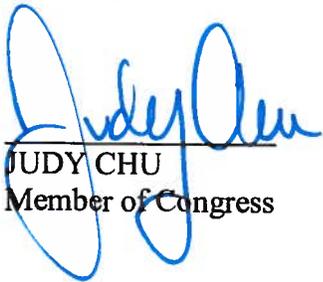
provisions asks the Department of Defense to submit “recommendations for changes to the Uniform Code of Military Justice and the Manual for Courts-Martial as the Secretaries consider necessary to improve the prosecution of hazing incidents.” While we appreciate the inclusion of this language in the House bill, time is of the essence and the Department should begin to act now by recommending critical changes to the UCMJ.

Hazing has no place in our military. It undermines our military readiness, threatens unit cohesion, risks the lives and well being of our men and women in uniform and deeply scars those volunteers forced to endure it. To forcefully and effectively address hazing incidents and eliminate the practice of hazing, we ask that you recommend to Congress that the UCMJ be updated to include an anti-hazing statute. Any such statute should include a clear, comprehensive definition of hazing that addresses the physical, mental, and emotional trauma that can be incurred by victims. This would provide a strong disincentive against hazing, be an important tool to prosecute perpetrators, and make it easier for the Department of Defense, and each service, to more accurately track and comprehensively respond to hazing throughout the Armed Forces.

We owe it to the brave men and women of our armed services to act immediately to protect them from humiliation and abuse. They sacrifice so much to keep us safe; they deserve the same in return.

Thank you for your consideration of this important request. We look forward to your prompt response.

Sincerely,



JUDY CHU  
Member of Congress



ELIJAH CUMMINGS  
Member of Congress



MIKE HONDA  
Member of Congress



GRACE NAPOLITANO  
Member of Congress



ZOE LOFGREN  
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GREGORIO SABLAN  
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