

**THE ASSOCIATION OF THE BAR  
OF THE CITY OF NEW YORK  
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**STANDING COMMITTEE ON MILITARY AFFAIRS AND JUSTICE**

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July 20, 2004

The Honorable John W. Warner  
Chairman, Committee on Armed Services  
United States Senate  
225 Russell Senate Office Building  
Washington, DC 20510

The Honorable Duncan Hunter  
Chairman, House Committee on Armed Services  
United States House of Representatives  
2120 Rayburn House Office Building  
Washington, DC 20515

**Re: Graham Amendment To S. 2400 FY 2005 Defense Authorization Act**

Dear Messrs. Chairmen:

I write on behalf of the Committee on Military Affairs and Justice of the Association of the Bar of the City of New York (the "Committee") to endorse an amendment proposed by Senator Lindsey Graham of South Carolina to S. 2400, FY 2005 Defense Authorization Act, adopted by the Senate and pending before the Conference Committee, which amendment is intended to grant a measure of independence to uniformed military lawyers ("Judge Advocates") operating in each military service.

Senator Graham's amendment, among other things, ensures that the Judge Advocates General of each military service maintain supervisory control over uniformed military lawyers and that those uniformed military lawyers are empowered to give unfettered, independent, non-political legal advice to the command. Notably, the amendment seeks to minimize (if not

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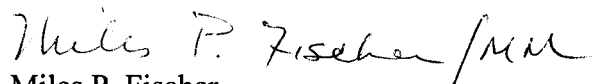
eliminate) the supervisory role played by political appointees, such as the General Counsels of each military service.

The proposed amendment will enable Judge Advocates to advise the command without regard to political pressure. Given that Judge Advocates are often called to deploy with their combatant commanders and given that our military now faces more unique and complicated operational legal challenges, the re-assertion and/or strengthening of the authority and role of the uniformed military lawyer is both timely and wise.

Senator Graham's proposal to de-politicize military justice is essential to preserving the integrity of the system – particularly where, as is the case today, that system is subject to a series of external pressures which risk harming our military and our nation. Certainly, recent events involving the treatment of detainees in Iraq and elsewhere reveal the need for enhancing the professionalism and independence of the uniformed military lawyer.

Accordingly, the Committee urges the Conference Committee and the Congress to adopt Senator Graham's amendment and hopes that its passage will strengthen the integrity of the military justice system and enable uniformed military lawyers around the world to meet the ever-evolving legal challenges presented on and off the battlefield.

Very truly yours,

A handwritten signature in cursive script that reads "Miles P. Fischer / MM".

Miles P. Fischer  
Chair, Committee on Military Affairs and Justice