

Sir Commandant:

Thank you for your prompt response to the Department Commandant's request for input. Because of the points you presented, it reinforces the impression the Departmental officers hold that not enough information has been released. Please understand, the paucity of information being released regarding the issues with Marines Bracken and Tant are not due to the wishes of the Department officers. When charges were brought by the National MCL, there was an ominous warning that everything was to be kept confidential. The Department officers felt very uneasy releasing the limited information which has been released, so we have spoken somewhat indirectly about what has taken place. Our concern is that such matters were of relevance to the Department and affect the conduct of the entire MCL and thus should not be kept secret. The present Department of North Carolina administration has attempted to conduct all matters in as transparent a manner as possible. In the future, I plan to introduce a provision to the National and Departmental By-Laws that "unless objected to by the Respondent, the nature of any charges filed and disciplinary board hearings should be open and not held in secret forums." While it would be impractical and expensive to hold hearings in an auditorium, perhaps respondents should have the right to have a certain number of observers present during such hearings. I'm not yet certain of the exact wording of such an amendment, but after participating in the defense of Marine Bracken, I have a very bad taste in my mouth regarding the due process afforded respondents in hearings which maintain secrecy.

Please review the National By-Laws regarding convening of boards and selection of the members. By no stretch of the imagination are boards necessarily trials by peers. Neither are filed charges often specific enough to give the respondent sufficient notice of the issues which will be brought against him/her at hearing. The charges against Marine Tant are very nebulous, and the charging letter said that there were enclosed statements which were not enclosed. He has repeatedly asked for the missing documents, but they have not been forthcoming. The charges against him (apparently) have absolutely nothing to do with the charges against Marine Bracken from the limited information available unless such matters will be first introduced at his board hearing. Any linkage of the two cases appears to be based more on rumor than in fact.

Probably the most serious quarrel which Departmental officers have with both of these cases is that we believe that THE PROCEDURES AS SET FORTH IN THE BY-LAWS HAVE NOT BEEN FOLLOWED IN EITHER CASE. It is a sensitive subject because of the threat to maintain silence about these matters. I don't believe that I am at liberty to discuss much of what has taken place, whereas the National leadership has gone so far as to make vague allegations in *Semper Fi* magazine and other correspondence by national officers without allowing differing interpretations to be aired.

I would respectfully remind all members and officers that WE ARE NO LONGER IN THE MARINE CORPS where commands are issued from above and are expected to be followed without question unless they are patently illegal. We are a non-profit, tax-exempt organization with the membership holding the power, if they will exercise it. Therefore, there should be full disclosure of important issues for the membership to make informed decisions.

I know that my explanations are inadequate, but I don't believe that I can fully discuss these matters without retribution from above. The problem with secrecy is that, without information, rumors are allowed to fester and can even be encouraged. This is certainly not desired by the Departmental officers. We do thank you for your response and the points you have raised, and we have welcomed the

discussion. We will do everything we can to provide sufficient information for the membership to make informed decisions.

Semper Fidelis,
Russ Becker
Department of NC Judge-Advocate