Dear (Member of Congress), 13 July 2023

The purpose of this letter is regarding a recent General Court Martial involving three active-duty personnel assigned to the Marine Special Operations Command stationed in Camp Lejeune, NC.

The People of the United States as declared in the preamble of our Constitution declared only six specified purposes of our Constitution, one of which is to provide for the common defense, which you solemnly swore as my elected leader to support and defend, so help you God.

I am greatly disappointed that the majority of our members of Congress have acted with indifference to their sworn duty to defend this specific part of our Constitution over the past four years concerning the case of Gunnery Sergeant Joshua Negron (USMC), Gunnery Sergeant Daniel Draher (USMC), Hospital Chief Petty Officer Eric Gilmet (USN). These service members have all served our Nation for over twenty years on active duty, including multiple combat deployments to the middle east, being awarded medals for heroism, and being combat wounded.

On 1 January 2019 retired Army Sergeant First Class Rick Rodriguez and seven of his colleagues surrounded these three previously mentioned members of the Marine Special Operations Command outside of a bar in Erbil, Iraq, when Rick Rodriguez violently and repeatedly punched Gunnery Sergeant Draher in the face until Gunnery Sergeant Negron defended his fellow Marine, Draher, with one punch, and only one punch, to Rodriguez’s face. Rodriguez fell backwards injuring his head and Chief Petty Officer Gilmet immediately applied trauma care to Rodriguez. Rodriguez’s colleagues fled and Draher, Gilmet, and Negron evacuated Rodriguez to base, immediately notified the military authorities. Rodriguez was later evacuated for further medical treatment at a US military medical treatment facility in Landstuhl, Germany where unfortunately, Rodriguez was later pronounced dead after three days from the initial event.

Since this altercation, the three Marine Special Operations personnel have been charged with crimes including homicide because they reacted in a manner that they had been trained to defend themselves and their fellow service members when attacked. US Marines have never been trained to flee from an attack but to respond with the minimal amount of force required to neutralize the threat.

Recent incidents in the US Special Operations Command involving Army, Navy, and Marine Special Operators overseas in Mali, Niger, and Iraq have now led commanders with authority over these cases to apply increased scrutiny. Evidence of this, in the case of these three Marine Special Operations personnel includes how on 26 Feb 2020 the US Marine prosecuting attorneys attempted to impose a punitive gag order on these service members prohibiting them and their legal counsel from speaking to any members of the press, fortunately the prosecutors’ request was denied. Additionally, on 18 Nov 2021, Colonel Christopher Shaw (USMC), a Staff Judge Advocate, who at the time was assigned to Headquarters Marine Corps’ Judge Advocate Division in the Pentagon, traveled to Camp Lejeune, North Carolina and verbally threatened Captain Matthew Thomas, the defense counsel of Chief Eric Gilmet, by stating regarding the evaluation and promotion process concerning military defense counsel who represent high profile cases such as Chief Gilmet’s case, “the FitRep (fitness report) process may shield you, but you are not protected. Our community is small and there are promotion boards and the lawyer on the promotion board will know you.” Colonel Shaw also explained that there were “secondary effects,” and “consequences” for those attorneys that spent significant time in the Defense Service Organization. Chief Gilmet’s attorney requested to recuse himself as Gilmet’s assigned military defense counsel and he was relieved just over one month prior to Chief Gilmet’s trial in Feb 2022.

Chief Gilmet’s case ended in Feb 2022 in a “dismissal with prejudice”, but unfortunately on 15 August 2022, the Navy-Marine Corps Court of Criminal Appeals (NMCCA) overturned the trial judge’s dismissal, and the charges were reinstated. Chief Gilmet appealed to the United States Court of Appeals of the Armed Forces (CAAF) — a panel of civilian judges appointed by the President.

Oral arguments occurred at the CAAF in Washington, D.C., on 18 April 2023. CAAF judges heard arguments on whether the trial judge committed an error and whether the actions against Chief Gilmet’s team placed an intolerable strain on the public’s perception of the military justice system. I expect results anytime now.

On Tuesday 17 Jan 2023, Gunnery Sergeant Negron and Gunnery Sergeant Draher were co-tried in a General Court Martial at the main courthouse at Marine Corps Air Station, Cherry Point, North Carolina. The jury returned NOT GUILTY verdicts of all the serious charges on 1 February 2023.

Unfortunately, the jury did find the Raiders guilty of violating an order not to drink alcohol in Iraq at the general court-martial. They were found guilty of drinking while in Iraq even though others on that deployment were rumored to have also consumed alcohol.

The result for Gunnery Sergeants Draher and Negron? They are now felons.

To add insult to injury, on 12 June 2023, Gunnery Sergeants Draher and Negron were notified of a new recommendation from the Commanding General of MARSOC, Major General Matthew G. Trollinger. This one is for the permanent and involuntary removal of their Marine Special Operations Insignia (MSOI), otherwise known as a Raider badge. They were to receive NO PUNISHMENT for their guilty verdict for drinking, but they are now being punished.

For both Gunnery Sergeants Draher and Negron — who are otherwise eligible for retirement after more than 20 years of honorable service — it looks like MARSOC’s next move will be to recommend that the Commandant of the Marine Corps reduce their rank upon retirement with a less than honorable discharge. If reduced in rank at retirement, they stand to lose over six figures in retirement income.

Such a move would deny two decorated Marine Raiders some retirement benefits, but perhaps more significantly, it would be another twist of the knife from their own brotherhood that they have belonged to for their entire adult lives.

As a constituent who voted to elect you as my member of Congress, I urge that you take the following action before the Marine Corps wrongfully kicks out these honorable men.

1. Direct that General Eric M. Smith, acting Commandant of the Marine Corps, meet with you in person to explain why personnel from the United States Marines Special Operations Command are being kicked out of the Marine Corps despite receiving NOT GUILTY verdicts and that of NO PUNISHMENT.
2. Direct that General Bryan P. Fenton, Commander of the US Special Operations Command meet with you in person to explain why personnel from the United States Marines Special Operations Command are being kicked out of the Marine Corps despite receiving NOT GUILTY verdicts and that of NO PUNISHMENT.

I will exercise my 1st Amendment right in posting a copy of this letter and your response letter on social media and to omni-channel media members. My family is critically concerned due to American military service members being kicked out of their beloved Marine Corps despite NOT GUILTY verdicts for their serious charges.

Furthermore, as my elected official I urge you take swift action to investigate how this case has been handled by the Marine convening authority who repeatedly used unethical tactics which undoubtedly has eroded the sacred bonds of trust between enlisted service members and their officers, which gravely damages morale and military readiness.

 Sincerely,