

Update 11-2016

I attended the Veterans' Day parade in downtown Dallas, Texas Friday and it was bittersweet for me. In the past, military parades filled my heart with unconditional happiness and pride to be an American. Since Clint has been imprisoned, my feelings, I hope, understandably have been a bit dampened. However, a blessing came during the parade when I realized that our country is still the greatest on the Earth and remains full of joy, hope, promise and opportunity.

In that spirit, I thought it a good time to provide an update as to Clint's case. Both Clint's appeal and his petition for a new trial are pending with the US Army Court of Criminal Appeals on Fort Belvoir, Virginia. Not much else needs to be done. The legal papers are complete and we believe the three appellate judges (US Army Judge Advocates in the grade of Lieutenant Colonel and Colonel) are reviewing them to reach their decision.

Our main legal point is that Congress invested billions of dollars to develop biometric capabilities to help our soldiers distinguish the enemy from the civilian population in Iraq and Afghanistan. Each of the three Afghan men Clint has been convicted or murdering and attempting to murder (by his order to fire) have biometric enrollment numbers. These numbers are like a social security number or drivers license and are based on DNA evidence linking them to IED events and US casualties. We believe the prosecution should have turned this important information over so that Clint could defend himself by saying the enemy was killed, not "innocent civilians" as the prosecution claimed.

The Army filed papers in response claiming that Clint's trial defense team did not ask for this information during pretrial discovery and therefore, the prosecution had no duty to search for it or turn it over to the defense. We believe the Army is wrong. The trial defense team filed a written request asking for criminal backgrounds and/or violent tendencies of the victims. The prosecution admitted it did not search for this important information.

Also in its papers, the Army suggested that biometric information and evidence is not reliable. We believe it is. Congress spent billions, and US Commanders, to include General Petraeus, believe the evidence is "nearly irrefutable" in identifying "males of apparent Afghan descent." And, those who have served on the ground in Afghanistan now just how prevalent biometrics are as an asset to our war-fighters.

We hope and pray that the Army judges see that Clint never saw the three men on the single motorcycle, PFC Skelton testified that he perceived a threat and could fire under the ROE, and ultimately, First Platoon killed the enemy. This is why we believe Clint should be set free and his convictions set aside.