December 9, 2009

The Honorable John McHugh
Secretary of the Army
Department of the Army
1400 Defense Pentagon
Washington DC 20301-1400

Dear Secretary McHugh:

As Texas state legislators, we would like to express our gratitude to you for your department's work investigating the shootings perpetrated by Major Nidal Malik Hasan at Fort Hood Military Base. Your personal attention to the investigation is appreciated by us and the Texans we represent in the State Legislature.

We understand that Major Hasan will be tried in a military court martial and that he will be charged with 13 counts of premeditated murder under Article 118 of the Uniform Code of Military Justice (UCMJ). We respectfully request that an additional charge be brought under Article 119(a) of UCMJ if it is finally determined that one of the victims, Private Francheska Velez, was pregnant at the time of the shootings.

Specifically, Article 119(a), UCMJ provides that:

> (1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section and shall, upon conviction, be punished by such punishment, other than death, as a court-martial may direct, which shall be consistent with the punishments prescribed by the President for that conduct had that injury or death occurred to the unborn child's mother.
>
> (2) An offense under this section does not require proof that--
> (i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or
> (ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

We believe that the murder of Private Velez's unborn child must be prosecuted under this section of UCMJ. Indeed, such action would underscore the fundamental point that unborn children must be

afforded the same legal protections against offenses that can be committed against individuals, such as homicide.

In 2003, the Texas Legislature enacted Senate Bill 319 (78R), which we strongly support. The legislation provided that a person who commits an offense that results in harm to or the death of an individual who is an unborn child can be prosecuted in generally the same manner as an offense committed against an individual who is born. The law is in keeping with the value that we place on the sanctity of all human life, including the lives of unborn children. Charging Major Hasan with the murder of Private Velez's unborn child under Article 119(a), UCMJ would be in keeping with the spirit of state law in Texas.

Thank you again for your leadership during this difficult time for our nation; we greatly appreciate your department's response to the shootings at Fort Hood military base.

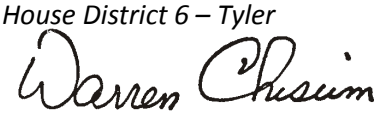
Sincerely,

State Representative Wayne Christian
House District 9 – Center

State Representative Linda Harper-Brown
House District 105 – Irving

State Representative Ken Paxton
House District 70 – McKinney

State Representative Leo Berman
House District 6 – Tyler



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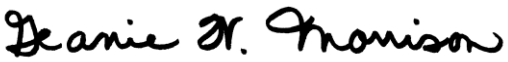
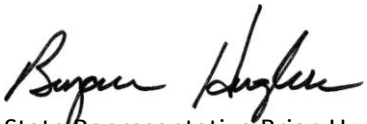
House District 88 – Pampa

State Representative Dan Flynn
House District 2 – Van

State Representative Phil King
House District 61 – Weatherford

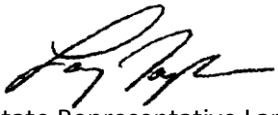


State Representative Geanie Morrison
House District 30 – Victoria



State Representative Brian Hughes
House District 5 - Mineola

State Representative Tan Parker
House District 63 – Flower Mound



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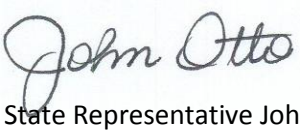
House District 24 – Friendswood

State Representative Betty Brown
House District 4 – Terrell

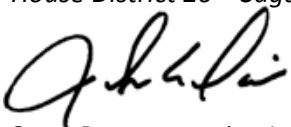
State Representative Allen Fletcher
House District 130 – Tomball

State Representative Rob Orr
House District 58 – Burleson

State Representative Charlie Howard
House District 26 – Sugar Land



State Representative John Otto
House District 18 – Dayton



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State Representative Jerry Madden
House District 67 – Richardson

State Representative Kelly Hancock
House District 91 – North Richland Hills

State Senator Dan Patrick
Senate District 7 – Houston

State Representative Jim Jackson
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State Representative Debbie Riddle
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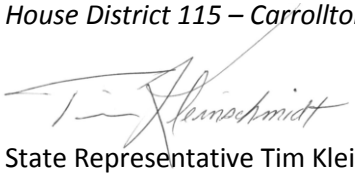

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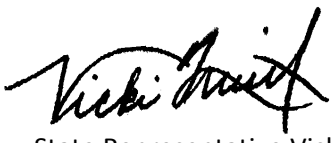
State Representative Ralph Sheffield
House District 55 – Temple

State Representative Jodie Laubenberg
House District 89 – Parker

State Representative Mark Shelton
House District 97 – Fort Worth

State Representative Ken Legler
House District 144 – Pasadena



State Representative Vicki Truitt
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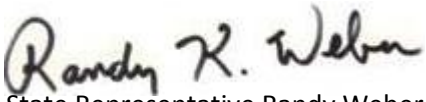

State Representative Randy Weber
House District 29 – Pearland

State Representative John Zerwas
House District 28 – Richmond

State Representative Sid Miller
House District 59 – Stephenville

CC: Senator Kay Bailey Hutchison
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Congressman Mike Conaway
Congressman Michael McCaul
Congressman Pete Olson
Congressman Lamar Smith
Congressman Mac Thornberry