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Congress of the United States  
House of Representatives

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Mr. Jeffrey Trueman  
P. O. Box 1704  
McDonough, Georgia 31201

Dear Mr. Trueman:

Thanks for contacting me about the Feres Doctrine and SSgt Leigh Wise's experience under the Military Whistleblower Protection Act. Your argument was forceful and well presented. Take that as a compliment from a former Law Professor and lawyer who rarely saw better presentations when he practiced in that profession. That said, I don't think I have good news for you.

I see nothing to be done about SSgt Wise's particular case since, as you note, present law provides no further appeal or other remedy. It may be that we should consider revising this process as you suggest, including creating private rights of action and abolishing the Feres doctrine. But none of that, were it to happen, would create retroactive relief for SSgt Wise. I hate to be the bearer of bad tidings.

I will pass along your email to the appropriate staff of the Armed Services Committee for them to think about whether SSgt's case should be used to illustrate that the current system is badly flawed. As you might imagine, the Military Whistleblower Protection Act (MPW) was enacted after a great deal of thought and debate. The decision to approve an internal process was intentional. It won't be modified without a showing that it is being abused with, as you say, cover ups. Simply based upon years of experience with matters like this, I can tell you that Congress will be reluctant to publicly conclude that DODIG is guilty of this. Certainly DOD and the IG's office would vehemently deny it.

But I will move this to staff to see if we are headed toward that sort of confrontation with DOD, in which case, SSgt Wise's experience might be something we should produce as evidence.

Sorry I cannot be more encouraging. If SSgt Wise would like to open a case with my office in Macon, one of my staffers who concentrate in this area will be pleased to see if we can help. But I am pessimistic about that in light of how competent you have been in advancing SSgt Wise's interests. My staff works with the system to make sure military personnel, veterans and dependents get the treatment required by law. You note that has already happened, that the wrong result was reached and that there is no further process available to potentially reverse this result. My staff and I can neither dictate a different result nor create additional remedies that do not already exist. We can help present a case or appeal while the matter is still ripe. But here you have already done that as well or better than we might have. And the matter is no longer ripe since all appeals have been exhausted.

Thanks for writing. Please let me know if I can help in any other way.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jim". The signature is written in black ink and is positioned below the typed name "Jim".

JM:mb

