

THE RUTHERFORD INSTITUTE

JOHN W. WHITEHEAD
Founder and President

INTERNATIONAL HEADQUARTERS
Post Office Box 7482
Charlottesville, VA 22906-7482
U.S.A.

Telephone 434 • 978 • 3888
Facsimile 434 • 978 • 1789
E-Mail • staff@rutherford.org
Internet • www.rutherford.org

INTERNATIONAL OFFICE
CENTRAL AND EASTERN EUROPE
Budapest, Hungary

October 8, 2012

VIA OVERNIGHT DELIVERY

Ralph N. Perkins, IV
LTC, AG
Chief, Awards and Decorations Branch
Department of the Army
U.S. Army Human Resources Command
1600 Spearhead Division Avenue, Department 480
Fort Knox, Kentucky 40122-5408

Re: Anthony A. Shaffer / Notification of Revocation of the Bronze Star

Dear LTC Perkins:

This is to notify you that The Rutherford Institute is representing LTC (Ret) Anthony A. Shaffer, [REDACTED], with respect to the proceedings instituted against him to revoke his Bronze Star, which he was awarded in 2004 for meritorious service to the United States. The notice and memorandum of this revocation was sent under your signature and dated September 11, 2012. Any additional and subsequent notices, correspondences and communications concerning this matter should be sent to me at the address set forth above.

LTC Shaffer does not concur with the proposed revocation and strenuously objects to the action to impugn his service to his country. LTC Shaffer asserts that revocation is contrary to and not authorized by Army regulations and the laws of the United States.

Ralph N. Perkins, IV
October 8, 2012
Page 2

LTC Shaffer also objects to these proceedings because they are being undertaken without affording him due process of law and contrary to his constitutional rights. These proceedings are constitutionally deficient in the following respects:

First: LTC Shaffer has not been given notice of the evidence which is the purported basis for the revocation. Although your September 11, 2012 letter stated that “[a] copy of the relevant portions of the AR 15-6 investigation which serves as the basis for the revocation is enclosed,” there was no enclosure with the notice sent under your signature and LTC Shaffer does not have notice of the factual basis upon which the proposed revocation is based. LTC Shaffer is obviously not in a position to respond to the allegations and charges supporting the proposed revocation. We demand that the entire AR 15-6 investigation report referred to in your letter be produced to us so that LTC Shaffer has a full and fair opportunity to respond to these charges.

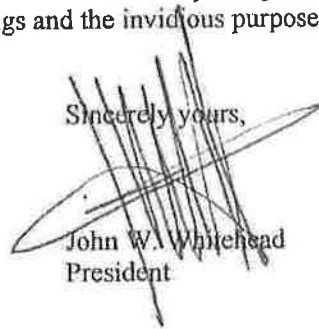
Second: LTC Shaffer has not been given notice of the specific Army Regulation, provision of the Uniform Code of Military Justice, or other relevant provision of law which the Department of the Army relies upon in revoking his Bronze Star. AR 1-30(a) provides that an award may be revoked “if facts subsequently determined would have prevented original approval of the award had they been known at the time.” In order for LTC Shaffer to have adequate notice and a fair opportunity to respond to the proposed revocation, he must know what specific provision of the Army Regulations, Uniform Code of Military Justice, or other law would have prevented him from receiving his Bronze Star in April 2004. We demand that you cite the specific provision upon which the Department of the Army will rely for the proposed revocation.

Third: the proposed revocation is a continuation of attempts to punish, defame, and otherwise harm LTC Shaffer for his exercise of his right to freedom of speech guaranteed by the First Amendment to the United States Constitution. The proposed revocation constitutes improper retaliation against LTC Shaffer for his courageous acts in disclosing gross derelictions of duty on the part of persons within the military intelligence establishment that put military personnel, if not the country itself, at great risk. LTC Shaffer is a patriot who, despite great risk to his personal and professional standing, challenged decisions to commence or continue a war fraught with grave consequences for American lives, liberty and financial solvency.

Indeed, but for LTC Shaffer’s exercise of his right to freedom of speech, the instant proceeding to revoke his Bronze Star would not have been brought. Therefore, these proceedings and your retaliatory effort to silence LTC Shaffer’s voice are a flagrant violation of his fundamental rights.

Ralph N. Perkins, IV
October 8, 2012
Page 3

We demand that you provide forthwith (1) a copy of the AR 15-6 investigation referred to in your September 11, 2012 notice/memorandum and (2) notice of the specific provision upon which the Department of the Army relies upon for the proposed revocation. We also urge that these proceedings be dropped and that any attempt to revoke LTC Shaffer's Bronze Star be ceased immediately in light of the wholly unsubstantiated nature of the proceedings and the invidious purpose for which they are brought.

Sincerely yours,

John W. Whitehead
President

Cc: LTC Anthony A. Shaffer
Bruce E. Fein, Esq.