



Steven H. Aden  
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November 12, 2009

Office of Staff Judge Advocate  
III Corps, Fort Hood  
1001 761st Tank Battalion Avenue  
Fort Hood, Texas 76544-5008

**Re: Baby Velez: Prosecution under UCMJ Article 119a**

Dear Sir:

The Alliance Defense Fund is a legal alliance that defends the sanctity of human life. We write to urge you to enforce the law by charging the suspect in the Fort Hood massacre with the killing of *all 14* of the dead victims, including the unborn child of Private Francheska Velez.

According to press accounts, Private Velez had returned to America from Iraq a week before the shooting. Private Velez was three months pregnant and was excited about being a new mother. She was scheduled to begin maternity leave next month. She was filling out paperwork relating to her pregnancy when she and her child were killed.

The Uniform Code of Military Justice, Article 119a, makes it a crime for anyone to “cause[] the death of . . . a child, who is in utero at the time the conduct takes place,” while he is committing conduct that constitutes murder of the child’s mother under Article 118 (or while committing any of several other offenses against persons).<sup>1</sup> Culpability under 119a explicitly does not require that Maj. Hasan knew about Pvt. Velez’s unborn child; but if he intended to kill the child, the law requires that he be prosecuted under Article 118 for murder of the child. *Id.*

The Army has successfully integrated women into the most effective military force in history. It would cause a severe and negative impact on morale if Army women were made to believe that the Army valued their children less than they did adult victims of crime. We respectfully request that you enforce UCMJ Article 119a against the suspect.

Sincerely,

Steven H. Aden  
Senior Legal Counsel

cc: Chief of Military Justice, III Corps  
President Barack Obama

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<sup>1</sup> 10 U.S.C. § 919a (UCMJ, Article 119a, “Death or Injury to an Unborn Child”).