

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

September 30, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

We write to request information about the court martial of Lt. Col. Stuart Scheller Jr., a Marine who spoke out against the Biden Administration's disastrous withdrawal from Afghanistan. Because he criticized the Biden Administration and senior Department of Defense leadership, the charges levied against the Lieutenant Colonel appear politically motivated. Further, Lt. Col. Scheller is the only soldier or official within the entire Executive Branch who has faced any consequences whatsoever related to how the Biden Administration withdrew from Afghanistan. Not only is the lack accountability for the deadly consequences from the Afghanistan pullout unacceptable, but we are also concerned the charges against Lt. Col. Scheller are a very public attempt to silence potential future whistleblowers and preempt criticism more broadly across the Department of Defense.

In the wake of a terrorist attack on U.S. forces and Afghan nationals that killed 13 service members, Lt. Col. Scheller posted a public video on a social media website expressing criticism of senior officials handling the withdrawal from Afghanistan and demanding they be held to account.¹ His superior officers subsequently relieved him of his command.²

On Monday, September 27, 2021, Lt. Col. Scheller was then incarcerated and placed in pretrial confinement at Camp Lejune, North Carolina.³ Although he has apparently not yet been charged in a formal court martial, he stands accused of contempt toward officials, disobeying a superior officer, failing to obey lawful orders, and conduct unbecoming of an officer.⁴ It appears that these charges would also relate to his criticism of senior military officials for their actions in connection with the withdrawal from Afghanistan.

¹ Jeong, Andrew, *Marine Officer who criticized senior leaders on Afghanistan is now in the brig*, Wash. Post (Sept. 29, 2021), available at <https://www.washingtonpost.com/nation/2021/09/29/marine-stuart-scheller-brig-afghanistan/>.

² *Id.*

³ *Id.*

⁴ *Id.*

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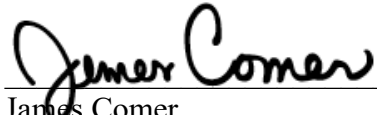
In order to facilitate oversight over the military's decision to relieve Lt. Col. Scheller of his command and incarcerate him in what appears to be a politically motivated investigation, we request a Member-level briefing no later than October 7, 2021 on his incarceration, the underlying investigation against him, and what, if anything, the Department of Defense is doing to ensure that it is not unfairly or unlawfully retaliating against whistleblowers.

To make arrangements for the briefing or to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



Nancy Mace
Ranking Member
Subcommittee on Civil Rights
& Civil Liberties



James Comer
Ranking Member
Committee on Oversight & Reform

cc: The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight & Reform
The Honorable Jamie Raskin, Chairman, Subcommittee on Civil Rights & Civil Liberties