

**Congress of the United States**  
**Washington, DC 20515**

September 3, 2020

Chris Swecker, Esq.  
Miller & Martin  
2820 Selwyn Avenue Suite 818  
Charlotte, NC 28209

Dear Mr. Swecker,

We are writing to bring your attention to a case that we believe merits investigation by the Army's independent Fort Hood review panel on which you serve. Together, we represent Brockton, Massachusetts, the home of Sergeant Elder Fernandes and his family. Sergeant Fernandes recently died near Fort Hood, while stationed there with the Army's First Cavalry Division.

Sergeant Fernandes's family contacted our offices shortly after he disappeared on August 17, 2020. As we subsequently learned, Sergeant Fernandes had been hospitalized on August 11,<sup>1</sup> and reportedly was released on August 17 into the care of a member of his unit, who reported that he dropped Sergeant Fernandes off at a previous place of residence. Thereafter, no one saw or heard from Sergeant Fernandes again. On August 25, his body was discovered nearly 30 miles away.<sup>2</sup>

Shortly after Sergeant Fernandes was reported missing, public reports revealed that in May of this year he had reported a sexual assault allegation against a member of his chain of command.<sup>3</sup> Sergeant Fernandes was subsequently transferred to a different unit while the Army investigated his complaint. Sergeant Fernandes's friends and family told us that, while in that unit, he became the target of bullying, hazing, and harassment. According to those who knew him, this mistreatment continued up until the time he went missing.

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<sup>1</sup>Alex Horton, *Missing Fort Hood soldier found dead, family says, in growing toll of deaths there*, Washington Post (Aug. 28, 2020), <https://www.washingtonpost.com/national-security/2020/08/26/elder-fernandes-missing-soldier-fort-hood/>.

<sup>2</sup>Melissa Alonso, *Army Confirms that a Missing Fort Hood Soldier has been Found Dead*, CNN (Aug. 26, 2020), <https://www.cnn.com/2020/08/26/us/fort-hood-soldier-missing-elder-fernandes-trnd/index.html>.

<sup>3</sup>Cody Shepard, *Fort Hood Sgt. Elder Fernandes 'Humiliated' After Reporting Sexual Abuse, Says Family's Lawyer*, USA Today (Aug. 27, 2020), <https://www.usatoday.com/story/news/nation/2020/08/27/fort-hood-sgt-elder-fernandes-humiliated-after-sexual-abuse-report/5642379002/>.

We are troubled by the allegations that Sergeant Fernandes was the target of sexual assault, bullying, harassment, and hazing during his time at Fort Hood. Furthermore, in working with Sergeant Fernandes’s family during this difficult time, they have expressed to us that they did not receive timely information from the Army, nor were they treated with the dignity and care that they deserved — both during the search for Sergeant Fernandes and after his body was found.

When anyone puts on the uniform of the United States Armed Forces, it is our sacred duty to protect them. Although an Army-led investigation remains ongoing into the cause and circumstances of Sergeant Fernandes’s death, the evidence suggests that the Army failed to give him the proper support and care that he needed while serving at Fort Hood. As an independent panel, your mandate includes “review[ing] historical data, such as command climate surveys, Inspector General reports, criminal/military justice reports and sexual harassment and sexual assault response program statistics,” and “conduct[ing] interviews with military members and members of the Fort Hood community.”<sup>4</sup> We urge you to review the following issues that are specific to Sergeant Fernandes’s case, and are fully consistent with your larger mandate to review the current command climate and culture at Fort Hood:

1. The circumstances surrounding Sergeant Fernandes’s treatment by commanding officers and peers while serving at Fort Hood, including allegations of sexual assault, bullying, hazing, or harassment;
2. The adequacy of the investigation conducted by the Army of his reported sexual assault;
3. The circumstances surrounding his disappearance and death, including the Army’s coordination with local and state law enforcement in the search for him after he was reported missing, and;
4. The adequacy of Army’s coordination with and treatment of Sergeant Fernandes’s family, including but not limited to information-sharing during the search for Sergeant Fernandes and in the period after his body was discovered, and the release of his medical, service, and treatment records thereafter.

As you conduct your independent, comprehensive review of Fort Hood, we urge you to consider the facts of Sergeant Fernandes’s case. His family is distraught that the life of their beloved son, nephew, and brother ended in such tragedy. We and members of our staff have spoken at length with the Fernandes family, leaders at Fort Hood, and others who knew Sergeant Fernandes. In order to assist your review, we would be happy to share what we have learned during the course of those conversations.

We are heartened that, upon taking the leadership role on the review panel, you pledged to “ensure [soldiers] live and work in environments where they feel safe and respected” and to “provid[e] a complete and thorough review of the command climate at Fort Hood and to follow the facts wherever they lead.”<sup>5</sup> We will do everything we can to ensure that Sergeant Fernandes

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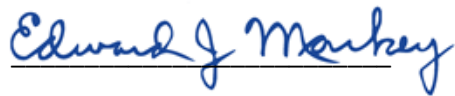
<sup>4</sup> U.S. Army Public Affairs, “Secretary of the Army announces independent review of Fort Hood,” July 10, 2020, [https://www.army.mil/article/237199/secretary\\_of\\_the\\_army\\_announces\\_independent\\_review\\_of\\_fort\\_hood](https://www.army.mil/article/237199/secretary_of_the_army_announces_independent_review_of_fort_hood).

<sup>5</sup> U.S. Army Public Affairs, *Army Announces Panel for Fort Hood Independent Review*, U.S Army (Jul. 30, 2020), [https://www.army.mil/article/237678/army\\_announces\\_panel\\_for\\_fort\\_hood\\_independent\\_review](https://www.army.mil/article/237678/army_announces_panel_for_fort_hood_independent_review).

receives the justice he deserves, that Army leaders are held accountable, and to prevent harm to any other soldiers at Fort Hood. We stand by, ready to assist in your review in any way possible, and we look forward to seeing your final report.

If you wish to follow-up please contact Sarah Trister with Senator Markey's office ([Sarah.Trister@markey.senate.gov](mailto:Sarah.Trister@markey.senate.gov)), Jonathan Rue with Senator Warren's office ([Jonathan.Rue@warren.senate.gov](mailto:Jonathan.Rue@warren.senate.gov)), and Bruce Fernandez with Congressman Lynch's office ([Bruce.Fernandez@mail.house.gov](mailto:Bruce.Fernandez@mail.house.gov)).

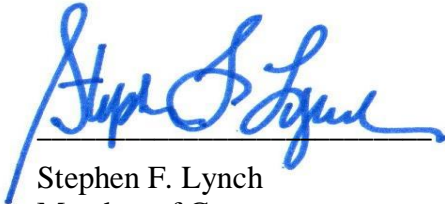
Sincerely,



Edward J. Markey  
United States Senator



Elizabeth Warren  
United States Senator



Stephen F. Lynch  
Member of Congress

Cc: Jonathan Harmon, Carrie Ricci, Queta Rodriguez, Jack White