DEPARTMENT OF THE NAVY
NAVAL STATION NORFOLK
1530 GILBERT STREET SUITE 2000
NORFOLK VA 23511-2722

IN REPLY REFER TO:
1621
Ser N01L/0446
27 APR 06

From: Commanding Officer, Naval Station, Norfolk, VA
To: LT Gordon J. Klingenschmitt, CHC, USNR, 103-62-0240/4105

Subj: NOTIFICATION OF NONJUDICIAL PUNISHMENT HEARING

Ref: (a) Part V, MCM, 2005
(b) JAG Manual 0109
(c) Article 15, UCMJ
(d) SECNAVINST 1920.6A

1. Per references (a), (b), and (c), I am considering imposing nonjudicial punishment (NJP) on you.

2. The following advice is provided:

a. You are suspected of the following violation(s) of the Uniform Code of Military Justice:

Charge: I Violation of the UCMJ, Article 90

Specification: In that Lieutenant Gordon J. Klingenschmitt, U. S. Navy Reserve, Naval Station Norfolk, Virginia, on active duty, having received a lawful command from Captain Loyd E. Pyle, Jr., U. S. Navy, his superior commissioned officer, then known by the said Lieutenant Klingenschmitt to be his superior commissioned officer, to not wear his uniform during any media appearances without first receiving permission, or words to that effect, did, in front of the White House, Washington, DC, on or about 30 March 2006, willfully disobey the same.

Charge: II Violation of the UCMJ, Article 92

Specification: In that Lieutenant Gordon J. Klingenschmitt, U. S. Navy Reserve, Naval Station Norfolk, Virginia, on active duty, did, in the front of the White House, Washington, DC, on or about 30 March 2006, violate a lawful general order, to wit: Article 1401, paragraph 3b(4)(b), U.S. Navy Uniform Regulations, dated 19 April 1991, by wrongfully wearing his uniform while attending and participating in a news conference in support of

personal views on political and religious issues.

b. You will review a copy of the evidence, which contains the available documentary information upon which the allegations are based:

(1) Commanding Officer, Naval Station, Norfolk ltr 5800 Ser N01L of 16 Dec 05
(2) Your letter of 3 January 2006
(3) Commanding Officer, Naval Station, Norfolk ltr 1020 Ser N01L of 6 Jan 06
(4) Your letter of 31 March 2006
(5) Your letter of 3 April 2006
(6) Uniform Regulations of April 1991 (Chapter 1)

c. You do not have to make any statement concerning the allegations.

d. Any statement you do make may be used against you during NJP, in a trial by court-martial, or in an adverse administrative proceeding convened pursuant to reference (d).

e. You may consult with a lawyer, either a civilian lawyer retained by you at no expense to the United States or a judge advocate at no expense to you if one is reasonably available.

f. You will receive a hearing during which you will be accorded the following rights:

(1) To be present before the officer conducting the hearing or, if you waive such personal appearance, to submit written matters for consideration;

(2) to be advised of the offenses of which you are suspected;

(3) to be advised that you cannot be compelled to make any statement regarding the offenses alleged and that any statement you do make can be used against you;

(4) to be present during the presentation of all evidence against you (copies of any written statements will be furnished to you in advance);

(5) to have available for your inspection all items of evidence to be considered by the officer conducting the hearing;

(6) to present to the officer conducting the nonjudicial punishment appropriate matters in mitigation, extenuation, or defense of the alleged charges (Matters in mitigation do not constitute a defense, but do reduce the degree of culpability. Such matters might include a superior military record, either before or after the alleged offense. Matters in extenuation are matters which render an offense less aggravated. Such matters do not constitute a defense. Matters in defense are matters which constitute a reason in law or in fact why you should not be found guilty of the allegation);

(7) to present reasonably available witnesses;

(8) to have during the hearing, a personal representative speak on your behalf (the officer conducting the hearing has no obligation to obtain and arrange for the presence of such representative. It is your obligation to obtain and arrange for the presence of such personal representative. The personal representative need not be a lawyer);

(9) to have the proceedings open to the public unless good cause for closing the proceedings can be shown; and

(10) to request to confer privately with the officer conducting the hearing.

g. If nonjudicial punishment is imposed, the maximum punishment authorized is:

(1) Letter of admonition or reprimand;

(2) restriction to specified limits, with or without suspension from duty, for not more than 30 consecutive days.

h. You may refuse NJP and demand trial by court-martial. If you decline to accept NJP, the charges may be:

(1) dismissed;

(2) referred to trial by special court-martial;

(3) referred to investigation at an Article 32 hearing; or

(4) the basis for adverse administrative action.

3. You are further advised that, if NJP is imposed under reference (c), you have the right to appeal to Commander, Navy Region, Mid-Atlantic, within five working days after announcement of any punishment. The two bases for appeal are either that you consider the punishment unjust or that you consider the punishment to be disproportionate to the offenses for which imposed.

4. You must advise me in writing of your decision regarding your rights concerning NJP not later than five calendar days after receipt of this letter.

L. E. PYLE, JR.