



Air Force Association

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An Independent Nonprofit Aerospace Organization

George K. Muellner
Lt. Gen., USAF (Ret.)
Chairman of the Board of Directors

November 13, 2013

Senator Carl Levin
269 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Levin,

I write as Chairman of the Board of the Air Force Association to urge that S.967, the “Military Justice Improvement Act of 2013” not be included by amendment in S. 1197, the Fiscal Year 2014 National Defense Authorization Act. We believe the changes to the Uniform Code of Military Justice in S. 967 would have a devastating impact on our national security and military readiness by diminishing the vital role of commanders in the military justice system.

We share congressional concern that sexual assault is a pervasive threat to our armed forces. If unchecked, sexual assault could substantially undermine our nation’s ability to attract and retain the very best young men and women to serve in the all-volunteer force. For that reason, in our professional military opinion there is no substitute for committed and empowered commanders who engage their troops at every level of the chain of command. Based on our careers leading Airmen at every level, we know commanders require the full authority under the Uniform Code of Military Justice to back up their leadership skills with swift, fair discipline. Changing military culture requires empowered commanders.

S. 967 would undermine the commander’s essential role by stripping away the ability to directly shape the culture and climate of their command. Instead, the bill would give initial disposition authority over offenses to a judge advocate officer of grade O-6 or higher outside the chain of command of the accused. It would require the services to establish a separate centralized office to convene general and special courts-martial and detail judges and members. It would remove the authority of senior military commanders to convene general courts-martial, precisely the appropriate forum for adjudicating allegations of serious sexual assault and other offenses. It would leave commanders without the ability to dispose of nearly two thirds of all offenses under the Uniform Code of Military Justice.

We understand some lawmakers and scholars advocate removing disciplinary authority from commanders and shifting disposition authority to judge advocates because some of our allies have made similar changes in their military justice systems. While the United States has achieved great warfighting capabilities by working closely with our allies, in our experience the requirements for our armed forces are substantially different from even our closest allies in the scope and tempo of operational deployments. The recent Department of Defense Legal Policy Board report on military justice in combat zones affirmed the need for the commander—the joint commander—to have a central role in the administration of justice in a theater of operations. It concluded that the military justice system is “the definitive commander’s tool to preserve good order and discipline, and nowhere is this more important than in a combat zone.” For that reason we believe it would be imprudent to make fundamental changes to the UCMJ simply based on recent changes by our allies, without first carefully evaluating the real potential for devastating adverse effects.

The key to stopping sexual assault in the military is holding commanders at all levels accountable for their command climate. Stripping away UCMJ authority from commanders would deprive them of the necessary leadership role that accountability demands of leaders.

In closing, we thank you for your vital leadership on this issue and reaffirm our resolve that the best opportunity to combat sexual assault within the United States' armed forces is through responsible, accountable and committed commanders.

Sincerely,



George K. Muellner
Chairman of the Board
Air Force Association

The following retired USAF members, including 112 general officers and 5 former Chief Master Sergeants of the Air Force, agreed to sign onto this letter:

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Gen. Dick Hawley
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Gen. Earl O'Loughlin
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