



12 November 2013

The Honorable Carl Levin (MI)
Chairman, Senate Armed Services Committee
228 Russell Senate Office Building
Washington, D.C. 20510

The Honorable James Inhofe (OK)
Ranking Member, Senate Armed Services Committee
228 Russell Senate Office Building
Washington, D.C. 20510

CC: Members of the Senate Armed Services Committee

Dear Chairman Levin, Ranking Member Inhofe, and Senators,

We are writing to state our opposition to provisions of S. 967, the “Military Justice Improvement Act of 2013,” being included in S. 1197, the Fiscal Year 2014 (FY14) National Defense Authorization Act (NDAA). While we wholeheartedly agree that sexual assault in the Armed Forces must end, we do not support some of the provisions outlined in S.967 which are part of the FY14 NDAA. Although we acknowledge that sexual assault inhibits our service members from performing their jobs and has been the cause of numerous accounts of Post-Traumatic Stress Disorder (PTSD) and other psychological impacts, we do not believe that the proposed changes to the Uniform Code of Military Justice (UCMJ) will produce the desired effect on these issues. Instead of producing better outcomes for victims, S. 967 will degrade the ability of commanding officers to effectively protect their personnel and will actually result in fewer prosecutions and convictions of the perpetrators.

The UCMJ is grounded on a shared goal of discipline and fairness between commanding officers, convening authorities and judge advocates. S. 967 would take control away from commanding officers by removing cases at their initiation and turning them over to a newly created judge advocate bureaucracy which would convene general and special courts-martial. This would not only undermine the authority of the commanding officer, but that of senior military commanders as well. We believe that Congress, like ourselves, wants a Navy and Marine Corps that can attract the best and brightest young men and women that our nation has to offer. Initiatives like S.967, while well-meaning, will become another reason that young men and women will leave the service rather than aspire to command. The ability of our Navy and Marine Corps officers to engage their Sailors and Marines are what will ultimately change the culture of the military. This change will require commanders who are empowered to execute swift, fair, and certain discipline.

We acknowledge the apparent appeal of removing disciplinary authority from the hands of commanding officers and shifting this authority to judge advocates, especially when some of our allies have begun to make this transition. This view is specious as it denies the fact that the primary reason that our country enjoys having the greatest military in history is the role of the commanding officer who has the authority to lead their men and women. What is more important than following suit of our allies, is to note the Department of Defense (DOD) Legal Policy Board report on military justice in combat zones, and how it affirms the need for commanding officers to play a central role in command justice, especially when deployed in a combat zone.

We cannot emphasize the importance to national security of a commander’s ability to maintain good order and discipline in his or her command. We further believe that S. 967 will have adverse effects on the ability of a commander to lead their Sailors and Marines into combat and bring them home safely. As officers who have been long a part of Navy and Marine leadership, we have led change in the culture of the military. We did it during the integration of minorities and women in our ranks and it was done through empowering our commanding officers, not taking responsibility away from them.

In closing, we thank you for your time and trust that your experience and leadership will lead you to the same conclusion that we have reached. In order to combat these legal issues which face our Sailors and Marines, we must allow for accountability for our commanders to take full control of their commands.

SIGNED:



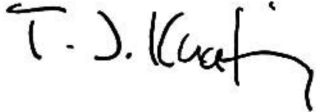
ADM Thomas B. Hayward, USN (Ret)
21st Chief of Naval Operations



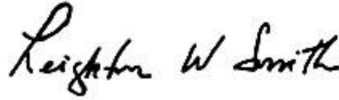
ADM Jerome Johnson, USN (Ret)
25th Vice Chief of Naval Operations



ADM Charles Abbot, USN (Ret)
Fmr Deputy Cmdr, EUCOM



ADM Timothy Keating, USN (Ret)
Fmr Cmdr, PACOM



ADM Leighton W. Smith, USN (Ret)
Fmr Cmdr, USNAVEUR



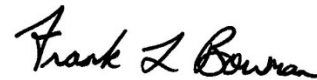
ADM Mark Fitzgerald, USN (Ret)
Fmr Cmdr, USNAVEUR



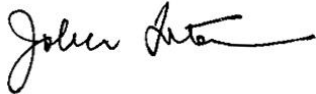
ADM Archie R. Clemins, USN (Ret)
Fmr Cmdr, PACFLT



ADM William Smith, USN (Ret)
Fmr USMILREP, NATO



ADM Frank L. Bowman, USN (Ret)
Fmr Director, Naval Nuclear Propulsion



VADM John Totushek, USN (Ret)
10th Chief of the Navy Reserve

In addition, the following have been asked to be added to this letter:

VADM Diego E. Hernandez, USN (Ret)
VADM Robert T. Conway, Jr., USN (Ret)
VADM John J. Donnelly, USN (Ret)
VADM Albert J. Baciocco, Jr., USN (Ret)
VADM J. Kevin Moran, USN (Ret)
VADM Albert J. Herberger, USN (Ret)
VADM E. A. Burkhalter, Jr, USN (Ret)
VADM Norman W. Ray, USN (Ret)
VADM Richard A. Nelson, USN, (Ret)
VADM Henry 'Hank' Giffin, USN (Ret)
VADM Tom Kilcline, Jr., USN (Ret)
VADM Timothy W. Wright, USN (Ret)
VADM Robert J. Spane, USN (Ret)
VADM William A. Dougherty, Jr. USN (Ret)
VADM William Earner, USN, (Ret)
VADM Martin Mayer, USN (Ret)
VADM Alfred G. Harms, USN (Ret)
VADM Daniel T. Oliver, USN (Ret)
VADM Peter M. Hekman Jr., USN (Ret)
VADM John J. Mazach, USN (Ret)
VADM Richard K. Gallagher, USN (Ret)
VADM Michael Malone, USN, (Ret)
VADM Anthony A. Less, USN (Ret)
VADM Donald F. Hagen, USN (Ret)
VADM Robert H. Scarborough, USCG (Ret)
LtGen Harold W. Blot, USMC (Ret)
LtGen Jack Klimp, USMC (Ret)

RADM John M. Steward, USN (Ret)
RADM Gregory J. Smith, USN (Ret)
RADM David O. Anderson, USN (Ret)
RADM John B. Foley III, USN (Ret)
RADM Daniel R. Bowler, USN (Ret)
RADM Albert Garcia III, USN (Ret)
RADM Casey W. Coane, USN (Ret)
RADM Paul V. Quinn, USN (Ret.)
RADM William W. Pickavance, Jr., USN (Ret)
RADM Stephen S. Israel, USN (Ret)
RADM Brian C. Prindle, USN (Ret)
RADM Chris Cole, USN (Ret)
RADM H. Denny Wisely, USN (Ret)
RADM E. S. "Skip" McGinley, II, USN (Ret)
RADM Robert Ryland Percy, III, USN (Ret)
RADM James J. Carey, USN (Ret)
RADM William Lynch, USN (Ret)
RADM David M. Goebel, USN (Ret)
RADM Janice M. Hamby, USN (Ret)
RADM Craig O. McDonald, USN (Ret)
RADM Ben F. Gaumer, USN (Ret)
RADM William R. Schmidt, USN (Ret)
RADM Edward J. Fahy, USN (Ret)
RADM Jerry D. West, USN (Ret)
RADM Steven B. Kantrowitz, USN (Ret)
RADM Joseph F. Callo, USN (Ret)
RADM John W. Goodwin, USN (Ret)

RADM James M. Walley, Jr., USN (Ret)
RADM Grant T. Hollett, Jr., USN (Ret)
RADM Raymond K. Alexander, USN (Ret)
RADM Donald A. Weiss, USN(Ret)
RADM John J. Mumaw, USN (Ret)
RADM George M. Furlong, USN (Ret)
RADM Vance H. Fry, USN (Ret)
RADM David T. Hart, Jr., USN (Ret)
RADM Thomas G. Lilly, USN (Ret)
RADM Thomas A. Kamm, USN (Ret)
RADM Henry C. McKinney, USN (Ret)
RADM Mark Boensel, USN (Ret)
RADM John H. McKinley, USN (Ret)
RADM Mike Shatynski, USN (Ret)
RADM Stuart F. Platt, USN (Ret)
RADM Ed Reidy III, USN (Ret)
RADM Jack Hines, USN (Ret)
RADM Robert C. Crates, USN (Ret.)
RADM Bob Passmore, USN (Ret)
RADM Charles H. Johnston, USN (Ret)
RADM William J. McDaniel, USN (Ret)
RADM William J. Holland, Jr. USN (Ret)
RADM Charles B. Young USN (Ret)
RADM Dennis Conley, USN (Ret)
RADM Raymond G. Jones, USN (Ret)
RADM James H. Black USN (Ret.)
RADM John B. Cotton, USN (Ret)
MajGen Michael R Lehnert, USMC (Ret)
RDML Donald P. Loren, USN (Ret)
RDML Cindy Dullea, USN (Ret)
RDML Bob Sutton, USN (Ret)
RDML Bob Wright, USN (Ret)
RDML Jud Scott, USN (Ret)
RDML John D. Butler, USN (Ret)
RDML Dale Baugh, USN (Ret)
RDML Robin Graf, USN (Ret)
RDML Charles Williams, USN (Ret)
RDML Sam Kupresin, USN (Ret)
RDML Ronald H. Henderson, Jr., USN (Ret)
RDML David Cronk, USN (Ret)
RDML Ken Barausky, USN (Ret)
RDML John J. Prendergast, USN (Ret)
RDML Alan Mark Gemmill, USN (Ret)
RDML Garry R. White, USN (Ret)

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