

FOREWORD

This report culminates a whirlwind three-month effort by an ad hoc committee from the Office of The Judge Advocate General's Criminal Law Division (OTJAG-CLD) and Administrative Law Division, The Judge Advocate General's Legal Center and School's Criminal Law Department (TJAGLCS-CLD) and the Center's Combat Developments Department, the Trial Defense Service (TDS), the Judiciary (including the Clerk of Court and judges of both the Army Court of Criminal Appeals (ACCA) and the Trial Judiciary (TJ)), the Army General Counsel's Office, the Government Appellate Division (GAD), and the Defense Appellate Division (DAD) to study the military justice system. I had the distinct pleasure of chairing this effort.

The committee's charter included taking a fair look at our system of justice and proposing changes that make a real difference. Any changes must work in both garrison and operational settings, and must satisfy the concerns of our many constituencies: Congress, the Department of Defense, the Army leadership, field commanders, the public, and the media, as well as the Judge Advocate General's Corps itself.

The committee conducted a staggering amount of legal and historical research. In hot debates and in quiet scholarship they hammered out changes that generally reflected group consensus.

The recommendations represent some proposals for dramatic change as well as some technical corrections to the Uniform Code of Military Justice (UCMJ), the Manual for Courts-Martial (MCM), and various Army regulations. In spite of the short timeline, many of the recommendations are ready for implementation, with changes to the UCMJ and MCM and regulations already drafted. If approved, others will require more work before implementation.

As the Army transforms, military justice must transform as well. While it must remain command-centered, it is time to make substantive and substantial changes.

Respectfully submitted on 12 April 2004.

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