



7 November 2013

The Honorable James Inhofe
United States Senate
205 Russell Senate Office Building
Washington, DC 20510

Dear Senator Inhofe:

We write 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 (UCMJ) 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. The UCMJ is based on trust among commanders, convening authorities and trained professional staff judge advocates. S.967 would undermine this crucial mutual trust and respect that underpins the UCMJ.

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 Soldiers at every echelon, 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.

Some lawmakers and scholars advocate removing disciplinary authority from commanders and shifting that 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 operational requirements for our armed forces are substantially different from those of even our closest allies in terms of the scope and tempo of our 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 any potential advantages against the real potential for devastating adverse effects.

The key to stopping sexual assault in the military is to hold 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. It would also have the unintended and detrimental effect of essentially relieving commanders of their most important responsibility - maintaining good order and discipline.

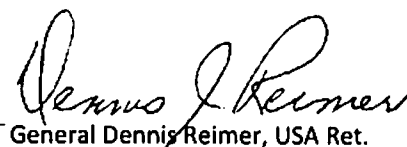
In closing, we thank you for your vital leadership on this issue and reaffirm our resolve that the best opportunity to combat sexual assault – and all other crimes - within the United States’ armed forces is through responsible, accountable and committed commanders.



General Carl Vuono, USA Ret.
31st Chief of Staff, U.S. Army



General Gordon Sullivan, USA Ret.
32nd Chief of Staff, U.S. Army



General Dennis Reimer, USA Ret.
33rd Chief of Staff, U.S. Army

In addition, the following have asked that their name be added to the letter:

GEN Burwell B. Bell, USA Ret.
GEN David A. Bramlett, USA Ret.
GEN Arthur E. Brown, Jr., USA Ret.
GEN Edwin H. Burba, Jr., USA Ret.
GEN William W. Crouch, USA Ret.
GEN Larry R. Ellis, USA Ret.
GEN John W. Foss, USA Ret.
GEN Paul F. Gorman, USA Ret.
GEN Ronald H. Griffith, USA Ret.
GEN James T. Hill, USA Ret.
GEN Paul J. Kern, USA Ret.
GEN Frederick J. Kroesen, USA Ret.
GEN Leon J. LaPorte, USA Ret.
GEN James J. Lindsay, USA Ret.
GEN Montgomery C. Meigs, USA Ret.
GEN Jack N. Merritt, USA Ret.
GEN William R. Richardson, USA Ret.
GEN Crosbie E. Saint, USA Ret.
GEN Leon E. Salomon, USA Ret.
GEN Thomas A. Schwartz, USA Ret.
GEN Henry H. Shelton, USA Ret.

GEN Carl W. Stiner, USA Ret.
GEN William G. T. Tuttle, Jr., USA Ret.
GEN William S. Wallace, USA Ret.
GEN Volney F. Warner, USA Ret.
GEN Johnnie E. Wilson, USA Ret.
GEN Fred F. Woerner, Jr., USA Ret.
GEN Paul V. Hester, USAF Ret.
LTG Robert Arter, USA Ret.
LTG John L. Ballantyne III, USA Ret.
LTG Daniel C. Balough, USA Ret.
LTG Raymond D. Barrett, Jr., USA Ret.
LTG Jared L. Bates, USA Ret.
LTG Paul E. Blackwell, USA Ret.
LTG Ronald R. Blanck, USA Ret.
LTG H. Steven Blum, USA Ret.
LTG Frederic J. Brown, USA Ret.
LTG Kevin P. Byrnes, USA Ret.
LTG Carmen J. Cavezza, USA Ret.
LTG Dennis D. Cavin, USA Ret.
LTG Robert D. Chelberg, USA Ret.
LTG Michael L. Dodson, USA Ret.

LTG James M. Dubik, USA Ret.
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LTG Robert H. Forman, USA Ret.
LTG William H. Forster, USA Ret.
LTG Benjamin C. Freakley, USA Ret.
LTG David P. Fridovich, USA Ret.
LTG Paul E. Funk, USA Ret.
LTG David E. Grange, Jr., USA Ret.
LTG Richard G. Graves, USA Ret.
LTG Richard A. Hack, USA Ret.
LTG Jerome B. Hilmes, USA Ret.
LTG Fred Hissong, Jr., USA Ret.
LTG Patrick M. Hughes, USA Ret.
LTG Anthony R. Jones, USA Ret.
LTG Donald W. Jones, USA Ret.
LTG Larry R. Jordan, USA Ret.
LTG David J. Kelley, USA Ret.
LTG Joseph W. Kinzer, USA Ret.
LTG Bennett L. Lewis, USA Ret.
LTG Donald M. Lionetti, USA Ret.
LTG Charles S. Mahan, Jr., USA Ret.
LTG Paul E. Menoher, USA Ret.
LTG Paul T. Mikolashek, USA Ret.
LTG John E. Miller, USA Ret.
LTG Benjamin R. Mixon, USA Ret.
LTG Robert W. Noonan, Jr., USA Ret.
LTG John P. Otjen, USA Ret.
LTG Emmett Paige, Jr., USA Ret.
LTG Dave R. Palmer, USA Ret.
LTG John M. Pickler, USA Ret.
LTG James H. Pillsbury, USA Ret.
LTG Thomas G. Rhame, USA Ret.
LTG James C. Riley, USA Ret.
LTG Vincent M. Russo, USA Ret.
LTG Daniel R. Schroeder, USA Ret.
LTG Gary D. Speer, USA Ret.
LTG William M. Steele, USA Ret.
LTG Mitchell H. Stevenson, USA Ret.
LTG George R. Stotser, USA Ret.
LTG Theodore G. Stroup, USA Ret.
LTG Guy C. Swan III, USA Ret.
LTG Horace G. Taylor, USA Ret.
LTG Herbert R. Temple, Jr., USA Ret.
LTG James M. Thompson, USA Ret.
LTG Roger G. Thompson, Jr., USA Ret.
LTG Walter F. Ulmer, Jr., USA Ret.
LTG Ronald L. Watts, USA Ret.

LTG Leonard P. Wishart III, USA Ret.
LTG Kenneth R. Wykle, USA Ret.
LTG Joseph L. Yakovac, Jr., USA Ret.
MG Albert B. Akers, USA Ret.
MG John D. Altenburg, Jr., USA Ret.
MG Andrew H. Anderson, USA Ret.
MG Dionel E. Aviles, USA Ret.
MG Barry D. Bates, USA Ret.
MG Richard D. Beltson, USA Ret.
MG Peter T. Berry, USA Ret.
MG Gary L. Border, USA Ret.
MG Murrel J. Bowen, Jr., USA Ret.
MG Robert H. Buker, USA Ret.
MG John H. Capalbo, USA Ret.
MG William S. C. Chen, USA Ret.
MG Peter W. Clegg, USA Ret.
MG John R. D. Cleland, USA Ret.
MG James A. Coggin, USA Ret.
MG Thomas F. Cole, USA Ret.
MG James J. Cravens, Jr., USA Ret.
MG John T. Crowe, USA Ret.
MG John J. Cuddy, USA Ret.
MG John R. D'Araujo, Jr., USA Ret.
MG James L. Dozier, USA Ret.
MG Travis N. Dyer, USA Ret.
MG Maurice O. Edmonds, USA Ret.
MG John C. Faith, USA Ret.
MG William N. Farmen, USA Ret.
MG Barbara G. Fast, USA Ret.
MG Charles J. Fiala, USA Ret.
MG William A. Fitzgerald, Jr., USA Ret.
MG Yves J. Fontaine, USA Ret.
MG Eugene Fox, USA Ret.
MG Bradley D. Gambill, USA Ret.
MG Albert J. Genetti, Jr., USA Ret.
MG Emmitt E. Gibson, USA Ret.
MG Greg L. Gile, USA Ret.
MG Clair F. Gill, USA Ret.
MG Leroy R. Goff, III, USA Ret.
MG George W. Goldsmith, Jr., USA Ret.
MG Fred A. Gorden, USA Ret.
MG Benjamin L. Harrison, USA Ret.
MG Joseph P. Hegarty, USA Ret.
MG Frank F. Henderson, USA Ret.
MG Patricia P. Hickerson, USA Ret.
MG Robert R. Hicks, Jr., USA Ret.
MG Victor J. Hugo, Jr., USA Ret.

MG Donald R. Infante, USA Ret.
MG Richard S. Kem, USA Ret.
MG Donald R. Lasher, USA Ret.
MG Vernon B. Lewis, Jr., USA Ret.
MG Curtis A. Loop, USA Ret.
MG James M. Lyle, USA Ret.
MG Fred F. Marty, USA Ret.
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MG Michael J. Nardotti, Jr., USA Ret.
MG William L. Nash, USA Ret.
MG Harry D. Penzler, USA Ret.
MG James A. Pocock, USA Ret.
MG Kenneth J. Quinlan, Jr., USA Ret.
MG Norbert J. Rappl, USA Ret.
MG James W. Ray, USA Ret.
MG John M. Riggs, USA Ret.
MG Stephen T. Rippe, USA Ret.
MG John D. Robinson, USA Ret.
MG Charles G. Rodriguez, USA Ret.
MG Robert R. Rose, USA Ret.
MG Robert B. Rosenkranz, USA Ret.
MG David Rubenstein, USA Ret.
MG Richard S. Siegfried, USA Ret.
MG Stephen Silvasy, Jr., USA Ret.
MG Pat M. Stevens, IV, USA Ret.
MG Randolph P. Strong, USA Ret.
MG Michael W. Symanski, USA Ret.
MG Thomas R. Tempel, USA Ret.
MG John R. Tindall, Jr., USA Ret.
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MG Jan A. Van Prooyen, USA Ret.
MG Wayne F. Wagner, USA Ret.
MG Thomas A. Wessels, USA Ret.
MG Scott G. West, USA Ret.
MG Robert M. Williams, USA Ret.
MG George K. Withers, Jr.
RADM William A. Retz, USN, Ret
MG James E. Livingston, USMC, Ret
BG Walter E. Adams, USA Ret.
BG Clinton T. Anderson, USA Ret.
BG James M. AuBuchon, USA Ret.
BG Walter O. Bachus, USA Ret.
BG Llyle J. Barker, Jr, USA Ret.
BG Charles H. Baumann, USA Ret.
BG William C. Bilo, USA Ret.
BG James J. Bisson, USA Ret.

BG William B. Burdeshaw, USA Ret.
BG Charles M. Burke, USA Ret.
BG Michael T. Byrnes, USA Ret.
BG William D. Colvin, USA Ret.
BG Robert Crear, USA Ret.
BG Lyle C. Doerr, USA Ret.
BG Dean R. Ertwine, USA Ret.
BG Fred R. Flint, USA Ret.
BG Forrest T. Gay, III, USA Ret.
BG Richard V. Geraci, USA Ret.
BG Barton J. Gilbert, USA Ret.
BG Harold M. Goldstein, USA Ret.
BG Dudley J. Gordon, USA Ret.
BG Hugh J. Hall, USA Ret.
BG James F. Hennessee, USA Ret.
BG John D. Howard, USA Ret.
BG Thomas J. Konitzer, USA Ret.
BG George A. Landis, USA Ret.
BG William A. LaPrise, USA Ret.
BG Ronald S. Mangum, USA Ret.
BG Donald H. Marden, USA Ret.
BG Philip M. Mattox, USA Ret.
BG Jerry W. McElwee, USA Ret.
BG Robert P. McFarlin, USA Ret.
BG John W. Mountcastle, USA Ret.
BG Curtis D. Norenberg, USA Ret.
BG Thomas P. O'Brien, Jr., USA Ret.
BG James P. O'Neal, USA Ret.
BG Peter J. Palmer, USA Ret.
BG Richard L. Reynard, USA Ret.
BG Jack A. Rogers, USA Ret.
BG Robert G. Sausser, USA Ret.
BG Mark E. Scheid, USA Ret.
BG Charles M. Scott, Jr. , USA Ret.
BG Douglas S. Smith, USA Ret.
BG Robert J. Strader, Sr., USA Ret.
BG Thomas E. Swain, USA Ret.
BG Wesley B. Taylor, Jr. , USA Ret.
BG Anthony C. Trifiletti, USA Ret.
BG David A. Van Kleeck, USA Ret.
BG Charles R. Webb, USA Ret.
BG William A. West, USA Ret.
BG Paul T. Weyrauch, USA Ret.
BG Robert M. Wilson, USA Ret.
BG Howard W. Yellen, USA Ret.