



Eagle Express

Integrity of the Military Justice Process

Over the past few months, the President, and many other high ranking civilian and military officials have made several comments regarding sexual assault in the military. The Secretary of Defense recently released a memorandum clearly expressing his expectations, and those of the President, regarding the integrity of the military justice process.

The SECDEF's memorandum states:

“Military justice is an essential element of good order and discipline, the indispensable ingredient that allows our Armed Forces to be the best in the world. Central to military justice is the trust that those involved in the process base their decisions on their judgment. Their judgment, in turn, must be based purely on the facts of each individual case, not personal interests, career advancement, or an effort to produce what is thought to be the outcome desired by senior officials, military or civilian.

Service members and the American people must be confident that the military justice system is inherently fair and adheres to the fundamental principle of due process of law. Everyone who exercises discretionary authority in the military justice process must apply his or her independent judgment. Military judges, commanders, convening authorities, criminal and administrative investigators, staff judge advocates, supervisors, Article 32 investigating officers, trial counsel, defense counsel, members of court-martial panels, and witnesses in military justice cases are among those included in this mandate.

Senior military and civilian leaders in the department have an obligation to establish the standards of conduct expected of all military personnel. Drug abuse, sexual assault, hazing, and other criminal misconduct are not acceptable; senior leaders have made that clear and will continue to do so. But those comments are not made with the intent to indicate in any way what should or should not occur in any case. As Kathryn Ruemmler, the Counsel to the President, emphasized, “The President expects all military personnel who are involved in any way in the military justice process to exercise their independent professional judgment.”

To be clear, each military justice case must be resolved on its own facts. Those who exercise discretionary authority in the military justice process must exercise their independent judgment, consistent with applicable law and regulation. There are no expected or required dispositions, outcomes, or sentences in any military justice case, other than what result from the individual facts and merits of a case and the application to the case of the fundamentals of due process of law.”

101 Critical Days of Summer Comes to an End...

The upcoming holiday weekend signals a close to our 101 Critical Days of Summer for this year. This weekend provides one more (summer) chance to get out and enjoy outdoor activities, take trips and visit family and friends. The Chief and I want to also remind you that these activities carry with them the chances for increased safety risks. Therefore, as always, we ask that you continue to exercise sound risk decision making and personal risk management...on and especially off duty. Let's have a great weekend, but do so in a way that will bring the entire Dover team back on Tuesday!

Rick L. Dancy
“Deliver!”

