



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF
2200 ARMY PENTAGON
WASHINGTON, D.C. 20310-2200

May 18, 2021

The Honorable James Inhofe
Ranking Member
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for the opportunity to provide my personal views and best military advice on the "Military Justice Improvement and Increasing Prevention Act of 2021." At my confirmation hearing two years ago, I testified that people would be my number one priority. I have not wavered from that commitment, and now, in agreement with former Secretary McCarthy and acting Secretary Whitley, people are the number one priority for the United States Army. As you may recall, I have three children and a son-in-law currently serving in the Army. Providing a safe and secure environment for our Soldiers is not only my responsibility as Chief of Staff, it is a deeply-held personal commitment. I consider sexual harassment and sexual assault serious threats to our Army. They hurt our Soldiers and break trust with the American people who send us their sons and daughters. I am totally committed to fixing this problem and willing to consider any solution.

The "Military Justice Improvement and Increasing Prevention Act of 2021" was introduced to improve prevention and response—to improve the trust of victims that the system will provide and pursue justice. The Army's many People First initiatives seek to achieve those same goals. We established the People First Task Force to redress the findings of the Fort Hood Independent Review and implement its 70 recommendations across the Army. Our new command assessment program for battalion commanders, brigade commanders, and their senior enlisted advisors is identifying and selecting the best leaders to foster command climates of inclusion, prevention, and intervention. Captains and majors will have the opportunity to become those leaders via the self-development assessments of Project Athena. The Army's "This Is My Squad" initiative is building cohesive teams at every echelon and encourages peers, family members, and leaders to identify, communicate, and intervene when someone is perpetuating or being victimized by harmful behaviors. We are fielding Independent Cohesion Assessment Teams to identify and correct command climate or culture failings. We have designed these initiatives to instill faith and confidence in our Soldiers that their leaders will protect them from the fratricide of sexual assault.

I recognize that there are concerns with the way our current process pursues justice for major crimes. Due to the significant investment the Army is making in awareness, prevention, and intervention, my best military advice continues to be that removing commanders' case disposition authority would be detrimental to the good

order and discipline required for effective warfighting. Responsible present commanders are best able to ensure victim care and maintain trust. Commanders also bear the unique responsibility for discipline in their units. Recognizing the concerns of Congress, the investments by the Army, and the unique responsibilities of command, I recommend that, rather than remove responsibility from commanders, Congress statutorily elevate disposition authority over these offenses to the O-6 Brigade Command level. These commanders have the experience, maturity, and judgment, as well as access to legal resources, that allow them to make informed and wise decisions.

If, however, Congress decides to alter military commanders' Court-Martial authorities for major crimes, I would offer two recommendations. First, I would recommend that the law only apply to Article 120 offenses, in acknowledgement of the uniquely complex nature of sexual assault as a crime and its effects on Soldiers and units. Second, I would recommend that any changes to UCMJ authority be implemented on a trial basis of three years. If we can verify that genuine improvements have taken place, then codify the change into law permanently. If not, return the authority to the chain of command at brigade-level and above.

This is my best military advice. Should Congress and/or my own chain of command then deem otherwise, I will well and faithfully discharge their orders.

Sincerely,


James C. McConville
General, U.S. Army