



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES SPACE FORCE

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

Dear Senator Inhofe:

This letter is in response to your letter dated April 30, 2021, requesting my personal views and military advice on the draft “Military Justice Improvement and Increasing Prevention Act of 2021” (MJIIPA), and the likely effects on the United States Space Force if enacted as drafted in law.

Over 37 years of service in the military and eight opportunities to command, I have witnessed the devastating impact of sexual assault and sexual harassment on our force; these behaviors are completely unacceptable and undermine readiness. The Space Force and its leaders are deeply committed to combatting sexual assault and sexual harassment through a holistic approach of prevention, response, and accountability. Unfortunately, our efforts to date have not made substantial progress in reducing rates of sexual assault, and although I do not take any changes to command authority lightly, I believe the time has come to consider changes. I thank you for the opportunity to share my views on the MJIIPA as one such proposal for change.

Readiness and its Relationship to Good Order and Discipline. We hold commanders responsible for maintaining the readiness of their units to perform effectively in combat; this is a solemn responsibility in the gravest of all human endeavors. It means that among other tasks, commanders must set and enforce standards and foster a culture of cohesion and esprit de corps within their units. This requires the ability to operate across a continuum of discipline, addressing misconduct swiftly and fairly. At the same time, consistency and accountability in the administration of discipline are required to ensure service members’ trust in their commanders and the system of justice. A lack of trust is detrimental to good order and discipline and, ultimately, unit readiness.

Sexual Assault, Sexual Harassment, and the Interests of Justice. While I have trust in our Space Force commanders when it comes to readiness and the general administration of discipline, sexual assault and sexual harassment are complex cases that require higher levels of expertise and specialized training. I recognize that some victims do not have confidence that their commanders can handle these cases appropriately, which may be preventing them from reporting, getting the care they need, and identifying perpetrators. Lack of trust and reluctance to seek justice are, in themselves, readiness issues. Therefore, I am open to structural changes, including the possibly removing these cases from the chain of command. While I am not convinced the number of sexual assaults will decrease in the short term, in the longer term would-be perpetrators may be less likely to commit offenses if they know they are more likely to be held accountable through higher conviction rates. At the same time, a victim’s voice matters and any structural changes must continue to take into account each victim’s vision of justice.

Relationship between Commanders and Guardians They Lead. If the ability to enforce discipline in sexual assault and sexual harassment cases is to be removed from the chain of command, there is a risk that commanders may not display the same level of focus on prevention efforts. If these changes are enacted, I will be vigilant to ensure that commanders stay focused on preventing sexual assault and sexual harassment, and setting an appropriate tone and climate in their units.

Command and Mission Accomplishment. As I stated previously, the ability of commanders to set and enforce standards is fundamental to readiness and mission execution. As drafted, removing the responsibility to administer discipline for the full scope of offenses covered by MJIIPA would greatly hamper that responsibility. The other offenses are not as complex and do not require specialized training. I do not have the same concern regarding commanders' ability to handle those offenses, and believe the administration of discipline for those offenses works effectively today. In addition, any military justice process must prioritize timely action; a process that removes so much of the administration of discipline from the chain of command also threatens to extend the time it takes to complete the process. If the MJIIPA were enacted as written, covering a broad range of offenses, it would have the potential to adversely affect good order and discipline and weaken the readiness of our forces.

Other Matters. Any changes such as those proposed in the MJIIPA must be properly resourced and implemented on a timeline that ensures trusted and effective administration of justice from the start. Further, the proposed changes add a layer of complexity that needs to be fully understood. For a change of this magnitude, we will need time to "table top" the proposed changes before implementation, with a focus on the seam between the independent judge advocate and the commander. Finally, any proposed legislation should be structured to provide the Chief of Space Operations the same authorities and responsibilities as the other service chiefs.

I hope you will find this response helpful, and I appreciate your support for the men and women of the United States Space Force.

Sincerely,


JOHN RAYMOND
General, USSF
Chief of Space Operations