

Report to General William C. Westmoreland, Chief of Staff, U.S. Army, by the Committee for Evaluation of the Effectiveness of the Administration of Military Justice.

. . . In the decade following the issuance of the Powell report, the Chief of Staff and senior commanders were advised by many officers, especially junior officers, that there had been an “apparent loosening of discipline,”¹ a contributing factor of which they felt was the administration of military justice at the small unit level. The Chief of Staff acknowledged that the broad social and attitude changes in the Army that had transpired over this time period had a direct impact on discipline in the Army, and in March 1971 he established the Committee for Evaluation of the Effectiveness of the Administration of Military Justice, chaired by MG S.H. Matheson. The committee would focus on issues relating to the maintenance of morale and discipline at the small unit level. Committee members prepared and distributed to commanders and senior noncommissioned officers a detailed questionnaire, and interviewed senior personnel as well as correctional officers, provost marshals, judge advocates, and other interested personnel.

This report provides a detailed analysis of the information gathered by the committee through completed questionnaires and interviews, and makes recommendations relative to each of the issues reviewed.

The committee members state in their report that although the primary purpose of the report is to address the criticism that military justice, as it was then administered, had an adverse effect of morale and discipline in the Army, it must first determine the precise role of military justice. The report concludes that “military justice has an essential role in the maintenance of morale and discipline,” noting that the Powell report defined discipline as “an attitude of respect for authority developed by precept and by training.”² The committee also cited text from the Powell report that it believed was conclusive enough to render further discussion superfluous. According to the Powell report, a

¹ “Report to General William C. Westmoreland,” 3.

² “Report to General William C. Westmoreland,” 6-7.

military court-martial “is an instrument of justice and in fulfilling this function it will promote discipline.”³

The report reviews numerous issues relative to what it terms “problem areas encountered by junior officers” — dissatisfaction with the law itself (UCMJ); excessive administrative delays, especially delays in processing court-martial cases and administrative separations; the leniency of military judges in adjudging appropriate sentences in court-martial cases; regulations governing pretrial and post-trial confinement; and lack of education and training in military justice. It is this last issue that the committee concludes is central to the reform of the administration of military justice:

With an increased emphasis on military justice training, both in the classroom and on a continuing basis in the field, commanders will better understand the fundamental concepts of military justice and the particular role they must play in its administration. With understanding will come acceptance, which in turn will lead to a truly effective system of military justice.⁴

The committee report concludes with various recommendations. These include:

- Simplification of the administration of nonjudicial punishment
- Increased use of correctional custody as authorized under UCMJ Article 15
Creation of a search warrant form to be used for searches of persons or property
- Continued efforts at all levels of command to eliminate excessive delays in the administrative processing of court-martial and elimination cases, from the initial investigation of an offense to the appellate review of a conviction by court-martial; this would include a reduction in paperwork requirements for trial proceedings
- “A massive and concerted effort on education in military justice, to include its leadership aspects,”⁵ including mandatory instruction and orientation and preparation of written materials
- Potential establishment of regional training facilities for soldiers being considered for administrative elimination, and possible requirement of meaningful hard labor in Army stockades for persons confined at hard labor.

³ “Report to General William C. Westmoreland,” 8.

⁴ “Report to General William C. Westmoreland,” 54-55.

⁵ “Report to General William C. Westmoreland,” 57.