

charges will be tried, coupled with the idea that this same convening authority selects the members of the court-martial to try the cases, is unacceptable in a society that

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The MJIA addresses one of these key criticisms by giving legally-trained, experienced military prosecutors outside the chain of command, rather than senior, non-lawyer commanders, the authority to refer charges to special or general courts-martial when serious crimes are alleged (except those that are uniquely military in nature).⁴ This change would improve the integrity of the judicial process by removing any actual or perceived bias towards the complainant or the accused. It would demonstrate to service members that the prosecutorial decision-making process is grounded in facts, evidence, and the law ² not on external factors, pre-existing relationships, or the unstated but well-understood expectations of the chain of command.⁵

Those who do not yet support the MJIA mistakenly assert that the current command-centric model of military justice is necessary to maintain good order and discipline within the military. Therefore, they reason, any erosion of that authority would have unknown consequences on the very nature of our armed forces and military effectiveness.

