

Mattis wants commanders to rely more on UCMJ for disciplinary problems

By: **Aaron Mehta** August 14, 2018

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Secretary of Defense Jim Mattis wants to see the military justice system used for discipline more than in the past. (Jim Watson/AP)

Secretary of Defense Jim Mattis has issued new guidance to commanders across the military: Stop relying on administrative actions for disciplinary problems and start using the military justice system more often.

In the **new memo** dated Aug. 13, Mattis calls the military justice system a “powerful tool” for good order and discipline, and he says flatly it is a “commander’s duty to use it.”

“Military leaders must not interfere with individual cases, but fairness to the accused does not prevent military officers from appropriately condemning and eradicating malignant behavior from our ranks,” Mattis wrote, according to a copy of the memo that was **obtained by Military Times**.

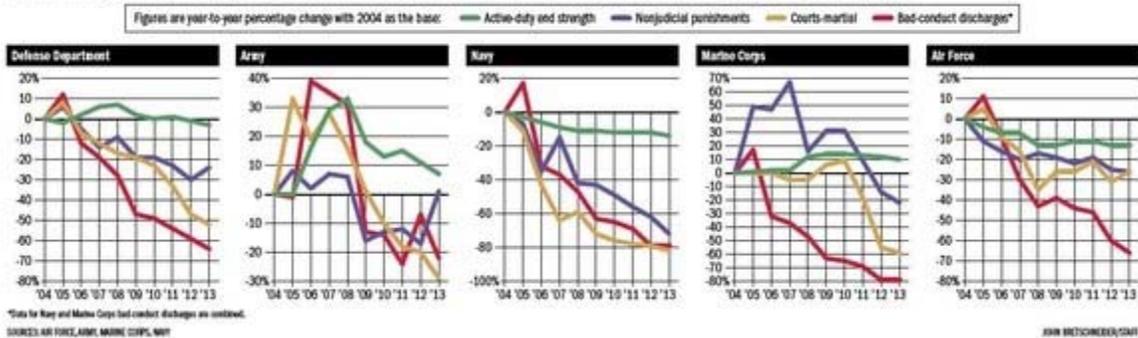
“Leaders must be willing to choose the harder right over the easier wrong. Administrative actions should not be the default method to address illicit conduct simply because it is less burdensome than the military justice system. Leaders cannot be so risk-adverse that they lose their focus on forging disciplined troops ready to ferociously and ethically defeat our enemies in the battlefield.”

A 2014 Military Times investigation found that the figures for punishment handed down by the Uniform Code of Military Justice spiked during the 2006-2007 surge in Iraq, and then declined precipitously. The investigation found that military commanders are more likely to rely on administrative punishment, including issuing a non-judicial punishment and quickly seeking administrative separation, rather than pushing for a full court-martial.

Those numbers coincided with a 2014 decision by then-Secretary of Defense Chuck Hagel to launch a sweeping review of the military justice system.

DECLINE IN PUNISHMENT

After a spike that roughly coincided with the "surge" in Iraq, all the services have seen significant declines in courts-martial, bad-conduct discharges and nonjudicial punishments over the past decade.



A graphic from the 2014 Military Times investigation into punishment figures from military courts.

A graphic from the 2014 Military Times investigation into punishment figures from military courts. The memo comes just a day after President Donald Trump signed into the law the 2019 National Defense Authorization Act, which includes language creating a new category under the UCMJ for **domestic violence**. The act also creates new laws for **child-on-child sexual assault** on military bases.

As with most Mattis statements, the memo couches the guidance in terms of increasing lethality for the troops.

“If a subordinate makes a mistake, leaders should learn to coach them better,” he writes. “But we must not tolerate or ignore lapses in discipline, for our enemies will benefit if we do not correct and appropriately punish substandard conduct. Time, inconvenience, or administrative burdens are no excuse for allowing substandard conduct to persist.”