



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

AUG 06 2013

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Integrity of the Military Justice Process

This memorandum reiterates my expectations and those of the President regarding the integrity of the military justice process. Every military officer and enlisted member of the Department of Defense is to be made aware of its contents.

Military justice is an essential element of good order and discipline, the indispensable ingredient that allows our Armed Forces to be the best in the world. Central to military justice is the trust that those involved in the process base their decisions on their independent judgment. Their judgment, in turn, must be based purely on the facts of each individual case, not personal interests, career advancement, or an effort to produce what is thought to be the outcome desired by senior officials, military or civilian.

Service members and the American people must be confident that the military justice system is inherently fair and adheres to the fundamental principle of due process of law. Everyone who exercises discretionary authority in the military justice process must apply his or her independent judgment. Military judges, commanders, convening authorities, criminal and administrative investigators, staff judge advocates, supervisors, Article 32 investigating officers, trial counsel, defense counsel, members of court-martial panels, and witnesses in military justice cases are among those included in this mandate.

Senior military and civilian leaders in the Department have an obligation to establish the standards of conduct expected of all military personnel. Drug abuse, sexual assault, hazing, and other criminal misconduct are not acceptable; senior leaders have made that clear and will continue to do so. But those comments are not made with the intent to indicate in any way what should or should not occur in any case. As Kathryn Ruemmler, the Counsel to the President, emphasized, "The President expects all military personnel who are involved in any way in the military justice process to exercise their independent professional judgment."

To be clear, each military justice case must be resolved on its own facts. Those who exercise discretionary authority in the military justice process must exercise their independent judgment, consistent with applicable law and regulation. There are no expected or required dispositions, outcomes, or sentences in any military justice case, other than what result from the individual facts and merits of a case and the application to the case of the fundamentals of due process of law.

Please ensure that this message is widely and immediately disseminated throughout your organizations. The integrity of the military justice process is too important to risk any misunderstanding of what the President and I expect from those involved in it.

Thank you.

A handwritten signature in black ink, appearing to read "Asa Carter", is located at the bottom right of the page. The signature is written in a cursive, stylized font.

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