

## *Preface*

Tailhook . . . Aberdeen . . . LT Kelly Flinn . . . these names conjure up images of media frenzy and public scrutiny of the military justice system. Each time the media spotlights such incidents, the public re-examines and often criticizes the military and its system of justice. Sometimes, the system is defended; other times, the system is amended. However, these recent examples of public concern pale in comparison to the scrutiny that the military justice system received following World War II. The two million courts-martial of World War II personalized the question of military justice fairness for the one in eight United States citizens who were members of the Armed Forces. The public outcry for change ultimately resulted in the most significant transformation in the history of military justice. The result: the Uniform Code of Military Justice (UCMJ). The promulgation of the UCMJ, along with its principal implementing regulation, the *Manual for Courts-Martial*, marks the beginning of the modern military justice period. Now, fifty years later, it seems only appropriate that the military legal community mark this milestone with a symposium review of the origin, historical developments, and current criticisms of the military justice system.

Brigadier General (Retired) John S. Cooke's *Introduction* to this symposium edition details the promulgation of the UCMJ and its history, providing the reader with the background necessary to understand the current status and the areas ripe for change. Major General (Retired) George S. Prugh, Jr.'s *Observations-1954* gives the reader a glimpse into the modern military justice system in its infancy. His further retrospective, *Observations-2000* notes the personal challenges faced under the new system, as well as his reflections on the military justice system.

After an historical background, this symposium issue moves to a review of the highest military court, the Court of Appeals for the Armed Forces (CAAF), through the personal accounts of several of its judges. Major Walter M. Hudson, a former criminal law faculty member of the The Judge Advocate General's School, conducted interviews with two Senior Judges of the CAAF. Senior Judge Robinson O. Everett and Senior Judge Walter T. Cox, III answer detailed, poignant questions about their personal and professional roles as members of the CAAF. Their perspectives on current issues facing the military justice system are enhanced by the

remarks of the current Chief Judge of CAAF, Susan J. Crawford, in the *Twenty-Eighth Hodson Lecture: Judicial Decision Making*.

Following this review of the CAAF, the symposium presents several modern-day practitioners suggestions for changes to the military justice system. Major Joanne P.T. Eldridge proposes a new punitive article in *Stalking and the Military: A Proposal to Add an Anti-Stalking Provision to Article 134*. Her article recommends that the military justice community respond to changes in civilian society and civilian criminal law. Major Steven M. Immel, in *Development, Adoption, and Implementation of Military Sentencing Guidelines*, asks the military justice community to consider adopting sentencing guidelines similar to the federal system, thereby addressing any real or perceived sentence disparity in our system. In *Modernizing the Manual for Courts-Martial Rule-Making Process: A Work in Progress*, Kevin J. Barry discusses areas of the rule-making process that should be reformed to respond to public concern for the fairness of the system.

The symposium issue concludes with reviews of two different books on military justice. The first, *Vietnam Stories* is the memoirs of a judge advocate in Vietnam, reviewed by Colonel Frederic Borch. The second is volume two of Dr. Jonathan Lurie's history of the Court of Appeals for the Armed Forces, *Pursuing Military Justice*, reviewed by Major Walter Hudson. Although public criticism of the military justice system has diminished significantly since the post-World War II cries for reform, military justice is still a topic of public interest as demonstrated through the continued publication of books such as *Vietnam Stories* and *Pursuing Military Justice*.

The editors hope that this symposium offers interesting reading, thought provoking ideas, and practical advice to the military legal community. As Senior Judge Robinson O. Everett stated in the introduction to the Military Rules of Evidence Symposium, An Introduction in *Military Law Review*, Volume 130, on page 3, "Only through such self-examination can the military justice system live up to its full potential and remain responsive to a constantly changing military society."

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