

## A MESSAGE FOR THE CORPS

### Looking Back to Look Forward

These are historic times to be a uniformed lawyer. Air Force JAGs are knee-deep in the nations' debate on how to halt sexual assaults, a military and society-wide scourge, which has now morphed into a Congressional debate on how to best organize the entire military justice system. Here in the nation's capital, many of us have engaged with members of Congress, their staffs and members of the media to teach, implore and explain the reasons, or the "why," behind commanders' authority and the current set-up of the military justice system. Colonel Rockwell is one of the best at engaging with the public and he offers his profound insight and analysis below. Please read, absorb and share with your commanders and media types wherever you are located. This will truly make a difference. As always, thank you for all you do!

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The practice of law is fascinating. To find justice we search the past to resolve the now and evolve the future. Critical analysis demands we look back to find timeless principles, then look forward to apply and adapt those principles today. Done correctly, we evolve the law to best serve society. Done incorrectly, we risk becoming mired in precedent as the world passes the law by, or alternatively charge off a cliff into an unreasoned unknown.

This dynamic is evident in the debate on how the military handles sexual assault. Looking back, we call on the timeless proven principles of unity of command, command authority and command and control (C2), which have brought the nation success. Simply put, commanders C2 Airmen to execute mission and effective C2 requires disciplined Airmen. Effective commanders build disciplined Airmen by operating across the continuum of disciplinary practice, from feedback to courts-martial and everywhere in between. Break, or unnecessarily dilute, this authority and we render a commander less effective to accomplish mission. While this concept may be difficult to grasp for those not steeped in military science, two observations prove its power. The first a riddle: an Airman is in a room with his commander, along with a cop, a JAG, a SARC and a Shirt. All five begin to speak at the same time, same volume. Who does the Airman listen to?

The second involves the power of words like "zero tolerance." Some outside an organization may view the words as trite, but only words from a commander will truly affect Airman behavior. 'Because the commander said so' actually and effectively sets a command expectation, establishes a military duty, and

reflects a culture that exists nowhere else in society. This is real power with historical success. So the question really isn't whether we break that chain of authority, the question becomes to what level do we raise disposition and other decisions in that chain.

Looking forward, we will have many opportunities to improve the law using these timeless principles. TCs, DCs and SVCs will shine as legal professionals in advocating and advancing the law in the areas of victim law, pretrial investigations, post-trial action, and managing cases, processes and databases for convening authorities. SJAs, MJs and CCs must make the important decisions to evolve the law to best effectuate change to improve our system and society.

Good lawyers and paralegals will continue to be masters of precedent. Really good lawyers and paralegals, while preserving much of the timeless brilliance found in Articles 32, 60 and the UCMJ generally, will compare, contrast and develop rationale - the critical "why" behind it all - that evolves the law to the future. A fascinating process . . . how lucky we are to be part of it.

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