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### Abstract

Soldiers in the military are subject to the United States Code of Military Justice (UCMJ), which is the law of the military. The UCMJ is used to punish Soldiers who break the law within the military and is to be applied evenly across the ranks. In today's military there is a 2 tier type of UCMJ applied, that applied to officers and the harsher UCMJ applied to the enlisted. In reading the regulations and punishable offenses within the UCMJ there is no mention of a 2 tier standard.

## UCMJ Applied Liberally

The U.S. military is an institution that requires an individual to surrender their lives for an agreed upon amount of time. In return for their service an individual earns certain benefits, the most obvious is pay. The military has laws referred to as regulations which are used to assist in maintaining control and discipline. Without regulations the military is nothing more than a mercenary service, serving the needs and wants of an individual rather than the nation as intended.

By taking the oath of service an individual agrees to follow orders, be moral, to have honor, to maintain character and integrity that will never be questioned, and to carry themselves in a manner which does not embarrass the military or themselves. Today's military for the most part follows the intent and spirit of what being a Soldier requires. But as in any large organization there are those who feel that the UCMJ does not pertain to them. One can refer to past cases of UCMJ to see that Justice within UCMJ is dependent on what rank the accused holds.

There are 146 Articles under UCMJ which a Soldier can be charged or tried against. The Article I will discuss is article 134, in which the offense of adultery is found. Adultery is intimate physical contact between 2 or more individuals, in which at least 1 of them is married to another. Adultery is the lowest vile act a married individual can commit against the other; it destroys the trust and unity created through marriage, it destroys the family and sends children into an upheaval as their lives are twisted and no longer on an even keel. The decision and the actual act of committing adultery exposes a flaw in the individual which affects military cohesion, morale, and discipline. Especially if it occurs within the ranks, chain of command, or family member of another Soldier

Once a Soldier is accused of adultery and investigation is conducted and a decision to file charges is made. More often than not, a decision to charge and try an enlisted Soldier is made and an officer is given a slap on the wrist or not enough evidence is decision is made.

I have witnessed an E5, charged with adultery and making a false statement. This soldier was court martial and kicked out of the service with a dishonorable discharge. The Soldier was an E5, 6-7 years of service, 96B MOS, married with 2 children, and committed adultery with another enlisted Soldier. This is the standard that should be followed with all soldiers regardless of rank or position. I read a trail record of a 1SG committing adultery with a lower enlisted within his command. He received a reduction to E1 and dishonorable discharge. The 1SG was in a signal unit, approximately 13 years of service, married to another service member with no children.

A lieutenant colonel attended the battalion annual holiday ball, brought his girlfriend with him and introduced her as such, while his wife was deployed to Iraq. A complaint was made, no charges were filed and he made colonel a year later. In the end his wife, another officer filed for divorce, took the children and left the service. The colonel stayed in the service and replaced his girlfriend with a younger model.

As a father I give my 6 year old more leeway in the things that he does than I do my 10 year old. I do this because while my 6 year old is smart he does not yet have the experience as my 10 year old and may not understand. I correct misbehavior, explaining why something is wrong or right, what the repercussions are and what is considered normal behavior. As well I rely on the behavior or punishment of others to help guide my child in the right direction. Simple rules are; you do not hit other children unless provocation occurs, you do no lie, cheat or

steal, you do not disrespect others. Go against the rules and you will be disciplined. Go along with the rules and you are rewarded.

### Conclusion

As Soldiers we are held to a higher standard of moral values and discipline. The application of UCMJ on an equal level is the right thing to do and gives credence to the oath of service taken by all Soldiers when they first enter the military. Equal application of UCMJ