Ethics and the Uniformed Code of Military Justice

“Guilty until Proven Innocent”

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Ethics are principles that we as leaders follow that lead us to do the right thing. Ethics are also a moral philosophy that establishes an enduring standard for right and wrong conduct. The Army values form the standard that judges all actions and decisions. Military leaders accomplish this through the use of the ethical reasoning process. However, doing the right thing is not always easy for some, but to fulfill your duty, maintain your integrity and to uphold the Army values, you must be an ethical leader. It is imperative that you as a leader remain fair and impartial when confronted with an ethical dilemma. Leaders set the example for others to follow. An individual's personal beliefs and values greatly affect how leaders comply with the Army's ethics policies and adhere to qualities required of a professional soldier.

The Uniform Code of Military Justice is the military's criminal code. It was enacted in 1950 and went into effect in 1951. It has been amended with major changes coming in 1968 and 1983. The purpose of the UCMJ is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and strengthen the national security of the United States.

Commanders are entrusted with administering and disposing of minor infractions of the UCMJ via nonjudicial punishment under Article 15 proceedings and Air Force Instruction 51-202. The UCMJ also permits a soldier to refuse to accept an Article 15. The soldier may elect a court martial instead. There are three types of court martial—summary, special, and general.
However, it is imperative that as leaders we must exemplify ethical conduct to be effective and credible in our profession, but living by a code of ethics is not always easy. Many people are tempted to behave unethically because sometimes it is the path of least resistance. The line between what is ethical and what is not becomes cloudier all the time, and leaders must guard against moving away from this line. Leaders are faced with deciding what is true, what is fair and what is the right thing to do.

But does the system always work. Leaders are constantly faced with deciding what the truth is and in some cases understanding that after hearing all the evidence the truth lies somewhere in the middle. Some soldiers have lost their careers because commanders and leaders have failed to apply ethical reasoning and instead punished an innocent soldier. Another example is the military tends to in some cases decide on a soldier’s guilt before the soldier’s case is ever heard. This is probably the biggest difference between the military and civilian legal system. The civilian system states that a person is innocent until proven guilty. The military also mirrors the civilian perspective, but many in the military would agree that a soldier is guilty until proven innocent. No matter how far up the ladder you go, you should never be far from the truth. Ethics are important in all that we do and paramount when deciding one’s fate not just when dealing with minor offenses as well.

SFC Campbell, who had served in the military for 17 years, was a dedicated husband, father and outstanding soldier. He was accused of domestic violence by his spouse. SFC Campbell vehemently denied these allegations, but due to poor ethical decision making no one listened. He was later separated from the military, reduced in rank and given a bad conduct discharge... His wife later came forward and
admitted she had made the incident up to try and conceal an affair she was involved in. SFC Campbell later committed suicide after the loss of his career and children. His punishment is final and we cannot change or reverse the decision. One innocent soldier punished is one soldier to many. A fast way to lower morale in a unit is to punish a soldier who does not deserve it based on poor ethical judgement. SGMs and CSMs must assist Commanders in ensuring that they are fair, honest and impartial when handling all UCMJ issues.

In conclusion the Uniform Code of Military Justice is essential in maintaining good order and discipline and plays a major role in establishing discipline within units. However it is only as good as the leaders that enforce its policies and procedures. Leaders at all levels need to ensure that they apply sound judgment and avoid unethical practices.