

RECORD VERSION

STATEMENT BY

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**SUBCOMMITTEE ON MILITARY PERSONNEL
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON RACIAL DISPARITY IN THE MILITARY JUSTICE SYSTEM – HOW TO FIX THE
CULTURE**

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Madam Chairwoman Speier, Ranking Member Kelly, and members of the committee, thank you for the opportunity to appear before you today. We meet on a topic of vital importance, not just for the Army but for the Nation we serve: Ensuring that every Soldier who has sworn to defend our Constitution is guaranteed its foundational promise: equal justice – for all – under the Law. This has been my charter across my 32 years of service, and it is the commitment of the Army Judge Advocate General's Corps.

As recent events make clear, that promise remains unfulfilled for too many in our nation. On June 14, 2020, our Army celebrated its 245th birthday. Because of the service and sacrifice of many, I believe that, today, our Army represents our country's best ideals more than ever. Yet, I also believe that, like the country we also serve, there is still much more that must be done.

Our hearing today reminds us of the origins of our Uniform Code of Military Justice – it was born out of a concern for fundamental fairness for those suspected or accused of a crime. Our Code's due process guarantees – zealous defense, impartial judges, and robust appellate review – are its cornerstones. Over the years, and thanks to the work of many on this committee, the Code has been reformed and improved while its central purposes have been preserved: promoting justice while ensuring discipline. These are the pillars upon which our combat effectiveness rests, and they are the reasons why our Army is the best in the world.

But as good as our justice system is, we can never take for granted its health and its fairness. It requires constant care – by well-trained law enforcement and by educated commanders, who are advised by qualified, certified attorneys. Working together – along with this committee and the Congress – we have brought our Army and the other Services much closer to the full realization of the principle of equal justice for all.

But close is not good enough. In May 2019, the GAO found racial disparities in our military justice system. While it reached no conclusion on the causes of these disparities, this report raises difficult questions – questions that demand answers.

Sitting here today, we do not have those answers. So our task is to ask the right questions, and find the answers. I am joined by my partner in this effort, the Army's Provost Marshal General, Major General Kevin Vereen. General Vereen supervises our

military police, our criminal investigators, and our criminal laboratory. Based on the GAO's findings, the effort to examine our system is a shared responsibility – with us and in support of commanders. As we assess this issue – from investigations to command decisions to the disposition phase – we must do so with a common framework and the right stakeholders.

That effort must start with seeing ourselves. The Army is implementing the May 2019 GAO recommendations. We are also working with the other Services and DoD to execute Section 540I of the 2020 NDAA. That statute establishes a common construct among the Services and DoD to collect data on the demographics of accused Soldiers and victims and, using that information, to identify, investigate, and resolve a potential disparity in justice. Finally, we continue to improve our internal data sharing. For example, MG Vereen and I recently established a link between his law enforcement database and our military justice database – allowing a degree of interoperability that did not exist before.

These efforts began before the recent tragic events in our country, and the important national conversation that those events started across our Nation and within our formation. As that conversation has demonstrated, data alone cannot tell the full story. We must look beyond the data and ask the difficult questions.

General Vereen and I, along with Army leaders, need to look hard at ourselves. With commanders, we must look at the causes, and we must understand how preconceptions and prejudice can affect both the investigation and disposition of misconduct. While my experience tells me we have an extraordinarily healthy system of justice, I also recognize we simply do not know what we do not know – and it is our job to discover what needs fixing, and to fix it.

Finally, we know that each of us is shaped by our own backgrounds and experiences. As the Secretary, our Chief, and the Sergeant Major recently reminded us, and which I echoed in my own message to my Corps, leaders of all ranks must listen, with compassion and humility.

I believe our justice system is one of the best in the world, but I also know it is not perfect. A justice system must be both just for, and seen to be just by, all. We have much to learn, and more work to do. General Vereen and I, along with the Army

leadership, look forward to working with this Committee to understand the problem, and to address it. Thank you.