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Opening Statement of Liam P. Hardy

Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

Mr. Chairman, Senator Reed, distinguished members of the Committee, thank you for the honor and privilege of appearing before you as a nominee to be a judge on the U.S. Court of Appeals for the Armed Forces.

I would like to thank the President for nominating me for this position. If confirmed and appointed, I will do my very best to vindicate the confidence and the trust that he has placed in me.

I would also like to thank my wife Jennifer, and my three children Grace, Luke, and Sarah, who wish they could be here today. I know that but for their unwavering support and love, I would not be here today.

The Supreme Court described the American military justice system, as it had existed for nearly two centuries from the founding of the nation through World War II, as “a rough form of justice emphasizing summary procedures, speedy convictions and stern penalties.” At that time, the Court believed that military law “emphasize[d] the iron hand of discipline more than it [did] the even scales of justice.”

Finding this situation unacceptable, in the early 1950s, Congress dramatically reformed the military justice system to ensure that the men and women who serve in the armed forces enjoy—to the extent possible given the needs of the military—the same constitutional and legal protections that our service members swear to defend. As part of those reforms, Congress enacted the Uniform Code of Military Justice and established an independent, civilian court—the Court of Military Appeals, now the U.S. Court of Appeals for the Armed Forces. Those actions demonstrated our country’s dedication to protecting the constitutional and due process rights of service members, while also maintaining the disciplined and effective operation of the military.

Today, the success of those reforms is obvious. The Supreme Court recently observed that the Court of Appeals for the Armed Forces functions much like any other American appellate court, reviewing criminal convictions without any suggestion that it is beholden to or under the influence of the military. The Court confirmed that military justice system’s essential character is “judicial.” If confirmed and appointed, I intend to continue that tradition of judicial independence and civilian oversight of the military justice system.

Thank you, Mr. Chairman. I will be happy to answer any questions you may have.