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Expert panel debates military justice reform, as Navy targets SEAL championed by Trump

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Expert panel debates military justice system reform, as Navy targets SEAL championed by Trump

The U.S. Navy's move to potentially punish a decorated Navy SEAL, who was supported by an order from President Trump, is fuelling a new debate over the military justice system's treatment of active-duty service members and veterans.

A senior U.S. defense official told Fox News on Tuesday that the top admiral in the Navy planned to convene a review to determine whether to remove SEAL Chief Eddie Gallagher's Trident pin following the president's order to reverse his conviction and sentence for taking a photo with the corpse of an ISIS fighter.

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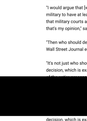
The president also recently granted the release of Army 1st Lt. Clint Lorance from a military prison at Fort Leavenworth, Kan., six years after he was found guilty of second-degree murder, and ordered that murder charges against Maj. Matt Golsteyn, a former Green Beret, be dropped.

On Fox Nation's "Deep Dive," Eric Gang, founding partner at Gang and Associates, a law firm representing disabled veterans, said that Gallagher's case and others like it highlight concerns with the military justice system.

"I think there are bigger implications here that speak to how we address members of the military who get involved in situations during their service," he said. "I can speak to what has happened to, for instance, our Vietnam-era veterans, many of whom were booted out of the service with other than honorable discharges based on conduct that we now know were simply the early signs of PTSD," Gang continued.

"What needs to be done is that the military needs to take a holistic approach towards examining these veterans and their conduct to understand what their state of mind may have been based upon their time, place and circumstances of service," he said.

Fox News contributor and retired Marine Staff Sgt. Johnny "Joey" Jones, who served one deployment in Iraq and another one in Afghanistan, agreed with Gang's assessment of the military justice system.



"I would argue that [we have] military courts because it's important to those that lead the military to have at least a perception of good order and discipline. I would actually argue that military courts are more to propagate that than justice. That's my experience and that's my opinion," said Jones.

"Then who should decide? Who should decide if we don't trust the military court?" pressed Wall Street Journal editorial board member William McGurn.

"It's not just who should decide, but it's everything that should happen up until that decision, which is exactly what Eric is talking about," replied Jones. "He's saying a reform

decision, which is exactly what Eric is talking about," replied Jones. "He's saying a reform of the entire process would come to justice a lot closer than simply saying, 'Go out and kill everyone you see until we don't like it and then we'll put you on trial.' And unfortunately, as simple as that sounds, it's a big part of it."

"None of these three men were convicted of indiscriminately killing an innocent civilian," said Jones of the three cases that Trump intervened in. "That's the gray area I'm talking about. There are sort of a man walks in on someone who has committed some horrible things to his family and that person runs away and he goes and kills them. I think most Americans would say he should be tried at least under different pretense than someone who walks up and kills someone."

"Going back to the Eddie Gallagher case, he wasn't indiscriminately killing anyone," argued Fox Nation's Tomi Lahren, who had previously interviewed Eddie Gallagher's wife and brother and closely followed his case. "He was rendering aid to an ISIS fighter — the man then died and then there was a photo, which admittedly did not look good for Chief Gallagher," she said, referencing the single charge on which a military court convicted Gallagher.

"I think that's what we're seeing now with... the SEALs wanting to pull his Trident, its because it just doesn't look good," Lahren continued, observing "Eddie had served many, many deployments. In fact, I think it was upwards of 12 deployments."

BROTHER OF NAVY SEAL CHIEF BLAST TOP ADMIRAL: 'THIS STAIN IS DEFYING AN ORDER FROM THE PRESIDENT'

Earlier on "Deep Dive," McGurn spoke to Sean Gallagher, brother of Eddie Gallagher, who described the effect of stripping a Navy SEAL's Trident.

"It's both symbolic and it's financial," said Gallagher. "The symbolism is that Eddie earned his anchor, he became a chief petty officer, which is a leadership role in the Navy."

"For his retirement, it's over $200,000 of his pension for him and his family ... over a lifetime," he concluded. "Most people know that when you're in the military, you're doing the most dangerous job in the world and you're getting paid something like $40,000 a year and so his disability and retirement are very important him in his family."

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