

24 September 1948

MEMORANDUM TO MR. LARKIN

Subj: Statistics indicating frequency of departmental action modifying action by convening authority.

- Encl: (A) Summary of actions taken by the Navy Dept. on cases (convened by other than the Secretary of the Navy) on which final action by the Navy Dept. was taken during fiscal year 1948.
- (B) Summary of actions taken by the Navy Dept. on cases (convened by other than the Secretary of the Navy) on which final action by the Navy Dept. was taken during fiscal year 1947.
- (C) Summary of actions taken by the Navy Dept. on cases (convened by other than the Secretary of the Navy) on which final action by the Navy Dept. was taken during fiscal year 1946.

1. These statistics are furnished in response to a query which was presented during our discussions of legal and clemency review by a convening authority.

*J.E.C.*  
J.E.C.  
Colonel, USMC

SUMMARY OF ACTIONS TAKEN BY THE NAVY DEPT. ON CASES (CONVENED BY OTHER THAN THE SECRETARY OF THE NAVY) ON WHICH FINAL ACTION BY THE NAVY DEPT. WAS TAKEN DURING FISCAL YEAR 1948.

	<u>Officers</u>		<u>Enlisted Men</u>		<u>Total</u>
	<u>Navy</u>	<u>Marine Corps</u>	<u>Navy</u>	<u>Marine Corps</u>	
Convictions approved by convening authority:					
Not disturbed by Department . . . . .	45	11	4176	882	5114
Disapproved or set aside:					
in whole . . . . .	1	0	3	2	6
in part . . . . .	8	6	50	18	82
Convictions disapproved or set aside by convening authority not disturbed by Department . . . . .	0	0	8	4	12
Convictions disapproved or set aside in part by convening authority:					
Not disturbed by Department . . . . .	1	1	94	33	129
Disapproved or set aside:					
in whole . . . . .	1	0	0	0	1
in part . . . . .	0	0	2	1	3
Acquittals . . . . .	18	2	148	51	219
Nolle Prossed . . . . .	1	1	13	8	23
Plea in bar sustained . . . . .	0	0	0	0	0
<b>Total . . . . .</b>	<b>75</b>	<b>21</b>	<b>4494</b>	<b>999</b>	<b>5589</b>

ENCLOSURE (A)

SUMMARY OF ACTIONS TAKEN BY THE NAVY DEPT. ON CASES (CONVENED BY OTHER THAN THE SECRETARY OF THE NAVY) ON WHICH FINAL ACTION BY THE NAVY DEPT. WAS TAKEN DURING FISCAL YEAR 1947.

	<u>Officers</u>			<u>Enlisted Men</u>			<u>Total</u>
	Navy	Marine Corps	Coast Guard	Navy	Marine Corps	Coast Guard	
Convictions approved by convening authority:							
Not disturbed by Department.....	96	18	2	6830	837	31	7814
Disapproved or set aside:							
in whole.....	7	2	0	67	30	1	107
in part.....	11	9	2	74	30	0	126
Convictions disapproved or set aside by convening authority not disturbed by Department.....	1	0	0	23	5	0	29
Convictions disapproved or set aside in part by convening authority:							
Not disturbed by Department.....	5	0	0	71	17	0	93
Disapproved or set aside:							
in whole.....	1	0	0	2	1	0	4
in part.....	0	0	0	2	1	0	3
Acquittals.....	39	6	1	302	86	5	439
Nolle prossed.....	1	1	0	17	3	0	22
Plea in bar sustained....	0	0	0	0	0	0	0
<b>Total.....</b>	<b>161</b>	<b>36</b>	<b>5</b>	<b>7388</b>	<b>1010</b>	<b>37</b>	<b>8637</b>

SUMMARY OF ACTIONS TAKEN BY THE NAVY DEPT. ON CASES (CONVENED BY OTHER THAN THE SECRETARY OF THE NAVY) ON WHICH FINAL ACTION BY THE NAVY DEPT. WAS TAKEN DURING FISCAL YEAR 1946.

	<u>Officers</u>			<u>Enlisted Men</u>			<u>Total</u>
	Navy	Marine Corps	Coast Guard	Navy	Marine Corps	Coast Guard	
Acquittals or convictions as approved or disapproved by convening authority not disturbed by Department.	235	53	8	17,181	2043	563	20,083
Convictions approved by convening authority but disapproved or set aside by department.....							
In whole.....	4	2	0	95	22	1	124
In part.....	9	5	0	83	31	1	129
Nolle Prossed.....	0	1	0	13	10	0	24
Plea in bar sustained....	0	0	0	20	1	0	21
<b>Total.....</b>	<b>248</b>	<b>61</b>	<b>8</b>	<b>17,392</b>	<b>2,107</b>	<b>565</b>	<b>20,381</b>

Military Commission Cases (Civilians) Convictions Approved not disturbed by Department..... 2

ENCLOSURE (C)