

11 October 1948

MEMORANDUM TO MR. LARKIN

Subject: Court-martial proceedings: time elapsed for completion.

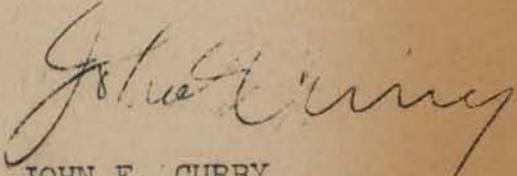
Enclosures: (A) Statistics on number of courts martial and investigations from July 1940 through Sept. 1945.

(B) Excerpt from N.Dept. Bulletin, 30 Apr. 1944: Speedy trial of court-martial cases.

(C) Excerpt from N.Dept. Bulletin, July-Dec. 1945: Monthly reports, completed court-martial cases.

(D) Memo to JAG dtd 29 July 1948, file: BAG:bem: Analysis of 100 GCH records showing average time elapsed during reviews by JAG, BuPers or MarCorps, and Sentence Review and Clemency Board.

1. The enclosures are herewith furnished in accordance with your request of 6 October 1948.


JOHN E. CURRY
Colonel, USMC

GENERAL COURTS MARTIAL*

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
1940	-	-	-	-	-	-	27	29	38	32	64	61	251
1941	71	40	62	66	56	71	59	54	85	97	80	160	901
1942	161	253	300	294	285	343	340	433	422	454	589	388	4262
1943	485	476(11)	448	704(5)	721(5)	344(15)	558(15)	652(16)	968(13)	1465(19)	842(13)	725(19)	8388
1944	1000(10)	937(33)	1128(30)	1339(17)	1328(44)	1458(39)	1749(40)	1887(39)	2165(44)	2484(39)	1754(31)	2333(37)	19562
1945	<u>2398(40)</u>	<u>2337(43)</u>	<u>2679(41)</u>	<u>2757(32)</u>	<u>2878(38)</u>	<u>2440(33)</u>	<u>2054(45)</u>	<u>2207(22)</u>	<u>1750(32)</u>				<u>21500</u>
Total	4115	4043	4617	5160	5268	4656	4787	5262	5428	4532	3329	3667	53114

* Parentheses shows officers' cases which are included in total.

SUMMARY COURTS MARTIAL

1940	-	-	-	-	-	-	334	537	558	741	747	889	3836
1941	627	914	732	906	870	1115	1199	1390	1273	1586	1812	1365	13789
1942	1520	1205	1374	2060	1972	1784	1723	2613	2499	2943	2380	3650	25723
1943	4341	4663	4864	4936	4114	7452	5652	7241	6651	6607	6976	6029	69526
1944	6506	7249	8950	7154	9447	8768	6537	8644	7091	8312	7526	7516	93700
1945	<u>7490</u>	<u>9950</u>	<u>8426</u>	<u>7067</u>	<u>7734</u>	<u>6943</u>	<u>6964</u>	<u>8525</u>	<u>7238</u>				<u>70337</u>
Total	20484	23981	24346	22123	24137	26062	22409	28950	25340	20189	19441	19449	276911

DECK COURTS

1940	-	-	-	-	-	-	224	355	418	549	509	640	2695
1941	412	678	574	764	640	1075	978	1015	1199	1133	949	997	10414
1942	1057	1280	1233	2165	2115	2599	1980	3478	3226	3214	3419	4181	29947
1943	4906	4597	5830	4937	6548	6981	6654	5195	7609	6534	8845	6793	75429
1944	8616	8774	9044	8692	8443	8923	8360	10933	8660	11561	11974	9762	113742
1945	<u>12123</u>	<u>11220</u>	<u>10799</u>	<u>9134</u>	<u>9953</u>	<u>8997</u>	<u>10401</u>	<u>8859</u>	<u>9485</u>				<u>90971</u>
Total	27114	26549	27480	25692	27699	28575	28597	29835	30597	22991	25696	22373	323198

INVESTIGATIONS *

1940	-	-	-	-	-	-	46	34	22	35	33	27	197
1941	46	55	51	49	43	41	37	90	82	52	79	76	701
1942	89	74	82	93	122	119	119	100	115	124	127(37)	160(37)	1324
1943	143(42)	176(24)	208(67)	122(33)	203(52)	246(61)	159(40)	359(90)	472(116)	200(55)	382(76)	435(206)	3105
1944	175(23)	423(112)	329(47)	502(125)	662(230)	618(150)	599(201)	602(210)	584(176)	572(141)	517(212)	398(159)	5981
1945	<u>570(161)</u>	<u>619(243)</u>	<u>536(204)</u>	<u>549(188)</u>	<u>531(201)</u>	<u>485(182)</u>	<u>475(158)</u>	<u>660(185)</u>	<u>540(171)</u>				<u>4965</u>
Total	1023	1347	1206	1315	1561	1509	1435	1845	1815	983	1138	1096	16273

* Parentheses shows classified cases which are included in total.

NAVY DEPT. BULLETIN
30 April 1944

6 (8)

44-473-Speedy Trial of Court-Martial Cases

JAG:SA:MGE, 24 April 1944

ACTION: ALL SHIPS AND STATIONS

1. A recent survey shows that on the over-all average, court-martial proceedings are not being completed with dispatch. Many individuals act promptly on the requisite steps in the proceedings, but the over-all time consumed in disposing of the cases must be substantially reduced. The present delays result in unnecessary loss of a tremendous number of man-days at a time when the war effort requires the full use of the services of all naval personnel. This delay not only adversely affects the Navy but also is detrimental to morale.
2. The survey further shows that the great majority of all court-martial cases are for unauthorized absence--AOL, AWOL, and breaking arrest (but excluding desertion)--and that the accused pleads "guilty." Such cases cause no difficulty of proof.
3. Commencing 1 May 1944, in cases of unauthorized absence and where the accused pleads "guilty", the total time elapsing between the return of accused to naval jurisdiction and the publication of his sentence should not exceed 10 days in summary court-martial cases, and 5 days in deck-court cases. In general court-martial cases, SecNav ltr. JAG:I:LHCJ:mhw, dated 25 February 1944, to convening authorities, general courts martial, within continental limits of the United States, will govern (that is, within continental United States the time elapsing should not exceed 20 days).
4. (a) In certain cases, extraordinary circumstances, such as non-availability of service records, may not permit publication within the time indicated. In each such case the convening authority (except those on sea duty) will append to his final action a summary of the reasons therefor. It is not the intention that any man be tried by court martial which is not empowered to award a sentence adequate for the seriousness of the offense, merely to meet the requirements of the above schedule.
(b) No such summary of reasons need be submitted by any convening authority on sea duty; however, where the exigencies of the situation permit, convening authority on sea duty will adhere to the elapsed times indicated in paragraph 3 for each respective type of court.
5. Where an accused is returned to his former ship or station for disciplinary action, he should be en route within 3 days.

SecNav JAMES FORRESTAL.

6 (9)

NAVY DEPT. BULLETIN
JULY-DECEMBER 1945

45-1715-Monthly Reports, Completed Court-Martial Cases

JAG:I:JS:lja, 13 November 1945

ACTION: ALL SHIPS AND STATIONS

(Ref.: (a) ActSecNav ltr. JAG:I:LHCJ:mhw, of 25 Feb. 1944.
(b) SecNav ltr. JAG:I:HAS:lja, of 25 Oct. 1944.)

1. As the result of efforts made to reduce the time consumed in processing courts martial, the average number of days required for a general court martial was cut from 62.3 days (February 1944) to 31.1 days (August 1945). The time for summary courts martial has been reduced from 19.1 days (May 1944) to 12.1 days (August 1945). These reductions saved to the service many thousands of man-days. The wholehearted efforts of convening authorities, members, judge advocates, and recorders of courts martial, as well as of others who have had a part in obtaining these splendid results, are greatly appreciated.

2. It is now felt that the need no longer exists for the reports required by references (a) and (b), which are hereby canceled. However, the fact that a speedy trial continues to be an essential of naval justice should not in any way be overlooked. All convening authorities are directed to keep in effect such procedures as will insure maintaining the above averages established under war conditions. Docket forms heretofore provided will continue to be used so that time consumed for various processing steps as well as the over-all time can readily be obtained for any future survey that may be made.

SecNav. ARTEMUS L. GATES.

C O P Y

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MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL:

Subj: Analysis of 100 GCM records showing average time elapsed during reviews by JAG, BuPers or MarCorps, and Sentence Review and Clemency Board.

Ref: (a) Memo. Div. I to JAG, dated 21 July 1948.

Encl: (A) Five (5) work sheets showing data on each of 100 cases considered.

1. In accordance with reference (a), 100 GCM records were selected at random to provide the data recorded on the appended work sheets. The records used were chosen on the basis of the following ratios:

- (a) 80 Navy straight legal
10 Navy opinion
- (b) 9 Marine straight legal
1 Marine opinion

2. The following table is a summary of the data on the work sheets. Each figure represents the average number of days the records, according to type, were in the hands of the 3 reviewing offices. The line headed "TOTAL" indicates the average elapsed time from the dates of receipt of the records by JAG to the dates of their return to JAG. These figures, therefore, include days required for the forwarding of the records from one reviewing office to the next.

3.	<u>USN - ST/L</u>	<u>USN - OP</u>	<u>USMC - ST/L</u>	<u>USMC - OP</u>
JAG	1.5	19.9	1.3	7.0
BUPERS	29.1	27.1	14.2	16.0
SR & CB	32.5	32.5	35.4	45.0
TOTAL	70.4	92.5	59.9	72.0

4. In order to cover a period wherein cases have been returned to finished file, thus providing the required information, cases received during February, March and April, 1948 were analyzed. In general, every fifteenth case was selected. This rule was varied sufficiently to include a proper proportion of opinion cases.

Respectfully,

S. B. D. WOOD