Col. Decker

Annual Report
of the
UNITED STATES COURT OF MILITARY APPEALS

and
THE JUDGE ADVOCATES GENERAL
of the
ARMED FORCES

PURSUANT TO THE UNIFORM CODE OF MILITARY JUSTICE

For the Period
May 31, 1951 to May 31, 1952

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Annual Report

SUBMITTED TO THE

COMMITTEES ON ARMED SERVICES

of the

SENATE AND OF THE HOUSE OF REPRESENTATIVES

and to the

SECRETARY OF DEFENSE

and the

SECRETARIES OF THE DEPARTMENTS OF THE ARMY, NAVY, AIR FORCE AND TREASURY

PURSUANT TO THE UNIFORM CODE OF MILITARY JUSTICE

For the Period

May 31, 1951 to May 31, 1952

UNITED STATES
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INTRODUCTION

Article 67(g), Uniform Code of Military Justice, 50 U. S. C. §§ 551–736, provides that the Judges of the United States Court of Military Appeals and The Judge Advocates General of the Armed Forces, hereinafter referred to as the Code Committee, shall meet annually for the purpose of making a survey of the operation of the Code and furnishing a report to the Armed Services Committees of the Senate and the House of Representatives and to the Secretary of Defense and the Secretaries of the Departments, concerning the number and status of pending cases and for the purpose of submitting such recommendations as the Court and the Judge Advocates General deem appropriate.

Pursuant to this directive, the Judges of the Court and the several Judge Advocates General have met from time to time throughout the year, initiated surveys of the operation of the Code, discussed problems common to the Court and to the Services, considered suggested improvements to the Code, and herewith submit their first Annual Report.

An Interim Report was filed by the Judges of the United States Court of Military Appeals for the period May 31, 1951, to March 1, 1952, in which the operations of the Court for that period were fully outlined. In addition, reference was made to certain problems presented relative to the administration of military justice and the action taken to resolve these issues. Portions of that report are necessarily included herein.

For the purposes of clarity this report is divided into sections, the first of which deals with the matters considered important to the operation of the Code and the conclusions and recommendations concerning them. The remaining sections contain the statistical reports of the number and status of pending cases of the Court and the several services. These latter sections also contain references to some of the problems peculiar to the Court and the particular services, information as to the methods being used by the Court and the services to familiarize service personnel and the public with the Code and examples of the implementation and administration of the Code designed to carry out the intent of the Congress.

Joint Report

of the

UNITED STATES COURT OF MILITARY APPEALS

and

THE JUDGE ADVOCATES GENERAL OF THE ARMED FORCES

May 31, 1951 to May 31, 1952

JOINT REPORT

Many important questions and controversial matters concerning the administration of military justice are the heritage of the Code Committee. Others have been suggested by the members of the Court, The Judge Advocates General, and interested civilian agencies. The members of the Code Committee are aware that the following are some of the important matters which have been advanced as suggested improvements to the present military code: A procedure for appropriate appellate review in the event of the increased work load which would result from a war or national emergency; the creation of a separate Judge Advocate General's Corps for the Navy and Air Force or the abolition of the separate promotion list of the Judge Advocate General's Corps of the Army and restoration of Army judge advocates to their proper positions on the Army promotion list; an appropriate non-command channel for processing efficiency or effectiveness reports; the convening of courts by others than commanding officers; a further limitation on command control over the administration of military justice; a return to the prior law member procedure; a limitation on the jurisdiction of special courts-martial to adjudge punitive discharges; a provision for the Court to review questions of fact; an authorization for the Court to reduce sentences when they are considered excessive as a matter of fact or when a part of the findings only are affirmed; revision of service personnel regulations; and, the elimination of time-consuming and costly procedures which are not material to the substantial rights of an accused person.

It is well known to those familiar with the history of military justice that the items above enumerated have, for the most part, been the subject of intense controversy for many years. With but few exceptions all were argued before Congressional Committees during the consideration of the present Uniform Code of Military Justice. Those which are outlined and presented to the Congress were not adopted. Undoubtedly, action on some of them was reserved to await a recommendation by this Committee. Some of the members of this Committee testified during the Congressional hearings and have opinions as to the merits of suggested changes. However, the difficulty presently encountered is that the Judges of the Court do not have sufficient facts to sustain well considered recommendations. This lack of information springs principally from the short period of the Court's operation and its volume of work. The former has not furnished an

adequate basis for a comparison of the merits and demerits of most items and the latter has prevented the Judges from making any independent investigations in the field. The members of the Court, therefore, believe that before premature suggestions are made regarding it, the present Act should be given an adequate period of time to have its strength established or its weaknesses displayed and time also to permit all parties to observe its adequacy at the court-martial level. In this connection the Congress is advised that only one deficiency of sufficient immediate concern to justify early consideration has become apparent from the cases reaching the Court, and that particular deficiency is the subject of a specific recommendation. The services have encountered some other difficulties in readjusting their procedures to comply with the Code, but many of the problems are being corrected by the decisions of the Court, The Judge Advocates General, and the boards of review. More readjustments should be accomplished in the future and the corrective measures taken might be sufficient to avoid the necessity of legislation by the Congress.

For the foregoing reasons we now make only three recommendations: (1) that legislation be enacted prohibiting special courts-martial from adjudging bad conduct discharges; (2) that Congress take no legislative action on the other items herein enumerated at this time; and (3) that this Committee be authorized to file its annual report at the close of each calendar year.

In support of the first recommendation we offer the following reasons. Experience has shown that the exercise of the power to adjudge punitive discharges by special courts has impaired the efficient administration of military justice. This impairment falls into two main categories, namely; considerable expense to the United States not commensurate with the results obtained, and inadequate protection of the rights of both the United States and the accused at the trial level. Specific impediments to proper administration are: (1) Unavailability of and lack of requirement for legally trained personnel as court members or counsel. The absence of legally trained personnel from the trial of cases results in a high percentage of records replete with error requiring reversals, rehearings, proceedings in revision and other corrective action. The trial standards which should be required before a punitive discharge penalty is assessed cannot be reached in the absence of attorneys and counsellors at law. (2) The paucity of court reporters, particularly in oversea commands. This results in expensive time lags in the processing of cases. (3) Before special court-martial sentences involving bad conduct discharges may be carried into execution the same appellate procedures required for general court-martial cases must be accomplished and in addition the action of another headquarters is involved. Since

the maximum time of confinement which may be imposed by a special court-martial is 6 months and the actual time served under such a sentence, with time off for good behavior, is approximately 5 months, many accused have served their time and have been released from confinement before appellate review is complete. Thus, many men under sentence of a punitive discharge are on a quasi-duty status; a situation which results in tremendous housekeeping and pay problems.

Article 67(g) of the Code which requires the Judge Advocates General of the Services and the members of the Court to meet annually does not fix a date for the submission of the report. To comply with the original requirement this report is submitted as of the close of business on May 31, 1952. This annual date seems to be inappropriate with the terms of Congress since the reports all will be submitted during recess periods. It is believed by members of the Code Committee that the reports would be of more value to the Congress if they were submitted so as to reach the Armed Services Committee early in each session. For this reason, it is believed that this Committee should be authorized to submit its report as of December 31 of future calendar years.

The Judges of the Court and The Judge Advocates General of the Army and Air Force are in agreement on all three of the recommendations. However, the Department of the Navy and the Treasury Department disagree with the first recommendation since those authorities believe that special courts-martial with punitive discharge powers are necessary to the seagoing services.

Respectfully submitted.

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.
E. M. BRANNON,
The Judge Advocate General,
United States Army.
GEORGE L. RUSSELL,
The Judge Advocate General,
United States Navy.
REGINALD C. HARMON,
The Judge Advocate General,
United States Air Force.
THOMAS J. LYNCH,
General Counsel, United
States Treasury Department.

Report

of the

UNITED STATES COURT OF MILITARY APPEALS

May 31, 1951 to May 31, 1952

UNITED STATES COURT OF MILITARY APPEALS

In view of the fact that the Court submitted an Interim Report for a part of the reporting period it is believed desirable to incorporate it, by reference, rather than to restate all of the information set forth therein. Accordingly, only so much of that report as is necessary to inform Congress fully on the subsequent activities, progress, and accomplishments of the Court is mentioned.

As previously reported to Congress, the Judges were confirmed by the Senate on June 19, 1951. Immediately thereafter rules were established, personnel employed, temporary quarters obtained, and the processing of cases started. Details concerning these activities are mentioned in detail in the Interim Report. Since the date of that report, the monthly number of petitions and certificates has become larger and, while the month of June is not included in this report, the case load for that month reached 178 and information received from the services indicates the probability of an increasing monthly work load.

Article 67 of the Uniform Code of Military Justice provides for certain mandatory appeals and these records must be reviewed, arguments heard, and decisions rendered thereon. The article, however, permits the Court to exercise its discretion in granting petitions submitted by the accused. The Court has disposed of a large percentage of these cases by denying the petitions because good cause for review has not been shown. This is a final decision, so far as the accused is concerned, and so the Judges must review with care the record received in every case. This requires that the Court use good cause and material prejudice as the principal standards of review.

Because of the volume of work there may be certain cases which involve some errors of law which are not considered sufficiently prejudicial or of sufficient importance to justify a hearing and written decision. In order to consider properly the cases involving substantial prejudice and important principles of law, the Court must exercise some degree of selectivity. The Court has, of course, established the policy of resolving all doubts concerning the merits of a given petition for review in favor of the accused. It is believed that these policies have ensured review of every deserving appeal, while not burdening the Court with an excessive number of cases containing no substantial error which if made the subject of an opinion would neither benefit the accused nor add to a proper delineation of concepts of military criminal law.

As is indicated in the schedule of cases hereinafter set forth, the Court has reviewed the record and completed action on 559 cases; 22 more records have been reviewed and the petitions for review granted; 89 opinions have been written; and 48 more are in the process of being finished. Many of these will be completed within a short time after the reporting period. In this connection, we respectfully call attention to the fact that while the report covers a full year's period of processing cases, only a 10 months period should be considered, as the first two months were largely the change-over period from the old code to the new, and but few cases reached the Court. Furthermore, the early part of the reporting year was largely a formative period for the Court.

One obstacle to the proper functioning of the Court, which was mentioned in the previous report and which has not yet been hurdled, is the lack of adequate office space and quartering facilities. Because members of the Court and its staff are required to work under crowded office conditions and because the courtroom of the United States Court of Customs and Patent Appeals is only available on a part-time basis, the arguments on and final disposition of some cases has been slightly delayed. The difficulties will be increased during the latter part of this year unless the courthouse of the United States Court of Appeals for the District of Columbia, which has been assigned to the Court, is made available prior to the fall term. Present plans call for a move by September 15, 1952, but it is hoped that this time can be moved forward. Every effort is being exerted by personnel of the Court to expedite the move.

The Congress has, by Article 67 (c) of the Code, required that this Court act upon a petition within 30 days after receipt thereof. Up to the present time, the Court has been able to meet this requirement but not without difficulty. In order to do so under the present adverse working conditions, the Court and its staff have been carrying a very heavy burden.

The opinions so far rendered by the Court have decided some of the problems plaguing the Services and a framework of military law is being erected. Distribution of the Court's opinions has been worldwide and every reasonable effort is being made to channel these in both military and civilian circles. Arrangements have been made to publish the opinions in permanent volumes so they will be available to all.

The bar of the Court now consists of 619 members. Of this number 428 are associated with the military and the remaining 191 are civilians. Civilian participation is on the increase. The Judges of the Court have been active in helping the personnel of the services and interested civilians to become familiar with the benefits of the new Code. They have responded to requests to become instructors and

lecturers and have appeared and lectured before the Judge Advocates General's Schools of the services; before the Armed Forces Staff College; before Reserve officers and Reserve officers' associations; before university law school student bodies; and before the larger bar associations. It is believed this particular work has materially assisted in bringing about a better understanding of the many benefits granted by Congress to service personnel. In addition, it has been of value in improving military trial and appellate practice.

The Court is genuinely concerned about the merits of most of the suggested improvements in the Code. In order to make a study of each as far reaching as practicable, a Committee of members of the bar representing the services and the public is being appointed to assist the Court in arriving at appropriate recommendations.

Printed copies of opinions of the Court rendered prior to March 1, 1952, have already been furnished members of the Armed Forces Committees of the Senate and the House of Representatives and to the respective secretaries of the several Departments. Copies of those released subsequent to that time and up to and including the date of the reporting period are forwarded herewith. A perusal of these will inform the Members of Congress of the many legal propositions presented to the Court and the manner in which the issues have been decided.

From the experience gained during the first year's work the members of the Court are convinced that when Congress enacted the Uniform Code of Military Justice it passed legislation which definitely benefited the cause of the serviceman. While giving adequate consideration to the practical military conditions under which the Code must be administered, it is believed that our administration has been in keeping with the expectations of those who championed the cause.

The following statistics reflect the number, status, and disposition of cases processed during the year:

CASES DOCKETED ..... 814[1]

Total by months

1951—August	44
September	41
October	100
November	77
December	59
1952—January	96
February	67
March	109
April	95
May	126
	814

[1] Docket Nos. 372 and 456 include Petition and Certificate. Docket No. 261 certified twice.

Total by services

Article 67(b)(3)

Petitions		755
Army	570	
Navy	103	
Air Force	76	
Coast Guard	6	

Article 67 (b) (2)

Certificates		57
Army	15	
Navy	36	
Air Force	4	
Coast Guard	2	

Article 67 (b) (1)

Mandatory		5
Army	5	
Navy	0	
Air Force	0	
Coast Guard	0	

Court Action

Petitions		755
Granted	113	
Denied	462	
Dismissed	1	
Withdrawn	7	
Disposed on motion	5	
Court action due (30 days)	135	
Awaiting briefs	32	
Certificates		57
Heard	39	
Set for hearing	0	
Awaiting briefs	18	
Mandatory		5
Heard	2	
Set for hearing	0	
Awaiting briefs	3	

Opinions rendered		89
Petitions	48	
Motions	4	
Per curiam grants	9	
Per curiam denials	1	
Certificates	27	
Completed actions		559
Denied	462	
Withdrawn	7	
Dismissed	1	
By opinion	89	
Pending completion		258
Opinions pending	48	
Petitions granted—awaiting briefs	22	
Petitions—court action due (30 days)	135	
Petitions—awaiting briefs	32	
Certificates—awaiting briefs	18	
Mandatory—awaiting briefs	3	

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

Report

of

THE JUDGE ADVOCATE GENERAL

of

THE ARMY

May 31, 1951 to May 31, 1952

DEPARTMENT OF THE ARMY

1. *a.* Before the Uniform Code of Military Justice was enacted into law the Department of the Army was already formulating plans for the drafting and publication of a new Manual for Courts-Martial implementing the Code. The Code having become law, the Army was assigned the main responsibility for the drafting of the Manual in conjunction with representatives from the other services. This responsibility also extended to the conference of senior judge advocates who were briefed on the new Manual prior to its actual publication in order that they could, in turn, brief the necessary personnel of all units of all the services. In addition to this briefing, courses of instruction on military justice matters for every member of the Army were ordered by the Secretary in Department of the Army Training Circular No. 12, 16 April 1951. The effect of this directive has been that every member of the Army, officer and enlisted, has received training under the Uniform Code during the year covered by the report. More intensive training of lawyers has been conducted at the Judge Advocate General's School in which a basic course is afforded qualified Army personnel. The school also conducts intensive correspondence courses and produces and distributes a weekly publication dealing with current cases of the boards of review and the Court of Military Appeals and problems of military justice. Additional training in the form of lectures, conferences, and courses in military justice has been afforded Army personnel on active duty as well as personnel of reserve groups by the Office of The Judge Advocate General and by judge advocates in the field.

b. During the period reported upon The Judge Advocate General and the senior members of his staff have visited every major Army command in the world. These inspections and other visits have been of mutual aid to the field commanders and to the Office of The Judge Advocate General in the administration of justice under the Code. Publication of additional legal materials has been made and distribution of all items to the field has been materially expedited. The field libraries have been expanded by volumes prepared in the Office of The Judge Advocate General such as Memorandum Opinions of The Judge Advocate General, which deal with opinions rendered on petitions for new trial, and Military Jurisprudence, which contains cases of civilian tribunals deciding matters not only pertaining to military justice but also to the broad subject of military law.

Drafts of manuals for the use of trial and defense counsel and law officers have been prepared and are now in the pre-publication stage. The law officer manual includes a chapter on the subject of instructions which has been probably the chief problem in the proper trial of court-martial cases under the code. With the cooperation of the Court of Military Appeals and the Judge Advocates General of the other services the Court-Martial Reporter system was inaugurated and the first bound volume of Court-Martial Reports has been distributed. In addition, advance reports of the Court and selected decisions of the boards of review are distributed world-wide within a few days after publication.

c. Observations of the impact of the Code on the Army made during the first year of operation reveal that the chief impact of the law has been on the requirement for an increased number of trained personnel and the prohibition against ordering sentences into execution prior to the expiration of certain statutory time periods.

Relative to personnel the requirements for three lawyer officers on every general court-martial has made it necessary to increase materially the staff of every Army unit judge advocate. This has been made possible by a space increase in the Judge Advocate General's Corps. However, the mounting case load indicates that further space increase will be necessary. Such a further increase, in addition to augmenting the legal requirement for lawyers, might well also decrease the disparity in the ranks held by officers of the Judge Advocate General's Corps and the officers of the Army promotion list. At the present time there are approximately 1,200 officers in the Judge Advocate General's Corps. Of this number about 750 devote their full time to the administration of military justice.

Another personnel problem has arisen in a shortage of court reporters. This shortage is acute in oversea commands where civilian reporters are not available. Since 1949, when authorization for extra pay to enlisted persons serving as court reporters was withdrawn, it has become increasingly difficult to obtain Army personnel who are qualified reporters.

Concerning the time involved in ordering sentences into execution, the Army has maintained complete statistics on the time involved in each step of a court-martial case from the trial to final action (order of execution) and file. A brief general summary of these figures is considered pertinent for reporting purposes.

Total average time elapsed from trial to final orders:	*Days*
a. Cases in which counsel was not required, before the board of review	126
b. Cases in which counsel appeared before the board of review but no petition was filed in the Court of Military Appeals	144

	Days
c. Cases in which counsel appeared before the board of review and the petition to the Court of Military Appeals was denied	228
d. Cases in which counsel appeared before the board of review and the Court of Military Appeals in which a petition was granted and opinion rendered	345

2. The number of records received in the Office of The Judge Advocate General during the period May 31, 1951, through May 30, 1952, and comparative figures (board of review cases) for 1950 and 1949 follows:

	1951–52	*1950–51*	*1949–50*
Total	7,261	4,818	6,249

In addition, there have been 1,831 cases processed pursuant to Article 69, Uniform Code of Military Justice, by The Judge Advocate General's Office, during the period May 31, 1951, through May 30, 1952.

3. The following chart shows the status at the close of the period of the 7,261 cases received for review by a board of review:

a. Pending before the Boards of Review		407
b. Completed by Boards of Review, awaiting action and dispatch by TJAG		175
c. Decisions of the Boards of Review dispatched		6,679
Awaiting election of accused as to petition of USCMA	1,956	
Pending before USCMA	209	
Decided by USCMA awaiting supplementary orders	77	
Closed (final orders examined and approved)	4,437	
Total		7,261

4. During the period involved, 595 cases were forwarded to the United States Court of Military Appeals:

a. By petition of accused			575
(Filed	570)		
(In transit	5)		
Decision rendered		38	
No decision rendered on petition		141	
Petition denied		348	
Petition granted, decision on merits pending		48	
b. Ordered forwarded by TJAG			15
Decision rendered		0	
Decision pending		15	
c. Mandatory review			5
Decision rendered		0	
Decision pending		5	
Total			595

5. The 7,261 cases shown in paragraph 1 involved a total of 7,644 accused. Of the accused whose cases were reviewed by a board of review 68.5 percent requested representation by appellate defense counsel. From the experience gained it is a fair assumption that the

percentage shown will increase. In every case appealed to the United States Court of Military Appeals The Judge Advocate General is required to furnish counsel for the accused and the government.

6. Of the cases decided by boards of review 12.6 percent were forwarded to the United States Court of Military Appeals pursuant to the three subdivisions of Article 67 (b), Uniform Code of Military Justice.

E. M. Brannon,
The Judge Advocate General of the Army.

Report

of

THE JUDGE ADVOCATE GENERAL

of

THE NAVY

May 31, 1951 to May 31, 1952

DEPARTMENT OF THE NAVY

1. For the purpose of indoctrinating and training its members in the provisions of the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, 1951, the Navy has taken the following actions during the period from April 1951 to May 31, 1952:

a. In April 1951, The Judge Advocate General of the Navy in conjunction with the Army and Air Force, assembled legal officers from every command in the Naval Establishment to participate in a 6-day seminar conducted in Washington, D. C., by the writers of the Manual.

b. Prior to the effective date of the Code and during the period from April 1951 until May 31, 1951, The Judge Advocate General of the Navy provided teams of law specialists to conduct seminars on the provisions of the Code and of the Manual for the benefit of the entire Naval Establishment. These teams conducted 3-day seminars at central points throughout the world. They were attended by officers and enlisted persons from the surrounding areas including personnel from the operating fleet. It is estimated that 25,000 persons ranging from flag and general officers to enlisted petty officers participated in these seminars. In turn, many officers participating in these seminars conducted similar training periods in their own commands.

c. During the period from June 1, 1951, until May 31, 1952, The Judge Advocate General conducted inspections in supervision of the administration of military justice in naval commands throughout the world in accordance with the provisions of Article 6 (a), Uniform Code of Military Justice. These inspections extended from Korea to French Morocco. During these inspections, additional training and instruction in the requirements of the Code and of the Manual were given with particular attention to those persons specifically charged with the administration of military justice.

d. During the period from May 31, 1951, to May 31, 1952, the U. S. Naval School (Naval Justice), U. S. Naval Base, Newport, Rhode Island, graduated 1,300 officers and 587 enlisted persons from its 7-week intensive course on the provisions of the Code and of the Manual.

e. "The JAG Journal" is published monthly by The Judge Advocate General to promote legal forehandedness among naval personnel charged with the administration of military law. The Journal is a medium of instruction and review for naval personnel in the basic laws governing Navy life and of the rights and obligations of naval personnel. It is distributed throughout the Navy. During the period

from May 31, 1951, to May 31, 1952, thirty-eight articles directly related to the Code were published in the Journal and one issue was devoted entirely to a discussion of the lesser courts-martial with which the greatest number of naval personnel is involved administratively. The Journal has also been used repeatedly as a medium for expeditious Navy-wide dissemination of particularly important decisions of the United States Court of Military Appeals.

f. In July of 1951, The Judge Advocate General provided a law officer to lecture on the Code and the Manual at the annual seminar conducted at Northwestern University, Chicago, Illinois, for the professors of Naval Science. Those professors, in turn, conducted (and will conduct) courses in military law for the students enrolled in Naval Reserve Officers Training at the colleges and universities throughout the United States. Another officer will be so provided at the seminar this July. In this same connection the Office of The Judge Advocate General prepared a series of twelve lectures to be used by the professors of Naval Science in teaching those courses. Those lectures are also used in connection with teaching military law at the United States Naval Academy, all Officer Candidate Schools in the Navy, the members of the Naval and Coast Guard Reserve units and the Merchant Marine Academies.

g. The Office of The Judge Advocate General prepared a pamphlet setting forth the explanation of certain articles of the Code which Article 137 thereof requires must be given to enlisted persons on entering active duty, upon completion of 6 months' active duty and at the time of their reenlistment. This pamphlet has been distributed to every command in the Navy. In addition, a motion picture presenting this same material is now being produced by the Navy Department for use throughout the Navy.

h. A single-assignment correspondence course on the Uniform Code of Military Justice was prepared and distributed by the Bureau of Naval Personnel. During the period from May 31, 1951, to May 31, 1952, a total of 60,000 officers and enlisted persons in the Navy completed this course. Nine thousand persons are presently enrolled therein and 3,000 applications for enrollment in the course are received monthly.

i. During the period here discussed, the Bureau of Naval Personnel has drafted a definitive twelve-assignment correspondence course on the provisions of the Code and of the Manual which has been edited by the Office of The Judge Advocate General. Enrollment in this course is expected to commence in July.

j. The Navy Department has produced a series of five motion pictures depicting the administration of military justice from the commission of an offense through appellate review by the United States

Court of Military Appeals. These pictures were produced under the technical direction of the Commanding Officer of the School of Naval Justice and with the technical advice of a law officer from the Office of The Judge Advocate General. The series will be available for training purposes throughout the Naval Establishment by September.

2. The number of records received in the Office of The Judge Advocate General during the period May 31, 1951, through May 30, 1952, and comparative figures (board of review cases) for 1950 and 1949 follows:

	1951–52		*1950–51*		*1949–50*	
Total:	GCM	1,956	GCM	1,993	GCM	3,964
	SpCM	2,406	SCM(BCD)	4,468	SCM(BCD)	4,858
	SCM(BCD)	285				

In addition, there have been 530 cases processed pursuant to Article 69, Uniform Code of Military Justice, by The Judge Advocate General's Office, of which 14 cases were subsequently referred to a board of review.

3. The following chart shows the status at the close of the period of the 4,661 cases received for review by a board of review:

a. Pending before the Boards of Review		356
b. Completed by Boards of Review, awaiting action and dispatch by JAG		450
c. Decisions of the Boards of Review dispatched		3,855
Awaiting election of accused as to petition to USCMA	801	
Pending before USCMA	79	
Decided by USCMA, awaiting supplementary orders	5	
Closed (final orders examined and approved)	2,970	
Total		4,661

4. During the period, 139 cases were forwarded to the United States Court of Military Appeals:

a. By petition of accused		103
Decisions rendered	8	
No decision rendered on petition	33	
Petitions denied	50	
Petitions dismissed	8	
Petitions granted, decision on merits pending	4	
b. Ordered forwarded by JAG		36
Decisions rendered	23	
Decisions pending	13	
c. Mandatory review (death sentence—general or flag officer)		0
Total		139

5. The 4,661 board of review cases shown in paragraph 1 involved a total of 4,722 accused. Of the accused whose cases were reviewed by a board of review 15.8 percent requested representation by appellate

defense counsel. From the experience gained it is a fair assumption that the percentage shown will increase. In every case appealed to the United States Court of Military Appeals The Judge Advocate General has been required to furnish counsel for the accused and the government.

6. Of the cases decided by boards of review 3.23 percent were forwarded to the United States Court of Military Appeals pursuant to the three subdivisions of Article 67 (b), Uniform Code of Military Justice.

GEORGE L. RUSSELL,
The Judge Advocate General of the Navy.

Report

of

THE JUDGE ADVOCATE GENERAL

of

THE AIR FORCE

May 31, 1951 to May 31, 1952

DEPARTMENT OF THE AIR FORCE

1. *a.* Prior to the effective date of the Uniform Code of Military Justice, The Judge Advocates General of the several services and their representatives drafted the Manual for Courts-Martial, United States, 1951, thereafter promulgated by the President, and convened a conference of judge advocates from stations throughout the world for indoctrination and instruction in the new Code and Manual. After the close of this meeting, judge advocates representing every Air Force general court-martial jurisdiction met with The Judge Advocate General of the Air Force for two additional days at Bolling Air Force Base in further educational conferences and seminars. These representatives returned to their commands in time to give professional guidance and instruction in the operation of the new Code and Manual to those judge advocates not able to attend the conferences, and to institute indoctrination training for all Air Force personnel before May 31, 1951. During the year, the educational program thus begun has been continued and augmented in order that all members of the Air Force receive instructions in the Uniform Code of Military Justice and its operation. This training included the intensive professional instruction of qualified attorneys recently entering the military service at The Judge Advocate General's School, Air University, where approximately one-half the curriculum is devoted to the Uniform Code of Military Justice; group training in reserve units of judge advocates not on active duty; and indoctrination and correspondence courses available to all members of the Air Force, both on active duty and in Reserve components. Constant effort is being exerted by appellate defense counsel appointed by The Judge Advocate General, defense counsel in the field, and by all interested agencies to advise the accused of his right of representation by legal counsel before the boards of review and the United States Court of Military Appeals and to render the utmost assistance in preparing assignments of error, briefs, and arguments.

b. During the period the Air Force has increased the professional facilities available to its judge advocates in the field. In 1948 The Judge Advocate General instituted a system of reporting Air Force court-martial decisions in bound volumes comparable to the reports of civilian appellate courts. Under the Uniform Code of Military Justice a similar publication, incorporating the decisions of the United States Court of Military Appeals and the boards of review of the several services in a single series, has been adopted by all the Armed

Forces, and distribution of the first volume of this series has been made to the field. An improved system of reproduction and advance distribution of the decisions of Air Force boards of review and the United States Court of Military Appeals makes these opinions immediately available to all Air Force judge advocates, considerably in advance of their publication in the bound volumes. The working libraries of staff judge advocates have been materially improved by the addition of both additional standard legal works and new publications, and field library kits have been distributed to lower echelons. The Judge Advocate General and the senior members of his staff have visited Air Force units throughout the world, and have materially assisted field commanders and judge advocates in meeting current problems. Assistance in problems of general concern, as for example, certain procedural innovations of the Uniform Code of Military Justice, has been provided through the special purchase and distribution of pertinent civilian legal publications, the promulgation of legal studies, and the special distribution of important civil and military decisions.

c. The Judge Advocate General, together with the other appropriate agencies of the Air Force, has taken an active part in the revitalization and improvement of the Air Force program for the rehabilitation and restoration to duty of members of the Air Force convicted by courts-martial. Pursuant to this program, increased emphasis has been placed upon rehabilitation and restoration training in all Air Force confinement facilities, and a retraining center, the first of several encompassed in the plan, has begun operation. This unit, a minimum-restraint facility operated in all possible respects as an ordinary Air Force unit, has already effected the restoration to duty of a considerable number of young men whose service might otherwise have been lost to the Country.

d. The achievements of improvements in the legal department of the Air Force and the administration of military justice during the period have been made possible, as in past years, by the informed interest and enthusiastic support of the Secretary of the Air Force, the Chief of Staff, and the commanders in the field in inseparable conjunction with the high professional qualifications and state of morale of the Air Force officers performing legal duties. At the close of the period, 506 attorneys were certified by The Judge Advocate General as competent to perform the duties of law officer, trial counsel, and defense counsel pursuant to the Uniform Code of Military Justice, Articles 26 and 27, and an additional 584 were certified as competent to perform the duties of trial and defense counsel pursuant to Article 27. Of these 1,090 attorneys, 818 were designated judge advocates of the Air Force pursuant to the Act of September 19, 1951 (65 Stat. 326; 10 USC 1837 [a]).

2. Two thousand eight hundred and twenty-two records of trial by courts-martial were received in the Office of The Judge Advocate General, United States Air Force, during the period May 31, 1951, through May 30, 1952. The number of records received for review by a board of review and comparative figures for 1950 and 1949 follow:

	1951–52	*1950–51*	*1949–50*
Total	2,504	1,653	1,631

Two hundred and twenty-five cases have been processed by The Judge Advocate General's Office pursuant to the Uniform Code of Military Justice, Article 69, and 93 cases (acquittals) were received pursuant to Article 61.

3. The following chart shows the status at the close of the period of the 2,504 cases received for review by a board of review:

a. Pending before the boards of review		313
b. Completed by boards of review, awaiting action and dispatch by TJAG		41
c. Decisions of the boards of review dispatched		2,150
Awaiting election of accused as to petition to USCMA	513	
Pending before USCMA	30	
Decided by USCMA, awaiting supplementary court-martial orders	8	
Closed (final court-martial orders examined and approved)	1,599	
Total		2,504

4. During the period, 80 cases were forwarded to the United States Court of Military Appeals:

a. By petition of accused		76
Decisions rendered	4	
Decisions on petitions pending	24	
Petitions denied	41	
Petition dismissed	1	
Petition withdrawn	1	
Petitions granted, decision on merits pending	5	
b. Ordered forwarded by TJAG		4
Decisions rendered	3	
Pending	1	
c. Mandatory review		0
Total		80

5. The 2,822 cases shown in paragraph 1 involved a total of 3,054 accused. Of the accused persons whose cases were reviewed by a board of review 55 percent requested representation by appellate defense counsel. From the experience gained it is a fair assumption that the percentage shown will increase. In every case appealed to the United States Court of Military Appeals The Judge Advocate General has been required to furnish counsel for the accused and the government.

6. Of the cases decided by boards of review, 3.2 percent were forwarded to the United States Court of Military Appeals pursuant to the three subdivisions of Article 67 (b), Uniform Code of Military Justice.

REGINALD C. HARMON,
The Judge Advocate General of the Air Force.

Report

of

THE GENERAL COUNSEL

of

THE DEPARTMENT OF THE TREASURY

(UNITED STATES COAST GUARD)

May 31, 1951 to May 31, 1952

UNITED STATES COAST GUARD

1. Prior to the effective date of the Uniform Code the Coast Guard assembled key legal officers in Washington and had them participate in the Armed Forces Seminars held in Washington for all legal officers of the Armed Forces. Other legal officers, as well as some line officers, attended 3-day seminars conducted by the Navy throughout the continental United States and, in addition, some of the officers who attended the seminars at Washington conducted instructional courses where it was not feasible for personnel to attend the 3-day Navy seminars. The Coast Guard has utilized the Navy's School of Military Justice for the purpose of training lawyers and other personnel in the performance of duty in connection with the Code; it is planned to continue this practice and enlarge the quota of personnel attending when feasible. The Coast Guard in its monthly law bulletin has kept legal officers in the field advised of new practices in the administration of military justice under the Code, as well as continually pointing out types of errors which recur in the court-martial and disciplinary work. "The JAG Journal," published by the Navy Department, has been included on the distribution list for all the units of the Coast Guard which are of sufficient size to convene special courts-martial. To assist in the efficient administration of military justice inspections have been made in the field which have resulted in amended practices as well as certain changes in personnel.

2. The number of records (board of review cases) received in the Office of the General Counsel of the Treasury Department during the period May 31, 1951, through May 30, 1952, was 124.

It is not possible to furnish comparative figures for preceding years since prior to the effective date of the Uniform Code of Military Justice, no distinction similar to that now in effect as between board of review and nonboard of review cases existed.

In addition to the 124 board of review cases, there have been 5 general court-martial cases processed pursuant to Article 69, Uniform Code of Military Justice.

3. The following chart shows the status at the close of the period of the 124 cases received for review by the board of review:

a. Pending		9
b. Awaiting action and dispatch by the General Counsel		2
c. Decisions of the board of review dispatched		113
Awaiting election of accused as to petition to USCMA	5	
Pending before USCMA	1	
Closed	107	
Total		124

4. During the period involved, 8 cases were forwarded to the United States Court of Military Appeals:

a. By petition of accused		6
Petitions denied	5	
Petition granted; decision rendered	1	
b. Certified		2
Decision rendered	1	
Decision pending	1	
c. Mandatory review		0
Total		8

5. The 124 board of review cases involved 126 accused. In 28.22 percent of these cases the accused requested representation by appellate defense counsel. Of the cases decided by the board of review 6.4 percent were brought before the United States Court of Military Appeals.

THOMAS J. LYNCH,
General Counsel,
Treasury Department.

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