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UNITED STATES SENATE
Committee on Armed Services

May 3, 1948

Honorable James Forrestal
Secretary of Defense
Washington

My dear Mr. Secretary:

There is presently pending before the Senate Armed Services Committee, a House-passed bill to revise the Articles of War. This measure, should it become law, would be applicable only to those in the Army and Air Force.

Pending also is a proposal for changing the Articles for the Government of the Navy.

Both of the above proposed measures are also with the Committee on Armed Services in the House.

Because these proposals do not provide a uniform system of military justice applicable alike to all three services, I think it would be well to have an over-all study made, and defense establishment proposals ready for the convening of the 81st Congress.

This letter is a personal one from me and gives only my thoughts in the matter. It does not in any way reflect any action that has been taken by the Senate Armed Services Committee.

Sincerely yours,

(Signed) CHAN GURNEY

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THE SECRETARY OF DEFENSE
Washington

May 6, 1948

Dear Chan:

I have your letter of May 3rd, concerning the possibility of a more nearly uniform system of military justice applicable alike to all three services. We have had a number of discussions concerning the feasibility of such an approach, and it would be my thought that during the period after Congress adjourns, the three services could profitably look into this matter.

I offer the foregoing as my personal and interim comment. I intend to circulate copies of your letter to the Secretaries of the three Departments, for their comments—and I shall then write you again with further reference to this matter.

Sincerely,

(Signed) JAMES FORRESTAL

cc: Secretary of the Army
Secretary of the Navy
Secretary of the Air Force

Honorable Chan Gurney
Chairman, Armed Services Committee
United States Senate

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THE SECRETARY OF DEFENSE
Washington

May 14, 1948

Dear Senator Gurney:

This is with further reference to your letter of May 3, 1948, suggesting that the National Military Establishment study the possibility of developing a uniform system of military justice, which would be applicable alike to all three services, and submit proposals with respect thereto at the beginning of the 81st Congress.

Since my earlier communication to you, I have discussed this matter with the Secretaries of the Army, Navy and Air Force, and we are in entire agreement that such a study is desirable and should be undertaken. As a result, I am establishing a committee, which will be comprised of a representative of this Office who will serve as chairman, and of Under Secretary of the Navy Kenney, Assistant Secretary of the Army Gray, and Assistant Secretary of the Air Force Zuckert.

We will make every effort to develop proposals for a uniform code of military justice applicable to the entire National Military Establishment in time for submission to the 81st Congress.

Sincerely yours,

(Signed) JAMES FORRESTAL

cc: The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force
Mr. John H. Ohly

Honorable Chan Gurney
Chairman
Committee on Armed Services
United States Senate
Washington, D. C.

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THE SECRETARY OF DEFENSE
Washington

May 21, 1948

Dear Mr. Andrews:

I have recently discussed with the Secretaries of the Army, the Navy and the Air Force the general situation confronting us in the field of military justice. All of us are agreed that there is a real need for a uniform code of military justice applicable to the entire National Military Establishment.

Accordingly, I am establishing a committee to work out such a code, the committee to be comprised of a representative of this Office who will serve as Chairman, and Under Secretary of the Navy Kenney, Assistant Secretary of the Army Gray and Assistant Secretary of the Air Force Zuckert. This committee will be instructed to make every effort to develop proposals for a uniform code of military justice in time for submission to the 81st Congress.

Such a uniform code, if enacted, will of course have the effect of superseding existing legislation in this field, as well as any legislation which may be enacted at the present session of Congress.

There is one aspect of this matter that I should like to mention at this time. I have reference to the situation confronting the Air Force. Some legislation to provide a more explicit basis for the handling of military justice cases by the Air Force, especially with respect to appellate review, seems to be necessary. What I have in mind might properly be described as stop-gap legislation, pending the enactment of a unified code. I hope that your Committee will see its way clear to enact such stop-gap legislation at the present session.

Sincerely,

(Signed) JAMES FORRESTAL

Honorable Walter G. Andrews
Chairman
Committee on Armed Services
House of Representatives
Washington, D. C.