

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON

23 December 1948

MEMORANDUM FOR: THE COMMITTEE ON A UNIFORM CODE OF MILITARY JUSTICE

Professor Edmund M. Morgan
Chairman

Honorable Gordon Gray
Department of the Army Member

Honorable W. John Kenney
Department of the Navy Member

Honorable Eugene M. Zuckert
Department of the Air Force Member

SUBJECT: Agenda for the meeting of the Committee on a Uniform Code of Military Justice on TUESDAY, DECEMBER 28, 1948, at 2:00 p.m., and WEDNESDAY, DECEMBER 29, 1948, at 10:00 a.m., in Room 3-E-689 of the Pentagon.

There will be consideration of the proposed text of the following

Articles:

Proposed Article Number	Subject	Reference
10A	Reports and Receiving of Prisoners.	CSAW 71
11	Places of Confinement. (See attached Navy Memo, dated 16 December 1948)	CSAW 42 & 45
13A	Illegal Punishment.	CSAW 13 & AW 16
14	Delivery of Offenders to Civil Authorities.	CSAW 74
26	Jurisdiction of Courts-Martial. Summary Courts-Martial.	CSAW 14
29	Former Jeopardy.	CSAW 40
60D	Restoration.	CSAW 53
63A	Authorized Punishments.	CSAW 12 (App)
64B	Hard Labor Included in Confinement.	AW 37
124	Dismissal of Officers. Right to Trial by Courts-Martial.	AW 118
127	Redress of Injuries to Property	AW 105
130	Courts of Inquiry	CSAW 97

Part

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(5) ltr 75-2d63

(4) Applicability of Code.
Old Art 62 Gray - m
all but last sentence

There will also be a discussion of the attached punitive
Articles.

Felix Larkin

FELIX E. LARKIN
Executive Secretary
Committee on a Uniform Code of
Military Justice

Attachments
JJW:ccc

General Provisions

1. Capital Punishment

Wherever in this Code it is provided that a person shall be punished as a court martial may direct, the court martial shall not direct punishment by death, except where that punishment is specifically prescribed or authorized.

2. Principals

Any person subject to this Code who:

- (a) Commits an offense punishable by this Code, or aids, abets, counsels, commands, or procures its commission; or
- (b) causes an act to be done, which if directly performed by him would be punishable by this Code, shall be punished with the punishment provided for the commission of the offense.

3. Attempts.

(a) An act, done with specific intent to commit an offense under this Code, and ~~proceeding~~ ^{amounting to more than mere preparation, and} tending to but failing to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this Code who attempts to commit any offense punishable by this Code shall be punished as a court-martial may direct.

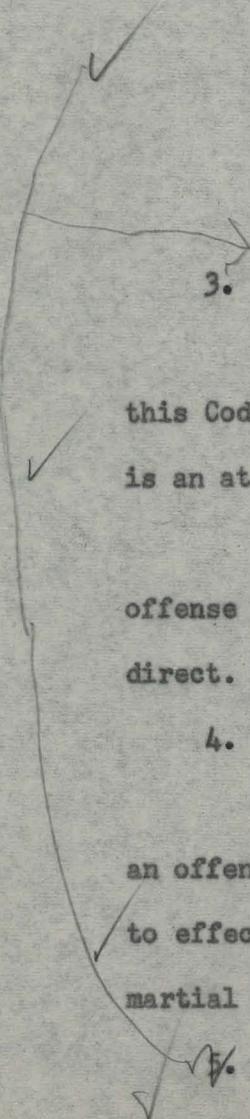
4. Conspiracy

If two or more persons subject to this Code conspire to commit an offense under this Code, and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished as a court-martial may direct.

5. Accessor, After the Fact

Any person subject to this Code who knowing that an offense

Art.
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punishable by this Code has been committed, receives, comforts, or assists the offender in order to prevent his apprehension, trial or punishment shall be punished as a court-martial may direct.

Military Offenses

6. Fraudulent Enlistment, Appointment or Separation.

Any person who:

(1) procures his own enlistment or appointment in the Armed Forces through (by means of) knowingly false representations, or concealment as to his qualifications for such enlistment or appointment (and receives pay or allowances) or

(2) who procures his own separation from the Armed Forces by means of knowingly false representations or concealment as to his eligibility ~~qualifications~~ for such separation,

shall be punished as a court-martial may direct.

7. Unlawfully Enlisting, Appointing, or Separating.

Any person subject to this Code who accepts an enlistment or makes an appointment in, or separation from the Armed Forces, of any person whose enlistment, appointment or separation is known to him to be prohibited by law, regulation or order shall be punished as a court-martial may direct.

8. False Signing of Documents *official statements*

Any person subject to this Code who signs or allows the signing of any ~~official document, record, regulation, or order~~, *return, or other official document* knowing the same to be false, *or makes any other false official statement* shall be punished as a court-martial may direct.

9. Desertion

Any member of the Armed Forces of the United States who:

(a) goes or remains absent from his unit, or organization or place of duty with intent not to return there to; or

(b) quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important services, or

(c) without being regularly separated therefrom enlists or accepts appointment in the Armed Forces without fully disclosing the fact that he has not been ~~last~~ regularly separated, or enters the Armed Services of any foreign power except when authorized by the United States,

is guilty of desertion, and ^{he} if the desertion occurs in time of war shall be punished by death or such other punishment as a court-martial may direct; if the desertion occurs ^{at} any other time, by such punishment ~~other than~~ death as a court-martial may direct.

10. Advising or Soliciting Another to Desert

Any person subject to this Code who advises or solicits another to desert the Armed Forces of the United States shall be punished as a court-martial may direct.

11. Absence Without Leave

Any person subject to this Code who, without proper authority:

(a) fails to go to his appointed place of duty at the time prescribed, or

(b) goes from that place, or

(c) absents himself, or remains absent from his unit or

organization or other place of duty at which he is required to be shall be punished as a court-martial may direct.

12. (Intentionally) Missing Movement

Any person subject to this Code who, intentionally misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move, shall be punished as a court-martial may direct.

13. Disobedience of Law, Order or Regulation

Any person subject to this Code who:

(a) by neglect or design disobeys any law, regulation or standing order, or

(b) fails to obey any other order which it is his duty to obey shall be punished as a court-martial may direct.

14. Disrespect Towards Superior

Any person subject to this Code who treats his superior in authority with contempt, or is disrespectful to him in language or deportment shall be punished as a court-martial may direct.

15. Assaulting or Willfully Disobeying Officer

Any person subject to this Code;

(a) who strikes his superior officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office, or

(b) who, willfully disobeys or refuses to obey a lawful command of his superior officer

shall be punished, if the offense is committed in time of war by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time by such punishment (other than death) as a court-martial may direct.

16. Cruelty and Maltreatment.

Any person subject to this Code who is guilty of cruelty, or oppression or maltreatment of any person subject to his orders shall be punished as a court-martial may direct.

17. Mutiny or Sedition.

Any person subject to this Code

(a) who, with intent to usurp or override lawful superior military authority refuses to obey orders or otherwise do his duty, whether acting alone or in concert with others, is guilty of mutiny, or

(b) who, incites others to create revolt, violence, disturbance or other breach of the peace against lawful military or civil authority is guilty of sedition,

and shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; if the offense is committed at any other time, by such punishment other than death, as a court-martial may direct.

Any member of the Armed Forces in whose presence the offense of mutiny or sedition is being committed in violation of the foregoing provisions, who does not do his utmost to prevent and surpress it, or who knows or has reason to believe that a mutiny or sedition is taking place, or is planned or intended, and fails to take all reasonable means so to inform his superior or commanding officer shall, if the offense be committed in time of war, be punished by death or such other punishment as a court-martial

may direct; if the offense is committed at any other time, by such punishment, (other than death,) as a court-martial may direct.

18. Arrest and Confinement

Any person subject to this Code who resists apprehension or breaks arrest or who escapes from confinement shall be punished as a court-martial may direct.

custody or

19. Report of Prisoners Received

Every commander of a guard to whose charge a prisoner is committed shall, within twenty-four hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

New Art. 10

New Punitive 12 supra

20. Releasing Prisoners Without Proper Authority

Any person subject to this Code who, without proper authority releases any prisoner committed to his charge, or through neglect or design suffer any such prisoner to escape, shall be punished as a court-martial may direct.

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21. Unlawful Detention of Another

Any person subject to this Code who unlawfully detains or unlawfully causes the detention of any person shall be punished as a court-martial may direct.

*apprehends or detains or confines
apprehension arrest or confinement*

22. Non-Compliance with Procedural Rules

Any person subject to this Code

(a) who intentionally or negligently causes unnecessary

delay in the disposition of any case of a person accused of an offense under this Code; or

(b) who, intentionally or negligently fails to enforce or comply with any provision regulating the proceedings before, during or after trial of the accused ~~(whereby the rights of the accused are prejudiced)~~ shall be punished as a court-martial may direct.

WAR OFFENSES

23. Misconduct Before The Enemy

Any member of the Armed Forces who in the presence of the enemy

(a) shamefully abandons or surrenders any place which it is his duty to defend, or

(b) through neglect or intentional misconduct endangers the safety of such a place, or

(c) casts away his arms or ammunition, or

(d) is guilty of any cowardly conduct, or

(e) quits his place of duty to plunder or pillage, or

(f) causes false alarms in any place where members of the Armed Forces are stationed or quartered

shall be punished by death or such other punishment as a court-martial may direct.

24. Subordinate Compelling Surrender

Any person subject to this Code who compels a commander of any place, vessel, or aircraft, or of any ~~group~~ body of members

of the Armed Forces to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority shall be punished by death or such other punishment as a court-martial may direct.

25. Improper Use of Countersign

Any person subject to this Code who in time of war discloses the countersign to any person not entitled to receive it, or who gives to another who is entitled to receive and use the countersign, a countersign different from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

26. Forcing a Safeguard

Any person subject to this Code who, in time of war, attacks, breaks through or otherwise, by force or threat of force, interferes with a guard posted or established for the protection of any (persons) or premises shall be punished by death or such other punishment as a court-martial may direct.

27. Captured or Abandoned Property

Any property public or private, taken from or abandoned by the enemy shall become property of the United States; and further, any person subject to this Code who

(a) by neglect or design fails to deal with^{or} dispose of said property, including any vessel or aircraft seized as a prize and all the money and chattels found therein and all equipment thereof, in the manner required by law or by regulation or general or special order, or

(b) engages in looting or pillaging shall be punished as a court-martial may direct.

28. Relieving, Corresponding With, or Aiding the Enemy.

Any person who aids (or attempts to aid) the enemy with arms, ammunition, supplies, money or other thing, or knowingly harbors or protects or gives intelligence ^{to} ~~to~~ communicate or corresponds with, or holds or ~~entertains~~ any intercourse with the enemy, either directly or indirectly, without proper authority shall suffer death or such other punishment as a court-martial or military commission may direct.

29. Misconduct as Prisoner

Any person subject to this Code who, while in the hands of the enemy in time of war

(a) for the purpose of securing favorable treatment by his captors acts in a manner not authorized by law, custom, regulation or other proper authority to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners, or

(b) while in a position of authority over said persons maltreats them without justifiable cause.

shall be punished as a court-martial may direct.

30. Spies

Any person who in time of war has remained or come within any territory under the protection or jurisdiction of the Armed Forces of the United States, secretly or in disguise or under false pretenses, for the purpose of obtaining information of military value for the use of an enemy and is found acting for that purpose

in or about any place, vessel or aircraft within the control or jurisdiction of any of the Armed Forces of the United States, or in or about any shipyard, any manufacturing or industrial plant or any other place or institution engaged in work in aid of the prosecution of the war by the United States, (or elsewhere), shall be tried by court-martial or military commission and shall on conviction be punished by death.

GENERAL PROVISIONS

65. Principals

Any person ^{punishable under} ~~subject to~~ this Code who:

(1) commits an offense punishable by this Code, or aids, abets, counsels, commands, or procures its commission; or

(2) causes an act to be done, which if directly performed by him would be punishable by this Code;

shall be punished with the punishment provided for the commission of the offense.

66. Accessory After the Fact

Any person subject to this Code who, knowing that an offense punishable by this Code has been committed, receives, comforts, or assists the offender in order to ^{hinder or} prevent his apprehension, trial or punishment shall be punished as a court-martial may direct.

67. Attempts

(a) An act, done with specific intent to commit an offense under this Code, amounting to more than mere preparation and tending but failing to effect its commission, is an attempt to commit that offense. It shall not

(b) Any person subject to this Code who attempts to commit any offense punishable by this Code shall be punished as a court-martial may direct.

68. Conspiracy

If ^{any} ~~two or more~~ persons subject to this Code conspire to commit an offense under this Code, and one or more of such persons

For the
Committee

1. Description
2. Intent
3. Section
4. Compelling surrender
5. Misconduct
before enemy

6. Aiding
enemy in
time of
war

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with ^{any} ~~another~~ person or others

do any act to effect the object of the conspiracy, each shall be punished as a court-martial may direct.

69. Solicitation

Any person subject to this Code who, solicits or advises another or others to:

(1) desert the Armed Forces of the United States in violation of Article 72; or

(2) commit an act of misconduct before the enemy in violation of Article 85; or

(3) commit an act of mutiny or sedition in violation of Article 80;

shall if the offense takes place and occurs in time of war, be punished by death or such other punishment as a court-martial may direct, otherwise by such punishment other than death as a court-martial may direct.

MILITARY OFFENSES

70. Fraudulent Enlistment, Appointment or Separation

Any person who:

(1) procures his own enlistment or appointment in the Armed Forces by means of knowingly false representations, or concealment as to his qualifications for such enlistment or appointment and receives pay or allowances thereunder;

or

(2) procures his own separation from the Armed Forces by means of knowingly false representations or concealment as to his eligibility for such separation;

shall be punished as a court-martial may direct.

*For the
Committee*

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71. Unlawfully Enlisting, Appointing, or Separating

Any person subject to this Code who ~~accepts~~ ^{knowingly effects} an enlistment or ~~makes~~ ^a an appointment in or separation from the Armed Forces of any person ~~whose enlistment, appointment or separation is known to him~~ ^{whom is known to him to be ineligible for such} ~~because it is~~ ^{to be} prohibited by law, regulation or order shall be punished as a court-martial may direct.

72. Desertion

Any member of the Armed Forces of the United States who:

(1) without proper authority goes or remains absent from his ^{organization, or place of duty} place of service with intent not to return thereto, ^{remain away therefrom permanently} or

(2) quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) without being regularly separated therefrom enlists or accepts appointment in the Armed Forces without fully disclosing the fact that he has not been regularly separated, or enters ^{any foreign} the Armed Services ~~of any foreign power~~ except when authorized by the United States;

is guilty of desertion. If the desertion occurs in time of war he shall be punished by death or such other punishment as a court-martial may direct; if the desertion occurs at any other time, by such punishment other than death as a court-martial may direct.

73. Absence Without Leave

Any person subject to this Code who, without proper authority:

(1) fails to go to his appointed place of duty at the time prescribed; or

(2) goes from that place; or

(3) absents himself, or remains absent from his unit,
organization or other place of duty at which he is required
to be *at the time prescribed*

shall be punished as a court-martial may direct.

74. Missing Movement

Any person subject to this Code who, *through design or neglect* ~~intentionally~~ misses
the movement of a ship, aircraft, or unit with which he is required
in the course of duty to move, shall be punished as a court-martial
may direct.

75. Disrespect Towards Superior

Any person subject to this Code who *behaves with disrespect toward* ~~intentionally~~ *officer*
~~authority~~ with contempt, or is disrespectful to him in language or
deportment, shall be punished as a court-martial may direct.

76. Assaulting or Willfully Disobeying Officer

Any person subject to this Code who:

(1) strikes his superior officer or draws or lifts up
any weapon or offers any violence against him while he is in
the execution of his office; or

(2) willfully disobeys ~~or refuses to obey~~ a lawful
command of his superior officer;

shall be punished, if the offense is committed in time of war, by
death or such other punishment as a court-martial may direct, and
if the offense is committed at any other time by such punishment
other than death as a court-martial may direct.

77. Insubordinate Conduct Towards Non-Commissioned Officer

Any ~~person~~ ^{enlisted person} subject to this Code who:

(1) strikes or assaults a warrant officer or non-commissioned officer ~~while he is~~ ^{who is} in the execution of his office; or

(2) willfully disobeys the lawful order of a warrant officer or non-commissioned officer;

shall be punished as a court-martial may direct.

(3)

78. Disobedience of Law, Order or Regulation

Any person subject to this Code who:

(1) fails to obey any law, regulation or order which it is his duty under this Code to obey; or

(2) fails to obey any other order which it is his duty to obey;

shall be punished as a court-martial may direct.

79. Cruelty and Maltreatment

Any person subject to this Code who is guilty of cruelty ^{toward} or oppression or maltreatment of any person subject to his orders shall be punished as a court-martial may direct.

80. Mutiny or Sedition

Any person subject to this Code who:

(1) with intent to usurp or override lawful superior military authority refuses, in concert with ^{any person or persons} another or others, to obey orders or otherwise do his duty, ^{or create any violence or disturbance} is guilty of mutiny;

or

RESTRICTED

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Punitive Articles

- 6 -

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with another ^{person} or ^{persons} others, revolt, violence, or other disturbance against ^{such authority} the State, is guilty of sedition; or

(3) being a member of the Armed Forces in whose presence the offense of mutiny or sedition is being committed in violation of the foregoing provisions, who does not do his utmost to prevent and surpress it, or who knows or has reason to believe that a mutiny or sedition is taking place, or is planned or intended, and fails to take all reasonable means so to inform his superior or commanding officer; shall if the offense be committed in time of war, be punished by death or such other punishment as a court-martial may direct; if the offense be committed at any other time, by such punishment other than death, as a court-martial may direct.

RESTRICTED

81. Arrest and Confinement

Any person subject to this Code who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.

82. Releasing Prisoners Without Proper Authority

Any person subject to this Code who, without proper authority, releases any prisoner, ^{duly} committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct.

83. Unlawful Detention of Another

Any person subject to this Code who, unlawfully apprehends, arrests or confines ~~or unlawfully causes the apprehension, arrest, or confinement of~~ any person shall be punished as a court-martial may direct.

84. Non-Compliance with Procedural Rules

Any person subject to this Code who,

(1) ^{is responsible for} ~~intentionally or negligently~~ causes unnecessary delay in the disposition of any case of a person accused of an offense under this Code, or

(2) ^{of this Code} ~~intentionally or negligently~~ fails to enforce or comply with any provision regulating the proceedings before, during, or after trial of an accused,

shall be punished as a court-martial may direct.

WAR OFFENSES.

85. Misconduct Before the Enemy

Any member of the Armed Forces who in the presence of the enemy:

- (1) shamefully abandons or surrenders any place which it is his duty to defend; or
- (2) through neglect or intentional misconduct endangers the safety of such a place; or
- (3) casts away his arms or ammunition; or
- (4) is guilty of any cowardly conduct; or
- (5) quits his place of duty to plunder or pillage; or
- (6) causes false alarms in any place where members of the Armed Forces are stationed or quartered;

shall be punished by death, or such other punishment as a court-martial may direct.

86. Subordinate Compelling Surrender

Any person subject to this Code who compels a commander of any place, vessel, or aircraft, ^{or other military property} or of any body of members of the Armed Forces to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority shall be punished by death or such other punishment as a court-martial may direct.

87. Improper Use of Countersign

Any person subject to this Code who in time of war discloses the ^{parole} countersign to any person not entitled to receive it, or who gives to another who is entitled to receive and use the ^{parole} countersign a countersign different from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

88. Forcing a Safeguard

Any person subject to this Code who, ~~in time of war,~~ attacks, breaks

through or otherwise, by force or threat of force, interferes with a guard posted or established for the protection of any persons or premises shall be punished by death or such other punishment as a court-martial may direct.

89. Captured or Abandoned Property and Person therein

Any person subject to this Code who:

(1) by neglect or design fails to deal with or dispose of any property ~~real or personal~~ taken from or abandoned by an enemy, including any vessel or aircraft seized as a prize and the money and chattels found therein and all equipment thereof, in the manner required by law or by regulation or general ~~or special~~ order; or

(2) engages in looting or pillaging; or

(3) ~~assaults, beats or otherwise mistreats civilians within any place or building captured or on any vessel taken as prize;~~

shall be punished as a court-martial may direct.

90. Relieving, Corresponding with, or Aiding the Enemy.

Any person who:

(1) Aids ^{or attempts to aid} the enemy with arms, ammunition, supplies, money or other things, or

(2) knowingly harbors or protects or gives intelligence to, or communicates or corresponds with, or holds any intercourse with the enemy, either directly or indirectly, without proper authority; shall suffer death or such other punishment as a court-martial or military commission may direct.

91. Misconduct as Prisoner

Any person subject to this Code who, while in the hands of the enemy

Duty to deal with the prop taken from or abandoned by the enemy

in time of war:

(1) for the purpose of securing favorable treatment by his captors acts ^{(w/o. proper authority) contrary to} in a manner ~~not authorized~~ by law, custom, regulation or other proper authority to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners, or

(2) while in a position of authority over said persons maltreats them without justifiable cause;

shall be punished as a court-martial may direct,

92. Spies

Any person who in time of war is found lurking or acting as a spy in or about any place, vessel or aircraft within the control or jurisdiction of any of the Armed Forces of the United States, or in or about any shipyard, any manufacturing or industrial plant or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, ^{may} ~~shall~~ be tried by ^{general} court-martial or military commission and shall on conviction be punished by death.

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MISCELLANEOUS CRIMES AND OFFENSES

93. False Official Statements

Any person subject to this Code who signs or allows the signing of any record, return, regulation, order, or other official document knowing the same to be false, or makes any other false official statement knowing the same to be false, shall be punished as a court-martial may direct.

94. Property of Armed Forces -- Loss, Damage, or Wrongful Disposition

Any person subject to this Code who intentionally, or through neglect suffers to be lost, spoiled, damaged, destroyed, wasted or wrongfully disposed of, any property of the Armed Forces of the United States, (shall make good the loss or damage,) and shall be punished as a court-martial may direct.

95. Property; Other Than Armed Forces -- Waste, Spoil, or Destruction

Any person subject to this Code who:

- (1) commits any waste or spoil; or
- (2) wrongfully destroys; or
- (3) commits any kind of depredation

of any property other than property of the Armed Forces of the United States shall be punished as a court-martial may direct.

((Any commanding officer who, upon complaint made to him refuses or fails to take all practicable steps to see reparation made to the party injured, insofar as the offenders pay shall go towards such reparations, as provided for in Art. 105, (proposed 127) shall be dismissed from the service, or otherwise punished as a court-martial may direct.)

96. Improper Hazarding of Vessel or Aircraft

Any person subject to this Code who:

(1) willfully suffers any vessel, or aircraft of the Armed Forces to be improperly hazarded; or

(2) maliciously or willfully sets on fire any such vessel or aircraft, or any part of its armament or equipment, whereby its safety is hazarded, or the lives of those on board are exposed to danger;

shall suffer death or such other punishment as a court-martial may direct.

97. Drunk on Duty

Any person subject to this Code, other than a sentinel, who is found drunk on duty, shall be punished as a court-martial may direct.

98. Misbehavior of a Sentinel

Any sentinel or lookout who is found drunk or sleeping upon his post, or leaves it before he is regularly relieved shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; if the offense is committed at any other time, by such punishment other than death as a court-martial may direct.

99. Dueling

Any person subject to this Code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report

the fact promptly to the proper authority, shall be punished as a court-martial may direct.

100. Murder -- Rape (Army)

Any person subject to this Code who:

(1) is found guilty of murder shall suffer death or imprisonment for life, as a court-martial may direct; but if found guilty of murder not premeditated, he shall be punished as a court-martial may direct; or

(2) is found guilty of rape shall suffer death or such other punishment as a court-martial may direct

Provided, That no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

100A. Murder, Rape, or Treason (Navy)

Any person subject to these articles who commits treason, murder, or rape shall suffer death, or such other punishment as a court-martial may direct: Provided, That such punishment shall not exceed the maximum sentence which may lawfully be adjudged under the provisions of Title 18, United States Code, for that offense.

101. Malingering

Any person subject to this Code who:

(1) feigns illness, physical disablement, mental lapse or derangement; or

(2) intentionally inflicts self-injury;

for the purpose of avoiding work or duty, shall be punished as a court-martial may direct.

102. Larceny

Any person subject to this Code who

(1) ^{law}unwillingly appropriates any personal property of another, with intent permanently deprive the owner of his property therein; or

(2) obtains any property under false pretenses, expressed or implied, with intent to defer and permanently deprive the owner or bailee thereof of said property; or

(3) obtains any property lawfully, and subsequently wrongfully withholds or appropriates such property to the exclusion of the owner thereof;

^{is}shall be guilty of larceny and ^{shall be}punished as a court-martial may direct.

103. Various Crimes

Any person subject to this Code who commits manslaughter, mayham, arson, burglary, housebreaking, robbery, perjury, forgery, uttering a forged instrument, sodomy, blackmail, extortion, assault with intent to commit a felony, or assault to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, joy riding, (negligent homicide), shall be punished as a court-martial may direct.

104. Frauds Against the Government

(a) Any person subject to this Code who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

(b) Who presents or causes to be presented to any person in the civil service or armed forces of the United States, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

(c) Who enters into any agreement or conspiracy to defraud the United States by obtaining, (or aiding others to obtain,) the allowance or payment of any false or fraudulent claim; or

(d) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

(e) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

(f) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits,

or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

(g) Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the Armed Forces thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

(h) Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States furnished or intended for the Armed Forces thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

(i) Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipment, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the Armed Forces thereof; or

Larceny

(j) Who knowingly purchases or receives in pledge for any obligation or indebtedness from any other person who is a part of or employed in the Armed Forces, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other

property of the United States such other person not having lawful right to sell the same; or

(k) Who enters into any agreement or conspires to commit any of the offenses aforesaid;

shall on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties.

(If any person, being guilty of any of the offenses aforesaid or who steals or fails properly to account for any money or other property held in trust by him for enlisted persons or as its official custodian while in the military service of the United States, receives his discharge or is dismissed or otherwise separated from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not been so separated therefrom.)

105. Conduct Unbecoming an Officer and Gentleman

Any officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the Armed Forces.

106. General Article

Though not mentioned in this Code the following shall also be offenses against this Code;

(1) All disorders and neglects to the prejudice of good order and discipline in the Armed Forces; and

(2) All conduct of a nature to bring discredit upon the Armed Forces;

Appeals against the
(3) ~~Violation of the criminal laws of the United States,~~

whenever enacted, during the time such laws are in force.

Violations of subsection (1) and (2) of this Article shall be punished as a court-martial may direct, violations of subsection (3) of this Article shall not be punished with a greater punishment than that provided for in the Statute violated.

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72. Desertion

(a) Any member of the Armed Forces of the United States who:

(1) Without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away permanently

or

(2) quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service;

or

(3) without being regularly separated from his Armed Forces enlists or accepts appointment ^{one of the} ~~in the same or another~~ ^{one of} the Armed Forces without fully disclosing the fact that he has not been regularly separated, ~~from his Armed Forces enlists or accepts appointment in the Armed Forces without fully disclosing the fact that he has not been regularly separated, or enters any foreign armed service except~~ when authorized by the United States;

is guilty of desertion

(b) Any officer of the Armed Forces who, having tendered his resignation and prior to ~~the~~ notice of the acceptance of the same, quits his post or proper duties without leave and with intent to remain away permanently is guilty of desertion.

(c) If the desertion occurs in time of war it shall be punished by death or such other punishment as a court-martial may direct; if the desertion occurs at any other time, by such punishment other than death as a court-martial may direct.

(d)

77. Insubordinate Conduct Towards Non-Commissioned Officer

Any person subject to this Code other than an officer who:

(1) strikes or assaults a warrant officer or non-commissioned officer while he is in the execution of his office; or

(2) willfully disobeys the lawful order of a warrant officer or non-commissioned officer;

(3) treats with contempt or is disrespectful in language or deportment toward a warrant officer or non-commissioned officer while he is in the execution of his office;

shall be punished as a court-martial may direct.

78. Disobedience of ~~Law~~ Order or Regulation

Any person subject to this Code who fails to obey any lawful regulation or order which is issued by an authority competent to issue it to persons subject to this Code, shall be punished as a court-martial may direct.

79. Cruelty and Maltreatment

Any person subject to this Code who is guilty of cruelty toward, or oppression or maltreatment of any person subject to his orders shall be punished as a court-martial may direct.

80. Mutiny or Sedition

Any person subject to this Code who:

(1) with intent to usurp or override lawful military authority refuses, in concert with another or others, to obey orders or otherwise do his duty, is guilty of mutiny;

MISCELLANEOUS CRIMES AND OFFENSES

93. False Official Statements

Any person subject to this Code who with intent to deceive signs or adopts any false record, return, regulation, order, or other official document knowing the same to be false, or makes any other false official statement knowing the same to be false, shall be punished as a court-martial may direct.

94. Military Property of United States -- Loss, Damage, or Wrongful Disposition

Any person subject to this Code, who, without proper authority:

- (1) sells or otherwise disposes of; or
- (2) willfully or through neglect damages or loses; or
- (3) willfully or through neglect suffers to be lost,

damaged, sold or wrongfully disposed of

any military property of the United States, shall be punished as a court-martial may direct.

95. Property: Other Than United States -- Waste, Spoil, or Destruction

Any person subject to this Code who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States shall be punished as a court-martial may direct.

96. Improper Hazarding of Vessel or Aircraft

Any person subject to this Code who willfully and wrongfully hazards or suffers to be hazarded any vessel or aircraft or willfully and wrongfully exposes the lives of those on board to danger shall

suffer death or such other punishment as a court-martial may direct.

97. Drunk on Duty

Any person subject to this Code, other than a sentinel, who is found drunk on duty, shall be punished as a court-martial may direct.

(Drunkness includes intoxication by the use of intoxicating liquors or drugs;)

*Narrative
long?*

98. Misbehavior of a Sentinel

Any sentinel or lookout who is found drunk or sleeping upon his post, or leaves it before he is regularly relieved shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; if the offense is committed at any other time, by such punishment other than death as a court-martial may direct.

99. Dueling

Any person subject to this Code who fights or promotes, or is concerned in, or connives at fighting, a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

101. Malingering

Any person subject to this Code who for the purpose of avoiding work or duty:

(1) feigns illness, physical disablement, mental lapse or derangement; or

(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

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Punitive Articles

105. Conduct Unbecoming an Officer and Gentleman

Any officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be ~~punished by~~ dismissed from the Armed Forces.

106. General Article

Though not specifically mentioned in this Code, all disorders and neglects to the prejudice of good order and discipline in the Armed Forces, all conduct of a nature to bring discredit upon the Armed Forces, and crimes and offenses not capital, of which persons subject to this Code may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

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Uniform Code of Military Justice

GENERAL PROVISIONS

65. Principals

Any person punishable under this Code who:

(1) commits an offense punishable by this Code, or aids, abets, counsels, commands, or procures its commission; or

(2) causes an act to be done, which if directly performed by him would be punishable by this Code;

shall be punished with the punishment provided for the commission of the offense.

66. Accessory After the Fact

Any person subject to this Code who, knowing that an offense punishable by this Code has been committed receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial or punishment shall be punished as a court-martial may direct.

67. Attempts

(a) An act, done with specific intent to commit an offense under this Code amounting to more than mere preparation and tending but failing to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this Code who attempts to commit any offense punishable by this Code shall be punished as a court-martial may direct.

(c) Any person subject to this Code may be convicted of an

attempt to commit a crime although it appears on the trial that the crime was consummated.

68. Conspiracy

Any person subject to this Code who conspires with any other person or persons to commit an offense under this Code shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

69. Solicitation

(a) Any person subject to this Code who solicits or advises another or others to:

- (1) desert in violation of Article 72; or
- (2) mutiny in violation of Article 80;

shall if the offense solicited is attempted or committed be punished with the punishment provided for the commission of the offense.

(b) Any person subject to this Code who solicits or advises another or others to commit an act of:

- (1) misbehavior before the enemy in violation of Article 85; or
- (2) sedition in violation of Article 80;

shall if the offense solicited is committed be punished with the punishment provided for the commission of the offense.

MILITARY OFFENSES

70. Fraudulent Enlistment, Appointment or Separation

Any person who:

- (1) procures his own enlistment or appointment in the

Armed Forces by means of knowingly false representations, or deliberate concealment as to his qualifications for such enlistment or appointment and receives pay or allowances thereunder; or

(2) procures his own separation from the Armed Forces by means of knowingly false representations or deliberate concealment as to his eligibility for such separation; shall be punished as a court-martial may direct.

71. Unlawful Enlistment, Appointment or Separation

Any person subject to this Code who effects an enlistment or appointment in or a separation from the Armed Forces of any person who is known to him to be ineligible for such enlistment, appointment, or separation because it is prohibited by law, regulation or order shall be punished as a court-martial may direct.

72. Desertion

(a) Any member of the Armed Forces of the United States who:

(1) without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away permanently; or

(2) quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) without being regularly separated from one of the Armed Forces enlists or accepts appointment in the same or

another one of the Armed Forces without fully disclosing the fact he has not been so regularly separated, or enters any foreign armed service except when authorized by the United States;

is guilty of desertion.

(b) Any officer of the Armed Forces who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to remain away permanently is guilty of desertion.

(c) Any person found guilty of desertion or attempted desertion in time of war, shall be punished by death or such other punishment as a court-martial may direct; if the desertion or attempted desertion occurs at any other time, by such punishment, other than death, as a court-martial may direct.

73. Absence Without Leave

Any person subject to this Code who, without proper authority:

(1) fails to go to his appointed place of duty at the time prescribed; or

(2) goes from that place; or

(3) absents himself, or remains absent from his unit, or organization or other place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

74. Missing Movement

Any person subject to this Code who, through neglect or design misses the movement of a ship, aircraft, or unit with which

he is required in the course of duty to move, shall be punished as a court-martial may direct.

75. Disrespect Towards Superior

Any person subject to this Code who treats his superior officer with contempt, or is disrespectful to him in language or deportment, shall be punished as a court-martial may direct.

76. Assaulting or Willfully Disobeying Officer

Any person subject to this Code who:

(1) strikes his superior officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) willfully disobeys a lawful command of his superior officer;

shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.

77. Insubordinate Conduct Towards Non-Commissioned Officer

Any enlisted person who:

(1) strikes or assaults a warrant officer or non-commissioned officer while such officer is in the execution of his office; or

(2) willfully disobeys the lawful order of a warrant officer or non-commissioned officer; or

(3) treats with contempt or is disrespectful in language

or deportment towards a warrant officer or non-commissioned officer while such officer is in the execution of his office; shall be punished as a court-martial may direct.

78. Failure to Obey Order or Regulation

Any person subject to this Code who:

(1) violates or refuses obedience to any lawful general order or regulation; or

(2) having knowledge of any other lawful order issued by a member of the Armed Forces, fails to obey the same; or

(3) is derelict in the performance of his duties;

shall be punished as a court-martial may direct.

79. Cruelty and Maltreatment

Any person subject to this Code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

80. Mutiny or Sedition

(a) Any person subject to this Code who:

(1) with intent to usurp or override lawful military authority and in concert with another or others, refuses to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny; or

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with another or others, revolt, violence, or other disturbance against the State is guilty of sedition; or

(3) fails to do his utmost to prevent and surpress an offense of mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior or commanding officer of an offense of mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to surpress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition or failure to surpress or report a mutiny or sedition shall be punished by death or such other punishment as a court-martial may direct.

81. Arrest and Confinement

Any person subject to this Code who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.

82. Releasing Prisoner Without Proper Authority

Any person subject to this Code who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct.

83. Unlawful Detention of Another

Any person subject to this Code who, except as provided in Articles 6 and 8 of this Code, apprehends, arrests or confines any person shall be punished as a court-martial may direct.

84. Non-Compliance with Procedural Rules

Any person subject to this Code who:

(1) is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this Code; or

(2) knowingly and intentionally fails to enforce or comply with any provision of this Code regulating the proceedings before, during or after trial of an accused;

shall be punished as a court-martial may direct.

85. Misbehavior Before the Enemy

Any member of the Armed Forces who before the enemy misbehaves, runs away or shamefully abandons or delivers up, or by any misconduct, disobedience, or neglect endangers the safety of any fort, post, camp, guard, vessel, aircraft, station or other command or military property

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which it is his duty to defend, or casts away his arms or ammunition, or quits his post, station, or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, quarters, station, vessel or aircraft, or fails to do his utmost to overtake and capture or destroy any vessel or aircraft which it is his duty to encounter, or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies, when engaged in battle, shall be punished by death or such other punishment as a court-martial may direct.

86. Subordinate Compelling Surrender

Any person subject to this Code who compels or attempts to compel a commander of any place, vessel, aircraft or other military property, or of any body of members of the Armed Forces to give it up to an enemy or to abandon it, or who strikes to colors or flag to an enemy without proper authority shall be punished by death or such other punishment as a court-martial may direct.

87. Improper Use of Countersign

Any person subject to this Code who in time of war discloses the parole or countersign to any person not entitled to receive it, or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

88. Forcing a Safeguard

Any person subject to this Code who forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

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89. Captured or Abandoned Property

(a) All persons subject to this Code shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody or control.

(b) Any person subject to this Code who:

(1) fails to carry out the duties prescribed in subsection

(a) above; or

(2) buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself, or another directly or indirectly connected with himself; or

(3) engages in looting or pillaging;

shall be punished as a court-martial may direct.

90. Aiding the Enemy

Any person who:

(1) Aids, or attempts to aid the enemy with arms, ammunition, supplies, money or other thing; or

(2) knowingly harbors or protects or gives intelligence to, or communicates or corresponds with, or holds any intercourse with the enemy, either directly or indirectly, without proper authority;

shall suffer death or such other punishment as a court-martial or military commission may direct.

91. Misconduct as Prisoner

Any person subject to this Code who, while in the hands of the

enemy in time of war:

(1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) while in a position of authority over such persons maltreats them without justifiable cause;

shall be punished as a court-martial may direct.

92. Spies.

any person who in time of war is found lurking or acting as a spy in or about any place, vessel or aircraft within the control or jurisdiction of any of the Armed Forces of the United States, or in or about any shipyard, any manufacturing or industrial plant or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, may be tried by general court-martial or military commission and on conviction be punished by death.

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Uniform Code of Military Justice

Art. 16A. Absent and Additional Members.

(a) No member of a special or general court-martial shall be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge.

(b) Whenever a general court-martial is reduced below five members, the reduced court may, with the consent of the accused proceed to a final determination of the case being tried. Otherwise the convening authority may appoint new members sufficient in number to provide not less than five members, such new members to be subject to challenge. When such new members have been sworn, the trial may proceed after the recorded testimony of each witness previously examined has been read to the witness in open session and verified by him and after such further examination of the witness thereon as any new member may require.

NOTES:

A. Sources and Comparable Provisions

- 1) AGJ. Art. 46, 47.
- 2) S.1338 (Proposed Navy Bill), 80th Cong., 1st Sess. (1947), Art. 27.

B. Comment

(a) Subsection (a), prevents the removal of a member after the trial has begun.

(b) Subsection (b) provides for the case where a general court-martial is reduced below five members. If the accused consents the trial may proceed. Otherwise the convening authority must appoint new members. If the accused had requested enlisted persons, the addition of such new members must not reduce the ratio of enlisted persons on the

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court below one-third of the total membership. Similarly where due to the illness of an enlisted member, the accused consents to proceed with less than five members, he shall be deemed to have waived his right to have one-third of the court be enlisted persons.

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Page 1

Uniform Code of Military Justice

Art. 56A. Branch Offices

Whenever the President deems such action necessary, he may direct The Judge Advocate General to establish a branch office, under an Assistant Judge Advocate General who shall be a general officer of The Judge Advocate General's Department, with any distant command, and to establish in such branch office one or more Boards of Review composed as provided in Article 56. Such Assistant Judge Advocate General and such Board of Review shall be empowered to perform for that command under the general supervision of The Judge Advocate General, the duties which The Judge Advocate General and the Board of Review and Judicial Council in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval by the President.

NOTES:

A. Sources and Comparable Provisions

1) P. L. 759, 80th Cong., 2d Sess. (1948) Art. 50c.

B. Comment

The proposed text incorporates applicable provisions of A. W. 50c (as amended).

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Uniform Code of Military Justice

Art. 60E. Finality of Court-Martial Judgments

The appellate review of records of trial provided by this Code, the proceedings, findings, and sentences of courts-martial as heretofore or hereafter approved, reviewed, or affirmed as required by this Code, and all dismissals and discharges heretofore or hereafter carried into execution pursuant to sentences by courts-martial following approval, review, or affirmation as required by this Code, shall be final and conclusive, and orders publishing the proceedings of courts-martial and all action taken pursuant to such proceedings shall be binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in Article 60 A.

NOTES:

A. Sources and Comparable Provisions

1) P.L. 759, 80th Cong., 2d Sess. (1948) Art. 50h.

B. Comment

The text incorporates the provisions of A.W. 50h (as amended).

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Uniform Code of Military Justice

Art. 93L. Assault and Battery

(a) Any person subject to this Code who intentionally places another in reasonable apprehension of immediate bodily harm receiving a battery⁷ by means of:

- (1) a dangerous weapon; or
- (2) without a dangerous weapon;

is guilty of assault and shall be punished as a court-martial may direct.

(b) Any person subject to this Code who uses intentional force or violence upon the person of another, by means of:

- (1) a dangerous weapon; or
- (2) poison or other noxious liquid or substance; or
- (3) without a dangerous weapon;

is guilty of battery, and shall be punished as a court-martial may direct.

Uniform Code of Military Justice

Art. 101A. Frauds Against the Government

(a) Any person subject to this Code who knowing it to be false or fraudulent:

(1) makes any claim against the United States or any officer thereof; or

(2) presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof; or

(b) Who for the purpose of obtaining the approval, allowance, or payment of any claim against the United States or any officer thereof:

(1) makes or uses any writing or other paper knowing the same to contain any false or fraudulent statements; or

(2) makes any oath to any fact or to any writing or other paper knowing such oath to be false; or

(3) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing the same to be forged or counterfeited; or

(c) Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

(d) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

(e) Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipment, ammunition, clothing, subsistence stores, money or other property of the United States furnished or intended for the military service thereof; shall upon conviction, be punished as a court-martial may direct.

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93G. Burglary

Any person subject to this Code who with intent to commit a criminal offense (felony) therein, breaks and enters, in the night time, the dwelling-house of another, is guilty of burglary and shall be punished as a court-martial may direct.

93H. Housebreaking

or other structure
Any person subject to this Code who unlawfully enters the building of another with intent to commit a ~~criminal offense~~ ^{*punishable under this*} therein is guilty of housebreaking and shall be punished as a court-martial may direct.

93I. Extortion

with (a) Any person subject to this Code who ^{*unlawfully or maliciously*} communicates ^{*any*} threats to another ~~with the intention thereby to~~ ^{*(or attempt to obtain)*} obtain anything of value or any acquittance, advantage, or immunity of any description is guilty of extortion and shall be punished as a court-martial may direct.

(b) The following kinds of threats shall be sufficient to constitute extortion:

- (1) To do any unlawful injury to the person or property of the individual threatened or to any relative or to any member of his family.
- (2) To accuse him, or any relative of his or any member of his family, of any crime; or
- (3) To expose, or impute to him or any of them any deformity or disgrace; or
- (4) To expose any secret affecting him or any of them; or
- (5) To kidnap him, or any of them. 7

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93J. Perjury

Any person subject to this Code who willfully ^{and corruptly} gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, in a judicial proceeding or ^{official investigation} ~~cause of justice~~, ^{counsel} any false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a court-martial may direct.

93K. Manslaughter

(a) Any person subject to this Code who ^{with excuse of justification} commits a homicide which ^{kills a human being} ~~would be murder under subsections (1), (2) or (3) of Article 100~~, but in a sudden passion or heat of blood, brought about by provocation sufficient to ^{a reasonable} ~~deprive an average~~ person of his self-control and cool reflection is guilty of manslaughter and shall be punished as a court-martial may direct. ^{human being} ~~kills another person~~

(b) Any person subject to this Code who ^{kills another person} ~~commits a homicide~~, without any intent to cause death or great bodily harm

(1) by culpable negligence in performing a lawful act, or an act required by law; or

(2) while perpetrating or attempting to perpetrate an offense, other than those specified in article 100, directly affecting the person

is guilty of manslaughter and shall be punished as a court-martial may direct.

100. Murder

Any person subject to this Code who kills another human being, unless it is excusable or justifiable, when the offender,

(1) has a premeditated design to kill; or

(2) ^{with a dangerous weapon} ~~intends to inflict great bodily harm~~ or

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(3) is engaged in an act, ~~or omission to perform a duty~~, which is inherently dangerous to others, ~~and evinces a depraved mind and~~ wanton disregard of human life; or

(4) is engaged in the perpetration or attempted perpetration of arson, burglary, ~~kidnapping~~, ^{odomy} rape, or robbery, ~~even though he~~ ^{without} ~~has no~~ intent to kill, ^{though he}

is guilty of murder, and shall suffer such punishment as a court-martial may direct, but if found guilty of murder under subsection (1) of this article, shall suffer death ^{or such punishment} or imprisonment for life as a court-martial may direct.

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Uniform Code of Military Justice

Art. 93L. Assault and Battery

(a) Any person subject to this Code who intentionally places another in reasonable apprehension of immediate bodily harm receiving a battery⁷ by means of:

- (1) a dangerous weapon; or
- (2) without a dangerous weapon;

is guilty of assault and shall be punished as a court-martial may direct.

(b) Any person subject to this Code who uses intentional force or violence upon the person of another, by means of:

- (1) a dangerous weapon; or
- (2) poison or other noxious liquid or substance; or
- (3) without a dangerous weapon;

is guilty of battery, and shall be punished as a court-martial may direct.

Uniform Code of Military Justice

Art. 93E. Sodomy

(a) Any person subject to this Code who engages in unnatural carnal copulation with another of the same or opposite sex or with an animal is guilty of sodomy. ~~Emission is not necessary and~~ Penetration, however, slight, is sufficient to complete the crime.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct.

Source: Art. 89 La. Code.

~~Art. 93E. Sodomy~~

~~(a) Any person subject to this Code who takes into his or her mouth or anus the sexual organ of any other person or animal or places his or her sexual organ in the mouth or anus of any other person or animal is guilty of sodomy. Emission is not necessary and penetration, however, slight, is sufficient to complete the crime.~~

~~(b) Any person found guilty of sodomy shall be punished as a court-martial may direct.~~

Source: Section 180J MCM

Subjecting Armed Service Property to Improper Hazard.—Any person subject to these articles who intentionally suffers any combat vehicle, vessel, or aircraft of the armed services to be improperly hazarded or destroyed, or wilfully injures any such combat vehicle, vessel or aircraft, or any part of its armament or equipment, whereby its safety is hazarded or the lives of those on board are exposed to danger, shall suffer death or such other punishment as a court-martial may direct.

Drunk on Duty.--Any officer who is found drunk on duty while a member of an interior guard or a security guard or detachment or the crew of an aircraft in flight or while on watch on board a vessel shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

Any person subject to these articles, other than an officer or a sentinel, who is found drunk on duty shall be punished as a court-martial may direct.

NEW ARTICLE

Self-Imposed Incapacitation to Perform Duties.--Any person subject to these articles who is incapacitated for the proper performance of duty by unauthorized indulgence in alcoholic liquors or a narcotic, or by self-injury inflicted with intent to incapacitate, or by refusal to submit to medical or surgical treatment with intent to remain unfit for duty shall be punished as a court-martial may direct.

A.W. 87

AGN None

None

Personal Interest in Sale of Provisions Or Use of Government Transport Facilities.--Any officer commanding in any installation, place, craft, or organization wherein personnel of the armed services may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessities of life brought into such installation, place, craft, or to such organization for the use of personnel of the armed services shall be punished as a court-martial may direct.

A.W. 87

AGN 8 Thirteenth

9 Twenty-third

NEW ARTICLE

Any person subject to these articles who for his private advantage takes, receives, or permits to be received on board the vessel or aircraft to which he is attached or assigned, or into his quarters, garrison, post, fort, camp, station, custody, or control, any goods or merchandise, for freight, sale, or traffic, other than precious metals or jewels, except as directed by or under proper authority, or who demands or receives any compensation for so doing, shall be punished as a court-martial may direct.

A.W. 89

AGN 1-3 incl.

1-3 incl.

Good Order to be Maintained and Wrongs Redressed.--All persons subject to these articles are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or wrongfully destroys any property whatsoever or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him refuses or omits to see reparation made to the party injured, insofar as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

Provoking Speeches or Gestures.--No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

A.W. 91

AGN 8 Fifth

9 Fifteenth

Dueling.--Any person subject to these articles who sends, carries, or accepts a challenge to fight a duel or acts as a second in a duel shall be punished as a court-martial may direct.

96

Murder--Rape.--Any person subject to these articles found guilty of murder shall suffer death or imprisonment for life, as a court-martial may direct; but if found guilty of murder not premeditated, he shall be punished as a court-martial may direct. Any person subject to military law who is found guilty of rape shall suffer death or such other punishment as a court-martial may direct: Provided, That no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

A.W. 93

AGN 8 Sixteenth

9 Twenty-fourth

NEW ARTICLE

Any person subject to these articles who plunders, abuses, or maltreats any person on shore shall be punished as a court-martial may direct.

new Article

A.W. 93

AGN 22 (a)

9 Forty-sixth

False Oaths.--Any person subject to these articles who wilfully or corruptly takes any false oath to a material matter or procures another to do so shall be punished as a court-martial may direct.

A.W. 93

None

AGN 9 Forty-eighth

NEW ARTICLE

Any person subject to these articles who divulges information of a secret or confidential nature to any person not entitled to receive the same shall be punished as a court-martial may direct.

A.W. 93

None

AGN 9 Fifty-sixth

NEW ARTICLE

Any person subject to these articles who feigns illness or any physical disablement or mental lapse or derangement, for the purpose of escaping work or duty, shall be punished as a court-martial may direct.

95
96

A.W. 93

AGN None

9 Fifty-second

NEW ARTICLE

Any person subject to these articles who uses a vehicle not his own without authority of the owner or lawful custodian thereof, or, while under the influence of alcoholic liquor or a narcotic, operates any vehicle shall be punished as a court-martial may direct.

Various Crimes.--Any person subject to these articles who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, perjury, forgery, uttering a forged instrument, sodomy or any other unnatural sexual act, seduction, blackmail, extortion, assault with intent to commit a felony or assault to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct: Provided, That any person subject to these articles who commits larceny or embezzlement shall be guilty of larceny within the meaning of this article.

A.W. 93

None

ACM 9 Fortieth

NEW ARTICLE

Any person subject to these articles who knowingly commits any lascivious or indecent act, or procures another to do so shall be punished as a court-martial may direct.

A.W. 93

None

9 Forty-fourth

NEW ARTICLE

Any person subject to these articles who maliciously publishes any writing, picture, sign, or other representation which tends to defame any person in the armed services of the United States, or slanders or threatens to slander any person in the armed services of the United States shall be punished as a court-martial may direct.

A.W. 93

None

AGN 9 Forty-third

NEW ARTICLE

Any person subject to these articles who obtains any property not his own by any false pretense, expressed or implied, reasonably calculated to deceive the person to whom the pretense is made as to any existing or past fact, knowingly made with intent to defraud, and with intent permanently to deprive the owner or bailee thereof of said property shall be punished as a court-martial may direct.

NEW ARTICLE

Any person subject to these articles who, through negligence contributes to or causes the death or injury of another either by the operation, handling, use, or disposition of any vehicle, naval craft, aircraft, engine, machinery, or dangerous weapon, or by the handling, use, disposition or stowage of any fuel, or explosive or poisonous material shall be punished as a court-martial may direct.

Conduct Unbecoming an Officer and Gentleman.—Any officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

General Article.—Though not specifically mentioned in these articles, all disorders and neglects to the prejudice of good order and discipline in the armed services, all conduct of a nature to bring discredit upon the armed services, and all crimes or offenses not capital, of which persons subject to these articles may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

None

ARTICLE Twelfth

9 Twenty-second

NEW ARTICLE

Failure to Perform Escort Vessel Duties.--Any person subject to these articles who, when attached to any vessel appointed as escort to any merchant or other vessel, fails diligently to perform his duty or demands or exacts any compensation for his services, or plunders, abuses or maltreats the officers, crew or passengers of such vessel shall be punished as a court-martial may direct.

AW 94

AGN 14 (1-10)

9 (1-9)

Frauds Against the Government.--Any person subject to these articles who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or who, for the purpose of obtaining, or aiding others to obtain, the approval allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or who, having charge, possession, custody, or control of any money or other property

of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipment, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof: Provided, That any person, subject to these articles, who commits larceny or embezzlement with respect to property of the United States, furnished or intended for the military service thereof, or with respect to other property within the purview of this article, steals said property within the meaning of this article; or who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same; or who enters into any agreement or conspires to commit any of the offenses aforesaid; shall, on conviction

thereof, be punished by fine or imprisonment, or by such other punishment as a court martial may adjudge, or by any or all of said penalties. If any person, being guilty of any of the offenses aforesaid or who steals or fails properly to account for any money or other property held in trust by him for enlisted persons or as its official custodian while in the military service of the United States, receives his discharge or is dismissed or otherwise separated from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court martial in the same manner and to the same extent as if he had not been so separated therefrom.

PUNITIVE ARTICLES

ENLISTMENT: APPOINTMENT: MUSTER: RETURN

*Proposals of
Committee of
Working Party*

A.W. 54

AGN 22 (b)

9 Thirty-fourth

Fraudulent Enlistment or Appointment.--Any person who procures himself to be enlisted or who procures for himself and accepts an appointment in any component of the Armed services by means of willful misrepresentation or concealment as to his qualifications for enlistment or appointment and shall receive pay or allowances under such enlistment or appointment shall be punished as a court-martial may direct.

①

A.W. 55

AGN 19

9 Thirty-eighth

Serviceperson Making Unlawful Enlistment or Appointment.--Any person subject to these articles who knowingly enlists, ^{or accepts} musters, or appoints into any component of the Armed services any person whose enlistment, muster, or appointment is prohibited by law, regulations or orders shall be punished as a court-martial may direct.

roll call muster

②

A.W. 56

AGN 8 - 14

9 Twenty-fourth

False Muster.--Any person subject to these articles who knowingly makes a false muster of man or animal, or who signs or directs, or allows the signing of any muster roll knowing the same to contain a false muster or a false statement as to the absence or pay of any member of any component of the Armed services, or who wrongfully takes money or other consideration on mustering in a unit or other

Police report

③

organization of any component of the Armed services, or on signing muster rolls,
or who knowingly musters as a member of any component of the Armed services a
person who is not such member, shall be punished as a court-martial may direct.

A.W. 57 None None

official report

False Returns - Omissions to Render Returns.--Any ~~officer~~ ^{person} whose duty it is to
render to a department or departments of the Armed services or other superior
authority a return of the state of personnel under his command, or of the arms,
ammunition, clothing, funds, or other property there-unto belonging, who
knowingly makes a false return thereof, or who, through neglect or design omits
to render such return shall be punished as a court-martial may direct.

4

None None AGN Thirty-fourth

NEW ARTICLE NOT NUMBERED

Procuring Fraudulent Separation.--Any person, ^{subject to these articles} who, ~~after the manner or in the~~
~~form prescribed by law~~ ^{or any other person's} fraudulently procures his separation from any component
of the Armed services shall be punished as a court-martial may direct.

DESERTION AND ABSENCE WITHOUT LEAVE

A.W. 28 AGN 10 10(b)

Article 58 Desertion.-- Any officer who, having tendered his resignation and
prior to due notice of acceptance thereof, quits his post or proper duties
without leave and with intent to absent himself permanently therefrom shall be

5

*Desertion
refused*

to be and punished deemed and punishable as a deserter.

A.W. 58 (5 parts)

A.W. 28

None

None

Any member of a component of the Armed services of the United States who, without first being regularly separated therefrom ~~after the manner prescribed by law and regulations thereunder and by fraudulent concealment of willful misrepresentation of such facts~~ procures his reentry by enlistment or by appointment which he accepts, in the same or ~~such~~ ^{another} other components of the Armed services of the United States shall be deemed to be and punished as a deserter ~~from the service of the United States~~ and in addition shall be deemed to have fraudulently enlisted or obtained and accepted an appointment therein and ~~to be punishable~~ ^{shall punished} as a court-martial may direct.

A.W. 28

None

None

Any member of a component of the Armed ^{forces} services who without first being ^{regularly} separated therefrom ~~after the manner prescribed by law and regulations thereunder~~ enters any foreign armed service, except when lawfully authorized by the United States shall be deemed to be and punished as a deserter ~~from the service of the United States.~~

A.W. 28

None ✓

None ✓

Any member of a component of the Armed services who quits his organization or place of duty with the intent to avoid hazardous duty or to ~~shirk~~ ^{shirk}

important service shall be deemed to be and ~~punishable~~ as a deserter ~~from the~~

~~XXXXXXXXXX~~
United States.

A.W. 58

AGN 4 Sixth (War)
8 Twenty-first

AGN 8 Third (War)
9 Thirty first

subject to these articles

Any person who deserts the service of the United States in time of war or attempts to desert

shall suffer death or such other punishment as a court-martial may direct, and,

if the offense be committed at any other time, such punishment, other than death,

as a court-martial may direct.

A.W. 59

AGN 4-Sixth (War)
8-Twenty-first

None

Advising or Aiding Another to Desert. -- Any person subject to these articles who

advises, counsels, ^{or} ~~or~~ ^{persuades or} solicits, or knowingly assists another to desert the service

of the United States shall, if the offense be committed in time of war, suffer

death or such other punishment as a court-martial may direct, and, if the offense

be committed at any other time, ^{such} suffer punishment other than death as a court-

martial may direct.

A. W. 60

AGN 8-22

9 Thirty-first

Entertaining a Deserter. -- Any person subject to these articles who knowingly

receives or retains in his command or charge any deserter from the service of the

United States and does not without delay, transmit notice thereof to superior

authority or to the Commander of the organization to which the deserter belongs,

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11

11

*Gen provision cover all offenses committed - advising
Advising or Aiding Another to Desert. -- Any person subject to these articles who
conspires w/o. Commission
12) Attempt or persuades or solicit w/o. Commission
13) Accessory after the fact assists. -- try to cover a.w. 60*

is code

shall be punished as a court-martial may direct.

A.W. 61

AGN 8 Nineteenth

9 Twenty-ninth

12

Absence Without Leave.--Any person subject to these articles who, without proper fails to repair at the fixed time to the appointed place of duty, or goes from the same, or authority, absents himself or remains ^{absent} from his command, guard, quarters, station, camp, vessel, or aircraft, shall be punished as a court-martial may direct.

A.W. 61

None

AGN 5-Fifty-seventh

13

subject to these articles
Any person who, without proper authority, ^{intentionally} wilfully and deliberately

misses the movement of a ship, aircraft, or a mobile unit shall be punished as a court-martial may direct.

DISRESPECT, INSUBORDINATION, MUTINY

A.W. 62

None

AGN 9 Forty-seventh

Disrespect Towards The President, Vice-President, Secretaries of Defense, Army,

14

Navy, Air Force, Governors, and Legislators.--subject to these articles Any person who, in language or deport

ment, is contemptuous or disrespectful to or concerning the President, Vice-President, or the Congress of the United States, or the Secretary of Defense, ^{the Secretary} the Army, Navy,

^{the Secretary of the} or Air Force, or the ^{Secretary of the} governor or legislature of any State, Territory, or other

possession of the United States in which he is on duty, residing, or present shall be punished as a court-martial may direct.

Old 96th

Disrespect Towards Superior ~~In Rank~~.--Any person subject to these articles who treats his superior ^{*in authority*} ~~in rank~~ with contempt, or is disrespectful to him in language or deportment shall be punished as a court-martial may direct.

15

A. W. 64

AGN 4 Third

9 Thirteenth (?)

Assaulting or Wilfully Disobeying Superior ~~In Rank~~.--Any person subject to these articles who, on any pretense whatsoever, strikes a superior ^{*officer*} ~~in rank~~ or draws or lifts up any weapon or offers any violence against him, while he is in the

16

execution of his office, shall suffer death or such other punishment as a court-martial may direct.

wilful disobedience of order in time of war - death
" " place - such other punishment

A. W. 64

4 Second
AGN 8 Twentieth

9 Nineteenth

Any person subject to these articles who wilfully disobeys, refuses to obey or, wilfully or negligently fails to comply with a lawful order or regulation of a superior officer, or other proper authority of the Armed services shall be punished as a court-martial may direct.

17

A. W. 65 See AW 90

AGN 4 Third, 8 Third

9 Thirteenth

Assaults and Threats Between Personnel.--Any person subject to these articles who uses contemptuous, provoking or reproachful words or gestures toward any other person subject to these articles, or strikes, threatens to strike or assaults any other person shall be punished as a court-martial may direct.

18
1 ed 96

19

Any person subject to these articles who is guilty of cruelty, or oppression or maltreatment of any person subject to his orders shall be punished as a court-martial may direct.



Mutiny or Sedition
Failure to Suppress Mutiny or Sedition.--Any person subject to these articles who

20

being present at any mutiny or sedition, does not do his utmost to suppress it,

Mutiny or Sedition.-- Any person subject to these articles who ~~attempts to~~

who, knowing of any mutinous assembly, or intended mutiny or sedition, or who,

~~create~~ or who begins, excites, causes, or joins in any mutiny, mutinous

having reason to believe that a mutiny or sedition is to take place fails to employ

assembly, or sedition ~~in any command~~ shall suffer death or such other punish-

all practical means to communicate his knowledge to his commanding officer shall

ment as a court-martial may direct.

*Refine mutiny
sedition.*

suffer death or such other punishment as a court-martial may direct.

22

Any person subject to these articles who, with intent to create a mutiny

or sedition utters mutinous or seditious words shall be punished as a court-martial

may direct,

23

Any person subject to these articles who joins in, aids or abets any

combination to weaken the lawful authority of, or lessen the respect due to,

his commanding officer shall be punished as a court-martial may direct.

Genl Comp Clause

68 A. W.

AGN None

None

Quarrels, Frays, and Disorders.-- All noncommissioned officers, petty officers, and other members of the Armed services senior in rank thereto, shall have power to part and quell all quarrels, frays, and disorders among persons subject to these articles and to order officers who take part in the same into arrest, and other persons subject to these articles into arrest or confinement, as circumstances may require, until their proper superior is acquainted therewith. And whoever, being so ordered, refuses to obey or disobeys such order or draws a weapon upon or otherwise threatens or does violence to any other person giving such order shall be punished as a court-martial may direct.

24

None

AGN 8 Third, Fourth

9 Fourteenth

NEW ARTICLE

Quarrels and Agitations.--Any person subject to these articles who quarrels with another person in the armed services or who foments or endeavors to foment a quarrel between other persons in the Armed services shall be punished as a court-martial may direct.

23

ARREST AND CONFINEMENT

Arrest and Confinement. Any person subject to these articles who resists or breaks arrest or who escapes from confinement shall be punished as a court-martial may direct.

with a serious offense under these articles, or any other person charged with martial may direct.

26

OK

an offense against the rules and discipline of war shall be placed in confinement or in arrest, as circumstances may require; but when charged with a minor offense only, a person subject to these articles shall not ordinarily be placed in confinement. Any person subject to these articles placed in arrest under the provisions of this article shall thereby be restricted to his vessel, quarters, barracks, or tent unless such limits shall be enlarged by proper authority. Any officer, Midshipman, or Cadet who resists or breaks his arrest or who resists or escapes from confinement whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to these articles who resists or escapes from confinement or who resists or breaks his arrest whether before or after trial or sentence and before he is set at liberty by proper authority shall be punished as a court-martial may direct. Any other person charged with an offense against the rules and discipline of war who resists or escapes from confinement or who resists or breaks his arrest whether before or after trial or sentence and before he is set at liberty by proper authority shall suffer such punishment as a court-martial or military commission may direct.

A. W. 70

AGN None

None

27

Charges: Unnecessary Delay. -- Any person subject to these articles who is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under ^{this code} these articles shall be punished as a court-martial

may direct, or to who negligently or wilfully fails to comply with or enforce any provision of this code regulating the proceedings against the accused

A. W. 70

None

AGN 9 Fifty-first

NEW ARTICLE

Retain
20
Amplify
new
let 5 -
held
20

Unlawful Detention of Another. -- Any person subject to these articles who unlawfully detains or unlawfully causes the detention of ^{any} person ~~subject to these articles~~ shall be punished as a court-martial may direct.

A. W. 71

AGN 8 Eighteenth

9 Twenty-eighth.

Refusal To Receive and Keep Prisoners. -- No provost marshal, commander of a guard, or master at arms shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the ^{armed} forces of the United States, ~~provided such~~ ~~officer~~ who shall, at the time, sign and furnish a written statement of the offense charged against the prisoner. Any such person so refusing shall be punished as a court-martial may direct.

A. W. 72

AGN None

None

Report of Prisoners Received.---Every commander of a guard to whose charge a prisoner is committed shall, within twenty-four hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

Under Part II Apprehension and Restraint,

30

A. W. 73

AGN 8 Eighteenth

9 Twenty-Eighth

Releasing Prisoners Without Proper Authority.---any person subject to these articles who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct.

intentionally or negligently (allows)

31

A. W. 74

Art 75 - *Wing rephrasing*

WAR OFFENSES

A. W. 76

AGN 4 Twelfth

AGN 8 Seventh

Subordinates Compelling Commander to Surrender.--Any person subject to ~~these~~

Code
articles who compels ~~or attempts to compel~~ a commander of any ^{*place*} garrison, fort, ~~post, camp, guard, vessel, aircraft, or other command~~ to give it up to an

32
enemy, or to abandon it, or ^{*who*} strikes or attempts to strike the ^{*flag or*} colors to an enemy without proper authority shall suffer death or such other punishment as a court-martial may direct.

of any group or body of members of the Armed Force

A. W. 77

None

None

Improper Use of Countersign.--Any person subject to these articles who in time

33
of war makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, ^{*or gives a parole ?*} or countersign different from that which he received shall suffer death or such other punishment as a court-martial may direct.

A. W. 78

None

None

34
Forcing a Safeguard.--Any person subject to these articles who forces a safe-guard shall suffer death or such other punishment as a court-martial may direct.

Line article for 79-80
looting.

A. W. 79

None

None

Captured Property to be Secured for Public Service.--All public property taken from an enemy is property of the United States and shall be secured, for the service of the United States, and any person subject to these articles who fails to use the means ^{neglects} within his power to secure such property, or who wrongfully appropriates such property shall be punished as a court-martial may direct.

35
subject to these articles
Any person who takes out of a prize, or vessel or aircraft seized as a prize, any money, plate, goods, or any part of the equipment thereof, unless it be for the preservation thereof, or unless such articles are needed for the use of any of the vessels, aircraft, or armed services of the United States or its allies, before the same is condemned as a lawful prize, shall be punished as a court-martial may direct.

A. W. 80

None

None

36
Dealing in Captured or Abandoned Property.--Any person subject to these articles who buys, sells, trades, barter, or in any way deals in or wrongfully disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper

authority or fails to turn over such property to the proper authority without delay shall be punished as a court-martial, military commission, or other military tribunal may direct.

No. A.W.

AGN 17

9 Thirty-sixth

Mistreatment of Prize Crews.-- Any person subject to these articles who ~~strips off~~ ~~the~~ clothes of, or pillages, or in any manner maltreats any person taken on board a prize shall be punished as a court-martial may direct.

37

No. W. 81

AGN 4 Fourth, Fifth

AGN Eighteenth

Relieving, Corresponding With, or Aiding the Enemy.--Any person who ~~relieves~~ ~~aid~~ ~~attempts to relieve~~ the enemy with arms, ammunition, supplies, money, or other ~~thing~~ ~~communicates or corresponds with,~~ thing, or knowingly harbors or protects or gives intelligence to, or holds or entertains any intercourse with the enemy, either directly or indirectly, without proper authority shall suffer death or such other punishment as a court-martial or military commission may direct.

38

None

AGN 4 Seventh (War)

AGN 8 Fourth (War)

NEW ARTICLE

Betrayal of Trust.--Any person subject to these articles, who in time of war or national emergency betrays his trust or ~~corrupts or conspires~~ ~~to corrupt~~ ~~any~~ ~~person~~ ~~subject~~ ~~to~~ ~~these~~ ~~articles~~ ~~to~~ ~~betray~~ ~~his~~ ~~trust,~~ ~~shall~~ ~~suffer~~ ~~such~~ ~~punishment~~ ~~as~~ ~~a~~ ~~court-martial~~ ~~may~~ ~~direct.~~ ~~death or other~~ ~~such~~ ~~punishment~~ ~~as~~ ~~a~~ ~~court-martial~~ ~~may~~ ~~direct.~~

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A. W. 81AGN 4 Fourth, FifthThirty-Second
AGN 9 Thirty-Third

NEW ARTICLE

Aid and Comfort to Enemy Short of Treason.--Any person subject to these articles, who by conduct not authorized by law, customs, regulation, or other proper authority, but short of treason, gives aid and comfort to the personnel of the enemy, whether military or civilian, shall suffer such punishment as a court-martial may direct.

AGN Proposal

NEW ARTICLE

Prohibited Conduct While a Prisoner of War.--Any person subject to these articles who, in time of war, while in the hands of the enemy, by conduct not ^{authorized} ~~authorized~~ by law, custom, regulation or other proper authority, acts to ^{ameliorate} ~~ameliorate~~ his condition with his captors to the detriment of fellow prisoners whether military or civilian and regardless of their nationality, or while ^{in the hands of the enemy} ~~held as a prisoner of~~ war and holding any position of authority over other prisoners of war, maltreats, ~~without justifiable cause, any such other prisoner of war, whether military or~~ civilian, and regardless of their nationality, shall suffer such punishment as a court-martial may direct.