solicitation desertion
mutiny
misconduct before enemy.

## General Provisions

1. Any person subject to this Code who aids, abets, counsels, commands or induces, or enters into any agreement, combination or conspiracy with, another or others to commit an offense punishable by this Code shall,

(a) if the offense is committed by one or more of the others, be punished with the punishment provided for the commission of the offense, and

(b) if the offense is not committed, be punished as a court-martial shall direct.

2. Any person subject to this Code who causes or procures any offense punishable by this Code to be committed shall be punished with the punishment provided for the commission of the offense.

3. 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. 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 prevent his apprehension, trial or punishment shall be punished as a court-martial may direct.

5. 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.

## Military Offenses

6. Any person who procures his own enlistment or appointment in the Armed Forces through knowingly false representations concerning his qualifications for such enlistment or appointment and receives pay or allowances under such enlistment or appointment, or who fraudulently procures his separation from the Armed Forces shall be punished as a court-martial may direct.

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

8. Desertion.

Any member of the Armed Forces of the United States who

(a) without proper authority goes or remains absent from his place of service with intent not to return thereto, or

(b) quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service, 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 so regularly separated, or enters the armed service of any foreign power except when authorized by the United States,

is guilty of desertion; and 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.

9. Any person subject to this Code who receives or retains in his command or charge any person known to him to be a deserter from the Armed Forces and who does not promptly transmit notice thereof to superior authority or to the Commander of the organization to which the deserter belongs shall be punished as a court-martial may direct.

10. Any person subject to this Code who without proper authority

(a) fails to go to his appointed place of duty at the time prescribed (~~by law, regulation or general or special order~~), or

(b) goes from that place, or

(c) absents himself or remains absent from any place, vessel, aircraft or other vehicle or structure at which he is required to be (~~in course of duty~~) (~~by order or lawful regulation~~)

shall be punished

10. (Alternate) Any person subject to this Code, who without proper authority, (a) fails to go to, or (b) goes from, or (c) absents himself from, or (d) remains absent from, any place, structure or means of transportation at which he is required to be by law, regulation or general or special order, or otherwise in the course of duty, shall be punished as a court-martial may direct.

11. Any person subject to this Code who, without proper authority, intentionally misses the movement of a ship, aircraft or unit with which he is required in course of duty to move, shall be punished as a court-martial may direct.

12. Any person subject to this Code who ~~disobeys or by neglect or design~~ fails to obey any law, regulation or ~~general or special~~ order which it is his duty as a person subject to this Code to obey, shall be punished as a court-martial may direct.

13. Omit A.W. 62 (covered by old 96).

14. Disrespect Towards Superior - (Accept the mimeograph draft top of page 6, but change "these articles to "this Code", and "in rank" to "in authority".)

15. Any person subject to this Code 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 who wilfully disobeys or refuses to obey a lawful command of his superior officer, shall be punished (a) if the offense is committed in time of war by death or such other punishment as a court-martial may direct, and (b) if the offense is committed at any other time by such punishment other than death as a court-martial may direct.

16. Omit A.W. 65 (covered by old 96).

17. Cruelty, etc. - (Accept the mimeograph draft at top of page 7, but change "these articles" to "this Code".)

18. Mutiny or Sedition.

Any person subject to this Code

military authority refuses to obey orders or otherwise to do his duty, whether acting alone or in concert with others, is guilty of mutiny.

(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 death or such other punishment 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 suppress 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 is 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.

19. A.W. 67 at bottom of mimeograph page 7 is omitted. (Covered by No.1 above.)

20. Accept the typed insert bottom of page 8 of mimeograph, but change "these articles" to "this Code".

21. Use the A.W. 72 mimeograph draft page 11.

22. Use the A.W. 73 mimeograph draft page 11, but change "these articles" to "this Code".

23. Accept the mimeograph draft A.W. 70 middle mimeograph page 10, but change "these articles" to "this Code".

24. Omit mimeograph A.W. 71 because covered by No.5 above.

25. Non-Compliance with Procedural Rules -

Any person subject to this Code who intentionally or negligently causes unnecessary delay in the disposition of any case of a person accused or an

Will this cover Art 52 // I suppose so.



offense under this Code or who intentionally or negligently fails to enforce or comply with any provision regulating the proceedings before, during or after trial of the accused shall be punished as a court-martial may direct.

26. A.W. 75 (revised)

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 intention 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 court-martial may direct.

War Offenses

27. A.W. Subordinate Compelling Surrender -

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

28. Improper Countersign, etc.-

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.

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

30. Captured or Abandoned Property, etc. -

Any person subject to this Code (a) who 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 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) who engages in looting or pillaging, or (c) who 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.

31. Relieving, etc. - (Accept mimeograph A.W. 81 as in middle of page 14 of mimeograph but change "relieves" to "aids" and strike "or attempts to aid" unless it is thought that attempt should be punishable by death. No. 3 above covers "attempts".)

32. Misbehavior as Prisoner -

Any person subject to these articles 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 them maltreats them without justifiable cause shall be punished as a court-martial may direct.

33. Spies -

Any person who in time of war has remained or come within any ter-

ritory 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~~ lurking 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)~~, shall be tried by court-martial or military commission and shall on conviction be punished by death.

Or in any place with juris or control of the U.S. or any of its armed forces.