

ANNUAL REPORT
of the
U.S. COURT OF MILITARY APPEALS



and the
JUDGE ADVOCATES GENERAL
of the
ARMED FORCES
and the
GENERAL COUNSEL
of the
DEPARTMENT OF
TRANSPORTATION
PURSUANT TO THE
UNIFORM CODE OF MILITARY JUSTICE
For the Period
October 1, 1982-September 30, 1983

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**ANNUAL REPORT
SUBMITTED TO THE
COMMITTEES ON ARMED
SERVICES
of the
SENATE AND OF THE
HOUSE OF REPRESENTATIVES
and to the
SECRETARY OF DEFENSE
AND SECRETARY OF TRANSPORTATION
and the
SECRETARIES OF THE DEPARTMENTS OF
THE ARMY, NAVY, AND AIR FORCE**

**PURSUANT TO THE
UNIFORM CODE OF MILITARY JUSTICE
For the Period
October 1, 1982-September 30, 1983**

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JOINT REPORT

of the

U.S. COURT OF MILITARY APPEALS

and the

**JUDGE ADVOCATES GENERAL
OF THE ARMED FORCES**

and the

**GENERAL COUNSEL
DEPARTMENT OF TRANSPORTATION**

October 1, 1982 to September 30, 1983

The Judges of the United States Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation submit their Annual Report on the operation of the Uniform Code of Military Justice, pursuant to 10 U.S.C. §867(g).

The Code Committee, composed of the Judges of the United States Court of Military Appeals, the Judge Advocates General and the Chief Counsel of the Coast Guard representing the General Counsel of the Department of Transportation, met on several occasions during fiscal year 1983 to consider various proposals for the improvement of the military justice system. Included in the agenda were proposals for legislation to amend the Uniform Code of Military Justice. The Code Committee members also reviewed a proposed draft of the revised Manual for Courts-Martial and made various recommendations for modification to the draft as submitted to them. Additionally, the members considered and discussed proposals for continuing legal education which would be made available to the uniformed lawyer.

Separate reports of the U.S. Court of Military Appeals and the individ-

ual services address further items of special interest to the Committees on Armed Services of the U.S. Senate and House of Representatives as well as the Secretaries of Defense, Transportation, Army, Navy, and Air Force.

ROBINSON O. EVERETT

Chief Judge

WILLIAM H. COOK

Associate Judge

ALBERT B. FLETCHER, JR.

Associate Judge

HUGH J. CLAUSEN

The Judge Advocate General, U.S. Army

JAMES J. MCHUGH

The Judge Advocate General, U.S. Navy

THOMAS B. BRUTON

The Judge Advocate General, U.S. Air Force

ROSCHIEL A. KREPPS

General Counsel, Department of Transportation

**REPORT OF THE
UNITED STATES COURT OF MILITARY APPEALS**

October 1, 1982 to September 30, 1983

The Judges of the United States Court of Military Appeals submit their fiscal year 1983 report on the administration of the Court and military justice to the Committees on Armed Services of the United States Senate and House of Representatives and the Secretaries of Defense, Transportation, Army, Navy, and Air Force in accordance with Article 67(g), Uniform Code of Military Justice, 10 U.S.C. §867(g).

THE BUSINESS OF THE COURT

The increase in the number of cases which were filed with the Court during the most recent previous years has continued into the fiscal year 1983 term. During this reporting period 3165 petitions for grant of review, mandatory appeals, certificates for review, cross-petitions, granted reconsideration petitions, and petitions for new trial were filed with the Court. This was the highest total number of such filings since the creation of the Court by Congress and represents an increase of 16 percent over the filings for fiscal year 1982, which itself also represented a record for such filings. Since fiscal year 1980, such total annual filings have increased approximately 80 percent.

In addition to record numbers of filings, the Court reviewed and acted on 2798 petitions for grant of review during fiscal year 1983, reflecting an increase in such review actions of 9 percent over fiscal year 1982 and an increase of 65 percent over such review actions taken during fiscal year 1980. The Court granted further review in 285 of the cases (10 percent of the cases considered). On the master docket of mandatory appeals, certificates for review, and granted petitions, the Court disposed of 197 cases. Approximately 40 percent of the Court's actions on these master docket cases affirmed the decisions of the Courts of Military Review. These cases were decided in 80 signed opinions, 24 per curiam opinions, and 93 summary disposition orders.

The number of petitions for extraordinary relief and writ appeal petitions filed during fiscal year 1983 also increased as 72 such petitions were filed during fiscal year 1983, while only 52 such petitions were

filed during fiscal year 1982. The Court disposed of 81 extraordinary relief cases during fiscal year 1983 and had only one such case pending at the end of the fiscal year.

The increase in the number of cases filed with the Court during fiscal year 1983 was also reflected in the number of motions filed with the Court. During the current fiscal year, 1201 motions were filed with the Court, which represented an increase of 38 percent over motion filings for fiscal year 1982. Additionally, the Court was able to dispose of 1259 motions during fiscal year 1983, thereby reducing a pending backlog of motions awaiting action by the Court by 58 percent over fiscal year 1982.

Reports from the Courts of Military Review reflect that the Army Court of Military Review experienced an increase of approximately 30 percent in the number of court-martial cases submitted for appellate review in fiscal year 1983 over the number of cases filed in that Court during the prior fiscal year. Similarly, the Navy-Marine Corps Court of Military Review had an increase of 12 percent in case filings during the same comparative fiscal year periods. The Air Force Court of Military Review likewise experienced a 4 percent increase in case filings during the same periods. Such increasing numbers of filings with the intermediate appellate courts in each Armed Service indicate that a similar increase will be subsequently experienced by this Court. Thus, although both fiscal years 1982 and 1983 established record highs for the number of cases filed with the Court, it is anticipated that another record number of cases will be filed with the Court during fiscal year 1984.

In addition to its case review workload, the Court admitted 492 attorneys to practice before its Bar during the fiscal year 1983 term, bringing the cumulative total of admissions before the Bar of the Court to 24,338.

JUDICIAL VISITATIONS

The Judges of the Court continue to visit military installations to facilitate a better understanding of the Court's role in the military justice system. Additionally, the Judges have been requested to address numerous military and civilian organizations to inform the military and civilian communities of the Court's responsibility to supervise the military justice system.

In fulfillment of this responsibility, Chief Judge Everett attended meetings of the American Bar Association's Standing Committee on Military Law and delivered addresses to the Pentagon Chapter of the Federal Bar Association; the Military Justice Committee of the Bar of the City of New York; the mid-year meeting of the American Bar Association, New Orleans, Louisiana; the Ninth Interservice Military Judges Seminar, Maxwell Air Force Base, Alabama; the Annual Pacific Commanders' Legal Conference, Honolulu, Hawaii; the Military Law Section of the Texas State Bar, Fort Worth, Texas; the United States Army JAG

Reserve Group, Alexandria, Virginia; the Naval Reserve Association, Rosslyn, Virginia; the San Antonio, Texas, Chapter of the Federal Bar Association; the Air Training Command Staff Judge Advocates' Conference, Randolph Air Force Base, Texas; the Annual Convention of the Federal Bar Association, Louisville, Kentucky; the United States Army Reserve Judge Advocates in Columbus, Ohio, and in Fort Meade, Maryland; the Annual Navy Law Day Luncheon, Alexandria, Virginia; the Law Day Program, Elmendorf Air Force Base, Alaska; the Twenty-Sixth Military Judges Course, U.S. Army JAG School, Charlottesville, Virginia; the United States Army Trial Counsels' Conference, Fort Bragg, North Carolina; the Forsyth County Bar, Winston-Salem, North Carolina; the Annual Meeting of the Judge Advocates Association, Atlanta, Georgia; and the U.S. Army Europe Trial and Defense Counsel Conference and Trial Judges Conference, Garmish, Germany. Chief Judge Everett also participated in the Appellate Judges Seminar, New York University School of Law, and accepted an invitation to visit the Naval Submarine Base, Groton, Connecticut.

Judge Cook visited and met with senior military commanders and judge advocates at the United States Coast Guard Academy, New London, Connecticut; the U.S. Army JAG School, Charlottesville, Virginia; Lowry Air Force Base, Colorado, and the U.S. Navy Sixth Fleet Headquarters, Naples, Italy. In addition, Judge Cook attended and participated in meetings of the American Bar Association's Standing Committee on Military Law.

Judge Fletcher delivered the Twelfth Annual Kenneth J. Hodson Lecture at the United States Army JAG School, Charlottesville, Virginia, and addressed the Annual Law Day Banquet, Fort Meade, Maryland. Judge Fletcher also attended meetings of the American Bar Association's Standing Committee on Military Law and visited the United States Coast Guard Academy, New London, Connecticut.

The visits and speeches of the Judges continue to benefit the Court as they provide the Judges an opportunity to ascertain the impact of their decisions on the administration of military justice and to remind both commanders and servicemembers of the Court's role.

HOMER FERGUSON CONFERENCE

The Court and the Military Law Institute continue the joint sponsorship of the Homer Ferguson Conference which was first held in 1976. However, in fiscal year 1983 the conference name was changed from the Homer Ferguson Conference on Appellate Advocacy to the Homer Ferguson Conference to emphasize that it was designed to provide continuing legal educational benefits to both appellate and trial advocates. On May 18-19, 1983, the Eighth Annual Conference was held at George Washington University. This year's conference was designed to give both military and civilian practitioners an opportunity to develop and

maintain the skills necessary for practice before trial and appellate courts and was certified for credit to meet the continuing legal education requirements of various State Bars. The speakers included Honorable Tim Murphy, Judge, Superior Court of the District of Columbia; Major General Hugh J. Clausen, The Judge Advocate General, United States Army; Dean Paul D. Carrington, Duke University School of Law; Professor Edward H. Cooper, University of Michigan Law School; Honorable William Howard Taft, IV, General Counsel of the Department of Defense; Major General James Taylor, Jr., The Deputy Judge Advocate General, United States Air Force; Mr. Myron Birnbaum, Special Assistant, Clemency and Rehabilitation, United States Air Force; Mr. John W. Matthews, Executive Secretary, United States Army Board for Correction of Military Records; Mr. John Quigley, Executive Secretary, Navy Clemency and Parole Board; James B. Craven, III, Esquire; Mr. Morris Harrell, President, American Bar Association; Professor William F. Causey, American University School of Law; Honorable Owen L. Cedarburg, Chief Judge, United States Navy-Marine Corps Court of Military Review; Professor Stephen A. Saltzburg, University of Virginia Law School; Mr. David Schlueter, Legal Officer, United States Supreme Court; Rear Admiral James J. McHugh, The Judge Advocate General, United States Navy; Major Alan Hahn, Instructor, the U.S. Army Judge Advocate General's School; Lieutenant Commander Paul E. McPartlin, JAGC, United States Navy; Mr. Andrew S. Effron, Assistant General Counsel, Department of Defense; Major General Hugh R. Overholt, Assistant Judge Advocate General, United States Army; James R. Klimaski, Esquire; Mark Waple, Esquire; David Addlestone, Esquire; Honorable John Tower, United States Senate; Professor A. Kenneth Pye, Director, Center for International Studies, Duke University; Rear Admiral Edwin H. Daniels, Chief Counsel, United States Coast Guard; Rear Admiral Albert J. Baciocco, Jr., United States Navy; Major General Thomas M. Sadler, United States Air Force; Brigadier General Gary E. Luck, United States Army; Dean Walter D. Reed, South Dakota University School of Law; Honorable Loren A. Smith, Chairman of the Administrative Conference of the United States; Admiral James D. Watkins, Chief of Naval Operations; and the Judges and staff of the Court. The Invocation was offered by Reverend Dr. James D. Ford, Chaplain, United States House of Representatives. Numerous uniformed and civilian lawyers involved in practicing before military courts, as well as the Judges of the Courts of Military Review and other scholars and commentators in the field of military justice, were in attendance at the conference.

CAPITAL PUNISHMENT

During the fiscal year 1983 term the first case to reach the Court in many years involving an approved death sentence was docketed in the Court. *United States v. Matthews*, Docket Number 43,538. Thereafter,

several other cases involving death sentences were also filed with the Court. In an opinion which was published shortly after the close of the fiscal year 1983 term, *United States v. Matthews*, 16 M.J. 354 (C.M.A. 1983), the Court held that the death penalty procedures of the military justice system did not satisfy the constitutional requirement that the court members must make specific findings of individualized aggravating circumstances. However, the Court further held that a rehearing on the sentence at the trial level with death as the maximum sentence could take place if Congress or the President corrected the deficiencies within 90 days from the date on which the mandate was issued.¹

SIGNIFICANT DECISIONS AFFECTING THE ADMINISTRATION OF MILITARY JUSTICE WITHIN THE ARMED FORCES ²

Court-Martial Jurisdiction Over Persons and Offenses

During the fiscal year 1983 term the Court examined the issue of whether a servicemember who stole a military identification card on base was subject to trial by court-martial for a forgery and larceny committed off base where the stolen identification card was used to facilitate the latter crimes. Noting that the off-base crimes were part of a course of conduct which began on base, the Court held in *United States v. Lockwood*, 15 M.J. 1 (C.M.A. 1983), that a court-martial could try all the offenses because the accused's off-base conduct had an adverse impact on the morale, reputation and integrity of the military base itself.

Article 31 and the Right to Remain Silent

In *United States v. Schneider*, 14 M.J. 189 (C.M.A. 1982), the Court held that an accused had been taken into custody within the meaning of Article 7, Uniform Code of Military Justice, under the particular circumstances of that case. The Court further noted, relying on Article 31 of the Code, that any pretrial statements resulting from an interrogation by government agents were admissible only if such custody had been predicated on probable cause. After setting forth the relevant evidence of record, the Court also held that probable cause had been established and that the statements were therefore admissible. The question of whether a subsequent confession could be accepted as evidence where that confession was preceded by an improperly obtained confession

¹ Although *United States v. Matthews*, 16 M.J. 354 (C.M.A. 1983), was released after the expiration of the fiscal year term, in view of the filing of this case during fiscal year 1983 and its importance in the military community, the Court concluded that the Congress should be informed at the earliest opportunity.

² This section of the Court's Annual Report is prepared solely as an informational tool by the staff of the Court. It is included for the convenience of the reader to assist in easily locating cases of particular interest during the term. The case summaries are of no precedential value and should not be cited in briefs filed with the Court.

which resulted from the failure to advise an accused of his Article 31 rights was addressed by the Court in *United States v. Butner*, 15 M.J. 139 (C.M.A. 1983). Noting the interval of time between the two confessions, the fact that the accused was not confined, and that he was advised that his initial confession could not be used against him, the Court held that the taint of the initial improper confession had been dissipated and that the second confession was properly admitted as evidence.

In *Murray v. Haldeman*, 16 M.J. 74 (C.M.A. 1983), the Court held that an order to produce a urine sample and the production of such a sample for the purpose of testing it for the presence of drugs were not within the proscriptions of Article 31 and the Fifth Amendment of the United States Constitution. Rather, the Court held that the extraction of a urine sample was a seizure within the meaning of the Fourth Amendment and that, under the facts and the circumstances of the extraction procedure, the seizure was reasonable.

Search and Seizure

An issue involving the use of personnel of the Armed Forces of the United States to assist foreign officials in customs inspections was addressed by the Court in *United States v. McCullough*, 14 M.J. 409 (C.M.A. 1983). The Court observed that, pursuant to international agreements, a military policeman assisted customs officials of the Federal Republic of Germany by conducting the customs inspection of a member of the Armed Forces of the United States. The Court noted that the agreements in question were intended to facilitate the flow of American military personnel in and out of Germany by reducing the delays and misunderstandings that sometimes result from language differences; that the agreements benefit the American military personnel who are subject to such inspections; and that the undertaking of the United States to assist in these inspections was reasonable. The Court therefore held that a customs inspection conducted pursuant to the agreements was reasonably consistent with the Fourth Amendment.

Treaties, International Agreements and Individual Rights

Examining the language of paragraph 8 of Article VII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO SOFA), 4 U.S.T. 1792, T.I.A.S. No. 2846 (effective date August 23, 1953), the Court observed in *United States v. Green*, 14 M.J. 461 (C.M.A. 1983), that the emphasis on the principle of "no double jeopardy" evidenced an intent by the drafters of this agreement to protect individual rights. Thus, the Court held that the military accused in this case had standing to assert a violation of the paragraph. However, after examining the evidence of record, the Court held that the accused's conviction by a British Criminal Court did not encompass

the same offenses underlying the military charges and that the court-martial was not barred by the provisions of paragraph 8 of Article VII of the NATO SOFA.

In *United States v. Miller*, 16 M.J. 169 (C.M.A. 1983), the Court was faced with a similar "no double jeopardy" provision contained in an international agreement between the United States and the Republic of Korea. In this case, the accused had first been tried and convicted by the Seoul Criminal District Court of the murder of a Korean National. On appeal from that conviction, the Seoul High Court (intermediate appellate court) dismissed the charges on the grounds that the Republic of Korea was without jurisdiction to proceed further. The lack of jurisdiction was predicated on the basis that martial law had been declared throughout the Republic of Korea between the date of trial and the date of appellate review by the Seoul High Court. The Korean appellate court relied on a provision of the international agreement between the United States and Korea which granted the military authorities of the United States exclusive jurisdiction during the effective dates of martial law. The Court of Military Appeals held in its review of the record of the subsequent court-martial of the same accused by American military authorities that dismissal of charges by the Korean appellate court voided the entire proceeding in the Korean judicial system and that, for the purpose of the "no double jeopardy" provision of the international agreement, there was no trial and no judgment or service of sentence to which jeopardy attached.

Pretrial and Post-trial Delay

During fiscal year 1983 the Court continued to emphasize in its decisions that a military accused must be accorded a speedy trial and review. Thus, in *United States v. Rowsey*, 14 M.J. 151 (C.M.A. 1982), the Court noted that almost 130 days elapsed from the preferral of the original charges to the date of trial; that the appellant was held in pretrial confinement for 85 days; and that defense counsel had urged the Government on two separate occasions to move forward to try the charges against the accused with dispatch. The Court further observed that the Court of Military Review found that the accused in this case had been denied a speedy trial. However, the Court disagreed with the Court of Military Review's holding that since the presumption of denial of speedy trial as defined in *United States v. Burton*, 21 USCMA 112, 44 CMR 166 (1971), was inapplicable under the facts of this case, reassessment of the sentence was more appropriate than outright dismissal of the charges. Rather, the Court held that only a dismissal of the charges could adequately compensate an accused and deter future government indifference where a proper appellate court has found a denial of the right to a speedy trial.

As to the issue of post-trial delay, the Court held in *United States v.*

Sutton, 15 M.J. 235 (C.M.A. 1983), that a dismissal of the charges was warranted as a result of a delay of ten months between the initial action on the record of trial by the special court-martial convening authority and the subsequent action of the supervisory authority. The Court stressed that there was no explanation for the delay; that the case involved routine military offenses; and that the accused claimed that he had been prejudiced in obtaining civilian employment after having been placed on appellate leave after his trial ended.

Military Practice and Procedure

In *United States v. Newman*, 14 M.J. 474 (C.M.A. 1983), the Court, after noting that Rule 607, Military Rules of Evidence, explicitly repudiated the doctrine that a party who calls a witness vouches for his credibility, held that a convening authority was not disqualified from reviewing the record of a court-martial merely because he granted testimonial immunity to a witness who testified at that court-martial. This ruling constituted a departure from previous decisions of the Court which held that such a grant of immunity mandated disqualification. The holding in *Newman* was subsequently applied in *United States v. Andreas*, 14 M.J. 483 (C.M.A. 1983), when the Court ruled that a general court-martial convening authority was not disqualified merely because a subordinate commander's staff judge advocate successfully persuaded the Department of Justice to grant testimonial immunity to a civilian witness who testified during the general court-martial convened by the superior commander. The Court also held in *United States v. Decker*, 15 M.J. 416 (C.M.A. 1983), that a staff judge advocate was not disqualified from writing a post-trial review because he had earlier recommended clemency for a prosecution witness.

Relying on a general court-martial convening authority's supervisory powers over special and summary courts-martial, the Court held in *United States v. Blaylock*, 15 M.J. 190 (C.M.A. 1983), that a general court-martial convening authority properly referred a case to a special court-martial empowered to adjudge a bad-conduct discharge after that case had previously been referred by a subordinate commander to a special court-martial which was not so empowered. The Court observed in *Blaylock* that a contrary result would be inconsistent with the military command structure whereunder a superior commander is able to direct the actions of a subordinate.

The question of whether a convening authority could ignore a ruling of the military judge because he believed the ruling was erroneous was answered by the Court in *United States v. Suzuki*, 14 M.J. 491 (C.M.A. 1983). Therein the Court held not only that the military judge's ruling was proper but that a convening authority has no power to ignore a ruling by a military judge and unilaterally act on his own in disregard of the judge's ruling. Rather, the Court held that if a convening authority con-

cludes that a trial judge's ruling is erroneous, he must seek extraordinary relief from the appropriate United States Court of Military Review to restrain the trial judge.

Concerning the *ex post facto* effect of an amendment to Article 2 of the Uniform Code of Military Justice (Pub. L. No. 96-107, §801, 93 Stat. 810), which designated the classes of persons subject to the Code, the Court held in *United States v. McDonagh*, 14 M.J. 415 (C.M.A. 1983), that the amendment could be given *ex post facto* effect where military status was not an essential element of the charged offense. However, the Court subsequently held in *United States v. Marsh*, 15 M.J. 252 (C.M.A. 1983), that the same amendment could not be applied retroactively to an offense where the accused's military status constituted one of the essential elements of the charged offense. Additionally, the Court held in *Marsh* that since military status was an element of the charged offense, it must be proven beyond a reasonable doubt.

Observing in *United States v. Elliott*, 15 M.J. 347 (C.M.A. 1983), that Article 66(a) of the Uniform Code of Military Justice requires that a panel of a Court of Military Review be composed of not less than three members, the Court held that this requirement was not satisfied when an officer assigned to such a panel was on leave and did not take the oath of office until after the accused's case was heard by that panel. Rather, the Court ruled that Congress, by redesignating Boards of Review as Courts of Military Review, intended to enhance the status of appellate military judges and indicated that it would not tolerate any practices which would tend to detract from their status.

The applicability of the rape shield law as applied to courts-martial by Rule 412(b), Military Rules of Evidence, was addressed by the Court in *United States v. Dorsey*, 16 M.J. 1 (C.M.A. 1983); *United States v. Elvine*, 16 M.J. 14 (C.M.A. 1983); *United States v. Colon-Angueira*, 16 M.J. 20 (C.M.A. 1983); and *United States v. Hollimon*, 16 M.J. 164 (C.M.A. 1983). Rejecting a *per se* rule in each of these cases, the Court held that evidence relating to the alleged victim must be admitted if it is relevant, material, and favorable to the defense. Thus, after analyzing the facts and circumstances of each case, the Court held that proffered evidence pertaining to the victims was properly rejected in *Elvine* and *Hollimon*, but that such evidence had been improperly excluded from the court-martial in both *Dorsey* and *Colon-Angueira*.

Reversing its earlier decision in *United States v. Nathan*, 12 USCMA 398, 30 CMR 398 (1961), the Court held in *United States v. Garcia*, 16 M.J. 52 (C.M.A. 1983), that the acquittal of co-conspirators did not require the acquittal of the remaining conspirator in the absence of some compelling reason. The Court rejected the earlier "bilateral theory" or "rule of consistency" of the British common law which had recently been rejected by many courts and by the drafters of the applicable provision of the American Law Institute's Model Penal Code.

Extraordinary Relief

In *Shepardson v. Roberts*, 14 M.J. 354 (C.M.A. 1983), the Court held that it could properly entertain a petition for extraordinary relief where the petitioner, who was pending trial by a general court-martial, claimed that the convening authority could not withdraw from a pretrial agreement and that the military judge's ruling which allowed the convening authority to do so in this case was erroneous and should be overturned. However, after reviewing the facts and circumstances of the case, the Court held that the convening authority had not acted improperly by seeking to withdraw from the agreement and, therefore, denied the petition for extraordinary relief.

Subsequently, in *Murray v. Haldeman*, 16 M.J. 74 (C.M.A. 1983), the Court similarly held that it could properly decide the merits of the petition for extraordinary relief submitted by an accused awaiting trial by court-martial on a charge involving the use of marijuana. The petitioner in *Murray* argued that the court-martial which had been convened to try him for the off-base use of marijuana was without jurisdiction and that a military order directing him to produce a urine sample violated his rights under both the United States Constitution and the Uniform Code of Military Justice. As in *Shepardson*, the Court noted the potential recurrence of the issues raised by the petitioner and the delay of other cases pending a resolution of the petition. However, after ruling that the compulsory urinalysis to which the petitioner was subjected constituted a seizure which was reasonable within the meaning of the Fourth Amendment, the Court examined the facts and circumstances of this case and denied extraordinary relief.

Finally, the Court dismissed a petition for extraordinary relief in *Dobzynski v. Green*, 16 M.J. 84 (C.M.A. 1983), where the petitioner argued that he was being subjected to a nonjudicial punishment proceeding under Article 15 of the Uniform Code for conduct which had previously been referred to a special court-martial but which had been withdrawn after the military judge granted a defense motion to suppress certain evidence. The Court concluded that the charges were properly withdrawn from the special court-martial and that the Article 15 punishment was properly imposed.

ROBINSON O. EVERETT

Chief Judge

WILLIAM H. COOK

Judge

ALBERT B. FLETCHER, JR.

Judge

USCMA STATISTICAL REPORT

Fiscal Year 1983

CUMULATIVE SUMMARY

CUMULATIVE BEGINNING PENDING

Master Docket	146
Petition Docket	569
Miscellaneous Docket	<u>10</u>
TOTAL	725

CUMULATIVE FILINGS

Master Docket	
Appeals filed	2
Certificates filed	14
Reconsiderations granted	4
Petition Docket	
Petitions for grant filed	3135
Cross-petitions for grant filed	7
Petitions for new trial filed	3
Miscellaneous Docket	<u>72</u>
TOTAL	3237

CUMULATIVE TERMINATIONS

Master Docket	197
Petition Docket	2798
Miscellaneous Docket	<u>81</u>
TOTAL	3076

CUMULATIVE END PENDING

Master Docket	254
Petition Docket	916
Miscellaneous Docket	<u>1</u>
TOTAL	1171

OPINION SUMMARY

CATEGORY	SIGNED	PER CURIAM	MEM/ORDER	TOTAL
Master Docket	80	24	93	197
Petition Docket	0	0	2798	2798
Miscellaneous Docket	<u>3</u>	<u>2</u>	<u>76</u>	<u>81</u>
TOTAL	83	26	2967	3076

FILINGS (MASTER DOCKET)

Appeals filed	2
Certificates filed	14
Reconsideration granted	4
Petitions granted (from Petition Docket) ³	<u>285</u>
TOTAL	305

TERMINATIONS (MASTER DOCKET)

Findings & sentence affirmed	79	Signed	80
Reversed in whole or in part	109	Per curiam	24
Granted petitions vacated	4	Mem/order	<u>93</u>
Other disposition directed	<u>5</u>	TOTAL	197
TOTAL	197		

PENDING (MASTER DOCKET)

Assigned Opinions pending	112
Judges' conference pending	5
Oral argument pending	40
Preargument conference pending	54
Calendar committee pending	28
Final briefs pending	<u>15</u>
TOTAL	254

FILINGS (PETITION DOCKET)

Petitions for grant of review filed	3135
Petitions for grant/new trial filed	3
Cross-petitions for grant filed	<u>7</u>
TOTAL	3145

TERMINATIONS (PETITION DOCKET)

Petitions for grant dismissed	46	Signed	0
Petitions for grant denied	2421	Per curiam	0
Petitions for grant granted	285	Mem/order	<u>2798</u>
Petitions for grant remanded	25	TOTAL	2798
Petitions for grant withdrawn	16		
Other	<u>5</u>		
TOTAL	2798		

PENDING (PETITION DOCKET)

Petition briefs pending	386
Staff attorney action pending	109
Court action pending	<u>421</u>
TOTAL	916

³ In 54 percent of these cases, the Court specified issues which were not raised by the appellant.

FILINGS (MISCELLANEOUS DOCKET)

Writs of error coram nobis sought	1
Writs of habeas corpus sought	13
Writs of mandamus/prohibition sought	44
Other extraordinary relief sought	3
Writ appeals sought	<u>11</u>
TOTAL	72

TERMINATIONS (MISCELLANEOUS DOCKET)

Petitions withdrawn	0		
Petitions remanded	2		
Petitions granted	3	Signed	3
Petitions denied	52	Per curiam	2
Petitions dismissed	<u>24</u>	Mem/order	<u>76</u>
TOTAL	81	TOTAL	81

PENDING (MISCELLANEOUS DOCKET)

Briefs pending	0
Action by Writs Counsel pending	0
Show cause action by Court pending	0
Show cause response pending	0
Other final action pending	<u>1</u>
TOTAL	1

RECONSIDERATIONS & REHEARINGS

CATEGORY	FILINGS	PENDING	DISPOSITIONS		TOTAL
			Granted	Rejected	
Master Docket	11	3	2	6	8
Petition Docket	13	2	2	15	17
Miscellaneous Docket	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	24	5	4	21	25

MOTIONS ACTIVITY

CATEGORY	BEGIN PENDING	FILINGS	END PENDING	DISPOSITIONS		TOTAL
				Granted	Rejected	
All motions	100	1201	42	951	308	1259

**REPORT OF
THE JUDGE ADVOCATE GENERAL OF THE ARMY
October 1, 1982 to September 30, 1983**

During fiscal year 1983 the Office of The Judge Advocate General continued to monitor the proceedings of courts-martial, to review and to prepare military justice publications and regulations, and to develop and draft changes to the Manual for Courts-Martial and the Uniform Code of Military Justice.

**MILITARY JUSTICE STATISTICS
AND U.S. ARMY JUDICIARY ACTIVITIES**

During fiscal year 1983, the court-martial rates show an Armywide decrease in the number of courts-martial. The total number of persons tried by all types of courts-martial in fiscal year 1983 is 26.1% lower than the year before. This overall decrease reflects primarily a 53.4% decrease in special courts-martial not empowered to adjudge a bad-conduct discharge and a 31.1% decrease in summary courts-martial. As in previous years, there was a slight increase in the number of general courts-martial, but the number of special courts-martial empowered to adjudge a bad-conduct discharge decreased by 18.8%. The overall conviction rate for fiscal year 1983 was 93.2% which is a slight rise from the 91% conviction rate for the previous fiscal year.

**STATISTICAL SUMMARY, FISCAL YEAR 1983
(See table insert attached.)**

THE U.S. ARMY JUDICIARY

The U.S. Army Judiciary is an element of the U.S. Army Legal Services Agency. It consists of the U.S. Army Court of Military Review, the Clerk of Court, the Examinations and New Trials Division, and the Trial Judiciary.

The U.S. Army Legal Services Agency also includes the Government Appellate Division, the Defense Appellate Division, the Trial Defense Service, the Contract Appeals Division, the Regulatory Law Office, and the Professional Recruiting Office. The latter three sections have no

function related to the U.S. Army Judiciary and its court-martial mission. The Contract Appeals Division and the Regulatory Law Office represent the Army and the Department of Defense in certain contractual disputes before regulatory commissions and boards. The Professional Recruiting Office coordinates the recruitment of lawyers for the Army. An Information Management Office function has been manned and funded in order to facilitate automation of the Agency.

U.S. ARMY TRIAL DEFENSE SERVICE

During fiscal year 1983, the U.S. Army Trial Defense Service continued to develop its deployment capability. Trial Defense Service counsel deployed to the Sinai in support of the Multi-National Force and Observers, to U.S. Army, Europe, in support of REFORGER, to Korea in support of GALLANT SPIRIT, and to Honduras in support of AHUAS TARA II.

TRIAL COUNSEL ASSISTANCE PROGRAM

During fiscal year 1983, the Trial Counsel Assistance Program, operating under the aegis of the Government Appellate Division, U.S. Army Legal Services Agency, provided advice and training for trial counsel. In its first year of operation the program answered specific questions from trial counsel and conducted trial counsel training at fourteen locations in the United States and overseas. The program also furnished monthly updates designed to keep trial counsel current in criminal law and to address specific problem areas. The program was well received and a decision was made to continue the program.

SIGNIFICANT MILITARY JUSTICE ACTIONS

Actions involving military justice handled by the Criminal Law Division, Office of The Judge Advocate General, included evaluating and drafting legislation, Executive Orders, pamphlets, and regulations impacting on the operation of the Army and the Department of Defense; monitoring the administration of military justice, including evaluation of on-going major projects; rendering opinions for the Army Staff; and reviewing various aspects of criminal cases for action by the Army Secretariat and Staff.

REVISION OF MILITARY JUSTICE REGULATION

Army Regulation 27-10, Military Justice, is being revised with a projected effective date of August 1, 1984. The revision will implement the Manual for Courts-Martial, United States, 1984, the proposed Military

Justice Act of 1983 and the Victim and Witness Protection Act of 1982 (P.L. 97-291).

STUDY OF MILITARY JUSTICE SYSTEM UNDER COMBAT CONDITIONS

The Wartime Legislation Team, under the supervision of the Criminal Law Division, completed a major study examining the military justice system to ensure that the system will function fairly and efficiently in an armed conflict without unduly burdening commanders or unnecessarily utilizing resources. The system had to be equally workable in high or low intensity conflicts. Through detailed research, analysis, and surveys of the views of senior commanders and judge advocates, the study identified opportunities where the military justice system could be made more effective in wartime while at the same time preserving the fairness of the system. The published study produced a package containing detailed legislative and regulatory proposals ready for implementation in the event of war.

JOINT-SERVICE COMMITTEE ON MILITARY JUSTICE

The Judge Advocates General and the General Counsel of the Department of Transportation established the Joint-Service Committee on Military Justice on August 17, 1972. The Army, Navy, Air Force, Marine Corps, and Department of Transportation (Coast Guard) provide representatives and a nonvoting representative is provided by the U.S. Court of Military Appeals. The Joint-Service Committee on Military Justice primarily prepares and evaluates proposed amendments and changes to the Uniform Code of Military Justice and the Manual for Courts-Martial. The Committee also serves as a forum for the exchange of ideas relating to military justice matters among the services.

The Joint-Service Committee completed a draft comprehensive revision of the Manual for Courts-Martial. This draft was approved by the Code Committee in March. The draft was made available for public comment on May 26, 1983. The comment period closed on September 2, 1983 and the Joint-Service Committee was completing review of the comments at the end of September 1983.

On April 28, 1983 the Senate passed S.974, the Military Justice Act of 1983. S.974 contained several provisions previously prepared by the Joint-Service Committee. As of the end of the fiscal year, the House of Representatives had not yet acted on S.974. (This legislation was subsequently enacted as P.L. 98-209.)

The Joint-Service Committee also prepared and approved an amendment to the Uniform Code of Military Justice affecting drunk driving. The proposal would make it an offense to operate a vehicle with a blood

alcohol level of 0.10% or more by weight. This proposal has been forwarded to the General Counsel, Department of Defense.

FOREIGN CRIMINAL JURISDICTION

As executive agent for the Department of Defense, the Department of the Army, through this office, maintains information concerning the exercise of foreign criminal jurisdiction over U.S. personnel. During the reporting period 1 December 1981 through 30 November 1982, a total of 93,882 U.S. personnel, military and civilian, were charged with offenses subject to the primary or exclusive jurisdiction of foreign tribunals. Of these offenses, 86,528 were charged against military personnel. Of this number, 61,684 of the charges against military personnel were subject to exclusive foreign jurisdiction. Nonetheless, foreign authorities released 20,754 of the exclusive foreign jurisdiction offenses to U.S. military authorities for administrative or other appropriate disposition.

The rest of the military offenses subject to foreign jurisdiction, totaling 24,844 offenses, were concurrent jurisdiction offenses involving alleged violations of both U.S. military law and foreign law, over which the foreign country had the primary right to exercise jurisdiction. Foreign authorities waived their primary foreign jurisdiction to U.S. military authorities in 20,754 of these incidents, for a world-wide waiver rate of 83.5%.

Thus, during the reporting period, foreign authorities reserved for their disposition a total of 65,198 offenses allegedly committed by military personnel. Of these offenses, 64,773 were relatively minor charges not punishable under U.S. military law, but subject to the exclusive jurisdiction of foreign authorities. It is significant to note that 96.9% or 63,564 of the military offenses reserved for disposition by foreign authorities involved traffic violations.

A total of 7,354 civilian employees and dependents were charged with offenses subject to foreign jurisdiction. As civilians cannot be tried by court-martial in normal, peacetime conditions, the United States had no jurisdiction over these offenses. Nonetheless, foreign authorities released 415 of these offenses, or 5.6% of the total, to U.S. military authorities for administrative or other appropriate disposition.

During the current reporting period, there were 67,754 final acquittals or final convictions. Of this number, 705, or about 1.0% of the final results, were acquittals. The majority of convicted U.S. personnel—66,729 or 98.5%—received only a sentence to fine or reprimand. The remaining final results included 218 suspended sentences to confinement and 102 unsuspended sentences to confinement.

LITIGATION

Litigation involving the Army during fiscal year 1983 had a limited impact upon military justice.

In *Wickham v. Hall*, No. SA82CA3 (W.D. Tex., Feb. 8, 1982), the district court sustained the constitutionality of Article 3(b), Uniform Code of Military Justice, 10 U.S.C. 803(b) (1976) which confers courts-martial jurisdiction over service members who fraudulently procure discharges from the military. The district court opinion was affirmed by the Court of Appeals for the Fifth Circuit, No. 82-1084 (5th Cir., June 10, 1983).

EDUCATION AND TRAINING

During fiscal year 1983, The Judge Advocate General's School, located in Charlottesville, Virginia, provided legal education to lawyers of the military services and other federal agencies. Forty-three resident courses were conducted with 2,628 students in attendance. Courses were attended by 1,820 Army, 66 Navy, 76 Marine, 141 Air Force, 36 Coast Guard, 47 Army National Guard, 428 civilian, and 14 foreign students.

During fiscal year 1983, three Basic Classes, the 99th, 100th, and 101st, were conducted. A total of 237 Army officers graduated.

The 31st Graduate Course, with an enrollment of 87 students, graduated on 20 May 1983. In addition to 78 Army judge advocates, the class had five Marines, one Navy, and three foreign officers in attendance. The 32nd Graduate Course began on 1 August 1983. This class contains 69 Army, five Marines, one Navy, and two foreign officers.

During fiscal year 1983, the School continued to provide senior officers with a legal orientation prior to their assumption of command. Twenty general officers attended General Officer Legal Orientation Courses, and 247 battalion and brigade command designees attended five resident Senior Officer Legal Orientation Courses. Additionally, instructors from the school participated in ten Pre-Command Courses conducted at Fort Leavenworth, Kansas, for battalion and brigade command designees.

The Administrative and Civil Law Division expanded its assistance to the field in several areas. The Division presented seven continuing legal education courses including the Federal Labor Relations Course, two presentations of the Legal Assistance Course, the Claims Course, the Law Office Management Course, and two presentations of the two-week Administrative Law for Military Installations Course. In addition, several instructors made presentations to attorneys in Europe at the U.S. Army Europe Administrative Law Conference and the U.S. Army Europe Legal Assistance Course. Two instructors also presented a week of instruction to the Noncommissioned Officer Advanced Course at Fort Benjamin Harrison, Indiana.

The new Legal Assistance Branch of the Administrative and Civil Law

Division, assisted by Reserve Component attorneys throughout the United States, published three *All States Guides* (Marriage and Divorce, Wills, and Garnishment), which have been distributed to all Army legal assistance offices. The enthusiastic response from the field has led to the preparation of several additional *All States Guides*. The branch has also prepared videotapes on powers of attorney, wills, and the Soldiers' and Sailors' Civil Relief Act for use in legal assistance waiting rooms to prepare clients for the interview with an attorney.

The Criminal Law Division sponsored five resident continuing legal education courses in fiscal year 1983. New Developments in Criminal Law was taught once, the three-week Military Judge Course was presented once, and the Criminal Trial Advocacy Course was presented three times. The advocacy courses combine instruction on new developments in criminal trial practice, seminars, and videotaped workshops to improve and polish experienced trial attorneys' advocacy skills. The major portion of these offerings is devoted to student-participation workshops and exercises to refine the attorneys' courtroom skills and their techniques of persuasion. Additionally, the Division presented three nonresident criminal law courses—two in Germany for counsel assigned in that theater and an island-hopping swing through the Pacific to bring the latest legal developments to Army, Navy, and Marine lawyers serving there.

The Contract Law Division sponsored seven legal education courses covering areas from fiscal law to government contract litigation techniques. The 1983 Government Contract Law Symposium, 10-14 January 1983, featured recent and proposed changes affecting government contract law, particularly in the area of disputes, commercial activities, and source selection. The Division presented the Fiscal Law Course away from the School, traveling to: Seoul, Republic of South Korea; Fort Sam Houston, Texas; Fort Benjamin Harrison, Indiana; and Langley Air Force Base, Virginia.

The International Law Division sponsored three one-week courses on the Law of Armed Conflict, one Advanced Law of War Seminar, and one 2-½ day course on the Legal Aspects of Terrorism. Additionally, the Division provided instructor support for a one-week course on the Law of Armed Conflict sponsored by U.S. Army, Europe. All courses were designed for and attended by both judge advocates and operational staff officers. In keeping with the "operationalization of international law," the major focus of the courses was on practical, hands-on training, rather than didactic instruction. Using practical exercises, seminars, and war gaming techniques, the students were presented with realistic situations that they had to resolve with the materials available in the field. Similar materials and exercises were presented to both active and reserve forces to ensure that they were prepared to provide timely, accurate legal advice on military operations.

During the period 20 June-1 July 1983, the School presented Phase II

of the Judge Advocate Officer Advanced Course for Reserve Component judge advocates. Phase II instruction consisted of criminal law and claims. Training was conducted concurrently for Judge Advocate General's Service Organization teams specializing in court-martial trial and defense functions. Approximately 302 judge advocates participated in the instruction. The 1155th U.S. Army Reserve School of Edison, New Jersey, acted as the host unit for administration and processing.

The Reserve Components Technical (On-Site) Training Program was conducted at 27 different locations throughout the United States (including Hawaii) and Puerto Rico during academic year 1982-83. Approximately 1500 attorneys attended these training sessions, including 281 from the active and reserve components of other services and 82 civilian attorneys.

MAJOR PROJECTS

On 18 March 1983, the twelfth Kenneth J. Hodson Lecture in Criminal Law was presented by Professor Edward J. Imwinkelried of Washington University School of Law. His address, "The Standard for Admitting Scientific Evidence," is published in the Spring 1983 issue of the *Military Law Review*.

The Waldemar A. Solf Chair of International Law was established in October 1982. Mr. Solf's many contributions to the Army, the Corps, and the international law community are legendary.

The School hosted the 1982 Worldwide Judge Advocate General's Conference during 5-8 October 1982. Over 100 senior judge advocates from posts throughout the world conferred on areas of interest and discussed recent developments in all areas of military law.

A new edition of DA Pam 27-153, *Procurement Law*, for which the School is responsible, was issued during fiscal year 1983. Change 1 to DA Pam 27-10, *Military Justice Handbook—The Trial Counsel and the Defense Counsel*, was also completed. Revision of several other publications is ongoing. Six instructional deskbooks were made available to attorneys in the field through the Defense Technical Information Center. Articles of military legal interest continued to be distributed to the field through the DA Pam 27-100 series, *Military Law Review*, and the DA Pam 27-50 series, *The Army Lawyer*.

The Combat Developments Office continued to provide Judge Advocate General's Corps planning for the entire range of "Army 86" studies with emphasis on the role of Judge Advocate General's Corps personnel in the next generation of the Army. "Army 86" includes Heavy Division 86, Air Assault/Airborne Division 86, High Technology Light Division, Corps Operations, and Operations in Echelons Above Corps. Studies continued on the concept of AirLand Battle 2000. New studies requiring staff judge advocate staffing centered on the concept of a 10,000 soldier division. The revision of Judge Advocate Manpower Requirements Cri-

teria, governed by AR 570-2, continued. Revalidation of the manpower requirements for specialty skill 55A, and MOS 713A and 71D were approved and MOS 71E requirements are at Department of the Army for approval.

The Army Law Library Service, operating with a budget of 1.47 million dollars, provided legal publications to 257 libraries. Special emphasis was placed on providing necessary resources to law libraries while trimming unnecessary "fat." Only mission essential materials were purchased. The Service is currently working with the Corps of Engineers to obtain support because the Service supplies materials to 44 Corps of Engineers law libraries. Finally, the Service has initiated requests through the year 1990 rather than the present system wherein a substantial portion of the budget is dependent on unfinanced requirements and the availability of excess funds.

The single most significant, non-legal event at the School in fiscal year 1983 was the acquisition and installation of a Harris 100 minicomputer. The computer certainly introduces a new era to the School, and, to date, the entire Army Law Library Service has been automated. Currently, several additional departments are being automated, and the entire School will be completed to function as both a data base manager and a word processing system.

To anticipate the needs of the entire School, the Commandant appointed an automatic data processing steering committee, chaired by the Deputy Commandant, to lead the School into the automation era in a reasoned, positive fashion that has already begun to pay dividends for all concerned.

The Reserve Component strength of the Judge Advocate General's Corps averaged approximately 2400 in fiscal year 1983. The Individual Mobilization Augmentee Program (formerly called Mobilization Designee or MOB DES) continued to be administered by the School's Reserve Affairs Department.

The number of positions available in this program increased from 719 to 790 during fiscal year 1983, and positions continued to be filled by judge advocates released from active duty, new accessions, and officers transferring from Troop Program Units.

PERSONNEL, PLANS, AND POLICIES

With the inclusion of law students participating in the Funded Legal Education Program, the strength of the Judge Advocate General's Corps at the end of fiscal year 1982 was 1821. Representing minority groups were 73 Blacks, 18 Hispanics, 18 Asian and Native Americans, and 140 women. The fiscal year 1983 end strength compares with an end strength of 1815 in fiscal year 1982, 1781 in fiscal year 1981, and 1501 in fiscal year 1980. The grade distribution of the Corps at the end of the fiscal year was: 6 general officers, 107 colonels, 184 lieutenant colonels,

361 majors, 1086 captains, and 77 first lieutenants. There were 72 officers (56 captains and 16 first lieutenants) participating in the Funded Legal Education Program. There were also 70 warrant officers.

To ensure that the best qualified candidates for initial commission, career status, and The Judge Advocate Officer Graduate Course were selected, formal boards were convened under The Judge Advocate General's written instructions several times during the year.

In November 1982 a selection board was convened to select 25 active duty commissioned officers to commence law school under the Funded Legal Education Program.

Ninety-six judge advocate officers completed the following schools:

U.S. Army War College	2
National War College	1
Industrial College of the Armed Forces	1
U.S. Army Command and General Staff College	10
Armed Forces Staff College	4
The Judge Advocate Officers Graduate Course	78

As a result of the Defense Officer Personnel Management Act (DOPMA), which became effective on 15 September 1981, newly-appointed judge advocate officers accessed for the fiscal year were commissioned as first lieutenants. The Judge Advocate General's Corps, now a separate, competitive category, selects and promotes its officers based on Judge Advocate General's Corps grade vacancies as they occur.

HUGH J. CLAUSEN
Major General, USA
The Judge Advocate General

APPENDIX A: U.S. ARMY COURTS-MARTIAL/NJP STATISTICS FOR FISCAL YEAR 1983

Period: FISCAL YEAR 1983

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT (Tried)
GENERAL	1581	1494	87	+ 5.4%
BCD SPECIAL	2075	2000		-18.8%
NON-BCD SPECIAL	768	673	95	-53.4%
SUMMARY	2856	2619	237	-31.1%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				-26.1%

PART 2 - DISCHARGES APPROVED (Per records of trial received during FY)

GENERAL COURTS-MARTIAL (CA LEVEL)	
NUMBER OF DISHONORABLE DISCHARGES	606
NUMBER OF BAD CONDUCT DISCHARGES	829
SPECIAL COURTS-MARTIAL (SA LEVEL) (GCMCA Level)	
NUMBER OF BAD CONDUCT DISCHARGES	1619

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	1779
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	1649
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	264

PART 4 - WORKLOAD OF THE ARMY COURT OF MILITARY REVIEW

TOTAL ON HAND BEGINNING OF PERIOD	879 (Adjusted for statistical error)
GENERAL COURTS-MARTIAL	328
BCD SPECIAL COURTS-MARTIAL	551
REFERRED FOR REVIEW	3487
GENERAL COURTS-MARTIAL	1817
BCD SPECIAL COURTS-MARTIAL	1670
TOTAL CASES REVIEWED	2787
GENERAL COURTS-MARTIAL	1246
BCD SPECIAL COURTS-MARTIAL	1541
TOTAL PENDING AT CLOSE OF PERIOD	1579
GENERAL COURTS-MARTIAL	899
BCD SPECIAL COURTS-MARTIAL	680
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD	+6.7%

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE ARMY COURT OF MILITARY REVIEW

NUMBER	3322
PERCENTAGE	96.9%

PART 6 - U. S. COURT OF MILITARY APPEALS ACTIONS

PERCENTAGE OF COMR REVIEWED CASES FORWARDED TO USCMA	(1260)	45.2%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		-13.0%
PERCENTAGE OF TOTAL PETITIONS GRANTED	(122 of 1260)	9.7%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		+ 2.0%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY COMR		4.4%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		+ 1.1%

APPENDIX A - CONTINUED

PART 7 - APPLICATIONS FOR RELIEF, ARTICLE 69

PENDING AT BEGINNING OF PERIOD		39	
RECEIVED		199	
DISPOSED OF		218	
GRANTED	28		
DENIED	189		
NO JURISDICTION	1		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		20	

PART 8 - ORGANIZATION OF COURT

TRIALS BY MILITARY JUDGE ALONE		1065	
GENERAL COURTS-MARTIAL			
SPECIAL COURTS-MARTIAL		2057	
TRIALS BY MILITARY JUDGE WITH MEMBERS			
GENERAL COURTS-MARTIAL		516	
SPECIAL COURTS-MARTIAL		786	

PART 9 - COMPLAINTS UNDER ARTICLE 138 (Received at OTJAG)

NUMBER OF COMPLAINTS	57	
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PART 10 - STRENGTH

AVERAGE ACTIVE DUTY STRENGTH	783,389	
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PART 11 - NONJUDICIAL PUNISHMENT (ARTICLE 15)

NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	132,045	
RATE PER 1,000	168.6	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD	-8.7	

ANNUAL REPORT
of
THE JUDGE ADVOCATE GENERAL OF THE NAVY
pursuant to
THE UNIFORM CODE OF MILITARY JUSTICE
for
FISCAL YEAR 1983

Supervision of the Administration of Military Justice.

Complying with the requirement of article 6(a), Uniform Code of Military Justice, the Judge Advocate General and the Deputy Judge Advocate General continued to visit commands within the United States, Europe and the Far East in the supervision of the administration of Military Justice.

Courts-Martial Workload.

There has been a substantial increase in the total number of courts-martial during fiscal year 1983. (See Exhibit A, attached to this report.) During fiscal year 1983, the U.S. Navy-Marine Corps Court of Military Review received for review 5807 new courts-martial cases, consisting of 717 general courts-martial and 5090 special courts-martial, as compared with 5169 courts-martial, consisting of 552 general courts-martial and 4617 special courts-martial during fiscal year 1982. Of the 5807 new cases received by the U.S. Navy-Marine Corps Court of Military Review in fiscal year 1983, 5439 accused requested appellate counsel (94 per cent).

U.S. Navy-Marine Corps Court of Military Review and Navy-Marine Corps Appellate Review Activity.

During this period the Secretary of the Navy presented the Meritorious Unit Commendation to these organizations for meritorious service in support of U.S. Navy and Marine Corps operations. 6250 cases requiring statutory review under the Uniform Code of Military Justice were litigated at the U.S. Navy-Marine Corps Court of Military Review and the

U.S. Court of Military Appeals. This resulted in a 75% increase in briefs and representation over the previous year.

Navy-Marine Corps Trial Judiciary.

The Navy-Marine Corps Trial Judiciary provided military judges for 805 general courts-martial during fiscal year 1983, an increase of 217 cases from fiscal year 1982. In fiscal year 1983, 66% (536 of 805) of the general courts-martial were tried by military judge alone. This represents a 4% increase in general courts-martial tried by military judge alone.

The Navy-Marine Corps Trial Judiciary supplied military judges for 9,197 special courts-martial during fiscal year 1983, a decrease of 267 cases from fiscal year 1982. In fiscal year 1983, 89% (8,265 of 9,197) of the special courts-martial were tried by military judge alone. This represents the same percentage rate of special courts-martial tried by military judge alone as the fiscal year 1982 rate.

Military judges attended the following continuing legal education courses and seminars during fiscal year 1983:

National Judicial College, Reno, Nevada:

Criminal Evidence - Graduate Course (10-15 October 1982), 1 military judge;

General Jurisdiction Judge (24 April-13 May 1983), 5 military judges;

Criminal Evidence (8-13 May 1983), 7 military judges.

9th Interservice Military Trial Judges Seminar:

Maxwell AFB, Alabama (7-11 February 1983), 8 military judges.

The U.S. Army JAG School, Charlottesville, Virginia:

Military Judges Course (16 May-3 June 1983), 10 military judges.

Naval Justice School, Newport, Rhode Island:

Military Judges Course (18 July-5 August 1983), 10 military judges.

Naval War College, Newport, Rhode Island:

Law of War (28 February-4 March 1983), 1 military judge.

U.S. Army Litigation Course, Berchestegarden, Germany, (dates unavailable), 1 military judge.

The Chief Judge, Navy-Marine Corps Trial Judiciary, presented a series of lectures at the special course for Naval Reserve Military Judges at the National Judicial College, Reno, Nevada, on 23-25 February 1983. He discussed the Navy-Marine Corps Trial Judiciary, the Military Rules of Evidence, sentencing, and other subjects. Every member of the Naval Reserve Military Judges unit is a judge in civilian life, two are Supreme Court judges. The Chief Judge again addressed the Naval Reserve Judges at their Training Session in Washington, DC, on 12-14 October.

The Chief Judge also presented administrative briefings and held sentencing seminars at the Army JAG School, Charlottesville, Virginia, on 2-3 June 1983 and the *first* Military Judges Course at the Naval Justice School on 18 July 1983. The Chief Judge paid "working" visits to the branch offices of the NORTHEAST Circuit at Newport, Rhode Island, and at New London Connecticut.

During this past fiscal year, trial judges were in court 33,263 hours, a decrease of 2,062 hours from the fiscal year 1982 high of 35,325 hours.

The use of mobile trial teams which include a military judge has occurred with greater frequency during this fiscal year. Teams from Norfolk, Virginia, ride ships across the Atlantic, try their cases at sea, and return on the relieved men of war. The same procedure is being utilized on a trial basis at Subic Bay for at-sea trials in the Indian Ocean. The trial teams in the Indian Ocean deploy aboard ships for several months and have generally met with praise from the commanders receiving this support.

Naval Legal Service Command.

Mission Statement

"To administer the legal services program and provide command direction for all naval legal service activities and resources as may be assigned; and to perform such other functions or tasks as may be related to the naval legal service as directed by the Chief of Naval Operations."

In fiscal year 1983, the Naval Legal Service Command consisted of 21 Naval Legal Service Offices, 18 Naval Legal Service Office Detachments, a Naval Legal Service Trial Defense Activity, two Naval Legal Service Trial Defense Activity Detachments, and an Office of Legal Counsel, located in areas of major naval concentration throughout the world. The current onboard strength for the Naval Legal Service Command includes 474 judge advocates, 9 Warrant/LDO officers, 223 legalmen, and 218 civilian employees (including 31 direct-hire foreign nationals and 7 indirect-hire foreign nationals). Navy judge advocates in the Naval Legal Service Command comprise approximately 46% of the Navy's total judge advocate strength.

The Naval Legal Service Command has undergone the following changes during the past fiscal year:

- a. The Naval Legal Service Trial Defense Activity, Charleston, South Carolina, and the Naval Legal Service Trial Defense Activity Detachments at Jacksonville and Orlando, Florida, were established and became fully operational on 1 June 1983.
- b. The Naval Legal Service Office Detachment, Brunswick, Maine, was established and became fully operational on 1 August 1983.
- c. The Naval Legal Service Office of Detachment, Annapolis, Maryland, was disestablished and concurrently established as the Office

of Legal Counsel, Annapolis, Maryland, with an effective operational date of 1 August 1983.

The Naval Legal Service Command under the direction of the Judge Advocate General as Commander, Naval Legal Service Command, continues to provide timely response to requests from activities requiring counsel and trial team services. The Naval Legal Service Command is providing an ever increasing amount of necessary legal services to local commands. Counsel are provided to convening authorities in a timely manner in support of the military justice process. The demand for support has increased since fiscal year 1978 when a total of 342 general courts-martial/special courts-martial with an average processing time of 56.17 days were processed each month by Naval Legal Service Offices and Detachments. The monthly average for fiscal year 1983 was 601 general courts-martial/special courts-martial with an average processing time of 33.09 days per case. Periodic command inspections into the operation of each of the various Naval Legal Service Offices and Detachments have shown that commanders who depend upon the Naval Legal Service Command for legal support continue to be satisfied with the quality and timeliness of services received. Particularly noteworthy has been their enthusiastic and positive response to afloat services performed by Naval Legal Service Command personnel in the Mediterranean and Indian Ocean areas.

Naval Justice School.

The Naval Justice School, in Newport, Rhode Island, with a teaching staff of fifteen officers and five enlisted personnel, presented the following courses of instruction in military law and related administrative and civil law matters to a total of 2,334 students during fiscal year 1983.

Lawyer Course. Five eight-week lawyer classes were presented during the year. This course, designed to provide basic training in military justice and military administrative and civil law matters to incoming Navy and Marine Corps lawyers, includes 163 hours of classroom instruction and 41 hours of practical exercises, including two moot courts and various trial advocacy practical exercises. Training was provided to 146 Navy lawyers, 57 Marine Corps lawyers, and one foreign national lawyer from Indonesia.

Legal Officer Course. Seven five-week classes were presented during the year. This course is designed for the nonlawyer, junior officers about to assume duties as a legal officer for a ship, station or other military unit with no military lawyer assigned. Included in the course curriculum are 125 classroom hours and 75 hours of practical exercises and seminars. Training was provided to 229 Navy officers, 74 Marine Corps officers, and three Coast Guard officers.

Court Reporter Reserve Course. This two-week course of instruction is offered once each summer for enlisted personnel in the inactive reserve who are in an in-training status for the legalman rate. The course is di-

vided into two phases and offered in alternate years. Phase I is an introduction to legal clerk matters and a brief introduction to court reporting equipment. Phase II is advanced training on such matters as legal assistance, claims and use of court reporting equipment. Training was provided to 20 students in Phase I and 8 students in Phase II this year.

Senior Officer Course. Thirty one-week classes were presented during the year, reaching a total of 1,458 students. This includes 151 students trained in the six classes presented in Newport. The remaining 24 courses were presented in Jacksonville, Florida (2); Charleston, South Carolina (2); Norfolk, Virginia (2); Whidbey Island and Bremerton, Washington; San Francisco, California (2); San Diego, California (2); Camp Pendleton, California; Rota, Spain; Pearl Harbor, Hawaii (2); Subic Bay, Republic of the Philippines; Yokosuka, Japan; Parris Island, South Carolina; Cherry Point, North Carolina; Amphibious Warfare School, and Command and Staff College, Quantico, Virginia; and New London, Connecticut (2). This course is designed primarily for commanding officers and executive officers, and is intended to prepare these officers to handle the legal problems normally faced by commanding and executive officers in the areas of military justice and administrative and civil law. Training was provided to officers as follows:

NAVY:	982
USMC:	366
USCG:	95
USAF:	12
USA:	1
Others:	2

Legal Clerk Course. Five three and one-half week classes were conducted during the year. This course is designed to train enlisted personnel to serve as legal yeomen or legal clerks at their respective commands. Graduation from this course, and from the following Court Reporter Course, is required for conversion to legalman in the Navy. Training was provided to 206 Navy personnel and three Coast Guard personnel.

Court Reporter Course. Four five and one-half week classes were presented during fiscal year 1983. The purpose of this course is to train enlisted personnel in the field of closed-mask court reporting. Training was provided to 83 Navy personnel, 18 Army personnel, and five Coast Guard personnel.

Military Judge Course. This three-week course of instruction is offered once each summer to train active duty judge advocates of the Navy and Marine Corps to perform duties as special and general court-martial military judges. It provides intensive training in areas of military criminal procedure, rules of evidence, and military criminal law, including 30 hours of practical exercises and seminars wherein the student presides as a military judge in the various stages of moot courts-martial. Training was provided to nine Navy officers and one Marine Corps officer.

Staff Judge Advocate Brief. This one-week course of instruction was offered once during fiscal year 1983. It provided refresher training for judge advocates prior to their assuming duties as staff judge advocates. The course provided an update on recent changes in statutory and regulatory law and extensive training in various topics of concern to the staff judge advocate responsible for advising military commanders. Training was provided to 13 Navy officers.

In addition to those formal courses of instruction listed above, the Naval Justice School also presented nearly 344 lecture hours of instruction in the area of search and seizure, confessions and admissions, nonjudicial punishment, investigations, administrative separations, and command relations with civil authorities to 2,742 students at the Surface Warfare Officers School, Chaplains School, Officer Indoctrination School, Senior Enlisted Academy, Naval War College, and Naval Academy preparatory School in Newport, Rhode Island, and at the Naval Submarine School in New London, Connecticut.

Marine Corps Activities.

a. During fiscal year 1983, the Marine Corps reorganized its Fleet Marine Force legal assets by removing counsel, support personnel and equipment from all three active Marine Divisions and all three active Aircraft Wings and pooling these assets in the three Force Service Support Groups. This reorganization will improve the efficiency of legal support to the Fleet Marine Force. Although there have been no problems of command influence, it is noted that this reorganization further insulates defense counsel from possible recriminations by Division or Aircraft Wing convening authorities.

b. During the fall of 1983, the Judge Advocate Division, Headquarters, U.S. Marine Corps, prepared an 80-minute videotape entitled "Urinalysis Laboratory Procedures." The videotape was distributed to all Marine staff judge advocates as an educational tool to better prepare Marine judge advocates in the prosecution and defense of urinalysis cases. The videotape presents an overview of the entire urinalysis program, an examination of the sample submission procedures, and a detailed explanation of the radioimmunoassay, gas liquid chromatograph, and gas chromatography/mass spectrometry analytical techniques. Copies of the videotape were provided to the Judge Advocates General of the Navy, Army, and Air Force.

c. During the second week of April 1983, the Judge Advocate Division, Headquarters, U.S. Marine Corps, sponsored a conference in Arlington, Virginia. All Marine Corps staff judge advocates as well as a number of senior judge advocates, including the Director, Legal Services Support Office (Okinawa), and a representative from the Office of the Judge Advocate General attended. The attendees formed eight working groups and discussed officer performance and discipline, military assistance to civilian law enforcement, utilization of reserve judge advocates,

military justice, Fleet Marine Force legal support, judge advocate career patterns, substance abuse, and involuntary separation of enlisted personnel. The working groups made recommendations in these areas which were consolidated and forwarded to the Commandant of the Marine Corps.

d. During fiscal year 1983, the Director, Judge Advocate Division, visited major Marine Corps commands at Albany, Georgia; Hawaii; Cherry Point, New River, and Camp Lejeune, North Carolina; New Orleans, Louisiana; Quantico, Virginia, as well as the Naval Justice School and the Army JAG School.

e. During fiscal year 1983, a large number of Marines were involved in continuing professional education. Three Marines attended top level schools (two at the Naval War College, one at the Army War College). One hundred and twenty-four Marine judge advocates attended civilian and military schools for courses that lasted from three days to three weeks. This figure includes 29 Marine military judges (11 who attended the basic military judge's course and 18 who attended advanced courses).

Article 69, UCMJ, Applications.

a. The number of applications filed pursuant to article 69, Uniform Code of Military Justice, under which the Judge Advocate General may vacate or modify the findings or sentence of courts-martial which have become final in the sense of article 76, but have not been reviewed by the U.S. Navy-Marine Corps Court of Military Review, decreased during fiscal year 1983.

b. In fiscal year 1983, 58 applications were received by the Judge Advocate General. Eight applications were pending from prior years. Of these 66 cases, 61 were reviewed during fiscal year 1983. Of those applications reviewed, 59 were denied, while relief was granted, in whole or in part, in two cases. Two cases were returned for compliance with the Manual of the Judge Advocate General. Five cases were pending review at the close of fiscal year 1983.

c. In addition, 126 general courts-martial cases, which were not statutorily eligible for automatic review by the U.S. Navy-Marine Corps Court of Military Review, were reviewed by the Judge Advocate General in fiscal year 1983.

Article 73, UCMJ, Petitions.

In fiscal year 1983, five petitions for new trials were submitted for review pursuant to article 73, Uniform Code of Military Justice. No petitions were pending from fiscal year 1982. Two petitions were denied by the Judge Advocate General, and three petitions were forwarded to the U.S. Navy-Marine Corps Court of Military Review for appropriate review.

Article 74(b), UCMJ, Petitions.

Eight new petitions were submitted in fiscal year 1983 requesting the

Secretary of the Navy to substitute an administrative discharge for a punitive discharge awarded as part of a sentence by court-martial. No cases were pending from the prior fiscal year. The Secretary granted two petitions and denied three. Two petitions were returned for procedural compliance and one petition is pending review.

Legal Conferences.

Due to budgetary restrictions, the annual Judge Advocate General's Conference, composed of judge advocates and legalmen from all major Navy and Marine Corps commands, was not held during this fiscal year. During the period 28-30 April 1982, a senior judge advocates symposium was conducted. Panel discussions included the following:

Five Year Plan 1982/1983 Overview

Courts-Martial Processing Management / Court-Martial Review Backlog Reduction

Management Information System

LN Rating Administration Improvements

Role and Future of the Naval Justice School

Utilization and Training of Reserves

Update on Drug Abuse Initiatives / Navy Assistance to Civilian Law Enforcement

JAMES J. MCHUGH
Rear Admiral, USN
The Judge Advocate General

APPENDIX A: U.S. NAVY - MARINE CORPS COURTS-MARTIAL/NJP STATISTICS FOR FISCAL YEAR 1983

Period: Fiscal Year 1983

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	946	892	54	+ 400 (+73%)
BCD SPECIAL	5739	5739		+ 2006 (+54%)
NON-BCD SPECIAL	5842	5287	555	+ 576 (+11%)
SUMMARY	8361	8105	256	+ 1071 (+15%)
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				+ 4053 (+29%)

PART 2 - DISCHARGES APPROVED

GENERAL COURTS-MARTIAL (CA LEVEL)			
NUMBER OF DISHONORABLE DISCHARGES		271	
NUMBER OF BAD CONDUCT DISCHARGES		536	
SPECIAL COURTS-MARTIAL (SA LEVEL)			
NUMBER OF BAD CONDUCT DISCHARGES		5753	

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	717	
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	5090	
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	92	

PART 4 - WORKLOAD OF THE NAVY/^{MARINE}CORPS COURT OF MILITARY REVIEW

TOTAL ON HAND BEGINNING OF PERIOD		1128	
GENERAL COURTS-MARTIAL	219		
BCD SPECIAL COURTS-MARTIAL	909		
REFERRED FOR REVIEW		5955	
GENERAL COURTS-MARTIAL	763		
BCD SPECIAL COURTS-MARTIAL	5192		
TOTAL CASES REVIEWED		6124	
GENERAL COURTS-MARTIAL	754		
BCD SPECIAL COURTS-MARTIAL	5370		
TOTAL PENDING AT CLOSE OF PERIOD		959	
GENERAL COURTS-MARTIAL	228		
BCD SPECIAL COURTS-MARTIAL	731		
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		956 (+18%)	

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE COURT OF MILITARY REVIEW

NUMBER	5493	
PERCENTAGE	94%	

PART 6 - U. S. COURT OF MILITARY APPEALS ACTIONS

PERCENTAGE OF COMR REVIEWED CASES FORWARDED TO USCMA	24%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD	+84%
PERCENTAGE OF TOTAL PETITIONS GRANTED	8%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD	+2.31%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY COMR	9%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD	+ 98%

PAGE 1 OF 2

NOTE: Parts 1, 2, 8 and 11 contain manual figures for 4th quarter (1 Jul - 30 Sep 83)

APPENDIX A - CONTINUED

PART 7 - APPLICATIONS FOR RELIEF, ARTICLE 69

PENDING AT BEGINNING OF PERIOD		8	
RECEIVED		58	
DISPOSED OF		66	
GRANTED	2		
DENIED	59		
NO JURISDICTION	0		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		5	

PART 8 - ORGANIZATION OF COURT

TRIALS BY MILITARY JUDGE ALONE			
GENERAL COURTS-MARTIAL		656	
SPECIAL COURTS-MARTIAL		10463	
TRIALS BY MILITARY JUDGE WITH MEMBERS			
GENERAL COURTS-MARTIAL		290	
SPECIAL COURTS-MARTIAL		1110	

PART 9 - COMPLAINTS UNDER ARTICLE 138

NUMBER OF COMPLAINTS	128	
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PART 10 - STRENGTH

AVERAGE ACTIVE DUTY STRENGTH	760192	
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PART 11 - NONJUDICIAL PUNISHMENT (ARTICLE 15)

NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	148472	
RATE PER 1,000	199.63	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD	+16%	

REPORT OF
THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE
OCTOBER 1, 1982 TO SEPTEMBER 30, 1983

In compliance with the requirements of Article 6(a), Uniform Code of Military Justice (U.C.M.J.), Major General Thomas B. Bruton, The Judge Advocate General, and Major General James Taylor, Jr., Deputy Judge Advocate General, made official staff visits to legal offices in the United States and overseas. They also attended and participated in various bar association meetings and addressed many civil, professional, and military organizations.

**MILITARY JUSTICE STATISTICS AND
US AIR FORCE JUDICIARY ACTIVITIES**

During fiscal year (FY) 1983, the Judiciary Directorate of the Office of The Judge Advocate General processed over 3434 actions involving military justice. The Directorate has the overall responsibility of supervising the administration of military justice throughout the United States Air Force, from the trial level through the appellate review process. In addition, the Directorate has the staff responsibility for The Office of The Judge Advocate General in all Air Force military justice matters which arise in connection with programs, special projects, studies and inquiries generated by the Air Staff; Headquarters USAF; the Secretaries, Departments of Defense, Army, Navy, and Air Force; members of Congress and other interested federal, state and civil agencies. Some of the Directorate's activities are discussed below.

a. The Judiciary Directorate serves as the action agency for the review of military justice issues in applications submitted to the Air Force Board for Correction of Military Records. Formal opinions in 123 cases were provided to the Secretary of the Air Force concerning those applications.

b. The Directorate received 2,075 inquiries in specific cases requiring either formal written replies or telephonic replies to senior executive officials, including the President, or to members of Congress. Over half of these were format petitions concerning a single highly publicized case involving drugs and homosexual acts by a commissioned officer.

AMJAMS

The Automated Military Justice Analysis and Management System (AMJAMS), which became operational in July 1974, is a fully automated data system which allows The Judge Advocate General's Department to collect and collate data concerning courts-martial and nonjudicial punishment. This information is used to provide current statistical reports and management tools for use by this headquarters, major commands, general court-martial jurisdictions and individual bases. It enables the Department to answer specific inquiries on cases in progress and to prepare studies of various aspects of military justice administration, as required by Congress and other governmental agencies.

During FY 1983, the system produced approximately 30 standard reports on a monthly and quarterly basis. The system was also used to answer many individual requests for particular statistical information. These special requests were received from such activities as the Senate Armed Services Committee, Air Force Security Police and the Air Force Military Personnel Center.

Trial Judiciary

The Air Force Trial Judiciary had an average of 30 military trial judges assigned to 10 locations worldwide. One authorization for a military judge was added to the Fifth Circuit at Travis Air Force Base, California, during the year. This was done to alleviate an increased workload within the circuit.

In a development related to the workload of the Trial Judiciary, three Reserve officers were selected to serve as special court-martial judges for a pilot program conducted during the fiscal year. The test results will be evaluated early in 1984. From preliminary indications, the program appears to have been a success.

Circuit Trial Counsel Program

The 20 circuit trial counsel stationed at nine locations worldwide are responsible for prosecuting major cases and for training young judge advocates at base level in the skills of trial advocacy. Added emphasis was placed on the training mission in FY 1983. Because the number of cases remained very high, and many cases took longer to try, increased coordination and travel between circuits was necessary and resulted in better use of manpower. Nevertheless, the percentage of courts-martial tried by circuit trial counsel was down for the fifth consecutive year. This is illustrated by the following table:

No. and (%) Cases Prosecuted by Circuit Trial Counsel

	FY 79	FY 80	FY 81	FY 82	FY 83
General	229 (95)	345 (92)	323 (90)	378 (88)	385 (84)
Special	292 (27)	229 (17)	219 (16)	119 (9)	55 (5)
Total	521 (46)	574 (38)	542 (31)	497 (25)	440 (26)

In addition to courts-martial tried in FY 1983, circuit trial counsel participated in 29 officer administrative discharge boards.

Area Defense Counsel Program

The Air Force's independent defense counsel program continues to function with 119 area defense counsel (ADC's) located at 101 major Air Force installations worldwide. However, greater flexibility was given to the seven circuit defense offices in the management of a burgeoning workload which resulted from increased activity in the administrative discharge area. Ten additional circuit defense counsel (CDC) positions were created, supplementing the single CDC previously assigned to each circuit. These experienced trial advocates provide a more timely and capable response to the need for representation in the more serious, complex cases, increase our circuit training and assistance capability with respect to newly assigned ADC's and materially reduce the need to take ADC's away from their base of primary responsibility to cover surges in trial activity elsewhere in the circuit. The additional circuit counsel have been located in areas of significant trial activity or at military transportation hubs where maximum use and flexibility can be achieved.

A major training initiative began in July 1983, to introduce newly assigned or projected ADC's to the challenges and responsibilities of operating within an independent defense structure. This training and orientation effort is divided between the areas of ADC office management, professional responsibility and advocacy within the military. Training is conducted at the USAF Judiciary Headquarters in Washington, D.C. These three and one-half day orientation classes will be conducted approximately four times annually, and are designed to increase advocacy and managerial proficiency in the early stages of an ADC's assignment.

At the close of the year, approval was given to test reserve augmentation of the Area Defense Counsel Program. Category B Reserve officers assigned to the Air Reserve Personnel Center would be attached to various ADC offices for both inactive and active duty training. Selection of Reserve judge advocates is based upon program interest, prior reliable reserve participation and active duty advocacy experience. Reserve participants will be supervised by chief circuit defense counsel. Day-to-day training and guidance will be provided by the ADC office of attachment. Implementation of the pilot program is expected in early 1984.

Confinement Facilities

The most significant innovation in the confinement area involved the development of procedures for clemency and parole of Air Force prisoners confined in facilities other than the United States Disciplinary Barracks, Fort Leavenworth, Kansas (USDB). Sentenced prisoners confined in local facilities, Fort Lewis, Washington, or Lowry Air Force Base, Colorado, are covered. Previously, such individuals could not be paroled because the parole regulation, AFR 125-23, applied only to the USDB. Now, prisoner disposition boards are generally held in the fifth month of confinement. Expedited procedures apply to short-term confinees. The recommendations of the disposition board are forwarded to the general court-martial convening authority having jurisdiction over the prisoner, and then to the Commander, Lowry Technical Training Center, if he is not already the convening authority over the prisoner. Both individuals may extend clemency, if appropriate. If the prisoner is eligible for parole, the case file is forwarded with appropriate recommendation, to the Air Force Clemency and Parole Board, Washington, D.C., for consideration as any other parole case.

Use of Fort Riley, Kansas, was discontinued entirely as an Air Force confinement facility during the fiscal year. In its place, Fort Lewis, Washington, began accepting increasing numbers of Air Force prisoners. Since the total population at the USDB remains at capacity, a substantial number of prisoners who would normally have been confined there were shifted to Fort Lewis.

The rehabilitation program at the 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, continues to operate successfully. However, prisoner population in the program declined to 16 by the end of the fiscal year. Use of this program for convicted airmen who show good promise for restoration continues to be Air Force policy.

At the end of the fiscal year, a total of 716 Air Force personnel were in confinement, 50 pretrial and 666 post-trial. Air Force prisoners on parole totaled 107. This latter figure is expected to rise as a result of the recent instructions for processing parole eligible prisoners not at the USDB.

PREVENTIVE LAW AND LEGAL ASSISTANCE PROGRAMS

The Air Force Legal Assistance Program was active in solving the personal legal problems of Air Force members and their families. During the last yearly reporting period, over 450,000 clients sought assistance with over 1 million separate cases. In addition to actively assisting in the solution of legal problems once they occur, legal offices at every level conducted Preventive Law programs designed to educate potential clients in problem avoidance. These programs were improved through the addition of a microfiche library of useful preventive law materials. A complete set of all materials was furnished to each legal office to pro-

vide instant access anywhere in the world. By providing the information and advice necessary to avoid problems, this program has had a positive impact on morale and the ability of service members to contribute fully to the Air Force mission.

EDUCATION AND TRAINING

The Judge Advocate General's Department provided many general and continuing legal education opportunities to its personnel, as well as the other Armed Services, in FY 1983.

The Air Force Judge Advocate General School Resident Courses

The Air Force Judge Advocate General School, Leadership and Management Development Center, Maxwell Air Force Base, Alabama, provided instruction in basic and continuing legal education (CLE) to active duty, Air Force Reserve and Air National Guard judge advocates, non-commissioned officers, and civilians during FY 1983. The following courses were conducted at the school:

a. Judge Advocate Staff Officer Course—The course provides judge advocates with a foundation in the principles and concepts of military law while preparing them for certification as trial and defense counsel. Four seven-week classes were conducted in FY 1983, with 205 judge advocates, six Reservists, three Air National Guardsmen, and one foreign officer completing the course.

b. Staff Judge Advocate Course—This course was offered once in FY 1983 for officers in the rank of captain through colonel serving or selected to serve as staff judge advocates. Forty-four judge advocates, five Reservists, and four Air National Guardsmen attended the course.

c. Reserve Forces Judge Advocate Course—Two two-week classes were held during FY 1983 to provide Reservist and Air National Guard judge advocates with information on recent developments in military law. One hundred twenty-eight Reservists and 29 Air National Guardsmen completed the course.

d. Interservice Military Judges' Seminar—This five-day seminar was conducted once during FY 1983. Twenty-eight Air Force judges and 26 military judges from the other Services attended.

e. Claims and Tort Litigation Course—This course held two sessions in FY 1983. Fifty-four officers in the rank of first lieutenant through major and 13 civilians in grades GS-11 and GS-12 attended the lawyer course. The paralegal/examiners course had 45 NCO and 13 civilian paralegal graduates.

f. Legal Service Advance Course—This course was conducted once during FY 1983. A total of 53 NCO's attended the class—44 Air Force, two Army, and two Navy. Four Reservists and one Air National Guardsman also attended the course. Air Force enlisted personnel receive basic

paralegal training in the Legal Services Specialist Course at Keesler Air Force Base, Mississippi. Eleven classes were held in FY 1983, and 81 enlisted, 80 Reservists, and three civilians completed the course.

g. Federal Employee Labor Law Course—One one-week course was conducted during FY 1983 for 46 Air Force judge advocates and four civilian attorneys.

h. Environmental Law Course—One one-week class was conducted in FY 1983 for 51 Air Force and four civilian attorneys.

Professional Military Training

During FY 1983, five judge advocates attended the Air Command and Staff College, and two attended the Air War College at Maxwell Air Force Base, Alabama. Two officers attended the Armed Forces Staff College, and one attended the National War College.

Short Courses at Civilian Universities

a. Prosecuting Attorney's Course at Northwestern University—Twenty-five judge advocates attended this five-day course in FY 1983.

b. Defense Attorney's Course at Northwestern University—Twenty-five judge advocates attended this five-day course in FY 1983.

c. National Judicial College at the University of Nevada—Sixteen judge advocates attended courses at the college during FY 1983.

Masters in Law Program

During FY 1983, four judge advocates received their Master of Law in labor law, seven in government procurement law, two in international law, and two in environmental law.

Procurement Law and Military Judge Courses: U.S. Army JAG School

Sixty-eight judge advocates attended the basic procurement law course, and twenty-nine judge advocates attended the advanced procurement law course. Fifteen judge advocates attended the military judge course during FY 1983.

VIDEOTAPE AND SEMINAR PROGRAMS

The videotape and seminar CLE programs provide nonresident judge advocates the opportunity to fulfill their mandatory state CLE requirements. During FY 1983, the faculty revised and updated four of the courses. Six new courses, Impeachment Under the Military Rules of Evidence (M.R.E.), Character Evidence, Advanced Advocacy, Advanced Trial Techniques, Sentencing, and Search and Seizure, were added.

Courses included in the program and the maximum number of CLE credits available are listed below:

Law of Federal Labor/Management Relations	15 hours
Trial Techniques	9 hours
International Law-Conduct of Armed Conflict	6 hours
Federal Income Tax	4 hours
Supreme Court Trends in Criminal Law	3 hours
Appellate Commentary	5 hours
Environmental Law	6 hours
Computer Assisted Legal Research	3 hours
Estate Planning	3.5 hours
Expert Witness	3 hours
Impeachment Under the M.R.E.	3 hours
Character Evidence	5 hours
Advanced Advocacy	*
Advanced Trial Techniques	*
Sentencing	*
Search and Seizure	*

*New courses with credit awards pending.

THE REPORTER, AFRP 110-2

The Reporter continues to provide timely information on a wide variety of legal issues. Topics given in-depth analysis in 1983 included: Professional Ethics and Criminal Justice, Medical Law, Review of Recent United States Supreme Court Cases, Space Law and Environmental Law. *The Reporter* is praised by government lawyers, both military and civilian, as an extremely valuable communications forum that promotes crossfeed and a better prepared Department. In FY 1983, a review of publications conducted by DOD resulted in *The Reporter* being reduced from a bi-monthly to a quarterly publication. However, neither the format nor editorial quality was compromised.

FEDERAL LEGAL INFORMATION THROUGH ELECTRONICS (FLITE)

The Office of The Judge Advocate General continued to operate and expand one of the world's largest automated legal research systems, adding 522,000,000 characters to its full text legal data bases. During FY 1983, FLITE processed 6761 research requests from DOD as well as non-DOD users. FLITE was recognized by the United States Supreme Court for its contribution in compilation of the new two volume *Index Of Opinions Of Justices Of The Supreme Court From 1789 To 1980 Arranged By Justice*.

In a significant development for automated data processing (ADP), The Judge Advocate General's Blue Ribbon Panel on Automation submitted its recommendations. The FLITE office was assigned responsibility as the ADP single manager. Uniform word processing equipment will

be procured for most larger Air Force legal offices, and will have communications access for interactive use of the 29 FLITE data bases which will be retrofitted with JURIS search software.

PERSONNEL

As of 30 September 1983, there were 1283 judge advocates on active duty. This total included 5 generals, 100 colonels, 197 lieutenant colonels, 292 majors, 639 captains, and 50 first lieutenants.

THOMAS B. BRUTON
Major General, USAF
The Judge Advocate General

APPENDIX A: U.S. AIR FORCE COURTS-MARTIAL/NJP STATISTICS FOR FISCAL YEAR 1983

Period: 1 Oct 82 - 30 Sep 83

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	422	401	21	- 2.5%
BCD SPECIAL	416	416		- 3.7%
NON-BCD SPECIAL	853	758	95	- 25%
SUMMARY	28	18	10	-66.6%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				-17.6%

PART 2 - DISCHARGES APPROVED

GENERAL COURTS-MARTIAL (CA LEVEL)			
NUMBER OF DISHONORABLE DISCHARGES			103
NUMBER OF BAD CONDUCT DISCHARGES			219
SPECIAL COURTS-MARTIAL (SA LEVEL)			
NUMBER OF BAD CONDUCT DISCHARGES			416

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL		370
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL		412
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL		38

PART 4 - WORKLOAD OF THE AIR FORCE COURT OF MILITARY REVIEW

TOTAL ON HAND BEGINNING OF PERIOD		157*
GENERAL COURTS-MARTIAL	99*	
BCD SPECIAL COURTS-MARTIAL	58*	
REFERRED FOR REVIEW		782
GENERAL COURTS-MARTIAL	370	
BCD SPECIAL COURTS-MARTIAL	412	
TOTAL CASES REVIEWED		687
GENERAL COURTS-MARTIAL	334	
BCD SPECIAL COURTS-MARTIAL	353	
TOTAL PENDING AT CLOSE OF PERIOD		252
GENERAL COURTS-MARTIAL	135	
BCD SPECIAL COURTS-MARTIAL	117	
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		*Corrected from last report. -2.1%

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE AIR FORCE COURT OF MILITARY REVIEW

NUMBER	769
PERCENTAGE	98%

PART 6 - U. S. COURT OF MILITARY APPEALS ACTIONS

PERCENTAGE OF COMR REVIEWED CASES FORWARDED TO USCMA	416/687	60.5%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		+2.4%
PERCENTAGE OF TOTAL PETITIONS GRANTED	36/416	8.7%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		-4.8%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY COMR	36/687	5.2%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		2.0%

APPENDIX A—CONTINUED

PART 7 - APPLICATIONS FOR RELIEF, ARTICLE 69

PENDING AT BEGINNING OF PERIOD		3	
RECEIVED		34	
DISPOSED OF		33	
GRANTED	9		
DENIED	24		
NO JURISDICTION	-		
WITHDRAWN	-		
TOTAL PENDING AT END OF PERIOD		4	

PART 8 - ORGANIZATION OF COURT

TRIALS BY MILITARY JUDGE ALONE			
GENERAL COURTS-MARTIAL		241	
SPECIAL COURTS-MARTIAL		775	
TRIALS BY MILITARY JUDGE WITH MEMBERS			
GENERAL COURTS-MARTIAL		186	
SPECIAL COURTS-MARTIAL		503	

PART 9 - COMPLAINTS UNDER ARTICLE 138

NUMBER OF COMPLAINTS	34	
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PART 10 - STRENGTH

AVERAGE ACTIVE DUTY STRENGTH	576644	
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PART 11 - NONJUDICIAL PUNISHMENT (ARTICLE 15)

NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	30014	
RATE PER 1,000	52.05	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD	-9.7%	

PAGE 2 OF 2

REPORT OF
THE GENERAL COUNSEL OF THE
DEPARTMENT OF TRANSPORTATION
(U.S. COAST GUARD)

October 1, 1982 to September 30, 1983

The table below shows the number of court-martial records received and filed at Coast Guard Headquarters during FY-83 and the five preceding years.

Fiscal Year	83	82	81	80	79	78
General Courts-Martial	10	9	2	3	2	3
Special Courts-Martial	68	79	58	67	47	58
Summary Courts-Martial	128	151	192	169	122	180
Total	206	239	252	239	171	241

COURTS-MARTIAL

Attorney counsel and military judges are detailed to all special courts-martial. For most cases, the presiding judge was the full-time general courts-martial judge. When he was unavailable, military judges with other primary duties were utilized for special courts-martial. Control of the detail of judges is centrally exercised, and all requirements have been met in a timely fashion.

General Courts-Martial

Charges referred to the ten general courts-martial convened this year included 67 specifications alleging violations of Articles 92, 121 and 134 (only three of these courts involved marijuana or other controlled drugs). Five accuseds were tried by military judge alone at their request. All five received a sentence which included a bad conduct discharge. Of the five accuseds tried by courts with members, one received a sentence which included a bad conduct discharge.

Special Courts-Martial

Nineteen of the sixty-eight accused tried by special courts-martial this fiscal year were tried by the military judge alone. Two of the nineteen were acquitted of all charges and specifications. Four of the forty-nine accused, tried by members, were acquitted of all charges and specifications. Sixteen bad conduct discharges were awarded, eight to accuseds tried by military judge alone and eight to accuseds tried by courts with members (one court awarding a bad conduct discharge included enlisted members). Two of the punitive discharges were disapproved, one by the convening authority and one by the supervisory authority. Additionally, two other punitive discharges were mitigated to lesser punishments by supervisory authorities. Thirty-three of the accused whose charges were referred to special courts-martial were nonrated (pay grades E-1 thru E-3), thirty-one were petty officers (pay grades E-4 thru E-6), and four were chief petty officers (pay grade E-7). In one special court-martial the supervisory authority set aside the findings and sentence and dismissed the charges against the accused. Four accuseds tried by special courts-martial were represented by individual military counsel and five accused were represented by civilian counsel.

The following table shows the distribution of the 307 specifications referred to special courts-martial.

Violation of the UCMJ, Article	No. of Spec's
85 and 86 (desertion and UA)	38
87 (missing movement)	3
89 (disrespect toward superior commissioned officer)	4
91 (willful disobedience or disrespect)	2
92 (violation of order or regulation)	15
107 (false official statement)	8
108 (offenses against USCG property)	3
121 (larceny and wrongful appropriation)	70
128 (assault)	4
134 (General)	37
134 or 92 (marijuana offenses)	41
134 or 92 (other controlled drug offenses)	25
Other offenses	57

The following is a breakdown of sentences awarded by the military judge alone in special courts-martial (17 convictions).

Sentence	Cases Imposed
bad conduct discharge	8
confinement at hard labor	13

Sentence	Cases Imposed
hard labor without confinement.	3
reduction in rate.	15
restriction	1
forfeiture of pay (\$9,302 total).	9
fine (\$250 total)	1
others.	1

In 6 of these 17 convictions, the accused pled guilty to all charges and specifications.

The following is a breakdown of sentences awarded in special courts-martial with members (45 convictions).

Sentence	Cases Imposed
bad conduct discharge	8
confinement at hard labor (3 maximum)	22
hard labor without confinement.	3
reduction in rate.	34
restriction	8
forfeiture of pay (\$23,999 total).	26
fine (\$481.39 total).	23
others.	16

In 16 of these 45 convictions, the accused pled guilty to all charges and specifications.

The following indicates the three sentences imposed most by special courts-martial in the past three fiscal years.

FY	Number of Convictions	Forfeitures	Confinement	Reduction in grade	BCD
83	62	35 (56%)	35 (56%)	49 (79%)	16 (26%)
82	74	48 (65%)	41 (55%)	46 (62%)	9 (12%)
81	55	41 (75%)	34 (62%)	38 (69%)	5 (9%)
average % for 3 years					

Summation

Six of the ten general courts-martial, one with members and five with military judge alone, adjudged a sentence which included a bad conduct discharge. Thirty-eight percent of the accused tried by special court-martial were tried by military judge alone, and thirty-five percent of them pled guilty to all charges and specifications. Thirty-six percent of the ac-

cused tried by special court-martial with members pled guilty to all charges and specifications. There was a fourteen percent decrease in the total courts-martial this fiscal year from last year. However, punitive discharges awarded accuseds tried by general and special courts-martial increased sixty-nine percent. This represents a substantial impact on the appellate review process.

CHIEF COUNSEL ACTION UNDER ARTICLE 69, UCMJ

In addition to the required reviews of courts-martial conducted as a result of petitions filed by accused under Article 69, UCMJ, a discretionary review is conducted under Article 69 of *all* courts-martial not requiring appellate review. Five actions were taken as a result of these reviews, as follows:

Action of the Officer Exercising General Court-Martial Jurisdiction set aside, record of trial forwarded to another officer exercising GCM jurisdiction for review pursuant to Article 65(c), UCMJ	2
Findings of guilty and sentence set aside, charges could be referred to another court-martial convened by proper authority or could be dismissed	2
Findings of guilty to one charge and its specification set aside and charge dismissed. The sentence was reassessed on the basis of offenses the accused was properly convicted, sentence found to be nonetheless appropriate.	1

PERSONNEL AND TRAINING

The Coast Guard has 159 law specialists serving on active duty. One hundred and seventeen are serving a legal capacity and forty-two are serving in general duty billets. The junior law specialists serving at district offices perform most trial and defense counsel services. Senior law specialists, most serving as district legal officers, are used as military judges in special courts-martial when required.

The Eighth Coast Guard Basic Law Specialist Course was held at the Coast Guard Reserve Training Center, Yorktown, Virginia, from 11 September 1983 through 4 November 1983. The seven week course normally introduces both the direct commissioned lawyers and the regular officers, just completing law school, to the many duties they would soon perform as Coast Guard law specialists. One-half of the course was devoted to military justice. Nonjudicial punishment, jurisdiction, professional responsibility and ethics, court procedures, trial/defense counsel duties, and the Articles of the Code most frequently litigated were some of the areas covered. Each student was given an opportunity to demon-

strate recently acquired knowledge and skills in moot courts. Twenty-four Coast Guard officers are currently undergoing post-graduate studies in law and will be certified as law specialists at the completion of their studies.

ADDITIONAL MILITARY JUSTICE STATISTICS

Appendix A contains additional basic military justice statistics for the reporting period and reflects the increase/decrease of the workload in various categories.

ROSCHIEL A. KREPPS
General Counsel
Department of Transportation

APPENDIX A: U.S. COAST GUARD COURTS-MARTIAL/NJP STATISTICS FOR FISCAL YEAR 1983

Period: 1 October 1982 - 30 September 1983

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	10	10	00	+11%
BCD SPECIAL	68	62		-14%
NON-BCD SPECIAL	00	00	00	00
SUMMARY	128	121	07	-15%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				-14%

PART 2 - DISCHARGES APPROVED

GENERAL COURTS-MARTIAL (CA LEVEL)			
NUMBER OF DISHONORABLE DISCHARGES		00	
NUMBER OF BAD CONDUCT DISCHARGES		06	
SPECIAL COURTS-MARTIAL (SA LEVEL)			
NUMBER OF BAD CONDUCT DISCHARGES		12	

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	06	
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	12	
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	04	

* PART 4 - WORKLOAD OF THE COAST GUARD COURT OF MILITARY REVIEW

TOTAL ON HAND BEGINNING OF PERIOD		07	
GENERAL COURTS-MARTIAL		04	
BCD SPECIAL COURTS-MARTIAL		03	
REFERRED FOR REVIEW		18	
GENERAL COURTS-MARTIAL		06	
BCD SPECIAL COURTS-MARTIAL		12	
TOTAL CASES REVIEWED		07	
GENERAL COURTS-MARTIAL		03	
BCD SPECIAL COURTS-MARTIAL		04	
TOTAL PENDING AT CLOSE OF PERIOD		18	
GENERAL COURTS-MARTIAL		07	
BCD SPECIAL COURTS-MARTIAL		11	
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD			+29%

* PART 5 - APPELLATE COUNSEL REQUESTS BEFORE COAST GUARD COURT OF MILITARY REVIEW

NUMBER	18	
PERCENTAGE	100%	

PART 6 - U. S. COURT OF MILITARY APPEALS ACTIONS

PERCENTAGE OF COMR REVIEWED CASES FORWARDED TO USCMA	4/7	57%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		-03%
PERCENTAGE OF TOTAL PETITIONS GRANTED	1/4	25%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		-42%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY COMR	1/7	14%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		+42%

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* Extraordinary Writs in which Show Cause Orders were issued by CMR: 05

Extraordinary Writs in which Show Cause Orders were issued by COMA: 00

APPENDIX A—CONTINUED

PART 7 - APPLICATIONS FOR RELIEF, ARTICLE 69

PENDING AT BEGINNING OF PERIOD		00	
RECEIVED		06	
DISPOSED OF		01	
GRANTED	00		
DENIED	01		
NO JURISDICTION			
WITHDRAWN			
TOTAL PENDING AT END OF PERIOD		05	

PART 8 - ORGANIZATION OF COURT

TRIALS BY MILITARY JUDGE ALONE		05	
GENERAL COURTS-MARTIAL			
SPECIAL COURTS-MARTIAL		19	
TRIALS BY MILITARY JUDGE WITH MEMBERS		05	
GENERAL COURTS-MARTIAL			
SPECIAL COURTS-MARTIAL		49	

PART 9 - COMPLAINTS UNDER ARTICLE 138

NUMBER OF COMPLAINTS	02	
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PART 10 - STRENGTH

AVERAGE ACTIVE DUTY STRENGTH	38,175	
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PART 11 - NONJUDICIAL PUNISHMENT (ARTICLE 15)

NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	3142	
RATE PER 1,000	82.6	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD	+27%	

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¹ Military judges are assigned to all cases referred to special courts-martial. The Coast Guard, therefore, considers all special courts-martial potential BCD cases.