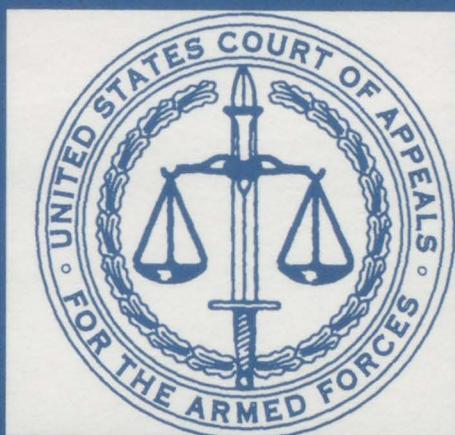


ANNUAL REPORT
of the
CODE COMMITTEE
on
MILITARY JUSTICE



INCLUDING SEPARATE REPORTS
of the
U.S. COURT OF APPEALS FOR THE ARMED FORCES,
THE JUDGE ADVOCATES GENERAL
OF THE U.S. ARMED FORCES,
AND THE CHIEF COUNSEL
OF THE U.S. COAST GUARD

For the Period
October 1, 1999 to September 30, 2000

ANNUAL REPORT

SUBMITTED TO THE

COMMITTEES ON ARMED SERVICES

of the

United States Senate

and the

United States House of Representatives

and to the

SECRETARY OF DEFENSE,

SECRETARY OF TRANSPORTATION,

and

SECRETARIES OF THE

ARMY, NAVY, AND AIR FORCE

PURSUANT TO THE
UNIFORM CODE OF MILITARY JUSTICE
For the Period
October 1, 1999 to September 30, 2000

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FOR THE ARMED FORCES

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Section 4: REPORT OF THE JUDGE ADVOCATE GENERAL OF THE NAVY

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Section 6: REPORT OF THE CHIEF COUNSEL OF THE COAST GUARD

SECTION 1

JOINT ANNUAL REPORT OF THE CODE COMMITTEE

JOINT ANNUAL REPORT OF THE
CODE COMMITTEE PURSUANT TO THE
UNIFORM CODE OF MILITARY JUSTICE

October 1, 1999 to September 30, 2000

The Judges of the United States Court of Appeals for the Armed Forces; the Judge Advocates General of the Army, Navy, and Air Force; the Chief Counsel of the Coast Guard; the Director, Judge Advocate Division, Headquarters, United States Marine Corps; Professor Lee D. Schinasi, and United States Magistrate Judge Jacob Hagopian, Public Members appointed by the Secretary of Defense, submit their annual report on the operation of the Uniform Code of Military Justice pursuant to Article 146, Uniform Code of Military Justice, 10 USC § 946.

The Code Committee met during fiscal year 2000 to consider various matters pertaining to the administration of military justice. As in previous years, the meeting was open to the public as duly noted in the Federal Register. Reports were submitted and discussions also took place at the meeting concerning the status and content of various pending proposals to amend the Uniform Code of Military Justice and the Manual for Courts-Martial including consideration of a report from the Chairman of the Joint-Service Committee on Military Justice which included discussion of legislative proposals to amend Articles 54, 56a, 71, and 74 of the Uniform Code of Military Justice.

Additionally, the Chairman of that committee discussed various proposals to change Rules for Courts-Martial 701, 707, 1003 and 1107 of the Manual for Courts-Martial. Also, discussions were conducted on a study concerning the administration of non-judicial punishment under Article 15, Uniform Code of Military Justice; continuing studies on an independent military judiciary; and technology use in the military justice system. The Chairman also noted that the committee had been requested to study a number of military justice issues, to include convening authorities for joint commands, court-martial composition, post-trial matters, and Article 15 issues.

The Code Committee also received a report from a member of the committee concerning the celebration of the 50th anniversary of the Uniform Code of Military Justice. The report noted that a symposium on military justice had been conducted on February 25 and 26, 1999, at William and Mary School of Law; an anniversary dinner at which the Chief Justice of the United States was the guest of honor had been held on October 21, 1999, at Fort Myer, Virginia; a ceremonial session of the United States Court of Appeals for the Armed Forces, marking the occasion of President Truman's signing the legislation creating the Uniform Code of Military Justice, was held on May 5, 2000, with the Honorable Strom Thurmond, President Pro Tempore, United States Senate; and various commemorative activities conducted by the United States Court of Appeals for the Armed Forces, the United States Army, the United States Air Force, and the United States Navy.

Additionally, the 50th anniversary of the Code was recognized by Congress in the 2000 Authorization Act, and by the President in a Proclamation. (See Appendices L and M.)

Separate reports of the United States Court of Appeals for the Armed Forces and the individual Armed Forces address further items of special interest to the Committees on Armed Services of the United States Senate and the United States House of Representatives, as well as the Secretaries of Defense, Transportation, Army, Navy, and Air Force.

SUSAN J. CRAWFORD
Chief Judge

EUGENE R. SULLIVAN
Associate Judge

H. F. "SPARKY" GIERKE
Associate Judge

ANDREW S. EFFRON
Associate Judge

JAMES E. BAKER
Associate Judge

Major General WALTER B. HUFFMAN, USA
The Judge Advocate of General of the Army

Rear Admiral DONALD J. GUTER, USN
The Judge Advocate of General of the Navy

Major General WILLIAM A. MOORMAN, USAF
The Judge Advocate of General of the Air Force

Rear Admiral J. S. CARMICHAEL, USCG
Chief Counsel, U.S. Coast Guard

Brigadier General JOSEPH COMPOSTO, USMC
*Director, Judge Advocate Division
Headquarters, United States Marine Corps*

Professor Lee D. Schinasi
Public Member

Magistrate Judge JACOB HAGOPIAN
Public Member

SECTION 2

REPORT OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

REPORT OF THE
UNITED STATES COURT OF APPEALS

FOR THE ARMED FORCES

October 1, 1999 to September 30, 2000

The Judges of the United States Court of Appeals for the Armed Forces submit their annual report on the administration of the Court and military justice during the 2000 Term of the Court to the Committee on Armed Services of the United States Senate and the United States House of Representatives, and to the Secretaries of Defense, Transportation, Army, Navy, and Air Force in accordance with Article 146, Uniform Code of Military Justice, 10 USC § 946.

THE BUSINESS OF THE COURT

The number of cases carried over on the Court's Petition Docket at the end of the 2000 Term of Court reflected a decrease of 33% from the number of cases pending at the end of the prior reporting period. (See Appendix A.) The number of cases carried over on the Master Docket decreased by 9% during the same period. (See Appendix B.)

During the 2000 Term of the Court, the number of petitions for grant of review filed with the Court decreased by 28% compared with the prior reporting period. (See Appendix J.) The number of oral arguments remained fairly constant during the 2000 Term of Court, and the number of opinions released by the Court decreased by 11%. (See Appendices C and D.)*

* Although not part of the business of the Court, it is noted that during its 2000 Term, 19 petitions for writ of certiorari were filed with the Supreme Court of the United States, and 2 others were carried forward from the prior year. Of these, 14 petitions were denied this Term, leaving 7 petitions pending at the end of the Term.

The overall average processing time from filing to final decision in all cases during the 2000 Term of Court decreased 7% compared with the prior reporting period. (See Appendix I.) The average processing time from the date of filing a petition to the date of grant by this Court decreased by 23% compared with the prior reporting period. (See Appendix E.) The processing time from the date of grant to the date of oral argument decreased by 11% when compared with this average during the prior Term of the Court. (See Appendix F.) The average processing time from the date of oral argument to final decision decreased by 7% when compared with the prior reporting period. (See Appendix G.) The average processing time from the filing of a petition to final decision on the Petition Docket decreased by 18%, and the same overall average on the Master Docket decreased by 11%. (See Appendix H.)

The Chief Justice of the United States acting pursuant to Article 142(f), Uniform Code of Military Justice, 10 USC § 942(f), designated the Honorable H. Robert Mayer, United States Court of Appeals for the Federal Circuit; the Honorable David M. Ebel, United States Court of Appeals for the Tenth Circuit; the Honorable James M. Fitzgerald, United States District Court for the District of Alaska; the Honorable Howard B. Turrentine, United States District Court for the Southern District of California; and the Honorable Daniel B. Sparr, United States District Court for the District of Colorado to sit with the United States Court of Appeals for the Armed Forces during the 2000 Term of Court.

Senior Judge Walter T. Cox, III was recalled for the entire Term of Court, and Senior Judge Robinson O. Everett was recalled and participated in the review and decision of several cases during the 2000 Term of Court.

During fiscal year 2000, the Court admitted 262 attorneys to practice before its Bar, bringing the cumulative total of admissions before the Bar of the Court to 31,969.

**PUBLIC AWARENESS PROJECT
(PROJECT OUTREACH)**

In furtherance of a practice established in 1987, the Court scheduled several special sessions and heard oral arguments in selected cases outside its permanent Courthouse in Washington, D.C., during the 2000 Term of Court. This practice, known as "Project Outreach," was developed as part of a public awareness program to demonstrate the operation of a Federal Court of Appeals, and the quality of the military's criminal justice system. The Court conducted hearings during this period, without objection of the parties at Catholic University of America, Columbus School of Law, Washington, D.C.; University of San Diego Law School, San Diego, California; United States Air Force Academy, Colorado Springs, Colorado; and the Association of the Bar of the City of New York, New York, New York.

"Project Outreach" has continued to promote an increased public awareness of the fundamental fairness of the military criminal justice system and the role of the Court in the overall administration of military justice throughout the world. The Court hopes that those who attend these hearings from both military and civilian communities will realize that the United States is a democracy that can maintain an armed force instilled with the appropriate discipline to make it a world power, while affording all its members the full protection of the Constitution of the United States and federal law.

JUDICIAL VISITATIONS

During the 2000 Term of Court, the Judges of the Court, consistent with past practice and their ethical responsibility to oversee and improve the entire military criminal justice system, participated in professional training programs for military and civilian lawyers, spoke to professional groups of judges and lawyers, and visited with judge advocates and other military personnel at various military installations throughout the world.

JUDICIAL CONFERENCE

On June 12 and 13, 2000, the Court held its annual Judicial Conference at the Catholic University of America, Columbus School of Law, Washington, D.C. The program for this Judicial Conference was certified for credit to meet the continuing legal education requirements of numerous State Bars throughout the United States. The Conference opened with welcoming remarks and a presentation by the Honorable Susan J. Crawford, Chief Judge, United States Court of Appeals for the Armed Forces. The following speakers participated in this year's Conference: Professor Jonathan R. Turley, George Washington University Law School; Professor Paul Butler, George Washington University Law School; Colonel William R. Hagan, USA (Ret.); Mr. Thomas Booth, Attorney, Appellate Section, Criminal Division, Department of Justice; Colonel Charles R. Myers; USAF, Former Professor, United States Air Force Academy; Colonel William Colwell, USAF (Ret.), President, Judge Advocates Association; Professor Stephen A. Saltzburg, George Washington University Law School; Major David Benedek, USA, Chief, Psychiatry Clinic, Walter Reed Army Medical Center; Colonel James Young, USAF, United States Air Force Court of Criminal Appeals; Major Victor M. Hansen, USA, Professor, Criminal Law Division, The Judge Advocate General's School, United States Army; Major Edward J. O'Brien, USA, Professor, Criminal Law Division, The Judge Advocate General's School, United States Army; and Major Jon W. Shelburne, USMC, Assistant Procedure Division Officer, Naval Justice School, United States Navy.

SUSAN J. CRAWFORD
Chief Judge

EUGENE R. SULLIVAN
Associate Judge

H.F. "SPARKY" GIERKE
Associate Judge

ANDREW S. EFFRON
Associate Judge

JAMES A. BAKER
Associate Judge

USCA STATISTICAL REPORT

2000 TERM OF COURT

CUMULATIVE SUMMARY

CUMULATIVE PENDING OCTOBER 1, 1999

Master Docket	77
Petition Docket	226
Miscellaneous Docket	<u>3</u>
TOTAL	306

CUMULATIVE FILINGS

Master Docket	157
Petition Docket	753
Miscellaneous Docket	<u>23</u>
TOTAL	933

CUMULATIVE TERMINATIONS

Master Docket	164
Petition Docket	827
Miscellaneous Docket	<u>23</u>
TOTAL	1014

CUMULATIVE PENDING OCTOBER 1, 2000

Master Docket	70
Petition Docket	152
Miscellaneous Docket	<u>3</u>
TOTAL	225

OPINION SUMMARY

<u>CATEGORY</u>	<u>SIGNED</u>	<u>PER CURIAM</u>	<u>MEM/ORDER</u>	<u>TOTAL</u>
Master Docket	107	3	54	164
Petition Docket	0	0	827	827
Miscellaneous Docket	<u>0</u>	<u>0</u>	<u>23</u>	<u>23</u>
TOTAL	107	3	904	1014

FILINGS (MASTER DOCKET)

Remanded from Supreme Court	0
Returned from Court of Criminal Appeals....	3
Mandatory appeals filed	0
Certificates filed	12
Reconsideration granted	0
Petitions granted (from Petition Docket)...	<u>142</u>
TOTAL	157

TERMINATIONS (MASTER DOCKET)

Findings & sentence affirmed	127	
Reversed in whole or in part	31	Signed 107
Granted petitions vacated	1	Per curiam .. 3
Other disposition directed	<u>5</u>	Mem/order .. <u>54</u>
TOTAL	164	TOTAL 164

PENDING (MASTER DOCKET)

Awaiting briefs	12
Awaiting oral argument	37
Awaiting lead case decision (trailer cases)	18
Awaiting final action	<u>3</u>
TOTAL	70

FILINGS (PETITION DOCKET)

Petitions for grant of review filed	750
Petitions for new trial filed	0
Cross-petitions for grant filed	2
Petitions for reconsideration granted	1
Returned from Court of Criminal Appeals ...	<u>0</u>
TOTAL	753

TERMINATIONS (PETITION DOCKET)

Petitions for grant dismissed	4	
Petitions for grant denied	661	
Petitions for grant granted	142	
Petitions for grant remanded	5	Signed 0
Petitions for grant withdrawn	13	Per curiam .. 0
Other	<u>2</u>	Mem/order.. <u>827</u>
TOTAL	827	TOTAL 827

PENDING (PETITION DOCKET)

Awaiting briefs	73
Awaiting Central Legal Staff review	20
Awaiting final action	<u>59</u>
TOTAL	152

FILINGS (MISCELLANEOUS DOCKET)

Remanded from Supreme Court	0
Writs of error coram nobis sought	1
Writs of habeas corpus sought	0
Other extraordinary relief sought	9
Writ appeals sought	<u>13</u>
TOTAL	23

TERMINATIONS (MISCELLANEOUS DOCKET)

Petitions withdrawn	0	
Petitions remanded	1	
Petitions granted	0	
Petitions denied	22	Signed 0
Petitions dismissed	0	Per curiam. 0
Other	<u>0</u>	Mem/order.. <u>23</u>
TOTAL	23	TOTAL 23

PENDING (MISCELLANEOUS DOCKET)

Awaiting briefs	1
Awaiting Writs Counsel review	1
Awaiting final action	<u>1</u>
TOTAL	3

RECONSIDERATIONS & REHEARINGS

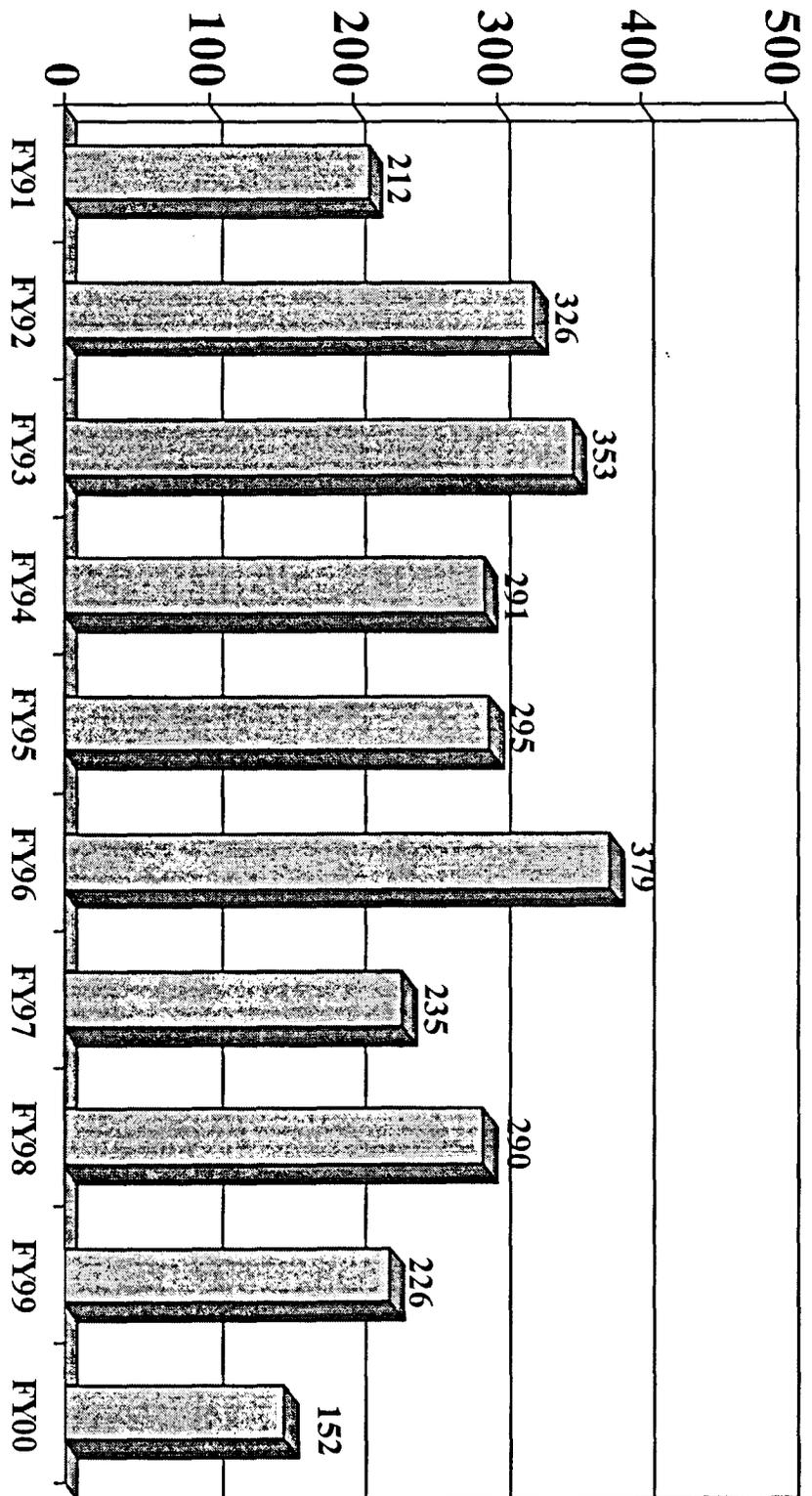
<u>CATEGORY</u>	<u>BEGIN</u>	<u>FILINGS</u>	<u>END</u>	<u>DISPOSITIONS</u>		
	<u>PENDING</u>		<u>PENDING</u>	<u>Granted</u>	<u>Denied</u>	<u>Total</u>
Master Docket	3	20	2	0	21	21
Petition Docket ..	2	9	2	0	9	9
Misc. Docket	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	5	29	4	0	30	30

MOTIONS ACTIVITY

<u>CATEGORY</u>	<u>BEGIN</u>	<u>FILINGS</u>	<u>END</u>	<u>DISPOSITIONS</u>			
	<u>PENDING</u>		<u>PENDING</u>	<u>Granted</u>	<u>Denied</u>	<u>Other</u>	<u>Total</u>
All motions	12	537	12	460	77	0	537

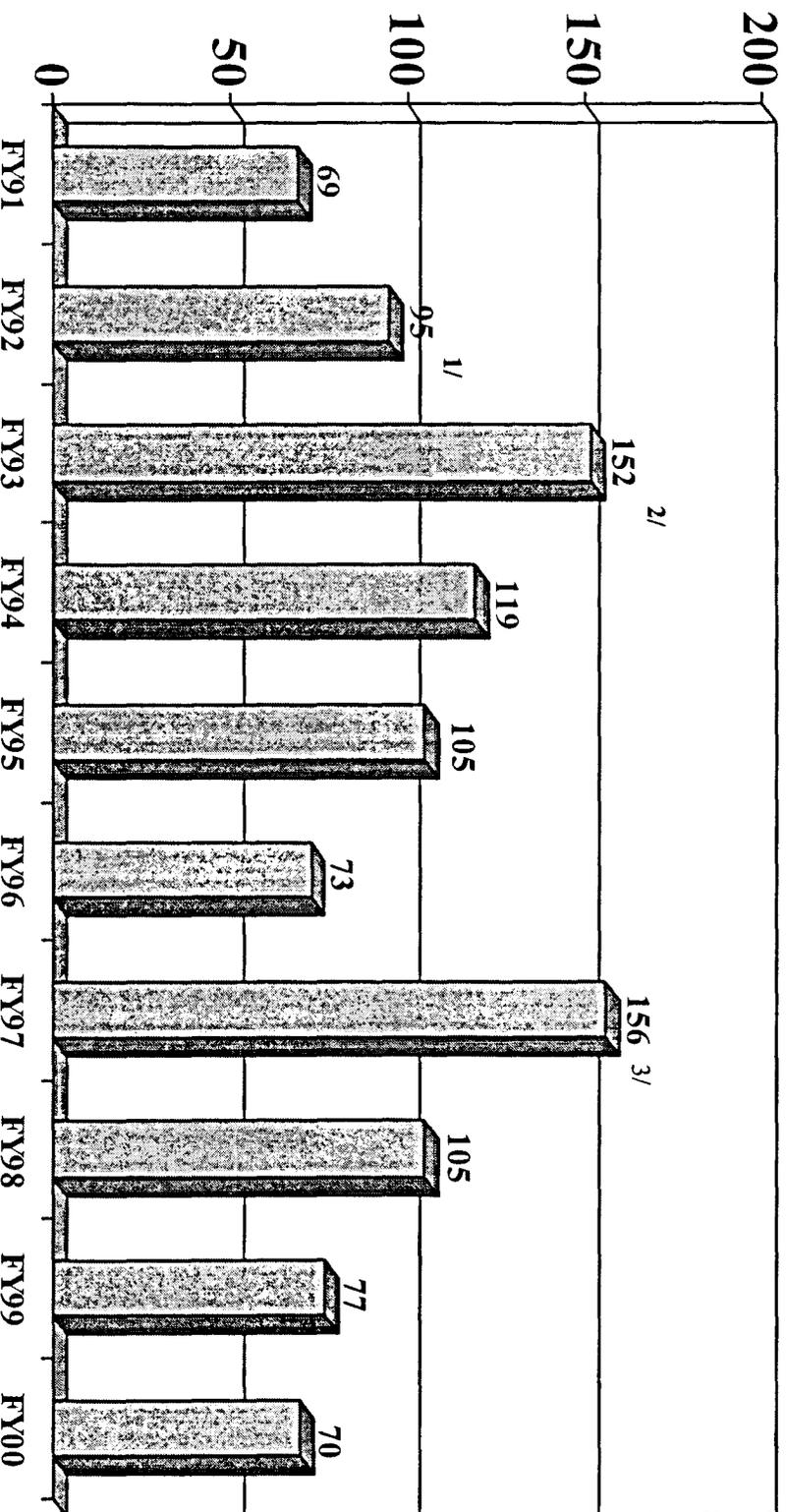
Petition Docket Year End Pending

APPENDIX A



Master Docket Year End Pending

APPENDIX B



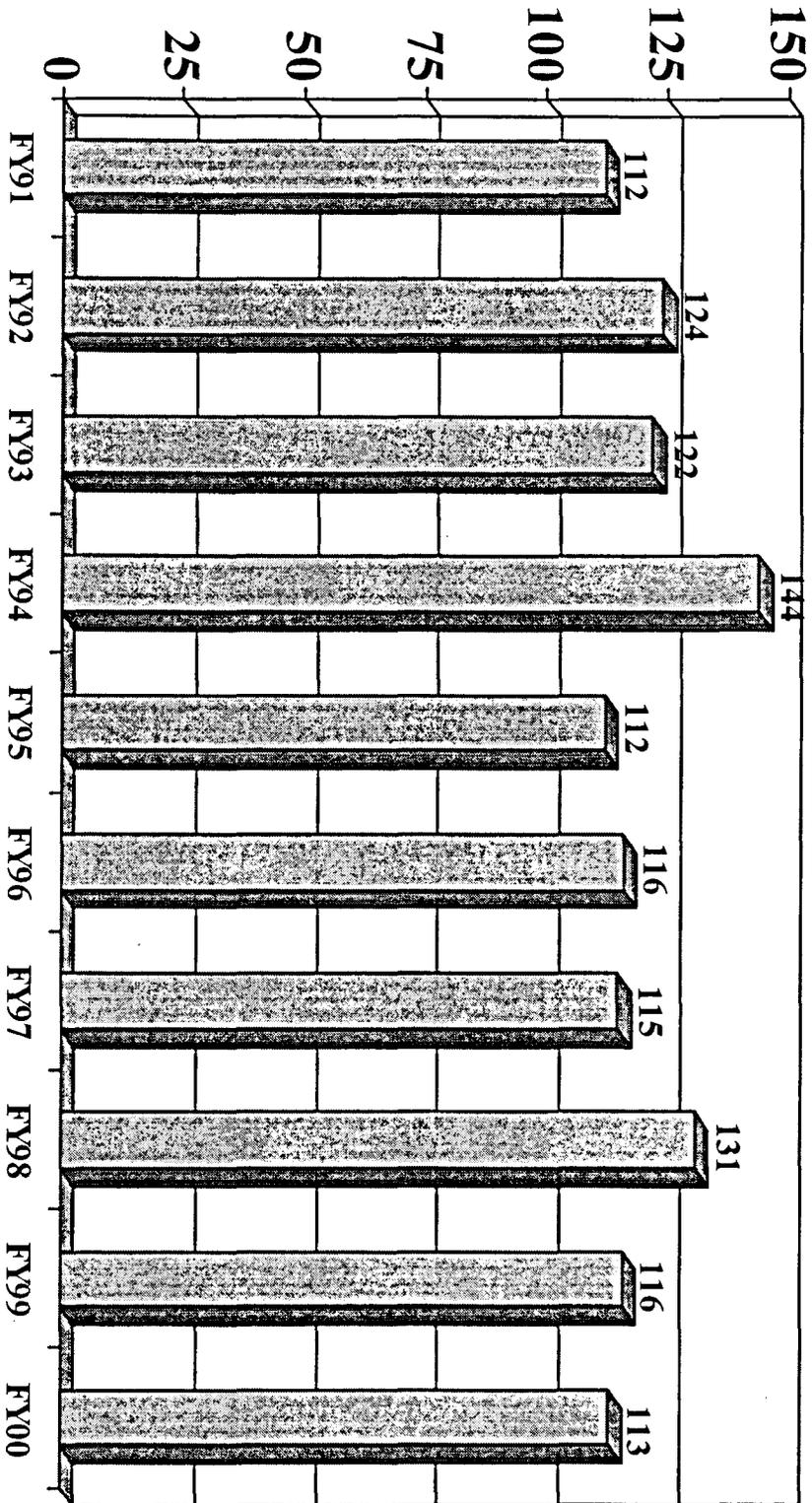
1/ This figure does not include 16 trailer cases to United States v. Watson, No. 68206/MC., and 8 trailer cases to United States v. Weiss, No. 67869/MC.

2/ This figure does not include 87 trailer cases to United States v. Mitchell, No. 93-1044/NA, and 9 trailer cases to United States v. Rexroat, No. 93-5007/AR.

3/ This figure does not include 133 trailer cases to United States v. Gorski, No. 97-0034/AF.

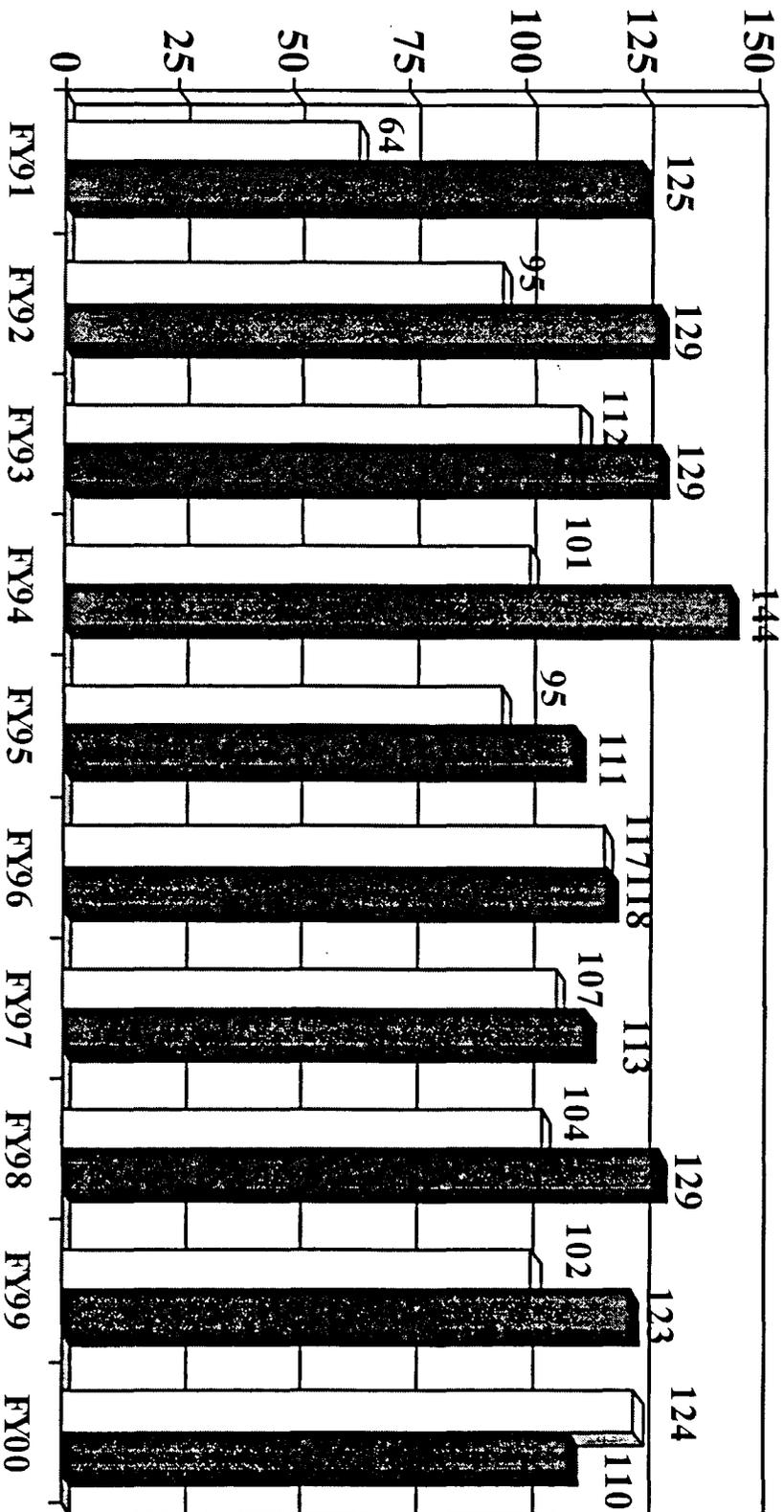
APPENDIX C

Oral Arguments Per Year



Total Opinions Per Year

APPENDIX D

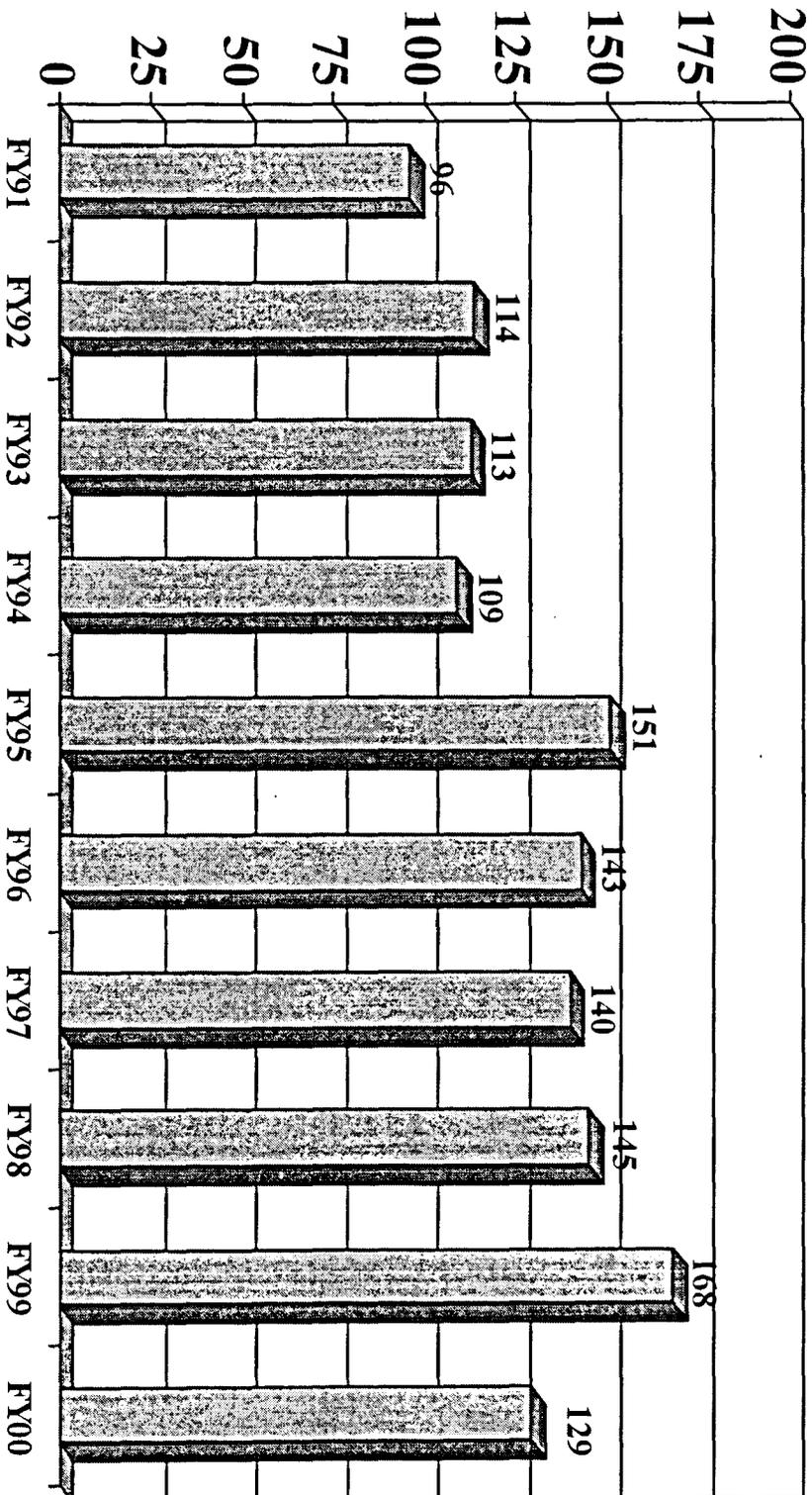


□ TOTAL SEPARATE OPINIONS (CONCUR, CONCUR IN THE RESULT, AND DISSENT)

■ TOTAL COURT OPINIONS

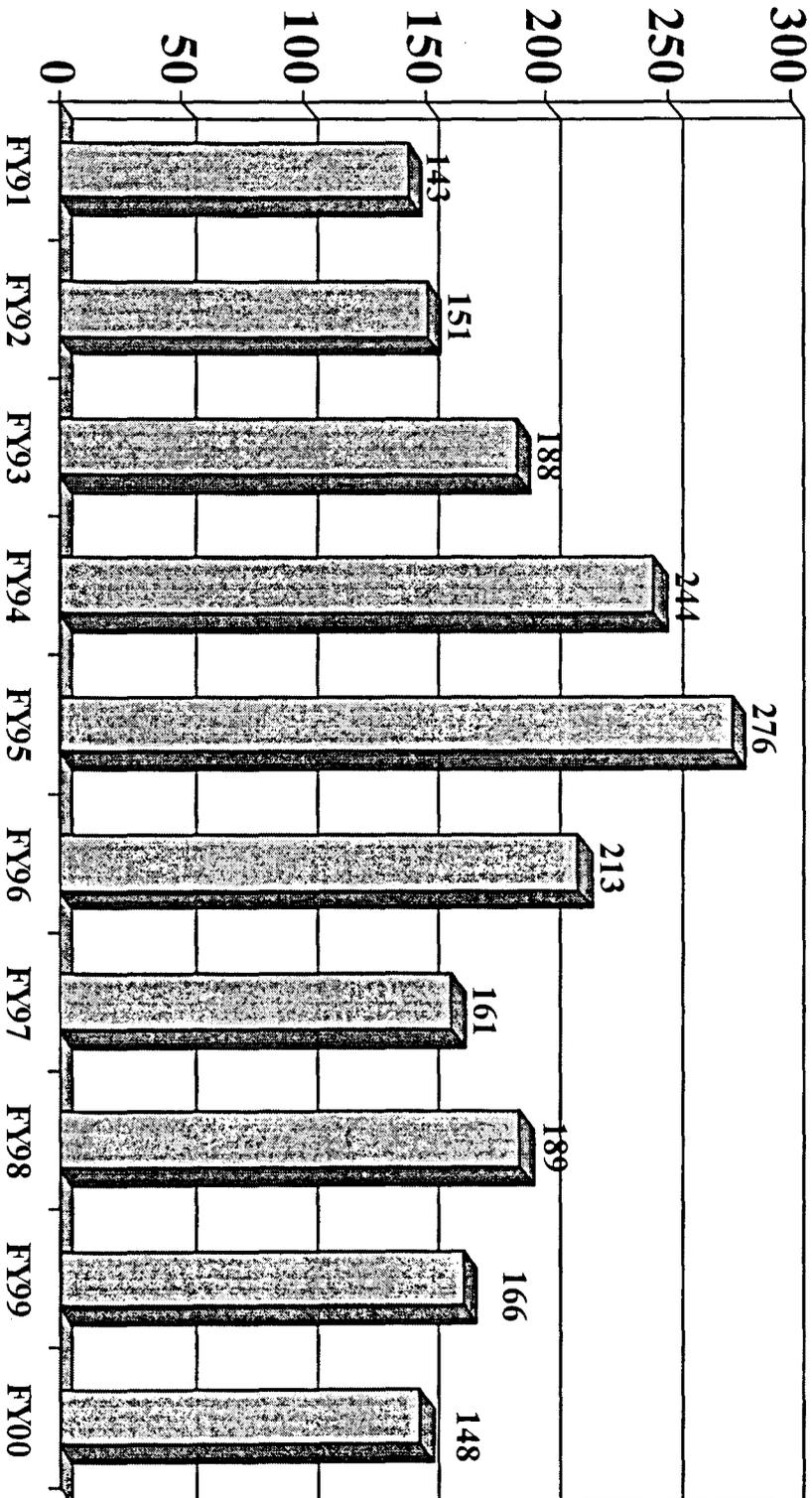
Days from Petition Filing to Grant

APPENDIX E



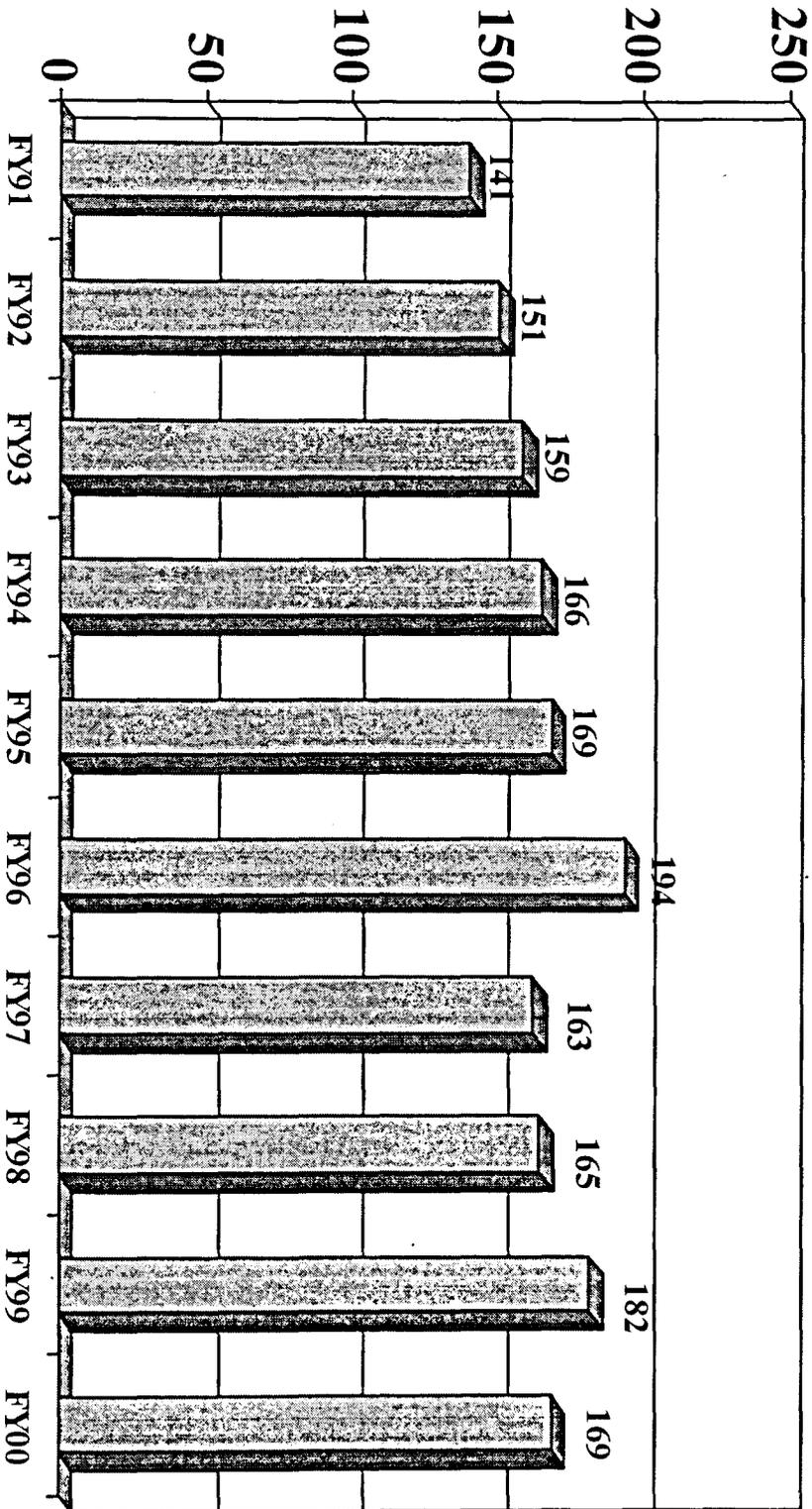
APPENDIX F

Days from Petition Grant to Oral Argument



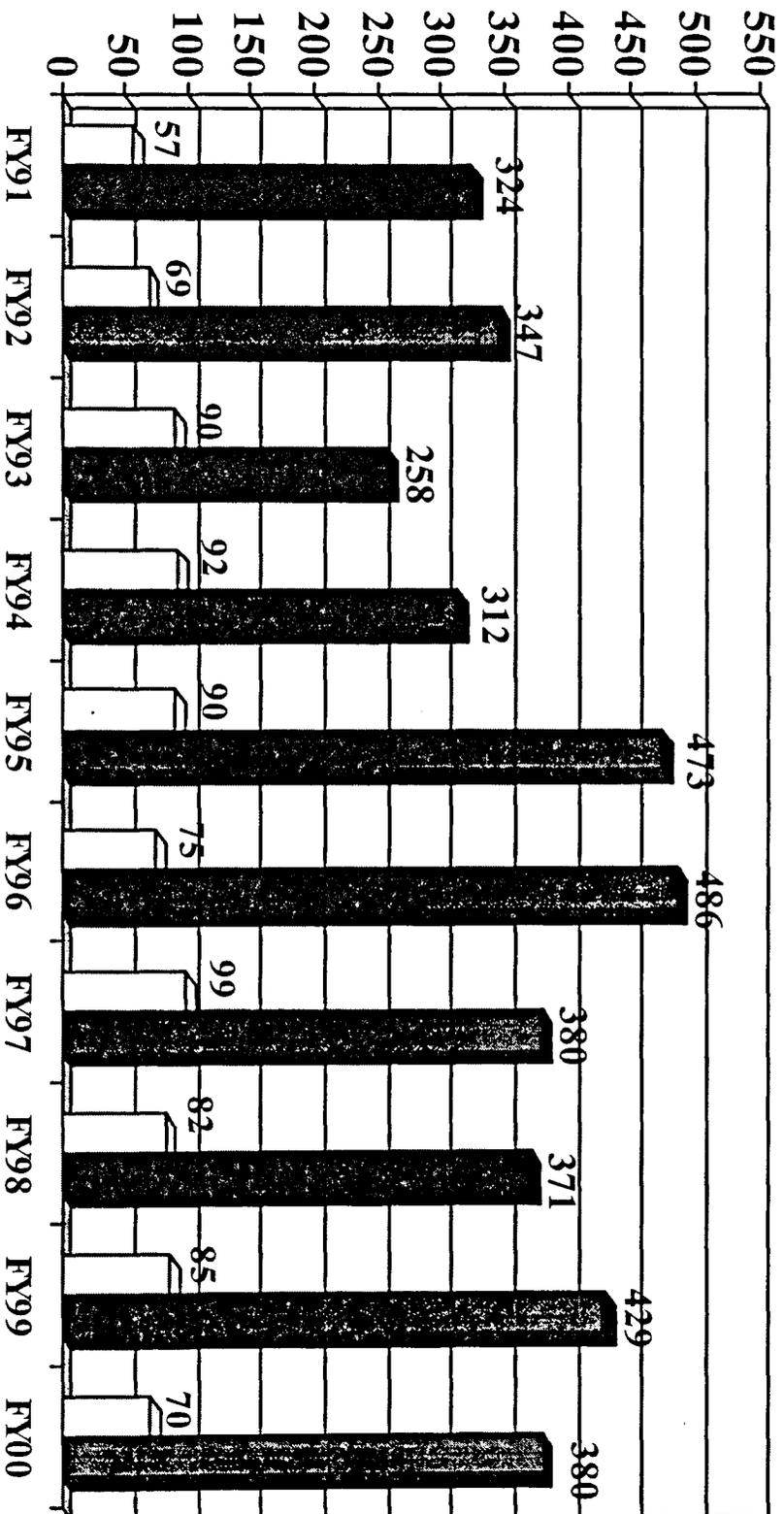
APPENDIX G

Days from Oral Argument to Final Decision



Days from Petition Filing to Final Decision

APPENDIX H

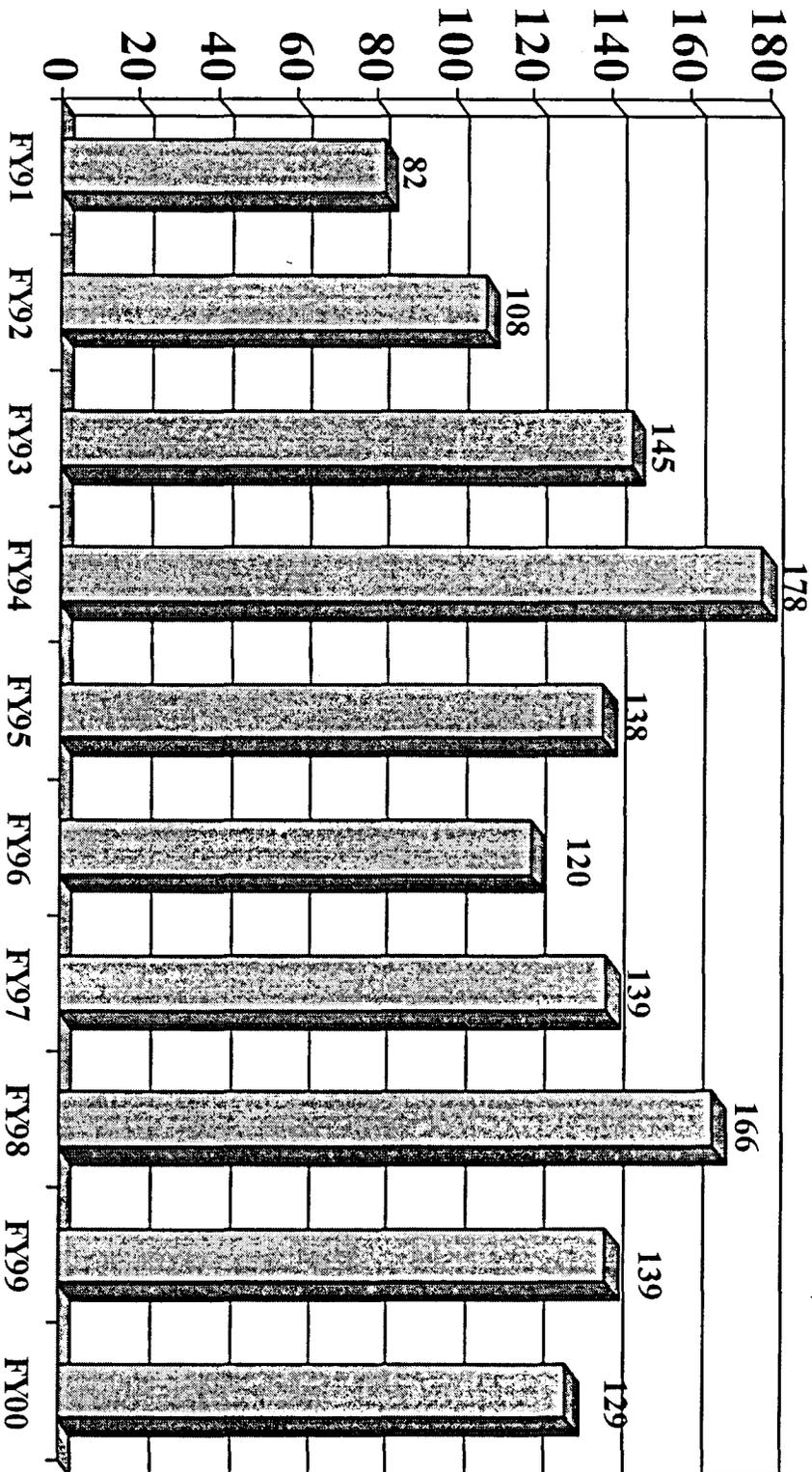


□ PETITION DOCKET (DENIAL/DISMISSAL/WITHDRAWAL)

■ MASTER DOCKET (GRANTED/CERTIFIED/DEATH CASES)

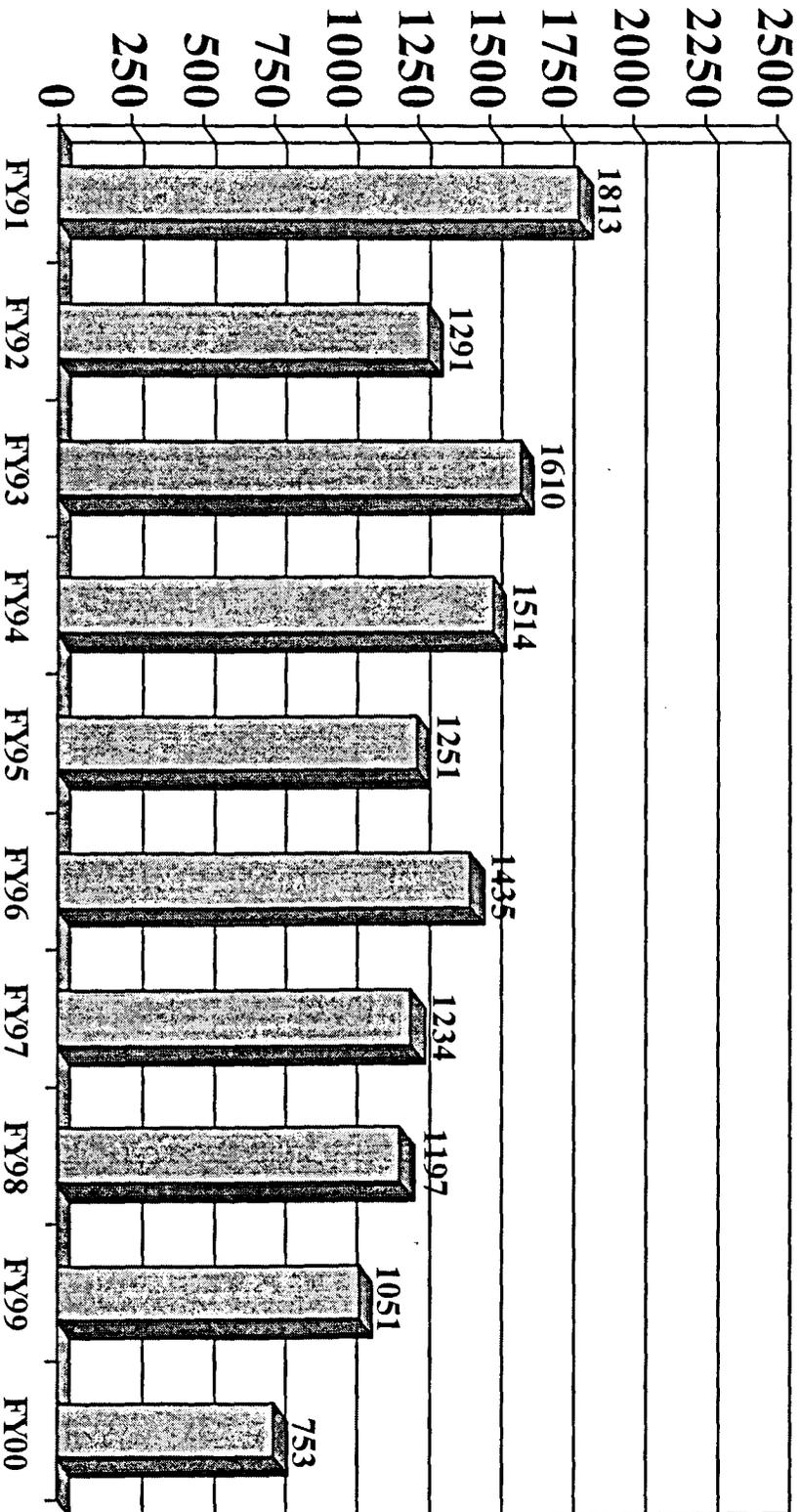
APPENDIX I

Days from Filing to Final Decision in All Cases

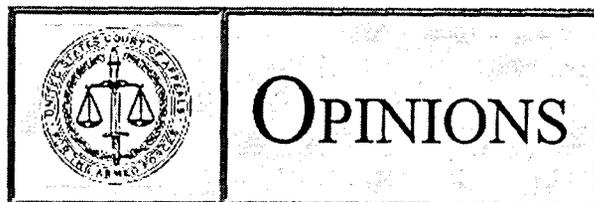


APPENDIX J

Total Petitions Filled Per Year



APPENDIX K



2000 Term of Court (Oct 1, 1999 - Sep 30, 2000)

The following opinions are available in HyperText Markup Language (HTML).

<u>CASE NAME</u>	<u>DOCKET #</u>	<u>OPINION DATE</u>	<u>MJ CITATION</u>
U.S. v. Cardreon	<u>98-1118/NA</u>	Dec 9, 1999	52 MJ 213
U.S. v. Williams	<u>99-0052/NA</u>	Jan 20, 2000	52 MJ 218
U.S. v. Burton	<u>99-0242/MC</u>	Jan 21, 2000	52 MJ 223
U.S. v. Tualla	<u>99-5002/CG</u>	Jan 31, 2000	52 MJ 228
U.S. v. Spriggs	<u>98-0940/AR</u>	Feb 17, 2000	52 MJ 235
U.S. v. Najera	<u>99-0300/MC</u>	Feb 18, 2000	52 MJ 247
U.S. v. Diggs	<u>99-0040/AR</u>	Feb 23, 2000	52 MJ 251
U.S. v. George	<u>99-0091/NA</u>	Mar 3, 2000	52 MJ 259
U.S. v. Heryford	<u>99-0546/AF</u>	Mar 3, 2000	52 MJ 265
U.S. v. Phillips	<u>99-0313/NA</u>	Mar 6, 2000	52 MJ 268
U.S. v Townes	<u>99-5004/MC</u>	Mar 8, 2000	52 MJ 275
U.S. v Hughes	<u>98-1129/AF</u>	Mar 10, 2000	52 MJ 278
U.S. v. Grigoruk	<u>98-1089/AR</u>	Mar 13, 2000	52 MJ 312
U.S. v. Guzman	<u>99-0069/NA</u>	Mar 13, 2000	52 MJ 318
U.S. v. Ramsey	<u>99-0271/MC</u>	Mar 13, 2000	52 MJ 322

U.S. v. Monroe	<u>99-0536/AF</u>	Mar 13, 2000	52 MJ 326
U.S. v. Roberts	<u>98-1039/NA</u>	Mar 14, 2000	52 MJ 333
U.S. v. Smith	<u>99-0288/AF</u>	Mar 14, 2000	52 MJ 337
U.S. v. Campbell	<u>97-0149/AR</u>	Mar 22, 2000	52 MJ 386
U.S. v. Hensley	<u>99-0111/NA</u>	Mar 22, 2000	52 MJ 391
U.S. v. Murray	<u>99-0303/AF</u>	Apr 6, 2000	52 MJ 423
U.S. v. Robbins	<u>99-0421/NA</u>	Apr 7, 2000	52 MJ 455
U.S. v. Avery	<u>96-1157/AR</u>	April 14, 2000	52 MJ 496
U.S. v. Melanson	<u>99-0619/AR</u>	April 24, 2000	53 MJ 1
U.S. v. Kirkland	<u>99-0651/AF</u>	May 1, 2000	53 MJ 22
U.S. v. Stoffer	<u>99-0292/MC</u>	May 3, 2000	53 MJ 26
U.S. v. Grier	<u>99-0547/AR</u>	May 12, 2000	53 MJ 30
U.S. v. Byrd	<u>99-5003/NA</u>	May 17, 2000	53 MJ 35
U.S. v. Burns	<u>99-0474/AF</u>	May 18, 2000	53 MJ 42
U.S. v. Golston	<u>99-0286/AR</u>	May 25, 2000	53 MJ 61
U.S. v. Cherukuri	<u>99-0511/AR</u>	May 26, 2000	53 MJ 68
U.S. v. Armstrong	<u>99-0256/AR</u>	Jun 1, 2000	53 MJ 76
U.S. v. Harris	<u>99-0731/AR</u>	Jun 5, 2000	53 MJ 86
U.S. v. Sapp	<u>99-0260/AF</u>	Jun 9, 2000	53 MJ 90
U.S. v. Augustine	<u>98-5026/AF</u>	Jun 9, 2000	53 MJ 95
U.S. v. Avila	<u>99-0399/MC</u>	Jun 9, 2000	53 MJ 99
U.S. v. Guthrie	<u>99-0306/MC</u>	Jun 12, 2000	53 MJ 103
U.S. v. Henry	<u>98-1023/AR</u>	Jun 21, 2000	53 MJ 108
U.S. v. Eversole	<u>98-0999/AR</u>	Jun 29, 2000	53 MJ 132
U.S. v. Garren	<u>99-0418/AR</u>	Jun 29, 2000	53 MJ 142
U.S. v. Yunk	<u>99-0695/MC</u>	Jun 29, 2000	53 MJ 145
U.S. v. Fricke	<u>98-0783/NA</u>	Jul 5, 2000	53 MJ 149

U.S. v. Pfister	<u>99-0311/AR</u>	Jul 5, 2000	53 MJ 158
U.S. v. Napolitano	<u>99-0365/MC</u>	Jul 5, 2000	53 MJ 162
U.S. v. Smith, Jr	<u>99-0932/AF</u>	Jul 5, 2000	53 MJ 168
U.S. v. Moolick	<u>99-0301/NA</u>	Jul 14, 2000	53 MJ 174
U.S. v. Latorre	<u>99-0499/AF</u>	Jul 14, 2000	53 MJ 179
U.S. v. Pereira	<u>99-1001/MC</u>	Jul 14, 2000	53 MJ 183
U.S. v. Rolle	<u>98-0656/AR</u>	Jul 17, 2000	53 MJ 187
U.S. v. Taylor	<u>98-1140/MC</u>	Jul 19, 2000	53 MJ 195
U.S. V. Davis	<u>99-0764/NA</u>	Jul 19, 2000	53 MJ 202
U.S. v. Becker	<u>96-0659/AR</u>	Jul 24, 2000	53 MJ 229
U.S. v. Baer	<u>99-0872/MC</u>	Jul 26, 2000	53 MJ 235
U.S. v. Stevenson	<u>00-6001/NA</u>	Aug 2, 2000	53 MJ 257
U.S. v. Norfleet	<u>98-1131/AF</u>	Aug 16, 2000	53 MJ 262
U.S. v. Steele	<u>99-0314/MC</u>	Aug 16, 2000	53 MJ 274
U.S. v. Clark	<u>99-0545/AF</u>	Aug 16, 2000	53 MJ 280
U.S. v. Alves	<u>99-0724/MC</u>	Aug 16, 2000	53 MJ 286
U.S. v. Williams	<u>99-0409/NA</u>	Aug 18, 2000	53 MJ 293
U.S. v. Hardcastle	<u>99-0632/MC</u>	Aug 18, 2000	53 MJ 299
U.S. v. Cobia	<u>99-0073/AR</u>	Aug 24, 2000	53 MJ 305
U.S. v. Tittel	<u>99-0571/NA</u>	Aug 24,2000	53 MJ 313
U.S. v. Williams	<u>99-0973/MC</u>	Aug 24, 2000	53 MJ 316
U.S. v. Nelson	<u>00-0010/NA</u>	Aug 24, 2000	53 MJ 319
U.S. v. Wilson	<u>99-0120/AF</u>	Aug 25, 2000	53 MJ 327
U.S. v. Langston	<u>99-0419/AR</u>	Aug 25, 2000	53 MJ 335
U.S. v. Knight	<u>99-0582/AF</u>	Aug 25, 2000	53 MJ 340
U.S. v. Rosendahl	<u>99-0584/NA</u>	Aug 25, 2000	53 MJ 344
U.S. v. Littlewood	<u>99-0604/AF</u>	Aug 25, 2000	53 MJ 349

U.S. v. Pablo	<u>99-0681/AR</u>	Aug 25, 2000	53 MJ 356
U.S. v. Glover	<u>99-0703/NA</u>	Aug 25, 2000	53 MJ 366
U.S. v. Huberty	<u>99-0778/AF</u>	Aug 25, 2000	53 MJ 369
U.S. v. Anderson	<u>99-0911/MC</u>	Aug 25, 2000	53 MJ 374
U.S. v. Starr	<u>99-0999/AF</u>	Aug 25, 2000	53 MJ 380
U.S. v. Chaney	<u>00-0109/AF</u>	Aug 25, 2000	53 MJ 383
U.S. v. Shelton	<u>99-0595/AR</u>	Aug 30, 2000	53 MJ 387
U.S. v. Sanchez	<u>99-0761/AF</u>	Aug 30, 2000	53 MJ 393
U.S. v. Allen	<u>99-0788/AF</u>	Aug 30, 2000	53 MJ 402
U.S. v. Southwick	<u>99-0832/AF</u>	Aug 30, 2000	53 MJ 412
U.S. v. Swift	<u>98-5012/AF</u>	Aug 31, 2000	53 MJ 439
U.S. v. Johnson	<u>99-0092/AR</u>	Aug 31, 2000	53 MJ 459
U.S. v. Matthews	<u>99-0487/AF</u>	Aug 31, 2000	53 MJ 465
U.S. v. Wright	<u>99-0318/AF</u>	Aug 31, 2000	53 MJ 476
U.S. v. Henley	<u>99-0094/AF</u>	Aug 31, 2000	53 MJ 488
U.S. v. Duncan	<u>99-0109/MC</u>	Aug 31, 2000	53 MJ 494
U.S. v. Browning	<u>99-0417/AR</u>	Aug 31, 2000	54 MJ 1
U.S. v. Jenkins	<u>99-0631/MC</u>	Aug 31, 2000	54 MJ 12
U.S. v. Thompson	<u>99-0656/AR</u>	Aug 31, 2000	54 MJ 26
U.S. v. Johnson	<u>96-0669/NA</u>	Aug 31, 2000	54 MJ 32
U.S. v. Reed	<u>99-0811/MC</u>	Aug 31, 2000	54 MJ 37
U.S. v. Pritt	<u>99-0912/NA</u>	Aug 31, 2000	54 MJ 47
U.S. v. Armstrong	<u>00-5002/CG</u>	Aug 31, 2000	54 MJ 51
U.S. v. Wilson	<u>99-0202/NA</u>	Sep 1, 2000	54 MJ 57
U.S. v. Kho	<u>99-0925/MC</u>	Sep 1, 2000	54 MJ 63
U.S. v. Johnson	<u>99-0556/AR</u>	Sep 7, 2000	54 MJ 67
U.S. v. Patterson	<u>99-0901/AR</u>	Sep 8, 2000	54 MJ 74

U.S. v. Tollinchi	<u>99-0965/MC</u>	Sep 11, 2000	54 MJ 80
U.S. v. Ayers	<u>99-0944/AR</u>	Sep 11, 2000	54 MJ 85
U.S. v. Baumann	<u>00-0076/AR</u>	Sept 11, 2000	54 MJ 100
U.S. v. Fuller	<u>00-0095/AR</u>	Sep 11, 2000	54 MJ 107
U.S. v. Scalarone	<u>00-5001/MC</u>	Sep 11, 2000	54 MJ 114
U.S. v. McElhaney	<u>99-0940/AF</u>	Sep 14, 2000	54 MJ 120
U.S. v. Ruiz	<u>99-0509/AF</u>	Sep 18, 2000	54 MJ 138
U.S. v. Difffoot	<u>99-0570/MC</u>	Sep 20, 2000	54 MJ 149
U.S. v. Rodriguez	<u>99-0224/AR</u>	Sep 25, 2000	54 MJ 156
U.S. v. Manns	<u>99-0853/NA</u>	Sep 25, 2000	54 MJ 164
U.S. v. Tanksley	<u>99-0666/NA</u>	Sep 25, 2000	54 MJ 169
U.S. v. Paaluhi	<u>99-0844/MC</u>	Sep 25, 2000	54 MJ 181
U.S. v. Valigura	<u>99-5005/AR</u>	Sep 25, 2000	54 MJ 187
U.S. v. Lynn	<u>99-0560/NA</u>	Sep 29, 2000	54 MJ 202

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APPENDIX L

SEC. 556. COMMEMORATION OF THE 50TH ANNIVERSARY OF THE UNIFORM CODE OF MILITARY JUSTICE.

(a) FINDINGS. - Congress makes the following findings:

(1) The American military justice system predates the United States itself, having had a continuous existence since the enactment of the first American Articles of War by the Continental Congress in 1775.

(2) Pursuant to article I of the Constitution, which explicitly empowers Congress "To make Rules for the Government and Regulation of the land and naval Forces", Congress enacted the Articles of War and an Act to Govern the Navy, which were revised on several occasions between the ratification of the Constitution and the end of World War II.

(3) Dissatisfaction with the administration of military justice during World War I and World War II (including dissatisfaction arising from separate systems of justice for the Army and for the Navy and Marine Corps) led both to significant statutory reforms in the Articles of War and to the convening of a committee, under Department of Defense auspices, to draft a single code of military justice applicable uniformly to all of the Armed Forces.

(4) The committee, chaired by Professor Edmund M. Morgan of Harvard Law School, made recommendations that formed the basis of bills introduced in Congress to establish such a uniform code of military justice.

(5) After lengthy hearings and debate on the congressional proposals, the Uniform Code of Military Justice was enacted into law on May 5, 1950, when President Harry S. Truman signed the legislation.

(6) President Truman then issued a revised Manual for Courts-Martial implementing the new code, and the code became effective on May 31, 1951.

(7) One of the greatest innovations of the Uniform Code of Military Justice (now codified as chapter 47 of title 10, United States Code) was the establishment of a civilian court of appeals within the military justice system. That court, the United States Court of Military Appeals (now the United States Court of Appeals for the Armed Forces), held its first session on July 25, 1951.

(8) Congress enacted major revisions of the Uniform Code of Military Justice in 1968 and 1983 and, in addition, has amended the code from time to time over the years as practice under the code indicated a need for updating the substance or procedure of the law of military justice.

(9) The evolution of the system of military justice under the Uniform Code of Military Justice may be traced in the decisions of the Courts of Criminal Appeals of each of the Armed Forces and the decisions of the United States Court of Appeals for the Armed Forces. These courts have produced a unique body of jurisprudence upon which commanders and judge advocates rely in the performance of their duties.

(10) It is altogether fitting that the 50th anniversary of the Uniform Code of Military Justice be duly commemorated.

(b) COMMEMORATION. - The Congress -

(1) requests the President to issue a proclamation commemorating the 50th anniversary of Uniform Code of Military Justice system; and

(2) calls upon the Department of Defense, the Armed Forces, and the United States Court of Appeals for the Armed Forces and interested organizations and members of the bar and the public to commemorate the occasion of that anniversary with ceremonies and activities befitting its importance.

APPENDIX M

THE WHITE HOUSE

WASHINGTON

May 5, 2000

Fifty years ago, on May 5, 1950, President Truman signed into law the Uniform Code of Military Justice, a unique set of laws designed to ensure good order and discipline among members of the Armed Forces while, at the same time, promoting fundamental fairness in the administration of military justice. Prior to the unification of the Armed Forces under the Department of Defense in 1947, each of the different services had its own separate set of criminal laws. With the enactment of the UCMJ, military justice truly became uniform among the Army, Marine Corps, Navy, Air Force, and Coast Guard.

The Uniform Code of Military Justice has served our nation well in the 50 years since its enactment. Operating in times of peace or conflict and under the same standards at home or abroad, the UCMJ has fulfilled a vital role in administering a consistent system of criminal justice, founded on the Constitution, that applies to all our men and women in uniform wherever they are deployed. Because it not only addresses most crimes commonly punished under civilian law, but also misconduct that affects the efficiency and effectiveness of our military, the UCMJ plays an important part in strengthening our national security.

As we mark this milestone, I salute the dedicated men and women who work each day to uphold the Uniform Code of Military Justice, to protect the rights of our men and women in uniform, and to preserve order and discipline in our Armed Forces.

Best wishes to all for a memorable observance.

Bill Clinton

SECTION 3

REPORT OF THE JUDGE ADVOCATE GENERAL OF THE ARMY

REPORT OF THE JUDGE ADVOCATE GENERAL OF THE ARMY

OCTOBER 1, 1999, TO SEPTEMBER 30, 2000

During fiscal year 2000 (FY 00) and in compliance with Article 6(a), Uniform Code of Military Justice (UCMJ), The Judge Advocate General and senior members of his staff made 25 official visits of field legal offices in the United States and overseas. In addition, the Office of The Judge Advocate General (OTJAG) continued to monitor courts-martial, review and prepare military publications and regulations, and develop and draft changes to the Manual for Courts-Martial (MCM) and the UCMJ. Through its Field Operating Agencies, OTJAG provided judicial and appellate services, advice, assistance, and professional education to ensure the efficient administration of military justice. Numbers in this report are based on an Army end strength of 482,170 in FY 00. The Army end strength was 479,426 in FY 99.

MILITARY JUSTICE STATISTICS

STATISTICAL SUMMARY: FY 00
(See table insert, attached)

U.S. ARMY LEGAL SERVICES AGENCY

The U.S. Army Legal Services Agency, a field operating agency of OTJAG, includes the following organizations involved in the administration of military justice: the U.S. Army Judiciary, the Government Appellate Division, the Defense Appellate Division, the Trial Defense Service, and the Trial Counsel Assistance Program.

U.S. ARMY JUDICIARY

The U.S. Army Judiciary consists of the U.S. Army Court of Criminal Appeals, the Clerk of Court, the Examination and New Trials Division, and the Trial Judiciary.

U.S. ARMY TRIAL DEFENSE SERVICE

The U.S. Army Trial Defense Service (USATDS), a defense service consisting of approximately 130 attorneys, provided high quality, professional defense services to soldiers throughout the Army from 54 offices worldwide. USATDS counsel defended soldiers facing the entire range of allegations under the Uniform Code of Military Justice.

USATDS counsel workload from FY 97 through FY 00 is displayed below.

	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>
General Courts-Martial	694	722	733
Special Courts-Martial	286	331	392
Administrative Boards	597	698	597
Nonjudicial Punishment	32,181	31,595	30,633
Consultations	28,668	26,794	24,051

USATDS provided defense services to deployed forces around the world, including Southwest Asia, Macedonia, Haiti, Kuwait, Hungary, Bosnia, and Kosovo. Its highest profile case was a potential capital case involving the kidnapping, rape, and murder of a Kosovar girl in Kosovo. Success in negotiating a decision to refer the case as a non-capital one in exchange for a guilty plea was the result of tireless efforts by the TDS team. At some locations, USATDS maintained inter-service agreements to provide defense services to military personnel of sister services. TDS continued to support soldiers in Physical Evaluation Boards (PEB) at selected locations.

TDS continued attempts to leverage distance technology in providing services to clients who were not located with TDS counsel. Although the technology suffers from many flaws, it has proven valuable, particularly to deployed soldiers or those at remote locations and with counseling on Article 15s. TDS offices around the world completed surveys outlining facilities and resources, complete with digital photographs. This survey will be publicly posted to enhance awareness of TDS offices.

TDS has instituted new policies and procedures for enlisted support, rehearings ordered by appellate courts, and the new Reserve Component Trial Defense Service Legal Support Organizations (TDSLSO). Although TDS has no intrinsic enlisted support, instead relying on OSJA personnel assigned to TDS on a rotating basis, TDS expanded its operating procedures to encompass the training and assignment of enlisted personnel. TDS has also begun to work formal cooperative arrangements with the Defense Appellate Division (DAD). There is now a formal mechanism for the early transfer from appellate counsel to trial defense counsel of cases in which a rehearing on findings or sentence has been ordered, and a Memorandum of Understanding between DAD and TDS is currently under development. For RC soldiers, the new 154th TDSLSO will service the eastern half of CONUS and Europe, while the 22d TDSLSO will service the western half CONUS. The TDSLSOs were activated effective 16 September 2000. Active Component TDS roles with the new TDSLSOs are set forth in the FY00 Memorandum of Understanding between OTC, TDS, and the Defense LSOs.

Continuing Legal Education (CLE) training for TDS counsel was conducted in weeklong, consolidated regional conferences twice a year, attended by active duty TDS counsel and open to reserve TDS counsel as well. The FY 00 CLEs were conducted at Hunter Army Airfield, GA; Fort Carson, CO; Randolph Air Force Base, TX; and Garmisch, Germany. The multi-region approach to the CLEs results in more productive and informative CLEs, benefiting all attendees.

TRIAL COUNSEL ASSISTANCE PROGRAM

The U.S. Army's Trial Counsel Assistance Program (TCAP) composed of three Army judge advocates supported by a civilian paralegal, fulfilled its mission of providing information, advice, training, and trial assistance to military prosecutors worldwide. In addition to services provided to Army attorneys, TCAP had an expanded constituency among prosecutors in the Air Force, Navy, Marine Corps, and Coast Guard. TCAP provided four basic categories of services during FY 2000: (1) telephone/e-mail inquiry assistance; (2) advocacy training courses; (3) publications; and (4) trial assistance. TCAP personnel accomplished the following: responded to more than 200 telephonic and 175+ e-mail requests for assistance; conducted 11 three-day advocacy training courses in the United States, Korea, and Germany, providing 237 hours of continuing legal education to 155 judge advocates from all services at a cost of \$24,163.00 or \$155.89 per judge advocate trained; and sent out materials 68 times in response to requests. The Website is readily accessible via the Lotus Notes system or the World Wide Web (WWW). There were 536 applications for access from the WWW, which has reduced direct requests for assistance. Reservists, National Guard, and sister services continue to request access at a pace roughly equal to requests from Army personnel.

TCAP created and began using a new practical exercise scenario. Beginning with the trip to Fort Stewart, GA in September 2000, TCAP used a sexual misconduct scenario specifically created to address identified weaknesses in prosecuting this complex and difficult area. To date, the scenario has been highly rated by all attendees.

Beyond this extensive support to trial counsel, TCAP attorneys prepared 13 answers and returns to habeas corpus petitions filed with the Office of the U.S. Attorney for the District of Kansas or the United States Court of Appeals for the Tenth Circuit. TCAP reviewed, monitored, and responded to 21 extraordinary writs filed in either the Army Court of Criminal Appeals or the Court of Appeals for the Armed Forces (CAAF) and handled five government appeals. Finally, they prepared briefs and presented oral argument before the Army Court of Criminal Appeals and the Court of Appeals for the Armed Forces in assistance to other branches of the Government Appellate Division.

SIGNIFICANT MILITARY JUSTICE ACTIONS

Criminal Law Division, OTJAG, advises The Judge Advocate General on military justice policy, legislation, opinions, and related criminal law actions. Specific responsibilities include: promulgating military justice regulations and reviewing Army regulations for legal sufficiency, military corrections, the Army's drug testing program, federal felony and magistrate court prosecutions, legal opinions for the Army Staff, statistical analysis and evaluation, and congressional inquiries.

Criminal Law Division workload data for the last three fiscal years is displayed below:

	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>
White House inquiries	88	111	163
Congressional and other inquiries	297	330	312
Clemency Petitions, Art. 74, UCMJ	8	8	13
Officer Dismissals	16	14	23
Freedom of Information Act/Privacy Act	25	63	54

At the request of Senator Paul Sarbanes (D-Maryland) and at the direction of Secretary of the Army Louis Caldera, the Army established a multidisciplinary Process Action Team (PAT) Joint Council for Sexual Misconduct Initiatives to recommend improvements for investigating and prosecuting sexual offenses and for providing services to sexual offense victims. The PAT, comprised of military and civilian experts from a variety of fields including investigative, medical/psychiatric, legal, social services, and automation, critically examined how the Army processes sexual misconduct cases, from sexual harassment to rape. The Army Chief of Staff, General Eric K. Shinseki approved recommendations from the PAT to: increase interdisciplinary training and communication among medical, law enforcement, and legal disciplines; assign and train more forensic experts; expand physician training on physical examination, documentation, handling of victims, and Post-Traumatic Stress Disorder; expand and establish Internet distance learning training programs for prosecutors and for victim assistance liaisons; appoint full-time headquarters and regional victim coordinators; implement regional training conferences; and expand the Victim Information and Notification Everyday (VINE) Program. The Criminal Law Division has the responsibility to supervise the implementation of these recommendations.

JOINT SERVICE COMMITTEE ON MILITARY JUSTICE

The Army is the Executive Agent for the Joint Service Committee on Military Justice (JSC). The JSC was originally established by the Judge Advocates General and the Secretary of Transportation (Coast Guard) on August 17, 1972. It conducts an annual review of the Manual

for Courts-Martial (MCM) as required by Executive Order 12473 and DOD Directive 5500.17. The JSC proposes and evaluates amendments to the UCMJ, MCM, and serves as a forum for exchanging military justice information among the services.

The Army is also the Executive Agent for publication of the MCM. The 2000 edition of the MCM commemorating the 50th Anniversary of the Uniform Code of Military Justice was published in FY 00. It is available in hardcopy from the Government Printing Office at <http://www.gpo.gov/> or by telephone at (202) 512-1800; fax (202) 512-2250. The 2000 edition of the MCM is also available electronically to the public at the following web sites:

<ftp://pubs.army.mil/pub/epubs/pdf/mcm2000.pdf>

<http://www.usapa.army.mil>.

During FY 00, the JSC completed its sixteenth annual review of the MCM. This review was published in the Federal Register for public comment 15 May 2000 and a public meeting was held on 28 June 2000 to receive comments from interested parties. Highlights of the annual review's proposed changes include: references to MRE 513 (psychotherapist-patient privilege) in discovery rules; explanation in the analysis to RCM 707 that "reasonable diligence" is the standard applied by CAAF to determine whether the prosecution's progress toward trial for a confined accused is sufficient to satisfy the speedy trial requirement of Article 10, UCMJ; clarification of summary and special courts-martial authority to adjudge, and the convening authority to approve, a combination of both a fine and forfeitures at summary and special courts-martial; and clarification of the limitations on the imposition and approval of summary and special courts-martial sentences consisting of both a fine and forfeitures.

The JSC also drafted a stand alone executive order (EO) to amend the MCM to implement a 1999 amendment to Article 19, UCMJ, that authorized an increase in sentencing authority of special courts-martial by allowing such courts to impose confinement or forfeiture of two thirds pay per month up to one year. The increase in sentencing jurisdiction authorized by Congress will not take effect until the President signs this EO. The EO proposes to rescind the six month limitation on confinement/forfeitures for special courts-martial, require a verbatim record of trial and military judge authentication for SPCM with sentences of confinement or forfeitures greater than six months, and require the same vacation, staff judge advocate recommendation, and appeal procedures for special courts-martial with approved confinement for one year as for special courts-martial with an approved bad-conduct discharge. The EO was published in the Federal Register for public comment on 4 April 2000. A public meeting

was held on 18 April 2000. It was incorporated into EO 1999b (1999 annual review) on 30 June 2000. EOs 1999b and 1999a (1998 annual review) were pending at the Office of Management and Budget at the end of FY 00.

A JSC ad hoc working group completed an Independent Judiciary study. Ongoing studies by the JSC include joint military justice, Article 15, and use of technology in courts-martial.

FOREIGN CRIMINAL JURISDICTION

As Executive Agent for foreign criminal jurisdiction, the Army, through the International and Operational Law Division, OTJAG, compiles information concerning the exercise of foreign criminal jurisdiction over U.S. personnel.

The data below, while not drawn from precisely the same reporting period used in other parts of this Report, provides an accurate picture of the exercise of foreign criminal jurisdiction during this reporting period:

	1 Dec 1997 to <u>30 Nov 1998</u>	1 Dec 1998 to <u>30 Nov 1999</u>
Foreign Offense Citations	5,092	5,233
Total Civilian	1,498	1,346
Total Military	3,594	3,887
Exclusive Foreign Jurisdiction	192	183
Concurrent Jurisdiction	3,402	3,704
Traffic/Other Minor Offenses	335	430
Foreign Jurisdiction Recalls	546	708

With the exception of Total Civilian and Exclusive Foreign Jurisdiction, there was an increase in all categories. This increase was proportional across all categories in certain major offenses, such as robbery, larceny, aggravated assault, simple assault, and drug offenses.

This year, foreign authorities released to U.S. authorities 35 of the 183 exclusive foreign jurisdiction cases involving military personnel. In concurrent jurisdiction cases in which the foreign countries had the authority to assert primary jurisdiction, U.S. military authorities were able to obtain waivers of the exercise of this jurisdiction in 3,144 cases. Overall, waivers were obtained by the U.S. in 84.8 % of all exclusive and concurrent jurisdiction cases. This figure reflects a 2.5% decrease in such waivers from 1997-1998, when the relevant figure was 87.3 %.

During the last reporting period, civilian employees and dependents were involved in 1,498 offenses. Foreign authorities released 246 of these cases (16.4 % of this total) to U.S. military

authorities for administrative action or some other form of disposition. This year, civilian employees and dependents were involved in 1,346 offenses. The foreign authorities released 254 of these cases (18.9 % of the current total).

Foreign authorities tried a total of 1,256 cases. Twenty-one trials, or 1.7 %, resulted in acquittals. Those convicted were sentenced as follows: 10 cases resulted in executed confinement; 37 cases resulted in suspended confinement; and 1,188 cases (94.6 % of the total trials) resulted in only fines or reprimands.

PROFESSIONAL RESPONSIBILITY

The Standards of Conduct Office (SOCO) manages TJAG's professional responsibility program. This program includes tasking judge advocates for field inquiries into allegations of professional misconduct, reviewing reports of inquiry, and advising TJAG on appropriate resolution of ethics cases. SOCO oversees the operation of TJAG's Professional Responsibility Committee and its issuance of advisory ethics opinions. SOCO also oversees professional responsibility training within the Army. Working closely with The Judge Advocate General's School, SOCO assists judge advocates in implementing training programs in their commands and offices.

During FY 00, 20 professional conduct inquiries were conducted and closed, the same as FY 99. Of the 20 cases closed in FY 00, 7 cases resulted in a finding of attorney misconduct. Of the seven founded cases, two had only minor violations of ethics rules.

The remaining five cases were serious, resulting in a military reprimand, state suspensions and reprimands, and criminal diversion and conviction.

Active Duty Case

1. Reprimand of military organization's chief attorney for conflicts of interest by communicating with and advising an alleged rapist and victim, both of whom the attorney personally knew.

Reserve and Guard State Reciprocity Cases

2. 91-day suspension for not refunding fees and abandoning civilian clients.
3. Public reprimand for mismanaging civilian client's trust.
4. Diversion of criminal charges for state prosecutor who played sting operation tapes for a companion.
5. Felony conviction for forcible sodomy with biological children.

LITIGATION

The number of civil lawsuits against the Department of the Army and its officials increased slightly from the previous year, with approximately 585 actions filed in FY 00. Cases that require civilian courts to interpret the UCMJ remain a small, but significant portion of this total. Most of these cases are by (former) soldiers seeking collateral review of courts-martial proceedings, usually via petitions for writs of habeas corpus filed in federal district courts, or in back-pay actions filed in the Court of Federal Claims. Other suits involve challenges to confinement conditions, to decisions to deny clemency or parole, to revoke parole, or to other administrative actions taken by confinement facility officials.

One case of particular note, Hall v. Department of Defense, involves a class action filed in 1997 by all inmates confined at the United States Disciplinary Barracks (USDB). The inmates claim they are subject to unsafe living conditions that violate the Eighth Amendment proscription against cruel and unusual punishment. They allege that the USDB main building is structurally unsound, that they are exposed to unsafe environmental conditions, and that they are improperly subjected to certain administrative practices. The district court denied the inmates' request for a preliminary injunction ordering the Army to transfer them to other correctional institutions. In January 1999, the Army filed a motion for summary judgment maintaining that there is no issue of fact that the inmates are not exposed to unsafe living conditions and that the administrative practices of which they complain are proper, accepted correctional methods. Plaintiffs' attorney moved to dismiss the case in June 2000, claiming that because the new DB will be completed in the next year, the issues presented by the lawsuit will be moot. A hearing on the dismissal is pending.

Litigation Division is also defending three cases challenging the Feres doctrine as it applies to military prisoners after their punitive discharges have been executed, but while they continue to serve sentences of confinement at the USDB and the Regional Confinement Facilities (RCFs). All three cases, one of which involves a service-member who was discharged before his court-martial and who was on terminal leave when apprehended, are currently before the 10th Circuit Court of Appeals. The appellate court should definitively decide the applicability of Feres to post-discharge military prisoners soon. These decisions will have broad ramifications for the USDB and all RCFs.

EDUCATION AND TRAINING

The Criminal Law Department of The Judge Advocate General's School (TJAGSA) in Charlottesville, Virginia, continues to focus on sustaining and improving our military justice practice. This year, the

Criminal Law Department provided instruction on a variety of topics ranging from substantive and technical litigation skills to the history of the Uniform Code of Military Justice.

Advocacy training continues to be a top priority for the Criminal Law Department. The Department devotes significant effort to training Basic Course and Advanced Trial Advocacy Course students on trial advocacy skills. Each Basic Course student is required to serve as trial counsel or defense counsel in three advocacy exercises - an administrative separation board, a guilty plea court-martial, and a contested court-martial. Basic Course students leave TJAGSA with a substantive understanding of the military justice system as well as familiarization with the court-martial and administrative separation board processes.

In addition to the Basic Course instruction, the Criminal Law Department continues to offer advanced advocacy training in the 13th and 14th Criminal Law Advocacy Courses, as well as offering advanced advocacy training electives for the Graduate Course. The two-week Criminal Law Advocacy Courses provided advanced individualized training to over 100 judge advocates from all branches of service. Augmented with four Reserve Component officers for each course, the Department puts the students through the rigors of 11 small-group practical exercises on essential litigation skills from opening statement through closing argument. In addition, each Criminal Law Advocacy Course student must serve as trial counsel or defense counsel for a guilty plea and contested court-martial. The Graduate Course electives focus more on training supervisors and managers of the military justice system, with special emphasis on designing and executing in-house training programs.

The Advocacy Trainer, a manual containing several advocacy skills development drills designed to allow supervisors in the field to conduct short and long-term training, continues to enjoy great success. The Criminal Law Department is committed to keeping The Advocacy Trainer current and relevant. During FY 00, the department completed three new training modules. The Advocacy Trainer is now available electronically to all services, and can be accessed under the Publications listing on TJAGSA's home page (<http://www.jagcnet.army.mil/tjagsa>).

The Criminal Law Department also hosted a variety of continuing legal education courses. The Department managed the 43d Military Judge Course, providing preparatory and refresher training for the newest members of the trial judiciary. The Department also managed the Sixth Military Justice Manager's Course, which included a popular and informative presentation on forensic science, crime scene analysis, and DNA testing, as well as a block of instruction on how to use The Advocacy Trainer.

The Criminal Law and International & Operational Law Departments co-hosted the 4th National Security Crimes and Intelligence Law Workshop in June 2000. All of the services were represented in this class of military and civilian practitioners and investigators in the national security field.

The Criminal Law Department hosted several distinguished guest speakers during FY 00. Chief Judge Susan Crawford of the Court of Appeals for the Armed Forces delivered the 28th Kenneth J. Hodson Lecture on Criminal Law in May 2000. Colonel (Retired) John Smith and Lieutenant Colonel (Retired) Robert Nunnally discussed trial advocacy in general and use of technology in the courtroom at the 13th Criminal Law Advocacy Course in March 2000. In September 2000, Mr. Terry MacCarthy, a Federal Public Defender and nationally known authority on trial advocacy, and Professor David Schlueter, author of several books on court-martial practice, addressed the 14th Criminal Law Advocacy Course.

PERSONNEL, PLANS, AND POLICIES

The strength of the Judge Advocate General's Corps at the end of FY 00 was 1,427 (including general officers). This total does not include 67 officers participating in the Funded Legal Education Program. The diverse composition of the Judge Advocate General's Corps included 126 African-Americans, 40 Hispanics, 61 Asians and Native Americans, and 371 women. The FY 00 end strength of 1,427 compares with an end strength of 1,426 in FY 99, 1,499 in FY 98, 1523 in FY 97, 1541 in FY 96, 1561 in FY 95, 1575 in FY 94, and 1646 in FY 93. The grade distribution of the Corps was 5 general officers; 130 colonels; 211 lieutenant colonels; 306 majors; 775 captains. Seventy-one warrant officers, 360 civilian attorneys, and 1,467 enlisted soldiers supported legal operations worldwide.

WALTER B. HUFFMAN
Major General, US Army
The Judge Advocate General

APPENDIX - U.S. ARMY MILITARY JUSTICE STATISTICS

Report Period: FISCAL YEAR 2000

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	731	653	78	-0.8%
BCD SPECIAL	386	314	72	-8.5%
NON-BCD SPECIAL	7	4	3	-30%
SUMMARY	666	638	28	-.004%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				+36.73%

PART 2 - DISCHARGES APPROVED [B]

GENERAL COURTS-MARTIAL (CA LEVEL)		
NUMBER OF DISHONORABLE DISCHARGES (+ dismissals)	26	149
NUMBER OF BAD-CONDUCT DISCHARGES		378
SPECIAL COURTS-MARTIAL		
NUMBER OF BAD-CONDUCT DISCHARGES		232

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	522
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	184
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	113

PART 4 - WORKLOAD OF THE U.S. ARMY COURT OF CRIMINAL APPEALS

TOTAL ON HAND BEGINNING OF PERIOD		59 [C]
GENERAL COURTS-MARTIAL	[D]	
BCD SPECIAL COURTS-MARTIAL	[D]	
REFERRED FOR REVIEW		706
GENERAL COURTS-MARTIAL		
BCD SPECIAL COURTS-MARTIAL		
TOTAL CASES REVIEWED		660
GENERAL COURTS-MARTIAL		
BCD SPECIAL COURTS-MARTIAL		
TOTAL PENDING AT CLOSE OF PERIOD		105 [C]
GENERAL COURTS-MARTIAL		
BCD SPECIAL COURTS-MARTIAL		
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		-10.7

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE

U.S. ARMY COURT OF CRIMINAL APPEALS (CCA)

NUMBER	683
PERCENTAGE	96.74%

PART 6 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF)

PERCENTAGE OF CCA-REVIEWED CASES FORWARDED TO CAAF 239 of 660	42.1%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD	- 0.1%
PERCENTAGE OF TOTAL PETITIONS GRANTED	48 of 239
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD	+10.4%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY USACCA	14.0%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD]	+45.4%

APPENDIX - U.S. ARMY MILITARY JUSTICE STATISTICS - CONT'D

PART 7 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ			
TOTAL PENDING BEGINNING OF PERIOD		3	
RECEIVED		11	
DISPOSED OF		8	
GRANTED	0		
DENIED	7		
NO JURISDICTION	1		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		6	
PART 8 – ORGANIZATION OF COURTS			
TRIALS BY MILITARY JUDGE ALONE			
GENERAL COURTS-MARTIAL		555	
SPECIAL COURTS-MARTIAL		312	
TRIALS BY MILITARY JUDGE WITH MEMBERS			
GENERAL COURTS-MARTIAL		176	
SPECIAL COURTS-MARTIAL		74	
PART 9 – COMPLAINTS UNDER ARTICLE 138, UCMJ			
NUMBER OF COMPLAINTS		24	
PART 10 – STRENGTH			
AVERAGE ACTIVE DUTY STRENGTH		482,176	
PART 11 – NONJUDICIAL PUNISHMENT (ARTICLE 15, UCMJ)			
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED		41,285	
RATE PER 1,000		85.6	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD		+6.2%	

EXPLANATORY NOTES

- [A] Acquittals include cases withdrawn or dismissed after arraignment.
- [B] Based on records of trial received during FY 2000 for appellate review.
- [C] Includes only cases briefed and at issue.
- [D] No reason for distinguishing; GCM and BCD SPCM are not tracked separately.

SECTION 4

REPORT OF THE JUDGE ADVOCATE GENERAL OF THE NAVY

ANNUAL REPORT OF THE JUDGE ADVOCATE GENERAL OF THE NAVY

OCTOBER 1, 1999 TO SEPTEMBER 30, 2000

**SUPERVISION OF THE ADMINISTRATION OF
MILITARY JUSTICE**

In compliance with Article 6(a), Uniform Code of Military Justice, the Judge Advocate General and the Deputy Judge Advocate General made frequent inspections of legal offices in the United States, Europe, and the Far East in order to supervise the administration of military justice.

ARTICLE 69(a), UCMJ, EXAMINATIONS

Thirty general courts-martial records of trial not statutorily eligible for automatic review by the Navy-Marine Corps Court of Criminal Appeals (NMCCA) were forwarded for examination to the Office of the Judge Advocate General in fiscal year 2000. Twenty were pending at the end of fiscal year 1999. Of the 35 cases completed, none required corrective action by the Judge Advocate General. Fifteen cases are pending review at the close of fiscal year 2000.

ARTICLE 69(b), UCMJ, APPLICATIONS

In fiscal year 2000, 11 applications under Article 69(b), UCMJ, were received for review. Seventeen such applications remained pending from fiscal year 1999. Of these 28 applications, 20 were denied on the merits. Eight cases are currently pending review.

ARTICLE 73, UCMJ, PETITIONS

In fiscal year 2000, the Office of the Judge Advocate General received four petitions for a new trial. Two petitions were denied and two petitions are pending review at the close of fiscal year 2000.

APPELLATE DEFENSE DIVISION

Active-Duty Personnel. The Navy-Marine Corps Appellate Review Activity, Appellate Defense Division (Code 45) was staffed by 14 active-duty officers and two civilian staff employees at the close of fiscal year 2000. CDR Richard W. Bagley, Jr., JAGC, USN, remained the Division Director in this reporting period. Table 1 illustrates officer distribution by branch of service and grade. Active-duty personnel are usually assigned for three-year tours of duty. During fiscal 2000, seven new attorneys reported for duty in the Appellate Defense Division, but the Division also lost 11 experienced appellate counsel.

Table 1
Active-Duty Personnel Assigned on board
Navy-Marine Corps Appellate Review Activity
Appellate Defense Division

Service	CDR/LtCol (0-5)	LCDR/Maj (0-4)	LT/Capt (0-3)	First Tour (0-2/0-3)	Totals
Navy	1	2	5	3	11
Marine Corps	0	2	1	0	3
Totals	1	4	6	3	14

Reserve Personnel. Four Naval Reserve units and a number of U.S. Marine Corps Reserve judge advocates supported the Appellate Defense Division. Table 2. Operating under the flexible drilling (flex-drill) system, the Reserve Branch Head mails records of trial to Reservists, who review them and brief the issues they deem appropriate. The case is returned to the Appellate Defense Division, reviewed by an active duty counterpart, and filed with NMCCA by the Reserve Branch Head. Reservists also routinely spend two weeks of active duty training per year at Appellate Defense Division headquarters. These Reserve elements accounted for approximately 74% of all cases reviewed and filed with NMCCA in fiscal year 2000. Although this percentage is high, it is imperative to note that active-duty counsel continue to have responsibility for reviewing and briefing the majority of complex, multiple-issue cases.

During fiscal year 2000, NR NAVJAG 109 in Columbus, Ohio, was commanded by Captain Ben J. Piazza, JAGC, USNR. He was relieved by Captain John Fabian, JAGC, USNR on 1 October 2000. NR NAMARA (Defense) 111 in Oklahoma City, Oklahoma, was commanded by Captain Kristy L. Christen, JAGC, USNR, and she was relieved by Captain Donald Davidson, JAGC, USNR during this reporting period. In fiscal year 2000, the Appellate Defense Division was augmented by two additional Naval Reserve units headquartered in Fort Worth, Texas, and Los Angeles, California. The Fort Worth unit is commanded by Captain Robert White, JAGC, USNR and the Los Angeles unit is commanded by Captain Donald Nelson, JAGC, USNR.

Table 2
 Naval and Marine Corps Reserve Units/Personnel Supporting
 Navy-Marine Corps Appellate Review Activity
 Appellate Defense Division

Unit	CAPT/Col (0-6)	CDR/LtCol (0-5)	LCDR/Maj (0-4)	LT/Capt (0-3)	Totals
NAVJAG 109 Columbus, OH	1	2	3	1	7
NAMARA 111, Okla. City, OK	1	1	2	3	7
NAVJAG 519 Los Angeles, CA	4	1	0	0	5
NAVJAG 211 Fort Worth, TX	1	3	2	1	7
VTU 0614, Wash. DC	1	1	0	0	2
USMCR IMA	0	3	4	1	8
Totals	8	11	11	6	36

Navy-Marine Corps Court of Criminal Appeals Practice. The Appellate Defense Division received 1605 records of trial docketed for Article 66, UCMJ, review by NMCCA in fiscal year 2000. This represents a decline of 159 records from fiscal year 1999. The Appellate Defense Division reviewed and filed 1188 cases with NMCCA in fiscal year 2000. While this represents a decline of 610 cases compared to fiscal year 1999, it is worth noting the number of Extraordinary Writs and Supreme Court petitions for certiorari increased significantly during this reporting period. Counsel in the Division drafted, filed, and argued eight Extraordinary Writs, and drafted and filed 10 Supreme Court cert petitions. Tables 3-5 reflect the numbers and types of pleadings filed in fiscal year 2000 and fiscal year 1999.

Table 3
Cases Filed by Active-Duty
Navy-Marine Corps Appellate Defense Counsel
at the Navy-Marine Corps Court of Criminal Appeals

Fiscal Year	Fully Briefed	Summary Assignment	Submitted on Merits	Total Records Reviewed
FY-00	180	25	86	291
FY-99	278	94	253	625

Table 4
Cases Filed by Reserve
Navy-Marine Corps Appellate Defense Counsel
at the Navy-Marine Corps Court of Criminal Appeals

Fiscal Year	Fully Briefed	Summary Assignment	Submitted on Merits	Total Records Reviewed
FY-00	86	59	752	897
FY-99	70	84	1019	1173

Table 5
Cases Filed by Combined Active-Duty and Reserve
Navy-Marine Corps Appellate Defense Counsel
at the Navy-Marine Corps Court of Criminal Appeals

Fiscal Year	Fully Briefed	Summary Assignment	Submitted on Merits	Total Records Reviewed
FY-00	266	84	838	1188
FY-99	348	178	1272	1798

The decline in the number of cases reviewed is attributable to a number of factors: (1) the net loss of five active-duty counsel; (2) the assignment of three experienced appellate attorneys to the full-time representation of capital cases; and (3) the replacement of nine experienced counsel with five inexperienced appellate counsel.

Appellate Defense Division attorneys also argued 20 times before NMCCA, including one en banc argument.

United States Court of Appeals for the Armed Forces (CAAF) Practice. Table 6 reflects a sizable increase in the percentage of "petitions for review filed" of Navy-Marine Corps cases and those where a petition was granted by CAAF in fiscal year 2000--roughly 29% compared to 14% in the previous fiscal year--while the number of oral arguments at CAAF decreased by only 12.

Table 6
Representation by
Navy-Marine Corps Appellate Defense Counsel
before the U.S. Court of Appeals for the Armed Forces

Fiscal Year	Petitions for Review Filed	Petitions Granted/ Briefs Filed	Oral Argument	Published Opinions
FY-00	171	49	43	49
FY-99	323	45	55	54

Capital Litigation. In fiscal year 2000, the Appellate Defense Division continues to be actively involved in the appeals of three capital cases. The defense brief in United States v. Private Kenneth G. Parker, USMC, NMCM No. 95-1500 was filed with NMCCA on 23 July 1999 and the Government's answer is still pending. Appellate defense teams are currently researching and writing briefs in United States v. Private Wade L. Walker, USMC, NMCM No. 95-1607 (a companion case to Parker) and United States v. Private Jesse Quintanilla, USMC, NMCM No. 98-1632, in which a motion for Extraordinary Relief was filed on 31 July 2000 with NMCCA.

The Navy-Marine Corps Defense Capital Litigation Resource Center (CLRC) partially completed its third year of operations. Captain Henry Lazzaro, JAGC, USNR, the Director, was released from active duty in June 2000. The Director position will remain gapped and will be filled by summer 2001. The CLRC, unique among the services, is co-located with the Appellate Defense Division and provides advice on pretrial, trial, and sentencing strategies. It also serves as a research and resource clearinghouse with banks of motions relating to capital litigation as well as information on expert consultants and witnesses.

In fiscal year 2000, the CLRC provided its expertise in three other courts-martial where the death penalty was sought or seriously considered. This relatively low number reflects the limited term of operation for the CLRC during this reporting period. In all three cases, however, the charges were ultimately referred non-capital. The CLRC afforded advice and assistance in the case of United States v. Intelligence Specialist First class James W. Fuhrman, USN, where the Appellant pled guilty in return for a life sentence (later reduced to 50 years by the convening authority). The CLRC maintained liaison with the Army and Air Force and provided advice and assistance in one potential Army capital case (United States v. Sgt Frank Ronghi, USA) in which negotiations led to a pretrial agreement for a plea to murder in return for a life sentence without parole.

The CLRC continued to provide advice to, and coordination and procurement of training for, counsel for three Marine Corps cases awaiting appellate review where a death sentence was approved by the convening authority. Finally, the CLRC plays a large role in training trial and appellate defense counsel at the annual Defense Capital Litigation Course taught at the Naval Justice School, Newport, Rhode Island.

Trial Defense Assistance. The Appellate Defense Division provides advice and support to Navy and Marine Corps trial defense counsel on a continuing basis. The Division began publication of a monthly newsletter, entitled Timely Objection, which summarized and analyzed all recent CAAF and NMCCA cases. The newsletter also covered recent Federal and State appellate decisions involving criminal justice, and contained a "Trial Tips" section designed to aid the trial practitioner and a training section highlighting military and civilian training relevant to courts-martial practice. Publication of Timely Objection has been suspended to allow all counsel to concentrate on current cases. Publication will resume in summer 2001.

The Appellate Defense Division also maintains a rotating Field Call watch comprised of experienced appellate attorneys who reply to short-fused questions from trial defense counsel in the field and assist them in filing extraordinary writs, if the case warrants.

APPELLATE GOVERNMENT DIVISION

Appellate Representation. Members of the Appellate Government Division filed a total of 1,020 pleadings last year (excluding requests for enlargement of time). Seven hundred sixty-five of these pleadings were filed with NMCCA, and 255 were filed with CAAF. Additionally, the Division participated in 57 oral arguments before the two courts, including about 40% of all arguments before CAAF.

Field Assistance. The Division's Trial Counsel Assistance Program responded to over 1200 telephone calls or electronic messages from trial counsel and staff judge advocates. The issues involved ran the gamut of military justice matters involving all phases of proceedings. The Division provided additional assistance through worldwide dissemination of four Viewpoint publications, in which issues of significant military justice interest were discussed in depth, and periodic case law updates, in which significant military appellate decisions were summarized and discussed.

Presentations. The Appellate Government Division provided training at the Trial Service Office Conference in Jacksonville, Florida, in May 2000, and at the monthly OJAG-wide training in Washington, DC, in January, March, and July 2000.

Reserves. Throughout the year the Appellate Government Division was supported by its Marine Corps Reserve members and its two Naval Reserve units. These Reservists made significant contributions to the Division's successful accomplishment of its mission.

NAVY-MARINE CORPS TRIAL JUDICIARY

The Navy-Marine Corps Trial Judiciary (NMCTJ) consists of 33 active-duty judges and 22 Reservists serving in 12 circuits and five branch offices. During fiscal year 2000, NMCTJ provided judicial services in 428 general courts-martial and 2381 special courts-martial. These numbers represent an increase in general courts-martial (79) and special courts-martial (279) compared to fiscal year 1999. NMCTJ provided judicial services to Fleet and Shore Activities, and Marine Forces in the United States and around the world. Members of the Trial Judiciary participated in continuing education at the Army Judge Advocate General's School, the Interservice Military Judges' Seminar at Maxwell Air Force Base, and various courses at The National Judicial College at the University Of Nevada.

NMCTJ also provided training at various levels, including the Navy-Marine Corps Senior Officer Course and other in-service courses. NMCTJ performed an active role in mentoring judge advocates through both formal and informal training sessions.

NAVAL LEGAL SERVICE COMMAND

Naval Legal Service Command (NAVLEGSVCCOM) is commanded by the Deputy Judge Advocate General of the Navy and includes 293 judge advocates, 16 Limited Duty Officers (Law), 204 legalmen, and 238 civilians. NAVLEGSVCCOM provides a wide range of legal services to afloat and ashore commands, active duty-naval personnel, family members, and retirees from 55 offices world-wide: eight Naval Legal Service Offices (NLSOs), five Trial Service Offices (TSOs), the Naval Justice School, and 47 detachments and branch offices. NAVLEGSVCCOM provides counsel for courts-martial, administrative boards, physical evaluation boards, legal assistance, and local commanders. NAVLEGSVCCOM also provides assistance for claims processing and adjudication, and training judge advocates, legalmen, and other DoD personnel. During fiscal year 2000, NAVLEGSVCCOM provided counsel for 225 general courts-martial, 818 special courts-martial, 269 Article 32 investigations, 911 administrative separation boards; processed over 30,000 claims; provided over 235,600 legal assistance services, and provided command assistance services for over 3,900 commands.

Last year NAVLEGSVCCOM opened a legal service office in London, England to support Naval commands, sailors, and their families in Northern Europe.

NAVLEGSVCCOM is currently researching improvements to a military justice module for the Time Matters Case Management System. When fully implemented, this system will allow us to more closely track military justice cases.

NAVAL JUSTICE SCHOOL

Organization. Naval Justice School (NJS) reports to Commander, Naval Legal Service Command, for administrative and operational control. The main NJS facility is located in Newport, Rhode Island. Teaching detachments are based in San Diego, California, and Norfolk, Virginia (areas of fleet concentration).

Mission Statement. NJS shall:

1. Oversee training of judge advocates, Limited Duty Officers (Law), and legalmen to ensure their career-long professional development and readiness.
2. Provide comprehensive formal training to all sea service judge advocates and other legal personnel to promote justice and ensure the delivery of quality legal advice and other legal services.
3. Train sea service commanders and senior officers in the practical aspects of military law to enable them to perform their command and staff duties, and train other sea service personnel to assist in the sound administration of military justice.

Coordination. Through the Interservice Legal Education Review Committee (ISLERC), the Commanding Officer of NJS and the Commandants of the Army and Air Force JAG Schools meet semi-annually to discuss new initiatives and opportunities for cross-training, and to increase cooperation and efficiency in the training of legal personnel within the Department of Defense.

Academic Programs. NJS has five "core" courses, each containing substantial blocks of instruction relating to military justice and operation of the UCMJ. These courses are:

1. Accession Judge Advocate Course. This nine-week course, offered four times per fiscal year, is the accession-level course in military justice for all judge advocates of the Navy, Marine Corps, and Coast Guard. Most of the course is dedicated to military justice and court-martial advocacy training (other topical areas include legal assistance and administrative law). Upon graduation from NJS, judge advocates are certified in accordance with Article 27(b), UCMJ. Fiscal year 2000 graduates:

Navy	107
Marine Corps	57
Coast Guard	20
Air Force	0
International	4

2. Accession Legalman Course. This nine-week course, offered four times per fiscal year, trains enlisted personnel selected for conversion to the legalman rating. In fiscal year 2000, the course consisted of two phases: (a) Paralegal, dedicated to training Navy legalmen in military justice practice (six weeks), and (b) Court Reporters (three weeks). Fiscal 2000 graduates: 84.

3. Senior Officer Course (SOC) in Military Justice and Civil Law. This five-day course is taught in Newport, Rhode Island, and other areas of fleet and Fleet Marine Force concentration. In fiscal year 2000, the course was offered 18 times at eight different locations. The course prepares senior officers to execute the legal responsibilities of command. Most of the course focuses on such areas as nonjudicial punishment and court-martial procedures. Fiscal year 2000 participants in SOC:

Navy	428
Marine Corps	132
Coast Guard	15
Civilian	0
Air Force	3

4. Legal Officer Course. In the sea services, non-lawyer "legal officers" perform a host of military justice functions in many commands that are not large enough to warrant assignment of a judge advocate. This four-week course prepares these collateral duty legal officers (typically paygrades 0-1 to 0-3) to assume legal duties in their respective commands. This course is offered 16 times per fiscal year, at Newport, Rhode Island, San Diego, California, and Norfolk, Virginia. Fiscal year 2000 legal officers trained:

Navy	446
Marine Corps	82
Coast Guard	2
International	1

5. Legal Clerk Course. Legal clerks are typically assigned to assist non-lawyer legal officers within a command. This is usually a collateral duty for a Navy command yeoman or personnelman, or a Marine Corps legal services specialist. This two-week course provides training in the preparation of legal forms and reports, service record entries, post-mast and post court-martial procedures. In fiscal year 2000, the course was offered 19 times at Newport, Rhode Island, San Diego, California, and Norfolk, Virginia. Fiscal year 2000 participants:

Navy	245
Marine Corps	22
Civilian	4

In addition to the above "core" courses, NJS offered numerous continuing legal education programs throughout the fiscal year that contained detailed instructions relating to the operation of the UCMJ. These included:

Officer Courses

	<u>Length</u>
Reserve Judge Advocate Course	Two weeks
Staff Judge Advocate Course	Two weeks
Capital Litigation Course (Separate offerings for Prosecution and Defense)	2.5 days
Intermediate Trial Advocacy Course	One week
Advanced Trial Advocacy Course	One week
Coast Guard Law Specialist Course	One week
Computer Crimes	Two days
National College of District Attorneys Course	One week
Advanced Staff Judge Advocate Course	One week
Law of Military Operations	Two weeks
Joint Operational Law	Two weeks
Career Force Indoctrination	One week
Staff Judge Advocate Environmental Law	Three days
Litigating Complex Cases	Three days
Legal Assistance Manager's Workshop	Two days
Estate Planning	Three days
SOAC Course	Two days
Continuing Legal Education	Four days

Enlisted Courses

	<u>Length</u>
Reserve Legalman Course	Two weeks
Legalman Legal Writing	One week
Military Justice Course for the Staff Judge Advocate/Command Judge Advocate/Shipboard LN	One week
NLSO/TSO Legalman Course	Three days
Coast Guard Legal Clerk Course	Two weeks
Senior Legalman Course	One week

International Programs. In fiscal year 1998, NJS introduced Legal Considerations for Peacekeeping and Military Operations. In fiscal year 2000, 64 students from 43 countries attended the Fall and Spring offerings of this five-week resident course held in Newport, Rhode Island. The course covers topics including international law, UN organizations, UN Charter, regional organizations, humanitarian relief organizations, non-governmental organizations, law of armed conflict, rules of engagement, status of forces agreements, national policy for peace operations, legal issues regarding de-mining, and preventive diplomacy. The students hear from notable guest speakers, engage in interactive group problems and take field trips to Washington, D.C. and UN Headquarters in New York City. In the past two years, 203 students have completed the course.

DIILS Staff. In June of 2000, oversight of the Defense Institute of International Legal Studies (DIILS) program transferred from NJS to the Defense Security Cooperation Agency as a joint agency activity. NJS and DIILS continue mutual support and shared administrative resources. DIILS has presented programs to over 13,000 senior military and civilian government officials in 73 countries worldwide since its inception in late 1992. Teams, consisting of judge advocates from all uniformed

services, utilize the UCMJ and their experiences to compare, contrast, and develop military justice systems in emerging democracies. In fiscal year 2000, DIILS presented 53 weeks of seminars in 32 developing nations. Significantly, 26 percent of the participants have been civilian members of these governments who determine policy and create new military justice codes.

Publications. NJS publishes the Naval Law Review, all materials in support of academic programs, and any additional materials directed by higher authorities. NJS will soon publish Volume 47 of the Naval Law Review, containing several articles related to operational, environmental, and international law and military justice.

MARINE CORPS ACTIVITIES

The Marine Corps active-duty judge advocate community consisted of approximately 420 judge advocates during fiscal year 2000. Nearly half of all judge advocates were company-grade officers, in pay grade O-3 or below. Forty-five officers were new accessions, ordered to begin active duty at The Basic School in Quantico, Virginia. In addition to the new accessions, 10 officers graduated from ABA-accredited law schools by way of government-sponsored law education programs. Four of these officers graduated from the Funded Law Education Program (FLEP) and six graduated from the Excess Leave Program (ELP). Twelve officers are currently assigned to FLEP and 15 are now attending law school under the ELP.

Thirteen judge advocates attended resident professional military education courses in fiscal year 2000. Eight majors received LL.M degrees from the graduate course at The Judge Advocate General's School of the Army, Charlottesville, Virginia. Three captains completed the Amphibious Warfare School, Quantico, Virginia and one lieutenant colonel completed the Marine Corps Command and Staff Course, Quantico, Virginia. One lieutenant colonel completed top-level school and two majors received LL.M degrees through the Special Education Program (SEP). Thirteen officers are currently attending resident professional military education courses and two are assigned to the SEP. As unrestricted officers, Marine Corps judge advocates continued to fill numerous non-legal billets. Five judge advocates serve in command billets: Security Battalion, Marine Corps Base, Camp Pendleton, California; Marine Corps Security Force Company, Kings Bay, Georgia; Headquarters Battalion, Marine Corps Bases, Hawaii; 1st Battalion, Recruit Training Regiment, Marine Corps Recruit Depot, San Diego, California; and Headquarters and Service Battalion, Marine Corps Recruit Depot, San Diego, California. Ten judge advocates served in joint billets.

The Marine Corps Reserve judge advocate community averaged 395 officers during fiscal year 2000. Approximately 275 of these officers were actively participating in the Reserve. Fourteen Reserve judge advocates, major through colonel, serve as appellate counsel in the Navy-Marine Corps Appellate Review Activity. Reserve judge advocates serve at bases and stations throughout the country and overseas. They provide legal support beside, and are almost indistinguishable from, their active-duty counterparts in billets ranging from instructors at Naval Justice School to legal assistance attorneys at Marine Corps Base, Camp Pendleton, California. Reserve judge advocates also serve in non-legal billets in various combat arms and supporting commands.

DONALD J. GUTER
Rear Admiral, USN
The Judge Advocate General of the Navy

APPENDIX - U.S. NAVY/MARINE CORPS MILITARY JUSTICE STATISTICS

Report Period: FY 2000

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	428	398	30	+23%
BCD SPECIAL	2381	2298	83	+13.3%
NON-BCD SPECIAL	0	0	0	0%
SUMMARY	1883	1802	81	+20.3%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				+16.5%

PART 2 - DISCHARGES APPROVED

GENERAL COURTS-MARTIAL (CA LEVEL)			
NUMBER OF DISHONORABLE DISCHARGES			98
NUMBER OF BAD-CONDUCT DISCHARGES			163
SPECIAL COURTS-MARTIAL (SA LEVEL)			
NUMBER OF BAD-CONDUCT DISCHARGES			1496

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	271
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	1467
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	31

PART 4 - WORKLOAD OF THE U.S. NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

TOTAL ON HAND BEGINNING OF PERIOD		1330
GENERAL COURTS-MARTIAL	399	
BCD SPECIAL COURTS-MARTIAL	931	
REFERRED FOR REVIEW		1770
GENERAL COURTS-MARTIAL	287	
BCD SPECIAL COURTS-MARTIAL	1483	
TOTAL CASES REVIEWED		1219
GENERAL COURTS-MARTIAL	233	
BCD SPECIAL COURTS-MARTIAL	986	
TOTAL PENDING AT CLOSE OF PERIOD		1881
GENERAL COURTS-MARTIAL	453	
BCD SPECIAL COURTS-MARTIAL	1428	
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		-35.6%

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE U.S. NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS (CCA)

NUMBER	1770
PERCENTAGE	100%

PART 6 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF)

PERCENTAGE OF CCA-REVIEWED CASES FORWARDED TO CAAF	194	16%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		-7%
PERCENTAGE OF TOTAL PETITIONS GRANTED	45	23%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		+7%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY CCA		3.7%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		-20%

APPENDIX - U.S. NAVY/MARINE CORPS MILITARY JUSTICE STATISTICS - CONT'D

PART 7 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ

TOTAL PENDING BEGINNING OF PERIOD		17	
RECEIVED		11	
DISPOSED OF		20	
GRANTED	0		
DENIED	20		
NO JURISDICTION	0		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		8	

PART 8 – ORGANIZATION OF COURTS

TRIALS BY MILITARY JUDGE ALONE			
GENERAL COURTS-MARTIAL		344	
SPECIAL COURTS-MARTIAL		2250	
TRIALS BY MILITARY JUDGE WITH MEMBERS			
GENERAL COURTS-MARTIAL		84	
SPECIAL COURTS-MARTIAL		131	

PART 9 – COMPLAINTS UNDER ARTICLE 138, UCMJ

NUMBER OF COMPLAINTS		114	
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PART 10 – STRENGTH

AVERAGE ACTIVE DUTY STRENGTH		546,514	
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PART 11 – NONJUDICIAL PUNISHMENT (ARTICLE 15, UCMJ)

NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED		29,612	
RATE PER 1,000		54.2	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD		+3.7%	

SECTION 5

REPORT OF THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE

REPORT OF THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE
OCTOBER 1, 1999 TO SEPTEMBER 30, 2000

In compliance with the requirements of Article 6(a), Uniform Code of Military Justice (UCMJ), The Judge Advocate General and Deputy Judge Advocate General made official staff inspections of field legal offices in the United States and overseas. They also attended and participated in various bar association meetings and addressed many civic, professional, and military organizations.

The Judge Advocate General and other members of the Department also participated in various events to commemorate the 50th anniversary of the UCMJ. On 29 October 1999, The Judge Advocate General participated in a panel discussion during the 9th annual conference on National Security Law in a Changing World in Washington, D.C. The conference was co-sponsored by the ABA Standing Committee on Law and National Security, the University of Virginia School of Law Center for National Security Law, and the Duke University School of Law Center on Law, Ethics and National Security. The panel, consisting of The Judge Advocate General, Former Chief Judge Walter T. Cox, III, and Eugene R. Fidell, President, National Institute of Military Justice, and moderator, Senior Judge Robinson O. Everett, discussed the topic: "Fifty Years of Military Justice: Does the UCMJ Need To Be Changed?"

In April 2000, the twenty-sixth Interservice Military Judges' Seminar at The Air Force Judge Advocate General School, Maxwell AFB, Alabama, included a daylong symposium dedicated to the 50th Anniversary of the UCMJ. Guest speakers included Judge Andrew S. Effron, Court of Appeals for the Armed Forces, Professor Lee D. Schinasi, Professor David A. Schlueter, Brigadier General Jack Rives, Brigadier General (Ret) John Cooke, and a panel of six retired Judge Advocate Generals of the Air Force speaking about significant military justice developments during their respective terms. Attending the panel discussion were former TJAGs Major General Reed, Major General Bruton, Major General Norris, Major General Morehouse, Major General Sklute and Major General Hawley. All of the military judges attending the Interservice Seminar and a large number of Maxwell's professional military education students, faculty and special guests attended the 50th Anniversary of the UCMJ Symposium.

On 9 July 2000, The Judge Advocate General also participated in a panel discussion during the annual meeting of the American Bar Association in New York. The panel, consisting of The Judge Advocate General, Professor Patricia M. Gormley, Mr. Frank J. Spinner, and Professor Elizabeth L. Hillman, and moderator, Professor David A. Schlueter, discussed the topic: "Sex and the UCMJ: 50 Years into the Modern Era of Military Justice . . . Why Do the Services Still Prohibit Fraternization, Adultery, and Unprofessional Relationships?"

THE AIR FORCE COURT OF CRIMINAL APPEALS

During fiscal year 2000, the number of cases referred to the Court increased slightly, while the number of decisions released dropped significantly. This is probably due to the increasing length of the records of trial and the number of issues brought on appeal.

The Court continued its "Project Outreach" program, hearing oral arguments at the United States Air Force Academy, Colorado; Randolph AFB, Texas; and Maxwell AFB, Alabama. In conjunction with a Professional Development Division recruiting effort, the Court heard oral argument at the Howard University School of Law. Over 100 students and faculty attended the argument.

In September 2000, the Court also revised its Internal Rules of Practice and Procedure.

USAF JUDICIARY ORGANIZATION

The USAF Judiciary Directorate has responsibility for overseeing the administration of military justice throughout the United States Air Force, from nonjudicial proceedings to the appellate review of courts-martial. Additionally, the Directorate has the staff responsibility of the Air Force Legal Services Agency in all military justice matters which arise in connection with programs, special projects, studies, and inquiries generated by the Department of Defense (DoD), Headquarters USAF, members of Congress, and various agencies. The Judiciary Directorate consists of the Trial Judiciary Division, Government Trial and Appellate Counsel Division, Appellate Defense Division, Trial Defense Division, Military Justice Division, and the Clemency, Corrections and Officer Review Division.

The director of the Judiciary is also the current chairman of the DoD Joint Service Committee on Military Justice. Normally this chairmanship rotates biennially among the Services. However, in April 2000, the Air Force agreed to chair the committee for a third year. During this fiscal year, the Committee conducted a study on the feasibility and desirability of an independent judiciary, made numerous conforming changes to the Manual for Courts-Martial to implement the expanded jurisdiction of the special courts-martial; and finalized its 2000 annual review. In his capacity as the chair of the Committee, the director attended the February 2000 mid-year meeting of the American Bar Association in Dallas, Texas, and also provided a briefing at the concurrent Judge Advocate's Association meeting on "Deployed Military Justice." He attended the July 2000 annual meeting of the American Bar Association in New York and the May 2000 meeting of the ABA Standing Committee on Armed Forces Law at Nellis AFB, Nevada. In September 2000, the director also briefed the Code Committee on the status of Joint Service Committee projects.

TRIAL JUDICIARY DIVISION

The Air Force Trial Judiciary had an average of 20 active duty trial judges, 5 reserve trial judges, 10 noncommissioned officers and a civilian employee court reporter assigned throughout 5 judiciary circuits worldwide. The Chief Trial Judge, his military judge assistant, one noncommissioned officer and the court reporter are assigned to the Trial Judiciary headquarters. The military judges' duties include: presiding over all general and special courts-martial tried in the United States Air Force; serving as investigating officers under Article 32, UCMJ; acting as legal advisors for officer discharge boards and other administrative boards; and serving as hearing officers in parole violation hearings and at public hearings held to consider draft environmental impact statements. During this fiscal year, military judges averaged approximately 125 days on temporary duty to perform these functions at locations other than their bases of assignment.

The Chief Trial Judge made supervisory visits to all three CONUS circuits and both of the overseas circuits to review workload and facilities. The Trial Judiciary has a Web site on the Internet for trial judges. The Web site contains reference materials and is updated continually.

The Twenty-Sixth Interservice Military Judges' Seminar was conducted by the Trial Judiciary at The Air Force Judge Advocate General School, Maxwell AFB, Alabama, from 10-14 April 2000. One-hundred-seven military judges attended the seminar from the trial judiciaries of the Army, Navy, Marine Corps, Coast Guard, and the Air Force. The Chief Military Judge of the Canadian Armed Forces also attended. The 2000 program included a daylong symposium dedicated to the 50th Anniversary of the UCMJ.

The Chief Trial Judge attended the Military Judge's Course conducted by The Army Judge Advocate General's School in Charlottesville, Virginia, from 16-19 May 2000. In March 2000, one active duty judge attended the Handling Capital Cases Course put on by the National Judicial College at Charleston, South Carolina. In June 2000, five active duty judges attended the Criminal Evidence Course conducted by the National Judicial College at its Reno, Nevada campus.

The Chief Trial Judge attended the annual meeting of the American Bar Association in New York City, New York, in July 2000. He serves on the Executive Committee of the National Conference of Special Court Judges and as Co-Chair of the Military Courts Committee. He also serves as the Chair of the Military Courts Committee of the Judiciary Division, Federal Bar Association. These interactions with civilian judges are most beneficial in promoting a greater mutual understanding of the military and civilian justice systems and the roles of military and civilian judges.

GOVERNMENT TRIAL & APPELLATE COUNSEL DIVISION

The following figures reflect the division's workload in fiscal year 2000 and the previous four years:

	FY 96	FY 97	FY 98	FY 99	FY 00
AFCCA					
Briefs Filed	329	434	320	230	151
Cases Argued	27	22	10	11	19
USCAAF					
Briefs Filed	80	85	48	29	23
Cases Argued	52	58	59	27	28
SUPREME COURT					
Petition Waivers Filed	4	15	17	2	1
Briefs Filed	0	0	0	0	0

Appellate Government Counsel

In November 1999, the Chief, Trial and Appellate Government Counsel Division and five appellate counsel attended the Criminal Law New Developments Course at the Army Judge Advocate General's School. In addition to providing new appellate counsel an update in the most recent criminal law developments, it was an opportunity for both appellate counsel and trial counsel to spend several hours together and discuss ways to better serve the base legal offices. In March 2000, five appellate counsel also attended the Military Appellate Advocacy Symposium sponsored by The Judge Advocate's Association at Catholic University School of Law.

In December 1999, three appellate government counsel provided in-depth training at the Military Justice Administration Workshop conducted at The Air Force Judge Advocate General School. In April 2000, an appellate government counsel also provided instruction at the workshop conducted at HQ SPACECOM, Peterson AFB, Colorado.

Appellate government counsel also prepared and provided an appellate update on USCAAF and AFCCA decisions and trends in case law for five trial counsel workshops at each of the circuits and for the Article 32 Investigating Officer's Course conducted at Barksdale AFB, Louisiana, in April 2000. Additionally, appellate government counsel provided instruction on myriad military justice topics at the Trial and Defense Advocacy Course in January 2000 and the Advanced Trial Advocacy Course in May 2000 conducted at The Air Force Judge Advocate General School.

Appellate government counsel contributed to "Project Outreach," sponsored by the Court of Appeals for the Armed Forces and the Air Force Court of Criminal Appeals, by conducting oral arguments before audiences at the United States Air Force Academy, Catholic University School Of Law, Howard University School of Law, The Air Force Judge Advocate General School, and at the Great Hall of the Bar of the City of New York, educating personnel about the fairness and professionalism of the military justice system.

Appellate counsel supplemented the division's web site with the November and February additions of the Appellate Update, the December and March Advocacy Continuing Education (ACE) Newsletters and the 2000 Trial Counsel Deskbook. Easy access to these materials enhanced the briefings provided by appellate government counsel at the Trial and Defense Advocacy Course and the Advanced Trial Advocacy Course.

Currently, there are nine reserve judge advocates assigned as appellate government counsel. They continue to provide superb support, greatly assisting the Trial and Appellate Government Counsel Division in carrying out its mission. In addition to preparing written briefs, three of the reserve counsel have presented oral argument before the Air Force Court of Criminal Appeals or the Court of Appeals for the Armed Forces during the fiscal year.

Circuit Trial Counsel

The manning authorizations for the fiscal year included 17 Circuit Trial Counsel (CTC) at 3 circuit offices in CONUS, while 4 CTCs cover the Pacific and European theaters, two per theater. During fiscal year 2000, Circuit Trial Counsel tried 186 general courts-martial or 56% of all general courts-martial. In addition, Circuit Trial Counsel tried 31 special courts-martial. Several CTCs attended the Criminal Law New Developments Course at the Army JAG School in Charlottesville, Virginia. The CTCs in all five judicial circuits conducted workshops for base-level prosecutors. Circuit Trial Counsel also utilized their talents by teaching as adjunct instructors at the Trial and Defense Advocacy Course and the Advanced Trial and Defense Advocacy Course.

APPELLATE DEFENSE COUNSEL DIVISION

The following figures reflect the division's workload in fiscal year 2000 and the previous four years:

	FY 96	FY 97	FY 98	FY 99	FY 00
AFCCA					
Cases Briefed	534	505	603	507	398
Oral Arguments	23	22	10	9	15
USCAAF					
Supplements to Petitions	589	527	424	416	330
Grant Briefs	39	85	40	26	28
Oral Arguments	45	58	59	23	25
SUPREME COURT					
Petitions	5	13	17	0	1
Briefs in Opposition	2	2	1	0	0
Briefs on the Merits	1	1	0	0	0

Training for our appellate defense counsel remained one of the division's highest priorities. Training this fiscal year included attending civilian appellate advocacy seminars sponsored by the National Legal Aid and Defender Association, NAACP Legal Defense & Education Fund, Defense Research Institute, and LawRose, Inc.

Appellate defense counsel supported trial defense counsel in the field through active participation in the five annual Chief Circuit Defense Counsel Conferences. During this period, counsel provided briefings to trial defense practitioners on new developments in military criminal law. The division also created a web site to provide immediate and useful information, including appellate court decisions, to the trial defense community enabling them to formulate defense tactics and strategies.

Appellate defense counsel actively participated in the Area Defense Counsel Orientation courses providing legal guidance to counsel just beginning their defense counsel tours. Appellate defense counsel served as adjunct faculty members in the Advanced Trial Advocacy Course and Trial and Defense Advocacy Course at the Air Force Judge Advocate General School. The Law Office Manager also spoke at the USAFE and Central Circuit Defense Paralegal Conferences-- bridging the gap between trial defense and appellate defense paralegals.

The division hosted a Joint Appellate Defense Counsel Workshop with appellate counsel from the Army, Navy, Marine Corps, and Coast Guard appellate defense offices. Several high profile counsel from the civilian sector also attended. The workshop fostered communication and cross-feed between the individual appellate defense communities on matters of mutual concern. This has resulted in greater cooperation and sharing of information between the services.

Appellate defense counsel also contributed to "Project Outreach," sponsored by the Court of Appeals for the Armed Forces and the Air Force Court of Criminal Appeals.

TRIAL DEFENSE DIVISION

The Trial Defense Division is responsible for providing all trial defense services within the Air Force through Area Defense Counsel (ADC), Defense Paralegals (DP), Circuit Defense Counsel (CDC), and Chief Circuit Defense Counsel (CCDC). These personnel report to the Chief, Trial Defense Division (JAJD), who reports to the Director, United States Air Force Judiciary (JAJ).

The ADC office at McClellan AFB, California, in the western circuit was closed this year due to impending closure of the installation. A new ADC office was opened at Bolling AFB, Washington, D.C., in the Eastern Circuit. The division is manned with 81 ADCs stationed at 71 bases worldwide. They are assisted by 72 DPs. The division has 21 CDCs and 5 CCDCs. The CCDCs, along with all but four of the CDCs, are stationed at the circuit offices located at Bolling AFB, DC; Randolph AFB, Texas; Travis AFB, California; Ramstein AB, Germany; and Yokota AB, Japan. A single defense paralegal superintendent is assigned to each of the three CONUS circuits.

The continuing success of the Air Force's Area Defense Program is largely attributable to its independence and its energized personnel. Other than advising and representing clients, training remains the division's top priority. Aside from on-the-job training and mentoring that is provided by CCDCs and CDCs, newly appointed defense counsel receive formal training at the Area Defense Counsel Orientation and at annual workshops conducted by each Circuit. DP training is conducted at annual circuit DP conferences. The division also provided adjunct faculty members for the Trial and Defense Advocacy and the Advanced Trial Advocacy Courses, held at the Air Force Judge Advocate General School.

MILITARY JUSTICE DIVISION

The Military Justice Division prepares opinions and policy positions for The Judge Advocate General and for the Air Force Board for Correction of Military Records. They also assemble reports on military justice requested by the White House, Congress, DoD and the Air Staff. The division chief represents the Air Force on the DoD Joint Service Committee on Military Justice and the deputy division chief acts as the Executive Secretary to the Committee. The division also provided representatives to all interservice activities involving military justice and support for the Code Committee.

During the course of the past year, the Military Justice Division served as the action agency for the review of military justice issues on applications submitted to the Air Force Board for Correction of Military Records. The division provided 75 formal opinions concerning such applications. They also received 281 inquiries in specific cases requiring either formal written replies or telephonic replies to senior officials, including the President and members of Congress. The Military Justice Division also reviewed 60 records of trial for review under Article 69a, UCMJ; 7 records under Article 69b, UCMJ; and 1 record under Article 73, UCMJ.

The division co-taught the annual Military Justice Administration Workshops with the Government Trial and Appellate Counsel Division. In January 2000, the office also trained approximately 35 personnel from 4 military installations on victim and witness assistance at Travis AFB, California.

CLEMENCY, CORRECTIONS & OFFICER REVIEW DIVISION

The division's primary responsibilities continue to be (1) recommend appropriate disposition of statutorily required sentence review actions by the Secretary of the Air Force in officer and cadet dismissal cases; (2) recommend action by The Judge Advocate General or the Secretary of the Air Force, as appropriate, to effect statutorily authorized clemency for members of the Air Force under court-martial sentence; (3) represent The Judge Advocate General on the Air Force Clemency and Parole Board; (4) make recommendations for the Secretary of the Air Force to the Attorney General on Presidential Pardon applications by court-martialed Air Force members; and (5) advise The Judge Advocate General and the Security Forces Center on corrections issues.

At the end of fiscal year 2000, a total of 593 Air Force personnel were in confinement. Of those, 115 inmates were in long-term confinement at the United States Disciplinary Barracks, Fort Leavenworth, Kansas, and 97 were serving time in the Federal Bureau of Prisons system. A total of seven inmates were enrolled in the Air Force Return-to-Duty Rehabilitation Program during this period, with one graduating and being returned to duty. The number of Air Force inmates on parole at the end of fiscal year 2000 was 120, a 12 percent decrease from last fiscal year.

AIR FORCE JUDGE ADVOCATE GENERAL SCHOOL

The Air Force Judge Advocate General (AFJAG) School is one of eight professional continuing education schools within Air University's Ira C. Eaker College for Professional Development at Maxwell Air Force Base, Alabama. The AFJAG School is located in the William L. Dickinson Law Center, a 56,000 square foot, state-of-the-art facility dedicated in 1993. The Dickinson Law Center also houses the David C. Morehouse Center for Paralegal Studies and the Air Force

Legal Information Services Division (JAS). The AFJAG School provides legal education and training to judge advocates, civilian attorneys, and paralegals from all military services and many foreign countries; provides legal instruction at 18 other Air University colleges and schools; publishes The Military Commander and the Law, The Air Force Law Review, and The Reporter; and maintains AFJAG Department liaison with military and civilian professional organizations, law schools, and states requiring continuing legal education.

AFJAG School Courses

The AFJAG School conducts 32 separate courses offered 46 times each year. This includes some courses, such as the Judge Advocate Staff Officer Course (JASOC) and Paralegal Apprentice Course (PAC), that are offered multiple times every year. While most courses are offered in-residence at the AFJAG School, others are conducted off-site or by utilizing distance learning technologies. In Fiscal Year 2000, over 4,200 students attended AFJAG School courses, including over 2,000 in-residence students at the AFJAG School. AFJAG School courses, workshops, and seminars include:

Accident Investigation Board Legal Advisor Course
Advanced Environmental Law Course
Advanced Labor and Employment Law Course
Advanced Trial Advocacy Course
Air Force Reserve Annual Survey of the Law
Air Force Systems and Logistics Contracting Course
Air National Guard Annual Survey of the Law
Claims and Tort Litigation Course
Deployed Air Reserve Component Operations and Law Course
Deployed Fiscal Law and Contingency Contracting Course
Environmental Law Course (basic)
Environmental Law Update Course
European Survey of the Law
Federal Employee Labor Law Course
Federal Income Tax Law Course
Fiscal Law Course
Information Operations Law Course
International Law Course
Judge Advocate Staff Officer Course
Law Office Manager Course
Legal Aspects of Information Operations Course
Military Judges' Seminar
Military Justice Administration Workshop
Negotiations and Appropriate Dispute Resolution Course
Operations Law Course (with JAG FLAG Exercise)
Pacific Survey of the Law
Paralegal Apprentice Course
Paralegal Craftsman Course

Reserve Forces Judge Advocate Course
Reserve Forces Paralegal Course
Staff Judge Advocate Course
Trial and Defense Advocacy Course

Off-Site Education

The AFJAG School conducts four "Surveys of the Law" for judge advocates and paralegals in the Air Force Reserves and Air National Guard. The surveys are held at a civilian conference facility in Denver, Colorado. The surveys provided a concise update on recent developments in military justice and civil law. Nearly 600 judge advocates and paralegals from the reserve components attended a survey in Fiscal Year 2000.

Distance Learning

The AFJAG School offers two courses each year, the Fiscal Law Course and the Air Force Systems and Logistics Contracting Course (AFSLCC), by satellite broadcast to Air Force and Army installations throughout the United States. In Fiscal Year 2000, over 1,250 students participated in courses via satellite. This included over 1,000 students in the Fiscal Law Course and 235 students in AFSLCC. Also, the 5-level Paralegal Journeyman Course is offered as a non-resident course in both paper and CD-ROM formats. The Paralegal Journeyman Course was the first career development course in Air Force history to be offered in a CD-ROM format.

Outside Teaching

In addition to teaching within the AFJAG School, the faculty provides approximately 1,800 hours of legal education and training each year in the following colleges, schools, and courses within Air University: Air War College; Air Command and Staff College; Squadron Officer College; College of Aerospace Doctrine, Research, and Education; International Officers School; Basic Officer Training Course; Commissioned Officer Training Course; USAF First Sergeants' Academy; Senior Noncommissioned Officer Academy; Group Commanders' Course; On-Scene Commanders' Course; Professional Military Comptroller School; and Chaplain Orientation Course.

The AFJAG School continued its support of the Expanded International Military Education and Training (E-IMET) Program in Fiscal Year 2000. E-IMET is a Security Assistance Program (22 U.S.C. § 2347) managed by the State Department. It furthers U.S. foreign policy goals under the Foreign Assistance Act by providing training on human rights and democratic principles to military leaders in nations identified as emerging democracies. Air Force judge advocates participated in 23 joint service E-IMET training events in Fiscal Year 2000. These programs provided training to leaders from 16 nations,

including, among others, Kenya, Russia, Slovakia, Bolivia, the Czech Republic, Croatia, and Bosnia.

Publications

The AFJAG School published two editions of The Air Force Law Review, a professional legal journal comprised of articles of interest to Air Force judge advocates and paralegals, civilian attorneys, and others involved in military law. The Air Force Law Review is a forum for frank discussion of current legislative, administrative, and judicial developments. Four editions of The Reporter were published in Fiscal Year 2000. This included a special edition in late 1999 commemorating the 50th anniversary of the AFJAG Department. The Reporter is the AFJAG Department's quarterly legal publication and contains general interest articles for practitioners in the field. The AFJAG School's most popular publication is The Military Commander and the Law, a six hundred plus page compendium of concise articles on the full range of legal issues commanders face. The printed version of The Military Commander and the Law is revised every two years and over 20,000 copies are distributed worldwide. Distribution of the 2000 edition was completed late last year. An on-line version is available at <http://milcom.jag.af.mil> and is updated every six months.

LEGAL INFORMATION SERVICES

Continuing its efforts to ensure personnel have expansive, accurate research capabilities, FLITE, along with our Unified Law Library (ULL) initiative, significantly enhanced computer-aided legal research and information cross-flow capabilities within the Department of Defense. FLITE provided the Department with access to up-to-date judicial opinions and court information, hosting web sites for the Court of Appeals for the Armed Forces, the Air Force Court of Criminal Appeals, the three Boards for Correction of Military Records, the Air Force Discharge Review Board, and Air Force Military Trial Judges. The ULL expanded our relationship with on-line legal research providers, opening volumes of legal research material to our field offices—especially those in remote and deployed locations where paper-based libraries are minimal or non-existent. Access to all Lexis-Nexis databases was provided to all Air Force legal offices. Further aiding our deployed personnel, the Manual for Courts-Martial and Military Justice Reporters were published on CD-ROM and added to our deployment and crash kits along with an annotated U.S. Code from Lexis. FLITE also began pilot programs with our sister service JAG Departments, allowing their personnel to access service-specific versions of FLITE. Additionally, to encourage communication between our field offices, FLITE established electronic forums where base-level trial practitioners can discuss military justice issues.

Our Automated Military Justice Administrative Management System (AMJAMS), now in its third full release, expanded the information available to military justice offices throughout the Department, while

also upgrading the system to the Secure Socket Layer 3 protocol for increased security of data transmission. Field offices now have the ability to access the same graphical reports provided to The Judge Advocate General's Office for Article 6, UCMJ visits. Newly developed individual case reports compile all information on a case in one report, providing users a complete, up-to-date picture of any case in the system. Reports for cases in progress and processing times for general and special courts-martial have also been consolidated into a more useful reference tool. For Article 15 cases, AMJAMS now incorporates the Form 3070, with integrated data entry for the form and database to facilitate case preparation and accuracy. Finally, on-line reports have been added to the trial judiciary and appellate modules, allowing more efficient case tracking at these levels. Overall, AMJAMS has expanded information delivery options, increased functionality, and improved the military justice process.

A joint effort between the Legal Information Services Resource Management Division and the Trial Judiciary began testing implementation of voice-recognition technology for court reporting. Voice-recognition systems promise to ease the transcribing burden on our court reporters while increasing the efficiency of preparing records of trial. This pilot program will continue into FY 2001 and will expand to include paralegals acting as contingency court reporters.

PERSONNEL

As of 30 September 2000, there were 1,320 judge advocates on duty. Company grade officers (captains and first lieutenants) made up slightly over half of that number (653). Nearly 25% were majors (323) and 16% were lieutenant colonels (212). Roughly 9% were colonels (123) and above, including two major generals and three brigadier generals.

WILLIAM A. MOORMAN
Major General, USAF
The Judge Advocate General

APPENDIX - U. S. AIR FORCE MILITARY JUSTICE STATISTICS

Report Period: FISCAL YEAR 2000

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	438	404	34	+4.04%
BCD SPECIAL	320	306	14	-3.90%
NON-BCD SPECIAL [A]				
SUMMARY	139	135	4	+52.75%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				+6.15%

PART 2 - DISCHARGES APPROVED

GENERAL COURTS-MARTIAL (CA LEVEL)				
NUMBER OF DISHONORABLE DISCHARGES			36	
NUMBER OF BAD-CONDUCT DISCHARGES			252	
SPECIAL COURTS-MARTIAL (CA LEVEL)				
NUMBER OF BAD-CONDUCT DISCHARGES			143	

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	332
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	141
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	60

PART 4 - WORKLOAD OF THE U.S. AIR FORCE COURT OF CRIMINAL APPEALS

TOTAL ON HAND BEGINNING OF PERIOD		336	
GENERAL COURTS-MARTIAL	273		
BCD SPECIAL COURTS-MARTIAL	63		
REFERRED FOR REVIEW		471	
GENERAL COURTS-MARTIAL	[B]		
BCD SPECIAL COURTS-MARTIAL	[B]		
TOTAL CASES REVIEWED		389	
GENERAL COURTS-MARTIAL			
BCD SPECIAL COURTS-MARTIAL			
TOTAL PENDING AT CLOSE OF PERIOD		418	
GENERAL COURTS-MARTIAL			
BCD SPECIAL COURTS-MARTIAL			
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD (483:389)			-19.46%

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE U.S. AIR FORCE COURT OF CRIMINAL APPEALS (CCA)

NUMBER	465
PERCENTAGE	98.73%

PART 6 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF)

PERCENTAGE OF CCA-REVIEWED CASES FORWARDED TO CAAF (335/389)	86.12%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD	+0.82%
PERCENTAGE OF TOTAL PETITIONS GRANTED (37/335)	11.04%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD	+4.24%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY CCA (37/389)	9.51%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD (412:335)	-18.69%

APPENDIX - U.S. AIR FORCE MILITARY JUSTICE STATISTICS - CONT'D

PART 7 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ			
TOTAL PENDING BEGINNING OF PERIOD		2	
RECEIVED		6	
DISPOSED OF		7	
GRANTED	0		
DENIED	7		
NO JURISDICTION	0		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		1	
PART 8 – ORGANIZATION OF COURTS			
TRIALS BY MILITARY JUDGE ALONE		445	
GENERAL COURTS-MARTIAL		258	
SPECIAL COURTS-MARTIAL		187	
TRIALS BY MILITARY JUDGE WITH MEMBERS		313	
GENERAL COURTS-MARTIAL		180	
SPECIAL COURTS-MARTIAL		133	
PART 9 – COMPLAINTS UNDER ARTICLE 138, UCMJ			
NUMBER OF COMPLAINTS		13	
PART 10 – STRENGTH			
AVERAGE ACTIVE DUTY STRENGTH		351,448	
PART 11 – NONJUDICIAL PUNISHMENT (ARTICLE 15, UCMJ)			
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED		8608	
RATE PER 1,000		24.49	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD		+4.43%	

EXPLANATORY NOTES

- [A] The Air Force does not convene Non-BCD SPCMs. Of the 320 BCD SPCMs tried, there were 159 convictions with a BCD adjudged and 161 convictions without a BCD adjudged.
- [B] GCM and SPCM were not tracked separately.

SECTION 6

REPORT OF THE CHIEF COUNSEL OF THE COAST GUARD

REPORT OF THE CHIEF COUNSEL OF THE U. S. COAST GUARD

October 1, 1999 to September 30, 2000

NOTE: All statistics presented in this analysis are based upon the number of court-martial records received and filed at Coast Guard Headquarters during fiscal year 2000 and, where indicated, records received during each of the four preceding fiscal years. The number of court-martial cases varies widely from year to year, in part, based on the small size of the Coast Guard. However, when viewed in a two-year cycle there is a fairly consistent number of courts-martial, with an average of 76 cases every two years. The two-year average has declined in recent years (FY99-FY00 70 cases, FY97-FY98 72 cases, FY95-FY96 85 cases).

<u>Fiscal Year</u>	<u>00</u>	<u>99</u>	<u>98</u>	<u>97</u>	<u>96</u>
General Courts-Martial	10	6	18	6	22
Special Courts-Martial	23	17	21	9	16
Summary Courts-Martial	11	3	8	10	14
<u>Total</u>	<u>44</u>	<u>26</u>	<u>47</u>	<u>25</u>	<u>52</u>

COURTS-MARTIAL

Attorney counsel were detailed to all special courts-martial. Military judges were detailed to all special courts-martial. For most cases, the presiding judge was the Chief Trial Judge, a full-time general courts-martial judge. When the Chief Trial Judge was unavailable, military judges with other primary duties were used for special courts-martial. Control of the detail of judges was centrally exercised by the Chief Trial Judge and all requirements were met in a timely fashion.

GENERAL COURTS-MARTIAL

Seven of the ten accused tried by general courts-martial this fiscal year were tried by military judge alone. Two of the seven accused tried by military judge alone received a dishonorable discharge and three received a bad-conduct discharge. Three accused elected to be tried by general courts-martial that included enlisted members. One of the accused tried by general courts-martial with members received a sentence that included a bad-conduct discharge. Nine of the ten general courts-martial resulted in convictions. Four of the accused whose charges were referred to general courts-martial were nonrated (pay grades E-1 through E-3), five were petty officers (pay grades E-4 through E-6), none were chief petty officers (pay grades E-7 through E-9), and one was a warrant officer or junior officer (W-1 through O-3).

The following is a breakdown of the sentences adjudged in general courts-martial tried by military judge alone (seven convictions):

<u>Sentence</u>	<u>Cases Imposed</u>
dishonorable discharge - - - - -	2
bad conduct discharge - - - - -	3
confinement - - - - -	6
hard labor without confinement- - - - -	0
reduction in pay-grade - - - - -	5
fined (total \$900.00) - - - - -	1
restriction - - - - -	0
forfeiture of all pay and allowances - - - - -	2
partial forfeiture of pay and allowances - - - - -	1

The following is a breakdown of sentences adjudged in general courts-martial tried by members (two convictions).

<u>Sentence</u>	<u>Cases Imposed</u>
dishonorable discharge- - - - -	0
bad-conduct discharge - - - - -	1
confinement - - - - -	1
hard labor without confinement- - - - -	1
reduction in pay-grade - - - - -	1
fined (total \$0.00) - - - - -	0
restriction - - - - -	1
forfeiture of all pay and allowances - - - - -	1
partial forfeiture of pay and allowances - - - - -	1

The following indicates the frequency of imposition of the four most common punishments imposed by general courts-martial in the past five fiscal years.

<u>FY</u>	<u>Number of Convictions</u>	<u>Forfeitures</u>	<u>Confinement</u>	<u>Reduction in Pay-Grade</u>	<u>Punitive Discharge/Dismissal</u>
00	9	5 (56%)	7 (78%)	6 (67%)	6 (67%)
99	6	0 (0%)	6 (100%)	6 (100%)	5 (83%)
98	17	5 (29%)	12 (71%)	16 (94%)	11 (65%)
97	6	2 (33%)	4 (67%)	5 (83%)	4 (67%)
96	22	15 (68%)	19 (86%)	20 (91%)	18 (82%)

The following table shows the distribution of the 68 specifications referred to general courts-martial in fiscal year 2000.

<u>Violation of the UCMJ, Article</u>	<u>No. of Specs.</u>
81 (conspiracy) - - - - -	1
91 (insubordinate conduct) - - - - -	1
92 (failure to obey order or regulation) - - - - -	3
93 (cruelty and maltreatment) - - - - -	2
107 (false official statement) - - - - -	5
108 (wrongful disposition of military property) - - - - -	1
112a (wrongful use, possession, etc. of controlled substances) - - - - -	30
120 (rape or carnal knowledge) - - - - -	3
121 (larceny or wrongful appropriation) - - - - -	6
125 (sodomy) - - - - -	2
128 (assault) - - - - -	2
134 (general) - - - - -	12

GENERAL COURTS-MARTIAL SUMMARY

There was a 67% increase from fiscal year 1999 to fiscal year 2000 in general courts-martial records received and filed at Coast Guard Headquarters. Due to the small size of the Coast Guard this change is not statistically significant when viewed as a single-year change. Over the past 5 years the Coast Guard has averaged 12 general courts-martial per year. Seven of ten accused tried by general courts-martial during fiscal year 2000 were tried by military judge alone. None of these accused tried by general court-martial pled guilty to all charges and specifications.

SPECIAL COURTS-MARTIAL

Twenty-one of the twenty-three accused tried by special courts-martial this fiscal year were tried by military judge alone. Nine accuseds tried by military judge alone received a BCD. One of the two accused tried by a special court-martial with members received a sentence that included a bad-conduct discharge. One accused elected to be tried by a special court-martial that included enlisted members. All of the special courts-martial except one resulted in convictions. At one special court-martial, all charges and specifications were withdrawn prior to findings. Fifteen of the accused whose charges were referred to special courts-martial were nonrated (pay grades E-1 through E-3), eight were petty officers (pay grades E-4 through E-6), one accused was a chief petty officer (pay grades E-7 through E-9), and no accuseds were commissioned officers (W-1 through O-9).

The following is a breakdown of the sentences adjudged in special courts-martial tried by military judge alone (21 convictions).

<u>Sentence</u>	<u>Cases Imposed</u>
bad-conduct discharge - - - - -	9
confinement - - - - -	19
hard labor without confinement - - - - -	3
reduction in pay-grade - - - - -	17
finned (total \$14,000.00) - - - - -	4
restriction - - - - -	2
partial forfeiture of pay and allowances- - - - -	1
reprimand - - - - -	0

The following is a breakdown of the sentences adjudged in the special court-martials tried by members (two convictions).

<u>Sentence</u>	<u>Cases Imposed</u>
bad-conduct discharge - - - - -	1
confinement - - - - -	1
hard labor without confinement - - - - -	1
reduction in pay-grade- - - - -	2
finned (total \$0.00) - - - - -	0
restriction - - - - -	1
partial forfeiture of pay and allowances - - - - -	1
reprimand - - - - -	0

The following shows the four sentences imposed most by special courts-martial in the past five fiscal years.

<u>FY</u>	<u>Number of Convictions</u>	<u>Forfeitures</u>	<u>Confinement</u>	<u>Reduction</u>		
				<u>in Pay-Grade</u>	<u>BCD</u>	
00	23	8 (35%)	20 (87%)	19 (83%)	10 (43%)	
99	17	8 (47%)	15 (88%)	16 (94%)	9 (53%)	
98	20	9 (45%)	9 (45%)	17 (85%)	4 (20%)	
97	9	4 (44%)	6 (67%)	8 (89%)	5 (56%)	
96	14	11 (79%)	10 (71%)	13 (93%)	7 (50%)	

The following table shows the distribution of the 350 specifications referred to special courts-martial in fiscal year 2000.

Violation of the UCMJ, Article	No. of Specs.
80 (attempts)	2
85 (desertion)	4
86 (unauthorized absence)	14
87 (missing movement)	1
89 (disrespect toward a superior commissioned officer)	2
90 (assaulting or willfully disobeying a superior commissioned officer)	1
91 (insubordinate conduct)	5
92 (failure to obey order or regulation)	49
107 (false official statements)	17
112a (wrongful use, possession, etc. of controlled substance)	37
115 (malingering)	1
120 (rape and carnal knowledge)	2
121 (larceny or wrongful appropriation)	136
123 (forgery)	39
123a (insufficient funds)	15
125 (sodomy)	2
128 (aggravated assault)	1
130 (housebreaking)	4
134 (general)	18

SPECIAL COURTS-MARTIAL SUMMARY

There was a 35% increase in special courts-martial received and filed at Coast Guard Headquarters this fiscal year over last fiscal year. Due to the small size of the Coast Guard this change is not statistically significant when viewed as a single-year change. Over the past five years the Coast Guard has averaged 15 special courts-martial per year. Twenty-one of twenty-three accuseds tried during fiscal year 2000 by special courts-martial were tried by military judge alone. Four accuseds tried by special courts-martial pled guilty to all charges and specifications.

CHIEF COUNSEL ACTION UNDER ARTICLE 69, UCMJ

In addition to the required reviews of courts-martial conducted as a result of petitions filed under Article 66, UCMJ, a review was conducted under Article 69(a) and (b) of all courts-martial not requiring Article 66 appellate review.

PERSONNEL, ORGANIZATION, AND TRAINING

The Coast Guard has 177 officers designated as law specialists (judge advocates) serving on active duty - 134 are serving in legal billets and 43 are serving in general duty billets. Nineteen Coast Guard officers are currently undergoing postgraduate studies in law and 18 will be certified as law specialists at the completion of their studies, 6 will graduate in 2001 including one with an LLM in International Law, 6 will graduate in 2002, 7 will graduate in 2003. One LLM candidate will begin study in 2001. Twenty Coast Guard officers (6 funded postgraduate program studies and 13 direct-commissioned lawyers) completed the Navy Basic Lawyer Course in Newport, Rhode Island. All have been or are in the process of being certified under article 27(b), UCMJ.

U. S. COAST GUARD COURT OF CRIMINAL APPEALS

The judges on the U.S. Coast Guard Court of Criminal Appeals at the beginning of fiscal year 2000 were as follows:

Chief Judge Joseph H. Baum
Judge David J. Kantor
Judge Ronald R. Weston
Judge Lane I McClelland

In September 2000, the number of judges on the Court was increased to six with the addition of the following new judges:

Judge William A. Cassels
Judge Robert Bruce

In addition to the decisional work of the Court, as reflected in Appendix A, the judges of the Court have been involved in various professional conferences, committees and seminars during the past fiscal year. In March, 2000, Chief Judge Baum participated in a Chief Judges' Forum with the Chief Judges from the other service courts of criminal appeals as a part of a two-day symposium on appellate military advocacy at the Catholic University of America Columbus School of Law. Chief Judge Baum also served another term this past year as a member of the Rules Advisory Committee of the U.S. Court of Appeals for the Armed Forces.

On April 7, 2000 the Coast Guard Court of Criminal Appeals joined with the Navy-Marine Court of Criminal Appeals in co-hosting the William S. Fulton, Jr. Appellate Military Judge's Conference, which was attended by judges from all the other service courts of criminal appeals. The conference, held at the Federal Judicial Center in

Washington, DC, saw presentations and panel discussions on various topics of interest to appellate military judges, one of which, dealing with waiver and forfeiture of issues, was moderated by Chief Judge Baum.

On June 12-13, 2000 the judges of the Court attended the Judicial Conference of the United States Court of Appeals for the Armed Forces at Catholic University of America Columbus School of Law in Washington, DC. The two-day conference included a variety of presentations on topics such as dealing with the media, criminal trials of the century, the public image of the military courts, and the history of military justice in celebration of the fiftieth anniversary of the Uniform Code of Military Justice.

On September 19-20 2000, Chief Judge Baum, and Judges Kantor, McClelland, Cassels and Bruce participated in a two-day Appellate Military Judge's Training Seminar at Andrews Air Force Base in Washington, DC. The seminar was designed in part as a training session for recently assigned judges to the service courts of criminal appeals, but it also included presentation and panel discussions of general judicial interest. At the seminar, Chief Judge Baum moderated a panel discussion on judicial ethics.

ADDITIONAL MILITARY JUSTICE STATISTICS

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

J. S. CARMICHAEL
Rear Admiral, U. S. Coast Guard
Chief Counsel

APPENDIX - U.S. COAST GUARD MILITARY JUSTICE STATISTICS

Report Period: 1 OCTOBER 1999 - 30 SEPTEMBER 2000

PART 1 - BASIC COURTS-MARTIAL STATISTICS (Persons)

TYPE COURT	TRIED	CONVICTED	ACQUITTALS	RATE OF INCREASE (+)/ DECREASE (-) OVER LAST REPORT
GENERAL	10	9	1	+67%
BCD SPECIAL	23	23		+35%
NON-BCD SPECIAL	0	0	0	UNCHANGED
SUMMARY	11	10	1	+267%
OVERALL RATE OF INCREASE (+)/DECREASE (-) OVER LAST REPORT				+69%

PART 2 - DISCHARGES APPROVED

GENERAL COURTS-MARTIAL			
NUMBER OF DISHONORABLE DISCHARGES			2
NUMBER OF BAD-CONDUCT DISCHARGES			4
SPECIAL COURTS-MARTIAL			
NUMBER OF BAD-CONDUCT DISCHARGES			10

PART 3 - RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG

FOR REVIEW UNDER ARTICLE 66 - GENERAL COURTS-MARTIAL	9
FOR REVIEW UNDER ARTICLE 66 - BCD SPECIAL COURTS-MARTIAL	10
FOR EXAMINATION UNDER ARTICLE 69 - GENERAL COURTS-MARTIAL	1

PART 4 - WORKLOAD OF THE COAST GUARD COURT OF CRIMINAL APPEALS

TOTAL ON HAND BEGINNING OF PERIOD		19
GENERAL COURTS-MARTIAL	10	
BCD SPECIAL COURTS-MARTIAL	9	
REFERRED FOR REVIEW		22
GENERAL COURTS-MARTIAL	9	
BCD SPECIAL COURTS-MARTIAL	13	
TOTAL CASES REVIEWED		23
GENERAL COURTS-MARTIAL	8	
BCD SPECIAL COURTS-MARTIAL	15	
TOTAL PENDING AT CLOSE OF PERIOD		18
GENERAL COURTS-MARTIAL	12	
BCD SPECIAL COURTS-MARTIAL	6	
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		+15%

PART 5 - APPELLATE COUNSEL REQUESTS BEFORE

U.S. COAST GUARD COURT OF CRIMINAL APPEALS (CCA)

NUMBER	23
PERCENTAGE	100%

PART 6 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF)

PERCENTAGE OF CCA-REVIEWED CASES FORWARDED TO CAAF	6/23	+26%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		+16%
PERCENTAGE OF TOTAL PETITIONS GRANTED	0/5	0%
PERCENTAGE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS REPORTING PERIOD		-100%
PERCENTAGE OF PETITIONS GRANTED OF TOTAL CASES REVIEWED BY CGCCA	0/23	0%
RATE OF INCREASE (+)/DECREASE (-) OVER THE NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD		-10%

APPENDIX - U.S. COAST GUARD MILITARY JUSTICE STATISTICS - CONT'D

PART 7 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ			
TOTAL PENDING BEGINNING OF PERIOD		0	
RECEIVED		0	
DISPOSED OF		0	
GRANTED	0		
DENIED	0		
NO JURISDICTION	0		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		0	
PART 8 – ORGANIZATION OF COURTS			
TRIALS BY MILITARY JUDGE ALONE			
GENERAL COURTS-MARTIAL		7	
SPECIAL COURTS-MARTIAL		21	
TRIALS BY MILITARY JUDGE WITH MEMBERS			
GENERAL COURTS-MARTIAL		3	
SPECIAL COURTS-MARTIAL		2	
PART 9 – COMPLAINTS UNDER ARTICLE 138, UCMJ			
NUMBER OF COMPLAINTS		1	
PART 10 – STRENGTH			
AVERAGE ACTIVE DUTY STRENGTH		35,754	
PART 11 – NONJUDICIAL PUNISHMENT (ARTICLE 15, UCMJ)			
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED		1311	
RATE PER 1,000		37.15	
RATE OF INCREASE (+)/DECREASE (-) OVER PREVIOUS PERIOD		+33%	

