

ARTICLE OF WAR I

DEFINITIONS

Articles for the Government of the Navy

There is no general article containing definitions in the Articles for the Government of the Navy that corresponds with Article of War No. 1.

The only definition contained in the Articles for the government of the Navy is that of "Principals" contained in Article 5 "e".

Articles of War

While Article of War No. 1 contains all the definitions in the code, "Principals" are not defined therein.

However, it is provided in two articles, to-wit, AW No. 59 and 94 that the offenses named therein may be committed by "Principals," as defined by AGN 5(e).

GENERAL PROVISIONS

Articles of War

Article of War No. 1 is limited to "definitions" only. There is no section in the Articles of War for "General Provisions."

Articles for the Government of the Navy

The Articles for the Government of the Navy do not have any section devoted to "definitions" comparable to Article of War No. 1. The only definition contained in the Articles for the government of the Navy is Article 5 "e".

The Articles for the Government of the Navy contain "general provisions" for which no counterpart is found in the Articles of War. SEE:

- AGN Article 2
- AGN Article 24-A - the last line ONLY
- AGN Article 28 "b"
- AGN Article 34
- AGN Article 41

ARTICLE OF WAR 2

PERSONS SUBJECT TO MILITARY OR NAVAL LAW.

Articles of War.

The persons subject to military law are set out in A.W. No. 2

Articles for the Government of the Navy

The persons subject to Naval law are set out in the following AGN.

AGN 5 "a" FIRST
AGN 5 "a" SECOND
AGN 5 "a" THIRD
AGN 5 "a" FOURTH
AGN 5 "a" FIFTH
AGN 5 "a" SIXTH
AGN 5 "a" SEVENTH
AGN 5 "a" EIGHTH
AGN 5 "a" NINTH
AGN 5 "a" TENTH
AGN 6
AGN 7

ARTICLE OF WAR 3

CLASSIFICATION OF COURTS MARTIAL.

Articles of War

Article of War No. 3 classifies Army Courts-Martial into General, special and summary.

Articles for the Government of the Navy

There is no article classifying Naval Courts-Martial.

AGN No. 16 "a" describes a Deck Court
AGN No. 18 "a" describes a Summary Court
AGN No. 24 "A" describes a General Court

ARTICLE OF WAR 4

WHO MAY SERVE ON COURTS MARTIAL

ARTICLES OF WAR See A.V. No. 4

ARTICLES FOR THE GOVERNMENT OF THE NAVY. See AGN. No. 45.

ARTICLE OF WAR NO. 5

COMPOSITION OF COURTS MARTIAL

Articles of War. General, Special and Summary Courts, See
A.V. No. 5 No. 6 No. 7

Articles for the Government of the Navy

Deck Courts: AGN 16 "a"

Summary Courts: AGN. 18 "A"

General Courts: AGN. 24; 27

ARTICLE OF WAR NO. 6

COMPOSITION OF SPECIAL COURTS MARTIAL

Articles for Government of Navy

See: A.G.N. No. 18 "A"

ARTICLE OF WAR NO. 7

COMPOSITION OF SUMMARY COURTS MARTIAL

Articles for the Government of the Navy

AGN No. 16 "A"

ARTICLE OF WAR NO. 8

BY WHOM A GENERAL COURT MAY BE APPOINTED.

Articles for the Government of the Navy

See AGN No. 22 First

AGN No. 22 Second

AGN No. 24 "b"

ARTICLE OF WAR NO. 9

WHO MAY APPOINT A SPECIAL COURTS MARTIAL

Articles for the Government of the Navy

AGN No. 17

ARTICLE OF WAR NO. 10

WHO MAY APPOINT SUMMARY COURTS

Articles for the Government of the Navy

See: AGN No. 15
AGN No. 16 (a) (b) (c)

ARTICLE OF WAR NO. 11

POWERS OF ASSISTANT TRIAL JUDGE ADVOCATE AND OF ASSISTANT DEFENSE COUNSEL.

Articles for the Government of the Navy

There is no Article for the Government of the Navy which corresponds to Article of War No. 11.

See, however, AGN 18 (B)
18 (C)
21 (B)

Articles of War

See: A.W. No. 116
See: also A.W. No. 11, 17

ARTICLE OF WAR NO. 12

JURISDICTION - General Courts Martial.

Articles for the Government of the Navy

See: AGN No. 5 "a" Eighth
AGN No. 5 "a" Ninth
AGN No. 5 "a" Tenth
AGN No. 5 "d" Second

AGN No. 5 "d" Fifth
AGN No. 8 Sixteenth
AGN No. 23
AGN No. 30
AGN No. 33 "a"

ARTICLE OF WAR NO. 13

JURISDICTION OF A SPECIAL COURTS MARTIAL.

Articles for the Government of the Navy

See: AGN No. 20
AGN No. 33 "a"

ARTICLE OF WAR NO. 14

JURISDICTION OF A SUMMARY COURTS MARTIAL.

Articles for the Government of the Navy.

See: AGN No. 15
AGN No. 16 "a"
AGN No. 16 "b"
AGN No. 16 "c"
AGN No. 16 "f"
AGN No. 33 "a"

ARTICLE OF WAR NO. 15

PRESIDENT MAY PRESCRIBE RULES.

Articles for the Government of the Navy.

See: AGN No. 48
See, also, AGN No. 5 (f).

Articles of War.

See: A.W. No. 38
See, also, A.W. No. 15

JURISDICTIONS NOT EXCLUSIVE

Articles for the Government of the Navy

See: AGN No. 5 "f"
AGN No. 48

Articles of War

See: A.W. No. 38

ARTICLE OF WAR NO. 16

OFFICERS, NOW TRIABLE

Articles for the Government of the Navy

See: AGN No. 24

ARTICLE OF WAR NO. 17

TRIAL JUDGE ADVOCATE and DEFENSE COUNSEL

Articles for the Government of the Navy

SEE: AGN No. 18 "b"
AGN No. 24 "b"

Articles of War

SEE: A.W. No. 17
A.W. No. 116

POWERS OF ASSISTANT TRIAL JUDGE ADVOCATE AND OF ASSISTANT DEFENSE COUNSEL.

Articles for the Government of the Navy

There is no Article for the Government of the Navy which corresponds to Article of War No. 17.

See, however, AGN 18 (B)
18 (C)
21 (B)

Articles of War

See: A.W. No. 116
See, also A.W. No. 11

ARTICLE OF WAR NO. 18

CHALLENGES

Articles for the Government of the Navy.

See: AGN No. 19
AGN No. 24 "b"
AGN No. 25

ARTICLE OF WAR NO. 19

OATHS

Articles for the Government of the Navy

See AGN No. 16 "a"
AGN No. 19
AGN No. 25
AGN No. 26

ARTICLE OF WAR NO. 20

CONTINUANCES

Articles for the Government of the Navy

See: AGN 37

ARTICLE OF WAR NO. 21

REFUSAL OR FAILURE TO PLEAD

Articles for the Government of the Navy

There is no corresponding provision to be found in the Articles for the Government of the Navy.

HOWEVER, under A.G.N. No. 48, the Secretary of the Navy is authorized to promulgate rules of pleading and procedure.

ARTICLE OF WAR NO. 22

PROCESS TO OBTAIN WITNESSES

Articles for the Government of the Navy.

See: AGN No. 18 "c"
AGN No. 35 "a"
AGN No. 42 "a"

Articles of War

See: A.W. No. 101

ARTICLE OF WAR NO. 23

REFUSAL TO APPEAR OR TESTIFY

Articles for the Government of the Navy.

See: AGN No. 9 (forty-fifty)
AGN No. 35 "b"
AGN No. 35 "c"

ARTICLE OF WAR NO. 24

COMPULSORY SELF-INCRIMINATION PROHIBITED.

Articles for the Government of the Navy.

There is no article in the AGN that corresponds to A.W. 24

UNDER AGN. 48, the Secretary of the Navy may prescribe rules of pleading and procedure, including rules of proof "that, in so far as applicable shall follow the laws of evidence in the US District Courts."

QUERE: Is ban against self-incrimination a law of evidence, or a rule of constitutional guarantee? If the later, does such guarantee automatically extend unto an accused before Courts-Martials or military or naval tribunals, in the absence of specific enactment?

ARTICLE OF WAR NO. 25

DEPOSITIONS - WHEN ADMISSIBLE

Articles for the Government of the Navy

See: AGN No. 36
AGN No. 42

Articles of War

See: A.W. No. 97 - 103

ARTICLE OF WAR NO. 26

DEPOSITIONS - BEFORE WHOM TAKEN

Articles for the Government of the Navy

NO PROVISION is made in AGN for who may take the depositions authorized in AGN. No. 36.

ARTICLE OF WAR NO. 27

COURTS OF INQUIRY. RECORDS OF, WHEN ADMISSIBLE.

Articles for the Government of the Navy.

See: AGN. No. 44
AGN. No. 35 "a"

ARTICLE OF WAR NO. 28

CERTAIN ACTS TO CONSTITUTE DESERTION.

Articles for the Government of the Navy

See: AGN No. 8 (Eighth)
AGN No. 8 (Ninth)
AGN No. 9 (Fifty-Fifth)
AGN No. 9 (Fifty-Sixth)
AGN No. 9 (Fifty-Seventh)
AGN No. 11

ARTICLE OF WAR NO. 29

COURT TO ANNOUNCE ACTION

Articles for the Government of the Navy

See: AGN No. 28 "A" (First)
AGN No. 28 "C"
AGN No. 39 "A"

ARTICLE OF WAR NO. 30

CLOSED SESSIONS

Articles for the Government of the Navy

There is no provision in AGN which corresponds with A.W. No. 30. However, see AGN No. 48 which says the Secretary of Navy will prescribe procedure rules.

ARTICLE OF WAR NO. 31

METHOD OF VOTING

Articles for the Government of the Navy.

See: AGN No. 28 "A" (1)
AGN No. 28 "A" (2)
AGN No. 48

ARTICLE OF WAR NO. 32

CONTEMPTS

Articles for the Government of the Navy.

See: AGN No. 9 (Forty-Fifth)
AGN No. 35 "B"
AGN No. 35 "C"

ARTICLE OF WAR NO. 33

RECORDS - GENERAL COURTS MARTIAL

Articles for the Government of the Navy.

See: AGN No. 29

ARTICLE OF WAR NO. 34

RECORDS - SPECIAL AND SUMMARY COURTS MARTIAL.

Articles for the Government of the Navy

See: AGN No. 16 "d"
AGN No. 16 "e"
AGN No. 18 "e"

ARTICLE OF WAR NO. 35

DISPOSITION OF RECORDS. GENERAL COURTS MARTIAL

Articles for the Government of the Navy.

See: AGN No. 21

ARTICLE OF WAR NO. 36

DISPOSITION OF RECORDS. SPECIAL AND SUMMARY COURTS MARTIAL.

Articles for the Government of the Navy

See: AGN No. 21

PRESIDENT MAY PRESCRIBE RULES

Articles of War

See: A.W. 15

Articles for the Government of the Navy.

The rule making power is vested in the Secretary of
The Navy. See: AGN No. 48
See: AGN No. 5 "p"

ARTICLE OF WAR NO. 37

IRREGULARITIES, EFFECT OF

Articles for the Government of the Navy.

There is no provision in AGN corresponding with the
declaration contained in A.W. No. 37. However, under
AGN No. 48, Secretary of Navy can make rules of procedure.

ARTICLE OF WAR NO. 38

PRESIDENT MAY PRESCRIBE RULES

Articles for the Government of the Navy.

See: AGN No. 48
See; also, AGN No. 5 (f)

Articles of War

See, also A.W. No. 15

ARTICLE OF WAR NO. 39

LIMITATIONS ON PROSECUTIONS - AS TO TIME

Articles for the Government of the Navy

See: AGN No. 5 "b"

(Prosecution after separation from service)

See: AGN No. 5 A "First"
AGN No. 5 A "Second"
AGN No. 5 A "Fourth"

See: A.W. 94

ARTICLE OF WAR NO. 40

APPELLATE REVIEW

Articles for the Government of the Navy

See: AGN No. 39 (A) (C) (D) (E) (F) (G) (H) (I).

Articles of War

See: A.W. No. 50

LIMITATIONS ON PROSECUTIONS - AS TO NUMBERS.

Articles for the Government of the Navy

See: AGN No. 39 (i)

MITIGATION, REMISSION, AND SUSPENSION OF SENTENCES.

Articles for the Government of the Navy

See: AGN No. 39 (B), (C), (D), (E), (F), (G), (H), and (i)

Articles of War

See: A. W. 51

POWERS INCIDENT TO POWER TO CONFIRM

Articles for the Government of the Navy.

See: AGN No. 39 "A"
AGN No. 39 "C"
AGN No. 39 "D"
AGN No. 39 "E"
AGN No. 39 "F"
AGN No. 39 "G"
AGN No. 39 "H"
AGN No. 39 "I"

Articles of War

See: A.W. No. 49

ARTICLE OF WAR NO. 41

CRUEL AND UNUSUAL PUNISHMENTS PROHIBITED.

Articles for the Government of the Navy.

See: AGN No. 31

ARTICLE OF WAR NO. 42

PLACES OF CONFINEMENT. WHEN LAWFUL

Articles for the Government of the Navy

See: AGN No. 32
AGN No. 33 "A"

ARTICLE OF WAR NO. 43

DEATH SENTENCES. WHEN LAWFUL

Articles for the Government of the Navy

See: AGN No. 28 "A" (1)
AGN No. 28 "A" (2)
AGN No. 28 "C"

ARTICLE OF WAR NO. 44

REDUCTION TO RANKS - OFFICERS

Articles for the Government of the Navy

See: Article (AGN) No. 10

ARTICLE OF WAR NO. 45

MAXIMUM LIMITS

Articles for the Government of the Navy

See: AGN No. 33 "b"

ARTICLE OF WAR NO. 46

CHARGES, ACTION UPON

Articles for the Government of the Navy

See: AGN No. 37

ARTICLE OF WAR NO. 47

ACTION BY CONVENING AUTHORITY

Articles for the Government of the Navy.

See: AGN No. 39 "A"
AGN No. 39 "B"
AGN No. 39 "C"
AGN No. 39 "D"

ARTICLE OF WAR NO. 48

CONFIRMATION

Articles for the Government of the Navy

See: AGN No. 39 "A"
AGN No. 39 "C"
AGN No. 39 "D"
AGN No. 39 "E"
AGN No. 39 "F"

ARTICLE OF WAR NO. 49

POWERS INCIDENT TO POWER TO CONFIRM

Articles for the Government of the Navy

See: AGN No. 39 "A"
AGN No. 39 "C"
AGN No. 39 "D"
AGN No. 39 "E"
AGN No. 39 "F"
AGN No. 39 "G"
AGN No. 39 "H"
AGN No. 39 "I"

Articles of War

See, also, A.W. 40

ARTICLE OF WAR NO. 50

APPELLATE REVIEW

Articles for the Government of the Navy

See: AGN No. 39, (A) (C) (D) (E) (F) (G) (H) (I).

Articles of War

See, also, A.W. No. 40

ARTICLE OF WAR NO. 51

MITIGATION, REMISSION, AND SUSPENSION OF SENTENCES

Articles for the Government of the Navy

See: AGN No. 39 (B), (C), (D), (E), (F), (G), (H), AND (I).

Articles of War.

See, also, A.W. No. 40

ARTICLE OF WAR NO. 52

REHEARINGS

Articles for the Government of the Navy

The Articles for the Government of the Navy do not contain any enabling provisions affirmatively authorizing a r e h e a r i n g.

By the language of AGN No. 39 (1) however, power to return a case for a r e h e a r i n g in other than the prohibited instances enumerated, may be i m p l i e d.

See, also AGN No. 48, whereunder, conceivably, the Secretary of the Navy might provide the procedure for a r e h e a r i n g in instances other than those prohibited by AGN No. 39 (1).

ARTICLE OF WAR NO. 53

PETITION FOR A NEW TRIAL.

Articles for the Government of the Navy.

See: AGN No. 30
AGN No. 39 (G)

ARTICLE OF WAR NO. 54

FRAUDULENT ENLISTMENT

Articles for the Government of the Navy

See: AGN No. 9 "Thirty-fourth"
See, also, AGN No. 5 "A" (Fourth)

ARTICLE OF WAR NO. 55

OFFICER MAKING UNLAWFUL ENLISTMENT.

Articles for the Government of the Navy.

See: AGN No. 9 (Twenty-fourth)
AGN No. 9 (Thirty-eighth)

ARTICLE OF WAR NO. 56

FALSE MUSTER

Articles for the Government of the Navy

See: AGN No. 9 (Twenty-fourth)
AGN No. 9 (Thirty-eighth)

ARTICLE OF WAR NO. 57

FALSE RETURNS: OMISSION TO RENDER RETURNS.

Articles for the Government of the Navy

See: AGN No. 9 (Nineteenth)
AGN No. 9 (Thirtieth)

ARTICLE OF WAR NO. 58

DESEKTION

Articles for the Government of the Navy.

See: AGN No. 8 (Third)
AGN No. 8 (Fourth)
AGN No. 9 (Thirty-First)

ARTICLE OF WAR NO. 59

ADVISING OR AIDING ANOTHER TO DESERT.

Articles for the Government of the Navy.

See: AGN No. 5 "E"
AGN No. 8 "Third"
AGN No. 8 "Fourth"
AGN No. 9 "Thirty-First"

DEFINITIONS

Articles for the Government of the Navy.

The only definition contained in the Articles for the government of the Navy is that of "Principals" contained in Article 5 "e".

It is provided in two Articles of War, to-wit, AW No. 59 and 94 that the offenses named therein may be committed by "Principals."

ARTICLE OF WAR NO. 60

ENTERTAINING A DESERTER

Articles for the Government of the Navy

See: AGN No. 9 (Thirty-Second)

ARTICLE OF WAR NO. 61

ABSENCE WITHOUT LEAVE

Articles for the Government of the Navy.

See AGN No. 9 (Twenty-ninth)
AGN No. 10

ARTICLE OF WAR NO. 62

DISRESPECT TOWARDS THE PRESIDENT, V.P., CONGRESS, ETC.

Articles for the Government of the Navy

See: AGN No. 9 (Thirtieth)
AGN No. 9 (Forty-Seventh)

ARTICLE OF WAR NO. 63

DISRESPECT TOWARDS A SUPERIOR OFFICER

Articles for the Government of the Navy.

See: AGN No. 9 (Thirteenth)
AGN No. 9 (Sixteenth)
AGN No. 9 (Seventeenth)

ARTICLE OF WAR NO. 64

ASSAULTING OR WILFULLY DISOBEYING SUPERIOR OFFICER

Articles for the Government of the Navy.

See: AGN No. 8 (Tenth)
AGN No. 9 (Thirteenth)
AGN No. 9 (Thirtieth)
AGN No. 9 (Fifty)

ARTICLE OF WAR NO. 65

INEBORDINATE CONDUCT TOWARDS NON-COMMISSIONED OFFICER.

Articles for the Government of the Navy.

See: AGN No. 9 (Thirteenth)
AGN No. 9 (Fifty)

ARTICLE OF WAR NO. 66

MUTINY AND SEDITION

Articles for the Government of the Navy.

See: AGN No. 8 (First)
AGN No. 9 (Eighteenth)

ARTICLE OF WAR NO. 67

FAILURE TO SUPPRESS MUTINY OR SEDITION

Articles for the Government of the Navy.

See: AGN No. 8 (First)

ARTICLE OF WAR NO. 68

QUARTELS; PRAYS; DISORDERS.

Articles for the Government of the Navy.

See: AGN No. 9 (Fifty)

ARTICLE OF WAR NO. 69

Articles for the Government of the Navy.

See: AGN No. 9 (Fifty)

ARTICLE OF WAR NO. 70

CHARGES - ACTION UPON

Articles for the Government of the Navy.

There is no article in the AGN that parallels A.W. No. 70.

See: AGN No. 37

See, also AGN No. 48

ARTICLE OF WAR NO. 71

REFUSAL TO RECEIVE AND KEEP PRISONERS.

Articles for the Government of the Navy

See: AGN No. 9 (Twenty-eight)

ARTICLE OF WAR NO. 72

REPORT OF PRISONERS RECEIVED.

Articles for the Government of the Navy.

There is no article in the AGN which corresponds with
A.W. No. 72

See, however, AGN No. 9 (Twenty-eight)

ARTICLE OF WAR NO. 73

RELEASING PRISONERS WITHOUT PROPER AUTHORITY

Articles for the Government of the Navy

See: AGN No. 9 (Twenty-Eight)

ARTICLE OF WAR NO. 74

DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES

Articles for the Government of the Navy

See: AGN No. 9 (Twenty-Seventh)

ARTICLE OF WAR NO. 75

MISBEHAVIOR BEFORE THE ENEMY

Articles for the Government of the Navy

See: AGN No. 8 (Fourth); (Seventh); (Eighth); (Ninth);
(Eleventh); (Twelfth); (Thirteenth);
(Fourteenth); (Fifteenth).

ARTICLE OF WAR NO. 76

SUBORDINATES COMPELLING A COMMANDER TO SURRENDER

Articles for the Government of the Navy

See: AGN No. 8 (Fourth); (Ninth)

ARTICLE OF WAR NO. 77

IMPROPER USE OF COUNTERSIGN

Articles for the Government of the Navy

See: AGN No. 8 (fourth)

ARTICLE OF WAR NO. 78

FORCING A SAFEGUARD

Articles for the Government of the Navy

There is no Article for the Government of the Navy which corresponds with Article of War No. 78.

Note, however, AGN No. 8 (Tenth)

ARTICLE OF WAR NO. 79

CAPTURED PROPERTY TO BE SECURED FOR PUBLIC SERVICE

Articles for the Government of the Navy

There is no Article for the Government of the Navy which corresponds with Article of War No. 79.

See, however, AGN Nos. 9 (Eight); (Nine); (Twenty); (Twenty-Five); (Thirty-Seven); (Forty-Three); (Fifty-Two); and (Fifty-Nine).

ARTICLE OF WAR NO. 80

DEALING IN CAPTURED OR ABANDONED PROPERTY

Articles for the Government of the Navy

There is no Article for the Government of the Navy which corresponds with Article of War No. 80.

See, however, AGN No. 9 (Ninth); (Tenth); (Twenty-Third); (Thirty-Seventh); (Forty-First); (Forty-Third); (Fifty-Second); and (Fifty-Ninth).

ARTICLE OF WAR NO. 81

RELIEVING, CORRESPONDING WITH, OR AIDING THE ENEMY.

Articles for the Government of the Navy

See: AGN No. 5 "A" (Ninth)
No. 5 "D" (Second)
No. 5 "D" (Fifth)
No. 8 (Second)
No. 9 (Thirty-Third)

ARTICLE OF WAR NO. 82

SPIES

Articles for the Government of the Navy

See: AGN No. 5 "A" (Ninth)
No. 5 "D" (Second)
No. 5 "D" (Fifth)
No. 8 "G" (Sixteenth)

ARTICLE OF WAR NO. 83

MILITARY PROPERTY, WILLFUL OR NEGLIGENT LOSS, DAMAGE OR
WRONGFUL DISPOSITION.

Articles for the Government of the Navy

See: AGN No. 8 (Sixth); (Fifteenth).
AGN No. 9 (Sixth); (Eighth); (Ninth);
(Twentieth); (Twenty-First);
(Twenty-Fifth); (Thirty-Seventh);
(Thirty-Ninth); (Forty-Third);
(Fifty-Second); (Fifty-Fourth);
(Fifty-Ninth).

ARTICLE OF WAR NO. 84

WASTE OR UNLAWFUL DISPOSITION OF MILITARY PROPERTY ISSUED SOLDIERS.

Articles for the Government of the Navy

See: AGN No. 8 (Sixth)
No. 9 (Eighth); (Twentieth); (Twenty-First);
(Twenty-Fifth); (Thirty-Seventh);
(Forty-Third); (Fifty-Second); and (Fifty-Ninth).

ARTICLE OF WAR NO. 85

DRUNK ON DUTY

Articles for the Government of the Navy.

See: AGN No. 9 (Fifty-Third)
(Fifty-Fifth)
(Fifty-Ninth)

ARTICLE OF WAR NO. 86

MISBEHAVIOR OF A SENTINEL

Articles for the Government of the Navy.

See: AGN 8 (Fifth)
AGN 9 (Fifty-Third)
(Fifty-Fifth);
(Fifty-Ninth).

ARTICLE OF WAR NO. 87

PERSONAL INTEREST IN THE SALE OF PROVISIONS.

Articles for the Government of the Navy.

There is no provision in the Articles for the Government of the Navy which corresponds with Article of War No. 87.

See, however, AGN No. 9 (Sixth); (Forty-Second);
(Forty-Third); (Forty-Ninth).

ARTICLE OF WAR NO. 88

UNLAWFULLY INFLUENCING ACTION OF COURT.

Articles for the Government of the Navy.

See: AGN No. 39 (J)

ARTICLE OF WAR NO. 89

GOOD ORDER TO BE MAINTAINED AND WRONGS REDRESSED.

Articles for the Government of the Navy.

There is no Article for the Government of the Navy that corresponds with Article of War No. 89.

See, however, AGN No. 9 (Twentieth); (Twenty-First); (Twenty-Fifth); (Twenty-Seventh); (Fortiety); (Forty-First); (Forty-Ninth); (Fifty-Second); (Fifty-Third); (Fifty-Fourth); (Fifty-Fifth); (Fifty-Sixth); (Fifty-Ninth).

ARTICLE OF WAR NO. 90

PROVOKING SPEECHES OR GESTURES.

Articles for the Government of the Navy.

See: AGN No. 9 (Eleventh); (Twelfth); (Thirteenth); (Fourteenth); (Fifteenth); (Sixteenth); (Seventeenth); (Thirty-Fifth); (Thirty-Sixth); (Thirty-Ninth); (Fortieth); (Forty-Second); (Forty-Third); (Forty-Fourth); (Forty-Fifth); (Forty-Seventh); (Forty-Ninth); (Fifty-First); (Fifty-Second); and (Fifty-Ninth).

ARTICLE OF WAR NO. 91

DUELING

Articles for the Government of the Navy.

See: AGN No. 9 (Fifteenth).

ARTICLE OF WAR NO. 92

MURDER -- RAPE

Articles for the Government of the Navy

See: AGN No. 5 "D" (First)

ARTICLE OF WAR NO. 93

VARIOUS CRIMES

Articles for the Government of the Navy.

See: AGN No. 9 (Twentieth);
(Twenty-Sixth);
(Thirty-Sixth);
(Thirty-Seventh);
(Thirty-Ninth);
(Forty-First);
(Forty-Ninth);
(Fifty-First);
(Sixty-First);
(Sixty-Third).

ARTICLE OF WAR NO. 94

FRAUD AGAINST THE GOVERNMENT.

Articles for the Government of the Navy

See: AGN No. 9 (First);
(Second);
(Third);
(Fourth);
(Fifth);
(Sixth);
(Seventh);
(Eighth);
(Ninth);
(Sixty-Second).

ARTICLE OF WAR NO. 95

CONDUCT UNBECOMING AN OFFICER AND GENTLEMAN

Articles for the Government of the Navy

See: AGN No. 9 (Fifty-Eighth);
(Fifty-Ninth).

ARTICLE OF WAR NO. 96

GENERAL ARTICLE

Articles for the Government of the Navy

See: AGN 1 (See AGN 9 (Sixty))
AGN 3 (See AGN 9 (Sixty))
AGN 5 (d) First
AGN 5 (D) Second
AGN 5 (D) Third
AGN 5 (D) Fourth
AGN 8 (Sixth)
AGN 8 (Eleventh)
AGN 8 (Twelfth)
AGN 8 (Thirteenth)
AGN 8 (Fourteenth)
AGN 8 (Fifteenth)
AGN 9 (Tenth)
AGN 9 (Eleventh)
AGN 9 (Twelfth)
AGN 9 (Thirteenth)
AGN 9 (Fourteenth)
AGN 9 (Nineteenth)
AGN 9 (Twenty-first)
AGN 9 (Twenty-second)
AGN 9 (Twenty-third)
AGN 9 (Twenty-fifth)
AGN 9 (Twenty-seventh)
AGN 9 (Thirtieth)
AGN 9 (Thirty-fifth)
AGN 9 (Thirty-sixth)
AGN 9 (Thirty-seventh)
AGN 9 (Thirty-ninth)
AGN 9 (Fortieth)
AGN 9 (Forty-first)
AGN 9 (Forty-second)
AGN 9 (Forty-third)
AGN 9 (Forty-fourth)
AGN 9 (Forty-fifth)
AGN 9 (Forty-sixth)

AGN 9 (Forty-eighth)
AGN 9 (Forty-ninth)
AGN 9 (Fifty-first)
AGN 9 (Fifty-second)
AGN 9 (Fifty-third)
AGN 9 (Fifty-fourth)
AGN 9 (Fifty-fifth)
AGN 9 (Fifty-sixth)
AGN 9 (Fifty-seventh)
AGN 9 (Fifty-eighth)
AGN 9 (Sixty-first)
AGN 9 (Sixty-second)
AGN 12 (See AGN 9, Sixty)
AGN 13 (See AGN 9, Sixty)

Articles of War

See: A. W. No. 96

ARTICLE OF WAR NOS 97 - 103

COURTS OF INQUIRY

Articles for the Government of the Navy

See: AGN 35 (A)
AGN 42 (a)
AGN 42 (C)
AGN 42 (D)
AGN 42 (e)
AGN 43
AGN 44

DEPOSITIONS - WHEN ADMISSIBLE

Articles for the Government of the Navy

See: AGN No. 36
AGN No. 42

Articles of War

See: A. W. No. 25
A. W. No. 97-103

PROCESS TO OBTAIN WITNESSES

Articles for the Government of the Navy

See: AGN No. 18 "c"
AGN No. 35 "a"
AGN No. 42 "a"

Articles of War.

See: A.W. No. 22
A.W. No. 101

ARTICLE OF WAR NO. 104

DISCIPLINARY POWERS OF COMMANDING OFFICERS.

Articles for the Government of the Navy

See: AGN No. 14

ARTICLE OF WAR No. 105

INJURIES TO PROPERTY - REDRESS OF

Articles for the Government of the Navy

See AGN No. 42 "B"
42 "C"
42 "E"
43

ARTICLE OF WAR NO. 106

ARREST OF DESERTERS BY CIVIL AUTHORITIES.

Articles for the Government of the Navy.

There is not Article for the Government of the Navy
that corresponds with Article of War No. 106.

See, however, AGN No. AGN. No. 9 (Twenty-Seventh)

ARTICLE OF WAR NO. 107

SOLDIERS TO MAKE GOOD TIME LOST

Articles for the Government of the Navy

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 108

SOLDIERS - SEPARATION FROM THE SERVICE

Articles for the Government of the Navy

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 109

OATH OF ENLISTMENT

Articles for the Government of the Navy

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 110

CERTAIN ARTICLES TO BE READ AND EXPLAINED

Articles for the Government of the Navy

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 111

COPY OF RECORD OF TRIAL

Articles for the Government of the Navy

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 112

EFFECTS OF DECEASED PERSONS - DISPOSITION OF.

Articles for the Government of the Navy.

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 113

INQUESTS

Articles for the Government of the Navy

There is no article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 114

AUTHORITY TO ADMINISTER OATHS

Articles for the Government of the Navy.

See: AGN 47 (a)
AGN 47 (B)
AGN 47 (C)

ARTICLE OF WAR NO. 115

APPOINTMENT OF REPORTERS AND INTERPRETERS

Articles for the Government of the Navy.

There is no Article for the Government of the Navy which corresponds to Article of War.

ARTICLE OF WAR NO. 116

POWERS OF ASSISTANT TRIAL JUDGE ADVOCATE AND OF ASSISTANT DEFENSE COUNSEL.

Articles for the Government of the Navy.

There is no Article for the Government of the Navy which corresponds to Article of War.

See, however, AGN 18 (B)
18 (C)
21 (B)

Articles of War.

See, also A.W. No. 11, 17.

ARTICLE OF WAR NO. 117

REMOVAL OF CIVIL SUITS

Articles for the Government of the Navy.

There is no Article for the Government of the Navy which corresponds to Article of War No. 117.

ARTICLE OF WAR NO. 118

OFFICERS, SEPARATION FROM SERVICE

Articles for the Government of the Navy.

See: AGN 10
40

ARTICLE OF WAR NO. 119

RANK AND PRECEDENCE AMONG REGULARS, MILITIA, AND VOLUNTEERS

Articles for the Government of the Navy.

There is no article for the Government of the Navy which corresponds to Article of War No. 119.

ARTICLE OF WAR NO. 120

COMMAND WHEN DIFFERENT CORPS OR COMMANDS HAPPEN TO JOIN.

Articles for the Government of the Navy.

There is no article for the Government of the Navy which corresponds to Article of War No. 120.

ARTICLE OF WAR NO. 121

COMPLAINTS OF WRONGS

Articles for the Government of the Navy.

There is no article for the Government of the Navy which corresponds to Article of War No. 121.

SUMMARY OF PRINCIPAL RECOMMENDATIONS FOR THE IMPROVEMENT OF NAVAL JUSTICE

VARIOUS RECOMMENDATIONS	JAG RECOMMENDATIONS	VARIOUS RECOMMENDATIONS	JAG RECOMMENDATIONS	VARIOUS RECOMMENDATIONS	JAG RECOMMENDATIONS
JURISDICTION					
1. Omit discharged persons charged with fraud.	Follow (1*)	17. Prosecutor to be qualified by and subject only to JAG.	No. (20)	36. Add 2 months loss of pay to punishment for contempt. Provide appeal.	No. (35)
2. Exclude from statute of limitations: desertion (war), unauthorized absence (war), mutiny, murder. Two years for all other offenses.	Follow (3)	18. Defense counsel, lawyer, appointed for every GCM, and, if possible, SCM.	CA should appoint Def. Counsel for every GCM and SCM. Counsel should be lawyer if practicable. (21)	37. Provide by law for GCM, SCM, and Ct.Inq. to punish any person for contempt.	Add to misdemeanor punishable in federal court (AGN 42(c)) contempt by civilians. Limit power of naval courts to contempt in presence of court by persons subject to AGN. (35)
3. Remove all statutory limitations as to place.	Follow (4)	19. Defense counsel to be qualified by and subject to JAG.	No. (21)	38. Allow depositions for defense only.	Allow depositions to prosecution and defense equally, with right of confrontation except where absolutely impracticable, and in such event allow representative of accused to be present and cross-examine deponent. (36)
4. List in statute, without defining, common military and civil offenses. Replace AGN 22 by provisions against "C to P" etc. Embody, by reference, federal crimes without territorial restrictions. Make AOL and AWOL one offense.	Follow (5)	20. Defense counsel to have duty to submit appeal brief or to state no grounds for appeal brief.	Follow (21)	39. Provide secret ballot for findings and sentence.	Follow (37-38)
5. Put constitutional guarantees in statute.	Enunciate constitutional guarantees in Manual. (7)	DECK COURT			
INVESTIGATION					
6. Assign counsel as soon as person is in trouble. No statement prior to opportunity to consult counsel.	Follow (8)	21. Increase confinement and loss of pay from 20 to 30 days.	Follow (22)	40. Require more than majority for conviction.	Retain present law that findings of guilty be determined by majority. (37-38)
7. CO or CA to appoint officer for formal pre-trial investigation. Accused to be present, have counsel, cross-examine.	Follow (8)	22. Limit deprivation of liberty to one month.	Follow (22)	41. Announce findings and sentence in open court.	Follow (37-39)
MAST PUNISHMENT					
8. Abolish solitary confinement on bread and water.	Retain it. (11)	23. Limit extra police duties to one month.	Abolish extra police duties and solitary confinement. (22)	42. Scale percentage of votes for sentence according to severity.	Follow. Death: unanimous. Above 10 years: 3/4. Other: 2/3. (38-39)
9. Abolish solitary confinement.	Follow (11)	SCM			
10. Allow 10 days loss of pay, officers and men.	Allow GCM CA one-half month's loss of pay (war), officers and men. (11)	24. Punishments: BCD; RNIR; Conf. 6 months; Sol. conf. 30 days; B&W 20 days (full ration every 3rd. day); Deprivation of liberty, 60 days. Conf. 3 months and loss of pay 3 months may be added to BCD. EPD, 60 days.	Follow (25--for all Follow entries of Follow Item 24) Abolish B&W 30 days (full ration every 3rd day). Deprivation of liberty, 3 months. Follow Abolish	43. Make sentence effective upon announcement.	Follow, except for death, dismissal, discharge, RNIR. (40)
11. Formal pre-trial investigation prior to termination of probation. Discharge not effective before Dept. review.	Follow, except disch. in wartime effective as SecNav directs. (13)	GCM			
COURT-MARTIAL PERSONNEL					
12. Separate functions of prosecutor and judge advocate.	Follow. (JA not a member of court.) (18)	25. Enlisted men not to be allowed as members.	Follow (27)	44. Credit confinement awaiting trial in imposing sentence.	Policy for CA to mitigate for this reason. (39-40)
13. Give JA power to rule finally on legal questions.	Allow JA to rule on legal questions subject to being overruled by court. (18)	26. Reduce list of capital offenses.	Follow (28)	GCM REVIEW	
14. Appoint JA for every GCM and SCM.	Appoint JA for GCM. In SCM cases, his pre-trial functions (summoning witnesses etc.) to be performed by prosecutor, his trial functions by court. (18-19)	27. Prescribe limitations of punishment for war as well as peace.	Follow (28)	45. Bypass CA. Sole review in Dept.	Bypass CA on legal review. Allow CA clemency powers. (41-42)
15. JA to be qualified by and under supervision of JAG.	JA to be qualified by JAG, and under JAG supervision for law duties only. (18)	PROCEDURE			
16. Prosecutor to be lawyer for GCM, and, where possible, for SCM.	CA to appoint a qualified prosecutor, lawyer if practicable. (20)	28. Allow one peremptory challenge for each side.	No. (31)	46. Establish in Dept. a Board of Legal Review and a Board of Sentence Review with civilian heads. Divorce BuPers and MarCorps.	Retain present system of legal review. For sentence review, establish Disc. and Clemency Board of officers under UnderSecNav. Allow request for re-review within 1 year. For alternative recommendations, see: (42-44)
VARIOUS RECOMMENDATIONS					
		29. Oaths not to be repeated for each trial, provided right of challenge preserved.	Follow, provided accused was present when court was initially sworn. (32)	47. Establish Chief Defense Counsel under SecNav to present accused's appeal.	Functions should be performed by officer under JAG. (42)
		30. Allow court to grant continuances.	Follow (32)	48. Retain present reserve powers of Pres. and SecNav.	Follow (42)
		31. Forbid guilty pleas in capital cases.	Follow (33)	49. Discharges to be confirmed by SecNav.	Follow, but allow officer authorized by SecNav to confirm. (41)
		32. Permit opening statements.	Follow (34)	SCM AND DC REVIEW	
		33. Provide for motion for finding of not guilty.	Follow (34)	50. Bypass CA. Allow next higher GCM authority to review and confirm, except discharges.	Bypass CA on legal review, except when no GCM authority present. Allow both CA and confirming authority clemency powers. (49)
		34. Secure statutory authority for adopting, where applicable, rules of evidence of federal courts.	No. Manual alone should prescribe rules of evidence. (34)	REVIEW BY CIVIL COURTS	
		35. Provide for subpoena power to run throughout US, territories, and possessions.	Follow (35)	51. Provide by statute for review by Supreme Court after final Navy action.	No. After final Navy action, accused may now apply to fedl. district courts for writ of habeas corpus on grounds of lack of jurisdiction, illegal sentence, or violation of due process; or to Court of Claims for pay illegally withheld. (49)

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