E. M. M.'s Proposals

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

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

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

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

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

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

E. M. M.'s Proposals

Wherever in this Code it is provided that a person shall be punished as a court-martial may direct, the court-martial shall not direct punishment by death except where that punishment is specifically prescribed or authorized.
1. Any person who procures his own enlistment or appointment in the Armed Forces through knowingly false representations concerning his qualifications for such enlistment or appointment and receives pay or allowances under such enlistment or appointment, or who fraudulently procures his separation from the Armed Forces shall be punished as a court-martial may direct.
E. M. M.'s Proposals

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

Any member of the Armed Forces of the United States who

(a) goes or remains absent from his place of service with intent not to return thereto, or

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

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

is guilty of desertion; and if the desertion occurs in time of war shall be punished by death or such other punishment as a court-martial may direct; if the desertion occurs at any other time, by such punishment other than death as a court-martial may direct.
5. Any person subject to this Code who receives or retains in his command or charge any person known to him to be a deserter from the Armed Forces and who does not promptly transmit notice thereof to superior authority or to the Commander of the organization to which the deserter belongs shall be punished as a court martial may direct.
5. Absence without leave - Any person subject to this Code who, without proper authority,
(a) fails to go to his appointed place of duty at the time prescribed (by law, regulation or
general or special order), or
(b) goes from that place, or
(c) absents himself or remains absent from any place, vessel, aircraft, or other vehicle or
structure at which he is required to be (in course of duty) (by any order or lawful regulation)
shall be punished as a court-martial may direct.

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

7. Any person subject to this Code who disobeys or by neglect or design fails to obey any law, regulation or general or special order which it is his duty as a person subject to this Code to obey, shall be punished as a court-martial may direct.
Delete this antedated article. All conduct of this sort which should be punished can easily be reached under a general article as conduct of a nature to bring discredit upon the service.

9. Disrespect towards superior. Accept the mimeographed draft, but change "in rank" to "in authority."

10. Any person subject to this code who strikes his superior officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office or who wilfully disobeys or refuses to obey a lawful order or command of his superior shall be punished (a) if the offense is committed in time of war, by death or such other punishment as a
MUTINY OR SEDITION.—Any person subject to this Code, who with intent to usurp or override lawful superior military authority refuses to obey orders or otherwise to do his duty, whether acting alone or in concert with others is guilty of mutiny.

(1) Who incites others to create others or grain or revolt, violence disturbance or other breach of the peace against lawful military or civil authority is guilty of sedition and shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; if the offense is committed at any other time, by death or such other punishment as a court-martial may direct.
Any member of the Armed Forces
who is present in whose presence
the offence of mutiny or sedition
is being committed, who does
not do his utmost to prevent
and suppress it
in violation of the foregoing
provisions, who does not do
his utmost to prevent and
suppress it, or who knows
or has reason to believe that
a mutiny or sedition is
taking place, or is planned or
intended, and fails to take
all reasonable means to
so to inform his superior or
Commanding Officer shall,
if the offence is committed in
Time of war be punished by death
or such other punishment as a Court martial may direct.
If the offence is committed at any
other time by such punishment other than death.
A Court martial may direct.
14. P. 7 no 22 is deleted
   No 23 is deleted because
   Covered by A
   P 7 No 24
   No 25 have been deleted.

15.

The typed meet seems
satisfactory. But perhaps
"arrest" should be defined
in the section on definitions,
but its meaning seems
well known to military
personnel? persons in
the Armed Forces.

P 10/16. — Non-compliance with procedural rules — Any
person subject to this Code who, causes
unnecessary delay in the disposition
of any case of a person accused of an
offense under this Code or who intentionally,
or negligently fails to comply with or
enforce or compel to comply with any provision regulating
the proceedings before, during or after trial
the accused by shall be punished as a Court-Martial may direct.
Any member of the Armed Forces who, in the presence of the enemy:
(a) shamefully abandons or surrenders any place which it is his duty to defend, or
(b) through misconduct, neglect, or intentional misconduct endangers the safety of such a place, or
(c) casts away his arms or ammunition, or
(d) is guilty of any cowardly conduct, or
(e) quits his place of duty to plunder or pillage, or
(f) causes false alarms in any place where members of the Armed Forces are on duty stationed or quartered,
shall be punished by death or such other punishment as Court-martial may direct.
Any person subject to this Code who compels a commander of any place, vessel, aircraft, or of any group or body of members of the armed forces to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority shall be punished by death or such other punishment as a court-martial may direct.

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

Any person subject to this Code who, in time of war, attacks, breaks through or otherwise violates, interferes with a guard posted for or established for the protection of any premises shall be punished by death or such other punishment as a Court-martial may direct.
Any person subject to this Code who by neglect or design fails to deal with and dispose of any property, real or personal, taken from an enemy, including any vessel or aircraft seized as a prize and all the money, chattels and equipment thereof, in the manner required by law or by regulation or general or special order, or (b) who engages in looting or pillaging, shall be punished as a court-martial may direct.

(c) mistreats, wounding, beats, or otherwise mistreats civilians captured or on a vessel taken as prize, shall be punished as a court-martial may direct.
25. Any person subject to these articles who, while in the hands of the enemy in time of war,
(a) for the purpose of securing favorable treatment by his captors acts in a manner not authorized by law, custom, or regulation or other proper authority to the detriment of others held as civilian or military prisoners, or
(b) while in a position of authority over them without maltreats them without justifiable cause shall be punished as a court-martial may direct.
Any person who in time of war has remained or come within any territory under the protection or jurisdiction of the Armed Forces of the United States, secretly or in disguise or under false pretenses, for the purpose of obtaining information of military value for the use of an enemy and is found acting for that purpose on or about any place within the control or jurisdiction of any of the Armed Forces of the United States, or in or about any shipyard, any manufacturing or industrial plant or any other place or institution engaged in work in aid of the prosecution of the war by the United States (or elsewhere), shall be punished by death, tried by Court-martial and shall on conviction be punished by death.
General Provisions

1. Copy A
2. " B.
3. " C.
4. " D
5. " E

Military Offences

6. Copy 1
7. " 2
8. " 3
9. " 4
10. " 5
11. " 6
12. " 7
13. " 8

14. Disrespect towards Superior - Accept the mimeo draft top of p. 6, but change these articles to "this Code", and "in rank" to "in authority."
15. Copy 10

16. Reprint A.W. 65 (covered by 12 96) Cruelty etc.

17. Accept the mimeo draft at top of p. 7, but change "these articles" to "This Code."

18. Copy 13 and 13 coat

19. A.W. 67 at bottom of memo p 7 is omitted (covered by no. 1, above)

20. Accept the typed insert bottom p 5 of memo, but change "these articles" to "This Code."

21. Use the A.W. 72 mimeo draft p 11

22. Use the A.W. 73 mimeo draft p 11 but change "these articles" to "This Code."

23. Accept the mimeo draft A.W. 70 middle mimeo p 10, but change "these articles" to "This Code."
24. Mimes 48. 71 omitted because covered by 5 above.
25. Copy No 16 bottom p 12
26. Copy No 20 p 13
27. War Offences
28. Copy 21 p 14
29. Copy 22 p 14
30. Copy 23 p 15
31. Copy 24 p 16
32. Relieving etc - accept mimes AW 81 as in middle 9 page 14
If mimes but change "relieve" to "aid" and strike "or attempts to aid" unless it is thought that attempt should be punishable by death. No 3 above covers attempts.
32. Copy 25 p. 17
33. Copy 26 p. 18