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



and the  
**JUDGE ADVOCATES GENERAL**  
of the  
**ARMED FORCES**  
and the  
**GENERAL COUNSEL**  
of the  
**DEPARTMENT OF TRANSPORTATION**

**PURSUANT TO THE  
UNIFORM CODE OF MILITARY JUSTICE**

**For the Period  
January 1, 1971 to December 31, 1971**

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

**PURSUANT TO THE**  
**UNIFORM CODE OF MILITARY JUSTICE**

**For the Period**  
**January 1, 1971 to December 31, 1971**

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JUDGE ADVOCATE GENERAL OF THE ARMED FORCES AND THE  
GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION**

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**JOINT REPORT**  
**of the**  
**U.S. COURT OF MILITARY APPEALS**  
**and the**  
**JUDGE ADVOCATES GENERAL**  
**OF THE ARMED FORCES**  
**and the**  
**GENERAL COUNSEL**  
**DEPARTMENT OF TRANSPORTATION**

**January 1, 1971 to December 31, 1971**

This is the 20th Annual Report of the Committee created by Article 67 (g) of the Uniform Code of Military Justice, 10 U.S.C. § 867 (g). That article requires the Judges of the Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation to meet annually to survey the operations of the Code and to report to the Committee on Armed Services of the Senate and of the House of Representatives, to the Secretary of Defense and the Secretary of Transportation, and to the Secretaries of the Army, Navy, and Air Force, on the status of military justice and on any legislative recommendations the committee may have.

The Chief Judge and the Judges of the Court of Military Appeals, the Judge Advocates General of the Army, Navy, and Air Force, and the General Counsel of the Department of Transportation, referred to later in this report as the Code Committee, have met several times during the period this report covers. These conferences included consideration of possible amendments to the Uniform Code of Military Justice.

The Code Committee recommends that the Congress consider legislation that would (1) specify the extent to which the Court of Military Appeals, the Courts of Military Review, and military judges may entertain petitions for extraordinary relief; (2) permit the execution of

a sentence to confinement at the time the convening authority approves the sentence in order to reduce the pointless and costly segregation of various classes of prisoners and to permit this class of prisoners to benefit from rehabilitative training; (3) relieve the convening authority of responsibility for making a post-trial review of the findings of a court-martial but retain his power to mitigate a sentence; and (4) restrict the scope of Article 134 by enacting separate punitive articles of the code covering selected offenses now dealt with by Article 134, and by limiting the maximum punishment for other conduct prejudicial to good order and discipline or service-discrediting conduct to confinement and forfeitures for 6 months.

The Code Committee will continue to consider other proposals to permit an appeal to the Supreme Court from decisions of the Court of Military Appeals in cases involving constitutional questions; to transfer sentencing power to the military judge in all cases not involving the death penalty; to expand the power of the military judge in contempt matters; to provide for a system of random selection of court members; to amend Article 62 (a), Uniform Code of Military Justice, 10 U.S.C. § 862(a), to permit an appeal of an interlocutory ruling by the prosecution in certain limited categories of cases, such as a ruling that a confession or evidence obtained as the result of a search is not admissible, or a determination that a specification does not allege an offense. to amend Article 69, Uniform Code of Military Justice, 10 U.S.C. § 869, to permit limited delegation of the authority of the Judge Advocate General of an Armed Force to correct errors in certain courts-martial; and to give the Judge Advocate General the authority to correct errors in certain records of trial by general court-martial without the necessity of referring such records to a Court of Military Review.

A standing committee composed of representatives of the Judge Advocates General and the General Counsel, Department of Transportation, established originally to consider changes to the Manual for Courts-Martial, met periodically during the past year to consider such changes. As a result of its work, a number of changes to the Manual have been approved by the Judge Advocates General and the General Counsel for inclusion in an executive order. The Services have broadened the charter of this committee to encompass also the consideration of recommended changes to the Uniform Code of Military Justice, as well as to continue work on the Manual. It is anticipated that this standing committee will meet at regular intervals during the coming year, and the results of its studies will be given careful consideration by the Code Committee upon submission by its Service representatives.

The Armed Forces acting separately have demonstrated the possibilities for improvements through changes in regulations and procedures without dependence on legislation or Presidential action. The Air Force has established, as an experiment, a Southeast Judiciary Circuit crossing command lines and reporting directly to the Judge Advocate General, rather than to local commanders. Air Force counsel have been included within the judiciary and military judges have been assigned the responsibility of conducting pretrial investigations. The Army has established an experimental legal center project in which all stages of processing of legal actions within a particular geographical area are centralized in a single facility that is independent of the command chain. A second Army pilot program creates the "military magistrate," a fully qualified and certified part-time military judge who also is employed to issue search warrants and to decide whether persons should be released from pretrial confinement. Army regulation 27-10 has been amended to allow military judges, within certain limits, to issue search warrants. During the last year, the Department of the Navy undertook and completed a review of its departmental regulations dealing with the administration of justice, which are set forth in the Manual of The Judge Advocate General. Among the most significant changes were improvements in the manner of procuring the attendance of civilian witnesses and adoption of the American Bar Association Code of Professional Responsibility. Additionally, pilot programs for the assignment of special court-martial judges to the Navy-Marine Corps judiciary activity were inaugurated at the Naval Law Centers in Norfolk and San Diego.

Delay in the processing of disciplinary actions has been a continuing problem. These delays detract from the overall quality of military justice and contribute to a feeling on the part of many officers and enlisted men that the military justice system is too complex and bureaucratic for full effectiveness. The volume of courts-martial and nonjudicial punishment actions has not decreased in proportion to the reduction in the active strength of the services. While the services endeavor to alleviate this situation by greater emphasis on improving the skills of commanders and other personnel having functions of a nonlegal nature, we recognize that many of the delays and technical errors in records of trial are caused, in part, by a shortage of experienced military lawyers that is becoming more acute.

The Code Committee considers the shortage of experienced military lawyers as being perhaps the greatest threat to the effective functioning of the military justice system. In the face of intense competition from the private sector and other Government agencies, the services have been unable to retain the needed number of lawyers beyond their initial obligated tours. While obtaining an adequate supply of new lawyers has not been a problem, the number of applicants is decreas-

ing. If the draft is eliminated, obtaining enough new lawyers is likely to become a problem.

The lack of incentive or professional pay for lawyers has handicapped the retention of judge advocates beyond their initial tours. The absence of such pay not only reduces the pecuniary attractiveness of a military career, but also is viewed by young judge advocates as an indication that they are not valued as professionals. The recent extension of professional pay to optometrists has exacerbated this sentiment.

To promote efficiency and to make the Armed Forces more attractive for military lawyers, the Code Committee recommends consideration of establishing a corps of paraprofessional legal specialists and that additional effort be devoted to improving the skills of legal clerks and court reporters. In this regard, the Secretary of the Navy has approved the establishment of a "legalman" rating in the Navy. This will be a corps of paraprofessional personnel to relieve judge advocates of many burdensome administrative and clerical duties which do not require the direct attention of a lawyer. The Air Force has established a new school for nonlawyer legal services specialists and the Army has instituted a comparable new course at the Adjutant General's School.

The sectional reports of the Court and of the individual services show the number of courts-martial subject to appellate review during the reporting period. Exhibit A that is attached recapitulates the number of courts-martial of all types tried throughout the world, the number of such cases reviewed by Courts of Military Review, and the number ultimately reviewed by the Court of Military Appeals.

Respectfully submitted.

WILLIAM H. DARDEN,  
*Chief Judge.*

ROBERT E. QUINN,  
*Associate Judge.*

ROBERT M. DUNCAN,  
*Associate Judge.*

GEORGE S. PRUGH,  
*The Judge Advocate General,*  
*U.S. Army.*

MERLIN H. STARING,  
*The Judge Advocate General,*  
*U.S. Navy.*

JAMES S. CHENEY,  
*The Judge Advocate General,*  
*U.S. Air Force.*

JOHN W. BARNUM,  
*General Counsel,*  
*Department of Transportation.*



**EXHIBIT A**

**For the Period  
July 1, 1970 to June 30, 1971**

*Court-Martial Cases*

Army -----	45,736
Navy -----	28,762
Air Force-----	2,398
Coast Guard-----	418
<b>Total -----</b>	<b>77,314</b>

*Cases Reviewed by Courts of Military Review*

Army -----	3,206
Navy -----	3,641
Air Force-----	269
Coast Guard-----	7
<b>Total -----</b>	<b>7,123</b>

*Cases Docketed with U.S. Court of Military Appeals*

Army -----	516
Navy -----	625
Air Force-----	75
Coast Guard-----	3
<b>Total -----</b>	<b>1,219</b>

**REPORT OF THE  
U.S. COURT OF MILITARY APPEALS  
January 1, 1971 to December 31, 1971**

In compliance with the provisions of the Uniform Code of Military Justice, Article 67(g), 10 U.S.C. § 867(g), the Chief Judge and Associate Judges of the U.S. Court of Military Appeals herewith submit their report on military justice matters to the Committee on Armed Services of the U.S. Senate and House of Representatives, the Secretary of Defense, the Secretary of Transportation, and the Secretaries of the Departments of the Army, Navy, and Air Force.

**JUDGES**

The year 1971 was a momentous year for the Court in many particulars.

On May 1, 1971, the term of Judge Homer Ferguson ended and he retired. Fortunately, however, the court's strength was not reduced for, pursuant to Article 67(a)(4), Uniform Code of Military Justice, 10 U.S.C. § 867(a)(4), as amended by Public Law 90-340, Judge Ferguson elected to become a Senior Judge. He was called upon by Chief Judge Quinn, with his consent, to perform judicial duties until his successor assumed office. Thereafter, he performed all of the duties of a judge of this Court until November 29, 1971. Subsequent to that date he acted solely upon opinions issued in cases upon which briefs and arguments were submitted prior to November 29, 1971. Upon completion of those opinions, he reverted to an inactive status on December 17, 1971.

On September 21, 1971, President Richard M. Nixon forwarded to the U.S. Senate the nomination of Judge Robert M. Duncan, of the Supreme Court of Ohio, for the 15 year term expiring May 1, 1986. The Senate Committee on Armed Services unanimously reported approval of the nomination and, without objection, the nomination was confirmed by the U.S. Senate on October 6, 1971. Mr. Justice Potter Stewart of the Supreme Court of the United States administered the qualifying oath and Judge Duncan entered upon his duties as a judge of this Court on November 29, 1971.

Pursuant to the provisions of Article 67(a)(1), Uniform Code of Military Justice, 10 U.S.C. § 867(a)(1), on June 23, 1971, President Nixon designated Judge William H. Darden as Chief Judge of the

Court, replacing Judge Robert E. Quinn, who had served in that capacity from the Court's inception.

## DOCKET

This year also marked the 20th anniversary of operations under the Uniform Code of Military Justice and of this Court's existence. As indicated by the attached report of Status of Cases, and by the separate reports of the Services, the volume of cases tried by courts-martial, reviewed by the service Courts of Military Review and by this Court accelerated sharply during the year. Indeed, the workload of this Court was heavier than in any year since 1958. During the year 1,204 petitions for review, 49 petitions for extraordinary relief under the provisions of 28 U.S.C. § 1651(a), and 15 certificates for review were docketed by the Court. Despite this increased volume of 236 cases over the previous reporting period, the work of the Court has, as in each of the years it has been in operation, been maintained on a current basis. There is no backlog.

## OPINIONS

The Court released 234 opinions on petitions and certificates, with the decisions of the Courts of Military Review below reversed in whole or in part in 110 cases.

The new procedures in trials by courts-martial and in the appellate review of records of trial by the Courts of Military Review effected by the Military Justice Act of 1968, Public Law 90-632, 82 Stat. 1335, came under the Court's scrutiny during the year. Article 16, Uniform Code, was modified by the act to permit trial by general or special court-martial to be by military judge alone "if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing" such a trial. This is the equivalent of a "jury-waived" trial in the civil courts. In *United States v. Dean*, 20 USCMA 212, 43 CMR 52 (1970), it appeared that trial by military judge alone was conducted on the basis of the accused's oral request. Since article 16 establishes the jurisdictional requirements for the various types of courts-martial, we held that its terms must be strictly complied with and that a written request for such a trial was an indispensable jurisdictional requisite.

In *United States v. Chilcote*, 20 USCMA 283, 43 CMR 123 (1971), it appeared that a panel of the U.S. Navy Court of Military Review reversed the accused's conviction and ordered a rehearing. On motion of appellate government counsel, the full membership of the Court of Military Review vote to reconsider the panel decision. That court, sitting *en banc*, then reversed the earlier decision and affirmed the con-

viction. We reviewed that action, upon petition of the accused, in the light of the intention of the Congress both at the time it enacted the Uniform Code of Military Justice, and upon enactment of the Military Justice Act of 1968. Based upon that review, this Court concluded that Article 66(a), Uniform Code, as amended, does not permit *en banc* reconsideration of panel decisions. Accordingly, we set aside the action affirming accused conviction. Reference to the above cases indicates our continued adherence to the views expressed in the annual report of 1960. We affirm what was then reported :

“Our insistence upon strict compliance with the provisions of the Uniform Code has resulted in the elimination of many of the justified grounds for the complaints lodged against the earlier procedures . . . .

“Civillian supervision of courts-martial has proven its worth. To continue its effectiveness it must be exercised with a clear understanding of the conditions which brought it about.”

Although this Court's membership has changed substantially since that report was filed, the present members are no less aware of the resolve of the Congress :

“To cure . . . (the ills resulting from prior practices) and to restore confidence in a system that affects, directly or indirectly, so many millions of American citizens in time of peace as well as of war, the Uniform Code of Military Justice was enacted.”

We are equally convinced of the potential of the Uniform Code to achieve for service personnel appearing before courts-martial justice of a quality at least the equal of that obtainable in the article III courts of the land. By adherence to that conviction, we believe, we may accommodate both the constitutional grant of authority to Congress “to make Rules for the Government and Regulation of the land and naval Forces,” and the individual rights of service personnel as well, without diminution of the ability of the Armed Services to perform their tasks effectively.

As our report for 1970 indicated, the decision of the Supreme Court of the United States in *Noyd v. Bond*, 395 U.S. 683 (1969), confirming the applicability of the All Writs Act, 28 U.S.C. § 1651(a), to this Court, increased the number of petitions for extraordinary relief filed by persons at various stages of the court-martial proceedings. We have held that such extraordinary relief may be granted upon application of an accused under one of two conditions: first, if the action complained of tends to defeat the jurisdiction of this Court ultimately to review the proceedings pursuant to Article 67(b) (3), or second, if the action complained of tends to prejudice the possibility of providing meaningful relief from any error which may, upon such review, be shown to have occurred. See *Lozinski v. Wetherill*, 21 USCMA 52, 44 CMR 106 (1971).

Consistent with that view, we have intervened to prevent the prosecution of an individual not subject to military law, *Zamora v. Woodson*, 19 USCMA 403, 43 CMR 5(1970), and to bar prosecution for an offense beyond the jurisdiction of a court-martial, *Fleiner v. Koch*, 19 USCMA 630(1969). In *Jones v. Ignatius*, 18 USCMA 7, 39 CMR 7(1968), the Court set aside a special court-martial convening authority's action when it appeared he had purported to "commute" a bad conduct discharge to an additional period of confinement, and thus approved a sentence which did not require review by a Court of Military Review. Such action, that opinion held, was not only in excess of his powers as a convening authority, but also tended improperly to deny the accused's right to petition this Court for review. The action was set aside. In *Collier v. United States*, 19 USCMA 511, 42 CMR 113(1970), we invalidated a vacation of an order deferring a sentence to confinement until completion of appellate review.

Failure of a convening authority to review and take action upon a record of trial as required by Article 64, Uniform Code, 10 U.S.C. § 864, 10 months after the completion of trial, led the Court to issue a Writ of Mandamus directing the required action forthwith. The order was complied with. See, *Montavon v. United States*, Miscellaneous Docket No. 70-3.

As shown by its actions taken in many cases, reported in volumes 18 through 20 of our reports, the Court will not entertain petitions seeking action against persons not subject to military law and not within the authority of the Department of Defense. Nor will relief be afforded in areas concerned solely with the administration of the armed services.

## ADMISSIONS

Eight hundred and twenty-one practitioners were admitted during the year to membership in the bar of the Court. The number of persons admitted to practice before the Court now totals 16,572.

In addition, honorary membership certificates to the bar were presented to 13 attorneys of the following allied nations: England 1; Indonesia 1; Iran 2; Republic of Korea 1; Thailand 3; Turkey 1; Venezuela 1; and Republic of South Vietnam 3.

Judge Robert E. Quinn presided over two special admission sessions. The first on August 11, 1971, at the U.S. Air Force Columbia Club, Bayswater Road, London, England, on which occasion 15 Air Force and 1 Navy Judge Advocates on active duty became members of the bar of the Court; the second was held on October 15, 1971, in the courtroom of the U.S. Court of Appeals, First Circuit, Boston, Mass., to admit 44 Reservists and civilian attorneys from Massachusetts and Rhode Island. Included in the group were the Honorable Lincoln C.

Almond, the U.S. Attorney for the District of Rhode Island, and three of his assistants, the Honorable John Ernest Powers, Clerk of the Court, Supreme Judicial Court of Massachusetts, and John Larkin Thompson, Chairman of the Massachusetts Port Authority.

Following the latter session, Judge Quinn was the honored guest at a luncheon given by the lawyers admitted at the Officer's Club at the Boston Navy Yard, and was made a member of the "Loyal Order of Patriots" by the Governor of the Commonwealth of Massachusetts, the Honorable Francis W. Sargent. The Certificate of Membership was presented on the Governor's behalf by his Naval Aide, Capt. Lawrence N. Kelley, USNR.

## ACTIVITIES OF THE JUDGES AND STAFF MEMBERS

February 12.—*Judge Quinn* was the principal speaker before the Quonset-Davisville Navy Civilian Council, an advisory club founded in 1963 to carry out a drive by the Secretary of the Navy that such clubs be formed to afford an exchange of ideas and information in areas of common interests between the military and civilian communities, at the U.S. Naval Air Station Quonset Point, R.I. His topic was military versus civil law.

February 24.—*Judge Quinn* delivered a lecture on the subject of military justice before the Speaker's Forum under the sponsorship of the Student Bar Association at the Washington School of Law, American University, Washington, D.C.

March 8.—*Judge Quinn* addressed the senior ROTC cadets on the subject of military justice by invitation of the Military Science Department at the University of Rhode Island, Kingston, R.I. His lecture was followed by a luncheon on campus held in his honor.

March 9.—*Judge Quinn* represented and spoke on behalf of the judiciary at the testimonial dinner of Col. Howard A. Franklin upon his resignation after 37 years of service in the Providence Police Department, the last 8 of them as Chief, to accept a position with the New England Organized Crime Intelligence System, at the Alpine Country Club, Cranston, R.I.

March 17.—*Mr. Alfred C. Proulx*, clerk of the court, addressed the Combined East and West Coast Naval Reserve Law Seminar for inactive Reserve JAG officers on the operation of the Court at the Amphibious Force Training Command, Pacific Fleet, San Diego, Calif.

April 14.—*Judge Quinn* addressed the members of Little Rhody Boys State on the subject "The Law and the Courts," at their 1971 annual meeting on Americanism, sponsored by the American Legion and held at the U.S. Naval Base, Newport, R.I.

May 6.—*Chief Judge Darden* addressed the Air Force Officers' Wives Club of Washington, D.C., on the occasion of the club's visit to the Court.

May 12.—*Chief Judge Darden*, *Senior Judge Ferguson*, and *Mr. Proulx* attended the annual dinner (in honor of the members of the Court), sponsored by the Military Law Committee of the Bar Associa-

tion of the District of Columbia, under the chairmanship of Mr. Neil B. Kabatchnick, at the Officers' Club, Walter Reed Army Medical Center, Washington, D.C.

June 18.—*Chief Judge Darden, Senior Judge Ferguson, Mr. Proulx, Chief Commissioner Daniel F. Carney, Commissioner William H. Sandweg, and Commissioner Ralph J. DeLaVergne,* at the invitation of the U.S. Air Force and the U.S.A.F. School of Aerospace Medicine, joined the family of the late Judge Paul J. Kilday, who served as a member of the Court from 1961 to 1968, in attending the dedication of Kilday Hall named in his memory at the U.S.A.F. School of Aerospace Medicine, Brooks Air Force Base, San Antonio, Tex.

July 6.—*Chief Commissioner Carney* reported on the Court's work for the past year at the business meeting of the Judge Advocates Association, held in conjunction with the New York portion of the annual meeting of the American Bar Association.

July 14-20.—*Judge Quinn and Mr. Proulx* attended and participated in the annual meeting of the American Bar Association, as well as the meeting and dinner of the Judge Advocates Association held in London, England.

July 19-30.—*Chief Judge Darden* attended the Appellate Judges Seminar held at the New York University School of Law.

July 21.—*Chief Commissioner Carney* addressed the Naval Reserve Officer Lawyer Seminar on the subject of the "All Writs Act," held at the Naval Justice School, U.S. Naval Base, Newport, R.I.

July 27.—*Senior Judge Ferguson* addressed at Mackinac Island, Mich., the 12th Annual Congress of the Professions of the Michigan Association of the Professions, an organization formed in 1958, which seeks to enlist the professions against crime, on the subject of "The Opportunity and Responsibility of Professionals." On that occasion he was presented the "Outstanding Service Award" of the association. His remarks were included in the October 21, 1971, issue of the Congressional Record, pages E11123-11125, by the Honorable Charles E. Chamberlain of Michigan.

August 18.—*Chief Judge Darden* addressed some 25 noncommissioned officers attached to legal offices of various Air Force major commands on the occasion of their visit to and tour of the Court's facilities.

August 28-September 7.—*Senior Judge Ferguson,* an honorary member of the Interparliamentary Union, attended the annual meeting held in Paris, France.

September 1.—*Judge Quinn* contributed an article entitled "Law and Order: The Effects of Judicial Delay and the Responsibility of Judges" to the Beverly Hills Bar Association Journal, Beverly Hills, Calif., for its 40th Anniversary Commemorative Issue on Law and



Order for distribution at the 1971 Convention of the California Bar Association.

September 1.—Commissioner *Benjamin Feld* prepared a monograph titled “Criminal Justice and the Constitution” for use at the Center for Administration of Justice, The American University, Washington, D.C.

September 7–12.—*Commissioner Feld* represented the Court at the Annual Convention of the Federal Bar Association and participated in both the activities of the Military Law and Justice Committee and the Committee on Criminal Law and Procedure in New Orleans, La.

September 17.—*Senior Judge Ferguson* and *Mr. Proulx* attended the dedication ceremonies of the new Georgetown University Law Center.

October 5–8.—*Chief Judge Darden*, *Senior Judge Ferguson*, *Mr. Proulx*, and *Chief Commissioner Carney*, at the invitation of the Judge Advocate General of the Navy, attended the 1971 Annual Navy Judge Advocate General’s Conference held in Washington, D.C.

November 19.—*Chief Judge Darden* served on the panel of judges for the final round of the Region 3 finals of the 1971 National Moot Court Competition between Georgetown and George Washington Law Schools.

November 22–24.—*Judge Quinn* attended, at the invitation of Chief Judge Bailey Aldrich, the Combined Judicial Conference of the First and Third Judicial Circuits of the United States in San Juan, P.R.

December 4.—*Chief Judge Darden* and *Senior Judge Ferguson* were guests of the Bar Association for the District of Columbia at its 100th Anniversary banquet, held at the Sheraton Park Hotel.

### STATUS OF CASES

There is attached hereto a detailed analysis of the status of the cases which have been processed by the Court since the commencement of its operations in 1951 (Exhibit A).

Respectfully submitted,

WILLIAM H. DARDEN,  
*Chief Judge.*  
ROBERT E. QUINN,  
*Associate Judge.*  
ROBERT M. DUNCAN,  
*Associate Judge.*

**EXHIBIT A**

**Status of Cases**

**U.S. Court of Military Appeals**

**CASES DOCKETED**

Total by Services	Total as of June 30, 1969	July 1, 1969 to June 30, 1970	July 1, 1970 to June 30, 1971	Total as of June 30, 1971
<i>Petitions (Art. 67(b)(3)):</i>				
Army.....	11,819	403	505	12,727
Navy.....	5,447	427	623	6,497
Air Force.....	4,744	139	74	4,957
Coast Guard.....	52	1	2	55
Total.....	22,062	970	1,204	24,236
<i>Certificates (Art. 67(b)(2)):</i>				
Army.....	171	6	11	188
Navy.....	224	2	2	228
Air Force.....	92	3	1	96
Coast Guard.....	8	2	1	11
Total.....	495	13	15	523
<i>Mandatory (Art. 67(b)(1)):</i>				
Army.....	31	0	0	31
Navy.....	3	0	0	3
Air Force.....	3	0	0	3
Coast Guard.....	0	0	0	0
Total.....	37	0	0	37
Total cases docketed.....	22,594	983	1,219	24,796

<sup>1</sup> 2 Flag officer cases; 1 Army and 1 Navy.

<sup>2</sup> 24,247 cases actually assigned docket numbers. Overage due to multiple actions on the same cases.

## COURT ACTION

	Total as of June 30, 1969	July 1, 1969 to June 30, 1970	July 1, 1970 to June 30, 1971	Total as of June 30, 1971
<b>Petitions (Art. 67(b)(3)):</b>				
Granted.....	2, 429	227	189	2, 845
Denied.....	19, 071	713	1, 009	20, 793
Denied by memorandum opinion.....	5	0	0	5
Dismissed.....	18	1	0	19
Charges dismissed by order...	1	0	1	2
Withdrawn.....	386	19	10	415
Disposed of on motion to dismiss:				
With opinion.....	8	0	0	8
Without opinion.....	43	1	0	44
Disposed of by order setting aside findings and sentence...	6	0	0	6
Remanded.....	179	2	7	188
Court action due (30 days) <sup>1</sup> ...	100	71	90	90
Awaiting replies <sup>2</sup> .....	14	50	24	24
<b>Certificates (Art. 67(b)(2)):</b>				
Opinions rendered.....	480	13	10	503
Opinions pending <sup>3</sup> .....	3	2	7	7
Withdrawn.....	7	1	0	8
Remanded.....	4	0	0	4
Disposed of by order.....	1	0	0	1
Set for hearing <sup>3</sup> .....	0	0	0	0
Ready for hearing <sup>3</sup> .....	0	1	0	0
Awaiting briefs <sup>3</sup> .....	1	0	0	1
<b>Mandatory (Art. 67(b)(1)):</b>				
Opinions rendered.....	37	0	0	37
Opinions pending.....	0	0	0	0
Remanded.....	1	0	0	1
Awaiting briefs <sup>3</sup> .....	0	0	0	0
<b>Opinions rendered:</b>				
Petitions.....	2, 083	224	224	2, 531
Motions to dismiss.....	11	0	0	11
Motions to stay proceedings...	1	0	0	1
Per curiam grants.....	57	0	0	57
Certificates.....	421	10	10	441
Certificates and petitions.....	56	3	0	59
Mandatory.....	37	0	0	37
Petitions remanded.....	2	0	0	2
Petitions for a new trial.....	2	0	0	2
Petitions for reconsideration of:				
Denial Order.....	9	1	0	10
Opinion.....	1	3	0	4
Petition for new trial.....	1	0	0	1

See footnotes at end of table.

## COURT ACTION—Continued

	Total as of June 30, 1969	July 1, 1969 to June 30, 1970	July 1, 1970 to June 30, 1971	Total as of June 30, 1971
<b>Opinions rendered—Continued</b>				
Motion to reopen.....	1	0	0	1
Petitions in the nature of writ of error coram nobis...	3	0	0	3
Petitions for writ of habeas corpus.....	0	0	1	1
Motion for appropriate relief..	0	1	0	1
Miscellaneous dockets.....	8	29	18	55
<b>Total.....</b>	<b>2,693</b>	<b>271</b>	<b>253</b>	<b>4,3,217</b>
<b>Completed cases:</b>				
Petitions denied.....	19,071	713	1,009	20,793
Petitions dismissed.....	18	1	0	19
Charges dismissed by order...	1	0	1	2
Petitions withdrawn.....	386	19	10	415
Certificates withdrawn.....	7	1	0	8
Certificates disposed of by order.....	1	0	0	1
Opinions rendered.....	2,684	242	235	3,161
Disposed of on motion to dismiss:				
With opinion.....	8	0	0	8
Without opinion.....	43	1	0	44
Disposed of by order setting aside findings and sentence..	6	0	0	6
Writ of error coram nobis by order.....	3	0	0	3
Motion for bail denied.....	1	0	0	1
Remanded.....	182	2	7	191
<b>Total.....</b>	<b>22,411</b>	<b>979</b>	<b>1,262</b>	<b>24,652</b>
<b>Miscellaneous docket Nos. as- signed (1967 to present):</b>				
Pending.....	70	97	49	216
Granted.....	0	0	0	0
Denied.....	0	2	1	3
Withdrawn.....	36	42	17	95
Dismissed.....	1	0	1	2
Issue moot.....	21	28	15	64
Opinions rendered.....	0	1	1	2
Opinion rendered (petitions for reconsideration).....	8	29	17	54
<b>Total.....</b>	<b>67</b>	<b>102</b>	<b>52</b>	<b>5,221</b>

See footnotes at end of table.

## COURT ACTION—Continued

	Pending completion as of—		
	June 30, 1969	June 30, 1970	June 30, 1971
Opinions pending.....	55	48	17
Set for hearing.....	0	0	0
Ready for hearing.....	0	6	4
Petitions granted—awaiting briefs.....	12	15	11
Petitions—Court action due (30 days).....	100	71	90
Petitions—awaiting replies.....	14	50	24
Certificates—awaiting briefs.....	1	0	1
Mandatory—awaiting briefs.....	0	0	0
<b>Total.....</b>	<b>182</b>	<b>190</b>	<b>147</b>

<sup>3</sup> As of June 30, 1969, 1970, and 1971.

<sup>4</sup> 3,217 cases were disposed of by 3,180 published Opinions. 160 Opinions were rendered in cases involving 92 Army officers, 35 Air Force officers, 24 Navy officers, 8 Marine Corps officers, 2 Coast Guard officers, and 1 West Point cadet. In addition 19 Opinions were rendered in cases involving 20 civilians. The remainder concerned enlisted personnel.

<sup>5</sup> Overage due to multiple actions on the same cases.

## REPORT OF THE JUDGE ADVOCATE GENERAL OF THE ARMY

January 1, 1971 to December 31, 1971

The number of persons tried by courts-martial for fiscal year 1971 (average Army strength 1,279,857) follows:

	Convicted	Acquitted	Total
General.....	2,571	180	2,751
Special (BCD imposed).....	1,191	NA	1,191
Special (w/o BCD).....	24,723	2,075	26,798
Summary.....	13,913	1,083	14,996
Total.....	42,398	3,338	45,736

\* \* \* \* \*

Records of trial by general and special (BCD imposed) courts-martial received by The Judge Advocate General during fiscal year 1971:<sup>1</sup>

For review under Article 66 (general).....	2,247
For review under Article 66 (special BCD imposed).....	1,173
For examination under Article 69.....	431
Total .....	3,851

\* \* \* \* \*

Workloads of the Army Court of Military Review during the same period:

On hand at the beginning of period.....	689
General courts-martial.....	587
Special courts-martial (BCD imposed).....	202
Referred for review.....	* 3,595
General courts-martial.....	2,400
Special courts-martial.....	1,195
Total .....	4,384

<sup>1</sup> Figures in this section are based on records of trial as opposed to number of accused involved. Because of cases in which more than one individual is tried, the figures in this section will be less than those in the other sections.

<sup>2</sup> This figure includes 33 cases which were referred to the Army Court of Military Review pursuant to article 69, Uniform Code of Military Justice, 40 cases referred after rehearing, 37 cases referred for reconsideration, and 1 case forwarded to Court en banc after decision.

Reviewed .....	3,206
General courts-martial.....	2,214
Special courts-martial (BCD imposed).....	992
Pending at close of period.....	*1,231
General courts-martial.....	837
Special courts-martial.....	394
 Total .....	 <u>4,437</u>

Miscellaneous docket matters:

Denied .....	2
Dismissed .....	2
Mooted .....	1
Total .....	5

\* Adjusted figures for inventory, 28 May 1971.

\* \* \* \* \*

Actions taken during period 1 July 70 through 30 June 71 by Army Court of Military Review:

Findings and sentence affirmed.....	2,430
Findings affirmed, sentence modified.....	543
Findings affirmed, sentence reassessed, or rehearing ordered as to sentence only .....	10
Findings affirmed, sentence disapproved or set aside.....	4
Findings partially disapproved, sentence affirmed.....	32
Findings partially disapproved, rehearing ordered.....	4
Findings—sentence affirmed in part, disapproved in part.....	78
Findings—sentence disapproved, rehearing ordered.....	45
Findings—sentence disapproved, charges dismissed.....	40
Returned to field for new SJA or C/A action.....	18
Motion for appropriate relief, denied.....	1
Sentence commuted.....	1
 Total .....	 <u>3,206</u>

Of 3,206 accused whose cases were reviewed by the Court of Military Review pursuant to article 66 during the fiscal year, 1,315 (41.0 percent) requested representation by appellate defense counsel.

\* \* \* \* \*

The records in the cases of 516 accused were forwarded to the United States Court of Military Appeals pursuant to the three subdivisions of Article 67(b) during fiscal year 1971. These comprised 16.1 percent of the number of such cases reviewed by the Court of Military Review during the period. Of the mentioned 516 cases, 505 were forwarded on petition of accused and 11 were certified by TJAG.

The Court of Military Appeals took the following actions on Army cases during fiscal year 1971:

Petitions		Certification		Mandatory review		Petitions denied	Petitions granted
Affirmed	Reversed	Affirmed	Reversed	Affirmed	Reversed		
37	35	2	3	0	0	421	63
*	*	*	*	*	*	*	*

### Applications for relief, Article 69:

Pending 1 July 1970-----	235
Received -----	449
Disposed of -----	578
Granted -----	152
Denied -----	399
Field (action by SJA) -----	7
No jurisdiction -----	1
Withdrawn -----	19
Pending 1 July 1971-----	106

In compliance with the mandate of Article 6(a), Uniform Code of Military Justice, The Judge Advocate General and senior members of his staff inspected numerous judge advocate offices in the United States and overseas in the supervision of the administration of military justice.

### U.S. ARMY JUDICIARY ACTIVITIES

A review of courts-martial statistics for fiscal year 1971 shows a slight increase in the number of general courts-martial and a 100 percent increase in the number of special courts-martial in which a bad-conduct discharge was adjudged and approved, despite a reduction in the strength of the Army of approximately 200,000. The reduction in strength was reflected, however, in statistics on summary courts-martial and special courts-martial not involving a bad-conduct discharge, with the number of those courts decreasing by approximately 20 percent.

The authorized strength of the U.S. Army Judiciary was increased from 139 to 169 officers during 1971. Civilian personnel strength rose from 42 to 50 but subsequently was reduced to 47.

Trials by military judge alone continued at a high percentage throughout the year. About 95 percent of special courts-martial were tried by judge alone, while the figure for general courts-martial was about 84 percent. These trials resulted in a tremendous savings of line officer hours during the year.

Two regional judicial seminars were held for all military judges in the continental United States during 1971, one in Atlanta, October 29-30, and the other in El Paso, November 19-20. Judges from the



other armed services and reservists who are mobilization designees to the U.S. Army Judiciary as judges participated.

Maj. Gen. Kenneth J. Hodson, formerly The Judge Advocate General, was recalled to active duty on July 1, 1971, and appointed Chief Judge, U.S. Army Court of Military Review. He is the first general officer to hold the highest judicial position in the Army.

A set of rules of court for the Trial Judiciary is in process of preparation. The rules are intended to improve the speed, as well as the quality, of military justice.

## LEGISLATION AND MILITARY JUSTICE PROJECTS

During the last year, the Army justice system continued to refine operations under the current *Manual for Courts-Martial*. Emphasis was placed less on promoting additional legislative and executive change than on functioning to maximum effect within the existing system, with appropriate changes to Army regulations and procedures.

Great attention was devoted to the problem of delay in the processing of courts-martial. A concept was developed calling for the establishment of area legal centers, each serving an entire major installation or large geographical area. The judge advocates at each center will directly supervise the processing of all legal actions within the area jurisdiction. This close supervision by professionals of subordinate commanders, legal clerks and other nonlawyers with legal functions is expected to speed processing by reducing delays and the need to return cases to subordinate offices for correction. The concept has been implemented on an experimental basis in one division in Germany and will be implemented on a similar basis at an installation in the continental United States.

The Army general military justice regulation was amended to authorize military judges to issue warrants for search and seizure. The authority extends to military persons and property, and the property of military persons when located in a place under military control or abroad. This authority supplements the power of commanders to direct searches. It is hoped that the new procedure will lead to searches better able to withstand judicial scrutiny because authorized by trained and experienced independent magistrates and also will better protect the right to privacy of service members.

An experimental program has been instituted in Europe designed primarily to reduce unnecessary pretrial confinement. A particular judge advocate is designated "military magistrate" for a command. He visits the confinement facility daily and reviews the file of every pretrial confinee. Between the 7th and 25th days of confinement, he has the authority to order release, overriding the commander who directed confinement. This procedure already has influenced com-

manders to release pretrial confinees more promptly. The military magistrate also is a fully qualified and certified part-time military judge, who can hear cases, issue warrants for search and seizure and entertain habeas corpus and other petitions.

During 1971, decisions were made to undertake studies of significant long-range importance. Many officers and enlisted men who served in Vietnam have questioned the ability of the military justice system to function effectively under contemporary combat conditions. They cite the problems of the short-term soldier in combat and the relatively great increase in offenses involving threats to authority. We anticipate beginning a study of how well the system in fact did function in Vietnam, with a view to recommending any changes that might be necessary for the future. Study of the interrelationship between racial antagonism and the military justice system is continuing. Findings to date indicate that there is no racial influence on the administration of military justice at the court-martial level. The amendment of the Army general military justice regulation to require that an accused be advised of his right to consult a lawyer before deciding whether to accept nonjudicial punishment will, it is expected, do a great deal to improve confidence in Article 15 proceedings. Another new regulatory requirement, that certain Article 15 punishments be publicly displayed, should reduce unfounded rumor about discrepancies in punishment based on race or other improper considerations.

Particular attention has been given to all aspects of the nonjudicial punishment process. This is the area of military justice with which more soldiers have contact than any other. Also, the relative lack of supervision by lawyers leaves open the danger of unskilled imposition and processing of punishments, delay and abuse. Acting on the belief that the simpler the procedures, the greater the likelihood that they will be followed correctly, we are condensing the three forms currently used for imposition and appeal of Article 15 punishments into a single one-paper form that employs simple, economical language.

While much has been, and can be, accomplished internally, the need for legislation of certain kinds is pressing. We need legislation to permit the execution of a sentence to confinement at the time the sentence is approved by the convening authority. The current distinction between prisoners whose sentences have been executed and those whose sentences have not been executed is one of the greatest obstacles to efficient operation of correctional facilities and rehabilitation of prisoners. The two classes of prisoners must be segregated even when this entails extreme expense and uneconomic use of scarce correctional manpower. Also, prisoners whose sentences have not yet been executed cannot participate with other prisoners in rehabilitation programs.

Legislation is needed to relieve the convening authority of the obligation to make a post-trial review of the findings of a court-martial.

The time judge advocates spend in preparing reviews would be better spent in speeding up the trial of cases and in other essential activities. Relieving the convening authority of this responsibility also will deprive critics of the military justice system of a basis for alleging improper command influence. The convening authority should continue, however, to exercise his reviewing function with regard to sentencing and clemency.

Legislation is necessary to transfer sentencing power to the military judge in all cases, except those involving the death penalty. This will have the desirable effect of increasing uniformity of sentencing. Also, military judges in general are more experienced and knowledgeable concerning rehabilitation and the other purposes of sentencing than is the average court-martial panel. The great majority of cases at present are tried in full by the military judge. Experience has shown that their sentences generally are appropriate and fair, and recognized as such by defendants and commands alike.

### PERSONNEL

The strength of the Judge Advocate General's Corps averaged about 1,740 commissioned attorneys, compared with the average of 1,900 during the preceding year. The program of curtailing the certification of non-JAGC attorneys to perform duty as trial and defense counsel in special courts-martial was continued. Non-JAGC attorneys still are necessary in areas as Vietnam and Europe where commands are widespread geographically and transportation difficulties make the provision of JAGC attorneys in all cases impossible.

Retention of experienced officers remains the most serious problem facing the Corps. The discrepancy between actual and authorized field grade officer strength increased from 43 percent at the beginning of the year to 54 percent at the end. The declining interest in initial JAGC commissions noted in 1970 became more marked in 1971, influenced, apparently, by announced plans to eliminate conscription and the ROTC Active Duty for Training program that permits graduates to go on active duty with their basic branch for as little as 3 months. Applications for JAGC commissions decreased in 1971 by 53 percent, from 610 to 314.

To attract new lawyers and retain experienced officers, legislation awarding professional pay to judge advocates again was introduced in both Houses of the Congress. H.R. 4606, introduced by Mr. Pirnie, received the unanimous approval of the House of Representatives on 19 July. Senate committee hearings have not been held on S. 704.

As another means of making Army service more attractive for lawyers, and in order to increase the efficiency of the administration of military justice, plans were developed for training legal paraprofes-

sionals, with instruction to begin at The Judge Advocate General's School, U.S. Army, in 1972.

Implementation of a program approved in 1970 for assignment of a trained enlisted clerk, grade E-6, to each battalion in the Army, was made difficult by a severe shortage of enlisted legal personnel. To correct this situation, approval was secured for the establishment of a course to train personnel for duty as legal clerks. The course will commence at The Adjutant General's School, Fort Benjamin Harrison, Ind., in April 1972.

## EDUCATION AND TRAINING

During calendar year 1971, The Judge Advocate General's School, U.S. Army, provided resident instruction for 1,023 students in 22 courses.

Four cycles of the Basic Course were conducted during 1971. The 59th Basic Class of 61 students was graduated in March 1971. The 60th Basic Class of 51 students, including two Vietnamese officers, two Thai officers, one Iranian officer, and one United Kingdom officer, was graduated in May 1971. The 61st Basic Class of 72 students was graduated in October 1971. The 62d Basic Class of 94 students, including one Korean officer, two Thai officers, and one Vietnamese officer, was graduated in December 1971. This represents a continued increase of two classes over the normal two cycles of the Basic Course per year. The increase was necessary to meet continued increased counsel requirements of the Military Justice Act of 1968.

Phase I of the Basic Course was expanded from 2½ to 4 weeks, effective 1 July 1971. This training precedes the 8-weeks instruction in military law at The Judge Advocate General's School and provides an introduction to Army life and activities. With the expansion of the program, Phase I was transferred from the U.S. Army Quartermaster School, Fort Lee, Va., to the U.S. Army Military Police School, Fort Gordon, Ga. The expanded course provides a more comprehensive general military orientation with emphasis on provost marshal and criminal investigation activities. The military lawyer's close involvement in these areas makes such an emphasis desirable.

The 19th Judge Advocate Officer Advanced Course was graduated from The Judge Advocate General's School in May 1971. It comprised 38 students, including one officer from Ethiopia, one officer from Iran, one officer from Vietnam, four officers of the U.S. Marine Corps, and two officers of the U.S. Navy.

The 20th Advanced Course began in August 1971. Among its members were one officer from Iran, one officer from Indonesia, one officer from Venezuela, two officers of the U.S. Marine Corps, and one officer of the U.S. Navy.

In addition to these general courses, a number of short continuing legal education courses were presented during 1971. These courses were: Legal Logistics (two cycles); Legal Logistics Advanced; Military Judge; International Law; Civil Affairs Law; Military Justice; Law of Federal Employment (two cycles); Military Affairs; Warrant Officer and Staff Judge Advocate Orientation. In addition, new courses in Litigation and Legal Assistance were developed and presented for the first time during the year.

The School continued to oversee qualification of enlisted personnel as legal clerks and court reporters through preparation and administration of standard qualifying tests requiring knowledge of the Uniform Code of Military Justice. In addition, the School developed a legal clerk's continuing education course and presented the first cycle in September 1971.

Blocks of instruction on the Manual and the Code were prepared for the noncommissioned officer education system, under the auspices of U.S. Continental Army Command, and distributed to all Army service schools. More extensive blocks of instruction were prepared for student officers in Army service schools. Additionally, several hours of Military Justice instruction were written for U.S. Army Reserve School courses. In order to keep military law instructors in other Army service schools up to date, a Military Legal Subjects Instructors Conference was held at the School in February 1971.

A substantial portion of the School's contribution to the implementation of the Military Justice Act of 1968 was the writing of new regulations and pamphlets and the revision of old publications on military justice. Publications which were revised during 1971 to reflect the act's changes include "School Text on Evidence-Confessions, Corroboration, and Self-Incrimination," "School Text on Military Assistance to Civil Authorities," and "Legal Clerk's Handbook." New publications include "School Text on the Law of AWOL," "Sentencing Handbook," "Legal Guide for Commanders," "Lessons in Military Law," "Desk Book for Special Court-Martial Convening Authorities," "Senior Officers Legal Orientation—Civil and Criminal Law," and "Military Law for ROTC." Complete revision of the Evidence and Procurement Law texts and the "Staff Judge Advocate Handbook" is in progress.

Several of the publications mentioned are intended for the use of convening authorities, unit commanders, and other nonlawyers with functions of a legal nature. Officers in the grade of lieutenant colonel and above also are eligible to attend the Senior Officers Legal Orientation Course, the first two cycles of which have been presented, one at the School and one at Fort Sill, Okla. Improved training of nonlawyers is a prime means of improving the administration of military justice.

Four volumes of the "Military Law Review" were published during 1971. Volume 51 includes an article on the procedural rights of the military accused by Lt. Homer E. Moyer, Jr., USN, an article on court-martial jurisdiction by Maj. Paul J. Rice, JAGC, an article on drug abuse by Maj. Charles G. Hoff, Jr., JAGC, and an article on conspiracy by Maj. Malcolm T. Yawn, JAGC. Volume 52 includes an article on the accused's right to a speedy trial in military law by Maj. Carroll J. Tichenor, JAGC. Volume 53 includes an article on grants of immunity by Capt. Herbert Green, JAGC, and an article on the All-Writs-Act by Maj. Thomas M. Rankin, JAGC. Volume 54 includes an article on Federal court review of courts-martial proceedings by Maj. Donald T. Weckstein, JAGC, USAR, and an article on recent trends in search and seizure by Capt. David McNeill, Jr., JAGC.

Twenty issues of the Judge Advocate Legal Service were published during 1971 to insure rapid dissemination of recent military justice developments to judge advocates in the field. This pamphlet includes digests of all U.S. Court of Military Appeals opinions, all published Army Court of Military Review opinions, grants and certifications of review by the Court of Military Appeals, and actions of The Judge Advocate General under Article 69, UCMJ.

In August 1971, a new publication, "The Army Lawyer," was published for the first time. This publication is a monthly "how-to-do-it" journal that provides timely information of a practical nature to practicing Army lawyers. It makes claims, personnel, legal assistance, procurement, judicial, and litigation information available for the first time in a single comprehensive publication. Military affairs opinions, selected civilian court decisions, and other miscellaneous items previously found in the Judge Advocate Legal Service are now contained in the Army Lawyer.

To further assist in the continued implementation of the current *Manual*, the school prepared and distributed to judge advocates around the world a *Manual for Courts-Martial Annotation* containing citations to Court of Military Appeals and Army Court of Military Review cases, Federal decisions, Army regulations, and relevant Department of the Army pamphlets. This Annotation, distributed in April 1971, is expected to become a regular service of the School for providing a continued updating of interpretations of the Manual by judicial and administrative agencies.

The annual Judge Advocate General's Conference was held in Charlottesville during the period October 3-7, 1971. One hundred and ten selected conferees attended. Principal speakers were the Honorable Robert F. Froehlke, Secretary of the Army, Mr. Dolf Droge, a member of the National Security Council Staff, Brig. Gen. Robert G. Gard, Jr., Director of Discipline and Drug Policy, Department of

the Army, Mr. Nathaniel Jones, General Counsel of the NAACP, and Mr. H. Lee Turner, Chairman of the Legal Assistance Committee of the American Bar Association. One of the principal subjects of discussion was improved administration of the Military Justice Act of 1968.

The collection of materials for the Military Legal Center, established in 1969, is continuing. During 1971, several individual donations to the Center were received, including materials from the collection of the late Maj. Gen. Thomas Green, The Judge Advocate General of the Army from 1945 to 1949.

GEORGE S. PRUGH,  
*Major General, USA,*  
*The Judge Advocate General,*  
*United States Army.*

**REPORT OF  
THE JUDGE ADVOCATE GENERAL OF THE NAVY**

**January 1, 1971 to December 31, 1971**

Following the practice in recent years of having the Code Committee Report reach the Armed Services Committees of Congress shortly after the convening of each new session, this report, although embracing calendar year 1971, contains, unless otherwise indicated, statistical information covering fiscal year 1971.

*COURT-MARTIAL WORKLOAD.* a. There has been a decrease in the total court-martial workload, as reflected by Exhibit A to this report.

b. During fiscal year 1971, the Navy Court of Military Review received for review 752 general courts-martial and 2,707 special courts-martial (total 3,459) as compared with 1,073 general courts-martial and 2,991 special courts-martial (total 4,064) during fiscal year 1970. Of the 3,459 cases received by the Navy Court of Military Review during fiscal year 1971, 2,050 accused requested counsel (59 percent).

*SUPERVISION OF THE ADMINISTRATION OF MILITARY JUSTICE.* Complying with the requirements of Article 6 (a). Uniform Code of Military Justice, the Judge Advocate General visited numerous commands within the United States, Europe, the Far East, and Southeast Asia, and the Deputy Judge Advocate General visited commands throughout the United States. In addition, the Assistant Judge Advocate General (Military Law) visited commands within the United States in the supervision of the administration of military justice.

*LAW CENTER PROGRAM.* The law center program, whereby legal resources and facilities are centrally located in strategic geographic areas from which surrounding commands may be provided legal services when and where needed, has been in existence for approximately 2½ years. The law center concept has demonstrated its value by accommodating without undue difficulty the increased workload resulting from the implementation of the Military Justice Act of 1968. During calendar year 1971, the number of law centers throughout the world was decreased from 29 to 28 reflecting the closing of the law center in Sasebo, Japan.



*U.S. NAVY-MARINE CORPS JUDICIARY ACTIVITY.* a. The present manning level of the U.S. Navy-Marine Corps Judiciary Activity stands at 20 general court-martial military judges, a decrease of one from the manning level at the close of calendar year 1970, and four special court-martial military judges assigned to the Judiciary Activity by temporary additional duty orders in November 1971. Two of the special court-martial military judges were assigned to the Judiciary Branch Office at Norfolk, Va., and the remaining two such judges were assigned to the Judiciary Branch Office at San Diego, Calif. These special court-martial judges were assigned to the Judiciary Activity pursuant to a pilot project instituted by the Judge Advocate General. The project was instituted for the purpose of ascertaining: (1) the specific advantages that may be derived from a unified judiciary of general and special court-martial judges; and (2) the administrative problems that may arise during the establishment and operation of such a unified judiciary.

b. Military judges of the U.S. Navy-Marine Corps Judiciary Activity attended a variety of professional meetings and seminars during the calendar year as follows:

Function:	<i>Number of military judges attending</i>
1971 Judicial Seminar, Richards-Gebaur AFB, Mo., May 13-15, 1971.	12 GCM judges
American Bar Association, Annual Meeting, New York, N.Y., July 4-7, 1971.	1 GCM judge
National College of State Trial Judges, Reno, Nev., July 26-Aug. 20, 1971.	1 GCM judge
1971 Navy JAG Conference, Washington, D.C., Oct. 4-8, 1971.	6 GCM judges
Army Regional Judicial Conference, Atlanta, Ga., Oct. 29-30, 1971.	2 GCM judges
Army Regional Judicial Conference, Fort Bliss, El Paso, Tex., Nov. 19-20, 1971.	3 GCM judges 2 SPCM judges

The participation of military judges in these meetings and seminars has proved to be an invaluable aid in maintaining the currency of their professional knowledge and source of incentive for professional improvement.

*ARTICLE 69, UCMJ, PETITIONS.* This year, as last, there has been an increase in the number of petitions for relief submitted pursuant to Article 69, Uniform Code of Military Justice, a provision which permits the Judge Advocate General to act in certain cases that have been finally reviewed under Article 76. In calendar year 1971, 87 petitions for relief were received by the Judge Advocate General, as opposed to only 81 petitions received in calendar year 1970. Of these 87 petitions, action has been completed in 82 during the calendar year.

In addition, 9 petitions for new trial submitted pursuant to Article 73, Uniform Code of Military Justice, have been received and 8 have been acted upon by the Judge Advocate General or the Navy Court of Military Review during calendar year 1971.

*NAVAL JUSTICE SCHOOL.* a. The U.S. Naval Justice School, which is under the technical supervision of the Judge Advocate General, continues to offer intensive courses of instruction in the fundamental principles of military justice under the Uniform Code of Military Justice and in related support activities. The School affords instruction for officers in military justice, and legal clerk duties and court reporting to enlisted personnel of all the Armed Forces, and provides an officer lawyer course which is designed for the direct-appointment lawyers of the Navy. During calendar year 1971, the School provided instruction in various courses to a total of 2,399 officers and enlisted personnel of all the Armed Forces.

b. Six nonlawyer officer classes graduated at the Justice School in Newport and one class at Camp Pendleton, Calif. The graduating classes consisted of 393 officers of the Navy, Marine Corps, and Coast Guard. In addition thereto, 235 lawyers of the Navy and Marine Corps completed the officer lawyer courses offered by the School.

c. Eleven hundred fifty-five officers completed the senior officers' short courses offered at Newport, R.I.; Quantico, Va.; Camp Lejeune, N.C.; El Toro, Calif.; and the Naval War College, Newport, R.I. Two hundred and thirty officers completed the Reserve seminars for lawyers and 145 officers of the Navy were given special instruction in military justice by officers of the Naval Justice School staff as part of a course at the Navy Destroyer School.

d. Three hundred seventy-eight enlisted members of the Army, Navy, Air Force, Marine Corps, and Coast Guard have graduated from the 5-week legal clerk and court reporting courses.

*STAFF JUDGE ADVOCATE'S CONFERENCE.* a. A conference was held in Washington, D.C., of staff judge advocates from all major Navy and Marine Corps commands. The conference, which was held in October, heard addresses by the Under Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, the Judge Advocate General, the Director, Judge Advocate Division, Headquarters, Marine Corps, and the Judge Advocate of the British Fleet. In addition, panel discussions concerning "What Judges Can Do To Improve Administration of Justice" and "Staff Judge Advocates and Defense Counsel—What They Can Do To Handle Cases Better" and a special program for military judges were held. The judge advocate attendees were also provided with information regarding drug abuse in the military, and participated in a question and answer session on military justice.

b. An annual conference of senior staff judge advocates has proven to be a most valuable method of bringing the judge advocates in the field up to date on developments in military justice, and provides a forum for discussion of problems encountered in the field. Plans are now being formulated to hold a similar conference in 1972.

*PARAPROFESSIONAL ASSISTANTS FOR NAVY JUDGE ADVOCATES.* In January 1971 the Judge Advocate General formally requested the establishment within the Navy of a separate enlisted rating in the legal field. The proposal called for a corps of paraprofessional personnel skilled in many phases of legal work, including matters concerned with military justice, claims, admiralty law, administrative law and legal assistance. It was envisioned that such personnel would be able to relieve judge advocates of many burdensome administrative and clerical duties that did not require the direct attention of a lawyer, thereby permitting the judge advocate to devote full time to matters that demand his unique professional knowledge and skills. This proposal, after a year of staffing, has finally been approved by the Secretary of the Navy. Members of this new enlisted rating will be known as "Legalmen" and it is expected that the first class of Legalmen will commence their training at the U.S. Naval Justice School, Newport, R.I., sometime before the end of 1972.

JOSEPH B. McDEVITT,  
*Rear Admiral, USN,*  
*The Judge Advocate General.*  
*United States Navy.*

## EXHIBIT A

	<i>Fiscal year</i> 1970	<i>Fiscal year</i> 1971
<b>General courts-martial:</b>		
Received for review under Article 66.....	1, 073	752
Received for review under Article 69 and acquittals.....	244	176
<b>Total</b> .....	<b>1, 317</b>	<b>928</b>
<b>Special courts-martial:</b>		
Received for review under Article 66.....	2, 991	2, 707
Received for review under Article 65c.....	0	2
Reviewed in the field.....	12, 371	11, 028
<b>Total</b> .....	<b>15, 362</b>	<b>13, 737</b>
<b>Summary courts-martial:</b>		
Received for review under article 65c.....	0	2
Reviewed in the field.....	13, 309	14, 095
<b>Total</b> .....	<b>13, 309</b>	<b>14, 097</b>
<b>Total all courts-martial</b> .....	<b>29, 988</b>	<b>28, 762</b>
<b>Navy Court of Military Review actions:</b>		
On hand for review end last fiscal year.....	212	451
Received for review during fiscal year.....	4, 064	3, 459
<b>Total on hand</b> .....	<b>4, 276</b>	<b>3, 910</b>
Reviewed during fiscal year.....	3, 825	3, 641
Pending review end current fiscal year.....	451	269
<b>Total</b> .....	<b>4, 276</b>	<b>3, 910</b>
<b>Findings modified or set aside by Navy:</b>		
Court of Military Review during fiscal year.....	168	195
Requests for appellate counsel.....	2, 102	2, 050
<b>U.S. Court of Military Appeals actions:</b>		
Petitions forwarded to USCMA.....	427	623
Cases certified to USCMA by JAG.....	2	2
<b>Total cases docketed with USCMA</b> .....	<b>429</b>	<b>625</b>
Petitions granted by USCMA.....	102	111
Petitions denied by USCMA.....	300	517
<b>Total petitions acted upon by USCMA</b> .....	<b>402</b>	<b>628</b>

**REPORT OF  
THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE**

**January 1, 1971 to December 31, 1971**

1. Brig. Gen. Harold R. Vague, Staff Judge Advocate, HQS PACAF, was named the Assistant Judge Advocate General on September 1, 1971, vice Brig. Gen. Morton J. Gold, who was reassigned to succeed General Vague. Generals Cheney and Gold made staff visits to legal offices in the United States and overseas, as required by the Uniform Code of Military Justice, Article 6(a). They also attended and participated in various bar association meetings, and addressed numerous civic, professional and military organizations. The Judge Advocate General hosted a world-wide major command and general court-martial convening authority Staff Judge Advocates Conference at Andrews AFB, Md., in October 1971. On June 1, 1971, the pilot project for the Air Force Judiciary Trial Division officially began its test period. This project, which was discussed in the January 1, 1970-December 31, 1970 report, is one in which some 15 judge advocates were assigned as full time trial and defense counsel and special court-martial military judges within geographical districts within the 2d Circuit of the eastern U.S. Judiciary Region. They work out of offices at Maxwell AFB, Ala., Keesler AFB, Miss., MacDill AFB, Fla., and Shaw AFB, S.C. All report directly to The Judge Advocate General rather than field commanders. The test period was concluded on November 30, 1971, and is currently undergoing an evaluation with a view toward determining its feasibility for worldwide adoption.

2. *a.* The number of records of trial received in the Office of The Judge Advocate General, for review pursuant to Article 66 and for examination pursuant to Article 69, during fiscal year 1971, is shown in the following table:

Total number records received.....	357
For review under Article 66.....	268
General court-martial records.....	118
Special court-martial records.....	150
Examined under Article 69.....	60

The Court of Military Review modified the findings and/or sentence in 31 cases.

*b.* The workload of the Court of Military Review was as follows:

Cases on hand June 30, 1970.....	46
Cases referred for review.....	268
	—
Total for review.....	314
	=====
Cases reviewed and dispatched.....	269
Cases on hand June 30, 1971.....	45
Miscellaneous docket matters.....	1

*c.* During the fiscal year 75.5 percent of the accused, whose cases were referred for review under Article 66, requested representation by Appellate Defense Counsel before the Court of Military Review.

*d.* The following table shows the number of cases forwarded to the U.S. Court of Military Appeals pursuant to the three subdivisions of Article 67 (b) ; and the number of petitions granted during the period :

Cases reviewed and dispatched by Court of Review.....	269
Number of cases forwarded to USCMA.....	74
Cases petitioned.....	73
Cases certified.....	1
Percent total forwarded of total cases reviewed.....	27.5
Petitions granted.....	14
Percent grants of total petitioned.....	19.2
Percent petitions granted of total cases reviewed by Court of Review.....	5.2

*e.* During the fiscal year, the following number of courts-martial were convened in the Air Force :

General courts-martial.....	194
Special courts-martial.....	1,896
Summary courts-martial.....	308
Total .....	2,398

### 3. Reportable Article 15 actions, fiscal year 1971:

	Number of cases	Percentage of total number of cases
Total cases.....	25, 971	
Officers.....	171	0. 7
Airmen.....	25, 800	99. 3
Punishments imposed:		
Officers.....	283	
Airmen.....	40, 886	
Restrictions (over 14 days):		
Officers.....	13	4. 6
Airmen.....	3, 693	9. 0
Quarters arrest/correctional custody:		
Officers.....	0	0. 0
Airmen.....	2, 765	6. 8
Extra duties (over 14 days):		
Airmen.....	1, 704	4. 2
Reduction in grade:		
Airmen.....	16, 861	41. 2
Forfeiture of pay:		
Officers.....	146	51. 6
Airmen.....	15, 431	37. 7
Detention of pay:		
Officers.....	0	0. 0
Airmen.....	29	0. 1
Written reprimand:		
Officers.....	124	43. 8
Airmen.....	403	1. 0
Mitigating actions:		
Appeals taken.....	1, 552	<sup>1</sup> 6. 0
Officers.....	11	
Airmen.....	1, 541	
Appeals denied.....	1, 311	<sup>2</sup> 84. 5
Officers.....	15	
Airmen.....	1, 296	
Suspension of punishment.....	11, 517	<sup>1</sup> 44. 3
Officers.....	14	
Airmen.....	11, 503	
Other action.....	2, 040	<sup>1</sup> 7. 9
Officers.....	4	
Airmen.....	2, 036	

<sup>1</sup> Of total cases (25,971).

<sup>2</sup> Of appeals taken (1,552).

4. New and revised editions of AFMs 111-2, Court-Martial Instructions Guide, and AFM 111-3, Court-Martial Procedure Guide, were published and distributed to the field in 1971. In addition, Change 1 to AFM 111-1, Military Justice Guide, is in the process of being printed and should reach the field in January 1972.

5. During 1971, volume XIII of the USAF JAG Law Review was published and distributed. The Law Review is a very important medium for dissemination of ideas, experiences, and information concerning significant developments in military and related law areas. Of the four issues published during 1971, Air Training Command sponsored the Spring issue and Air Force Academy the Fall issue. Appearing in volume XIII were a number of articles on the subject of military justice. The Winter issue contained "The Role of the Trial Counsel in Sentencing Procedures," "The Boundaries of the Warrantless Search," and "Corroboration of Confessions: The *Oppenheimer* Rule." The Spring issue carried the article "The Air Force Corrections Program for the 1970s," and in the Summer issue appeared "Crime Without Punishment—Ex-Servicemen, Civilian Employees and Dependents," "Criminal Responsibility: The New Federal Rule vs. Military Law," and "United States v. Rathbun: A 14 year Critique." The article, "Crime Without Punishment," was written by Lt. Col. Robinson O. Everett, professor of Law at Duke University, and Lt. Laurent R. Hourcle, a student of law of Professor Everett's.

6. During calendar year 1971 the Judge Advocate General's Department provided continuing legal and general education opportunities to 334 of its personnel. The basic course for new and recently assigned judge advocates was the Judge Advocate Staff Officer Course held at the Air University, Maxwell Air Force Base, Ala. This 6 week course was conducted five times during 1971 and 176 judge advocates completed it. During the year 13 judge advocates were sent to various civilian universities to obtain an LL.M degree. Seven were pursuing a course of study in Procurement Law, three in International Law, two in Labor Law and one in Tax Law. Because of the continually increasing importance of the procurement law field, an internship for future procurement lawyers is held at each of the five Air Material Areas (AMA). Five selected judge advocates entering active duty for the first time are assigned to the AMA Procurement Office for 1 year before being regularly assigned to judge advocate duties at the office of the AMA Staff Judge Advocate. This program is in addition to the regular and continuing 2 week Procurement Law course held at Wright-Patterson Air Force Base, Ohio. Seventy judge advocates completed this latter course during 1971. Air Force Judge Advocate officers also attend the Logistics Officer course conducted by the Army JAG School at Charlottesville, Va. In 1971, eight officers attended



the advanced course, however, in the future it is anticipated that 10 will attend the basic course and five the advanced course each year. In 1971, 25 officers attended the 1 week course for prosecuting attorneys and 25 attended the equal length course for defense attorneys held at Northwestern University. Four of our military judges were enrolled in the course for judges sponsored by the National College of State Trial Judges. This is a 6 week course held at the University of Nevada in Reno, Nev. Judge Advocates were also in attendance at the various military schools during 1971.

During that year three lawyers attended the Air Command and Staff College and one the Air War College. Next year there will be five attending the former and three the latter. Two officers attended the Armed Forces Staff College. We also have a quota of one officer per odd year to attend the Industrial College of the Armed Forces and one officer per even year to attend the National War College. Air Force lawyers attend the Squadron Officers School, but their assignment is on a local command basis and not by the Judge Advocate General. However, attendance at this course is encouraged. A course for newly appointed staff judge advocates was established in 1971 and will begin in April 1972. It will be conducted twice each year with 32 officers enrolled per session. Additionally, a 2 week refresher course is held each year for Reserve and Air National Guard judge advocates. In 1971, 36 attended a single session of this course, however, beginning next year, two sessions will be conducted each year. A 13 week Forensic Medicine course is conducted, as required, at Malcolm Grow Hospital, Andrews Air Force Base, Md. Those attending this course are assigned as Forensic Medicine Consultants to area hospital commanders. The first class of 10 lawyers was held in 1970. The next class of seven students will begin in March 1972. In 1971, selected Air Force Regular Officers were participating in the excess leave program to obtain their legal education. It is anticipated that upon completion of law school these students will enter active duty as judge advocates. Therefore, during the summer vacation period, they may perform active duty in an Air Force legal office as "legal interns." In addition to those assigned to Base Legal Offices, seven were assigned to the various divisions of the Office of The Judge Advocate General at Hq USAF. A very significant step toward the improvement of administration in our legal offices was the establishment during the year, of the new school for legal technicians at Keesler Air Force Base, Miss. The first class of this specialized course for enlisted members entering the legal field will begin in January 1972. In addition to these programs, Air Force Judge Advocates and Legal Technicians attended other various short courses pertaining to law conducted by civilian colleges and universities and the armed forces.

7. The Air Force JAG Reporter was published monthly during this year. This publication contains digests of the latest opinions of the Court of Military Appeals and the Courts of Military Review (formerly Boards of Review). These digests are printed in the Reporter on 5- by 8-inch perforated sheets with descriptive-word index lines to facilitate filing. Thus, they not only serve as an advance report of the latest developments in the law, but also as a research tool in the interim between release of the opinion and its full-text publication in permanently bound volumes. The Reporter also contains other opinions, notices, and directions for guidance to the judge advocates.

8. On June 30, 1971, there were 1,296 Judge Advocates on duty. Of these, 565 were members of the Regular Air Force, 482 were Career Reserve officers (of this number 377 entered active duty in Career Reserve status and have a 4-year active duty service commitment), and 249 were Reserve officers with established dates of separation. The Regular officer strength decreased by 24 and the total officer strength increased by 59 between June 30, 1970, and June 30, 1971.

9. At the close of the period of this report, there were 72 commands exercising general court-martial jurisdiction.

JAMES S. CHENEY,  
*Major General, USAF,*  
*The Judge Advocate General,*  
*United States Air Force.*

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

January 1, 1971 to December 31, 1971

The following is the annual report of the General Counsel of the Department of Transportation submitted pursuant to Article 67(g) of the Uniform Code of Military Justice. Unless otherwise noted the figures given are for the fiscal year beginning July 1, 1970, and ending June 30, 1971.

The table below shows the number of court-martial records received and filed at Coast Guard Headquarters during the fiscal year and the 4 preceding years.

	1971	1970	1969	1968	1967
General courts-martial.....	2	2	2	0	2
Special courts-martial.....	129	76	92	91	68
Summary courts-martial.....	287	174	207	216	211
Total.....	418	252	301	307	281

Both special and summary courts-martial showed a marked increase during the year. Nearly all of the increase can be attributed to an upsurge in the offenses of absence without authority, desertion, marijuana or controlled drug use, possession, and sale.

In spite of the increase, all special courts-martial had lawyers for trial and defense counsel. A military judge was assigned in all but one of the trials. The relatively small number of career military lawyers has prevented the creation of a separate source of military judges for special courts-martial. The normal practice is to assign more senior lawyers as military judges on a rotating basis with control being exercised from Headquarters. On occasion, it has been necessary to ask for the detail of military judges from the other Armed Forces. These judges were used in 10 of the 129 trials. In 67 of the cases, trial was by military judge with members. In the remaining 61 cases, the accused elected to be tried by military judge alone.

In 12 of the cases, the sentence included a bad conduct discharge. Seven of these were adjudged by military judge alone, and the remaining five were adjudged by a court with members. Of the 12, eight were remitted or commuted by the convening or supervisory authorities leaving four to reach the Court of Military Review. One of these was disapproved by the Court and one was disapproved during clemency review. Thus, only two bad conduct discharges survived the review process during the year. One trend noted was the fact that confinement was adjudged in only 76 of the 117 cases in which there was a conviction. Maximum confinement of 6 months was imposed as a punishment only nine times, five when trial was by military judge alone and four by a court with members.

Of the 117 cases with approved sentences, 68 sentences were affirmed on review without modification. Forty-nine sentences were mitigated in some form. In 71 cases, there were guilty pleas to all of the charges. Twenty of these involved pretrial agreements.

The following table shows the distribution of the 292 specifications of offenses tried in the 129 special courts-martial:

AWOL or desertion.....	103
Marihuana offenses.....	39
Missing ship movement.....	25
Willful disobedience or disrespect.....	21
Assault .....	16
Violation of order or regulation.....	14
False representation or official statement.....	13
Larceny or wrongful appropriation.....	12
Breaking restriction.....	11
Offenses against Coast Guard property.....	8
Offenses involving controlled drugs.....	6
Drunk or disorderly.....	5
Provoking words or threats.....	4
Neglect of duty.....	2
Sleeping on post.....	2
Other offenses.....	12

The Coast Guard Court of Military Review has seven cases docketed with it during the fiscal year. One of these was a petition for writ of habeas corpus. In its opinion dismissing the writ, the Court expressed the view that Courts of Military Review established under the Uniform Code of Military Justice are not authorized to entertain writs or to grant emergency relief since they are not courts coming within the contemplation of the All Writs Act, 28 U.S.C. 165(a). *Combest v. Bender et al.*, 43 CMR 899. This view of the Court's jurisdiction differed from that taken by the Army Court of Military Review in *United States v. Draughon*, 42 CMR 447 (1970). In its other activity, the Coast Guard Court affirmed without modification the findings and

sentence in three of the cases reviewed. In the remaining three cases the findings or sentence were modified.

Following the decision of the Court of Military Appeals in *United States v. Moorehead*, 20 USCMA 574, 44 CMR 4, the Court of Military Review reconsidered its decision in the only general court-martial received during the year and set aside the findings and sentence it had previously affirmed. The Moorehead case which had been docketed with the Court the previous year was the first general court-martial tried in the Coast Guard under the provisions of the Military Justice Act of 1968. Following the decision affirming the findings and sentence, the question as to whether the method used in the Coast Guard of assigning a military judge to a general court-martial complied with the requirements of the Code as amended by the new law was certified to the Court of Military Appeals. The decision answered the question negatively and declared that article 26(c), as amended, required the Coast Guard to assign a military judge to the primary duty of judging to try general courts-martial. The Court pointed out that the military judge so assigned could be used to try special courts-martial if the number of general courts-martial did not keep him fully employed.

The accused in two other Coast Guard cases submitted petitions for review by the Court of Military Appeals. In both cases, the Court denied review.

As a result of the Moorehead case, a general court-martial military judge has been assigned directly under the Chief Counsel of the Coast Guard for detail as such when required. In order to insure that his primary duty is that of military judge, he has also been assigned as the military judge in a number of special courts-martial. As the case load warrants, it is planned to assign another military judge to this primary duty.

Again during 1971, Rear Adm. William L. Morrison, the Chief Counsel of the Coast Guard, made inspection visits to several district legal offices. In addition, members of his staff participated in extensive formal inspections, under the program of the Inspector General, of the legal office in two additional districts and the Coast Guard Academy. Fifteen Coast Guard officers commissioned for active duty as lawyers were graduated during the year from the basic course at the Judge Advocate General's School, U.S. Army, Charlottesville, Va.

During the period May 19-21, 1971, a second conference of district and base legal officers was held at Coast Guard Headquarters. The conferees were addressed by the General Counsel, the Chief Counsel, the Judge Advocate General of the Navy, and Judge Tim Murphy of the Superior Court of the District of Columbia, as well as members

of the Legal Office Staff. A number of recommendations developed by panels of the conferees for improvements in the full range of legal services provided by the Office of the Chief Counsel and in the field offices have been implemented and others are under study. The conferences have proved useful in the exchange of information concerning legal problems encountered by different offices.

JOHN W. BARNUM,  
*General Counsel,*  
*Department of Transportation.*