

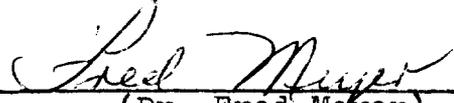
The Development of American Military Justice

An Honors Thesis (ID 499)

by

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Military Justice, like most of our social system and customs, was derived directly from British experience. Great Britain's military law evolved over several centuries. It was most greatly influenced, some say copied directly from, Roman law. The influence of British "common law" on American military justice can be seen in the "Ordinance of Richard I," made in 1190. According to Grose's History of the English Army, this ordinance was "chiefly meant to prevent disputes between the soldiers and sailors in their voyage to the holy land."<sup>1</sup> The ordinance was as follows:

Richard, by the grace of God, King of England, Duke of Normandy and Aquitaine, and Earl of Anjou, to all his (military) subjects about to proceed by sea to Jerusalem, greeting. Know ye, that we with the common consent of fit and proper men, have made the enactments underwritten. (First,) whoever shall slay a man on ship-board, he shall be bound to the dead man and thrown into the sea. (Second,) if he shall slay him on land he shall be bound to the dead man and buried in the earth. (Third,) if any one shall be convicted, by means of lawful witnesses, of having drawn a knife with which to strike another, or shall strike another so as to draw blood, he shall lose his hand. (Fourth,) if, also, he shall give a blow with his hand, without shedding blood, he shall be plunged into the sea three times. (Fifth,) if any man shall utter disgraceful language or abuse,

or shall curse his companion, he shall pay him an ounce of silver for every time he has so abused him. (Sixth,) a robber who shall be convicted of theft shall have his hair cropped after the manner of a champion (i.e., closely clipped to his head as though he were hired to fight in a legal duel), and boiling pitch shall be poured thereon, and then the feathers of a cushion shall be shaken out upon him, so that he may be known and at the first land at which the ship shall touch, he shall be set on shore. Witness myself, at Chinon."<sup>2</sup>

The British system continued in its development with, significantly, the Statute of Westminster of 1279, which referred to the royal power to punish soldiers according to the law and customs of the realm.<sup>3</sup> A more comprehensive military justice document was Richard II's Articles of War in 1385. These articles punished a variety of military offenses, such as "disobedience of orders, pillage and theft of 'victuals ... bought for the refreshment of the army'." Penalties for offenses progressed from amputation of the left ear to hanging, drawing and beheading for major offenses like touching "the body of our Lord, or the vessel in which it is contained."<sup>4</sup>

The sixteenth and seventeenth centuries improved on these simple and barbarous codes. They showed more of the Roman influence, particularly the Articles of War of the Free Netherlands of 1590 and Gustavus Adolphus' Articles of War of 1621. The Articles of War of 1621 are a distinctly recognizable ancestor of the British

Articles of War and the American Code of Military Justice.<sup>5</sup> These developments in the sixteenth and seventeenth centuries provided the rudiments for what would become the system for determining guilt and punishment, the courts-martial. From these Articles developed the system of modern military justice.

Throughout the development of the military justice system to this point, England did not have a standing peacetime army. Soldiers were punished according to civilian laws until the Articles of Gustavus Adolphus of 1621 were translated into English in 1639. The royalists, fighting of one side of the civil war, enacted their own Articles of War the same year. Parliament enacted very similar articles in 1642. James II maintained a standing army and promulgated Articles of War to discipline it, but neglected to get Parliament's approval. This was a factor in the "Glorious Revolution" of 1688, which replaced James II with William of Orange. William also needed a standing army with rules to discipline it, but got the authority of Parliament when it passed the Mutiny Act of 1689.<sup>6</sup>

The Mutiny Act of 1689 was in response to William of Orange's need for a standing army but it also was cautious to guard against the excess military power gained by some of Cromwell's generals and James II's regiments. The Mutiny Act began with the emphatic declaration that "the raising or keeping a standing Army within this

Kingdome in time of peace unlesse it be with consent of Parlyament is against Law."<sup>7</sup> However, it was judged to be necessary to have an army because of the political unrest of the country, namely the defense of the Protestant religion. However urgent the need, the Act gave courts-martial extremely limited jurisdiction. The Act only applied to regular soldiers, not the militia, and the only triable offenses were mutiny, sedition, and desertion. The procedural aspects were few but explicit in their "protection." The courts-martial could not be convened by an officer of lower rank than colonel or have fewer than thirteen members, none below the rank of captain. The court had the authority to put witnesses under oath, but it was not required to do so. Finally, in capital cases the court had to be sworn, and the votes of nine of the thirteen were required for the death sentence.<sup>8</sup> Parliament was determined to keep control of the military and enacted the Mutiny Act for only seven months, to be renewed annually. It was re-enacted annually for more than two hundred and fifty years. In 1718 Parliament granted the authority, with the same re-enactment clause, to issue Articles of War, operative within and without the realm, in peace and war.<sup>9</sup>

In the Declaration of Independence, the American colonists expressed dissatisfaction with several aspects of the British system, but justice in particular. The Declaration complained at length about British abuses

of personal rights, but also included the accusation that George III was attempting to "render the military independent of, and superior to, the civil power."<sup>10</sup> The colonists solved this problem by making the president the commander in chief of the armed forces, and gave Congress the power to raise, finance, and regulate the military forces.

The new nation's first opportunity to draft military regulations came in 1775. The Articles of War were drafted and, as Major General Hugh J. Clausen explains, the first Articles of War in America, "were just virtually a copy of the Articles of War that the British had in 1766 ... We just changed the name of them and very little else. Basically, they were the same..."<sup>11</sup> When the members of the Second Continental Congress sat down to resolve the conflicts in the social and political system supplied us by the British, they chose to retain almost verbatim the British military ideals. The job of revising the 1775 Articles of War fell to the likes of John Adams, Thomas Jefferson, John Rutledge, James Wilson, and R.R. Livingston.<sup>12</sup> John Adams was especially instrumental in the creation of the original military code of this country. He realized that these "new" regulations were harsh and archaic, but felt that the strict discipline, not the justice, of the armed forces was needed if the new nation were to thrive.<sup>13</sup>

When it became apparent that the Articles of Confederation weren't giving the nation what it needed, the drafters of the Constitution called for a new system. There were many arguments about the role of the state militias and the rights of the central government to raise and maintain a standing army. All the states realized, however, that to survive and prosper it was going to be necessary to compromise on some very strong basic beliefs. The compromising process was long and tedious even then, and what was finally hammered out governs our nation even today. The new Constitution provided for a much stronger central government, with the individual states retaining only some of their powers. The sections dealing specifically with the military are very brief and have provided a great deal of flexibility to each president called upon to defend the country. These few sentences are brief, and therefore open to interpretation, which has resulted in the expansion of powers necessary to governing the growing nation. According to Chief Justice Salmon P. Chase, "There is no law for the government of citizens, the armies, or the navy of the United States which is not contained in or derived from the Constitution."<sup>14</sup> It would be inappropriate to continue a discussion of the military justice system without quoting in full the ultimately governing authority of that system.

"The Congress shall have Power ... to provide for the common Defence and general Welfare of the United States; ... To declare War, grant Letters of Marque and Reprisal, and make Rules concerning captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; ... And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States of in any Department or Officer thereof " (Article I, Section 8.)

"No State shall without the Consent of Congress ... keep Troops, or Ships of War in time of Peace, ... or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay" (Article I, Sec 10.)

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia

of the several States when called into the actual Service of the United States (Art II, Sec 2.) He shall have Power by and with the Advice and Consent of the Senate, ... to appoint ... Officers of the United States (Art II, Secs 2,3.) He shall take Care that the Laws be faithfully executed" (Art II, Sec 3.)

The specified power to appoint "Officers of the United States" includes officers of the armed forces. This power gives the President a measure of control over the appointees and, once again, illustrates the subjugation of the military to the civil. The President's responsibility to ensure "that the Laws be faithfully executed," sometimes may require the use of troops, as in the disturbances at Little Rock, Arkansas, in 1957.

Part of the compromise when writing the Constitution involved the Bill of Rights, which was added in 1791. The references to military problems only touch in an indirect and fragmentary way. Since the Bill of Rights are an intricate part of the Constitution, it seems necessary to include those sections. The Second Amendment recites that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Today, this Amendment is significant only in that it is the primary argument for a powerful anti-gun-control lobby.

The Third Amendment provides that "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law." This problem, while critical to the colonists, has not arisen in modern times. The Fifth Amendment excepts from its requirement of grand jury indictment in capital, or otherwise infamous, crime, "cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger." This Amendment, also, has little impact in today's society.

Although the provisions in the Constitution are few and short, they did answer some major questions unresolved prior to 1787. The exclusive vesting of the war power in the federal government cemented the fact that the United States would be one nation instead of an alliance or confederation of sovereign states. The dispute in the Continental Congress over the nature of the armed forces was bitter and a deep division in the Congress developed. Some believed that the nature of the land forces should remain as it was during the Revolution, thus allowing Congress to wage war only by calling on the individual states to contribute their militias. Opponents of this idea believed that the only successful solution was to give Congress itself the authority to raise and maintain armies, which meant the power to keep a standing army available for foreign service. The deep rift in the Congress is reflected in the writings in The Federalist papers. The opponents

of a standing army system, who included Thomas Jefferson and George Mason, based their arguments on ancient and recent history. In this excerpt, James Madison expressed their basic thesis:

The liberties of Rome proved the final victim to her military triumphs, and ... the liberties of Europe, as far as they ever existed, have, with few exceptions, been the price of her military establishments. A standing force, therefore, is a dangerous, at the same time that it may be a necessary provision. On the small scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale, it is an object of landable circumspection and precaution.<sup>15</sup>

In the same issue of The Federalist, Madison did not draw the conclusion that a standing army was so great a danger that the Constitution ought to prohibit it or drastically reduce its size. He summed up his personal beliefs by stating: "If a federal constitution could chain the ambition, or set bounds to the exertions of all other nations, then indeed might it prudently chain the discretion of its own government, and set bounds to the exertions of its own safety."<sup>16</sup>

With such strong arguments, for and against a standing army by the founders of the nation, it is a wonder that things were resolved in such a way that makes the arguments timeless even today. Alexander Hamilton, even more vehement about Congress' right to maintain a standing army,

James Madison, and other proponents of the stronger federal government role prevailed. The framers did, however, borrow a device from the British for keeping control of the armed forces. They specified that no appropriation for the Army should last longer than two years. Thus, in theory anyway, the size and existence of the standing army depends on affirmative action by each successive Congress of the United States.

The other main issue, militarily speaking, was that of the role of the state militias. This was decided more by history than anything specific in the Constitution. The Constitution only left Congress the option of calling on the militia, "to execute the Laws of the Union, suppress Insurrection and repel Invasion." The militia has played a very small part in American military operations since the Revolution. This fact upset Alexander Hamilton and George Washington not at all. Hamilton said, in The Federalist, No. 25, referring to the state militias as the nation's only standing army, "This doctrine, in substance, had like to have lost us our independence." Washington was ever more blunt when he said, "If I was called upon to declare upon Oath, whether the Militia have been most serviceable or hurtful upon the whole; I should subscribe to the latter."<sup>17</sup> The role of the militias has, as previously stated, been limited ever since. The President and Congress supplemented the regular army with volunteers during the Mexican, Civil, and Spanish Wars. Since 1916 the state militias have

acquired a dual status, that of State National Guards and "federally recognized" National Guards of the United States. The latter membership makes them a part of the organized reserve.

Thus military codes developed from the Constitution, and remained relatively unchanged for several decades thereafter. Revisions were made periodically, each time granting a few administrative steps forward. It was World War II that pushed Congress to make major revisions. World War II involved close to 11 million men in the United States Army alone. Of this number, 80,000 were convicted by general courts-martial and thousands more by special and summary courts. Most of these soldiers were drafted into military service and their large numbers guaranteed that Congress would be interested in their views, especially after they returned to civilian life. Not only did the returning servicemen carry considerable weight with Congress, but their friends and relatives would undoubtedly be influenced by their experiences. This large majority of the nation's population could force Congress to make some much needed changes.

As the war progressed, abuses were freely reported and complaints about the military justice system abounded. In 1943 President Franklin D. Roosevelt was called upon to review so many court-martial cases that he had to appoint a special counsel to advise him on these matters. The army

set up special clemency boards to review thousands of sentences given to general court-martial prisoners. In 1944 the army announced that it would review 27,500 decisions handed down during the stress of war (85% of these were eventually reduced or dismissed.) These measures, taken during the war, were temporary and convenient and, therefore, did little to diminish concern in Congress over the principles that produced these conflicts in the system.<sup>18</sup> Members of Congress were being swamped with complaints from such influential groups as the American Legion, the AVC, the Amvets, and the VFW, as well as the American public. All were clamoring for a change in the system. The major defects alleged were nonuniform punishments, abuses of command influence, discrimination between enlisted men and officers, the use of unqualified defense counsel, and inadequate appellate procedures.

In 1944 and 1945, the War Department sent a representative to the actual theaters of operation to study military justice in the field. In 1946 an Advisory Committee on Military Justice was appointed by the Secretary of War. After nine months of study and hearings all over the country, the War Department was prepared to support changes in the system. Other studies were being conducted at the same time, so no action was taken until 1948. In January of that year, the Armed Services Committee of the House of Representatives reported a bill to amend the Articles of War and improve

the military justice system. The amended bill passed the House the same year. Upon passage, the bill was sent to the Senate Armed Services Committee where it stalled for over four months. As a result of this inaction, the bill was attached, verbatim, to the Selective Service Act of 1948. It passed on the strength of the feelings in the Senate for reform. Because of arguments raised by the chairman of the Senate Armed Services Committee regarding the propriety of attaching the bill to the Selective Service Act, a commission was appointed to study the matter of the desirability of a code of military justice to cover all the armed services.<sup>19</sup> This study commission eventually produced the Uniform Code of Military Justice (UCMJ). The military services have operated under this act, and its amended form, the Military Justice Act of 1968, since the UCMJ went into effect in mid-1951. The effect of this enactment was to nullify the Articles of War and the codes of the navy and air force. The UCMJ is, therefore, the Constitutional law of all the armed forces.

By previous standards, the 1951 Uniform Code of Military Justice was a giant leap forward. It defines, more clearly than previous codes, the military crimes and prescribes many of the rules of procedure which govern military courts-martial and appeals, as well as nonjudicial punishment. It includes civil-type crimes, such as murder and larceny, and strictly military crimes, such as desertion and disobedience.

The UCMJ is not supposed to be in conflict with the Constitution, such as the Bill of Rights, and the courts have held that basic constitutional rights are enforceable in the military. Some provisions do conflict with the Constitution and are therefore, technically, invalid. The courts weigh heavily, if not always explicitly, the concept of "military necessity." This concept causes the court to allow a dilution, although not an entire removal, of constitutional rights. The armed forces are prohibited from subjecting a soldier to "cruel and unusual punishment" or from depriving him of a "fair trial," or from subjecting him to unreasonable searches and seizures. The standards which are used to judge what is "fair" or "unreasonable" are not the same standards as those used in civilian courts, however. They are standards determined by the military authorities. For example, in civilian life, the police don't have the right to "inspect" your home or "inventory" your belongings after an arrest having nothing to do with the belongings. But "military necessity" is used to justify these infringements in the military. Although recent decisions have expanded the soldier's right to privacy in some situations, the military courts have found that because of the need to maintain the "health, safety, and morale" of many men living in close quarters, the Fourth Amendment guarantee against unreasonable searches and seizures has not been violated where "inspections" and "inventories" have turned up incriminating evidence.<sup>20</sup>

Article 15 of the UCMJ authorizes a commanding officer to impose nonjudicial punishment upon any member of his command for minor offenses. Article 15 is the most frequently used disciplinary device in all the armed services. It is not a criminal conviction, however, and does not have any negative influence when returning to civilian life. An Article 15 hearing can be refused and, by that, the soldier agrees to face a court-martial. This type of disciplinary action can be imposed only for acts or omissions that are offenses against the UCMJ. This type of proceeding has traditionally been used discriminatorily on those that somehow offended their commander because it is a relatively informal hearing. The punishments that may be imposed under Article 15 are the least severe of all disciplinary proceedings. They include: confinement on bread and water or diminished rations for those assigned to a vessel, correctional custody for not more than seven days, forfeiture of not more than seven days' pay, reduction to the next inferior pay grade, extra duties for not more than 14 days, restriction to certain specified limits (with or without suspension from duty) for not more than 14 days, and detention of not more than 14 days' pay. These punishments can be increased by a commanding officer of field grade, a much higher rank than normally conducts an Article 15 proceeding. In some instances, field grade Article 15 punishments are greater than those imposable by a summary court.<sup>21</sup>

The UCMJ also provides for three types of military trial courts: the summary court-martial, the special court-martial, and the general court-martial. All military courts-martial are ad hoc courts, that is, they are appointed only for a limited time. The courts-martial are appointed by the commander, called the "convening authority", and hear only those cases referred specifically to them by the commander for trial. The convening authority of a summary court-martial is usually a company- or battalion-grade officer. The summary court-martial is rather like a kangaroo court. The summary court-martial officer serves as judge, jury, prosecutor, defense counsel, and court reporter. A soldier does not have to accept a summary court-martial. However, if he refuses a summary court-martial, he runs the risk of an increased sentence if convicted in a special court-martial. The most a summary court-martial can impose is one month's confinement, two months' restriction, hard labor for forty-five days, forfeiture of two-thirds of a month's pay, and reduction in grade.<sup>22</sup>

If the soldier faces a special court-martial, he gets the added benefit of an appointed military lawyer, free of charge, for his defense. The special court-martial also consists of a military judge, a court of three or more officers (which can be waived and the case heard by a judge alone), and getting a verbatim transcript of the trial if sentenced to a Bad Conduct Discharge. There is also the option of having one-third of the officer court-members

replaced by enlisted personnel. This has traditionally been a rather rare occurrence since the convening authority selects members of the court. On the other hand, there are several cases where convening authorities allowed all officer court-members to be replaced. The major disadvantage to the special court-martial is the potential sentence imposed. The special court can impose punishment of six months' imprisonment, forfeiture of two-thirds pay per month for six months, reduction to the lowest enlisted grade, and if a military judge and court reporter are detailed to the trial, a bad conduct discharge.<sup>23</sup>

The general court-martial offers little advantage over the special court. It consists of at least five officers, one-third of which can be replaced by enlisted personnel, or the entire court may be waived in favor of trial by military judge alone. The punishment a soldier can be sentenced to range from dishonorable discharge to death for certain offenses. Before trial in front of a general court, the convening authority appoints an investigative officer to make a thorough preliminary investigation and recommendations. The commander can freely accept or reject these recommendations.<sup>24</sup>

Up until now we have spoken of two of the five possible discharges. Technically, there are five types of discharges the armed services grant to outgoing enlisted men:

(1) Honorable; (2) General; (3) Undesirable; (4) Bad Conduct; and (5) Dishonorable.<sup>25</sup> Both Honorable and General discharges

are granted "under honorable conditions." Over 90 percent of the discharges every year are honorable, that is, the soldier has performed "proficiently" and has nothing more than one or two minor violations on his record. The military grants a General discharge if the record is not sufficiently meritorious to receive an Honorable discharge but is also not bad enough to warrant a discharge under "less than honorable conditions." A General discharge is honorable in the general sense but not in the strict sense. Soldiers receiving a General discharge have no opportunity to contest, appeal, or answer whatever charges were made privately against them.<sup>26</sup>

The Undesirable discharge is, like the Honorable and General, administrative in nature. Like Bad Conduct and Dishonorable discharges, however, it carries heavy penalties in civilian life. It is given most often for drug abuse, frequent acts of misconduct, homosexual acts, and conviction by civil authorities of an offense involving "moral turpitude" or imprisonment for more than one year. Undesirable discharges are imposed without the formal protections of court-martial. These are just as damaging, sometimes more so, than Bad Conduct and Dishonorables because they suggest to the public a personality problem.<sup>27</sup>

Bad Conduct and Dishonorable discharges are much less common, never amounting to more than 1 percent of all discharges. Dishonorables may only be imposed by general court-martial and are the most severe a soldier can receive.

These are rarely imposed and then only in the most serious cases, such as murder, violent assaults, and extensive dealing in hard drugs. Bad Conduct discharges are more frequent, and are imposed not only by general court-martial, but also by special court-martial.<sup>28</sup>

Subsequent to trial by a court-martial, the verdict is submitted for review to the office of the convening authority who then refers it to the staff judge advocate. A written opinion by the staff judge advocate is returned to the convening authority for his consideration. If the commander feels that additional work needs to be done by the general court that forwarded the verdict, he calls for "reconsideration and revision" and "rehearings" by that court. The commander is restricted to approving the verdict of guilty and the sentence. If he approves the sentence, he indicates his approval for the findings of fact and the verdict. He then submits the entire record to the judge advocate general for review. If the sentence involved included a bad conduct discharge, a dishonorable discharge, or confinement for more than one year, it is reviewed by the intermediate appellate court, the Court of Military Review (CoMR).<sup>29</sup> A CoMR has the authority to dismiss charges and it is therefore vital that a convicted defendant have adequate representation by counsel. Appeal from this court lies with the Court of Military Appeals (CoMA). CoMa is required to review all cases in which the death sentence has been approved by the Court of Military Review,

all cases affecting a general or flag officer, those cases ordered up by the judge advocate general, and may accept, at its discretion, other cases on petition by the accused.<sup>30</sup> The UCMJ requires that all courts-martial sentences "extending to death or involving a general or flag officer" be reviewed by the President of the United States before such sentences may be executed. The President can approve the sentence, or any form of it, that he sees fit. He may also suspend the execution of the sentence or any part thereof.<sup>31</sup>

In conclusion, military justice in the United States has developed from the barbaric codes used by the early Europeans to an elaborate system governed ultimately by the Constitution. There are still problems with the system that cannot be reconciled easily. The current Uniform Code of Military Justice is a big step in the right direction toward implementing, more fully, constitutional rights for the soldier. The military situation, however, is not conducive to the sometimes chaotic actions that are allowed in civilian life. Some measure of control is needed to maintain order and discipline. The current Code has deficiencies that are recognized and are slowly being corrected to bring it closer into line with full constitutional guarantees.

## ENDNOTES

- 1 Nufer, Harold F. American Servicemember's Supreme Court: Impact of the U.S. Court of Military Appeals on Military Justice. Washington, DC: University Press of America, 1981. pl.
- 2 Nufer, pl-3, see note 2.
- 3 Bishop, Joseph W., Jr. Justice Under Fire: A Study of Military Law. New York: Charterhouse, 1974. p4.
- 4 Bishop, p4, see note 6.
- 5 Bishop, p3-7.
- 6 Bishop, p6.
- 7 Bishop, p7.
- 8 Bishop, p8.
- 9 Bishop, p8, see note 12.
- 10 Ulmer, S. Sidney. Military Justice and the Right to Counsel. Lexington: University Press of Kentucky, 1970. pl6.
- 11 Nufer, p2.
- 12 Ulmer, pl7, see note 31.
- 13 Sherrill, Robert. Military Justice is to Justice as Military Music is to Music. New York: Harper and Row, 1970, p68-69.
- 14 Bishop, pl0.
- 15 Bishop, pl3, see note 23.
- 16 Bishop, pl3, see note 25.
- 17 Bishop, pl4, see note 29.
- 18 Ulmer, p51.
- 19 Ulmer, p56.
- 20 Rivkin, Robert S. and Stichman, Barton F. The Rights of Military Personnel. New York: Avon Books, 1977, p25.
- 21 Finn, James, ed. Conscience and Command: Justice and Discipline in the Military. New York: Random House, 1971, p34-35.

- 22 Rivkin, p26-27.
- 23 Rivkin, p27.
- 24 Rivkin, p28.
- 25 Discharge types are not usually capitalized but this will help minimize confusion in this section.
- 26 Starr, Paul. The Discarded Army: Veterans After Vietnam. New York: Charterhouse, 1973, p168.
- 27 Starr, p170.
- 28 Starr, p169.
- 29 Nufer, p36-38.
- 30 Ulmer, p64-65.
- 31 Nufer, p40, see note 50.

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