

CHAP. 227.—An Act To amend an Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and to establish military justice.

June 4, 1920.
[H. R. 12775.]
[Public, No. 242.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHAPTER I.

That the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be amended as follows:

National Defense Act Amendments.

That section 1 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 166.

"That the Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps."

Army of the United States.
Forces constituting.

SEC. 2. That section 2 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 166.

"SEC. 2. COMPOSITION OF THE REGULAR ARMY.—The Regular Army of the United States shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Service, the Corps of Engineers, the Signal Corps, which shall be designated as the combatant arms or the line of the Army; the General Staff Corps; the Adjutant General's Department; the Inspector General's Department; the Judge Advocate General's Department; the Quartermaster Corps; the Finance Department; the Medical Department; the Ordnance Department; the Chemical Warfare Service; the officers of the Bureau of Insular Affairs; the officers and enlisted men under the jurisdiction of the Militia Bureau; the chaplains; the professors and cadets of the United States Military Academy; the present military storekeeper; detached officers; detached enlisted men; unassigned recruits; the Indian Scouts; the officers and enlisted men of the retired list; and such other officers and enlisted men as are now or may hereafter be provided for. Except in time of war or similar emergency when the public safety demands it, the number of enlisted men of the Regular Army shall not exceed two hundred and eighty thousand, including the Philippine Scouts."

Regular Army.
Composition of.

Maximum enlisted strength.
Post, p. 1098.

SEC. 3. That section 3 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 166.

"SEC. 3. ORGANIZATION OF THE ARMY.—The Organized peace establishment, including the Regular Army, the National Guard and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. The Army shall at all times be organized so far as practicable into brigades, divisions and army corps, and whenever the President may deem it expedient, into armies. For purposes of administration, training and tactical control, the continental area of the United States shall be divided on a basis of military population into corps areas. Each corps area shall contain at least one division of the National Guard or Organized Reserves, and such other troops as the President may direct. The President is authorized to group any or all corps areas into army areas or departments."

Organization of the Army.
Peace establishment.

Brigades, divisions, and corps.

Corps areas.

Army areas or departments.

ARMY REORGANIZATION.
National Guard and Organized Reserves.
Preservation of World War names, etc.

Initial organization, to be prepared by committee of General Staff.

Composition of board.

Board to determine location and designation of unit.

Composition.

Vol. 39, p. 167.

Officers.
Generals of the line.
Generals of the staff.

General.
Ante, p. 283.

Other officers.
Number authorized.

Medical Department, chaplains, and military storekeeper.

Provisos.
Major generals.
Brigadier generals from eligible list.

Names on first list.

Permanent commissions in designated branches.

"SEC. 3a. THE INITIAL ORGANIZATION OF THE NATIONAL GUARD AND THE ORGANIZED RESERVES.—In the reorganization of the National Guard and in the initial organization of the Organized Reserves, the names, numbers and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War between April 6, 1917, and November 11, 1918, shall be preserved as such as far as practicable. Subject to revision and approval by the Secretary of War, the plans and regulations under which the initial organization and territorial distribution of the National Guard and the Organized Reserves shall be made, shall be prepared by a committee of the branch or division of the War Department General Staff, hereinafter provided for, which is charged with the preparation of plans for the national defense and for the mobilization of the land forces of the United States. For the purpose of this task said committee shall be composed of members of said branch or division of the General Staff and an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard. Subject to general regulations approved by the Secretary of War, the location and designation of units of the National Guard and of the Organized Reserves entirely comprised within the limits of any State or Territory shall be determined by a board, a majority of whom shall be reserve officers, including reserve officers who hold or have held commissions in the National Guard and recommended for this duty by the governor of the State or Territory concerned."

SEC. 4. That section 4 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 4. OFFICERS.—Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line. Officers commissioned to and holding in the Army an office other than that of general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. There shall be one general, as now authorized by law, until a vacancy occurs in that office, after which it shall cease to exist. On and after July 1, 1920, there shall be twenty-one major generals and forty-six brigadier generals of the line; five hundred and ninety-nine colonels; six hundred and seventy-four lieutenant colonels; two thousand two hundred and forty-five majors; four thousand four hundred and ninety captains; four thousand two hundred and sixty-six first lieutenants; two thousand six hundred and ninety-four second lieutenants; and also the number of officers of the Medical Department and chaplains, hereinafter provided for, professors as now authorized by law, and the present military storekeeper, who shall hereafter have the rank, pay and allowances of major; and the numbers herein prescribed shall not be exceeded: *Provided*, That major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general: *Provided further*, That the first board convened after the passage of this Act may place upon such eligible list any officer of the line of not less than twenty-two years' commissioned service.

"Officers of all grades in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Corps of Engineers, and Medical Department; officers above the grade of captain in the Signal Corps, Judge Advocate General's Department, Quartermaster Corps, Ordnance Department and Chemical Warfare Service, all chaplains and professors, and the military storekeeper shall be permanently commissioned in their

respective branches. All officers of the General Staff Corps, Inspector General's Department, Bureau of Insular Affairs and Militia Bureau shall be obtained by detail from officers of corresponding grades in other branches. Other officers may be either detailed, or with their own consent, be permanently commissioned, in the branches to which they are assigned for duty.

"SEC. 4a. WARRANT OFFICERS.—In addition to those authorized for the Army Mine Planter Service, there shall be not more than one thousand one hundred and twenty warrant officers, including band leaders, who shall hereafter be warrant officers. Appointments shall be made by the Secretary of War from among noncommissioned officers who have had at least ten years' enlisted service; enlisted men who served as officers of the Army at some time between April 6, 1917, and November 11, 1918, and whose total service in the Army, enlisted and commissioned, amounts to five years; persons serving or who have served as Army field clerks or field clerks, Quartermaster Corps; and, in the case of those who are to be assigned to duty as band leaders, from among persons who served as Army band leaders at some time between April 6, 1917, and November 11, 1918, or enlisted men possessing suitable qualifications. Hereafter no appointments as Army field clerks or field clerks, Quartermaster Corps, shall be made. Warrant officers other than those of the Army Mine Planter Service, shall receive base pay of \$1,320 a year and the allowances of a second lieutenant, shall be entitled to longevity pay and to retirement under the same conditions as commissioned officers; and shall take rank next below second lieutenants and among themselves according to the dates of their respective warrants.

"SEC. 4b. ENLISTED MEN.—On and after July 1, 1920, the grades of enlisted men shall be such as the President may from time to time direct, with monthly base pay at the rate of \$74 for the first grade, \$53 for the second grade, \$45 for the third grade, \$45 for the fourth grade, \$37 for the fifth grade, \$35 for the sixth grade, and \$30 for the seventh grade. Of the total authorized number of enlisted men, those in the first grade shall not exceed 0.6 per centum, those in the second grade 1.8 per centum, those in the third grade 2 per centum, those in the fourth grade 9.5 per centum, those in the fifth grade 9.5 per centum, those in the sixth grade 25 per centum. The temporary increase of pay for enlisted men of the Army authorized by section 4 of the Act of Congress approved May 18, 1920, shall be computed upon the base pay provided for in this section, and shall apply only to enlisted men of the first five grades. The temporary allowance of rations authorized by section 5, and the transportation privileges authorized by section 12, of the said Act, shall apply only to enlisted men of the first three grades.

"Existing laws providing for continuous service pay are repealed to take effect July 1, 1920, and thereafter enlisted men shall receive an increase of 10 per centum of their base pay for each five years of service in the Army, or service which by existing law is held to be the equivalent of Army service, such increase not to exceed 40 per centum.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the sixth and seventh grades may be rated as specialists, and receive extra pay therefor per month, as follows: First class, \$25; second class, \$20; third class, \$15; fourth class, \$12; fifth class, \$8; sixth class, \$3. Of the total authorized number of enlisted men in the sixth and seventh grades, those rated as specialists of the first class shall not exceed 0.7 per centum; of the second class, 1.4 per centum; of the third class, 1.9 per centum; of the fourth class, 4.7 per centum; of the fifth class, 5 per centum; of the sixth class, 15.2 per centum. All laws and parts of laws providing for extra duty pay for enlisted men are repealed, to take effect July 1, 1920: *Provided,*

ARMY REORGANIZATION.
By detail.

Either detail or permanent.

Warrant officers.
Additional.

Service eligibility.

No Army or Quartermaster field clerks hereafter.

Base pay, etc.

Enlisted men.
Grades and base pay.

Percentages of grade.

Temporary increased pay applicable.
Ante, p. 760.

Ration and transportation allowance.

Continuous service pay repealed.
Five years 10 per cent increase hereafter.

Specialists ratings established.
Extra pay for.

Percentage allowed.

Extra duty pay abolished.
Proviso.

ARMY REORGANIZATION.
No pay, etc., reduced.

Assignments.
Proportional to each branch.

Provisos.
Number restricted.
Enlisted men.

Transfers only by consent.

Chiefs and assistants for four years.

Eligibility.

Chiefs to recommend their assistants.

First appointments.

Retirement credit for service as chief.

Service with troops required.

By staff officer detailed to General Staff Corps.

War duty service accepted.

Other detail restrictions repealed.

Annual detailed report required.

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General Staff Corps.
Composition.
War Department
General Staff.

That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving, during his current enlistment and while he holds his present grade, nor to change the present rate of pay of any enlisted men now on the retired list.

"SEC. 4c. ASSIGNMENTS.—Officers and enlisted men shall be assigned to the several branches of the Army as hereafter directed, a suitable proportion of each grade in each branch, but the President may increase or diminish the number of officers or enlisted men assigned to any branch by not more than a total of 15 per centum: *Provided*, That the total number authorized in any grade by this Act is not exceeded: *Provided further*, That the number of enlisted men herein authorized for any branch shall include such number of Philippine Scouts as may be organized in that branch: *Provided further*, That no officer shall be transferred from one branch of the service to another under the provisions of this section without his own consent. Except as otherwise herein prescribed, chiefs and assistants to the chiefs of the several branches shall hereafter be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, and such appointments shall not create vacancies. Appointment as chief of any branch shall be made from among officers commissioned in grades not below that of colonel, and as assistant from among officers of not less than fifteen years' commissioned service, who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment: *Provided*, That the chiefs of the several branches shall make recommendations to the Secretary of War for the appointment of their assistants: *Provided further*, That in making the first appointment to any such office created by this Act, the chief of a branch may be selected from among officers of not less than twenty-two years' commissioned service. Any officer who shall have served four years as chief of a branch, and who may subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the grade held by him as such chief. In time of peace no officer of the line shall be or remain detailed as a member of the General Staff Corps unless he has served for two of the next preceding six years in actual command of troops of one or more of the combatant arms; and in time of peace every officer serving in a grade below that of brigadier general shall perform duty with troops of one or more of the combatant arms for at least one year in every period of five consecutive years, except that officers of less than one year's commissioned service in the Regular Army may be detailed as students at service schools: *Provided*, That an officer commissioned in a staff corps shall not be or remain detailed as a member of the General Staff Corps unless he has served for one of the next preceding five years with troops of one or more of the combatant arms. In the administration of this provision, all duty performed between April 6, 1917, and July 1, 1920, inclusive, or as a student at service schools, other than those of the noncombatant branches, at any time, shall be regarded as satisfying the requirements of service with combatant arms. Existing laws in so far as they restrict the detail or assignment of officers are hereby repealed. The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organizations pertaining to each branch of the service."

SEC. 5. That section 5 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 5. GENERAL STAFF CORPS.—The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff and the General Staff with troops. The War Department General Staff

shall consist of the Chief of Staff and four assistants to the Chief of Staff selected by the President from the general officers of the line, and eighty-eight other officers of grades not below that of captain. The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, army corps, divisions, and brigades, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved, and such details shall be limited to officers whose names are borne on the list of General Staff Corps eligibles. The initial eligible list shall be prepared by a board consisting of the general of the army, the commandant of the General Staff College, the commandant of the General Service Schools, and two other general officers of the line, selected by the Secretary of War, who are not then members of the General Staff Corps. This board shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes who are recommended by them as qualified by education, military experience, and character for General Staff duty;

"(a) Those officers graduated from the Army Staff College or the Army War College prior to July 1, 1917, who, upon graduation, were specifically recommended for duty as commander or chief of staff of a division or higher tactical unit, or for detail in the General Staff Corps;

"(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit, or have demonstrated by actual service in the World War that they are qualified for General Staff duty.

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps except the Chief of Staff shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff Officers under such regulations as the President may prescribe: *Provided*, That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President; but not more than two officers from each such branch shall be detailed as members of the War Department General Staff.

"The duties of the War Department General Staff shall be to prepare plans for national defense and the use of the military forces for that purpose, both separately and in conjunction with the naval forces, and for the mobilization of the manhood of the Nation and its material resources in an emergency, to investigate and report upon all questions affecting the efficiency of the Army of the United States, and its state of preparation for military operations; and to render professional aid and assistance to the Secretary of War and the Chief of Staff.

"All policies and regulations affecting the organization, distribution and training of the National Guard and the Organized Reserves, and all policies and regulations affecting the appointment, assignment,

ARMY REORGANIZATION.

General Staff with troops.

Details for four years.

Board to report initial list of eligibles.

Classes to be recommended.

Staff, and War, Colleges graduates specifically recommended for high command or detail.

Officers in high command, etc., since April 6, 1917.

Subsequent eligible list.

War Department General Staff.

Publication, etc., of eligible lists.

Acting General Staff officers.

Proviso. Additional members from noncombatant branches.

Limit.

War Department General Staff. Duties designated.

National Guard and Organized Reserves. Committees to prepare policies affecting.

ARMY REORGANIZATION.

Reserve officers added.

Regarded as additional members.

Proviso.
National Guard officers not in Reserves recommended by governors.

General Staff with troops.
Duties designated.

Chief of Staff.
Powers and duties conferred.

To transmit plans for Army, etc., to Secretary of War.

Plans involving legislation, to be accompanied by comments, etc., of Secretary, Chief of Staff, and officers of War Department General Staff.

Members confined strictly to General Staff duties.
Vol. 32, p. 831.

Restriction on administrative Department work.

Assistant Secretary of War.
Procurement of all military supplies under direction of.

promotion, and discharge of reserve officers, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard, and whose names are borne on lists of officers suitable for such duty, submitted by the governors of the several States and Territories. For the purposes specified herein, they shall be regarded as additional members of the General Staff while so serving: *Provided*, That prior to January 1, 1921, National Guard officers who do not hold reserve commissions, if recommended by the governors of the several States and Territories, may be designated by the President as members of the committees herein provided for, and while so serving such officers shall receive the pay and allowances of their corresponding grades in the Regular Army.

"The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them; to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals, and in supervising the execution of such instructions.

"The Chief of Staff shall preside over the War Department General Staff and, under the direction of the President, or of the Secretary of War under the direction of the President, shall cause to be made, by the War Department General Staff, the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army of the United States and for the use of the military forces for national defense. He shall transmit to the Secretary of War the plans and recommendations prepared for that purpose by the War Department General Staff and advise him in regard thereto; upon the approval of such plans or recommendations by the Secretary of War, he shall act as the agent of the Secretary of War in carrying the same into effect. Whenever any plan or recommendation involving legislation by Congress affecting national defense or the reorganization of the Army is presented by the Secretary of War to Congress, or to one of the committees of Congress, the same shall be accompanied, when not incompatible with the public interest, by a study prepared in the appropriate division of the War Department General Staff, including the comments and recommendations of said division for or against such plan, and such pertinent comments for or against the plan as may be made by the Secretary of War, the Chief of Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared.

"Hereafter, members of the General Staff Corps shall be confined strictly to the discharge of duties of the general nature of those specified for them in this section and in the Act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof.

"SEC. 5a. Hereafter, in addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under the direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial

organizations essential to war-time needs. The Assistant Secretary of War shall receive a salary of \$10,000 per annum. There shall be detailed to the office of the Assistant Secretary of War from the branches engaged in procurement such number of officers and civilian employees as may be authorized by regulations approved by the Secretary of War. The offices of Second Assistant Secretary of War and Third Assistant Secretary of War are hereby abolished.

ARMY REORGANIZATION. Salary. Details to office of.

Second and Third Assistant Secretaries abolished.

Duties of Assistant Secretary specified.

“Under the direction of the Secretary of War chiefs of branches of the Army charged with the procurement of supplies for the Army shall report direct to the Assistant Secretary of War regarding all matters of procurement. He shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis. And all appropriations for manufacture of matériel pertaining to approved projects, which are placed with arsenals of Government-owned factories or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year.

Appropriations for manufactures at arsenals, etc., available for two years.

“SEC. 5b. THE WAR COUNCIL.—The Secretary of War, the Assistant Secretary of War, the general of the Army, and the Chief of Staff shall constitute the War Council of the War Department, which council shall from time to time meet and consider policies affecting both the military and munitions problems of the War Department. Such questions shall be presented to the Secretary of War in the War Council, and his decision with reference to such questions of policy, after consideration of the recommendations thereon by the several members of the War Council, shall constitute the policy of the War Department with reference thereto.”

War Council. Composition and duties of.

SEC. 6. That section 6 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

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“SEC. 6. ADJUTANT GENERAL’S DEPARTMENT.—The Adjutant General’s Department shall consist of The Adjutant General with the rank of major general, one assistant with the rank of brigadier general, who shall be Chief of the Personnel Bureau, and one hundred and fifteen officers in grades from colonel to captain, inclusive. The Personnel Bureau shall be charged, under such regulations as may be prescribed by the Secretary of War, with the operating functions of procurement, assignment, promotion, transfer, retirement, and discharge of all officers and enlisted men of the Army: *Provided*, That territorial commanders and the chiefs of the several branches of the Army shall be charged with such of the above-described duties within their respective jurisdictions as may be prescribed by the Secretary of War.”

Adjutant General’s Department. Composition of.

Personnel Bureau. Functions specified.

Proviso. Duties of territorial commanders, etc.

SEC. 7. That section 7 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 169.

“SEC. 7. INSPECTOR GENERAL’S DEPARTMENT.—The Inspector General’s Department shall consist of one Inspector General with the rank of major general and sixty-one officers in grades from colonel to captain, inclusive.”

Inspector General’s Department. Composition of.

Vol. 39, p. 169.

SEC. 8. That section 8 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Judge Advocate General’s Department. Composition of.

“SEC. 8. JUDGE ADVOCATE GENERAL’S DEPARTMENT.—The Judge Advocate General’s Department shall consist of one Judge Advocate General with the rank of major general and one hundred and fourteen officers in grades from colonel to captain, inclusive: *Provided*, That immediately upon the passage of this Act the number of colonels

Proviso. Number of colonels increased.

ARMY REORGANIZATION.

Vol. 39, p. 170.

Quartermaster Corps. Composition of.

Duties of Quartermaster General.

Proviso. Technical, etc., articles to be procured by branches using.

Operating utilities by branches.

Finance Department. Creation and composition of.

Chief of Finance. To disburse all funds, etc. Post, p. 893.

Proviso. Disbursing officers may designate others as agents.

Vol. 39, p. 171.

Medical Department. Composition of.

of the Judge Advocate General's Department shall be increased by five, and the vacancies thus created shall be filled by promotion in the manner heretofore provided by law."

SEC. 9. That section 9 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 9. QUARTERMASTER CORPS.—The Quartermaster Corps shall consist of one Quartermaster General with the rank of major general, three assistants with the rank of brigadier general, one thousand and fifty officers in grades from colonel to second lieutenant, inclusive, and twenty thousand enlisted men. The Quartermaster General, under the authority of the Secretary of War, shall be charged with the purchase and procurement for the Army of all supplies of standard manufacture and of all supplies common to two or more branches but not with the purchase or the procurement of special or technical articles to be used or issued exclusively by other supply departments; with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities other than fortifications connected with the Army; with the storage and issue of supplies; with the operation of utilities; with the acquisition of all real estate and the issue of licenses in connection with Government reservations; with the transportation of the Army by land and water, including the transportation of troops and supplies by mechanical or animal means; with the furnishing of means of transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe: *Provided*, That special and technical articles used or issued exclusively by other branches of the service may be purchased or procured with the approval of the Assistant Secretary of War by the branches using or issuing such articles, and the chief of each branch may be charged with the storage and issue of property pertaining thereto: *Provided further*, That utilities pertaining exclusively to any branch of the Army may be operated by such branches.

"SEC. 9a. FINANCE DEPARTMENT.—There is hereby created a Finance Department. The Finance Department shall consist of one Chief of Finance with the rank of brigadier general, one hundred and forty-one officers in grades from colonel to second lieutenant, inclusive, and nine hundred enlisted men.

"The Chief of Finance, under the authority of the Secretary, shall be charged with the disbursement of all funds of the War Department, including the pay of the Army and the mileage for officers and the accounting therefor; and with such other fiscal and accounting duties as may be required by law, or assigned to him by the Secretary of War: *Provided*, That under such regulations as may be prescribed by the Secretary of War, officers of the Finance Department, accountable for public moneys, may intrust moneys to other officers for the purpose of having them make disbursements as their agents, and the officer to whom the moneys are intrusted, as well as the officer who intrusts the moneys to him, shall be held pecuniarily responsible therefor to the United States."

Sec. 10. That section 10 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 10. MEDICAL DEPARTMENT.—The Medical Department shall consist of one Surgeon General with the rank of major general, two assistants with the rank of brigadier general, the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Administrative Corps, a number of enlisted men which until June 30, 1921, shall not exceed 5 per centum of the authorized enlisted strength and thereafter 5 per centum of the actual strength, commissioned and enlisted, of the

Regular Army, the Army Nurse Corps as now constituted by law, and such contract surgeons as are now authorized by law. The number of officers of the Medical Corps shall be six and one-half for every thousand, and of the Medical Administrative Corps, one for every two thousand, of the total enlisted strength of the Regular Army, authorized from time to time, and within the peace strength permitted by this Act. The number of officers of the Dental Corps shall be one for every thousand of the total strength of the Regular Army, authorized from time to time, and within the peace strength permitted by this Act. The number of officers of the Veterinary Corps shall be 175.

"Hereafter an officer of the Medical or Dental Corps shall be promoted to the grade of captain after three years' service, to the grade of major after twelve years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service. An officer of the Veterinary Corps shall be promoted to the grade of first lieutenant after three years' service, to the grade of captain after seven years' service, to the grade of major after fourteen years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service. An officer of the Medical Administrative Corps shall be promoted to the grade of first lieutenant after five years' service, and to the grade of captain after ten years' service. For purposes of promotion there shall be credited to officers of the Medical Department all active commissioned service in the Regular Army whenever rendered; and also all such service rendered since April 6, 1917, in the Army or in the National Guard when in active service under a call by the President, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission. To officers of the Dental Corps shall be credited their service as contract dental surgeons and acting dental surgeons, and to officers of the Veterinary Corps, their governmental veterinary service rendered prior to June 3, 1916. The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank.

"Of the vacancies in the Medical Department existing on July 1, 1920, such number as the President may direct shall be filled by the appointment on that date in any grade authorized by this section, of persons under the age of fifty-eight years, other than officers of the Regular Army, who served as officers of the Army at some time between April 6, 1917, and the date of the passage of this Act, the selection to be made by the board of general officers provided for in section 24, and subject to the restrictions as to age therein prescribed. Appointees in the Medical Administrative Corps must also have had at least five years' enlisted service in the Medical Department, and the number appointed in the grades of captain and first lieutenant under the provisions of this paragraph shall not exceed one-half of the whole number authorized for said corps. For purposes of future promotion, any person so appointed in the Medical or Dental Corps shall be considered as having had, on the date of appointment, service equal to that of the junior officer of his grade and corps now in the Regular Army; and in the Veterinary or Medical Administrative Corps, sufficient service to bring him to his grade under the rules established in this section.

"Hereafter the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director and assistant directors, the relative rank of captain; chief nurses, the relative rank

ARMY REORGANIZATION. Percentage to total of enlisted strength.

Dental Corps.

Veterinary Corps.

Medical and Dental Corps. Service promotions.

Veterinary Corps. Service promotions.

Medical Administrative Corps. Service promotions.

Credit for all active commissioned service.

Other service since April 6, 1917.

Dental Corps. Service credit.

Effect of loss of files.

Filling vacancies on July 1, 1920.

Persons eligible.

Selection. Post, p. 771.

Medical Administrative Corps. Enlisted service required, etc.

Service credits for future promotions.

Army Nurse Corps. Relative rank conferred. Vol. 40, p. 87

<p>ARMY REORGANIZATION.</p> <p>Authority, etc.</p> <p>Regulations, etc., to be made.</p> <p>Vol. 39, p. 173.</p> <p>Corps of Engineers. Composition of.</p> <p>Vol. 39, p. 174.</p> <p>Ordnance Department. Composition of.</p> <p>Chemical Warfare Service. Creation and composition of.</p> <p>Duties conferred on Chief.</p> <p>Vol. 39, p. 174.</p> <p>Signal Corps. Composition.</p> <p>Air Service. Creation and composition of.</p> <p>Flying cadets additional. <i>Proviso.</i> Details permitted if failing to qualify as pilots, etc.</p>	<p>of first lieutenant; head nurses and nurses, the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have authority in and about military hospitals next after the officers of the Medical Department. The Secretary of War shall make the necessary regulations prescribing the rights and privileges conferred by such relative rank."</p> <p>SEC. 11. That section 11 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:</p> <p>"SEC. 11. CORPS OF ENGINEERS.—The Corps of Engineers shall consist of one Chief of Engineers with the rank of major general, one assistant with the rank of brigadier general, six hundred officers in grades from colonel to second lieutenant, inclusive, and twelve thousand enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe."</p> <p>SEC. 12. That section 12 of said Act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:</p> <p>"SEC. 12. ORDNANCE DEPARTMENT.—The Ordnance Department shall consist of one Chief of Ordnance with the rank of major general, two assistants with the rank of brigadier general, three hundred and fifty officers in grades from colonel to second lieutenant, inclusive, and four thousand five hundred enlisted men.</p> <p>"SEC. 12a. CHEMICAL WARFARE SERVICE.—There is hereby created a Chemical Warfare Service. The Chemical Warfare Service shall consist of one Chief of the Chemical Warfare Service with the rank of brigadier general, one hundred officers in grades from colonel to second lieutenant, inclusive, and one thousand two hundred enlisted men. The Chief of the Chemical Warfare Service under the authority of the Secretary of War shall be charged with the investigation, development, manufacture, or procurement and supply to the Army of all smoke and incendiary materials, all toxic gases, and all gas-defense appliances; the research, design, and experimentation connected with chemical warfare and its material; and chemical projectile filling plants and proving grounds; the supervision of the training of the Army in chemical warfare, both offensive and defensive, including the necessary schools of instruction; the organization, equipment, training, and operation of special gas troops, and such other duties as the President may from time to time prescribe."</p> <p>SEC. 13. That section 13 of said Act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:</p> <p>"SEC. 13. SIGNAL CORPS.—The Signal Corps shall consist of one Chief Signal Officer with the rank of major general, three hundred officers in grades from colonel to second lieutenant, inclusive, and five thousand enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe.</p> <p>"SEC. 13a. AIR SERVICE.—There is hereby created an Air Service. The Air Service shall consist of one Chief of the Air Service with the rank of major general, one assistant with the rank of brigadier general, one thousand five hundred and fourteen officers in grades from colonel to second lieutenant, inclusive, and sixteen thousand enlisted men, including not to exceed two thousand five hundred flying cadets, such part of whom as the President may direct being formed into tactical units, organized as he may prescribe: <i>Provided</i>, That not to exceed 10 per centum of the officers in each grade below that of brigadier general who fail to qualify as aircraft pilots or as observers within one year after the date of detail or assignment shall be permitted to remain detailed or assigned to the Air Service.</p>
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Flying units shall in all cases be commanded by flying officers. Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights; and hereafter no person shall receive additional pay for aviation duty except as prescribed in this section: *Provided*, That nothing in this Act shall be construed as amending existing provisions of law relating to flying cadets."

ARMY REORGANIZATION.
Command of flying units.
Increase of pay for aerial flights duty.

Flying cadets continued.

SEC. 14. That section 14 of said Act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:

Vol. 39, p. 176.

"SEC. 14. BUREAU OF INSULAR AFFAIRS.—The officers of the Bureau of Insular Affairs shall be one Chief of the Bureau with the rank of brigadier general, and two officers below the grade of brigadier general: *Provided*, That during the tenure of office of the present Chief of the Bureau of Insular Affairs he shall have the rank of major general."

Bureau of Insular Affairs.
Officers for.

Proviso.
Rank of present Chief.

SEC. 15. That section 15 of said Act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:

Vol. 39, p. 176.

"SEC. 15. CHAPLAINS.—There shall be one chaplain for every twelve hundred officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time in accordance with law and within the peace strength permitted by this Act. Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than five years, first lieutenant; five to fourteen years, captain; fourteen to twenty years, major; over twenty years, lieutenant colonel. One chaplain, of rank not below that of major may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay and allowances of colonel while so serving. His duties shall include investigation into the qualifications of candidates for appointment as chaplain, and general coordination and supervision of the work of chaplains. Of the vacancies existing on July 1, 1920, such number as the President may direct shall be filled by appointment on that date of persons under the age of fifty-eight years, other than chaplains of the Regular Army, who served as chaplains in the Army at some time between April 6, 1917, and the date of the passage of this Act. Such appointments may be made in grades above the lowest under the same restrictions as to age and rank as are hereinafter prescribed for original appointments in other branches of the service, and in accordance with the recommendation of the board of officers provided for in section 24. For purposes of future promotion, persons so appointed shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in this section."

Chaplains.
Proportion to strength of Regular Army.

Service rank, pay, etc.

Chief of chaplains.

Rank, pay, and duties.

Vacancies, on July 1, 1920.
Eligibility for filling.

Appointments.

Post, p. 771.

Future promotions.

Vol. 39, p. 176.
Veterinarian provisions stricken out.

SEC. 16. That said Act be, and the same is hereby, amended by striking out section 16.

Vol. 39, p. 177.

SEC. 17. That section 17 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 17. INFANTRY.—The Infantry shall consist of one Chief of Infantry with the rank of major general; four thousand two hundred officers in grades from colonel to second lieutenant, inclusive, and one hundred and ten thousand enlisted men, organized into such Infantry units as the President may direct. Hereafter all tank units shall form a part of the Infantry."

Infantry.
Composition of.

Tank units included.

ARMY REORGANIZATION.
Vol. 39, p. 178.

SEC. 18. That section 18 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Cavalry.
Composition of.

"SEC. 18. CAVALRY.—The Cavalry shall consist of one Chief of Cavalry with the rank of major general, nine hundred and fifty officers in grades from colonel to second lieutenant, inclusive, and twenty thousand enlisted men, organized into Cavalry units as the President may direct."

Vol. 39, p. 179.

SEC. 19. That section 19 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Field Artillery.
Composition of.

"SEC. 19. FIELD ARTILLERY.—The Field Artillery shall consist of one Chief of Field Artillery with the rank of major general, one thousand nine hundred officers in grades from colonel to second lieutenant, inclusive, and thirty-seven thousand enlisted men, organized into Field Artillery units as the President may direct."

Vol. 39, p. 180.

SEC. 20. That section 20 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Coast Artillery Corps.
Composition of.

"SEC. 20. COAST ARTILLERY CORPS.—The Coast Artillery Corps shall consist of one Chief of Coast Artillery with the rank of major general, one thousand two hundred officers in grades from colonel to second lieutenant, inclusive, the warrant officers of the Army Mine Planter Service as now authorized by law, and thirty thousand enlisted men, organized into such Coast Artillery units as the President may direct."

Vol. 39, p. 180.

SEC. 21. That section 21 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Porto Rico Regiment of Infantry made part of Infantry branch.

"SEC. 21. PORTO RICO REGIMENT OF INFANTRY.—The Porto Rico Regiment of Infantry and the officers and enlisted men of such regiment shall become a part of the Infantry branch herein provided for, and its officers shall, on July 1, 1920, be recommissioned in the Infantry with their present grades and dates of rank, unless promoted on that date in accordance with the provisions of section 24 hereof."

Recommissions.

Post, p. 771.

Vol. 39, p. 181.
New section.

SEC. 22. That said Act be, and the same is hereby, amended by adding after section 22 a new section, to be numbered 22a, and to read as follows:

Philippine Scouts.
Formation of, etc.
Ante, p. 790.

"SEC. 22a. PHILIPPINE SCOUTS.—The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed by law, organized similarly to those of the Regular Army, the officers to be detailed from those authorized in section 4 hereof. On July 1, 1920, all officers of the Philippine Scouts on the active list, who are citizens of the United States and are found qualified under such regulations as the President may prescribe, shall be recommissioned in some one of the branches provided for by this Act, and those not so recommissioned shall continue to serve under their commissions as officers of the Philippine Scouts. No further appointments shall be made as officers of Philippine Scouts except of citizens of the Philippine Islands, who may be appointed in the grade of second lieutenant, under such regulations as the President may prescribe. Officers commissioned in the Philippine Scouts shall be subject to promotion, classification, and elimination, as hereinafter prescribed for officers of the Regular Army. Those now on the retired list shall hereafter receive the same pay as a retired second lieutenant of equal service. Officers of the Philippine Scouts shall hereafter be retired under the same conditions, and those hereafter placed on the retired list shall receive the same retired pay, as other officers of like grades and length of service, and shall be equally eligible for advancement on account

Recommissioning of officers on active list who are United States citizens, etc.

Restriction on appointments to Philippines.

Promotions, etc.

Present retired pay.

Retirement hereafter.

of active duty performed since retirement. Nothing in this Act shall be construed to alter in any respect the present status of enlisted men of the Philippine Scouts."

ARMY REORGANIZATION.
Status of enlisted men unchanged.

SEC. 23. That section 23 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 181.

"SEC. 23. PROVISIONAL APPOINTMENTS.—All laws providing that certain appointments of officers shall be provisional for a period of time are hereby repealed."

Provisional appointments.
Repeal of laws for.

SEC. 24. That section 24 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 182.

"SEC. 24. FILLING OF VACANCIES.—Not less than one-half of the total number of vacancies caused by this Act, exclusive of those in the Medical Department and among chaplains, shall be filled by the appointment, to date from July 1, 1920, and subject to such examination as the President may prescribe, of persons other than officers of the Regular Army who served as officers of the United States Army at any time between April 6, 1917, and the date of the passage of this Act. A suitable number of such officers shall be appointed in each of the grades below that of brigadier general, according to their qualifications for such grade as may be determined by the board of general officers provided for in this section. No such person above the age of fifty years shall be appointed in a combatant branch, or above the age of fifty-eight in a noncombatant branch. No such person below the age of forty-eight years shall be appointed in the grade of colonel, or below the age of forty-five years in the grade of lieutenant colonel, or below the age of thirty-six years in the grade of major. Not less than three such persons shall be appointed to the grade of colonel in the Judge Advocate General's Department, and not less than eight to the grade of lieutenant colonel in the Judge Advocate General's Department, provided a sufficient number of applicants for such appointments are legally eligible and are found by the board provided for in this section to be properly qualified. Any person originally appointed under the provisions of this Act at an age greater than forty-five years shall, when retired, receive retired pay at the rate of 4 per centum of active pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per centum. Vacancies remaining in grades above the lowest which are not filled by such appointments shall be filled by promotion to date from July 1, 1920, in accordance with the provisions of section 24c hereof. The selection of officers to be appointed under the provisions of this section, under such rules and regulations as may be approved by the Secretary of War, shall be made by a board consisting of the General of the Army, three bureau chiefs and three general officers of the line, to be appointed by the Secretary of War: *Provided*, That no officer shall be appointed in any branch of the service under the provisions of this section except with the approval of the chief of such branch or officer acting as such.

Filling original vacancies.

Half from other than Regular Army.

In grades below brigadier general.

Age restrictions.

Appointments in Judge Advocate General's Department.

Retirement pay.

Vacancies not filled hereby.

Selection board.
Composition of.

Proviso.
Approval by chief of branch.

Promotion list.
Preparation and purpose of.

"SEC. 24a. PROMOTION LIST.—For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list, on which shall be carried the names of all officers of the Regular Army and Philippine Scouts below the grade of colonel, except officers of the Medical Department, chaplains, professors, the military storekeeper and certain second lieutenants of the Quartermaster Corps hereinafter specified. The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest

Officers excepted.

Service arrangement.

ARMY REORGANIZATION.
Credit for all active commissioned service.

In Marine Corps serving with Army.

Composition of board to prepare list.

Scheme adopted.

In order of present lineal lists. Original appointments prior to April 6, 1917.

Officers omitted.

Voluntary transfers.

Artillery from other branches. Vol. 34, p. 861.

Porto Rico and Philippine regiments.

Reappointed officers.

Position of excepted officers.

Arrangement of Judge Advocate General's Department, Quartermaster Corps and Ordnance Department.

Captains and lieutenants appointed since April 6, 1917.

Position of original appointments. Captains and lieutenants.

commissioned service, and so on. In computations for the purpose of determining the position of officers on the promotion list there shall be credited all active commissioned service in the Army performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission; also commissioned service in the National Guard while in active service since April 6, 1917, under a call by the President; and also commissioned service in the Marine Corps when detached for service with the Army by order of the President. In determining position on the promotion list, and relative rank, commissioned service in the Regular Army or the Philippine Scouts, if continuous to the present time, shall be counted as having begun on the date of original commission. The original promotion list shall be formed by a board of officers appointed by the Secretary of War, consisting of one colonel of each of six branches of the service in which officers are permanently commissioned under the terms of this Act, and one officer who, as a member of the personnel branch of the General Staff, has made a special study of merging the present promotion lists into a single list. The steps in the formation of the original promotion list shall be as follows:

"First, officers below the grade of colonel in the Corps of Engineers, Signal Corps, Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Porto Rico Regiment, and Philippine Scouts, who were originally appointed in the Regular Army or Philippine Scouts prior to April 6, 1917, shall be arranged without changing the present order of officers on the lineal lists of their own branches, but otherwise as nearly as practicable according to length of commissioned service. The following shall be omitted:

"(a) Officers who, as a result of voluntary transfer, occupy positions on the lineal list other than those they would have held if their original commissions had been in their present branches;

"(b) Officers of other branches appointed in the Field Artillery or the Coast Artillery Corps to fill vacancies created by the Act approved January 25, 1907;

"(c) Officers appointed in the Regular Army since January 1, 1903, while serving as officers of the Porto Rico Provisional Regiment of Infantry or Philippine Scouts;

"(d) Former officers of the Regular Army or Philippine Scouts who have been reappointed in these forces and who are now below normally placed officers of less commissioned service than theirs.

"Officers of classes (a), (b), and (c) shall be placed on the list in the positions they would have occupied if they had remained in their original branches of the service. Officers of class (d) shall be placed on the list in the position that would normally be occupied by an officer of continuous service equal to the total active commissioned service of such officers in the Army.

"Second, officers of the Judge Advocate General's Department, Quartermaster Corps, and Ordnance Department shall be placed on the list according to length of commissioned service, except those second lieutenants of the Quartermaster Corps who are found not qualified for promotion as provided in section 24b hereof.

"Third, captains and lieutenants of the Regular Army and Philippine Scouts, originally appointed since April 6, 1917, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point.

"Fourth, persons to be appointed as captains or lieutenants under the provisions of section 24, hereof, shall be placed according to commissioned service rendered prior to November 11, 1918, among the

officers referred to in the next preceding clause; and where such commissioned service is equal, officers now in the Regular Army shall precede persons to be appointed under the provisions of this Act, and the latter shall be arranged according to age.

"Fifth, persons appointed as lieutenant colonels or majors under the provisions of section 24 hereof, shall be placed immediately below all officers of the Regular Army who, on July 1, 1920, are promoted to those grades respectively under the provisions of section 24 hereof: *Provided*, That the board charged with the preparation of the promotion list may in its discretion, assign to any such officer a position on the list higher than that to which he would otherwise be entitled, but not such as to place him above any officer of greater age, whose commissioned service commenced prior to April 6, 1917, and who would precede him on the list under the general provisions of this section.

"Any former officer of the Regular Army and any retired officer who may hereafter be appointed to the active list in the manner provided by law shall be placed on the promotion list in accordance with his total active commissioned service; except that former officers appointed to field grades on July 1, 1920, under the provisions of section 24, may be placed as provided in the next preceding paragraph of this section. A reserve judge advocate appointed in the Regular Army shall be placed as provided in section 24c.

"Other officers on original appointment shall be placed at the foot of the list. The place of any officer on the promotion list once established shall not thereafter be changed, except as the result of the sentence of a court-martial.

"SEC 24b. CLASSIFICATION OF OFFICERS.—Immediately upon the passage of this Act, and in September of 1921 and every year thereafter, the President shall convene a board of not less than five general officers, which shall arrange all officers in two classes, namely: Class A, consisting of officers who should be retained in the service, and Class B, of officers who should not be retained in the service. Until otherwise finally classified, all officers shall be regarded as belonging to Class A, and shall be promoted according to the provisions of this Act to fill any vacancies which may occur prior to such final classification. No officer shall be finally classified in Class B until he shall have been given an opportunity to appear before a court of inquiry. In such court of inquiry he shall be furnished with a full copy of the official records upon which the proposed classification is based and shall be given an opportunity to present testimony in his own behalf. The record of such court of inquiry shall be forwarded to the final classification board for reconsideration of the case, and after such consideration the finding of said classification board shall be final and not subject to further revision except upon the order of the President. Whenever an officer is placed in Class B, a board of not less than three officers shall be convened to determine whether such classification is due to his neglect, misconduct or avoidable habits. If the finding is affirmative, he shall be discharged from the Army; if negative, he shall be placed on the unlimited retired list with pay at the rate of 2½ per centum of his active pay multiplied by the number of complete years of commissioned service, or service which under the provisions of this Act is counted as its equivalent, unless his total commissioned service or equivalent service shall be less than ten years, in which case he shall be honorably discharged with one year's pay. The maximum retired pay of an officer retired under the provisions of this section prior to January 1, 1924, shall be 75 per centum of active pay, and of one retired on or after that date, 60 per centum. If an officer is thus retired before the completion of thirty years' commissioned service, he may be employed on such active duty as the Secretary of War considers him capable of performing until he

ARMY REORGANIZATION.

Lieutenant colonels and majors.

Proviso. Discretionary higher assignments.

Appointments hereafter of former officers and retired officers to active list.

Other original appointments. Permanency of list.

Classification of officers. Board to arrange.

Class A, to be retained. Class B, not to be retained. Present officers in Class A.

Action if put in Class B.

Board to determine if due to neglect, etc.

Discharge if affirmative. Retirement, etc., if negative.

Pay provisions.

Active duty permitted.

<p>ARMY REORGANIZATION. Report on Quartermaster Corps second lieutenants. Vol. 39, p. 170.</p>	<p>has completed thirty years' commissioned service. The board convened upon the passage of this Act shall also report the names of those second lieutenants of the Quartermaster Corps who were commissioned under the provisions of section 9 of the Act of June 3, 1916, who are not qualified for further promotion. The officers so reported shall continue in the grade of second lieutenant for the remainder of their service and the others shall be placed upon the promotion list according to their commissioned service, as hereinbefore provided.</p>
<p>Service conditions.</p>	
<p>Promotions, under existing law.</p>	<p>"SEC. 24c. PROMOTION OF OFFICERS.—Up to and including June 30, 1920, except as otherwise provided herein, promotions shall continue to be made in accordance with law existing prior to the passage of this Act, and on the basis of the number heretofore authorized for each grade and branch. On and after July 1, 1920, vacancies in grades below that of brigadier general shall be filled by the promotion of officers in the order in which they stand on the promotion list, without regard to the branches in which they are commissioned.</p>
<p>From July 1, 1920, by order on promotion list.</p>	<p>Existing laws providing for the examination of officers for promotion are hereby repealed, except those relating to physical examination, which shall continue to be required for promotion to all grades below that of brigadier general, and except also those governing the examination of officers of the Medical, Dental, and Veterinary Corps. Officers of said three Corps shall be examined in accordance with laws governing examination of officers of the Medical Corps, second lieutenants of the Veterinary Corps being subject to the same provisions as first lieutenants.</p>
<p>Repeal of existing laws for promotion.</p>	
<p>Medical Department excepted.</p>	
<p>Transfers to other branches.</p>	<p>"SEC. 24d. TRANSFER OF OFFICERS.—Upon his own application any officer may be transferred to another branch without loss of rank or change of place on the promotion list.</p>
<p>Appointment of officers. Second lieutenants.</p>	<p>"SEC. 24e. APPOINTMENT OF OFFICERS.—Except as otherwise herein provided, appointments shall be made in the grade of second lieutenant, first, from graduates of the United States Military Academy; second, from warrant officers and enlisted men of the Regular Army between the ages of twenty-one and thirty years, who have had at least two years' service; and, third, from reserve officers, and from officers, warrant officers and enlisted men of the National Guard, members of the Enlisted Reserve Corps and graduates of technical institutions approved by the Secretary of War, all between the ages of twenty-one and thirty years. Any vacancy in the grade of captain in the Judge Advocate General's Department, not filled by transfer or detail from another branch, may, in the discretion of the President, be filled by appointment from reserve judge advocates between the ages of thirty and thirty-six years, and such appointee shall be placed upon the promotion list immediately below the junior captain on said list. Appointments in the Medical and Dental Corps shall be made in the grade of first lieutenant from reserve medical and dental officers, respectively, between the ages of twenty-three and thirty-two years; in the Veterinary Corps in the grade of second lieutenant from reserve veterinary officers between the ages of twenty-one and thirty years; and in the Medical Administrative Corps in the grade of second lieutenant from enlisted men of the Medical Department between the ages of twenty-one and thirty-two years, who have had at least two years' service. To be eligible for appointment in the Dental Corps, a candidate must be a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation.</p>
<p>Captains, Judge Advocate General's Department.</p>	
<p>Medical Department</p>	
<p>Dental Corps, professional requisites.</p>	
<p>Chaplains.</p>	
<p>Reappointment of former, or retired, officers to active list.</p>	<p>Appointments as chaplains shall be made from among persons duly accredited by some religious denomination or organization, and of good standing therein, between the ages of twenty-three and forty-five years. Former officers of the Regular Army and retired officers may be reappointed to the active list, if found competent for active</p>

duty, and shall be commissioned in the grades determined by the places assigned to them on the promotion list under the provisions of section 24a hereof."

SEC. 25. That section 25 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 25. DETACHED OFFICERS AND ENLISTED MEN.—All officers and enlisted men authorized by law and not assigned to duty with any branch or bureau herein provided for shall be carried on the Detached Officers' List and Detached Enlisted Men's List, respectively."

SEC. 26. That said Act be, and the same is hereby, amended by striking out section 26.

SEC. 27. That section 27 of said Act be, and the same is hereby, amended by striking out all up to and including the third proviso, and also the proviso relating to the utilization of the service of postmasters, and inserting the following in lieu thereof:

"SEC. 27. ENLISTMENTS.—Hereafter original enlistments in the Regular Army shall be for a period of one or three years at the option of the soldier, and reenlistments shall be for a period of three years. Existing laws providing for the payment of three months' pay to certain soldiers upon reenlistment are hereby repealed, and hereafter an enlistment allowance equal to three times the monthly pay of a soldier of the seventh grade shall be paid to every soldier who enlists or reenlists for a period of three years, payment of the enlistment allowance for original enlistment to be deferred until honorable discharge."

SEC. 28. That said Act be, and the same is hereby, amended by striking out section 28, with the exception of the proviso added thereto by Chapter XVII, section 5 of an Act of Congress approved July 9, 1918, providing pay for qualification as telegraphers.

SEC. 29. That section 29 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 29. DISCHARGE ON ACCOUNT OF DEPENDENT RELATIVES.—When by reason of death or disability of a member of the family of an enlisted man, occurring after his enlistment, members of his family become dependent upon him for care or support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States."

SEC. 30. That section 30 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 30. The Regular Army Reserve is hereby abolished, and all members thereof shall be discharged from the obligations under which they are now serving."

SEC. 31. That said Act be, and the same is hereby amended by striking out sections 31, 32, 33, 34, 36, 38, and 39.

SEC. 32. That section 37 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37. OFFICERS' RESERVE CORPS.—For the purpose of providing a reserve of officers available for military service when needed, there shall be organized an Officers' Reserve Corps consisting of general officers, of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent

ARMY REORGANIZATION.

Vol. 39, p. 183.

Detached Officers' and Detached Enlisted Men's Lists. Composition of.

Vol. 39, p. 185. Philippine Scouts; retirement repealed.

Vol. 39, p. 185.

Enlistments. Optional periods.

Reenlistment allowances hereafter.

Vol. 39, p. 186. Specified enlisted pay abolished. Telegraphers continued.

Vol. 40, p. 890.

Vol. 39, p. 187.

Discharge on account of dependent relatives. Permitted, if occurring since enlistment.

Vol. 39, p. 187.

Regular Army Reserve abolished.

Vol. 39, pp. 187-189, 191. Sections stricken out.

Vol. 39, p. 189.

Officers' Reserve Corps. Creation and composition of.

Appointments by President alone, except general officers. Terms.

ARMY REORGANIZATION.

of the Senate. Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war, or made in time of war, shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. In time of peace, a reserve officer must, at the time of his appointment, be a citizen of the United States or of the Philippine Islands, between the ages of twenty-one and sixty years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time, may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade; any person now serving as an officer of the National Guard may be appointed as a reserve officer in his present or any lower grade; no other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof, warrant officers and enlisted men of the Regular Army, National Guard and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command, but no reserve officer shall be promoted to any grade in time of peace until he has held a commission for at least one year in the next lower grade. So far as practicable, reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this Act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission.

“SEC. 37a. RESERVE OFFICERS ON ACTIVE DUTY.—To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than fifteen days in any calendar year without his own consent. A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service, and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay.”

SEC. 33. That said Act be, and the same is hereby, amended by striking out sections 40, 41, 42, 43, 45, and 46 and inserting the following in lieu thereof:

“SEC. 40. RESERVE OFFICERS' TRAINING CORPS—ORGANIZATION.—The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, one or more units in number, which shall consist of a senior division organized at universities and colleges granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics under the Act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and at those essentially

Citizenship.

Former service qualifications.

National Guard officers eligible.

Restriction on others.

Limit of peace appointments in Infantry, etc.

Post, p. 778.

Basis of promotions and transfers.

National Guard commissions allowed.

Reserve officers on active duty.

Time restrictions, except during war.

Pay, etc.

Reserve Officers' Training Corps.

Vol. 39, pp. 191, 192.

Organization.

Maintenance in civil educational institutions.

Senior division.

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military schools not conferring academic degrees, specially designated by the Secretary of War as qualified, and a junior division organized at all other public and private educational institutions, and each division shall consist of units of the several arms, corps, or services in such number and such strength as the President may prescribe: *Provided*, That no such unit shall be established or maintained at any institution until an officer of the Regular Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students, except that in the case of units other than infantry, cavalry or artillery, the minimum number shall be fifty: *Provided further*, That except at State institutions described in this section, no unit shall be established or maintained in an educational institution until the authorities of the same agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course, when entered upon by any student, shall, as regards such student, be a prerequisite for graduation unless he is relieved of this obligation by regulations to be prescribed by the Secretary of War.

"SEC. 40a. RESERVE OFFICERS' TRAINING CORPS COURSES.—The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of such corps shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training or to devote at least an average of three hours per week per academic year to such military training, except as provided in section 47c of this Act.

"SEC. 40b. PERSONNEL FOR DUTY WITH RESERVE OFFICERS' TRAINING CORPS.—The President is hereby authorized to detail such numbers of officers, warrant officers, and enlisted men of the Regular Army, either active or retired, as may be necessary for duty as professors of military science and tactics, assistant professors of military science and tactics, and military instructors at educational institutions where one or more units of the Reserve Officers' Training Corps are maintained. In time of peace retired officers, retired warrant officers, or retired enlisted men shall not be detailed under the provisions of this section without their consent, and no officer on the active list shall be detailed for recruiting service or for duty at a school or college, not including schools of the service, where officers on the retired list can be secured who are competent for such duty. Hereafter retired officers below the grade of brigadier general and retired warrant officers and enlisted men shall, when on active duty, receive full pay and allowances."

SEC. 34. That said Act be, and the same is hereby, amended by striking out sections 47, 48, 49, 50, 51, 52, 53, and 54 and inserting the following in lieu thereof:

"SEC. 47. SUPPLIES FOR RESERVE OFFICERS' TRAINING CORPS.—The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, transportation, arms, ammunition, supplies, tentage, equipment, and uniforms belonging to the United States as he may deem necessary, and to forage at the expense of the United States public animals so issued, to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War, and to authorize such expenditures from proper Army appropriations as he may deem necessary for the efficient maintenance of the Reserve Officers' Training Corps. He shall require from each institution to which

ARMY REORGANIZATION.
Junior division.

Provisos.
Detail of Army officer, and number of students required.

Course of military training to be a prerequisite for graduation.

Courses.
Standard, of military training, to be prescribed.

Post, p. 778.

Personnel.
Details from Regular Army, authorized.

Use of retired list in time of peace.

Pay, etc.

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Army supplies, etc., to be furnished.

Appropriations available.

ARMY REORGANIZATION.
Bond required for care, etc.

Instruction camps.
Maintenance authorized.

Expenses of attending, etc.

Use of Army troops and property.

Reserve officers.
Appointment as, of graduates of senior divisions.
Requirements.

Period of service required.

Proviso.
No retirement, etc.
Pensions restricted.

Pay and commutation of subsistence.
Allowance to students agreeing to continue specified military training, etc.

Limit.

property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, except for uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction, and for its return when required.

"SEC. 47a. RESERVE OFFICERS' TRAINING CORPS CAMPS.—The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a longer period than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit, to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit, or in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and to admission to military hospitals at such camps, and to furnish medical attendance and supplies; to use the troops of the Regular Army, and such Government property as he may deem necessary, for the military training of the members of such corps while in attendance at such camps; and to prescribe regulations for the government of such camps.

"SEC. 47b. APPOINTMENT OF GRADUATES OF RESERVE OFFICERS' TRAINING CORPS AS RESERVE OFFICERS.—The President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer of the Army of the United States any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 47a of this Act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section 47a of this Act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army of the United States during a period of at least five years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority: *Provided*, That no reserve officer appointed pursuant to this Act shall be entitled to retirement, or to retired pay, and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Army pursuant to provisions of this Act.

"SEC. 47c. PAY AND COMMUTATION OF SUBSISTENCE, RESERVE OFFICERS' TRAINING CORPS.—When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for advanced training by the president of the institution and by the professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished at the expense of the United States commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the

Reserve Officers' Training Corps, not exceeding two years: *Provided*, That any medical, dental, or veterinary student may be admitted to a Medical, Dental, or Veterinary Corps unit of the Reserve Officers' Training Corps for a course of training at the rate of ninety hours of instruction per annum for the four collegiate years, and if at the end of two years of such training he has been selected by the professor of military science and tactics and the head of the institution for advanced training, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years: *Provided further*, That any reserve officer who is also a medical, dental, or veterinary student may be admitted to such Medical, Dental, or Veterinary Corps unit for such training, under such rules and regulations as the Secretary of War may prescribe: *Provided further*, That members of the Reserve Officers' Training Corps, or other persons authorized by the Secretary of War to attend advanced course camps, shall be paid for attendance at such camps at the rate prescribed for soldiers of the seventh grade of the Regular Army.

"SEC. 47d. TRAINING CAMPS.—The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, schools or camps for the military instruction and training, with a view to their appointment as reserve officers or noncommissioned officers, of such warrant officers, enlisted men, and civilians as may be selected upon their own application; to use for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accoutrements, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish at the expense of the United States uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, or in lieu of furnishing such transportation and subsistence to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp, and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and medical attendance and supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instructions at said camps, for cash and at cost price, plus 10 per centum, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time for the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods

ARMY REORGANIZATION.
Provisos.
Medical Department training.

Admission of reserve officers.

Attending advance course camps.

Training camps.
Maintenance of, for selected enlisted men, civilians, etc.

Traveling expenses, etc.

Sales to persons receiving instruction.

Courses of instruction.

ARMY REORGANIZATION.
Personnel from Army.

Vol. 39, pp. 195, 196.

Enlisted Reserve Corps.
Composition of.
Period of enlistment.

Eligibility.

Continuance in time of war.

Organization.
Forming, arming, etc.

Assignment of officers, etc.

Reservists.
Restriction on active duty service of.

Military equipment at other schools and colleges.

Provisions for.
Ante, p. 776.

Details from Army.

Provisos.
Pay.

Consent of retired officers, etc.

National Guard.
Vol. 39, p. 197.
Minimum strength of units.

Proviso.

during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers, warrant officers, and enlisted men of the Regular Army in such numbers and upon such duties as he may designate."

SEC. 35. That said Act be, and the same is hereby, amended by striking out sections 55 and 56 and inserting the following in lieu thereof:

"SEC. 55. THE ENLISTED RESERVE CORPS.—The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one year periods and who, in time of peace, shall be entitled to discharge within ninety days if they make application therefor. Enlistments shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War. All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination unless sooner terminated by the President.

"SEC. 55a. ORGANIZATION OF THE ENLISTED RESERVE CORPS.—The President may form any or all members of the Enlisted Reserve Corps into tactical organizations similar to those of the Regular Army, similarly armed, uniformed, and equipped, and composed so far as practicable of men residing in the same locality, may officer them by the assignment of reserve officers or officers of the Regular Army, active or retired, and may detail such personnel of the Army as may be necessary for the administration of such organizations and the care of Government property issued to them.

"SEC. 55b. RESERVISTS ON ACTIVE DUTY.—Members of the Enlisted Reserve Corps may be placed on active duty, as individuals or organizations, in the discretion of the President, but except in time of a national emergency expressly declared by Congress no reservist shall be ordered to active duty in excess of the number permissible under appropriations made for this specific purpose, nor for a longer period than fifteen days in any one calendar year without his own consent. While on active duty they shall receive the same pay and allowances as other enlisted men of like grades and length of service.

"SEC. 55c. MILITARY EQUIPMENT AND INSTRUCTORS AT OTHER SCHOOLS AND COLLEGES.—The Secretary of War is hereby authorized, under such regulations as he may prescribe, to issue such arms, tentage, and equipment as he shall deem necessary for proper military training to schools and colleges, other than those provided for in section 40 of this Act, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years; and the Secretary of War is hereby authorized to detail such available active or retired officers, warrant officers, and enlisted men of the Regular Army as he may deem necessary to said schools and colleges, other than those provided for in section 40 of this Act: *Provided*, That while so detailed they shall receive active pay and allowances: *Provided further*, That in time of peace retired officers, warrant officers, or enlisted men shall not be detailed under the provisions of this section without their consent."

SEC. 36. That section 60 of said Act be, and the same is hereby, amended by adding the following at the end thereof: "Until July 1, 1921, companies and corresponding units of the National Guard may be recognized at a minimum enlisted strength of fifty: *Provided*,

That the National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States."

NATIONAL GUARD.
Combinations for
tactical units.

SEC. 37. That section 69 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 200.

"SEC. 69. Original enlistments in the National Guard shall be for a period of three years and subsequent enlistments for periods of one year each: *Provided*, That persons who have served in the Army for not less than six months, and have been honorably discharged therefrom, may, within two years after the passage of this Act, enlist in the National Guard for a period of one year and reenlist for like periods."

Enlistment periods.

Proviso.
Persons discharged
from the Army.

SEC. 38. That section 70 of said Act be, and the same is hereby amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 201.

"SEC. 70. Men enlisting in the National Guard of the several States, Territories, and the District of Columbia, shall sign an enlistment contract and subscribe to the following oath of enlistment: 'I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three (or one) year —, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War.'"

Enlistment contract
and oath.

SEC. 39. That said Act be, and the same is hereby, amended by striking out section 71.

Vol. 39, p. 201.
Former contract re-
pealed.

SEC. 40. That section 72 of said Act be, and the same is hereby amended, by striking out the same, and inserting the following in lieu thereof:

Vol. 39, p. 201.

"SEC. 72. DISCHARGE OF ENLISTED MEN FROM THE NATIONAL GUARD.—An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States under the provisions of section 111 of this Act, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe."

Discharges.
Certificate to be
given.

SEC. 41. That section 74 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Prior to expiration
of term.

Vol. 39, p. 201.

"SEC. 74. QUALIFICATIONS FOR NATIONAL GUARD OFFICERS.—Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes, and shall have taken and subscribed to the oath of office prescribed in the preceding section of this Act; officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom; graduates of the United States Military and Naval Academies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army

Officers.
Qualifications of
former services, etc.,
required.

NATIONAL GUARD.	who certified their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially qualified for duty therein."
National Guard Reserve. Vol. 39, p. 212.	SEC. 42. That section 78 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:
Enlistment contract and oath.	"SEC 78. That hereafter, men duly qualified under regulations prescribed by the Secretary of War may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: 'I do hereby acknowledge to have voluntarily enlisted this _____ day of _____, 19—, as a soldier in the National Guard Reserve of the United States and of the State of _____, for a period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of _____, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the governor of the State of _____, and of the officers appointed over me according to law and the rules and Articles of War': <i>Provided</i> , That members of said reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: <i>Provided further</i> , That, except as otherwise specifically provided in this Act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes."
<i>Provisos.</i> Pay when training with National Guard.	SEC. 43. That said Act be, and the same is hereby, amended by striking out section 79.
No other pay, etc.	SEC. 44. That section 81 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:
Vol. 39, p. 203. Recruit training repealed. Vol. 39, p. 203.	"SEC. 81. MILITIA BUREAU OF THE WAR DEPARTMENT.—The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. After January 1, 1921, the Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the Governors of the several States and Territories as suitable for such appointment, who hold commissions in the Officers' Reserve Corps, who have had ten or more years' commissioned service in the National Guard, at least five of which has been in the line, and who have attained at least the grade of major. He shall hold office for four years, unless sooner removed for cause, and shall have the rank, pay and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. While serving as chief, his reserve commission shall continue in force, and shall not be terminated except for cause assigned. Until the chief is appointed, as provided in this section, the President may assign an officer of the Regular Army, not below the grade of colonel, to perform the duties of chief. For duty in the Militia Bureau and for the instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding five hundred officers of the National Guard, who hold reserve commissions, to duty with the Regular Army, in addition to those attending service schools; and
Militia Bureau. National Guard officer to be appointed Chief of, after January 1, 1921. Selection, etc.	
Term, rank, etc.	
Temporary chief.	
Assignment from Army for duty in, etc.	
Assignment of National Guard officers to duty with Army.	

while so assigned they shall receive the same pay and allowances as Regular Army officers of like grades, to be paid out of the whole fund appropriated for the support of the militia."

SEC. 45. That section 89 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 89. ANIMALS FOR NATIONAL GUARD.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of animals conforming to the Regular Army standards for the training of the National Guard, said animals to remain the property of the United States and to be used solely for military purposes.

"The number of animals so issued shall not exceed thirty-two for each battery of field artillery or troop of cavalry, and a proportionate number for other mounted organizations, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the training of such organizations, condemned Army animals which are no longer fit for service, but which may be suitable for the purposes of instruction, such animals to be sold as now provided by law when said purposes shall have been served."

SEC. 46. That section 90 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 90. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia."

SEC. 47. That section 109 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 109. PAY FOR THE NATIONAL GUARD OFFICERS.—Captains and lieutenants belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades as prescribed for the Regular Army for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding five in any one calendar month, at which they shall have been officially present for the entire required period, and at which at least 50 per centum of the commissioned strength and 60 per centum of the enlisted strength attend and participate for not less than one and one-half hours. Captains commanding organizations shall receive \$240 a year in addition to the drill pay herein prescribed. Officers above the grade of captain shall receive not more than \$500 a year, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay of their grades for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be lawfully entitled to the same pay as an officer of corre-

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Animals for National Guard. Purchase, etc.

Regulations for issue, etc.

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Care, etc., of animals.

Proviso. Payment to men detailed.

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Pay of captains and lieutenants.

Above captains.

Restrictions.

NATIONAL GUARD.
Proviso.
 Purchase of uniforms, etc., for cash.
 Vol. 40, p. 957.

sponding grade in the Regular Army: *Provided*, That section 9 of an Act amending the Act entitled 'An Act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

Vol. 39, p. 209.

SEC. 48. That section 110 of said Act be, and the same is hereby, amended by striking out the first paragraph and inserting the following in lieu thereof:

Enlisted men.
 Pay for services.

"SEC. 110. PAY FOR NATIONAL GUARD ENLISTED MEN.—Each enlisted man belonging to an organization of the National Guard shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month, and not exceeding sixty drills in one year: *Provided*, That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per centum of the drills or other exercises prescribed for his organization: *Provided further*, That the proviso contained in section 92 of this Act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War."

Provisos.
 Attendance at drills required.

Pay if actually present, etc.
 Vol. 39, p. 206.

Other duty accepted in lieu of drills.

Vol. 39, p. 211.

SEC. 49. That section 111 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Use authorized when drafted into service in time of war.

"SEC. 111. NATIONAL GUARD WHEN DRAFTED INTO FEDERAL SERVICE.—When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, whose permanent retention in the military service is not contemplated by law, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service. On the termination of the emergency all persons so drafted shall be discharged from the Army, shall resume

To be part of Army.

Appointment of officers.

To receive Army pay, etc.

Status on termination of emergency.

their membership in the militia, and, if the State so provide, shall continue to serve in the National Guard until the dates upon which their enlistments entered into prior to their draft, would have expired if uninterrupted."

SEC. 50. That said Act be, and the same is hereby, amended by striking out section 114.

SEC. 51. That said Act be, and the same is hereby, amended by inserting after section 127 a new section, to be numbered 127a, and to read as follows:

"SEC. 127a. MISCELLANEOUS PROVISIONS.—Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided*, That in lieu of the 50 per centum increase of pay provided for in this Act any officer or enlisted man upon whom the rating of junior military aviator, or military aviator, has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while on duty which requires him to participate regularly and frequently in aerial flights, continue to have the rank, pay, and allowances and additional pay now provided by the Act of June 3, 1916, and the Act of July 24, 1917.

"Officers now carried as additional numbers shall be included in the numbers provided for by this Act, and, after June 30, 1920, shall no longer be additional, and any officer hereafter appointed, under the provisions of law, to a grade in which no vacancy exists, shall be an additional number in that grade until absorbed, and no longer.

"In time of war retired officers may be employed on active duty in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grades.

"The President is authorized to detail not more than five officers of the Medical Department for duty with the military relief division of the American National Red Cross.

"Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

"In determining relative rank and increase of pay for length of service, and, in the case of officers of the Regular Army, in determining rights of retirement, active duty performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, shall be credited to the same extent as service under a Regular Army commission.

"In time of war any officer of the Regular Army may be appointed to higher temporary rank without vacating his permanent commission, such appointments in grades below that of brigadier general being made by the President alone, but all other appointments of officers in time of war shall be in the Officers' Reserve Corps.

"Unless special assignment is made by the President under the provisions of the one hundred and nineteenth article of war, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment, and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active service which he may have performed in the grade

ARMY REORGANIZATION.

Vol. 39, p. 211.
Filling Army vacancies repealed.
New matter.
Vol. 39, p. 217.

Advanced rank on detail, etc., restricted.

Proviso.
Aviation increased pay.
Allowances in lieu of, to designated aviators.

Vol. 39, p. 175; Vol. 40, p. 244.

Additional numbers of officers to be abolished.

Retired officers on active duty in time of war, to have full pay.

American Red Cross. Details of medical officers to.

Storage buildings at Army posts, allowed for.

Officers. Credit given for all Government service.

Permanent commissions not vacated by higher temporary rank, in time of war.

Precedence of rank. Determination of. *Post*, p. 811.

ARMY REORGANIZATION.
Coinciding dates of rank.
Equal length of service.

Rank, etc., of retired officers detailed on active duty.

Enlisted men.
Pay, etc., of, on retirement if serving as commissioned officers during World War.

Military Academy.
Commissions to present year graduates.

Emergency officers.
Temporary retention of, authorized.
Post, p. 977.

Final discharge.

Regulars to be discharged by June 30, 1920.

Retention under treatment, etc.

Details of officers to educational institutions, industrial plants, etc., for technical instruction.

Proviso.
Limit of expenses.

Temporary appointments of officers nominated prior to December 31, 1920.

in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age.

"Hereafter any retired officer who has been or shall be detailed on active duty shall receive the rank, pay, and allowances of the grade, not above that of colonel, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed to active duty since his retirement.

"Retired enlisted men who have served honorably as commissioned officers of the United States Army at some time between April 6, 1917, and November 11, 1918, including those who have been placed on the retired list during the World War, and who have been or may hereafter be discharged from their temporary commissions, shall receive the retired pay and allowances of warrant officers on the retired list, as provided in this Act.

"Cadets graduated from the United States Military Academy during the present calendar year shall be commissioned as second lieutenants to date not earlier than July 2, 1920.

"The President is authorized to retain temporarily in service, under their present commissions, such emergency officers as he may deem necessary, but the total number so remaining in service, other than those undergoing treatment for physical reconstruction, shall not at any time exceed the total number of vacancies then existing in the Regular Army. Any such officer may be discharged when his services are no longer required, and all such officers shall be discharged not later than December 31, 1920. All officers of the Regular Army holding commissions granted for the period of the existing emergency, in whatever grade, shall be discharged therefrom not later than June 30, 1920. The President is authorized and directed to retain in service disabled emergency officers until their treatment for physical reconstruction has reached a point where they will not be further benefited by retention in a military hospital or in the military service.

"The Secretary of War is hereby authorized, in his discretion, to detail not to exceed 2 per centum of the commissioned officers of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals and other places, as shall be best suited to enable such officers to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided*, That no expense shall be incurred by the United States in addition to the pay and allowances of the officers so detailed, except for the cost of tuition at such technical, professional, and other educational institutions.

"Whenever, prior to December 31, 1920, any person shall be nominated to the Senate for appointment to fill any office in the Regular Army provided for by this Act, the President alone is authorized to appoint such person temporarily in the United States Army in the grade pertaining to such Regular Army office, to have rank and pay from the same dates as if such appointment were in the Regular Army. Such temporary appointment shall terminate upon acceptance, after confirmation, of the corresponding office in the Regular Army, or

on March 4, 1921, if then still unconfirmed. If any officer of the Regular Army is retired while holding a temporary appointment made under the provisions of this paragraph, he shall have the rank of such temporary grade, and his retired pay shall be computed upon the pay of that grade."

ARMY REORGANIZATION.
Rank, etc., if retired thereunder.

SEC. 52. That all laws and parts of laws in so far as they are inconsistent with this Act are hereby repealed.

Inconsistent laws repealed.

CHAPTER II.

Chapter II.

The articles included in this section shall be known as the Articles of War and shall at all times and in all places govern the armies of the United States.

Articles of War.
R. S., sec. 1342, pp. 230-242.
Vol. 39, pp. 650-670, amended.

I. PRELIMINARY PROVISIONS.

Preliminary provisions.

ARTICLE 1. DEFINITIONS.—The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

Definitions.

(a) The word "officer" shall be construed to refer to a commissioned officer;

"Officer."

(b) The word "soldier" shall be construed as including a non-commissioned officer, a private, or any other enlisted man;

"Soldier."

(c) The word "company" shall be understood as including a troop or battery; and

"Company."

(d) The word "battalion" shall be understood as including a squadron.

"Battalion."

ART. 2. PERSONS SUBJECT TO MILITARY LAW.—The following persons are subject to these articles and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles: *Provided*, That nothing contained in this Act, except as specifically provided in Article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction unless otherwise specifically provided by law.

Persons subject hereto.

Proviso.
In naval jurisdiction.

(a) All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks Quartermaster Corps, and soldiers belonging to the Regular Army of the United States; all volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft or order to obey the same;

Regular Army.

Volunteers.

Drafted persons, etc.

(b) Cadets;

Cadets.

(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

Marine Corps serving with Army.

Proviso.
Naval offenses, etc.

(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

Camp retainers and followers abroad or in the field.

(e) All persons under sentence adjudged by courts-martial;

Persons sentenced by courts-martial.
Soldiers' Home inmates.

(f) All persons admitted into the Regular Army Soldiers' Home at Washington, District of Columbia.

ARTICLES OF WAR.
Courts-martial.

II. COURTS-MARTIAL.

Classes.

ART. 3. COURTS-MARTIAL CLASSIFIED.—Courts-martial shall be of three kinds, namely:

General.

First, general courts-martial;

Special.

Second, special courts-martial; and

Summary.

Third, summary courts-martial.

Composition.

A. COMPOSITION.

Officers competent to serve.

ART. 4. WHO MAY SERVE ON COURTS-MARTIAL.—All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial. When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of the minority membership thereof.

Qualification, selection, etc.
Vol. 39, p. 651, amended.

General courts.

ART. 5. GENERAL COURTS-MARTIAL.—General courts-martial may consist of any number of officers not less than five.

Special.

ART. 6. SPECIAL COURTS-MARTIAL.—Special courts-martial may consist of any number of officers—not less than three.

Summary.

ART. 7. SUMMARY COURTS-MARTIAL.—A summary court-martial shall consist of one officer.

Appointment.

B. BY WHOM APPOINTED.

General courts.

ART. 8. GENERAL COURTS-MARTIAL.—The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

Law member to be detailed.
Vol. 39, p. 652, amended.

The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. The law member, in addition to his duties as a member, shall perform such other duties as the President may by regulations prescribe.

Additional duty.

Special courts.

ART. 9. SPECIAL COURTS-MARTIAL.—The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

ART. 10. SUMMARY COURTS-MARTIAL.—The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

ARTICLES OF WAR.
Summary courts.

Proviso.
Single officer of command.

ART. 11. APPOINTMENT OF TRIAL JUDGE ADVOCATES AND COUNSEL.—For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and a defense counsel, and for each general court-martial one or more assistant trial judge advocates and one or more assistant defense counsel when necessary: *Provided, however*, That no officer who has acted as member, trial judge advocate, assistant trial judge advocate, defense counsel, or assistant defense counsel in any case shall subsequently act as staff judge advocate to the reviewing or confirming authority upon the same case.

Trial judge advocates, and counsel.
Vol. 39, p. 652, amended.

Proviso.
Restriction before reviewing authority.

C. JURISDICTION.

Jurisdiction.

ART. 12. GENERAL COURTS-MARTIAL.—General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy: *Provided further*, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interest of the service shall so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses set out in article 13; but the limitations upon jurisdiction as to persons and upon punishing power set out in said article shall be observed.

General courts.

Provisos.
Military Academy restrictions.

Substitution of special court-martial.
Vol. 39, p. 652, amended.

Limitations.

ART. 13. SPECIAL COURTS-MARTIAL.—Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts.

Proviso.
Exceptions.

Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months.

Punishment restricted.
Vol. 39, p. 652, amended.

ART. 14. SUMMARY COURTS-MARTIAL.—Summary courts-martial shall have power to try any person subject to military law, except an officer, a member of the Army Nurse Corps, a warrant officer, an Army field clerk, a field clerk Quartermaster Corps, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

Summary courts.

Provisos.
Noncommissioned officers.

Exceptions.

Summary courts-martial shall not have power to adjudge confinement in excess of one month, restriction to limits for more than three months, or forfeiture or detention of more than two-thirds of one month's pay.

Punishment restricted.
Vol. 39, p. 652, amended.

ARTICLES OF WAR.
Jurisdiction not ex-
clusive.

ART. 15. JURISDICTION NOT EXCLUSIVE.—The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be triable by such military commissions, provost courts, or other military tribunals.

Trial of officers.

ART. 16. OFFICERS; HOW TRIABLE.—Officers shall be triable only by general and special courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

Procedure.

D. PROCEDURE.

Prosecutions.

ART. 17. TRIAL JUDGE ADVOCATE TO PROSECUTE; COUNSEL TO DEFEND.—The trial judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented in his defense before the court by counsel of his own selection, civil counsel if he so provides, or military if such counsel be reasonably available, otherwise by the defense counsel duly appointed for the court pursuant to article 11. Should the accused have counsel of his own selection, the defense counsel and assistant defense counsel, if any, of the court, shall, if the accused so desires, act as his associate counsel.

Counsel for accused.
Vol. 39, p. 653,
amended.

Associate counsel.

Challenges.
Vol. 39, p. 653,
amended.

ART. 18. CHALLENGES.—Members of a general or special court-martial may be challenged by the accused or the trial judge advocate for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time. Challenges by the trial judge advocate shall ordinarily be presented and decided before those by the accused are offered. Each side shall be entitled to one peremptory challenge; but the law member of the court shall not be challenged except for cause.

Oaths to be adminis-
tered.
To members of the
court.

ART. 19. OATHS.—The trial judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: "You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority or duly announced by the court, except to the trial judge advocate and assistant trial judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial upon a challenge or upon the findings or sentence, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God."

To trial judge advo-
cate and assistant.
Vol. 39, p. 653,
amended.

When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the trial judge advocate and to each assistant trial judge advocate, if any, an oath or affirmation in the following form: "You, A. B., do swear (or affirm) that you will faithfully and impartially perform the duties of a trial judge advocate, and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God."

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

ARTICLES OF WAR.
Witnesses.

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

Reporter.

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

Interpreter.

In case of affirmation the closing sentence of adjuration will be omitted.

Affirmations.

ART. 20. CONTINUANCES.—A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

Continuances.

ART. 21. REFUSAL OR FAILURE TO PLEAD.—When an accused arraigned before a court-martial fails or refuses to plead, or answers foreign to the purpose, or after a plea of guilty makes a statement inconsistent with the plea, or when it appears to the court that he entered a plea of guilty improvidently or through lack of understanding of its meaning and effect, the court shall proceed to trial and judgment as if he had pleaded not guilty.

Refusal or failure to plead.
Vol. 39, p. 654, amended.

ART. 22. PROCESS TO OBTAIN WITNESSES.—Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

Process to compel attendance.

ART. 23. REFUSAL TO APPEAR OR TESTIFY.—Every person not subject to military law who, being duly subpoenaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses: *Provided further*, That every person not subject to military law, who before any court-martial, military tribunal, or military board, or in connection with, or in relation to any proceedings or investigation before it or had under any of the provisions of this act, is guilty of any of the acts made punishable

Refusal of civilian to appear or testify, a misdemeanor.

Punishment for, in United States court.

Provisos.
Witness fees.

Punishment for Offenses in Criminal Code.
Vol. 35, p. 1111.

ARTICLES OF WAR.

as offenses against public justice by any provision of chapter 6 of the Act of March 4, 1909, entitled "An Act to codify, revise, and amend the penal laws of the United States" (volume 35, United States Statutes at Large, page 1088), or any amendment thereof, shall be punished as therein provided.

Compulsory self-incrimination prohibited. Vol. 39, p. 654, amended.

ART. 24. COMPULSORY SELF-INCRIMINATION PROHIBITED.—No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him.

Depositions. Admissibility.

ART. 25. DEPOSITIONS—WHEN ADMISSIBLE.—A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

Proviso. In capital cases, for defense.

Designated officials authorized to take.

ART. 26. DEPOSITIONS—BEFORE WHOM TAKEN.—Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

Courts of inquiry. Admission of records of, as evidence.

ART. 27. COURTS OF INQUIRY—RECORDS OF, WHEN ADMISSIBLE.—The record of the proceedings of a court of inquiry may, with the consent of the accused, be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

Proviso. By defense in capital, etc., cases.

Acts of desertion. Quitting duty prior to acceptance of resignation.

ART. 28. CERTAIN ACTS TO CONSTITUTE DESERTION.—Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

Enlisted man without being discharged.

Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

To avoid hazardous duty. Vol. 39, p. 655, amended.

Any person subject to military law who quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter.

Open announcement of action of court.

ART. 29. COURT TO ANNOUNCE ACTION.—Whenever the court has acquitted the accused upon all specifications and charges, the court

shall at once announce such result in open court. Under such regulations as the President may prescribe, the findings and sentence in other cases may be similarly announced.

ART. 30. CLOSED SESSIONS.—Whenever a general or special court-martial shall sit in closed session, the trial judge advocate and the assistant trial judge advocate, if any, shall withdraw; and when their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel, if there be any.

ART. 31. METHOD OF VOTING.—Voting by members of a general or special court martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who will forthwith announce the result of the ballot to the members of the court. The law member of the court, if any, or if there be no law member of the court, then the president, may rule in open court upon interlocutory questions, other than challenges, arising during the proceedings: *Provided*, That unless such ruling be made by the law member of the court if any member object thereto the court shall be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: *And provided further*, That if any such ruling be made by the law member of the court upon any interlocutory question other than an objection to the admissibility of evidence offered during the trial, and any member object to the ruling, the court shall likewise be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: *Provided further, however*, That the phrase, "objection to the admissibility of evidence offered during the trial," as used in the next preceding proviso hereof, shall not be construed to include questions as to the order of the introduction of witnesses or other evidence, nor of the recall of witnesses for further examination, nor as to whether expert witnesses shall be admitted or called upon any question, nor as to whether the court shall view the premises where an offense is alleged to have been committed, nor as to the competency of witnesses, as, for instance, of children, witnesses alleged to be mentally incompetent, and the like, nor as to the insanity of accused, or whether the existence of mental disease or mental derangement on the part of the accused has become an issue in the trial, or accused required to submit to physical examination, nor whether any argument or statement of counsel for the accused or of the trial judge advocate is improper, nor any ruling in a case involving military strategy or tactics or correct military action; but, upon all these questions arising on the trial, if any member object to any ruling of the law member, the court shall be cleared and closed and the question decided by majority vote of the members in the manner aforesaid.

ART. 32. CONTEMPTS.—A military tribunal may punish as for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder: *Provided*, That such punishment shall in no case exceed one month's confinement, or a fine of \$100, or both.

ART. 33. RECORDS—GENERAL COURTS-MARTIAL.—Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the trial judge advocate; but in case the record can not be authenticated by the president and trial judge advocate, by reason of the death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by an assistant trial judge advocate, if there be one,

ARTICLES OF WAR.

Closed sessions of court.

Method of voting. By ballot. Vol. 39, p. 655, amended.

Rulings in open court.

Provisos. Viva voce votes.

On interlocutory questions.

Decisions as to admissibility of designated questions.

Punishment for contempt. Vol. 39, p. 655, amended.

Proviso. Limit.

Records of courts-martial. General. Vol. 35, p. 655, amended.

ARTICLES OF WAR.

Special and summary.

in lieu of the trial judge advocate; otherwise by another member of the court.

ART. 34. RECORDS—SPECIAL AND SUMMARY COURTS-MARTIAL.—Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may from time to time prescribe.

Disposition of records. General courts.

ART. 35. DISPOSITION OF RECORDS—GENERAL COURTS-MARTIAL.—The trial judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been acted upon, be transmitted to the Judge Advocate General of the Army.

Special and summary courts.

ART. 36. DISPOSITION OF RECORDS—SPECIAL AND SUMMARY COURTS-MARTIAL.—After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of summary courts-martial may be destroyed.

Irregularities. Errors not invalidating proceedings.

ART. 37. IRREGULARITIES—EFFECT OF.—The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles:

Nor injuring rights.

Provisos. Nature of offense.

Omission of "hard labor" in sentences.

Provided further, That the omission of the words "hard labor" in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

President may prescribe rules. Vol. 39, p. 656.

ART. 38. PRESIDENT MAY PRESCRIBE RULES.—The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

Provisos. Limit. Presentation to Congress.

Limitation of prosecutions.

E. LIMITATIONS UPON PROSECUTIONS.

Time.

ART. 39. AS TO TIME.—Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles ninety-three and ninety-four of this code the period of limitations upon trial and punishment

Provisos. Desertion in time of peace, etc.

by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

ART. 40. AS TO NUMBER.—No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

No authority shall return a record of trial to any court-martial for reconsideration of—

- (a) An acquittal; or
- (b) A finding of not guilty of any specification; or
- (c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or
- (d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.

And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any particular in which a return of the record of trial for such reconsideration is hereinbefore prohibited.

F. PUNISHMENTS.

ART. 41. CRUEL AND UNUSUAL PUNISHMENTS PROHIBITED.—Cruel and unusual punishments of every kind, including flogging, branding, marking, or tattooing on the body, are prohibited.

ART. 42. PLACES OF CONFINEMENT—WHEN LAWFUL.—Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted is recognized as an offense of a civil nature and so punishable by penitentiary confinement for more than one year by some statute of the United States, of general application within the continental United States, excepting section 289, Penal Code of the United States, 1910, or by the law of the District of Columbia, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is more than one year: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

ART. 43. DEATH SENTENCE—WHEN LAWFUL.—No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death,

ARTICLES OF WAR.
Absence from jurisdiction.

Crimes barred.

No second trial for same offense.
Vol. 39, p. 657, amended.
Final action required.

Restrictions on reconsideration.

Limitation on revision.

Punishments.

Cruel, etc., prohibited.
Vol. 39, p. 657, amended.

Penitentiary sentence.
Restricted to civil offenses, etc.
Vol. 39, p. 657, amended.

Exceptions.
Vol. 35, p. 1145.

Provisos.
More than one offense.

Place.

At Disciplinary Barracks, etc.

Death sentences, etc.
Vote restriction.
Vol. 39, p. 657, amended.

<p>ARTICLES OF WAR.</p> <p>Life imprisonment.</p> <p>Other.</p> <p>Cowardice or fraud.</p> <p>Publication of dismissal of officer for.</p> <p>Accessory penalty.</p> <p>Maximum limits. Vol. 39, p. 657, amended.</p> <p><i>Proviso.</i> Confinement in penitentiary. <i>Ante</i>, p. 795.</p> <p>Action by authority.</p> <p>Convening authority. Reference of records, etc., before action. Vol. 39, p. 657, amended.</p> <p>Approval.</p> <p>Incidental powers.</p> <p>Findings.</p> <p>Sentences.</p> <p>Rehearing. Vol. 39, p. 658, amended.</p> <p>Confirmation requirements. By the President.</p> <p>Specified cases.</p>	<p>except by the concurrence of all the members of said court-martial present at the time the vote is taken, and for an offense in these articles expressly made punishable by death; nor sentenced to life imprisonment, nor to confinement for more than ten years, except by the concurrence of three-fourths of all of the members present at the time the vote is taken. All other convictions and sentences, whether by general or special court-martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote.</p> <p>ART. 44. COWARDICE; FRAUD—ACCESSORY PENALTY.—When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.</p> <p>ART. 45. MAXIMUM LIMITS.—Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not exceed such limit or limits as the President may from time to time prescribe: <i>Provided</i>, That in time of peace the period of confinement in a penitentiary shall in no case exceed the maximum period prescribed by the law which, under article 42 of these articles, permits confinement in a penitentiary, unless in addition to the offense so punishable under such law the accused shall have been convicted at the same time of one or more other offenses.</p> <p>G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.</p> <p>ART. 46. ACTION BY CONVENING AUTHORITY.—Under such regulations as may be prescribed by the President every record of trial by general court-martial or military commission received by a reviewing or confirming authority shall be referred by him, before he acts thereon, to his staff judge advocate or to the Judge Advocate General. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.</p> <p>ART. 47. POWERS INCIDENT TO POWER TO APPROVE.—The power to approve the sentence of a court-martial shall be held to include:</p> <p>(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and</p> <p>(b) The power to approve or disapprove the whole or any part of the sentence.</p> <p>(c) The power to remand a case for rehearing, under the provisions of article 50½.</p> <p>ART. 48. CONFIRMATION—WHEN REQUIRED.—In addition to the approval required by article forty-six, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:</p> <p>(a) Any sentence respecting a general officer;</p> <p>(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;</p> <p>(c) Any sentence extending to the suspension or dismissal of a cadet; and</p>
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(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50½, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

ART. 49. POWERS INCIDENT TO POWER TO CONFIRM.—The power to confirm the sentence of a court-martial shall be held to include:

(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to confirm or disapprove the whole or any part of the sentence.

(c) The power to remand a case for rehearing, under the provisions of article 50½.

ART. 50. MITIGATION OR REMISSION OF SENTENCES.—The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence.

Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division, may approve or confirm and commute (but not approve or confirm without commuting), mitigate, or remit and then order executed as commuted, mitigated, or remitted any sentence which under these articles requires the confirmation of the President before the same may be executed.

The power of remission or mitigation shall extend to all uncollected forfeitures adjudged by sentence of court-martial.

ART. 50½. REVIEW; REHEARING.—The Judge Advocate General shall constitute, in his office, a board of review consisting of not less than three officers of the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46, article 48, or article 51 is submitted to the President, such record shall be examined by the board of review. The board shall submit its opinion, in writing, to the Judge Advocate General, who shall, except as herein otherwise provided, transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

Except as herein provided, no authority shall order the execution of any other sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate

ARTICLES OF WAR.
Death sentences, except in time of war.
Vol. 39, p. 658, amended.

Approval by confirming authority.

Confirming sentences.
Incidental powers.
Findings.

Sentences.

Rehearing.
Infra.

Mitigation or remission of sentences.
Vol. 39, p. 658.
Vol. 40, p. 1211, amended.

Unexecuted portions.

Restriction.

Exception.
Post, p. 799.

By commanding general in the field, etc.

Uncollected forfeitures.

Review and rehearing.
Board of review constituted.

Examination, etc., of records by, before submission to the President.

Transmittal of opinion, etc.

Execution of death, etc., sentences to await approval of findings by board.

ARTICLES OF WAR.
Except if accused
pleads guilty.

Final action if rec-
ord held legally suf-
ficient.

Sentence vacated
and rehearing directed
if record insufficient.

Reference to Presi-
dent, if Judge Adv-
ocate General does not
concur in holding of
board.

Rehearings.

New court for.

Restrictions.

Proviso.
If record held legally
insufficient.

Exception.

Rehearings on order
of the President.

Examinations in
Judge Advocate Gen-
eral's Office.

General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence; except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or that errors of law have been committed injuriously affecting the substantial rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated in whole or in part in accord with such holding and the recommendations of the Judge Advocate General thereon, and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part, with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed injuriously affecting the substantial rights of the accused, unless, in accord with such action, and the recommendations of the Judge Advocate General thereon, the findings or sentence are approved in part only, or the record is returned for revision, or unless the case is dismissed by order of the reviewing or confirming authority. After any such rehearing had on the order of the President, the record of trial shall, after examination by the board of review, be transmitted by the Judge Advocate General, with the board's opinion and his recommendations, directly to the Secretary of War for the action of the President.

Every record of trial by general court-martial, examination of which by the board of review is not hereinbefore in this article provided for, shall nevertheless be examined in the Judge Advocate General's

Office; and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove, or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office a board of review, or more than one. Such Assistant Judge Advocate General and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General, the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President.

ART. 51. SUSPENSION OF SENTENCES OF DISMISSAL OR DEATH.—The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

ART. 52. SUSPENSION OF SENTENCES.—The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War or the commanding officer holding general court-martial jurisdiction over any such offender, may at any time thereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted, subject to like power of suspension. The death or honorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

ARTICLES OF WAR.

Effect of action by the President.

Additional boards of review.

Branch of office under Assistant Judge Advocate General in distant command.

Powers, etc., conferred.

Suspension of sentences. Dismissal or death.

Sentences other than death. Vol. 33, p. 659. Vol. 40, p. 882, amended.

Remission by officer having jurisdiction.

Vacation of suspension.

Complete remission by death or honorable discharge.

ARTICLES OF WAR.
Dishonorable discharge sentences.
Vol. 39, p. 659.
Vol. 40, p. 883.

ART. 53. EXECUTION OR REMISSION—CONFINEMENT IN DISCIPLINARY BARRACKS.—When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War.

Punitive articles.

III. PUNITIVE ARTICLES.

A. ENLISTMENT; MUSTER; RETURNS.

Fraudulent enlistment.

ART. 54. FRAUDULENT ENLISTMENT.—Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

Officer making unlawful enlistment.

ART. 55. OFFICER MAKING UNLAWFUL ENLISTMENT.—Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

Officer making false muster rolls, etc.
Vol. 39, p. 659, amended.

ART. 56. FALSE MUSTER.—Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

Officer making false, or no, returns.
Vol. 39, p. 660.
Vol. 40, p. 883, amended.

ART. 57. FALSE RETURNS—OMISSION TO RENDER RETURNS.—Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

B. DESERTION; ABSENCE WITHOUT LEAVE.

Desertion.

ART. 58. DESERTION.—Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

Advising or aiding desertion.

ART. 59. ADVISING OR AIDING ANOTHER TO DESERT.—Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

Officer knowingly retaining deserter.

ART. 60. ENTERTAINING A DESERTER.—Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct.

ART. 61. ABSENCE WITHOUT LEAVE.—Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

ARTICLES OF WAR.
Absence without leave.

C. DISRESPECT; INSUBORDINATION; MUTINY.

ART. 62. DISRESPECT TOWARD THE PRESIDENT, VICE PRESIDENT, CONGRESS, SECRETARY OF WAR, GOVERNORS, LEGISLATURES.—Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

Disrespect toward the President, etc.

ART. 63. DISRESPECT TOWARD SUPERIOR OFFICER.—Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

Toward superior officer.

ART. 64. ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR OFFICER.—Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

Assaulting, etc., superior officer.

ART. 65. INSUBORDINATE CONDUCT TOWARD NONCOMMISSIONED OFFICER.—Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a warrant officer or a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a warrant officer or a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

Assaulting, etc., warrant or noncommissioned officer.
Vol. 39, p. 661, amended.

ART. 66. MUTINY OR SEDITION.—Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

Inciting mutiny or sedition.

ART. 67. FAILURE TO SUPPRESS MUTINY OR SEDITION.—Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer shall suffer death or such other punishment as a court-martial may direct.

Failure to suppress mutiny or sedition.

ART. 68. QUARRELS; FRAYS; DISORDERS.—All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks, Quartermaster Corps, and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer, nurse, band leader, warrant officer, field clerk, or noncommissioned officer, or draws a weapon upon or otherwise threatens or does violence to him, shall be punished as a court-martial may direct.

Quarrels, frays, and disorders.
Vol. 39, p. 661, amended.

ARTICLES OF WAR.

D. ARREST; CONFINEMENT.

Arrest or confinement of accused persons. Vol. 39, p. 661, amended.

ART. 69. ARREST OR CONFINEMENT.—Any person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest as circumstances may require; but when charged with a minor offense only such person shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be punished as a court-martial may direct.

Restriction.

Punishment for breaking arrest.

Action upon charges. Submission of. Vol. 39, p. 661, amended.

ART. 70. CHARGES; ACTION UPON.—Charges and specifications must be signed by a person subject to military law, and under oath either that he has personal knowledge of, or has investigated, the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

Investigation.

No charge will be referred for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides.

Right of accused.

Consideration by staff judge advocate.

Before directing the trial of any charge by general court-martial the appointing authority will refer it to his staff judge advocate for consideration and advice.

Speedy trial, etc.

Punishment for unnecessary delay, etc.

When any person subject to military law is placed in arrest or confinement immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct. When a person is held for trial by general court-martial the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

Refusal to keep prisoners.

ART. 71. REFUSAL TO RECEIVE AND KEEP PRISONERS.—No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

ART. 72. REPORT OF PRISONERS RECEIVED.—Every commander of a guard to whose charge a prisoner is committed shall, within twenty-four hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

ARTICLES OF WAR.
Report of prisoners received.

ART. 73. RELEASING PRISONER WITHOUT PROPER AUTHORITY.—Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

Unauthorized releasing of prisoner.

ART. 74. DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES.—When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

Delivery of offenders to civil authorities.

Punishment for refusal.

When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

Completion of court-martial sentence after execution of civil.

E. WAR OFFENSES.

War offenses.

ART. 75. MISBEHAVIOR BEFORE THE ENEMY.—Any officer or soldier who, before the enemy, misbehaves himself, runs away, or shamefully abandons or delivers up or by any misconduct, disobedience, or neglect endangers the safety of any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

Misbehavior before the enemy.

ART. 76. SUBORDINATES COMPELLING COMMANDER TO SURRENDER.—Any person subject to military law who compels or attempts to compel any commander of any garrison, fort, post, camp, guard, or other command, to give it up to the enemy or to abandon it shall be punishable with death or such other punishment as a court-martial may direct.

Subordinates compelling commander to surrender.
Vol. 39, p. 663, amended.

ART. 77. IMPROPER USE OF COUNTERSIGN.—Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct.

Improper use of countersign.

ART. 78. FORCING A SAFEGUARD.—Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

Forcing a safeguard.

ARTICLES OF WAR.
Not securing captured public property.

ART. 79. CAPTURED PROPERTY TO BE SECURED FOR PUBLIC SERVICE.—All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

Dealing in captured or abandoned property.

ART. 80. DEALING IN CAPTURED OR ABANDONED PROPERTY.—Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

Aiding, etc., the enemy.

ART. 81. RELIEVING, CORRESPONDING WITH, OR AIDING THE ENEMY.—Whosoever relieves or attempts to relieve the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial or military commission may direct.

Spies.

ART. 82. SPIES.—Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

Miscellaneous crimes and offenses.

F. MISCELLANEOUS CRIMES AND OFFENSES.

Military property. Willful loss, damage, etc., of.

ART. 83. MILITARY PROPERTY—WILLFUL OR NEGLIGENT LOSS, DAMAGE, OR WRONGFUL DISPOSITION.—Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

Waste or unlawful disposition by soldier.

ART. 84. WASTE OR UNLAWFUL DISPOSITION OF MILITARY PROPERTY ISSUED TO SOLDIERS.—Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

Drunk on duty.

ART. 85. DRUNK ON DUTY.—Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

Misbehavior of sentinel.

ART. 86. MISBEHAVIOR OF SENTINEL.—Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

Personal interest in sale of provisions by commanding officer.

ART. 87. PERSONAL INTEREST IN SALE OF PROVISIONS.—Any officer commanding in any garrison, fort, barracks, camp, or other place

where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

ARTICLES OF WAR.

ART. 88. INTIMIDATION OF PERSONS BRINGING PROVISIONS.—Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessaries to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

Intimidating persons bringing provisions.

ART. 89. GOOD ORDER TO BE MAINTAINED AND WRONGS REDRESSED.—All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

Good order to be maintained and wrongs redressed.

Punishment for failure of commanding officer to act.

Post, p. 808.

ART. 90. PROVOKING SPEECHES OR GESTURES.—No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

Provoking speeches or gestures.

ART. 91. DUELING.—Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

Dueling.

ART. 92. MURDER—RAPE.—Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

Murder or rape.

ART. 93. VARIOUS CRIMES.—Any person subject to military law who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

Designated crimes.

ART. 94. FRAUDS AGAINST THE GOVERNMENT.—Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Frauds against the Government. False claims.

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Presenting false claim for approval.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Obtaining allowance of false claim.

ARTICLES OF WAR.
Use of false papers,
etc.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

Use of false oaths,
etc.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

Forging signatures,
etc.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

Delivering less
amount than received
for.

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Certifying false re-
ceipts.

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

Stealing, etc., mili-
tary property.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

Purchasing, etc.,
military property
wrongfully sold, etc.

Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

Punishment.

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed. And if any officer, being guilty, while in the military service of the United States, of embezzlement of ration savings, post exchange, company, or other like funds, or of embezzlement of money or other property intrusted to his charge by an enlisted man or men, receives his discharge, or is dismissed, or is dropped from the rolls, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not been so discharged, dismissed, or dropped from the rolls.

After leaving service.

Former officer em-
bezzling funds of sol-
diers, etc.
Vol. 39, p. 665, amend-
ed.

Conduct unbecom-
ing an officer and gen-
tleman.

ART. 95. CONDUCT UNBECOMING AN OFFICER AND GENTLEMAN.—Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Other disorders, etc.,
cognizable by courts-
martial.

ART. 96. GENERAL ARTICLE.—Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon

the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

ARTICLES OF WAR.

IV. COURTS OF INQUIRY.

Courts of inquiry.

ART. 97. WHEN AND BY WHOM ORDERED.—A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

Authority for ordering.

Request to be made.

ART. 98. COMPOSITION.—A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

Composition.

ART. 99. CHALLENGES.—Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available.

Challenges, etc.

ART. 100. OATH OF MEMBERS AND RECORDERS.—The recorder of a court of inquiry shall administer to the members the following oath: "You, A. B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God." After which the president of the court shall administer to the recorder the following oath: "You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

Oaths.

In case of affirmation the closing sentence of adjuration will be omitted.

Affirmation.

ART. 101. POWERS; PROCEDURE.—A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the trial judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

Powers, procedure, etc.

ART. 102. OPINION ON MERITS OF CASE.—A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

Opinion on merits restricted.

ART. 103. RECORD OF PROCEEDINGS—HOW AUTHENTICATED.—Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court.

Records to be kept. Authentication.

ARTICLES OF WAR.
Miscellaneous.

V. MISCELLANEOUS PROVISIONS.

Disciplinary powers
of commanding offi-
cers.

ART. 104. DISCIPLINARY POWERS OF COMMANDING OFFICERS.—
Under such regulations as the President may prescribe, the commanding officer of any detachment, company, or higher command may, for minor offenses impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

Disciplinary punish-
ments.
Vol. 39, p. 667, amend-
ed.

The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges for not exceeding one week, extra fatigue for not exceeding one week, restriction to certain specified limits for not exceeding one week, and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard; except that in time of war or grave public emergency a commanding officer of the grade of brigadier general or of higher grade may, under the provisions of this article also impose upon an officer of his command below the grade of major a forfeiture of not more than one-half of such officer's monthly pay for one month. A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

Court-martial trial
not barred.

Redress of injuries to
property.

ART. 105. INJURIES TO PROPERTY—REDRRESS OF.—Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

Assessment of dam-
ages on offenders.

On organization or
detachment.

Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

Arrest of deserters
by civil officials.

ART. 106. ARREST OF DESERTERS BY CIVIL OFFICIALS.—It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter

from the military service of the United States and deliver him into the custody of the military authorities of the United States.

ART. 107. SOLDIERS TO MAKE GOOD TIME LOST.—Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

ART. 108. SOLDIERS—SEPARATION FROM THE SERVICE.—No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 109. OATH OF ENLISTMENT.—At the time of his enlistment every soldier shall take the following oath or affirmation: "I, _____, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War." This oath or affirmation may be taken before any officer.

ART. 110. CERTAIN ARTICLES TO BE READ AND EXPLAINED.—Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

ART. 111. COPY OF RECORD OF TRIAL.—Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

ART. 112. EFFECTS OF DECEASED PERSONS—DISPOSITION OF.—In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor for file with said court's final report upon its transactions to the War Department; and as soon as practicable after the collection of such effects said summary court shall transmit such effects and any money collected, through the Quartermaster

ARTICLES OF WAR.

Soldiers to make good time lost.

Discharge of soldiers.

Oath of enlistment.

Articles to be read and explained.

Copy of record of trial.

Effects of deceased person.
Disposal of, by commanding officer.
Vol. 39, p. 663.
Vol. 40, p. 883.
To widow, etc.

Duties of summary court.
Ante, p. 357, amended.

Distribution to specified kin, etc., through Quartermasters Corps.

ARTICLES OF WAR.

Transmittal to Auditor for War Department if no distribution made.

Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than thirty days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions, to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

Soldiers' Home inmates dying at Army hospital outside District of Columbia.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

Inquests.

ART. 113. INQUESTS.—When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

Officers authorized to administer oaths. Vol. 39, p. 669, amended.

ART. 114. AUTHORITY TO ADMINISTER OATHS.—Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

In foreign places.

Reporters.

ART. 115. APPOINTMENT OF REPORTERS AND INTERPRETERS.—Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before

such court or commission and may set down the same, in the first instance, in shorthand. Under like regulations the president of a court-martial or military commission, or court of inquiry, or a summary court, may appoint an interpreter, who shall interpret for the court or commission.

ART. 116. POWERS OF ASSISTANT TRIAL JUDGE ADVOCATE AND OF ASSISTANT DEFENSE COUNSEL.—An assistant trial judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court. An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused.

ART. 117. REMOVAL OF CIVIL SUITS.—When any civil or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

ART. 118. OFFICERS, SEPARATION FROM SERVICE.—No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

ART. 119. RANK AND PRECEDENCE AMONG REGULARS, MILITIA, AND VOLUNTEERS.—That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade.

ART. 120. COMMAND WHEN DIFFERENT CORPS OR COMMANDS HAPPEN TO JOIN.—When different corps or commands of the military forces of the United States happen to join or do duty together, the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President.

ART. 121. COMPLAINTS OF WRONGS.—Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the

ARTICLES OF WAR.

Interpreters.

Assistant trial judge advocate.
Vol. 39, p. 669, amended.

Assistant defense counsel.

Removal of suits from State to district courts.
Vol. 39, p. 669, amended.

Vol. 36, p. 1097.

Discharge or dismissal of officer.

Dropped for absence, imprisonment, etc.

Rank and precedence among Regulars, Militia, and Volunteers.
Command in time of war.
Vol. 39, p. 670, amended.
Ante, p. 785.

Command when different corps or commands happen to join.

Complaints of wrongs.

ARTICLES OF WAR.

wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

In effect in eight months.

Proviso.

Articles immediately.

SEC. 2. That the provisions of Chapter II of this Act shall take effect and be in force eight months after the approval of this Act:

Provided, That articles 2, 23, and 45 shall take effect immediately.

Prior offenses subject to previous law.

SEC. 3. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of Chapter II of this Act, under any law embraced in or modified, changed, or repealed by Chapter II of this Act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this Act had not been passed.

Repeal.
R. S., sec. 1342, pp. 230-242.
Vol. 39, pp. 650-670.

SEC. 4. That section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and all laws and parts of laws in so far as they are inconsistent with this Act are hereby repealed.

Approved, June 4, 1920.

June 4, 1920.

[H. R. 13108.]

Public, No. 243.]

CHAP. 228.—An Act Making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes.

Naval service appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1921, and for other purposes:

General expenses.

GENERAL EXPENSES.

Schedule of all pay and allowances to be sent to Congress.

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount of money of all pay and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this Act and for all enlisted men so included.

Pay, miscellaneous.

PAY, MISCELLANEOUS.

Expenses designated.

For commissions and interest; transportation of funds; exchange; mileage to officers of the Navy and Naval Reserve Force while traveling under orders in the United States, and for actual personal expenses of officers of the Navy and Naval Reserve Force while traveling abroad under orders, and for traveling expenses of civilian employees, and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferriage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés:

Special instruction.