

# COLONIAL FLEET ARTICLES OF WAR

## GENERAL PROVISIONS:

### ARTICLE 1:

DEALS WITH THE TERMS JUDGE ADVOCATE GENERAL [PERTAINS TO COLONIAL FORCES, PLANETARY MILITIA FORCES, AND GENERAL COUNSEL OF THE DEFENSE MINISTRY.] ALSO DEFINES OFFICER IN CHARGE, SUPERIOR COMMISSIONED OFFICER, CADET [A PERSON IN THE MILITARY ACADEMIES], MIDSHIPMAN [A STUDENT AT THE PIGEON MILITARY ACADEMY OR SERVING IN THE FLEET DURING TRAINING], ACCUSER, MILITARY JUDGE, ETC.

### ARTICLE 2:

ARTICLES OF WAR PERTAINS TO REGULAR AND RESERVE COMPONENTS OF THE COLONIAL FLEET AND MARINE CORPS, INCLUDING PERSONS BEING INDUCTED, BEING DISCHARGED [BUT NOT COMPLETED], RETIREES ENTITLED TO PAY OR PART OF A RESERVE FORCE, PRISONERS IN MILITARY CUSTODY DUE TO COURT-MARTIAL, PRISONERS OF WAR, PERSONS TRAINING WITH MILITARY UNITS OR VOLUNTEERS IN MILITARY SERVICE.

### ARTICLE 3:

MORE OF JURISDICTION, WHO HAS IT WHERE...

### ARTICLE 4:

COMMISSIONED OFFICERS WRONGFULLY DISMISSED BY CIVILIAN AUTHORITIES HAVE THE RIGHT TO TRIAL BY COURT-MARTIAL. IF NO COURT IS CONVENED WITHIN 6 MONTHS, IT BECOMES DISMISSAL BY ADMINISTRATIVE ACTION. IF DISCHARGE IS DISMISSED, THE OFFICER MAY BE REAPPOINTED TO SERVICE.

### ARTICLE 5:

JUDGE ADVOCATES ASSIGNMENTS ARE GIVEN BY JUDGE ADVOCATE FOR THE COLONIAL FLEET, COLONIAL MARINE CORPS, OR PLANETARY MILITIA UNIT. CONVENING OFFICERS MUST LIAISE WITH THEIR LOCAL JA OR LEGAL OFFICER FOR INVESTIGATIONS OF CRIMES, COUNSEL, DEFENSE COUNSEL, ETC.

## APPREHENSION AND ARREST:

### ARTICLE 6:

COMMISSIONED OFFICERS, PETTY OFFICERS, AND NON-COMMISSIONED OFFICERS HAVE AUTHORITY TO QUELL QUARRELS, FRAYS, AND DISORDERS AMONG PERSONS SUBJECT TO THE ARTICLES OF WAR.

### ARTICLE 7:

APPREHENSION OF DESERTERS. MUST GO THROUGH LOCAL AUTHORITIES ON THE 12 COLONIES, BUT CAN BE PRESENT TO MAKE ARRESTS; IN SPACE, FULL ARREST AUTHORITY.

### ARTICLE 8:

DEFINES RESTRAINT: ARREST IS NOT IMPOSED AS PUNISHMENT, BUT DIRECTS PERSON TO REMAIN WITHIN CERTAIN SPECIFIED LIMITS. CONFINEMENT IS PHYSICAL RESTRAINT OF PERSON. ENLISTED MAY BE ORDERED INTO ARREST OR CONFINEMENT BY ANY COMMISSIONED OFFICER BY ORAL OR WRITTEN ORDER. MAY AUTHORIZE NCO/PO TO THE SAME. COMMISSIONED OFFICERS MAY ONLY BE RENDERED ARRESTED OR CONFINED BY THE COMMANDER OFFICER TO WHOM HE IS SUBJECT [IS HE/SHE IN YOUR CHAIN OF COMMAND?] THIS MAY NOT BE DELEGATED.

### ARTICLE 9:

PROBABLE CAUSE TO BELIEVE A CRIME HAS BEEN COMMITTED NECESSARY FOR ARREST/CONFINEMENT.

### ARTICLE 10:

REQUIRES SERVICEMEN UNDER ARREST BE INFORMED OF THEIR CRIME PRIOR TO TRIAL. SPEEDY TRIAL OR DISMISSAL OF CHARGES.

**ARTICLE 11:**

NO PROVOST MARSHAL, COMMANDER OF GUARD OR GUARD, OR MASTER AT ARMS MAY REFUSE TO RECEIVE A PRISONER COMMITTED TO HIS CHARGE BY A COMMISSIONED OFFICER PROVIDED SAID OFFICER PROVIDES A SIGNED STATEMENT OF THE OFFENSES CHARGED.

**ARTICLE 12:**

PROHIBITS CONFINEMENT WITH ENEMY PRISONERS OR DANGEROUS PRISONERS.

**ARTICLE 13:**

PUNISHMENT BEFORE TRIAL IS PROHIBITED.

**ARTICLE 14:**

COVERS DELIVERY OF OFFENDERS TO CIVILIAN AUTHORITIES. CIVIL TRIALS TAKE PRECEDENCE OVER MILITARY COURT-MARTIAL.

**NON-JUDICIAL PUNISHMENT**

**ARTICLE 15:**

REPRIMAND OR FOLLOWING PUNISHMENTS MAY BE METED OUT WITHOUT TRIAL UNLESS A COURT-MARTIAL IS SPECIFICALLY ASKED FOR. IF ASKED FOR, PUNISHMENT IS SUSPENDED UNTIL TRIAL.

UPON COMMISSIONED OFFICERS UNDER COMMAND: RESTRICTION OF ACTIVITY OR MOVEMENT, ON OR OFF DUTY, FOR NO MORE THAN 60 DAYS. IF IMPOSED BY A FLAG RANK OFFICER: ARREST IN QUARTERS OF NO MORE THAN 30 DAYS, FORFEITURE OF NO MORE THAN HALF PAY FOR NO MORE THAN TWO MONTHS, RESTRICTION AS ABOVE.

OTHER PERSONNEL UNDER COMMAND: IMPOSITION OF BREAD/WATER RATIONS FOR NO MORE THAN 3 DAYS, CORRECTIONAL CUSTODY UP TO 7 DAYS, FORFEITURE OF PAY UP TO 7 DAYS, REDUCTION IN RANK ONE STEP, RESTRICTION ON OR OFF DUTY OF MOVEMENT AND ACTIVITY OF UP TO 14 DAYS.

IF IMPOSED BY FIELD GRADE OFFICER [MAJOR OR HIGHER]: CUSTODY UP TO 60 DAYS, RANK REDUCTION TO ANY GRADE, UNLESS ABOVE PO3, THEN UP TO TWO GRADES ONLY. EXTRA DUTY UP TO 45 DAYS.

**COURT-MARTIAL JURISDICTION:**

**ARTICLE 16, 17, :**

THREE TYPES OF COURT-MARTIAL: GENERAL, CONSISTING OF NO LESS THAN 5 MEMBERS, SPECIAL COURT-MARTIAL OF NO LESS THAN THREE MEMBERS, SUMMARY COURT-MARTIAL CONSISTS OF ONE COMMISSIONED OFFICER.

**ARTICLE 18:**

GENERAL COURTS-MARTIAL HAVE JURISDICTION TO TRY PERSONS SUBJECT TO THE LAWS REGARDING WAR OR CAPITAL OFFENSES.

**ARTICLE 19:**

SPECIAL COURTS-MARTIAL HAVE JURISDICTION TO TRY PERSONS SUBJECT TO NON-CAPITAL OFFENSES. MAY ISSUE BAD CONDUCT DISCHARGES, CONFINEMENT FOR UP TO SIX MONTHS WITH HARD LABOR, ETC.

**ARTICLE 20:**

SUMMARY COURTS-MARTIAL HAVE AUTHORITY TO TRY PERSONS SAVE OFFICERS, CADETS, MIDSHIPMEN FOR NONCAPITAL OFFENSES.

**ARTICLE 21:**

JURISDICTIONS NOT EXCLUSIVE.

## **COMPOSITION OF COURTS-MARTIAL:**

### **ARTICLE 22:**

GENERAL COURTS-MARTIAL CAN BE CONVENED BY THE PRESIDENT OF THE COLONIES, THE SECRETARY OF DEFENSE, COMMANDER OF A SPECIFIED COMBAT UNIT [SUCH AS A BATTLE GROUP COMMANDER], COMMANDING OFFICER OF A TERRITORIAL ARMY, ETC. [PLANETARY GUARD], COMMANDING OFFICER DESIGNATED BY THE ABOVE.

### **ARTICLE 23:**

SPECIAL COURTS-MARTIAL CAN BE CONVENED BY ANY ONE WHO CAN CONVENE A GENERAL COURTS-MARTIAL; OR A COMMANDING OFFICER OF A DISTRICT, GARRISON, FORT, CAMP, BASE, AUXILIARY FIELD, MILITARY UNIT ON DETACHED DUTY, COMMANDER OF AN AIR WING, GROUP, OR SQUADRON, COMMANDER OF A VESSEL.

### **ARTICLE 24:**

A SUMMARY COURTS-MARTIAL CAN BE CONVENED BY ANY WITH ARTICLE 22 OR 23 AUTHORITY, AS WELL AS THE COMMANDING OFFICER OF A COMMAND OR DETACHMENT, AND SUBJECT TO REVIEW OR DISMISSAL BY ARTICLE 22 OR 23 AUTHORITIES. [THE "OLD MAN" CAN INTERVENE...]

### **ARTICLE 25:**

ANY COMMISSIONED OFFICER ON ACTIVE DUTY OR CIVILIAN CAPTAIN/MASTER IMPRESSED FOR SERVICE MAY SERVE ON A COURTS-MARTIAL. ENLISTED PERSONNEL NOT IN THE SAME UNIT AS THE ACCUSED MAY SERVE ON GENERAL AND SPECIAL COURTS-MARTIAL IF THERE ARE NO OTHER ELIGIBLE OFFICERS TO SERVE.

WHEN POSSIBLE, NO ONE BELOW THE RANK OF THE ACCUSED WILL SERVE ON A COURT-MARTIAL.

### **ARTICLE 26:**

MILITARY JUDGES FOR GENERAL COURTS-MARTIAL ARE APPOINTED BY THE JUDGE ADVOCATE GENERAL'S OFFICE OR APPROPRIATE CIVILIAN OFFICE [PRESIDENT, SECDEF, ETC.] JUDGE MUST BE BAR-CERTIFIED, UNLESS NO BAR-CERTIFIED OFFICER CAN BE FOUND. [THIS MEANS A JUNIOR OFFICER COULD BE THE JUDGE, WITH THE REST OF THE COURT BEING SUPERIOR TO HIM.] SPECIAL AND SUMMARY COURTS-MARTIAL JUDGES CAN BE SERVED ON BY ANY SERVING OFFICER, BUT ONLY IF A BAR-CERTIFIED OFFICER CANNOT BE FOUND.

THE JUDGE CANNOT BE ACCUSER, DEFENSE COUNSEL, PROSECUTION, OR AN INVESTIGATOR IN THE CASE.

### **ARTICLE 27:**

TRIAL DEFENSE COUNSEL CANNOT BE JUDGE OR INVESTIGATING OFFICER. MUST BE A GRADUATE OF AN ACCREDITED LAW SCHOOL OR BAR MEMBER FOR A GENERAL COURTS-MARTIAL. NOT REQUIRED FOR SPECIAL OR SUMMARY, BUT ALL ARE SUBJECT TO MILITARY EXIGENCIES.

### **ARTICLE 28:**

DEALS WITH REPORTERS; YOU HAVE TO HAVE ONE.

### **ARTICLE 29:**

ABSENT MEMBERS OF THE COURT: GENERAL MUST HAVE AT LEAST FIVE MEMBER OR IS SUSPENDED, SPECIAL THREE OR SUSPENDED.

## **PRE-TRIAL PROCEDURE**

### **ARTICLE 30:**

CHARGES AND SPECIFICATIONS OF THE SAME.

### **ARTICLE 31:**

NO PERSON MAY BE COMPELLED TO INCRIMINATE THEMSELVES. THEY HAVE THE RIGHT TO KNOW THE CHARGES AGAINST THEM, THAT THEY MAY HAVE LEGAL COUNSEL.

**ARTICLE 32:**

INVESTIGATORS MAY BE CROSS-EXAMINED AND MAY NOT SERVE AS PROSECUTION.

**ARTICLE 33:**

YOU MUST BE CHARGED AND A COURTS-MARTIAL CONVENED WITHIN 8 DAYS.

**ARTICLE 34:**

COVERS ADVICE AND LEGAL REFERENCES FROM JAG.

**ARTICLE 35:**

SERVICE OF CHARGES – EXCEPT DURING WAR, A PERSON MUST HAVE AT LEAST 5 DAYS TO PREPARE FOR A GENERAL COURT-MARTIAL, 3 FOR A SPECIFIC.

**TRIAL PROCEDURE:****ARTICLE 36-54:**

THE IMPORTANT ONES – 43: STATUE OF LIMITATIONS; 46: OPPORTUNITY TO OBTAIN WITNESSES AND EVIDENCE.

**SENTENCES:****ARTICLE 55:**

PROHIBITS CRUEL AND UNUSUAL PUNISHMENTS.

**ARTICLE 56:**

MAXIMUM LIMITS FOR OFFENSES.

**ARTICLE 57, 58:**

EFFECTIVE DATE AND EXECUTION OF SENTENCE REQUIREMENTS.

**POST-TRIAL AND REVIEW:****ARTICLE 59-76**

62 – APPEAL TO CIVILIAN COURTS; 66 – COURT OF MILITARY REVIEW; 67 – COURT OF MILITARY APPEALS; 68 – SUPREME COURT REVIEW.

**PUNITIVE ARTICLES [THE FUN ONES...]**

ARTICLE 77 – DEFINES THE PRINCIPAL IN A CRIME.

ARTICLE 78 – ACCESSORY AFTER THE FACT. YOU KNEW AND HINDERS INVESTIGATION/PROSECUTION.

ARTICLE 79 – CONVICTION OF LESSER OFFENSE

ARTICLE 80 – CRIMINAL ATTEMPTS

ARTICLE 81 – CONSPIRACY

ARTICLE 82 – SOLICITATION [OF A CRIME]

ARTICLE 83 – FRAUDULENT ENLISTMENT, APPOINTMENT OR SEPARATION.

ARTICLE 84 – UNLAWFUL ENLISTMENT, APPOINTMENT, OR SEPARATION.

ARTICLE 85 – DESERTION. DEATH PENALTY OFFENSE IN TIME OF WAR.

ARTICLE 86 – ABSENCE WITHOUT LEAVE [INCLUDES FAILURE TO REPAIR FOR DUTY AND LEAVING POST.]

ARTICLE 87 – MISSING MOVEMENT.

ARTICLE 88 – CONTEMPT TOWARD OFFICIAL

ARTICLE 89 – DISRESPECT OF SUPERIOR OFFICER

ARTICLE 90 – ASSAULT OR WILLFULLY DISOBEYING SUPERIOR OFFICER

ARTICLE 91 – INSUBORDINATION TOWARD NONCOMMISSIONED/PETTY OFFICER

ARTICLE 92 – FAILURE TO OBEY ORDER OR REGULATION

ARTICLE 93 – CRUELTY OR MISTREATMENT

ARTICLE 94 – MUTINY OR SEDITION. CAPITAL OFFENSE IN TIME OF WAR

ARTICLE 95 – RESISTANCE, BREACH OF ARREST, OR ESCAPE



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| 134-31 | KIDNAPING                                       |
| 134-37 | PROSTITUTION                                    |
| 134-38 | VIOLATION OF PAROLE                             |
| 134-41 | BREAKING MEDICAL QUARANTINE                     |
| 134-42 | RECKLESS ENDANGERMENT                           |
| 134-44 | BREAKING RESTRICTON                             |
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