

## THE UNIFORM CODE OF MILITARY JUSTICE

President Truman signed the Uniform Code of Military Justice (UCMJ) into law on May 5, 1950 as Public Law 81-506. The code supersedes the Articles of War, the Articles for the Government of the Navy, and the Disciplinary laws of the Coast Guard (when it was drafted, there were no separate articles governing the Air Force or Marine Corps). In reports comprising the legislative history of PL 81-506, the House and Senate Armed Services Committees define the purpose of the bill being reported as the unification, consolidation, revision and codification of these existing statutes.

Responding to post-World War II criticism of the justice systems of the Army and Navy, as well as the demand for a uniform system of courts-martial for the military service (including the new Department of the Air Force), in July 1948 Secretary of Defense Forrestal appointed a special committee to draft a Uniform Code of Military Justice. Harvard Law Professor Edmund Morris Morgan, who in testimony before a 1919 Senate Committee on Military Affairs hearing on military justice first outlined the structure of a uniform code, chaired this four-person committee. In Professor Morgan's words, "the committee endeavored to follow the directive of Secretary Forrestal to frame a Code that would be uniform in terms and in operation and that would provide full protection of the rights of persons subject to the Code without undue interference with appropriate military discipline and the exercise of appropriate military functions."<sup>1</sup> The work of the committee was supplemented by a larger working group of staff officers from each service, chaired by Felix Larkin, assistant general counsel for the Defense Department. The results of the seven-month study conducted by the Morgan committee and the working group was the submission to Congress of an annotated statute which "contained each provision, a reference note explaining the source of the provision, and where it was previously found in either the Articles of War or in the Articles for the Government of the Navy."<sup>2</sup>

The "Morgan Draft" was introduced in the House of Representatives as H.R. 2498, and in the Senate as S.857, on February 8, 1949. In each chamber, a subcommittee of the respective Committees on Armed Services held extensive hearings. Testimony was received from numerous witnesses, including Professor Morgan, Secretary Forrestal, Felix Larkin, the Judge Advocate Generals of the armed services, and bar association representatives. H.R. 2498 was reintroduced on April 7, 1949 as H.R. 4080, incorporating amendments adopted by the House Armed Services Committee to reflect issues that were raised during the hearings. The Committee issued its report accompanying H.R. 4080 (H.Rept. No. 81-491) on April 28, 1949. The Senate Armed Services Committee issued its report (S.Rept. No. 81-486) on June 10, 1949. After passage by each chamber, a conference committee convened to resolve differences between the House and Senate versions of H.R. 4080, issuing their report (H.Rept.No. 81-1946) on April 24, 1950.

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<sup>1</sup> Edmund M. Morgan, "The Background of the Uniform Code of Military Justice," *Military Law Review*, 28 (April 1965): 22.

<sup>2</sup> Felix E. Larkin, "Professor Edmund M. Morgan and the Drafting of the Uniform Code," *Military Law Review*, 28 (April 1965): 10.

The Uniform Code of Military Justice has been described in committee reports and testimony as the sole statutory authority embodying both the substantive and the procedural law governing military justice and its administration. The same law and procedure govern all personnel in the armed services. While the initial trial of an accused is held in a court of his or her own branch of the service, the procedure before trial, at trial, and on appeal mirrors that of the other branches of the military service. The articles of the UCMJ cover apprehension and restraint, non-judicial punishment, court-martials (jurisdiction, composition, procedure before and during trial, sentences, and post-trial procedures and reviews), punitive articles, and the Court of Military Appeals.

The documents which will be contained on this website will comprise the legislative history of Public Law 81-506 – the full text of the House and Senate Armed Services Subcommittee hearings, H.Rept. No. 81-491, S.Rept. No. 81-486, H.Rept. No. 81-1946, and the text of House and Senate Floor debate as it is printed in the *Congressional Record*.