

HEADQUARTERS VIII CORPS
Office of the Commanding General
Brownwood, Texas

January 22, 1943.

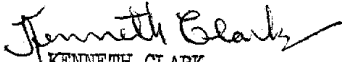
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SUBJECT: Delay in Trials by Courts-Martial.

TO: Unit and Organization Commanders.

1. The records of this office continue to show that the average period of elapsed time between the initial arrest or confinement and the date of trial is excessive. Frequently charges are not preferred until several days have elapsed. Then, in many cases, there is an undue delay in bringing the accused to trial.
2. The attention of all officers concerned is invited to the last paragraph of A.W. 70 which provides:
"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 charges and release him. Any officer who is responsible for unnecessary delay in * * * carrying the case to a final conclusion shall be punished as a court-martial may direct."
3. Except under unusual circumstances, it is considered that the following periods of time in the different steps from arrest or confinement to approval of the sentence provide ample time to expeditiously dispose of inferior court cases:
 - a. Charges to be preferred within 24 hours and forwarded to the appointing authority. Since A.W. 70 was amended in 1937 (see W.D. Cir. 79, 1938) a formal investigation is no longer necessary prior to trial by inferior court. The summary of the expected testimony submitted with the charges (par. 32, M.C.M., 1928) should enable the appointing authority to promptly decide whether the accused should be tried at all and, if so, whether by summary or special court-martial.
 - b. Summary court-martial trial to be held within 3 days of arrest or confinement.
 - c. Special court-martial trial to be held within 5 days of arrest or confinement.
 - d. Reviewing authority to act on the sentence within one day after trial in summary court cases and within two days after trial in special court cases.
4. In cases in which trial by general court-martial is requested of higher headquarters, the charges should be preferred, investigated (par. 35, M.C.M., 1928), and forwarded to such higher headquarters within 5 days of the arrest or confinement.
5. The periods of time given above are intended as a maximum. Many cases can be completed in a shorter period of time and organization commanders should take all steps possible to so expedite trial.
6. Where more than the above-mentioned time is taken in any step in the procedure of completing the trial, an explanation to justify the undue delay will be made when the charges or the record of trial are forwarded to higher headquarters.

By Command of Major General SULTAN:


KENNETH CLARK,
Captain, A. G. D.,
Actg. Adjutant General.

DISTRIBUTION: "E"