

PROPOSED RESOLUTION OF THE MILITARY AND VETERANS' RIGHTS COMMITTEE,
DIVISION 5 OF THE DISTRICT OF COLUMBIA BAR
CONCERNING THE DIGESTING OF MILITARY COURT CASES

DIVISION 5
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MILITARY AND VETERANS' RIGHTS COMMITTEE

Eugene R. Fidell, Chairperson
Principal author of resolution

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The views expressed herein represent only those of Division 5:
Criminal Law and Individual Rights of the District of Columbia Bar and
not those of the D.C. Bar or of its Board of Governors.

R E S O L U T I O N

WHEREAS the Uniform Code of Military Justice contemplates that military criminal practice will, so far as practicable, apply the principles of law and rules of evidence used in the trial of criminal cases in the United States district courts; and

WHEREAS the Military Rules of Evidence are in many respects identical to the Federal Rules of Evidence; and

WHEREAS many of the punitive articles of the Uniform Code define offenses analogous to offenses prescribed by Title 18 of the United States Code or state law; and

WHEREAS there is currently pending a comprehensive revision of the Manual for Courts-Martial which in some respects parallels the Federal Rules of Criminal Procedure; and

WHEREAS issues considered by the United States Court of Military Appeals and the Courts of Military Review often correspond to issues litigated in the civilian courts (such as search and seizure, self-incrimination, and the right to counsel); and

WHEREAS the quality of legal representation and judicial decisionmaking will be enhanced in both the military and civilian communities if digesting of reported military cases employs the familiar conceptual framework utilized in digesting the opinions of other American courts; and

WHEREAS increased civilian awareness of military precedents will be of practical use to the civilian bench and

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bar and will enhance understanding of and respect for the military justice system; now therefore be it

RESOLVED That cases decided by the United States Court of Military Appeals and the Court of Military Review should be indexed and headnoted, to the maximum extent practicable, according to the same general digest topics as are used in the digesting of decisions of other courts;

That the digest topic for Military Justice should be refined and limited to points of law which are unique to military practice and procedure;

That the Military Justice Digest volume should encompass the headnotes of all cases decided within the military justice system as well as all points of military law digested under the Military Justice topic but decided by other courts; and

That the Code Committee consisting of the Judges of the United States Court of Military Appeals and the Judge Advocate General be requested to take such action(s) as may be appropriate to achieve the above ends.