



## INTRODUCTION

Because of the nature of the military, distinct words and phrases are used in military law. Also, words and phrases used in civilian law carry a different meaning when applied to military law. This chapter discusses terms that are used to describe the personnel that make up the armed forces, those that describe the status of persons in the armed forces, and those used in military courts.

## ARMED FORCES AND PERSONNEL

### REGULAR DUTY AND THE NATIONAL GUARD

The term **military** refers to any and all of the armed forces of the United States. The **armed forces** of the United States consist of an army, a navy, an air force, a marine corps, and a coast guard. In addition to the regular armed forces, the U.S. military also includes the **National Guard**, which is made up of the Army National Guard and the Air National Guard. The **Army National Guard** encompasses the organized militias of the states and territories—Puerto Rico, the Canal Zone, and Washington D.C.—that also meet additional criteria. See Exhibit 5-1 for these criteria. Likewise, the **Air National Guard** encompasses part of the organized militias of the states and territories—Puerto Rico, the Canal Zone, and Washington D.C.—that also meet additional criteria. Those criteria are set out in Exhibit 5-2.

#### EXHIBIT 5-1 CRITERIA FOR THE ARMY NATIONAL GUARD

In order to be part of the Army National Guard, the unit must:

1. Be a land force
2. Be trained and have officers appointed according to the provisions of the Constitution
3. Be organized, armed, and equipped wholly or partially at federal expense
4. Be recognized by the federal government

#### EXHIBIT 5-2 CRITERIA FOR THE AIR NATIONAL GUARD

In order to be part of the Air National Guard, the unit must:

1. Be an air force
2. Be trained and have officers appointed according to the provisions of the Constitution
3. Be organized, armed, and equipped wholly or partially at federal expense
4. Be recognized by the federal government

The **Army National Guard of the United States** is the reserve component of the U.S. Army. Members of the Army National Guard are not on active duty, but are still members of the military. The **Air National Guard of the United States** is the reserve component of the U.S. Air Force; its members are members of the Air Force National Guard.

Each branch of the military has a limit set on how many members it can have. This limit is referred to as its **authorized strength**.

## ENTERING MILITARY SERVICE

A person may enter military service by one of two ways: by volunteering or by the Selective Service System. The **Selective Service System** is an agency of the executive branch of the federal government and is responsible for the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of people subject to military service. This is the branch of government that operates the draft and that determines where the people selected for military service are assigned.

**Induction** is the act or process of formally entering a person into military service, occurring when a person is sworn in as a member of the military. **Classification** is the process of determining who is available immediately for military service and who is deferred from serving or exempted from serving at all. See Exhibit 5-3 for a partial listing of classifications for military service.

### EXHIBIT 5-3 CLASSIFICATIONS FOR SERVICE IN THE ARMED FORCES

**1-A** – Available immediately for military service

**1-O** – Conscientious objector who is opposed to combatant and noncombatant military duty; the service obligation is fulfilled as a civilian alternative service worker

**1-A-O** – Conscientious objector who is opposed to combatant training only and who fulfills the service obligation in a noncombatant position within the military

**2-D** – Ministerial student—deferred from military service

**3-A** – Hardship—deferred from military service because the service would be a hardship on the person's family

**4-C** – Alien or dual national

**4-D** – Ministers of religion—exempted from military service

**Student Postponements** – A college student may have his induction postponed until he finishes the current semester, or if he is a senior, until the end of the academic year. A high school student can have his induction delayed until he graduates or until he reaches the age of 21.

**Deferment** is the postponement or extension of induction into the military until a later time. A **conscientious objector** is a person who by reason of religious training and belief is opposed to participation in war. A conscientious objector does not have to be a member of a religious sect whose creed forbids participation in war; all that is required is that war contradicts the objector's personal beliefs.

## ACTIVE DUTY

If a person is on **active duty**, he or she is on full-time duty in the active military service of the United States. Active duty includes full-time training duty, annual training duty, and at-

tendance at service school while in active military service. **Active duty for a period of more than thirty days** means active duty under a call or order that does not specify a period of time that is thirty days or less. **Active service** means a person is in the military service on active duty.

If a person is designated as **regular**, he or she has enlisted, is appointed, and has a grade or an office in a regular component of the armed forces. If a person is designated as **reserve**, he or she has enlisted, is appointed, and has a grade or office in a reserve component of the armed forces. The **active duty list** is a single list for the army, navy, air force, or marine corps that contains the names of all officers of the armed forces who are serving on active duty.

## RANK

Certain terms are used to designate the rank or hierarchy of members of the armed forces. These terms apply to people who are officers, those who are enlisted in the armed forces, and to students enrolled in the different military academies.

**Rank** refers to the order of precedence among the members of the armed forces. Rank establishes who can order or direct whom. The term **enlisted member** means a person who is in an enlisted grade. Enlisted members include people who have the rank of private and corporal. **Grade** is a step or degree in a graduated scale of military rank that is established and designated by law or regulation. See Exhibit 5-4 for a listing of some of the ranks in the military.

### EXHIBIT 5-4 CLASSIFICATIONS FOR SERVICE IN THE U.S. ARMED FORCES

#### **Soldiers**

**Private** – Lowest rank; a trainee who is starting basic combat training

**Private First Class** – Promoted to this level after one year or earlier

**Specialist** – Served a minimum of two years and has attended a specific training class; can manage other enlisted soldiers of a lower rank

#### **Noncommissioned Officers**

**Corporal** – Lowest of the noncommissioned officer ranks; serves as team leader of the smallest army units

**Sergeant** – Commands a squad (nine to ten soldiers)

**Staff Sergeant** – Commands a squad and one or more sergeants

**Sergeant First Class** – Adviser to the platoon leader

**Master Sergeant** – Principal noncommissioned officer at the battalion level

**First Sergeant** – Principal NCO at the company level (62 to 190 soldiers)

**Sergeant Major** – Assists officers at the battalion level (300 to 1000 soldiers)

**Command Sergeant Major** – Assists officers at the brigade level (3,000 to 5,000 soldiers)

**Sergeant Major of the Army** – Only one in the army; serves as senior enlisted advisor and consultant to the chief of staff of the army

#### **Commissioned Officers**

**Second Lieutenant** – Entry level rank for commissioned officers; leads platoon-sized elements (platoon sergeant and two or more squads—16 to 44 soldiers)

**First Lieutenant** – 18 to 24 months service; leads a company-sized unit (110 to 140 personnel)

**Captain** – Commands and controls company-sized units (62 to 190 soldiers)

**Major** – Primary staff officer for brigade and taskforce commands

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**Lieutenant Colonel** – Commands battalion-sized units (300 to 1,000 soldiers)

**Colonel** – Commands a brigade-sized unit (3000 to 5000 soldiers)

**Brigadier General (1 star)** – Serves as deputy commander to the commanding general for army divisions

**Major General (2 stars)** – Commands a division-sized unit (10,000 to 15,000 soldiers)

**Lieutenant General (3 stars)** – Typically commands corps-sized units (20,000 to 45,000 soldiers)

**General (4 stars)** – The senior level of commissioned officers; commands all operations that fall within a geographical area; the chief of staff of the army is a four-star general

**General of the Army** – Rank is only used during a time of war when the commanding officer must be of equal or higher rank than those commanding armies from other nations. The last officers to hold this rank served during World War II: Dwight D. Eisenhower, Omar Bradley, and Douglas MacArthur.

Source: *go.Army.com*

An **officer** holds that rank either through commission or by warrant. A **commissioned officer** possesses that rank by virtue of a grant of authority from the President of the United States. A **warrant officer** is an inferior officer in the United States military in possession of that rank because of a written warrant (order) rather than a commission from the President. A **rating** is the name of members of the armed forces who are in an occupational field, for example, boatswain's mate.

Different designations apply to officers in the military. A **general officer** is an officer of the army, air force, or marine corps that is serving in or has the grade of general, lieutenant general, major general, or brigadier general. The term **commanding officer** refers only to commissioned officers—those who received their commission from the President of the United States. A **superior commissioned officer** is a commissioned officer who is superior in rank or command to other commissioned officers.

The **officer in charge** is a member of the navy, the marine corps, or the coast guard designated as the officer in charge by the appropriate authority. The term **flag officer** refers to an officer of the navy or coast guard who is serving as or has the grade of admiral, vice-admiral, rear admiral, or commodore.

A **medical officer** is an officer of the medical corps of the army or navy, or an officer of the air force designated as the medical officer. A **dental officer** is an officer of the dental corps of the army or navy, or an officer of the air force designated as the dental officer.

A **cadet** is a student at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy. A **midshipman** is a student at the United States Naval Academy.

## JUDGE ADVOCATE GENERAL CORPS

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### IN GENERAL

Like any other area of society today, the military has a need for attorneys and judges. Most of the attorneys and judges utilized by the military are not private attorneys, but members of the armed forces. Because of the nature of military law, a branch of each service serves as attorneys for the military: the **Judge Advocate General Corps**. The title of **judge advocate general** refers to the judge advocate generals of the U.S. Army, Navy, and Air Force, and the General Counsel of the Department of the Treasury when the U.S. Coast Guard is operating as a service in the U.S. Navy.

## MAKEUP OF THE JUDGE ADVOCATE GENERAL CORPS

A **judge advocate** is an officer of the Judge Advocate General Corps of the U.S. Army or Navy, an officer of the U.S. Air Force or Marine Corps who is designated as such, or an officer of the U.S. Coast Guard who is designated as a law specialist. A **law specialist** is a commissioned officer of the U.S. Coast Guard who is designated for special law duty. A **legal officer** is a commissioned officer of the U.S. Navy, Marine Corps, or Coast Guard that is designated to perform legal duties for a command. A **military judge** is the presiding officer of a general or special court martial. A military judge is required to be a commissioned officer of the armed forces who is a licensed attorney and who is qualified for duty as a military judge by the judge advocate general of the armed force of which the officer is a member. See Exhibit 5-5.

### EXHIBIT 5-5 JUDGE ADVOCATE GENERAL CORPS

**Judge Advocate General** – Officer of the U.S. Army, Navy, Air Force, or Marines who is and serves as an attorney.

**Law Specialist** – Commissioned officer of the U.S. Coast Guard who has received an assignment in the law to serve in the legal field.

**Legal Officer** – Commissioned officer of the U.S. Navy, Marine Corps, or Coast Guard who is designated to perform legal duties for a command.

**Military Judge** – Presiding officer of a general or special court martial; required to be a commissioned officer of the armed forces who is also a licensed attorney and who is qualified for duty as a military judge by the judge advocate general of the armed force of which the officer is a member.

## COURT MARTIAL

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### GENERAL PRINCIPLES

Because of the nature of military law, alleged violations are not tried in civilian courts but rather in special military courts. A **court martial** is a military court convened under the authority of the U.S. government and the Uniform Code of Military Justice. The purpose of a court martial is to try and punish offenses committed by members of the armed forces. Court martials are courts of law, but they are not part of the federal judiciary. They are criminal courts created legislatively by Congress, using the authority Congress has to regulate the armed forces. The jurisdiction of a court martial is limited to criminal and penal matters.

### TYPES OF COURT MARTIAL

There are three kinds of court martial in the military: a general court martial, a special court martial, and a summary court martial. A **general court martial** is conducted by a military judge alone or a military judge in conjunction with not less than five additional members of the armed forces. A **special court martial** is conducted by no fewer than three members of the military, a military judge and no fewer than three members, or only a military judge. A **summary court martial** consists of only one commissioned officer. The **trial counsel** that is detailed for a general court martial must be a judge advocate who is a graduate of an accredited law school and a licensed attorney, and who is certified as competent to perform the duties required by the judge advocate general. See Exhibit 5-6.

## EXHIBIT 5-6 TYPES OF COURT MARTIALS

**Court Martial** – A military court convened under the authority of the U.S. government and the Uniform Code of Military Justice.

**General Court Martial** – Either a military judge and at least five additional members of the armed forces or only a military judge.

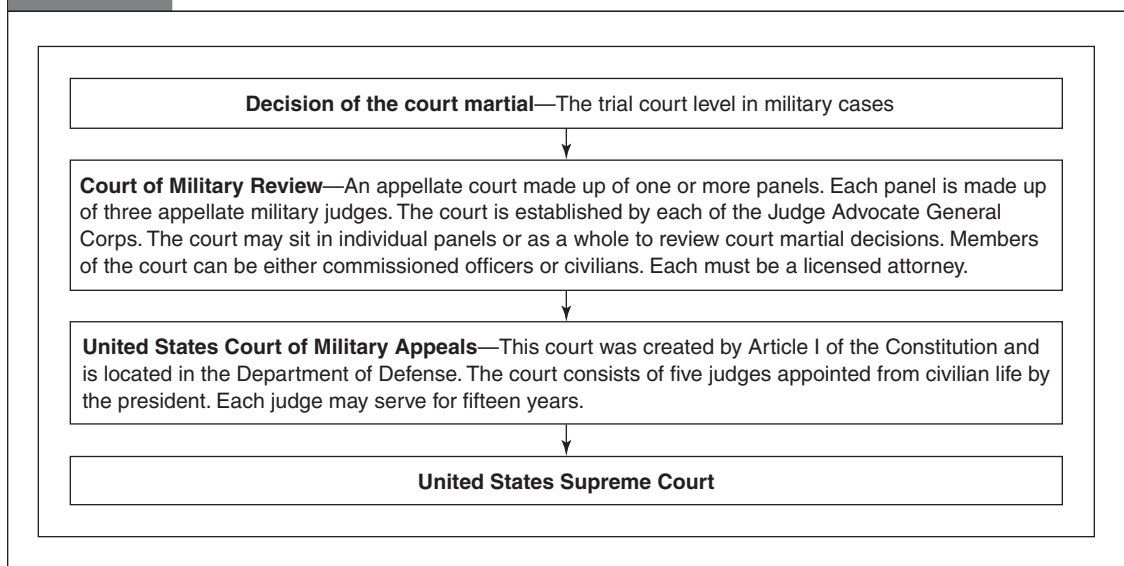
**Special Court Martial** – Three members of the military, or a military judge and not less than three members of the military, or only a military judge.

**Summary Court Martial** – Only one commissioned officer.

## APPEALS

Appeals from a court martial first go to a **court of military review**, which is composed of one or more panels; each panel is made up of three appellate military judges. The court is established by each of the U.S. Judge Advocate General Corps. The court may sit in individual panels or as a whole to review court martial decisions. Members of the court can be either commissioned officers or civilians, each of whom must be a licensed attorney. Further appeals are to the **United States Court of Military Appeals**. This court is established under Article I of the Constitution and is located in the Department of Defense. The court consists of five judges appointed from civilian life by the president. Each judge may serve for fifteen years. See Exhibit 5-7. A **senior judge** is a former judge of the court who is receiving retirement pay and who may perform judicial duties under special circumstances. See Exhibit 5-8. See Exhibit 5-9 for a list of cases the U.S. Military Court of Appeals will hear on appeal.

## EXHIBIT 5-7 COURT MARTIAL APPEAL PROCESS



## EXHIBIT 5-8 SENIOR JUDGES

The senior judge may perform judicial duties with the United States Court of Military Appeals when:

1. One of the judges of the court cannot perform his or her duties because of illness or other disability
2. There is a vacancy on the court
3. One of the judges in any case recuses himself or herself

**EXHIBIT 5-9 TYPES OF CASES HEARD BY THE U.S. COURT OF MILITARY APPEALS**

The U.S. Court of Military Appeals reviews the following cases.

1. All cases in which the sentence is death
2. All cases reviewed by the Court of Military Review where the judge advocate general orders the case be sent to the court for review
3. All cases in which the accused petitions for a review and the court agrees to review upon a showing of good cause

## FORMER JEOPARDY AND LACK OF MENTAL RESPONSIBILITY

Two principles apply in military court that are similar to those of civilian court: double jeopardy and not guilty by reason of insanity. The military's form of double jeopardy is called **former jeopardy**: a soldier may not be tried a second time for the same offense without his or her consent. Unlike double jeopardy, if the defendant consents, he or she can be tried a second time for the same offense. The military version of the principle of not guilty by reason of insanity is **lack of mental responsibility**. A soldier may raise the defense of a lack of mental responsibility, which is an affirmative defense, in a trial by court martial. Lack of mental responsibility means that at the time of the commission of the act constituting the offense, the accused, as a result of severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the act. The accused has the burden of proving the defense of the lack of mental responsibility by clear and convincing evidence.

## OFFENSES

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### INTRODUCTION

Certain offenses are unique to the armed forces. Other offenses can be carried out by civilians, but they have a different meaning or different penalties if carried out by a member of the armed forces. Some of the principles regarding criminal activity also apply, but under different terms than those used by civilians.

### OFFENSES RELATED TO ENLISTMENT

Certain offenses are related to enlisting in the armed forces, receiving an appointment in the armed forces, or leaving the armed forces. **Fraudulent enlistment or appointment** occurs when a person procures his or her own enlistment or appointment in the armed forces by knowingly giving a false representation about or deliberately concealing information about his or her qualifications for the enlistment or the appointment and receives pay or allowances. **Fraudulent separation** occurs when a person procures his or her own separation from the armed forces by knowingly giving a false representation about or deliberately concealing information about his or her eligibility for separation. **Unlawful enlistment, appointment, or separation** occurs when a member of the armed forces effects an enlistment, appointment, or separation from the armed forces of any person who is known to him or her to be ineligible for the enlistment, separation, or appointment because it is prohibited by law, regulation, or order.

## GENERAL TERMS

An **attempt** is an act done with the specific intent to commit an offense listed in the Code of Military Justice. This is more than mere preparation; it is the *attempt*—even though it fails—to commit the crime. An **accessory after the fact** is a person who, knowing that an offense has been committed, either receives, comforts, or assists the offender in order to hinder or prevent his or her apprehension.

**Malingering** occurs when a person, for the purpose of avoiding work, duty, or service, feigns illness, physical disablement, mental lapse or derangement, or intentionally inflicts self-injury. **Maiming** occurs when a person, with the intent to injure, disfigure, or disable another person, inflicts an injury that either seriously disfigures the person by mutilation, destroys or disables any member or organ of the person’s body, or seriously diminishes the person’s physical vigor because of the injury.

## DESERTION AND AWOL

**Desertion** is the commission of any of the following acts.

- a. The person goes or remains absent from his or her unit, organization, or place of duty without authorization and with the intent to remain away from duty permanently.
- b. The person quits his or her unit, organization, or place of duty with the intent to avoid hazardous duty or to stay away from important duty.
- c. The person enlists or accepts an appointment into the same or a different branch of the armed forces without fully disclosing the fact that he or she has not been regularly separated.

A soldier commits the offense of being **absent without leave (AWOL)**, if, without authority, he or she fails to go to his or her appointed place of duty at the time prescribed, he or she goes from his or her appointed place of duty, or he or she absents himself or herself or remains absent from his or her unit, organization, or place of duty at which he or she is required to be at the time prescribed. The violation termed **missing movement** occurs when a person, because of neglect or design, misses the movement of a ship, an aircraft, or unit that he or she is required in the course of duty to move with. See Exhibit 5-10 for a summary of these offenses unique to the military.

### EXHIBIT 5-10 OFFENSES UNIQUE TO THE MILITARY

**Fraudulent Enlistment or Appointment** – A person enlists or is appointed to the armed forces by knowingly giving a false representation or deliberately concealing information about his or her qualifications for the enlistment or the appointment and receives pay or allowances.

**Fraudulent Separation** – A person causes his or her own separation from the armed forces by knowingly giving a false representation about or deliberately concealing information about his or her eligibility for separation.

**Unlawful Enlistment, Appointment, or Separation** – A member of the armed forces causes an enlistment, appointment, or separation from the armed forces for a person other than himself or herself who is known to be ineligible for the enlistment, separation, or appointment because it is prohibited by law, regulation, or order.

**Malingering** – A soldier, for the purpose of avoiding work, duty, or service, feigns illness, physical disablement, mental lapse or derangement, or intentionally inflicts self-injury.

**Desertion** – A soldier commits one of the following acts:

- a. Goes or remains absent from his or her unit, organization, or place of duty without authorization and with the intent to remain away from duty permanently
- b. Quits his or her unit, organization, or place of duty with the intent to avoid hazardous duty or to stay away from important duty
- c. Enlists or accepts an appointment into the same or a different branch of the armed forces without fully disclosing the fact that he or she has not been regularly separated.

**Absent Without Leave** – A soldier is AWOL if, without authority, he or she fails to go to his or her appointed place of duty at the time prescribed, he or she goes from his or her appointed place of duty, or he or she leaves his or her unit and remains absent from that unit or place of duty where he or she is required to be at a certain time.

**Missing Movement** – A person, because of neglect or design, misses the movement of a ship, an aircraft, or unit that he or she is required in the course of duty to move with.

## OFFENSES AGAINST OFFICERS

A commissioned officer commits the offense of **contempt toward officials** if he or she uses contemptuous words against the president or vice-president of the United States, Congress, the secretary of defense, the secretary of any military department, the secretary of transportation, or the governor of the legislature of any state in which the officer is currently on duty.

Any person who strikes a superior commissioned officer, or draws or lifts up any weapon or threatens with violence any such officer; or willfully disobeys a lawful command of his or her superior commissioned officer has committed the offense of **assaulting or willfully disobeying a superior commissioned officer**. Any warrant officer or enlisted man or woman who strikes, assaults, or willfully disobeys the lawful order of, or treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer while that officer is executing the duties of his or her office is guilty of the offense of **insubordinate conduct toward a warrant officer, noncommissioned officer, or petty officer**.

The offense of **failure to obey an order or regulation** happens when:

- a. A person violates or fails to obey any lawful general order or regulation
- b. Having knowledge of any other lawful order issued by a member of the armed forces which it is his or her duty to obey, fails to obey the order
- c. Is derelict in the performance of his or her duties

## MUTINY AND SEDITION

**Mutiny** occurs when a person, with the intent to usurp or override lawful military authority, refuses to obey orders or otherwise do his or her duty or creates any violence or disturbance. **Sedition** is the intent to cause the overthrow or destruction of lawful civil authority through the creation of a revolt or by causing a violent disturbance against that authority. A person is guilty of the offense of **failure to suppress or report a mutiny or sedition** if he or she fails to do his or her utmost to prevent or suppress the mutiny or sedition that is being committed in his or her presence, or fails to take all reasonable means to inform his or her superiors of the mutiny or sedition which he or she knows or has reason to believe is taking place.

## OFFENSES DURING WAR

Any person who compels or attempts to compel the commander of any place, vessel, aircraft, or military property to give it up to an enemy, or to abandon it, or to strike the colors or flag to any enemy without proper authority is guilty of the offense of **subordinate compelling surrender**. A person who, in the time of war, discloses a countersign to any person who is not entitled to receive it, or gives a different countersign than the one authorized to a person who is entitled to receive it is guilty of the offense of **improper use of a countersign**. **Misbehavior of a sentinel or lookout** can be charged when a person is found drunk or sleeping on his or her post or leaves his or her post before he or she is relieved. If this happens during time of war, punishment can be the death penalty.

According to **Article 103**, all military personnel are required to secure all public property taken from the enemy and turn over to the proper authority all captured or abandoned property that is in their possession, custody, or control. A person violates this article if he or she fails to carry out these duties. This article is also violated if a person:

- a. Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property for profit
- b. Engages in looting or pillaging

See Exhibit 5-10 for a listing of offenses unique to the military.

## ESPIONAGE

Perhaps the most serious crimes that can be committed by a person in the armed forces are crimes relating to treason or espionage. **Treason** is partially defined as providing aid and comfort to the enemy. (See Chapter 6, Constitutional Law, in the main text.) **Aiding the enemy** is defined as aiding or attempting to aid the enemy with arms, ammunition, supplies, money, or other things; or without proper authority, knowingly harboring, protecting, or giving intelligence to or communicating with the enemy, either directly or indirectly.

A person commits the offense of **espionage** if, with the intent or reason to believe that the information will either be used to injure the United States or will be used to the advantage of a foreign nation, he or she communicates, delivers, transmits, or attempts to communicate, deliver, or transmit information. This information can be a document, a piece of writing, a code book, a signal book, a sketch, a photograph, a photographic negative, a blueprint, a plan, a map, a model, a note, an instrument, an appliance, or information about national defense. The information must be delivered to one of the following:

1. A foreign government
2. A faction, a party, or a military force within a foreign country, whether or not it is recognized by the United States
3. A representative, officer, agent, employee, subject, or citizen of such a government, faction, party, or force

If the espionage information is about nuclear weapons, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against a large scale attack, war plans, communications intelligence, or cryptographic information, any major weapons system or major element of defense strategy, the penalty can be death.

## SUMMARY

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Because of the nature of the armed forces, there are specific terms to describe offenses, courts, duties, and positions that do not apply to any other area of law. Certain terms describe the ranks of persons in the armed forces—where they fit into the hierarchy. Other terms define the types of courts, hearings, and court personnel in the military. Different terms are used in the military to describe an offense that can happen in the private sector. Other terms apply to offenses that can take place only in the military, such as desertion. There are also different meanings applied to similar terms or different terms for some of the same principles.

# CHAPTER 5 REVIEW

## KEY WORDS AND PHRASES

absent without leave (AWOL)	former jeopardy	mutiny
accessory after the fact	fraudulent enlistment or appointment	officer
active duty	fraudulent separation	officer in charge
active duty list	general court martial	rank
active service	general officer	Selective Service System
aiding the enemy	grade	senior judge
armed forces	judge advocate	special court martial
cadet	judge advocate general	student postponement
classification	Judge Advocate General Corps	subordinate compelling surrender
commanding officer	lack of mental responsibility	summary court martial
commissioned officer	law specialist	treason
conscientious objector	legal officer	U.S. Air National Guard
court martial	maiming	U.S. Army National Guard
court of military review	malingering	U.S. Court of Military Appeals
deferment	midshipman	U.S. National Guard
desertion	military	unlawful enlistment, appointment, or separation
enlisted member	missing movement	warrant officer
espionage		
flag officer		

## REVIEW QUESTIONS

### SHORT ANSWER

1. What is the difference between a warrant officer and a commissioned officer?
2. What is considered to be active duty?
3. What is the active duty list?
4. What must a person show in order to be considered a conscientious objector?
5. Who are considered to be cadets?
6. What is the difference between cadets and midshipmen?
7. What is Article 103?
8. Who are flag officers?
9. What is the difference between *grade* and *rating*?
10. What is a law specialist?
11. How does a person commit mutiny?
12. How does one commit the offense of malingering?
13. What is the Selective Service Agency?
14. What is the difference between a special court martial and a summary court martial?
15. Who are general officers?
16. How does one become a commissioned officer?

17. How does one become a warrant officer?
18. When is a soldier considered to be AWOL?
19. What is the rank of a person who joins the armed forces?
20. What is the highest rank a person can achieve during times of peace?
21. What is student postponement?
22. What makes up the offense of maiming?
23. What is sedition?
24. What makes up the offense of fraudulent separation?
25. What is lack of responsibility?

### FILL IN THE BLANKS

1. \_\_\_\_\_ means that a soldier may not be tried a second time for the same offense without his or her consent.
2. \_\_\_\_\_ is the intent to cause the overthrow or destruction of lawful civil authority.
3. \_\_\_\_\_ is a former judge of the court who is receiving retirement pay and who may perform judicial duties under special circumstances.
4. An act done with the specific intent to commit an offense listed in the Code of Military Justice is \_\_\_\_\_.
5. An \_\_\_\_\_ is a person who, knowing that an offense has been committed, either receives, comforts, or assists the offender in order to hinder or prevent his or her apprehension.
6. A \_\_\_\_\_ consists of a military judge and not less than five additional members of the armed forces or it can be only a military judge.
7. \_\_\_\_\_ means that at the time of the commission of the act constituting the offense, the accused, as a result of severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the act.
8. A \_\_\_\_\_ is made up of not less than three members of the military, or a military judge and not less than three members, or only a military judge.
9. A \_\_\_\_\_ refers only to commissioned officers, those who received their commission from the president.
10. A \_\_\_\_\_ is a commissioned officer who is superior in rank or command to other commissioned officers.

### FACT SITUATIONS

1. One soldier deliberately gives an incorrect password to another soldier. What offense has the first soldier committed?
2. A soldier leaves his post when he is on sentry duty. He leaves the base without permission with the intent of never coming back to complete his term of service. What offenses could this soldier be charged with under the Code of Military Justice?
3. A soldier, during a time of war, is caught selling medical supplies to the enemy. What offenses could this soldier be charged with under the Code of Military Justice?
4. A soldier is found guilty of the offense of contempt toward officers. To which court(s) may the losing party appeal the decision?
5. A defendant in a court martial states that, at the time the crime was committed, she was suffering from mental illness. Which defense has the soldier raised in the court martial?

6. During a time of war, a corporal convinces her commanding officer that she has received a message stating that the unit's headquarters has ordered the surrender of the unit to the enemy rather than take further casualties. Her story is confirmed by another corporal. Believing the orders to be true, when in fact they are not, the commanding officer surrenders. After the war, with what offenses could the two corporals be charged?
7. The United States is involved in a war along with several allies. A U.S. officer is the commander of all the allied forces. There are other officers from other nations whose rank is the equivalent of his. What rank can he receive in order to change this?
8. A person lies about her age and her education in order to enlist in the U.S. Army. What offense has this person committed?
9. A person is attending college when he is drafted. However, his entering the military is delayed because he is in college. What does this person have?
10. A soldier receives orders to report for duty at a new base. The soldier refuses to leave his current post and does not report to his new assignment. What offense has he committed?