

ARMING MILITARY JUSTICE

VOLUME II

THE ORIGINS OF
THE UNITED STATES COURT OF
MILITARY APPEALS,
1775-1950

JONATHAN LUBER



Arming Military Justice

Michael Hoelscher



Arming Military Justice:

Military Justice in America Jonathan Lurie, 2001 A unique but largely neglected part of the American legal system the United States Court of Appeals for the Armed Forces marks its fiftieth anniversary in 2001 *Military Justice in America* chronicles the struggles leading to the Court's creation as well as its subsequent efforts to fulfill a difficult and sometimes controversial mission The work provides a new and valuable perspective on the uneasy relations between civil and military authority *Military Law Review*, 2001 **Shaping US Military Law** Joshua E. Kastenberg, 2016-04-01 Since the United States entry into World War II the federal judiciary has taken a prominent role in the shaping of the nation's military laws Yet a majority of the academic legal community studying the relationship between the Court and the military establishment argues otherwise providing the basis for a further argument that the legal construct of the military establishment is constitutionally questionable Centering on the Cold War era from 1968 onward this book weaves judicial biography and a historic methodology based on primary source materials into its analysis and reviews several military law judicial decisions ignored by other studies This book is not designed only for legal scholars Its intended audience consists of Cold War military and political historians as well as political scientists and military and national security policy makers Although the book's conclusions are likely to be favored by the military establishment the purpose of this book is to accurately analyze the intersection of the later twentieth century's American military political social and cultural history and the operation of the nation's armed forces from a judicial vantage *Atrocity and American Military Justice in Southeast Asia* Louise Barnett, 2010-01-21 Using individual judicial proceedings held within war time Southeast Asia this book analyses how the American military legal system handled crimes against civilians and determines what these cases reveal about the way that war produces atrocity against civilians **The Air Force Law Review**, **The Air Force Law Review**, 2000 *Arming Military Justice* Jonathan Lurie, 1992 *New England Law Review: Volume 50, Number 1 - Fall 2015* New England Law Review, 2016-03-28 The New England Law Review offers its issues in convenient digital formats for e reader devices apps pads and phones This first issue of Volume 50 Fall 2015 features an extensive and important Symposium entitled Discipline Justice and Command in the U S Military presented by leading scholars on the subject Contents include Introduction to Discipline Justice and Command in the U S Military Maximizing Strengths and Minimizing Weaknesses in a Special Society by Victor Hansen Discipline Justice and Command in the U S Military Maximizing Strengths and Minimizing Weaknesses in a Special Society by Rachel VanLandingham On Unity A Commentary on Discipline Justice and Command in the U S Military Maximizing Strengths and Minimizing Weaknesses in a Special Society by Elizabeth Hillman To Prosecute or Not to Prosecute Who Should Make the Call by James Gallagher In addition Issue 1 includes these extensive student contributions Foreword 50 Years Through Changing Times the New England Law Review Remains a Constant by Nicholas Baran Note A New Era of Eyewitness Identification Law Putting Eyewitness Testimony on Trial by Sara Conway Comment Without a Bright

line on the Green Line How Commonwealth v Robertson Failed to Criminalize Upskirt Photography by Jeffrey Marvin Quality digital formatting includes linked notes active table of contents active URLs in notes and proper Bluebook citations

The Puritan Culture of America's Military Ronald Lorenzo, 2016-02-24 This book explores Puritanism and its continuing influence on U S and military law in the Global War on Terror exploring connections between Puritanism and notions of responsibility in relation to military crimes superstitious practices within the military and urges for revenge Engaging with the work of figures such as Durkheim Fauconnet and Weber it draws on primary data gathered through participation and observation at the U S Army courts martial following events at Abu Ghraib Operation Iron Triangle the Baghdad canal killings and a war crimes case in Afghanistan to show how Puritan cultural habits color and shape both American military actions and the ways in which these actions are perceived by the American public A theoretically sophisticated examination of the cultural tendencies that shape military conduct and justice in the context of a contemporary global conflict *The Puritan Culture of America's Military* will appeal to scholars across the social sciences with interests in social theory and sociology cultural studies politics and international relations and military studies

Military Tribunals and Presidential Power Louis Fisher, 2005 Offers coverage of wartime extra legal courts Focusing on those periods when the Constitution and civil liberties have been most severely tested by threats to national security Fisher critiques tribunals called during the presidencies of Washington Madison Jackson Lincoln Andrew Johnson Wilson Franklin Roosevelt and Truman

Defending America Elizabeth Lutes Hillman, 2021-02-09 From going AWOL to collaborating with communists assaulting fellow servicemen to marrying without permission military crime during the Cold War offers a telling glimpse into a military undergoing a demographic and legal transformation The post World War II American military newly permanent populated by draftees as well as volunteers and asked to fight communism around the world was also the subject of a major criminal justice reform By examining the Cold War court martial *Defending America* opens a new window on conflicts that divided America at the time such as the competing demands of work and family and the tension between individual rights and social conformity Using military justice records Elizabeth Lutes Hillman demonstrates the criminal consequences of the military's violent mission ideological goals fear of homosexuality and attitude toward racial gender and class difference The records also show that only the most inept unfortunate and impolitic of misbehaving service members were likely to be prosecuted Young poor low ranking and nonwhite servicemen bore a disproportionate burden in the military's enforcement of crime and gay men and lesbians paid the price for the armed forces official hostility toward homosexuality While the U S military fought to defend the Constitution the Cold War court martial punished those who wavered from accepted political convictions sexual behavior and social conventions threatening the very rights of due process and free expression the Constitution promised

Fiftieth Anniversary of the Uniform Code of Military Justice, 2000 **The Reporter**, 2001 [GIs in Germany](#) Thomas W. Maulucci, Detlef Junker, 2013-09-02 These fifteen essays offer a comprehensive look at the role of American military forces in

Germany since World War Two **The Oxford Encyclopedia of American Military and Diplomatic History** Timothy J. Lynch, 2013 Entries written by renowned diplomatic and military historians as well as key scholars in international relations Provides assessments and analyses of key episodes issues and actors in the military and diplomatic history of the United States Based on the award winning Oxford Companion to United States History Comprehensive collection of entries that span the founding of the U S to its present state Offers a wide range of perspectives to provide an encompassing context of the United States military and diplomatic legacies Expansive bibliographies and suggested readings for each article to aid in research The Oxford Encyclopedia of American Military and Diplomatic History a two volume set will offer both assessment and analysis of the key episodes issues and actors in the military and diplomatic history of the United States At a time of war in which ongoing efforts to recalibrate American diplomacy are as imperative as they are perilous the Oxford Encyclopedia will present itself as the first recourse for scholars wishing to deepen their understanding of the crucial features of the historical and contemporary foreign policy landscape and its perennially martial components Entries will be written by the top diplomatic and military historians and key scholars of international relations from within the American academy supplemented as is appropriate for an encyclopedia of diplomacy with entries from foreign based academics in the United Kingdom and elsewhere The crucial importance of the subject is reflected in the popularity of university courses dedicated to diplomatic and military history and the enduring appeal of international relations IR as a political science discipline drawing on both The Oxford Encyclopedia will be a basic reference tool across both disciplines a potentially very significant market Readership University level undergraduate and graduate students in History **The Prosecutor in Transnational Perspective** Erik Luna, Marianne Wade, 2012-09-27 In this book Erik Luna and Marianne Wade examine the considerable powers of the American prosecutor and look abroad in order to learn valuable lessons from a transnational examination of prosecutorial authority They explore parallels and distinctions in the processes available to and decisions made by prosecutors in the United States and Europe Through the varied topics covered by the contributors on both sides of the Atlantic they demonstrate how the enhanced role of the prosecutor represents a crossroads for criminal justice with weighty legal and socio economic consequences **The Army Lawyer** , 2000 *West's Military Justice Reporter* , 2003 **The Oxford Companion to American Law** , 2002 Military Justice Lawrence J. Morris, 2010-02-26 Public press and academic interest in the military justice system has increased over the past generation This is a result of several high profile trials the Sergeant Major of the Army and Kelly Flinn among many others a popular TV show even if it was Navy JAGs and broader public attention to and interest in the military stemming from the post Cold War prominence of the military Gulf War I Balkans and post 9 11 operations In addition some of the more prominent cases from the war in Iraq including Abu Ghraib and detainee cases as well as the GTMO military commissions have kept military justice in the news There are many misconceptions about the rudiments of the military justice system Many perceive severity where there is none though there

are features that differ from the civilian system sometimes unfavorably for the accused and few are aware of its unique protections and features Senators Lott and McConnell were not unique in the inaccurate perceptions they publicly stated about military justice during hearings on military tribunals This volume would accomplish two main purposes 1 provide comprehensive accurate and current information about the military justice system and related disciplinary features written in laymen s language and 2 explain the system through some illustrative or engaging anecdotes e g the trials of Billy Mitchell William Calley and the World War II Nazi saboteurs whose capture and trial provide the basis for today s Guantanamo based trials of suspected terrorists

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