

87TH CONGRESS
1ST SESSION

H. R. 5703

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1961

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) paragraph (a) of Article 67 of the Uniform Code
4 of Military Justice (10 U.S.C. 867) is amended to read as
5 follows:

6 “(a) (1) the President shall appoint, from civilian life,
7 by and with the advice and consent of the Senate, a chief
8 judge and two associate judges who shall constitute a court
9 of record known as the United States Supreme Court of Mili-
10 tary Appeals, which, for purposes of administration only,
11 shall be located in the Department of Defense. The Presi-

1 dent shall designate the chief judge of the court, who shall
2 have precedence and preside at any session which he attends;
3 the other judges shall have precedence and preside according
4 to the seniority of their commissions. Judges whose com-
5 missions bear the same date shall have precedence according
6 to seniority in age. The chief judge and the associate judges
7 shall hold office during good behavior and shall be entitled to,
8 and shall have, the same salary, powers, privileges,
9 perquisites, and rights of resignation or retirement for age or
10 disability, and survivor benefits for widow and dependent
11 children as judges of the United States courts of appeals.
12 Retirement benefits shall accrue from the date of the original
13 appointment of each judge. The court shall have the power
14 to prescribe its own rules of procedure and to determine the
15 number of judges required to constitute a quorum. A
16 vacancy in the court shall not impair the right of the re-
17 maining judges to exercise all the powers of the court.

18 “(2) The chief judge of the court shall be a member of
19 the Judicial Conference of the United States, provided for in
20 section 331 of title 28, United States Code.

21 “(3) If any judge of the United States Supreme Court
22 of Military Appeals is temporarily unable to perform his
23 duties because of illness or other disability, the Chief Justice
24 of the United States may upon presentation to him of a cer-
25 tificate of necessity by the chief judge designate a judge of a

1 United States court of appeals to fill the office for the period
2 of disability, in accordance with the provisions of section 293
3 of title 28, United States Code: *Provided, however,* That if
4 the judge temporarily unable to perform his duties is the chief
5 judge, the associate judge next in precedence who is able to
6 act shall discharge the duties of the chief judge until the dis-
7 ability ends.

8 “(4) The United States Supreme Court of Military Ap-
9 peals may appoint and fix the compensation of commissioners
10 of the court, a clerk, and such other officers and employees as
11 may be necessary. All appointees of the court shall be sub-
12 ject to removal by the court.”

87TH CONGRESS
1ST SESSION

H. R. 5703

A BILL

To amend the Uniform Code of Military
Justice.

By Mr. FOGARTY

MARCH 20, 1961

Referred to the Committee on Armed Services