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Proceedings of the American Society of Military Law

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PROCEEDINGS
OF THE
AMERICAN SOCIETY
OF
MILITARY LAW.

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Note: The plan of publishing in this manner the proceedings of this Society in its own bulletin has been adopted and will be continued in each number of this, the official Journal of the Society of Military Law.

STATUS, OBJECT, AND PURPOSE
OF THE
AMERICAN SOCIETY OF MILITARY LAW.

The American Society of Military Law was organized in 1914 as a "Section" of the American Institute of Criminal Law and Criminology, of which it forms a constituent part; the American Institute, which is an affiliated organization of the American Bar Association, is therefore the parent society. Membership in the Society of Military Law carries with it both a membership in the American Institute and a subscription to the JOURNAL OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY, which is the official publication of the Society and in which paper addresses and discussions of the Society are published.

The object of the American Society of Military Law is concisely expressed in Article II of its Constitution, as follows:

"The purpose of the Society shall be to provide for the adequate investigation of the various questions arising in connection with military law, to provide for a thorough discussion of the same, and to promote a wider knowledge of the rights and duties of both civilians, public officers, officers and members of the military force under the same, both in times of peace, domestic disturbances or war."

Military Law is a portion of the law of the land which has not received the same consistent, studious, systematic attention as has the ordinary civil law. Military Law is a special branch of law not falling under the judicial branch of the Government, but deriving its sanction from those clauses in the Constitution which authorize Congress "to make rules for the government of land and naval forces," to provide for "governing such part" of the militia as may be employed in the service of the United States, and which provides that "The President shall be Commander-in-Chief of the Army and Navy of the United States," and other similar clauses of the Constitution which relate to the military forces.

Military Law is, therefore, the law administered by and governing any military force. Military Law covers not only the law governing the interior administration of military forces, but also the laws governing the relationship of the military and the civil under

various conditions. Questions of jurisdiction and of the relative powers of the civil and military in times of emergency or national peril present a wide field for research and investigation. To those who have given the subject of Military Law profound attention no outline of its sphere is necessary to demonstrate the extent of the field of research thus offered; those not familiar with the subject will appreciate by a casual glance at the above the vast number of important questions which present themselves for consideration, and which, due largely to the non-military nature of our Government and to the protracted periods of peace, have never been authoritatively decided.

It is the purpose of this Society to facilitate the investigation and discussion and crystallization of thought on questions falling under Military Law. The broadening of interest in affairs of a military nature, the increase of the land and naval forces, the legislation pertaining to the militia, reserves, the volunteers—all combine to add stimulus to the subject and to add new questions for consideration.

Information. All communications with reference to the work of this Society should be addressed to the Secretary, Professor H. W. Ballantine, University of Wisconsin, Madison, Wisconsin.

Membership. All officers of any branch of the military forces of the United States, or of the Organized Militia, and other persons who are versed in, or have made a study of, subjects falling under the jurisdiction of military law, are eligible to membership.

Dues. The annual dues of the American Society of Military Law are \$5.00. This includes membership in the American Institute of Criminal Law and Criminology, as well as annual subscription to the JOURNAL of the Institute.

Note by the President. In view of the wide discussion recently covering the constitutionality of certain statutes bearing upon the subject of "preparedness," I have requested Mr. George Melling, Office of the Judge Advocate General, Navy Department, to compile a digest of the pertinent decisions relating to certain clauses in the Constitution bearing upon the powers of Congress in regard to matters relating to national preparedness. It is believed that publication of this work will prove of interest and profit to members of this Society. Decisions under Art. 1, Sec. 8, Clause 11, are given in this number. The other clauses which bear upon the general question of "Military Law" will appear in subsequent numbers of this publication.

RIDLEY MCLEAN,
Judge Advocate General, U. S. N., President.