

Executive Order 12473--Manual for Courts-Martial, United States, 1984

Source: The provisions of Executive Order 12473 of Apr. 13, 1984, appear at 49 FR 17152, 3 CFR, 1984 Comp., p. 201, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution of the United States and by Chapter 47 of Title 10 of the United States Code (Uniform Code of Military Justice), I hereby prescribe the following Manual for Courts-Martial to be designated as "Manual for Courts-Martial, United States, 1984."

This Manual shall take effect on August 1, 1984, with respect to all court-martial processes taken on and after that date: *Provided*, That nothing contained in this Manual shall be construed to invalidate any restraint, investigation, referral of charges, designation or detail of a military judge or counsel, trial in which arraignment had been had, or other action begun prior to that date, and any such restraint, investigation, trial, or other action may be completed in accordance with applicable laws, Executive orders, and regulations in the same manner and with the same effect as if this Manual had not been prescribed; *Provided further*, That Rules for Courts-Martial 908, 1103(j), 1105-1107, 1110-1114, 1201, and 1203 shall not apply to any case in which the findings and sentence were adjudged by a court-martial before August 1, 1984, and the post-trial and appellate review of such cases shall be completed in accordance with applicable laws, Executive orders, and regulations in the same manner and with the same effect as if this Manual had not been prescribed; *Provided further*, That nothing contained in this Manual shall be construed to make punishable any act done or omitted prior to August 1, 1984, which was not punishable when done or omitted; *Provided further*, That nothing in part IV of this Manual shall be construed to invalidate the prosecution of any offense committed before the effective date of this Manual; *Provided further*, That the maximum punishment for an offense committed prior to August 1, 1984, shall not exceed the applicable limit in effect at the time of the commission of such offense; *Provided further*, That for offenses committed prior to August 1, 1984, for which a sentence is adjudged on or after August 1, 1984, if the maximum punishment authorized in this Manual is less than that previously authorized, the lesser maximum authorized punishment shall apply; *And provided further*, That Part V of this Manual shall not apply to nonjudicial punishment proceedings which were initiated before August 1, 1984, and nonjudicial punishment proceedings in such cases shall be completed in accordance with applicable laws, Executive orders, and regulations in the same manner and with the same effect as if this Manual had not been prescribed.

The Manual for Courts-Martial, 1969, United States (Revised edition), prescribed by Executive Order No. 11476, as amended by Executive Order Nos. 11835, 12018, 12198, 12233, 12306, 12315, 12340, 12383, and 12460 is hereby rescinded, effective August 1, 1984.

The Secretary of Defense shall cause this Manual to be reviewed annually and shall recommend to the President any appropriate amendments.

The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

Editorial note: The complete text of the "Manual for Courts-Martial, United States, 1984" appears at 49 FR 17152, Apr. 23, 1984. Amendments to the Manual were made by Executive Order 12484 of July 13, 1984, 49 FR 28825, 3 CFR, 1984 Comp., p. 217; Executive Order 12550 of Feb. 19, 1986, 51 FR 6497, 3 CFR, 1986 Comp., p. 191; Executive Order 12586 of Mar. 3, 1987, 52 FR 7103, 3 CFR, 1987 Comp., p. 204. The manual is also published by the Department of Defense and may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.