One-Man Court-Martial Criticized

As Danger to Army Discipline

By HENRY E. ROWLAND

The campaign for President Roosevelt's re-election features the claim that he has never, as Commander-in-Chief, interfered with the professional and technical conduct of the war. To a Canadian the interesting point is that the American public seems to be aware of the danger of outside interference with military standards. In Canada, where a military critic is any one who can summarize the day's news, there is a disposition to regard the administrative end of the army as an extension of the civil service, distinctly decorated with red tape and stamps. Without a doubt the Canadian Army can handle the toughest enemy in the world, but apparently little can be done to protect it from dishonouring outside intrigues. The most sensational example of this is, of course, the Quebec Premier's declaration regarding desertion, which, for pure purposes removes the crime of desertion from military jurisdiction and presents it as a civilian agronomist and mayor.

Order-in-Council Cited

A slight notion, however, has been given the Order-in-Council, dated July 4, 1944, amending the Army Act and presenting the Canadian Army with a new streamlined court-marshall called a standing court-martial. The members of this court may be the army or navy or air force, or all three, in the case of the Minister of National Defense. They may serve anywhere in Canada, and one man in place of the traditional three may constitute a court. It is obvious that speed, and the verdict is pronounced immediately without the procedural reference to the review of the trial. The latter important, as well as that of preliminary inquiry, is effectively defeated along with the age-old right of the soldier to object to the person of the court. The traditional type of court-martial is retained, but the accused is denied the right to ask for them, the selection being left to his commanding officer. All details to this end, standing court-martial may be used for officers.

Given Extensive Powers

This one-man court-martial is given extensive powers which are fully described in a C.R.O. 255, and the above is, of course, only an outline. Regardless of the virtues of the fact that it is a sharp break with military traditions built up over 300 years, the average Canadian will ask himself to what use the army will be used. This new legal system will be put into practice at any time, and, in fact, the army will begin with an examination of the manner of our military and traditions, which, more than the legal question, is the point of the managerial revolutionists. The Canadian King and his advisers have been paid special attention in the direction of the managerial revolutionists, who, with Jules Burchardt and others, have been bullied by the standing court-martial and its greatest punishment is dishonorable discharge. A severe but fair code is the key to Canada's military tradition and discipline. This balance of severity and impartiality, with its emphasis on professional conduct, is the standard by which innovations like the standing court-martial are judged.

With the one-man court martial, one-man Army Council and one-man Cabinet in the background, it may be said that many new Canadian civil and military regulations seem to be related, in use possibly more than form, to a central proposition which with innovations like the standing court-martial must be judged.

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Law administered by a one-man court-martial, without the usual safeguards, may seem like rough justice, but it appears to be a logical development in Canada when it is considered that the army has been separaged under a one-man Army Council. The original army council, prescribed by the Army Act, has the counterpart in the Admiralty Board or Naval Board, which still functions in Canada. The Army Council, however, was declared abolish-