

1958

Book Review

Norman E. McIntyre

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstlrev>



Part of the [Military, War, and Peace Commons](#)

How does access to this work benefit you? Let us know!

Recommended Citation

Norman E. McIntyre, Book Review, 7 Clev.-Marshall L. Rev. 187 (1958)

This Book Review is brought to you for free and open access by the Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

*Reviewed by Norman E. McIntyre**

THE LAW OF AWOL, by Alfred Avins. Published by Oceana Publications, New York, N. Y.; 288 pp.; 1957.

Because of the present emphasis on national defense and the increase in the permanent Armed Forces, the *Law of AWOL* is not one to be overlooked by the general legal practitioner, especially in those geographical areas of heavy troop concentration or in the immediate vicinity of the newer military installations. The author has written a comprehensive book on a limited phase of law.

The book is divided into three sections. The first traces the origin and history of the military offense of "absent without leave," from the time of Richard II in the 14th Century to the present day. In this section, it briefly explains the action which constitutes the above offense and its relation to lesser or more serious offenses.

In the second section, it presents the case for the prosecution, describing in detail the many ramifications which result in a case of AWOL. Where there are no cases to demonstrate a certain problem of particular importance, the author has developed hypothetical cases in order to better illustrate the point he is making. This section is extremely thorough, covering an offender's activities from the time the intention is formed until he is voluntarily returned to military control.

The author uses the third section to develop the case for the defense in much the same manner as he did in the second section. Demonstrated are complete defenses such as impossibility, mistake of fact, illegality, ambiguity, or so on, and mitigating circumstances which set up facts not serious enough to raise the offense of AWOL.

In addition to being useful to the lawyer, this book can be used to excellent advantage in military schools, R. O. T. C. classes, and Officer Candidate Schools, as any military officer may become a member of a Court Martial Board or be assigned to defend an alleged offender.

* B.B.A., Michigan State University. A senior at Cleveland-Marshall Law School.