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The Laws of AWOL

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THE LAW OF AWOL. By Alfred Avins. New York: Oceana Publications. 1957. Pp. 288. \$4.95.

Mr. Avins has contributed admirably to military legal literature with the publication of this book. He feels that "in some places, it resembles a casebook, in others a textbook, and in still others a law review article." The organization is interesting and unusual, probably most comparable to a law school "cases and materials" casebook. But the author has eliminated all footnotes as such and has placed case citations and references in the body adjacent to the appropriate text material. Although this technique tends to break the continuity of thought, one who intends to make a careful and detailed study of the material with reference to outside sources might well find this treatment helpful. The illustrative case materials are well chosen and suitably placed to explain clearly the important principles discussed. In several instances the author is strongly critical of military judicial rationale, sometimes proposing a more logical result, sometimes not. In thus departing from a mere restatement of the law of AWOL, portions of the book resemble a law review article.

For the purposes of analogy, and perhaps out of necessity, the author includes material not directly connected with AWOL law. That the analogies always follow is not entirely clear, and in a few instances the result will be confusing to the casual reader.

The author prefaces his book by saying that it "will be useful for the law student in law school, for the practicing attorney, for the military service school presenting a law course, for the military attorney, and for the ROTC student. But it will be perhaps most useful of all to the non-lawyer." Of course, an attempt to serve such a heterogeneous group is a compromise, but it is reasonably successful here, since the book can be of benefit to all of these persons although not fulfilling the complete needs of any one of them. Since the book is the first on this subject, however, it represents a "bargain" as it stands.

Although the subject matter is quite complex, it is well presented. Fortunately Mr. Avins has the talent of clear and simple prose and impeccable step-by-step reasoning. These factors make the book easy to read and understand by one lacking legal training or without any knowledge of military law. Such a person's interest will carry him through, although he may have to disregard outside references and skip over detailed legal analyses. In the same pages, however, is woven a complete and thorough fabric covering the law of AWOL.

in toto. A multitude of case quotations, citations, references to military law texts, comparisons and analyses of cases, and discussions of policy and historical background help to make the book complete within its size limitations. This is where the legally trained will benefit.

The bulk of the volume is divided into two parts. "The Prosecution's Case" deals primarily with the elements of absence, leave, communication, place of duty, fault, and attempted AWOL. A more lengthy treatment entitled "The Defence's Case" discusses the defences of impossibility, mistake, illegality, ambiguity, *de minimis*, and condonation. This organization is quite practical and lends itself well to teaching and to pretrial reference.

The Law of AWOL clearly has its place in the military classroom, in every headquarters and orderly room, and should be available to all individuals engaged in court-martial proceedings involving "absent" personnel.

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