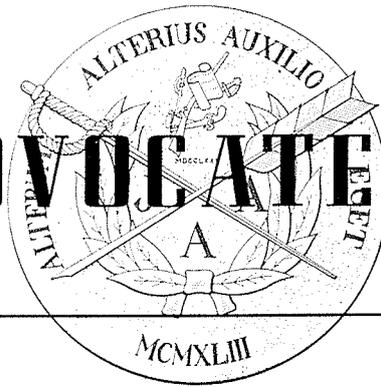


*The*

# JUDGE ADVOCATE JOURNAL

Published Quarterly by

Judge Advocates Association



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MAJOR GENERAL MYRON C. CRAMER  
*The Judge Advocate General*

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# THE *General's* PAGE

I AM glad of this opportunity to reach the members of the Judge Advocates Association and to wish success to its Journal. Many of us have long felt the need of a magazine all our own. As lawyers we are interested in law reviews and bar journals, as soldiers we find pleasure in the service publications, but this Journal is unique in that it serves to combine these two interests.

It is hoped that this publication will not only knit more closely the ties that bind together all Judge Advocates—now serving in every quarter of the globe—but that it will be a vehicle for keeping all those who may be interested in military law abreast of developments in that field.

With pride we call our corps the greatest law firm ever to appear on the earth (now numbering over 1750 officers) and the association is a medium through which our corps may carry on its tradition of service to the Army and the nation during this emergency and in the peace to follow.

MYRON C. CRAMER,  
*Major General*  
*The Judge Advocate General*

The Judge Advocate Journal is published quarterly by the Judge Advocates Association, 1227 New York Avenue, N.W., Washington 5, D. C. Entry as Second Class Matter applied for at the post office at Washington, D. C., under the Act of March 3rd, 1879.  
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## THE *President* SAYS—

TWO conditions must be present to assure a continuity and justification of existence of any organization formed to give constructive help to its members and to society as a whole. First, there must be adequate capital and second, there must be enthusiasm for and unswerving adherence and loyalty to the purposes for which it was organized.

As to the first condition the Board of Directors wisely set the yearly dues at an amount which was considered more than sufficient to pay initial and current operation expenses during war times with the idea that during the postwar period, when the most good can be accomplished for the members the Association will have strong cash reserves which will permit freedom of action unhampered by the problems of insufficient capital for carrying to full fruition the hopes and ambitions of its founders. We will all reap the benefits of this far seeing policy if we remain diligent and constant in the payment of our dues during the early and formative days of our Association.

Can we have any assurance of the creation of the second necessary condition in order that success may attend this undertaking?

There can be no enthusiasm, willingness to sacrifice or loyalty to purpose unless the cause is worthy and accomplishment of purpose carries with it a sense of warm satisfaction to each member in the knowledge that he has had a part in a program that has brought some spiritual or material benefits to his fellow-man.

Section 3 of our Constitution reads as follows:

"The particular business and objects of the society shall be as follows:

"To uphold and defend the Constitution of the United States of America; to secure the national defense; to foster the development of military law and the dissemination of legal knowledge dealing with military subjects; to promote social intercourse and cultivate and perpetuate friendship, mutual aid and good will among its members; and to preserve the memories and traditions developing from the service of its members in The Judge Advocate General's Department of the Army of the United States."

In the public press we find a wide variety of opinions and predictions concerning the post-war era. Some paint a picture of intense activity in reconstruction and supply of civilian goods with work and higher living conditions for all, while others see the world nursing a painful headache like a drunk after a bad spree. They say every nation will have its readjustment troubles and that there will be widespread unemployment bringing antagonisms between capital and labor amounting to industrial civil war; attempts to socialize the nation's resources leading to communism and despotism destructive of our representative form of government; clashes between races, re-



ligions and racial groups all seeking dominance in the social structure; and irresponsible, self-seeking cliques fastening themselves upon our political system and hoping to throttle minorities and thereby perpetuate themselves in control of a weakened and distraught people.

If any of these come to pass in our country our Federal Constitution will come under attack and necessarily our national defense as we presently understand the term national defense to mean will be made insecure. In contemplation of such gloomy forebodings the possibilities for good of such an association as ours can well fire the imagination. Our members will be found in high places in government, in the halls of Congress, on the bench, in the courts of justice and as leaders of thought in the public meeting places of the people in their communities throughout the land. It is not boastful to predict that the power wielded by the members of our Association may well keep the scales balanced on the question of whether or not we should hold fast to the form of government we have and for which we are now fighting.

It is hoped that we can accomplish through the medium of this Journal our purpose of fostering the development of military law and the dissemination of legal knowledge dealing with military subjects. How well we do this is up to each of us individually. We will get out of it only what we put in. Although we are all fully engaged with our official duties and have little spare time, nevertheless we can keep uppermost in our minds the thought that we have an obligation to contribute to the Journal any experience, new technique or theory that will prove informative, stimulating, helpful or interesting to our fellow Judge Advocates. The publication of our Journal will necessarily be the main effort of the Association while we are on military duty for the education, better efficiency and morale of our members, so we must direct our attention and care to improving its format and content with each issue. Your suggestions and constructive criticisms will be welcomed. Too much emphasis cannot be put upon the necessity for the whole hearted cooperation of every member in contributing to this effort. We can be of the greatest usefulness to each other at this time by using the Journal as a vehicle for passing along helpful hints for better service.

The next purpose set forth is "to promote social intercourse and cultivate and perpetuate friendship, mutual aid and good will among its members." While much can be done during our active duty it is hoped that the

full benefits from the fulfillment of this object will accrue during the peaceful years to follow. It is recommended that in commands where any sizeable group of judge advocates can be assembled, some one or more officers take it upon themselves to promote parties and other social gatherings where acquaintances can be made and ideas exchanged. It must be understood that all such local activities must be self-supporting and that no funds of the Association will be appropriated for such purpose. In the Washington office the Association sponsors a bowling league, exhibition of motion pictures and occasional get-together parties with entertainment and refreshments. It is always watchful for an opportunity to help maintain the good morale of the office and of the corps generally. As a result many fine and lasting friendships have been formed. The officers have discovered by these meetings that they are identified with a group of men who personify the highest traditions of the legal profession and they take pride in their corps. Such gatherings during war time will cultivate friendships that we hope will be perpetuated by our post-war activities. Outside of passing along helpful hints through the medium of the Journal little can be done toward mutual aid during this period but when our members return to peaceful pursuits and are engaged in reestablishing themselves in the practice of law it will be comforting to know that there are hundreds of fellow judge advocates throughout the country who, when forwarding business, will prefer them over other lawyers whose background, prestige and ability are unknown. When General Cramer created a selection board of officers to pass upon all applications for duty with our department he set a high standard of qualifications with the idea that only lawyers of outstanding ability and professional standing at their local bar should be admitted to our corps. The board has rigidly adhered to his instructions with the result we now have the caliber of men to whom legal matters can be safely intrusted with complete confidence of able, careful and honest treatment. Ours is indeed a very exclusive legal society, one of the few where every member has been screened from hundreds of applicants and has been selected because of his superior qualifications as a lawyer and a man.

Under mutual aid will also come those activities designed to help our Regular Army officers to maintain the prestige and the dignity of the department in the Regular Army establishment. Following hostilities the Judge Advocate General's Department will reach its peak load of work. All of the problems of demobilization and readjustment will eventually be lodged with The Judge Advocate General. The unfinished business of the many mushroom legal departments throughout the Army undoubtedly will fall upon his shoulders. At that time he will need all the help from the outside that his former officers can give. It is hoped, also, that through the Association and its members the Department can secure the finest talent for its Reserve Corps. The future should develop many ways for the Association to help the Judge Advocate General's Department of the Regular Army.

Lastly, there is the purpose "to preserve the memories and traditions developing from the service of its members in the Judge Advocate General's Department of the Army of the United States." You will note our first attempt toward the accomplishment of this object in the article by Major William F. Fratcher, JAGD. The article in the current issue is a summary of the history of the department from 1775 to the beginning of the present war. Articles in subsequent issues will treat in more detail the lives of distinguished judge advocates and the history of the department in particular crucial periods. It is recommended that for the purpose of securing a complete record of the department and for pleasurable reflection in later years, you preserve this and all subsequent copies of this Journal.

It is to be hoped that we shall be able to keep a democratic and representative form of management in our Association. For the present the officers and directors, due to the limitations of wartime restrictions on travel, must come from the group stationed in Washington otherwise it will be difficult, if not impossible, to hold meetings and determine policies. However, there are certain restrictions that can now be imposed upon officers or directors succeeding themselves in office. If any person or clique is allowed to exercise a continuity of control it will not only lead to a lack of interest and support but will be destructive of the worthy purposes for the accomplishment of which this society was formed.

A note of apology. Because of the press of official business and the scarcity of help there are many judge advocates who have not received an application form—worse yet, there are many who have paid their dues but have not yet received a membership card. As to the former, please know that all qualified judge advocates are welcome. A letter will suffice as an application. As to the latter, we ask for your indulgence and sympathetic understanding. Like all infants we carefully felt our way in launching this project. We kept our expenses down to a minimum and thereby sacrificed better efficiency and speed of operation. With a representative membership, money in the bank and the publication of the Journal, the objectives of your first board of directors have been attained.

I want to express my sincere gratitude to General Myron C. Cramer, to the officers and directors, to other members of the Association (too numerous to mention, by name), to Colonel E. H. Young, Commandant of The Judge Advocate General's School, and to Dr. M. I. Baldinger, our Executive Secretary, for their generous help, advice and encouragement. The trial period is over. We can now face the future with complete confidence that we can build on the present strong foundation an enduring structure dedicated to mutual helpfulness and good will to all.

HOWARD A. BRUNDAGE,  
LT. COL. J.A.G.D.,  
*President.*

# Notes ON THE HISTORY of the JUDGE ADVOCATE GENERAL'S DEPARTMENT, 1775-1941

By MAJOR WILLIAM F. FRATCHER, J.A.G.D., *Historical Officer,*  
*Office of The Judge Advocate General.*

ON JULY 3, 1775, General George Washington assumed command of the sixteen thousand New England militiamen besieging Boston and established General Headquarters of the Continental Army at Cambridge, Massachusetts. On July 29 the Second Continental Congress, sitting at Philadelphia, elected William Tudor, Esq., Judge Advocate of the Army. An order issued from General Headquarters the following day announced the appointment and directed that the Judge Advocate was "in all things relative to his office to be acknowledged and obeyed as such."

William Tudor was born at Boston in 1750. He graduated from Harvard College in 1769, studied law under John Adams, was admitted to the Massachusetts bar in 1772, and practiced law in Boston until the outbreak of war. In January 1776, "That no mistake in regard to the said articles may happen," the "Judge Advocate of the Army of the United Colonies" was directed in orders from General Headquarters to countersign each copy of the new articles of war. On July 4, 1776, the United Colonies became the United States of America and, on August 10, Congress accorded Mr. Tudor the title of Judge Advocate General and the rank of lieutenant colonel in the Army of the United States. Colonel Tudor resigned as Judge Advocate General, April 9, 1777, but remained in the service as lieutenant colonel of Henley's Additional Continental Regiment until April 1778, when he returned to Boston and resumed the practice of law.

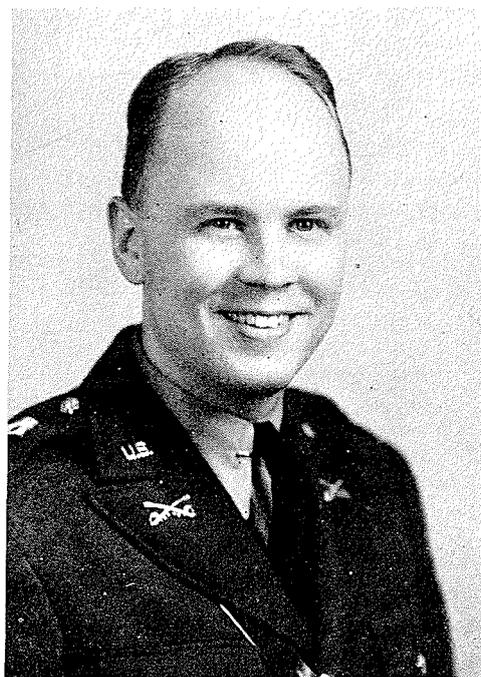
He was afterward a member of the Massachusetts General Court and Secretary of State of Massachusetts.

John Lawrance of New York was appointed Judge Advocate General of the Army on April 10, 1777, the day after Colonel Tudor resigned. Colonel Lawrance was born in England in 1750, came to New York in 1767, studied law in the office of Lieutenant Governor Colden, and was admitted to the New York bar in 1772. In 1775 he married Elizabeth, daughter of Alexander Macdougall, an ardent patriot and later a major general in the Continental Army, and entered the army as a second lieutenant, 4th New York Regiment, in August of the same year. After the war Colonel Lawrance returned to the practice of law in New York City where he became a distinguished authority on admiralty law and served as a vestryman of Trinity Church, trustee of Columbia College, Regent of the University of the State of New York, and director of the Bank of the United States. He was a member of the Congress of the Confederation (1785-87), New York State senator (1788-90), first member of Con-

gress from New York City under the present Constitution (1789-93), United States District Judge for the District of New York (1794-96), and United States Senator from New York (1796-1800).

During the incumbency of Colonel Lawrance the legal staff of the army came to include the Judge Advocate General, two judge advocates at General Headquarters, and one judge advocate for each separate army and territorial department (Northern, Middle and Southern).<sup>1</sup> The appointments of the judge advocates at General

Headquarters were made by the Judge Advocate General and announced in orders. The other judge advocates were appointed by Congress or by the commanding general of the army or department concerned, under authority delegated by Congress. These officers were variously styled "deputy judge advocate general," "judge advocate" and "deputy judge advocate" but the differences in title do not seem to have indicated differences in status or function as the same individual is indifferently referred to by any of the titles. Certain of the judge advocates were given the rank and pay of captains by a resolution of Congress of June 6, 1777, and on December 21, 1779, Congress accorded the Judge Advocate General the subsistence of a colonel and other judge advocates that of lieutenant colonels. Most of these officers retained commissions in regiments of the line while serving as judge advocates and were commonly referred to by the titles of their lineal rank.



MAJOR WILLIAM F. FRATCHER, J.A.G.D.

Several of the judge advocates who served during the Revolutionary War are noteworthy. Outstanding among these is Captain John Marshall, 15th Virginia Regiment, who was a member of Congress (1799-1800), Secretary of State (1800-1801), and Chief Justice of the United States (1801-1835). Major John Taylor, 1st Virginia Regiment, became a prominent Jeffersonian Democrat, a political writer of note, and a critic of Chief Justice Marshall. He was born in Virginia in 1753, attended the College of William and Mary, and was admitted to the Virginia bar in 1774. Major Taylor served as United States Senator from Virginia for a number of years. Major Joseph Bloomfield, 3rd New Jersey Regiment, was Attorney General of New Jersey (1783-1792), Governor of New Jersey (1801-1812), Brigadier General, U.S.A. (1812-1815), and member of Congress from New Jersey (1817-1821). In 1780 the two judge advocates at General Headquarters were Thomas Edwards, later Judge Advocate General, and a Mr. Strong—possibly Caleb Strong, Federalist statesman, United States Senator from Massachusetts (1789-96)

and Governor of Massachusetts (1800-07 and 1812-16).

In addition to his duties as a staff officer at General Headquarters of the Continental Army, Colonel Lawrance prosecuted at the most important military trials, an example which was followed by General Holt, who acted as co-prosecutor at the trial by military commission of the Lincoln assassins in 1865, and by General Cramer, who was co-prosecutor with the Attorney General at the trial by military commission of eight German saboteurs in 1942. In the summer of 1778 he was judge advocate of the general court-martial which found Major General Charles Lee guilty of disobedience of orders, misbehavior before the enemy, shameful retreat and disrespect to the Commander-in-Chief. In the following year Colonel Lawrance conducted the prosecution of Major General Benedict Arnold for permitting a vessel to leave an enemy port, closing the shops in Philadelphia, and using public wagons for his own private business. This proceeding, resulting in his being reprimanded by General Washington, embittered General Arnold. In September 1780, Colonel Lawrance was recorder of the board of officers, precursor of the modern military commission, which investigated the case of Major John André, Adjutant General of the British Army, and recommended his execution for coming within the American lines in disguise to conspire with Arnold for the surrender of West Point.

Active hostilities having declined, Colonel Lawrance resigned June 3, 1782, and was succeeded in October by his chief deputy, Thomas Edwards. Colonel Edwards was born in Massachusetts in 1753, graduated from Harvard College in 1771, and was admitted to the Massachusetts bar. He entered the army as a private, Massachusetts Militia, in April 1775, was appointed first lieutenant in the 16th Massachusetts Regiment, May 31, 1777, and was detailed as Deputy Judge Advocate General by orders of April 9, 1780. Lieutenant Samuel Cogswell, 9th Massachusetts Regiment, was appointed deputy to Edwards, November 12, 1782. Colonel Edwards continued in office as Judge Advocate General until November 3, 1783. After the war he returned to the practice of law in Boston and served as Secretary of the Society of the Cincinnati, famous organization of the officers of the Continental Army, from 1786 until his death in 1806. In June 1784 the remnant of the Continental Army was disbanded and the permanent standing army limited to 80 enlisted men and their officers. This tiny force was expanded somewhat in the succeeding years, but no successor to Colonel Edwards was appointed prior to the adoption of the present Constitution.

The army was reorganized in December 1792 as the "Legion of the United States" and Lieutenant Campbell Smith, IV Sublegion, who had entered the service from Maryland as an ensign of Infantry in March 1792, was appointed "Judge Marshal and Advocate General" on July 16, 1794, by Major General Wayne. This appointment was terminated by another reorganization of the army but Smith, then a captain, 4th Infantry, was appointed Judge Advocate of the Army on April 1, 1801, under the act of March 3, 1797 (1 Stat. 507), which had been enacted to prepare the army for a threatened war with France. The act of March 16, 1802 (2 Stat. 132), established the United States Military Academy at West Point, limited the line of the army to three regiments, and abolished the office of Judge Advocate of the Army. Captain Smith was, accordingly, discharged from the service on June 1, 1802.

War with England being imminent, Congress, by the act of January 11, 1812 (2 Stat. 671), authorized the raising of ten regiments of infantry, two of artillery and one of cavalry, and provided that there should be appointed to each division a judge advocate with the pay and emoluments of a major of infantry or, if detailed from the line, an addition to his pay of thirty dollars per month and the forage allowance of a major of infantry. The number of judge advocates was raised to three per division by the act of April 24, 1816 (3 Stat. 297), and reduced again to one per division by the act of April 14, 1818 (3 Stat. 426). Sixteen judge advocates served under this legislation.<sup>2</sup> During the War of 1812 they appear to have acted as judge advocates of tactical divisions. After the reversion of the army to a peacetime basis in June 1815 they were assigned as judge advocates of the two great territorial divisions (Northern and Southern) into which the United States was then divided for military purposes and, during the period from 1816 to 1818 when three judge advocates per division were authorized, as staff judge advocates of some of the ten districts, later called "departments," into which the Northern and Southern Divisions were subdivided.

Of the judge advocates who served during the War of 1812 the best known is the distinguished authority on international law, Henry Wheaton of New York, who remained in service for a year after the war as judge advocate of the Third Military District (southern New York and part of New Jersey). Major Wheaton was reporter of the United States Supreme Court for a number of years (every lawyer is familiar with citations to "Wheat."), Professor of Law at Harvard University, Charge d' Affaires to Denmark, and Minister to Prussia.

The army was reduced from 62,674 officers and men to 12,383 by the act of March 3, 1815 (3 Stat. 224) and further reduced to 6,126 by the act of March 2, 1821 (3 Stat. 615), which made no provision for judge advocates. Major Samuel A. Storrow of Massachusetts, last judge advocate of the Northern Division, and Major Stockley D. Hays of Tennessee, last judge advocate of the Southern Division, were honorably discharged on June 1, 1821, and the army did not have a full-time statutory judge advocate again until 1849. A judge advocate, usually a line officer, was appointed *ad hoc* for each general court-martial then as now and officers were detailed as acting judge advocates of the major territorial commands (from 1821 to 1837 the Eastern and Western Departments, thereafter the Eastern and Western Divisions). Records of trials by general courts-martial were forwarded to the Adjutant General of the Army, who performed most of the normal functions of a Judge Advocate General for the small army of the period. Indeed, some of the letters written by Adjutants General of that period, calling attention to irregularities in court-martial records, are unpleasantly similar to the "skin letters" which emanate from the office of The Judge Advocate General today.

Colonel James Gadsden of South Carolina, a former Inspector General, was Adjutant General of the Army from August 13, 1821 to March 22, 1822, under a recess appointment which was not confirmed by the Senate. Captain Charles J. Nourse, 2nd Artillery, of the District of Columbia, was Acting Adjutant General from May 8, 1822 to March 7, 1825, when Colonel Roger Jones of Virginia, who had once been an officer of the Marine Corps, was appointed Adjutant General of the Army, an

office which he held until his death on July 15, 1852. Colonel Jones seems to have been a colorful figure. In 1830, after being found guilty of charges preferred and prosecuted by Captain Robert L. Armstrong, 2nd Artillery, Acting Judge Advocate of the Eastern Department, he was sentenced by a general court-martial to be reprimanded for issuing orders without authority and saying to the Commanding General of the Army, Major General Alexander Macomb, "I defy you, sir; I defy you!". During the incumbency of Colonel Jones there were published the Army Regulations of 1835, which contained a fine chapter on the procedure of courts-martial,<sup>3</sup> and the Army Regulations of 1841, containing an equally fine description of the duties of a judge advocate.<sup>4</sup>

From 1844 on, Colonel Jones performed his legal functions through an officer on duty in his office detailed as Acting Judge Advocate of the Army. The Acting Judge Advocate of the Army from 1844 through 1846 was First Lieutenant Samuel Chase Ridgely, 4th Artillery, of Maryland, a graduate of the Military Academy in the Class of 1831. Lieutenant Ridgely was promoted to captain, February 16, 1847, and brevetted major, August 20, 1847, for gallant and meritorious conduct in the battles of Contreras and Churubusco. During 1847 the Acting Judge Advocate was Captain Leslie Chase, 2nd Artillery, of New York, a graduate of the Military Academy in the Class of 1838, who had distinguished himself in the battles of Palo Alto and Resaca de la Palma (May 8 and 9, 1846). Captain John Fitzgerald Lee, Ordnance Department, was Acting Judge Advocate in 1848 and 1849.

The act of March 2, 1849 (9 Stat. 351) authorized the President to detail a captain as Judge Advocate of the Army, with the brevet rank and pay of a major of cavalry. Under this authority Captain Lee was appointed Judge Advocate of the Army on the date of the act. A native of Virginia, Major Lee graduated from the United States Military Academy in the Class of 1830, remained a lieutenant, 1st Artillery, until 1836, and served with credit in the war against the Florida Indians (1837). He was an ordnance officer until 1848, when he became Acting Judge Advocate of the Army. The records of the office of The Judge Advocate General indicate that Major Lee reviewed court-martial records and rendered occasional opinions on related subjects during his tenure of the office.<sup>5</sup>

Major General Henry W. Halleck of California was assigned to command the Department of the Missouri in August 1861. As a lieutenant in the Mexican War he had been Secretary of State in the Military government of newly-conquered California and was familiar with General Winfield Scott's device of trial by military commission. General Halleck was, moreover, an experienced lawyer and a writer of distinction on international law and the laws of war. Finding the local civil courts ineffective, he proceeded to the trial by military commissions of persons suspected of aiding the Confederacy. Major Lee, as Judge Advocate of the Army, rendered an opinion that military commissions were without authority and illegal (case of Col. Ebenezer Magoffin, C.S.A., 1 MS Op. JAG, p.285). General Halleck came to Washington as General-in-Chief of the Army in July 1862. In the same month Congress superseded the office of Judge Advocate of the Army by reviving that of Judge Advocate General. Major Lee resigned from the Army and retired to a Maryland farm in September 1862.

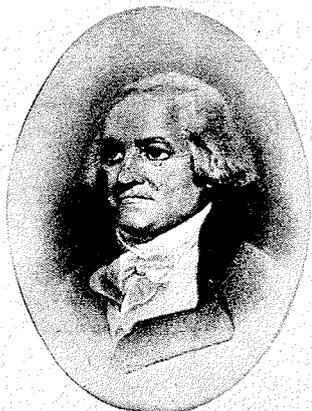
### Renascence

Section 5 of the act of July 17, 1862 (12 Stat. 597) directed the appointment of a Judge Advocate General with the rank and pay of a colonel of cavalry, to whose office should be returned for revision the records and proceedings of all courts-martial and military commissions. Section 6 authorized the appointment for each army in the field of a judge advocate with the rank and pay of a major of cavalry, who was to perform his duties under the direction of the Judge Advocate General (the last clause is now embodied in R.S. 1201, 10 U.S.C. 63). On September 3, 1862, Joseph Holt of the District of Columbia became the fourth Judge Advocate General of the Army and the first since the Revolutionary War. Born in Kentucky in 1807, General Holt graduated from Centre College and practiced law with distinction in Kentucky and Mississippi. He served as Commissioner of Patents from 1857 to 1859, Postmaster General of the United States from 1859 to 1861, and Secretary of War during the hectic last three months of President Buchanan's administration. He supported loyally Lieutenant General Winfield Scott's efforts to secure Mr. Lincoln's safety and peaceful inauguration. The act of June 20, 1864 (13 Stat. 144), accorded the Judge Advocate General the rank and pay of a brigadier general and created the office of Assistant Judge Advocate General with the rank and pay of a colonel of cavalry, a position which was filled on June 22, 1864, by the appointment of Major William McKee Dunn, Judge Advocate.

Article 65 of the Articles of War of 1806, which were in force until 1874, required confirmation by the President of sentences respecting general officers and, in time of peace, of sentences involving dismissal of an officer or death. In time of war a reviewing authority had power to order the execution of any sentence which did not pertain to a general officer. As the record of trial did not reach his office until after the sentence had been executed, there was nothing the Judge Advocate General of the Army could do, in time of war, to correct an error if the sentence involved death. Section 5 of the act of July 17, 1862, *supra*, provided that no sentence of death, or imprisonment in the penitentiary, should be executed until approved by the President. This provision had the practical effect of making the Judge Advocate General an appellate tribunal in the most serious cases and, of course, enhanced the importance of his position. The provision, somewhat modified by the acts of March 3, 1863 (12 Stat. 735; sec. 21) and July 2, 1864 (13 Stat. 356) was, so far as it related to death sentences, carried into the Articles of War of 1874 (Art. 105), 1916 (Art. 48) and 1920 (Art. 48). The 1874 Articles did not provide for review by the Judge Advocate General prior to execution of the sentence in cases involving penitentiary confinement but such review was reestablished by the 1920 Articles of War (Art. 50½).

In a letter of May 2, 1872, General Holt described the duties of his office:

"These duties may be enumerated under five heads: 1. The review and revisal of, and reporting upon, cases tried by military courts, as well as the receipt and custody of the records of the same. 2. The reporting upon applications for pardon or clemency preferred by officers and soldiers sentenced by court-martial. 3. The furnishing of written opinions upon questions of law, claims, etc., referred to it by the Secretary of War, or by heads of bureaus, department commanders, etc., as well as in answer to



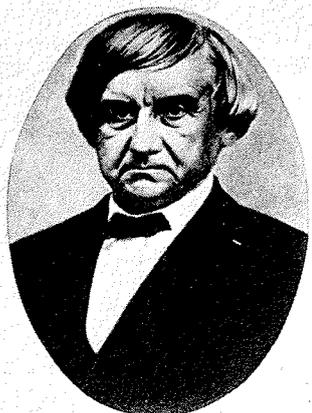
COL. WILLIAM TUDOR  
1775-1777



COL. JOHN LAWRENCE  
1777-1782



COL. THOMAS EDWARDS  
1782-1783



BVT. MAJ. GEN. JOSEPH HOLT  
1862-1875



BRIG. GEN. WILLIAM M. DUNN  
1875-1881



BRIG. GEN. DAVID G. SWAIM  
1881-1894



BRIG. GEN. G. NORMAN LIEBER  
1895-1901



BRIG. GEN. THOMAS F. BARR  
1901



BRIG. GEN. JOHN W. CLOUS  
1901

JUDGE ADVOCATES GENERAL OF THE ARMY  
1775-1901



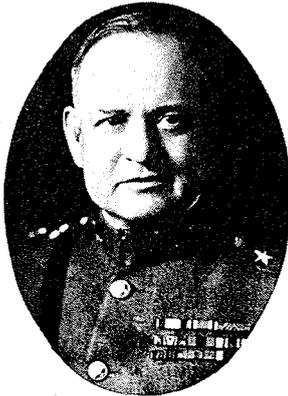
MAJ. GEN. GEORGE B. DAVIS  
1901-1911



MAJ. GEN. ENOCH H. CROWDER  
1911-1923



MAJ. GEN. WALTER A. BETHEL  
1923-1924



MAJ. GEN. JOHN A. HULL  
1924-1928



MAJ. GEN. EDWARD A. KRÖGER  
1928-1931



MAJ. GEN. BLANTON WINSHIP  
1931-1933



MAJ. GEN. ARTHUR W. BROWN  
1933-1937



MAJ. GEN. ALLEN W. GULLION  
1937-1941



MAJ. GEN. MYRON C. GRAMER  
1941-

JUDGE ADVOCATES GENERAL OF THE ARMY  
1901-1944

letters from officers of courts-martial and others. 4. The framing of charges, and the acting by one of its officers, in cases of unusual importance, as judge advocate of military courts. 5. The direction of the officers of the corps of judge advocates. \* \* \*

"While the review, etc., of military records is specified in the statute law as the most conspicuous duty of the judge advocate general, this is not, in fact, his only important duty. \* \* \* a leading part of these duties, certainly since the establishment of the office in 1862, has been the preparing and furnishing of *legal opinions* upon various subjects of military law and administration constantly arising in the War Department and in the army. \* \* \*

"Of the questions upon which opinions are given by the judge advocate general, some—often at his suggestion—are subsequently submitted to the Attorney General, but the great mass are at once acted upon by the Secretary of War."

Thirty-three judge advocates were appointed during the war under the act of July 17, 1862.<sup>6</sup> During the Civil War seven or eight judge advocates or line officers acting as such were kept on duty in the office of the Judge Advocate General; the other judge advocates had field assignments. Of the Civil War Judge advocates Major John A. Bolles of Connecticut, afterward Judge Advocate General of the Navy, Major Henry L. Burnett of Ohio, who was prominent in the case of *Ex parte Milligan* and afterward an outstanding member of the New York bar and United States Attorney for the Southern District of New York, and Major John A. Bingham of Ohio, member of Congress for 18 years, Minister to Japan for 12, co-prosecutor with General Holt of the Lincoln assassins, and one of the House managers for the impeachment of President Andrew Johnson, are noteworthy. Major John Chipman Gray of Massachusetts is the best-known to legal scholars of all the Civil War officers of the department. He was a member of the faculty of Harvard Law School for 44 years, founded the *American Law Review*, wrote *Restraints on Alienation of Real Property* (1883) and *The Rule against Perpetuities* (1886), and became generally recognized as the foremost authority on real property law of his generation.

The act of July 28, 1866 (14 Stat. 332) authorized the permanent retention in the service of the Judge Advocate General and the Assistant Judge Advocate General, and the temporary retention of not more than ten of the existing judge advocates. The act of February 25, 1867 (14 Stat. 410), gave these officers the status of permanent officers of the Regular Army and the act of April 10, 1869 (16 Stat. 44) fixed the number of judge advocates at eight and authorized the filling of vacancies. The act of June 23, 1874 (18 Stat. 244) abolished the office of Assistant Judge Advocate General and provided that the number of judge advocates should be reduced to four as vacancies occurred, but the department was restored to its previous strength by sections 1094, 1198 and 1200 of the Revised Statutes (Second Edition, 1878). By the act of July 5, 1884 (23 Stat. 113), the composition of the Judge Advocate General's Department was fixed as follows: one Judge Advocate General with the rank and pay of a brigadier general; one Assistant Judge Advocate General with the rank and pay of a colonel; three deputy judge advocate generals with the rank and pay of lieutenant colonels; and three judge advocates with the rank and pay of majors. This act also authorized the detail of line officers as acting judge advocates of military departments (terri-

torial commands equivalent to the present service commands) with the rank and pay of captains of cavalry.

After thirteen years as Judge Advocate General, during which period he was brevetted major general and tendered appointments as Attorney General by President Lincoln and Secretary of War by President Grant, both of which he declined, General Holt retired on December 1, 1875. He was succeeded by his assistant, Colonel William McKee Dunn. General Dunn had graduated from Indiana University in 1832, taken an A.M. degree from Yale in 1835, been a member of Congress from Indiana from 1859 to 1863, and served in the department as major and colonel since March 1863.<sup>7</sup>

General Dunn retired January 22, 1881, and was succeeded by Major David G. Swaim of Ohio. In 1884, General Swaim was suspended from rank and duty for a period of twelve years, pursuant to sentence of court-martial, he having been found guilty of improper conduct in a business transaction (G.C.M.O. 19, Hq. of the Army, Feb. 24, 1885; and see *Swaim v. U. S.*, 28 Ct. Cls. 173; 165 U.S. 553). The unexecuted portion of General Swaim's sentence was remitted late in 1894 (G.O. 66, Hq. of the Army, Dec. 3, 1894) and he was retired on December 22 of that year (G.O. 69, Hq. of the Army, Dec. 22, 1894). Colonel Guido Norman Lieber of New York, the Assistant Judge Advocate General, was Acting Judge Advocate General from July 22, 1884 to January 11, 1895, when he accepted appointment as Judge Advocate General. General Lieber was a son of Dr. Francis Lieber, the eminent authority on the laws of war who, as special legal adviser to the War Department, drafted General Order No. 100 of 1863, the basis of the modern law of land warfare. The general graduated from South Carolina College in 1856 and from Harvard Law School in 1858. He entered the service as a first lieutenant of infantry, Regular Army, in May 1861 and was appointed major and judge advocate of Volunteers in November 1862. He became well known in the army as the author of *Remarks on the Army Regulations* (1898), *The Use of the Army in Aid of the Civil Power* (1898) and numerous articles on military law and related subjects. General Lieber collected a fine library on military law and history which has become part of the library of the office of The Judge Advocate General. He retired May 21, 1901, and died April 25, 1923.

The act of April 22, 1898 (30 Stat. 361), authorized the appointment of Volunteer officers for the war with Spain and provided that each army corps should have a judge advocate with the rank of lieutenant colonel. The act of March 2, 1899 (30 Stat. 977), authorized the retention in service of five judge advocates of Volunteers with the rank of major. This legislation resulted in a slight temporary expansion of the department.<sup>8</sup> The strength of the department was fixed by the act of February 2, 1901 (31 Stat. 748), at one Judge Advocate General with the rank of brigadier general, two judge advocates with the rank of colonel, three judge advocates with the rank of lieutenant colonel, six judge advocates with the rank of major, and one acting judge advocate with the rank and pay of a captain, mounted, for each geographical department or tactical division not provided with a judge advocate commissioned in the department. The same act provided that vacancies in the office of Judge Advocate General should be filled by the appointment of an officer of the grade of lieutenant colonel or higher, to hold office for a term of four years, a provision which has been con-

tinued in effect substantially by subsequent legislation. The vacancies created by the act were filled by the appointment of former Volunteer judge advocates. The senior colonel under this organization of the department, Thomas F. Barr of Massachusetts, a judge advocate since 1865 and Assistant Judge Advocate General since 1895, was appointed Judge Advocate General on May 21, 1901, to enable him to retire as a brigadier general, which he did the following day. The second colonel, John W. Clous, a native of Germany who had enlisted as a private in 1857 and had been a judge advocate since 1886 and brigadier general of Volunteers in 1898 and 1899, was similarly appointed on May 22, 1901, and retired the same day.

The history of the Judge Advocate General's Department in the nineteenth century is incomplete without mention of the services of Colonel William Winthrop of New York who entered the department as a major and judge advocate in September 1864 after creditable service as a line officer, was promoted to lieutenant colonel and deputy judge advocate general in July 1884 and to colonel and assistant judge advocate general in January 1895, and retired in August 1895. Colonel Winthrop was an alumnus of Yale (B.A., 1851; LL.B., 1853) and had taken graduate work at Harvard Law School (1853-54). He prepared the 1865, 1866 and 1868 editions of the *Digest of Opinions of the Judge Advocate General of the Army* and revised and annotated editions of this work in 1880 and 1895. He published the first edition of his monumental treatise, *Military Law and Precedents*, in 1886 and a revised and annotated second edition in 1895. Although the work is obsolete in some respects, it has remained so valuable that the War Department found it necessary to issue reprint editions in 1920 and 1942.

#### Twentieth Century

Colonel George B. Davis of Massachusetts became Judge Advocate General on May 24, 1901. General Davis was an enlisted man during the Civil War, graduated from the United States Military Academy in 1871, and served as a cavalry officer for seventeen years. In 1888 he was appointed major and judge advocate and subsequently studied law at George Washington University. He was promoted to lieutenant colonel and deputy judge advocate general in 1895 and to colonel in 1901. General Davis was the author of treatises on military law, international law, and the elements of law. He represented the United States at the Geneva conferences of 1903 and 1906 and the Hague Conference of 1907. General Davis retired with the rank of major general February 14, 1911 (see act of March 2, 1907, 34 Stat. 1158), and died in 1914.

General Davis was succeeded by Colonel Enoch H. Crowder of Missouri, a graduate of the United States Military Academy, Class of 1881, who had served thirteen years as a troop officer of cavalry, completed the law course at the University of Missouri in 1886, and became a major and judge advocate in 1895. General Crowder had been a member of the commission to determine the capitulation of Manila and the Spanish Army in 1898, an associate justice of the Philippine Supreme Court (1899-1900), a member of the commission to treat with General Aguinaldo respecting his surrender in 1899, legal adviser to the Military Governor of the Philippines, observer with the Japanese Army in the Russo-Japanese War (1904-1907), legal adviser to the Provisional Gov-

ernment of Cuba (1906-1909), and delegate to the Fourth Pan-American Conference at Buenos Aires in 1910. In addition to his duties as Judge Advocate General, General Crowder was Provost Marshal General (which position was equivalent to that of the present Director of Selective Service) from 1917 to 1919 and, after his retirement as a major general on February 14, 1923, Ambassador to Cuba from 1923 to 1927 (see act of Jan. 22, 1923, 42 Stat. 1160). General Crowder died in 1932.

The strength of the department was increased by the act of June 3, 1916 (39 Stat. 169), to include one Judge Advocate General with the rank of brigadier general, four judge advocates with the rank of colonel, seven judge advocates with the rank of lieutenant colonel, and twenty judge advocates with the rank of major, in addition to the acting judge advocates authorized by earlier legislation, the increase to be made in five annual increments. The same act provided for the organization of an Officers' Reserve Corps. When the United States entered World War I, on April 6, 1917, the department consisted of seventeen officers, four of whom were on duty in the Office of The Judge Advocate General, which had occupied eight rooms in the north wing of the State, War and Navy Building since 1894. The act of May 18, 1917 (40 Stat. 76), provided for war-time expansion of the army by the appointment of temporary officers in the National Army, the call to active duty of National Guard and Reserve officers, and the temporary promotion of Regular Army officers. The Judge Advocate General was given the rank and pay of a major general by the act of October 6, 1917 (40 Stat. 411). War Department instructions issued in 1918 directed the addition of enlisted men to the Judge Advocate General's Department for service as law clerks in the War Department and in the field (G.O. 27, Mar. 22, 1918; G.O. 66, July 12, 1918; G.O. 83, Sept. 10, 1918) and a proviso to the act of July 9, 1918 (40 Stat. 853), added pursuant to a suggestion made by General Crowder in a memorandum of December 5, 1917, authorized the appointment of Reserve and temporary first lieutenants and captains in the department. By December 2, 1918, the commissioned strength of the department had reached 426 officers, 35 in the Regular Army (1 major general, 4 brigadier generals, 13 colonels and 17 lieutenant colonels) and 391 in the Officers' Reserve Corps and National Army (7 colonels, 39 lieutenant colonels, 245 majors, 60 captains and 40 first lieutenants)—a far cry from the seventeen of April 6, 1917.<sup>10</sup>

Several of the World War I judge advocates are noteworthy. Colonel Edmund M. Morgan, Colonel Eugene Wambaugh and Major Felix Frankfurter won distinction as members of the Harvard Law Faculty and Major Frankfurter is now an Associate Justice of the United States Supreme Court. Colonel John H. Wigmore, Dean of Northwestern University Law School, was an outstanding authority on the law of evidence. Major Henry L. Stimson of New York served as a judge advocate in 1917 and thereafter as a line officer. Major Stimson has been Secretary of War, Secretary of State and Governor General of the Philippines. Lieutenant Colonel Patrick J. Hurley of Oklahoma, who served as a judge advocate throughout the war, also was Secretary of War and is now a major general in active service. Colonel Charles Beecher Warren of Michigan was Ambassador to Japan and Mexico and Lieutenant Colonel Nathan William MacChesney, an eminent member of the Chicago bar,

wore the full dress uniform of a colonel, Judge Advocate General's Department Reserve, when he presented his credentials as Minister to Canada in 1932. Brigadier General Hugh S. Johnson became well known as Administrator of the National Recovery Administration. Colonel Guy D. Goff became United States Senator from West Virginia and Major Charles Loring has been a justice of the Supreme Court of Minnesota since 1930.

His work as Provost Marshal General kept General Crowder away from the Judge Advocate General's Office during most of the war and the office was headed by Brigadier General Samuel T. Ansell as Acting Judge Advocate General. A native of North Carolina, General Ansell graduated from the United States Military Academy in the Class of 1899 and from the University of North Carolina Law School in 1904. After fourteen years' service as an infantry officer, he was appointed a major and judge advocate in February 1913. General Ansell resigned from the army after the war and is now a member of the District of Columbia bar.

The system of military justice had been the subject of public criticism earlier in the century and revised Articles of War, drafted under General Crowder's direction, were enacted in 1916 (act of Aug. 29, 1916; 39 Stat. 650). The operation of the system in wartime gave rise to further criticism directed principally toward three points: (1) That the system was almost wholly in the control of line officers without legal training who were frequently harsh and arbitrary; (2) That sentences were excessive and unequal as between commands; (3) That there was no system of appellate review, except in the small class of cases requiring Presidential confirmation. Section 1199 of the Revised Statutes (10 U. S. C. 62), which was based on the act of July 17, 1862, provided that the Judge Advocate General should "receive, revise, and cause to be recorded the proceedings of all courts-martial". This had long been construed to give the Judge Advocate General no power to do more than to advise a reviewing authority to change his action on a record of trial. In October, 1917, a construction of the statute was proposed which would have empowered the Judge Advocate General to act as an appellate court with full power to reverse or modify the action of a reviewing authority. This was disapproved by the Secretary of War but the object was partially accomplished by General Order No. 7, January 17, 1918, which required reviewing authorities to suspend the execution of sentences of death, dismissal or dishonorable discharge until review of the record by the Judge Advocate General. The reviewing authority was still free, however, to disregard the advice of the Judge Advocate General and there was continued agitation for statutory reform of this and other features of the system of military justice.

An office memorandum of August 6, 1918, created a Board of Review in the Judge Advocate General's office with duties "in the nature of those of an appellate tribunal," which was to review the records in all serious general court-martial cases. Revised Articles of War enacted in 1920 (act of June 4, 1920; 41 Stat. 787) met the criticisms which had been made. The new articles required sworn charges and an investigation prior to reference for trial (A.W. 70); reference of charges to a staff judge advocate for consideration and advice prior to directing trial by general court-martial (A.W. 70); the appointment of a law member on each general court-

martial (A.W. 8—suggested by General Crowder); the appointment of defense counsel (A.W. 17); immediate announcement of an acquittal (A.W. 40); and reference of general court-martial records to a staff judge advocate or the Judge Advocate General before action by the reviewing authority (A.W. 46). The new articles also provided for the imposition of maximum limitations on punishment in wartime (A.W. 45—suggested by General Crowder); prohibited the return by a reviewing authority of a record to a court for reconsideration of an acquittal or with a view to increasing the sentence (A.W. 40); and provided a system of appellate review of all general court-martial cases, which incorporated the device of a Board of Review (A.W. 50½). Sentences rendered during the war were equalized by a Clemency Board in the Judge Advocate General's Office.

The act of June 4, 1920 (41 Stat. 765), fixed the strength of the department at one Judge Advocate General with the rank of major general and 114 officers in grades from colonel to captain. The 114 officers were to be placed on the promotion list and promoted on an army-wide basis, so that there would not be fixed numbers in any particular grade. Vacancies created by the act were to be filled by the appointment of Reserve, National Guard and temporary officers who had served during the war, and vacancies occurring subsequently, by transfer from other branches of the service or by the appointment of Reserve judge advocates. After the expansion of 1920, vacancies were, as a matter of practice, filled by transfer from other branches until 1940. Since then some 27 Reserve judge advocates have been appointed captains, Regular Army. The strength of the department was reduced to 80 by the act of June 30, 1922 (42 Stat. 723), which empowered the President to vary the figure by not more than 30 per cent. This act required the demotion, retirement and discharge of some officers. The act of April 3, 1939 (53 Stat. 558), authorized increase in the strength of the department to 121 in annual increments over a period of ten years.

A *Manual for Courts-Martial*, based on the 1916 Articles of War, was issued early in 1917. A revised and enlarged Manual, incorporating the changes made in the system of military justice by the 1920 revision of the Articles of War, was edited by a board consisting of Colonels Walter A. Bethel and John H. Wigmore and Lieutenant Colonel William Catron Rigby, Judge Advocates, and published in 1921. A condensed edition was issued in 1928 and, with minor changes, is still in force. One of the first projects of General Crowder's administration was the preparation by Captain Charles R. Howland, Assistant to the Judge Advocate General (now brigadier general, retired), of a *Digest of Opinions of the Judge Advocates General* covering the period 1862-1912. This work, which is still a valuable reference tool for every judge advocate, was supplemented by the publication of a digest covering opinions rendered between July 1912 and April 1917. The opinions of the Judge Advocate General rendered between April 1917 and the end of 1919 were published at length and annotated pamphlets, containing digests of the more important opinions and legal rulings of the other agencies of the Government, were issued monthly during the war and at greater intervals thereafter. A consolidated *Digest of Opinions of The Judge Advocate General*, covering the period 1912-1930, was published in 1931 and a revised edition, covering the period 1912-1940, was issued in 1942. An

annotated compilation of the *Military Laws of the United States* was prepared in 1915, revised editions were published in 1921 and 1929, and a new revision, since kept up to date by supplements, was issued in 1939.

Colonel Walter A. Bethel of Ohio, who had served during the war as a brigadier general and judge advocate of the American Expeditionary Forces in France, was appointed Judge Advocate General on General Crowder's retirement, February 15, 1923. General Bethel graduated from the United States Military Academy in 1889, from the Atlanta Law School in 1892 and, with an LL.M., from George Washington University Law School in 1894. He served in the artillery from 1889 to 1903, except for a brief tour as captain and assistant adjutant general of Volunteers during the war with Spain, and became a major and judge advocate in the latter year. General Bethel retired for disability on November 15, 1924, and was succeeded by Colonel John A. Hull of Iowa, who had been judge advocate of the Services of Supply, American Expeditionary Forces in France, during the war. General Hull, who held Ph.B. (1894) and LL.B. (1895) degrees from the State University of Iowa, had entered the service as a lieutenant colonel and judge advocate of Volunteers in May 1898, and had been appointed a major and judge advocate, Regular Army, in February 1901. He retired at the expiration of his four-year term on November 15, 1928, and served as legal adviser to the Governor General of the Philippines and as an Associate Justice of the Supreme Court of the Philippine Islands from 1932 to 1936.

Colonel Edward A. Kreger of Iowa, who had served during the war as a brigadier general and "Acting Judge Advocate General" in charge of the Branch Office of the Judge Advocate General in France, became The Judge Advocate General (the capitalized "The" was added to the title in 1924, G.O.2, W.D., Jan. 31, 1924) on November 16, 1928. General Kreger graduated from Iowa State College in 1890 and practiced law in Iowa until May 1898, when he entered the service as a captain in the 52nd Iowa Infantry. He was commissioned first lieutenant of infantry in the Regular Army, February 2, 1901, and appointed major and judge advocate in February 1911. General Kreger was retired for disability February 28, 1931, and succeeded by Colonel Blanton Winship of Georgia, who had been judge advocate of the First Army in France during the war. General Winship graduated from Mercer University in 1889 and from the University of Georgia Law School in 1893. He entered the service as a captain in the 1st Georgia Infantry in May 1898, was appointed a first lieutenant of infantry in the Regular Army in November 1901, and became a major and judge advocate in January 1904. General Winship's World War I service was unusual for a judge advocate in that, for a time, he commanded a force of infantry and, while doing so, earned the Distinguished Service Cross for heroism in action. General Winship retired November 30, 1933. He served as Governor of Puerto Rico from 1934 to 1939 and was recalled to active duty in World War II to serve with the Inter-American Defense Board.

Colonel Arthur W. Brown of Utah, who had been acting judge advocate of the United States Expeditionary Forces at Vera Cruz in 1914 and judge advocate of the Third Army in France during World War I, was appointed The Judge Advocate General on December 1, 1933. A native of Iowa, General Brown graduated from

Cornell University Law School in 1897 and entered the service as a private in Battery A, Utah Light Artillery, on May 9, 1898. He was appointed a second lieutenant of infantry in the Regular Army in December 1899 and a major and judge advocate in September 1916. General Brown retired at the expiration of his term on November 30, 1937, and was succeeded by Colonel Allen W. Gullion of Kentucky, who had served in the Provost Marshal General's Office and as judge advocate of the 3rd Army Corps during World War I and was well known as the trial judge advocate who prosecuted the late Brigadier General William Mitchell, Assistant Chief of the Air Corps. General Gullion graduated from Centre College in 1901, from the United States Military Academy in 1905, and from the University of Kentucky Law School in 1914. He served in the infantry from 1905 until his appointment as a major and judge advocate in May 1917.

In the last year of General Gullion's four-year term of office the probability of this country's becoming involved in the European war became great. As partial mobilization progressed the department was expanded by the call to active duty of Reserve and National Guard judge advocates. On July 1, 1940, there were 105 officers on duty with the department, 39 of whom were in the office of The Judge Advocate General. By July 1, 1941, there were 190 judge advocates on duty, 100 of them in that office, and the number was increasing daily. A year later there would be 771, 110 officers of the Regular Army, active and retired, 435 of the Officers' Reserve Corps, 81 of the National Guard, 53 on detail, and 92 with temporary commissions issued under the joint resolution of September 22, 1941 (55 Stat. 928). General Gullion was appointed Provost Marshal General of the Army on July 31, 1941.

During the year before American entry into the war the department was making a marked contribution to pre-war industrial mobilization through the work of the Contracts Section of the Office of The Judge Advocate General, ably headed by Colonel Myron C. Cramer. A native of Connecticut, Colonel Cramer graduated from Wesleyan University, Middletown, Connecticut, in 1904, and from Harvard Law School in 1907. He practiced law in New York City and the State of Washington and entered the service in World War I as an officer of the Washington National Guard, becoming a lieutenant colonel of infantry in 1919. He was appointed major, Judge Advocate General's Department, Regular Army, in July 1920 and served with distinction in all the field grades.

General Gullion's term of office as The Judge Advocate General expired November 30, 1941, and he was appointed a temporary major general to enable him to continue as Provost Marshal General. The senior officers of the department assembled in his office on the morning of December 1, 1941. A few blocks away harried diplomats were carrying on increasingly hopeless negotiations with Japanese representatives. War was imminent. Colonel Cramer administered the oath of office of a major general to General Gullion. The portraits of long-dead Judge Advocates General looked down from the walls with solemn faces as Colonel Cramer raised his right hand and took the oath of office, administered to him by General Gullion, as eighteenth Judge Advocate General of the Army. The Judge Advocate General's Department was ready for the trial of another war.

NOTES

- Judge advocates in service during the Revolutionary War:
  - Moses Allen of South Carolina, May 29, 1778 to Sept. 3, 1783.\*
  - Joseph Bloomfield of New Jersey, Nov. 17, 1776-Oct. 29, 1778.
  - Samuel Cogswell of Connecticut, Nov. 12, 1782-Sept. 3, 1783.\*
  - Thomas Edwards of Massachusetts, J.A., April 9, 1780-Oct. 1, 1782; J.A.G., Oct. 2, 1782-Nov. 3, 1783.
  - Ebenezer Finley of Maryland, July 1780-Jan. 1, 1781.
  - John Lawrance of New York, J.A.G., April 10, 1777-June 3, 1782.
  - John Marshall of Virginia, Nov. 20, 1777-Feb. 12, 1781.
  - Henry Purcell of South Carolina, April 3, 1778-Sept. 3, 1783.\*
  - Henry D. Purcell of Pennsylvania, Jan. 29, 1778-Feb. 1779.
  - George Smith of New York, Oct. 5, 1777-Sept. 3, 1783.\*
  - Samuel Stirk of Georgia, 1779-1780.
  - Caleb Strong of Massachusetts, 1780-Sept. 3, 1783.\*
  - James Taylor of Pennsylvania, Dec. 26, 1776-April 3, 1778.
  - John Taylor of Virginia, Jan. 24, 1777-Feb. 10, 1779.
  - William Tudor of Massachusetts, J.A., July 29, 1775-Aug. 9, 1776; J.A.G., Aug. 10, 1776-April 9, 1777.

\*Date of termination of service and, in the case of Strong, first name conjectural.

- Judge advocates in service between 1812 and 1821:
  - Thomas Gales, Sept. 26, 1812-Dec. 16, 1814.
  - Everett A. Bancker of New York, March 18, 1813-June 15, 1815.
  - Philip S. Parker of New York, April 2, 1813-Oct. 1, 1814.
  - Robert Tillotson of New York, April 12, 1813-Oct. 5, 1813.
  - John S. Wills of Ohio, May 7, 1813-June 15, 1815.
  - James T. Dent of Georgia, July 19, 1813-April 14, 1818.
  - Stephen Lush, Jr., of New York, Oct. 5, 1813-June 15, 1815.
  - Rider H. Winder of Maryland, July 9, 1814-June 15, 1815 and May 3, 1816-July 23, 1818.
  - Henry Wheaton of New York, Aug. 6, 1814-May 9, 1816.
  - Leonard M. Parker of Massachusetts, Sept. 16, 1814-June 15, 1815.
  - Samuel Wilcocks of Pennsylvania, Dec. 19, 1814-June 15, 1815.
  - William O. Winston of Virginia, April 29, 1816-April 14, 1818.
  - Thomas Hanson of Maryland, April 29, 1816-April 14, 1818.
  - John L. Leib of Pennsylvania, July 9, 1816-Jan. 15, 1817.
  - Samuel A. Storrow of Massachusetts, July 9, 1816-June 1, 1821.
  - Stockley D. Hays of Tennessee, Sept. 10, 1818-June 1, 1821.

The officers named in the foregoing list were regularly appointed by the President. Auguste Genevieve Valentin D'avezac of Louisiana was appointed Major and Judge Advocate of the Army defending New Orleans on December 16, 1814, by Major General Andrew Jackson. He was afterward a distinguished criminal lawyer and Chargé d'Affaires to the Netherlands, 1831-1839 and 1845-1850.

- The first paragraph merits quotation:
 

"The discipline and reputation of the Army, are deeply involved in the manner in which military courts are conducted, and justice administered. The duties, therefore, that devolve on officers appointed to sit as members of courts-martial, are of the most grave and important character—that these duties may be discharged with justice and propriety, it is incumbent on all officers to apply themselves diligently to the acquirement of a competent knowledge of military law; to make themselves perfectly acquainted with all orders and regulations, and with the practice of military courts."
- "473 . . . The duties of the Judge-Advocate, intimately connected as they are with the administration of justice in the army, are of high importance. To direct prosecutions in the name of the United States; to counsel courts-martial as to the forms of proceedings, and the nature and limits of their authority; to admonish the accused, and guard him in the exercise and privileges of his legal rights; to collect, arrange, and evolve the testimony that may be required, and when circumstances render it necessary, to present the evidence in a succinct and collected form, require, on the part of the person filling such office, intelligence, experience, impartiality, and firmness.
 

"474 . . . There are also minor duties devolving upon him—such as the preparation, care, and disposition of the record, and the custody and safe-keeping of all papers connected with trials.

"475 . . . To ensure a proper fulfilment of his office, it is necessary that he should, by diligence and study, make him-

self acquainted with the settled principles of judicial procedure, the military laws and regulations governing the service, and the customs which have been established therein; and without such attention, not only promotive of his own reputation, but of the safety of the particular community with which he is called to act, military jurisprudence can never be established upon a proper foundation.

"476 . . . The attention of the Judge Advocate to all these branches of knowledge, connected with the more immediate duties of his office, is therefore earnestly enjoined, and will at all times be the subject of scrutiny and observation by those to whom the law has committed the revision of the proceedings of military courts."

- Major Lee's position and functions are illustrated by the following letter which he wrote to Brevet Major General John E. Wool, then in command of the Eastern Division, with headquarters at Troy, New York (1 MS Op. JAG, p. 43):

"Headquarters of the Army,  
"Washington, D. C., Oct. 21, 1850

"General:—

"I am instructed by the General-in-Chief to invite your attention to that part of the sentence of the General Ct. Martial which convened at Ft. Constitution, N. H. on the 10th ult. approved and ordered to be carried into effect by your Division Order No. 57, current series, which, in the cases of Privates McMahan, Kennedy, Hannever and Smith, directs, *'for the period of one year, a band of iron about the neck with 7 prongs each 7 inches long.'*

"The General-in-Chief is of opinion, that such a collar from the suffering it seems designed and is certainly capable of causing, would inflict a punishment cruel and unusual, and consequently illegal.

"With this opinion I am directed to convey to you the desire of the General-in-Chief that you will direct the remission of that part of the sentence.

"Very respectfully, General  
"Your obt. servt.,  
"J. F. Lee,  
"Judge Advocate of the Army."

- Judge advocates in service during the Civil War:
  - Joseph Holt of the District of Columbia, Col. and Judge Advocate General, Sept. 3, 1862-June 21, 1864; Brig. Gen. and Judge Advocate General, June 22, 1864-Dec. 1, 1875.
  - William M. Dunn of Indiana, Major and Judge Advocate, Mar. 13, 1863-June 21, 1864; Col. and Assistant Judge Advocate General, June 22, 1864-Dec. 1, 1875.
  - Majors and Judge Advocates of Volunteers (act of July 17, 1862):
    - Levi C. Turner of New York, July 31, 1862-Mar. 13, 1867.
    - John A. Bolles of Massachusetts, Sept. 3, 1862-July 18, 1866.
    - John C. Knox of Pennsylvania, Sept. 7, 1862-May 31, 1866.
    - Theophilus Gaines of Ohio, Nov. 1, 1862-May 31, 1866.
    - Guido N. Lieber of New York, Nov. 13, 1862-Feb. 25, 1867.
    - Ralston Skinner of Ohio, Nov. 19, 1862-Mar. 20, 1865.
    - Theodore S. Bowers of Illinois, Feb. 19, 1863-Aug. 30, 1863.
    - Wells H. Blodgett of Illinois, Mar. 10, 1863-July 14, 1863.
    - G. Irwin Whitehead of Pennsylvania, Mar. 11, 1863-Aug. 10, 1863.
    - William M. Dunn of Indiana, Mar. 13, 1863-June 21, 1864.
    - John Mendenhall of Indiana, Mar. 17, 1863-Feb. 27, 1864.
    - Joseph L. Stackpole of Massachusetts, July 11, 1863-Mar. 30, 1865.
    - Henry L. Burnett of Ohio, Aug. 10, 1863-Dec. 1, 1865.
    - Edward R. Platt of Vermont, Nov. 2, 1863-July 20, 1865.
    - Addison A. Hosmer of Massachusetts, Nov. 24, 1863-Nov. 28, 1865.
    - John A. Bingham of Ohio, Jan. 12, 1864-Aug. 3, 1864.
    - John C. Henshaw of New York, Feb. 29, 1864-Sept. 30, 1864.
    - John C. Campbell of West Virginia, Feb. 29, 1864-Feb. 10, 1866.
    - DeWitt Clinton of New York, May 27, 1864-Feb. 25, 1867.
    - Lucien Eaton of Missouri, July 2, 1864-July 17, 1865.
    - John Chipman Gray of Massachusetts, July 25, 1864-July 14, 1865.
    - Eliphalet Whittlesey of Maine, Sept. 1, 1864-June 14, 1865.
    - Seth C. Farrington of Maine, Sept. 3, 1864-May 31, 1866.
    - Edward L. Joy of Iowa, Sept. 15, 1864-May 7, 1865.
    - William Winthrop of New York, Sept. 19, 1864-Feb. 25, 1867.

# THE JUDGE ADVOCATE JOURNAL

Henry H. Bingham of Pennsylvania, Sept. 20, 1864-July 2, 1866.

James N. McElroy of Ohio, Sept. 26, 1864-Mar. 1, 1866.

Horace B. Burnham of Pennsylvania, Oct. 31, 1864-Feb. 25, 1867.

Francis E. Wolcott of Kentucky, Dec. 17, 1864-Sept. 30, 1866.

Edgar W. Dennis of New York, Jan. 19, 1865-Feb. 25, 1867.

William E. Furness of Pennsylvania, Feb. 22, 1865-Oct. 7, 1865.

Thomas F. Barr of Massachusetts, Feb. 26, 1865-Feb. 25, 1867.

William M. Hall of Pennsylvania, Mar. 1, 1865-May 28, 1867.

Major James F. Meline, A.D.C., of the District of Columbia, was acting as Judge Advocate of the Army of Virginia in July 1862, without statutory authority.

7. General Dunn reported on March 1, 1878, that the organization of the department was then as follows:

War Department—Brig. Gen. William M. Dunn, Judge Advocate General.

Major William Winthrop, Assistant to the Judge Advocate General.

Major Herbert P. Curtis, Assistant to the Judge Advocate General.

Major Henry Goodfellow, in charge, Claims Branch.

Atlantic Division, New York—Major Guido N. Lieber, Judge Advocate.

Department of the Platte, Omaha—Major Horace B. Burnham, Judge Advocate.

Department of Dakota, St. Paul—Major Thomas F. Barr, Judge Advocate.

Department of the Missouri, Ft. Leavenworth—Major David G. Swaim, Judge Advocate.

U. S. Military Academy, West Point—Major Asa B. Gardner, Professor of Law.

8. Judge advocates in service during the War with Spain:

Regular Army—

Brig. Gen. G. Norman Lieber of New York, Judge Advocate General.

Col. Thomas F. Barr of Massachusetts, Assistant Judge Advocate General.

Lt. Col. John W. Clous of the U. S. Army, Deputy Judge Advocate General.

Lt. Col. Edward Hunter of Maine, Deputy Judge Advocate General.

Lt. Col. George B. Davis of Massachusetts, Deputy Judge Advocate General.

Maj. Stephen W. Groesbeck of Illinois, Judge Advocate.

Maj. Enoch H. Crowder of Missouri, Judge Advocate.

Maj. Jasper N. Morrison of Missouri, Judge Advocate.

Lieutenant Colonels and Judge Advocates of Volunteers (act of April 22, 1898)—

Enoch H. Crowder of Missouri (Maj., J.A., Reg. Army), June 22, 1898-Aug. 20, 1899.

Edgar S. Dudley of New York (Capt., A.Q.M., Reg. Army), May 9, 1898-Apr. 17, 1899.

Fayette W. Roe of West Virginia (Capt., 3rd Inf., Reg. Army), May 9, 1898-Sept. 15, 1898.

John A. Hull of Iowa, May 9, 1898-Apr. 17, 1899.

Frederick Asbury Hill of Connecticut, May 9, 1898-June 24, 1899.

Charles L. Jewett of Indiana, May 9, 1898-Feb. 27, 1899.

Charles Henry Ribbel of New York, May 9, 1898-June 13, 1899.

Lucien Francis Burpee of Connecticut, July 21, 1898-Jan. 1, 1899.

Majors and Judge Advocates of Volunteers (act of March 2, 1899)—

Edgar S. Dudley of New York (Capt., A.Q.M., Reg. Army), Apr. 7, 1899-Feb. 2, 1901.

Charles McClure of Illinois (Capt., 18th Inf., Reg. Army), Apr. 17, 1899-Mar. 1, 1901.

Harvey C. Carbaugh of Illinois (Capt., 4th Art., Reg. Army), Apr. 17, 1899-Feb. 2, 1901.

John A. Hull of Iowa, Apr. 17, 1899-Feb. 2, 1901.

George M. Dunn of Colorado, Apr. 17, 1899-Feb. 2, 1901.

9. Increased to seven by the act of March 2, 1913 (37 Stat. 708).

10. The following assignments of judge advocates were authorized on November 5, 1918:

Station	Maj. Gen.	Brig. Gen.	Colo-nels	Lt. Cols.	Majors	Cpts.	1st Lts.	Total
JAGO	1	1	7	4	45	1	1	60
Br. Office, France	1	1	1	2	6	.	.	10
PMGO	.	.	3	4	5	13	.	25
Departments (9)	.	.	3	1	14	.	.	18
Posts (38)	.	.	.	.	38	38	.	76
GHQ, AEF, France	1	1	1	1	12	1	.	16
SOS in Europe	.	.	1	4	8	12	.	25
Armies (2)	.	.	2	2	2	.	.	6
Corps (7)	.	.	.	7	.	.	.	7
Divisions (58)	.	.	.	58	58	.	.	116
C.A. Brigades (14)	.	.	.	.	.	14	.	14
Ports (2)	.	.	.	.	1	2	.	3
Hq., AEF, Siberia	.	.	.	.	1	.	.	1
Hq., AEF, Murmansk	.	.	.	.	1	.	.	1
Miscellaneous	1	3	7	7	19	1	.	31

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# Selection of Personnel TO ATTEND JAG SCHOOL

By COLONEL ROBERT M. SPRINGER, Assistant Judge Advocate General

The Military Personnel and Training Division receives a great many inquiries concerning the selection of personnel for the Judge Advocate General's School at Ann Arbor, Michigan. Since the officers of the Department in the field are receiving similar inquiries, this brief resume may be of assistance and interest.

The first officer candidate class was enrolled on 7 June 1943. The Sixth and Seventh classes are now in session at the school. Each course is of 17 weeks' duration and the entrance dates for classes are so echeloned that a new class commences in the middle of the preceding class. The Eighth class will commence 17 July 1944, the Ninth class on 18 September 1944 and the Tenth class on 20 November 1944. Enrollment in each class will be about 75 candidates. Applicants should follow the provisions of Section VII, Change 6 of AR 625-5 in filing their application. There are no quotas allotted to the field. All applications should be forwarded by the local commanding officer through military channels to The Judge Advocate General. Final selection is made in The Judge Advocate General's Office. A good proportion of the applications are received from overseas.

When an application reaches this office, a very careful check is made into the background, professional standing and reputation of the applicant in civil life as well as in the Army. This investigation is confidential and usually takes from two to six weeks. The processed applications are presented to a Selection Board of Officers in The Judge Advocate General's Office. The Board acts upon the written file and the selections for the Officer Candidate School are made from the best men available.

The 28-year minimum has never been waived. The average age of the OCS classes is between 32 and 34 years. Completion of Basic Training (at present 17 weeks) is required in every case, although the application should be filed in advance of the completion of Basic Training because of the time necessary to process the application. The requirement that 4 years of practice of law is desirable but not essential leads to many questions. Law practice in civil life, government or the army may be counted, but it should be full time and

not part time law practice. Outstanding men without a law degree have been selected where their record shows their education and experience to be the equivalent of a law degree. This Department is interested in securing able officers. An attorney with good background, excellent civilian experience and exceptional military record should be given every encouragement to apply for OCS. Half of the OCS graduates are commissioned as 1st Lieutenants and half as 2nd Lieutenants.

The Officer Training Class is of 2 months' duration and commences the same date each OCS is enrolled or approximately in the middle of every other month. This course is designed primarily for officers who have been recently detailed into the Department. There is no quota on officers seeking detail and the officers seeking detail should either submit an application through channels or inquire informally of this office as to the procedure to be followed. Able civilian attorneys who are outstanding officers, particularly in company grades are especially acceptable. The same minimums are applicable as in OCS—28 years of age, and 4 years' practice is desirable but not essential. After the applications are processed and investigated, they are presented to the Selection Board for recommendation for detail. Many inquiries are received from officers not in the JAGD to attend the school. The proper answer is that officers are not now being sent to the School unless they have applied for or have been approved for detail in JAGD.

Courses in Contract Termination are being conducted at The Judge Advocate General's School at Ann Arbor. The class is of 4 weeks' duration. The Second Contract Termination Class commenced 5 June 1944, the Third Class will begin on 10 July 1944 and the Fourth 15 July 1944. This course is not primarily designed for members of The Judge Advocate General's Department, but for officers in other branches of the service. Enlisted men are not eligible to attend. Some of the minimum requirements are several years of contract and corporation law experience with heavy industries or law firms in the larger communities and demonstrated ability to handle complicated corporate and contract problems.

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\* ED. NOTE: Other correspondents will be announced in the next issue.

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# THE JUDGE ADVOCATE GENERAL'S *School*

By COLONEL EDWARD H. YOUNG, J.A.G.D., *Commandant*

THE Student Battalion of The Judge Advocate General's School located in the Law Quadrangle of the University of Michigan at Ann Arbor is the only military *command*, as such, in the Judge Advocate General's Department. Here General Cramer may review a colorful parade and conduct an inspection in ranks of a trained unit of his own personnel in whom are instilled the highest traditions of the Army as part of their training. Historically, it is the first military command that any Judge Advocate General has ever had in his own Department which dates from the time of the Revolutionary War.

Currently composed of about 300 members of the student body, the Battalion consists of one company of officers and three companies of officer candidates. In addition, often for maneuvers and special activities the Commandant and some 30 members of his Staff are attached as a headquarters unit. The School accordingly now constitutes the largest single installation of The Judge Advocate General's Department. With its enlisted station complement it has reached the point where it more than trebles the peacetime size of the Department.

In the performance of colorful and spirited ceremonies the Battalion has earned the plaudits of visiting civilian and military dignitaries, many of whom have expressed their approval of "the troops on parade" by comparing them with the finest they have seen at West Point or elsewhere. In the words of the Judge Advocate General of the Canadian Armed Forces at a recent review in his honor, "The Battalion equals the fine performance that I have observed in the parade of the King's Guard in London." While some discount must be made for such generous statements, the repetition of similar compliments reflects favorably on the spirit of military proficiency with which the students become imbued.

I am firmly of the opinion that there is no other

school or training organization in the Army whose trainees have the high qualifications and background of those undergoing instruction at this School. They are all equal to or above the minimum age requirement of 28 years, have had a legal education, and have practiced law at least 4 years before entering the military service. These men have been carefully selected and screened by the Office of The Judge Advocate General; many of them have been outstanding civilian lawyers. Included among them have been state supreme court justices, judges of other courts, congressmen, deans and professors of law schools, United States attorneys, state legislators, and several state attorneys general. On the military side, these students rank from non-commissioned officer to colonel. Some have had a considerable amount of military service, presumably most of them have had basic military training. However, the majority before reporting to the School have served principally in specialized assignments, either as officers or enlisted men, where the duty is chiefly administrative in character.

### *Mission*

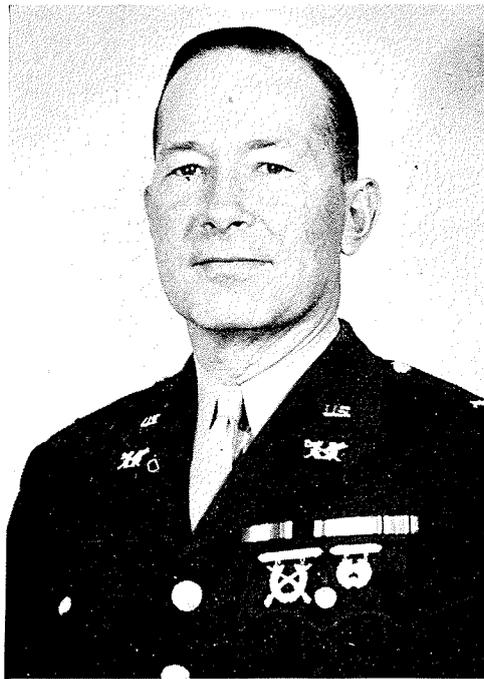
The primary mission of the School, as concisely stated in the programs submitted regularly to the Training Division of the War Department, is to train officer candidates and broaden the background of officers for service as judge advocates in tactical and administrative units in the Army of the United States and, in addition, to give special training courses to

officer students preparatory to their assumption of specialized duties.

The philosophy of the School may be understood from a few extracts taken from the letter of greeting of the Commandant to all incoming candidates.

"You are men of an honored civil profession who have been chosen for training in a branch of the service whose insignia—the pen and the sword—designate its personnel. soldier-lawyers. The prior military service you have had may or may not have permitted you to observe the execution of the functions of a judge advocate. In him are combined, at times, the functions of counsellor, advocate, and judge. In him must be found, at all times, the qualities of an officer and a gentleman.

"The orders assigning you to duty at this School were issued only after your several qualifications had been weighed and found to be of such *prima facie* excellence that you should be withdrawn from service of an immediately productive nature. It is expected that a period of specialized training will better equip you for service in a post in which full use will also be made of your civil experience.



COLONEL EDWARD H. YOUNG, J.A.G.D.

Ed. Note: This article is an informal report by the Commandant of the School to the officers of the Department relative to the activities of the School. Other articles concerning the School are: "When the Soldier Goes on Trial," by Major General Myron C. Cramer, The Judge Advocate General, New York Times Magazine, 17 Oct. 1943; "JAG Officer Candidate School," by General Cramer, AG School Bulletin, Apr. 1943; "How the Army Transforms Lawyers Into Judge Advocates," by Lt. Col. A. B. Butts, JAGD-AUS, Mississippi Law Journal, Nov. 1943; "The Army's School For Its Lawyers," by Lt. Col. Inzer B. Wyatt, JAGD-AUS, American Bar Association Journal, Mar. 1943; "The Judge Advocate General's School," by Col. Edward H. Young, JAGD-RA, Detroit Bar Quarterly, Jan. 1944; "Judge Advocate School Housed in Quad," The Michigan Alumnus, 10 Oct. 1942.

"The privilege of attending this School—and it is a privilege—is one connotative of many duties. The fact that the activities you will be called on to engage in while here may not be transformed immediately into work values does not mean that you are to consider this an opportunity to re-live 'school days' of other years. Where once you paid tuition, it is now paid for you. Where once you cheated only yourselves when you shirked your academic duties, you now will take on obligations running to other men, even their liberty and lives, the Army, and the Government. Should you fail in these duties while here, means are at hand to effect proper disposition of your candidacies.

"You will know your duties—they are the sum of those you had in your local community and at its Bar, and those you assumed when you took the oath of enlistment. They must be fulfilled at all times, in the classroom, during study hours and those of recreation, in your quarters, at mess, in town, and when on pass. Your presence here will bring you into contact with officers and men of other units and other services, with townspeople and members of the university community. That your conduct while engaged in extra-scholastic activities must be exemplary is self-evident; that misconduct will be dealt with summarily, goes without saying.

"The function of your instructors is to teach and to judge your capabilities. Your function is to learn and to prove your abilities. Through the interplay of these functions, bases of judgment will be afforded the Academic Board in passing upon your eligibility for commissioned officer status. Consideration will be given to mental qualities of alertness, initiative, resourcefulness, industry, stability, self-confidence, self-respect, judgment, and ability—in a word, leadership. Consideration will also be given to personal qualities of bearing, appearance, poise, force, and other indicia of military ability.

"With proper application, hard work, and attention to duty, you may expect to be assigned, as a commissioned officer, to the Judge Advocate General's Department—a branch of worthy tradition, begun in the Revolutionary War and now carried on by its members in posts on every continent of the world. If success were not expected of you, you would not be here.

"It's up to you."

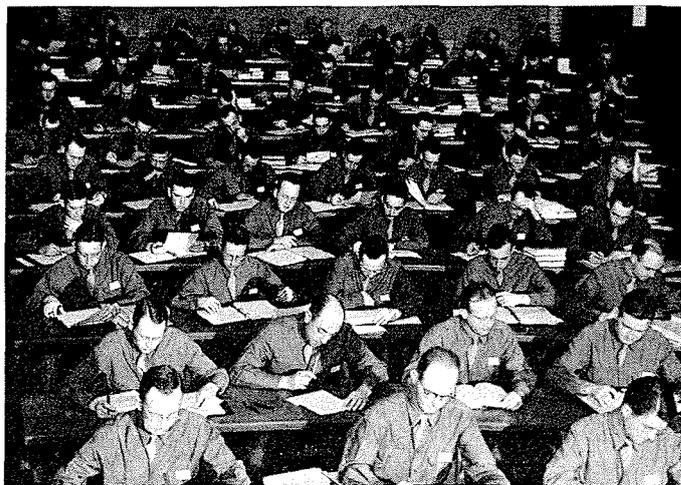
The several staggered classes and the specialized training programs require a staff and faculty now numbering 30 officers and a 5-course schedule of instruction. Two alternating officer candidate classes receive staggered 17-week courses; regular officer classes attend 8-week courses; officers selected for contract termination have instruction for 4 weeks; and periodically officers selected for attendance at the Command and General Staff School, Fort Leavenworth, Kansas, receive special instruction for 2 weeks.

#### *School Departments*

The academic and administrative work required for the mentioned courses is divided among six departments, namely, Executive, Military Justice, Military Affairs, Civil Affairs, Military Science and Tactics, and Contract Termination.

The *Executive Department*, consisting of the Executive, Personnel, and Supply offices is charged with the administration and coordination of School activities. Its functions include the execution of School policies, arrangement of the scholastic program and schedules, processing, feeding, clothing, housing, and deprocessing of students, maintenance of records, procurement of supplies, publication and distribution of texts, and maintenance of the motor pool.

The course in Military Justice, given by the *Military Justice Department*, deals with the enforcement of discipline and the administration of criminal justice in the Army through the agency of courts-martial and other disciplinary and administrative measures. It encompasses both an intensive study of the Articles of War and the Manual for Courts-Martial, and practical work in applying the principles so studied. The student obtains experience in the procedure of military justice by working out himself each of the forms and papers that go to make up a record of trial by general court-martial, by participation in a series of practice courts, and by examining and writing reviews of photostatic copies of actual records of trial.



*Classroom shot of the 6th OC Class at the JAG School.*

As aids to instruction in military justice, the department has prepared two texts. JAGS Text No. 1, intended as a procedural handbook of military justice, contains specimens of the more commonly used forms and emphasizes current policies. JAGS Text No. 2 is a collection of miscellaneous materials relating to military justice, including a compilation of extracts from letters from the Military Justice Division of the Judge Advocate General's Office with respect to errors and irregularities in records of trial, sections of the District of Columbia Code relating to crimes, and specimen records of trial by inferior courts. In addition to these materials, the department has prepared model records of trial by general court-martial for distribution to the students.

The course in War Powers and Military Jurisdiction which deals with the history, sources and constitutional basis of military law and the scope of military control and serves as general background material for many of the courses in the school, is also conducted by the Military Justice Department. JAGS Text No. 4 is the basic text used in the course.

The term "Military Affairs" itself does not have a precise meaning in military law as does, for example, "Military Justice." The term is often used for convenience to embrace a wide field of legal matters peculiar to the Army and distinct from court-martial law. The Military Affairs Department has selected from this field a variety of basic subjects dealing primarily with the appointment, status, promotion, discharge, retire-



*Student battalion in mass formation comes to attention in the beautiful law quadrangle. In the right foreground may be seen a company of officer students, and in rear of the colors are three officer candidate companies. In the foreground is the school flag-pole under which the old French 75mm piece stands guard. In the right rear may be seen a section of the dormitories in which students are quartered.*

ment, pay and allowances of military personnel. Certain legal and procedural aspects of line of duty determinations and generally of the proceedings of boards of officers are also considered.

The mission of the department is to train judge advocates to perform this important aspect of their work. The course has two broad objectives: (1) to give the student a working familiarity with the books, digests and reference materials which are his professional tools as a judge advocate; (2) to provide through conferences and seminars a practical, if not exhaustive, understanding of the substantive and procedural law which they will be called upon most often to apply.

The primary training aid, JAGS Text No. 3, was prepared by the members of the department as a combination of textual annotation and source materials pertaining to the various subdivisions of the course. Unique in the school instruction is the seminar method employed during the latter half of the Military Affairs course. Students are divided into discussion groups and assigned representative problems which have actually been submitted to the Military Affairs Division of the Judge Advocate General's Office. After a period of individual research the students are required to make oral presen-

tation of their respective solutions, giving reasons and citations. At the conclusion of each seminar session there are distributed copies of the approved opinions of the Military Affairs Division relating to the assigned problems. These opinions when combined in loose leaf fashion constitute JAGS Text No. 9.

Also assigned to the Military Affairs Department is the allied course on the Organization of the Army which deals primarily with the temporary wartime reorganization of the military establishment within the permanent statutory framework. Charts and diagrams are distributed to illustrate the material covered in the conferences.

The *Civil Affairs Department* deals chiefly with subjects involving legal relationships between the military establishment and the general public, including Claims by and against the Government, Government Contracts, Law of Land Warfare, and Law of Military Occupation.

Completing the list of subjects within the province of the department are lectures in Army Postal System, Army Classification System, Taxation, Military Reservations and Litigation.

As is the case with other academic departments of the School, the Civil Affairs Department found it imperative

to develop its own text materials as fundamental teaching aids. Now in the process of revision to conform to changes in the basic statutes is JAGS Text No. 8 on Claims. Complementary to JAGS Text No. 5 on Government Contracts is JAGS Text No. 6, a casebook containing selected leading cases referred to in the main text. In order to supplement Field Manual 27-10 on the Law of the Land Warfare, JAGS Text No. 7 on the same subject has been prepared, coinciding with the field manual in arrangement and paragraph. Still in preparatory stages, although considerable portions have been mimeographed for study purposes, is JAGS Text No. 11, Law of Military Occupation.

The regular course in military training is charged to the *Military Science and Tactics Department*. Classroom work of this department includes instruction in Tactical Organization, Administration, Map Reading, Aerial Photography, Defense against Air, Airborne, and Chemical Attack, Minor Tactics, Interior Guard, and Special Services. In addition, a number of hours are devoted to familiarization with various infantry weapons including assembly and disassembly, functioning, and care and cleaning of the U.S. carbine cal. .30 M1, Browning automatic rifle cal. .30, automatic pistol cal. .45, Thompson submachine gun cal. 45, M1A1 and Browning machine gun cal. .30.

Considerable emphasis is placed upon the development of military bearing, precision in marching, school of the soldier and voice in command. This is done by drills, including class formations, inspections, parades and ceremonies, the last of these usually taking place after school hours. In addition, regular tactical marches, practical field exercises and calisthenics are utilized not only for instructional purposes but also to insure a proper amount of physical conditioning.

Although Field Manuals form the bases for lectures and practical training, the department also operates a visual aids library. This permits the periodic use of training films, film strips, balopticon slides, and training charts to assist in classroom instruction. In addition to the regular personnel of this department, junior officers of other departments are assigned as instructors in certain classroom subjects and also assist the regular tactical officers when required.

Maintenance and enforcement of school discipline and observance of school rules and regulations is another function of the department. As part of this function, the performance by students of regularly assigned school duties such as officer of the day, buglers of the guard, flag raising and flag lowering details, and assistant mess officer is supervised by officers of the department. Inspection of rooms and of personnel is also carried out by tactical officers.

A sixth and new Department has been created for conducting special four week courses in contract termination. The members of the staff and faculty assigned to this Department received their training for this purpose here at the school and in the field.

The officers attending this course are specially selected from the several branches of the Army for assignment first as special students and then to the "field" where their function will be to represent the Government in the legal aspects of the termination of contracts entered into between the Government and private industry. The course consists of about two weeks' study of the basic

law of Government Contracts, then comes approximately one week devoted solely to fiscal and accounting matters, with a final week of practical work and exercise in the technique of termination. In the fiscal and accounting phases, members of the Finance Department and those of our own Department furnish expert assistance in the instruction.

JAGS Text No. 12, Termination of Government Contracts, is being prepared and will supplement War Department materials on the subject.

#### *The Academic Board*

The chiefs of the six departments sit as the Academic Board to make recommendations on any matters submitted to it and, subject to review by the Commandant and The Judge Advocate General, to determine matters pertaining to the standing, rating, proficiency, retention, graduation and relief from attendance of the students. Needless to say, the reputation of the Board for fairness has not been brought about by a technique of hasty decision. An untold number of conscientious hours are devoted by the members of the Board to their duties, particularly those relating to the rating and relief from attendance of officers and officer candidates.

Students may be relieved from duty at the School for one of three reasons: academic, disciplinary, or physical. As might be expected, scholastic deficiency is the usual cause for involuntary departures from duty at the School. While the rate of attrition, normally between five and ten per cent, does not compare with that found at such schools as the Infantry School, it must be remembered that this is one of the few officer schools and the only officer candidate school where the entire student body is already professionally trained in the principal subjects taught. Another reason for the relatively low attrition rate can be found in the excellent judgment exercised in the selection of officers and candidates by the Military Personnel and Training Division in Washington. We often wish, however, that those students who fail here could, in chorus with the Benning non-graduate, say: "Well, I just wasn't cut out to be an infantryman." After the periodic meetings at which the Board examines the status of each student and even after the list of successful students is prepared, the Board must give extended consideration to the selection of the top half of the officer candidate class whose names are submitted to The Judge Advocate General who is authorized to recommend fifty per cent of the graduates to the Personnel Board of the Secretary of War for immediate promotion to the grade of first lieutenant.

#### *The Work Load*

Although work load studies of the various service schools have only a comparative value, particularly in view of the differences in the type of training afforded, nevertheless it is interesting to find that, based on ASF studies of the work loads at other schools giving quasi-professional training, the ratio of trainer personnel to the number of trainees is lowest at this School. In addition to performing nearly all its own service functions and furnishing personnel to investigate charges, sit on courts-martial, and render legal assistance and claims service to the military units in the Ann Arbor area, the Staff and Faculty prepares most of the training aids and all of the text publications used in the courses.

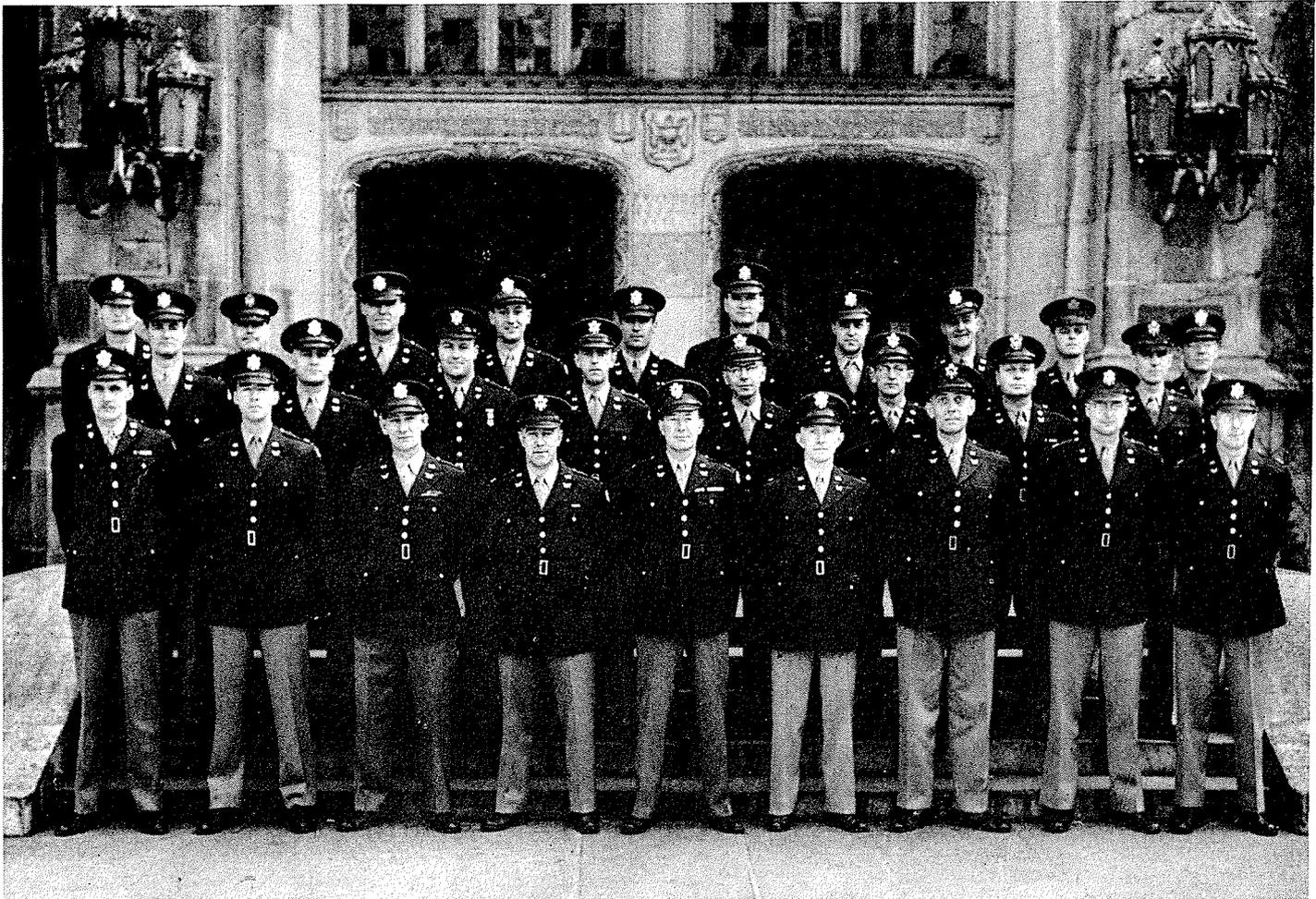
*Evolution*

The development of the school has been in three, more or less, distinct stages. In the first stage, reserve officers of the department were given brief refresher courses; in the second stage, officers newly commissioned from civilian life and from the enlisted ranks predominated; and in the third stage, which includes the present, officer candidates have been in the majority, although officer courses are continuing.

During its Washington period, the courses were of six and eight weeks. On removal to Ann Arbor they were successively expanded to ten, fourteen, and seventeen weeks. From the original faculty of three, consisting of the then Majors Herbert M. Kidner and Clark Y. Gunderson and myself, the instructing and administrative staff has gradually increased to its present strength. The additions have been made necessary by the changes in the length and scope of the basic curriculum, the special courses added, and the preparation of the numerous texts and training aids used at the school.

In February, 1942, when the first officer class laid aside their routine duties and undertook the role of the student, we set sail on an uncharted sea. Never before in the history of the Department had there been a Judge Advocate General's School. There were no precedents for our organization and operation. What at first appeared to be a major difficulty, however, proved to be an advantage in that we were free to grow without hampering precedent and to make radical changes when experience dictated the need. Believing that nothing remains static—that an organization either progresses or retrogresses—we have constantly sought for improvement in the academic, military and administrative fields. This has resulted in many changes and some accomplishments.

Hand in hand with our efforts we have had the friendly assistance and cooperation of the National University Law School, Washington, D. C., our first home, and the University of Michigan Law School, Ann Arbor, Michigan, our present home. Only because certain facilities in Washington were lacking, where our drill field was



1st ROW. Capt. Gerald R. Horn, AGD, Maj. Jeremiah J. O'Connor, Maj. Justin McElroy, Lt. Col. Reginald G. Miller, Col. Edward H. Young, Commandant, Lt. Col. Michael L. Looney, Maj. William A. Stewart, Capt. John H. Finger, Capt. Wright W. Brooks.  
 2nd ROW. 1st Lt. John J. Brandlin, 1st Lt. Anthony Julian, Capt. Edwin F. Mast, QMC, Capt. Warren F. Farr, Capt. Morris Zimmerman, Capt. Thomas A. Richardson, Inf., 1st Lt. George P. Forbes, Jr., 1st Lt. Robert L. Cave, Jr.  
 3rd ROW. 1st Lt. Emerson G. Spies, 1st Lt. John G. Stephenson III, 1st Lt. Leslie L. Anderson, 1st Lt. Norman Roth, 1st Lt. John E. Park, 1st Lt. Paul J. Driscoll, 1st Lt. Theodore L. Richling, 1st Lt. James E. Atkins, Jr., 1st Lt. Bernard P. Collins, Inf., 1st Lt. Samuel A. Schreckengast, Jr.  
 All officers are members of the Judge Advocate General's Department except where otherwise indicated.

limited to the occasional use of Griffith Stadium, and our campus, the fire escape of the building, did we accept the invitation in September, 1942, to move to the beautiful Law Quadrangle of the University of Michigan. Armed with a contract permitting us to use office and classroom space for the munificent consideration of \$1 per year, with a handsome \$300 fund for the operation of the School, and with our personal property consisting of six electric fans, we arrived in Ann Arbor and raised the colors in the Quadrangle to greet the 5th Officer Class. Since then twelve officer classes and five officer candidate classes have graduated, not including the special courses.

Although we have outgrown the living accommodations in the Quadrangle and find it necessary to house the current officer classes in the Michigan Union, the remainder of the student body live and work together. From this close contact and the opportunity to "talk the game" with their classmates the students here gain much which was not available to them in Washington, at the same time securing training in discipline which such a setup permits.

No civilian law school has graduates practicing in so many diversified climes as the alumni of the JAGS. Of the 1700 members of our Department over two-thirds are graduates of the School. Their addresses give understanding to the global activities of the Army.

#### *Problems*

Universally, our guests are impressed with the Lawyers Club and mess, the dormitories, the Legal Research Building, and the classrooms in Hutchins Hall which have been made available to us. Fine as these facilities are, we find it necessary to improvise constantly, inasmuch as these quarters were designed to accommodate civilian students and not to provide all-around training for soldier lawyers. Located in a war industrial area, we have, with difficulty, kept the mess operating through use of civilian employees, Japanese from relocation centers, and finally with Italian prisoners of war.

One of our major deficiencies at the outset has been overcome by the strenuous efforts of the Staff and Faculty, accompanied by much burning of the midnight oil. I refer to the school texts, ten in number, which have been written, edited, published and distributed at the school. With an enlisted detachment greatly limited in number, our enlisted men have toiled long hours keeping the bearings hot on the multilith machine while the editorial work progressed. Apparently these texts meet a need and have a usefulness beyond school requirements, inasmuch as the requests now pouring in from all points on the globe far exceed our reproduction capacity. Steps are now being taken to secure funds which will permit outside reproduction and perhaps a wider distribution of these materials. Because policies and regulations change frequently, continued research is necessary to keep each republication up-to-date and much extra time of the Staff and Faculty is devoted to research. We like to think that such a research center will benefit the corps as a whole and raise the standard of accomplishments of judge advocates generally.

Our most serious problem concerns personnel and administrative organization. Unlike most service schools this school does not have the status of an exempted station but comes under the jurisdiction of the service

command for administration and supply including the selection, assignment, promotion, and relief of training staff and faculty personnel. In the promulgation of training doctrine and programs we are responsible to The Judge Advocate General and the Director of the Military Training Division, Army Service Forces. In all other matters, our functions and activities are under the supervision of the service commander. For administrative purposes the 6th Service Command has placed the school under the 3651st Service Unit, ASTP-ROTC, which, in turn, is under the command of District Number 1 of the Service Command, located at Detroit.

The only professional school of its kind in the Army, it is our opinion that the special needs and requirements of this School are best known by The Judge Advocate General and the School staff. Without this intimate knowledge, it is often impossible to foresee what the effect of a policy, designed primarily for an ASTP-ROTC Unit, will be when applied to this School. When such policies are in conflict with the continuity of our training program we are frequently placed in the position of seeking exceptions to the policy which may, humanly enough, over a period of time, give the officers in the higher echelons of the Service Command the impression that we are uncooperative and unwilling to abide by policies which work well at other installations in the command.

At times we have found it difficult to accomplish the requirements of the Military Training Division, Army Service Forces, as to military subjects, because of the scarcity of qualified line officers assignable by the Service Command to the school. In addition, although our officer classes have been composed of officers in grades as high as colonel, many of our instructors, who have been selected because of superior ability and who have performed in a superior manner, have been ranked in a few months by officer candidates who left the school and went to commands where promotions are much more rapid than in the Service Command. In order to retain the enthusiasm and abilities of our junior officers on the Staff and Faculty, it is extremely desirable that they be accorded the same recognition as officers on duty in the Office of The Judge Advocate General.

Apparently the mentioned situations do not appear correctible until the school is once again made an exempted station and placed under the direct command of The Judge Advocate General. In no sense of criticism, but cognizant of the facts, it is our opinion that the greatest efficiency of the school cannot be reached under an organizational setup which casts our responsibility in three directions and requires constant attention to keep the divergent requirements within a common focus.

#### *Sidelights*

All work and no play, so the saying goes, makes "JAG" a dull boy. Although competition is keen and the students approach their duty with serious mien, amusing incidents intrude to lighten the daily round. The various details—bugle, flag, mess, O.D., etc.—have provided booby traps and resulting "skins" which are fondly recalled by school alumni.

Many of these mentioned incidents and accidents have brightened the pages of the now well known *Advocate* in picture, word, and verse. This bi-weekly "house or-

gan," edited and published at the school, is a morale builder for the students and a chronicler of events for the ever growing list of alumni.

Since the old French 75mm. piece, a relic of World War I, was obtained from Rock Island Arsenal and given the place of honor in the Quad beneath the flagpole, few of its student cannoneers have completed their tours of duty of administering and firing it at retreat and reveille entirely "skinless." Now, the student body as a whole regards it as a dangerous *demerit* booby trap, and, as it is quite effective in shaking its surroundings and voicing its deep bass bark at reveille, it has earned for itself the descriptive name of "Old Hateful."

To protect its shining muzzle "Old Hateful" customarily has a canvas cover strapped thereon. One cannoneer, being a few seconds behind time and rushing to make it up at reveille absent-mindedly jerked the lanyard without first undressing the piece. Of course neither he nor his assistants were permitted to escape the earned demerits by merely replacing the parts of the cover with safety pins.



Col. Edward H. Young uses a SCR 536 (Handie-Talkie) while Lt. Bernard P. Collins (left) and Capt. Thomas A. Richardson look on.

Another student on his initial tour of duty on the bugle detail apparently lacking an ear for music played the reveille record on the robot bugler at time for taps; another played taps at time for reveille, while a third "skinee" on a dark icy morning committed the unpardonable sin of sounding reveille exactly one hour too early! Needless to say, the latter found little sympathy even from his classmates over his "handful" of demerits!

Members of all classes have earned nicknames here at the School which will no doubt follow them at least during their mili-many careers. Of course, "Old Hateful" has been the source of many. For firing the gun too soon one graduate carried with him the sobriquet of "Early Boom O'Brien." Another who failed to even discharge the piece was dubbed "No Boom Aranow." The *Advocate* has recorded for all time many of these high crimes and misdemeanors and memorialized therein is the following description by Captain Kirk Jeffrey of the faux pas of "Shootin' Sam Schreckengast and Gunnin' Gil Shaw."

With starry-eyed abandon of a dreaming happy lover  
They fired the campus cannon and forgot about the  
cover.

'Twas on a Sunday morning at the early hour of six  
When the ammunition spitters got into this awful fix.

But a fellow's rather sleepy and he doesn't function  
right  
When he has to fire a cannon in the middle of the  
night.

In any discussion of "skins" the name of Lt. Lincoln Rosen must always be included as the only man in school annals to earn a merit instead of a demerit while on the bugle detail. It happened the same time that "Early Boom O'Brien" was christened. Looking out of the window of the bugle room, Rosen saw the lanyard pulled while retreat was still being sounded. Not waiting for the field music to finish he shifted the needle on the robot bugler and played "To the Colors" permitting the flag to be lowered as if nothing had happened.

Then there is the story of the third and extra bed that was installed in a room where two candidates were already quartered. About two weeks after this addition was made, one of the candidates complained to an officer on the staff that he and his roommate were unable to sleep because of the third bed in the room. "What do you mean, you can't sleep with a third bed in your room?" the mystified Faculty member inquired. "Those O.D.'s are so damned conscientious that every night for the last two weeks they have awakened us to ask, 'Where is the guy who sleeps in the third bed?'"

In accordance with School regulations, the student adjutant sounds off in announcing the orders of the day during the evening meal and always concludes with "By order—rest!" Lieutenant William L. Broad, a former student, has penned a few lines of verse to commemorate this practice. Considering the length of this report I think his closing lines are particularly appropriate for a conclusion.

#### Refectory Reflections

You're dining at your slothful ease,  
The day just passed has been a breeze,  
(Of course you had a writ at eight,  
And nine and ten, and then kind Fate  
Decreed another writ at two  
But, after all, that's nothing new.)  
When suddenly both clear and loud  
"Attention to orders" stills the crowd.

\* \* \*

"Whose was the pen, or whose the sword,  
That interrupted evening board?  
'By order!' Does this military call,  
Which does imperiously fall  
So trippingly from off the tongue—  
Originate with Colonel Young?  
Perhaps the source of all this power  
Is General Dwight D. Eisenhower!

Ah! Here it comes—Rest!! That is all.  
A gentle murmur fills the hall.  
When life is o'er this be the crest  
Upon my tomb: "By order! Rest!"

# Conference OF JUDGE ADVOCATES

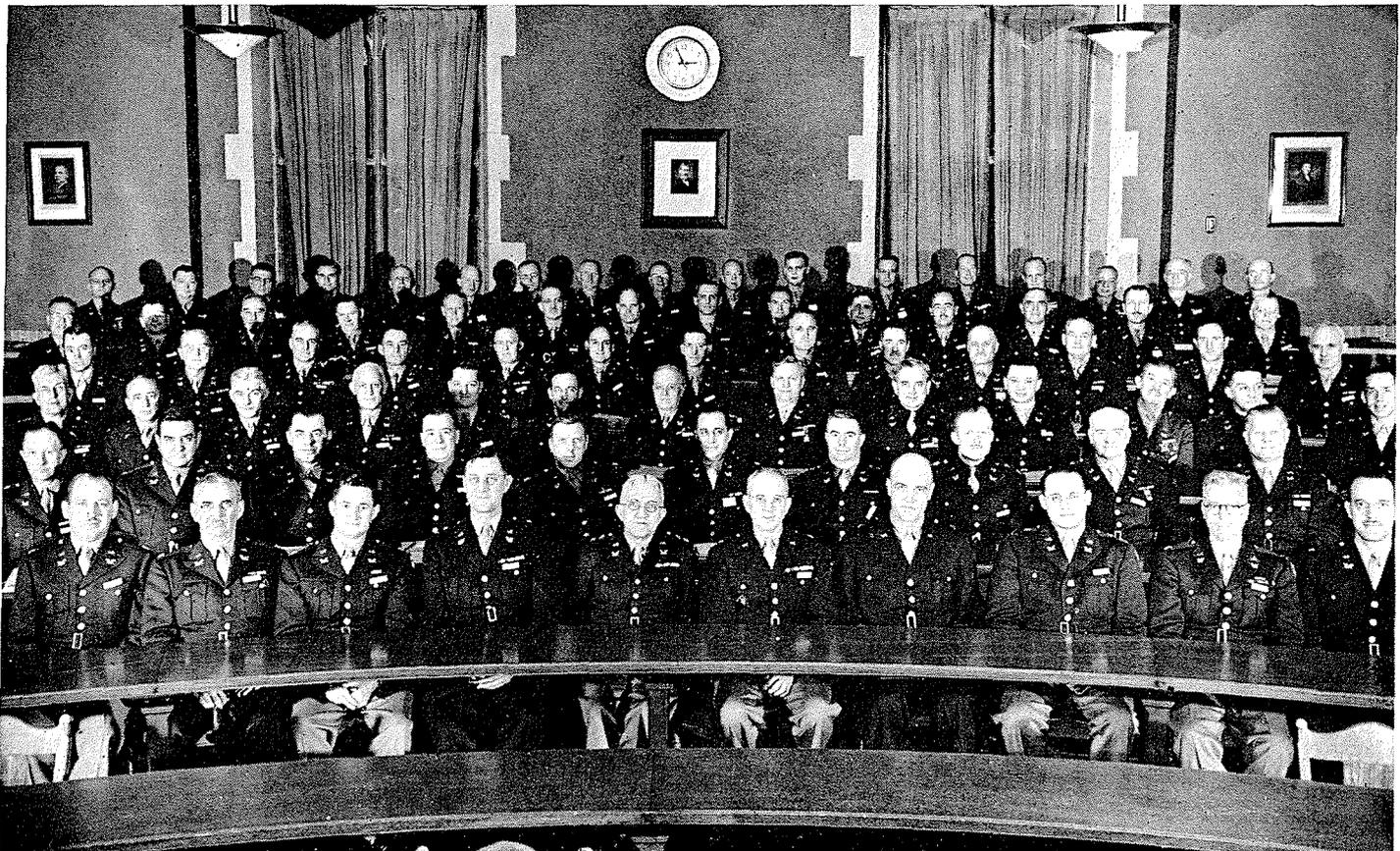
A three-day Judge Advocates' conference was held at Ann Arbor, Michigan, 15 to 17 March 1944, attended by ninety officers, representing most of the major Army commands within the United States, in order to discuss current problems facing Judge Advocates. Major General Myron C. Cramer, The Judge Advocate General, presided at the sessions. Brigadier General Adam Richmond, Judge Advocate of USAF, North African Theater of Operations and Brigadier Reginald J. Orde, Judge Advocate General of Canada, left their respective posts in order to address the conference.

The principal features of the program were: First Day—Address of Welcome, by Dr. Alexander G. Ruthven, President, University of Michigan, introduced by Colonel Edward H. Young, JAGD, Commandant, The Judge Advocate General's School; Introduction and Scope of Conference, by Major General Myron C. Cramer, The Judge Advocate General; International Law Problems: Alien Exclusions and Habeas Corpus, by Colonel Archibald King, JAGD, Chief, War Plans Division, JAGO; Civil Affairs, by Colonel Charles P. Burnett, JAGD, Chief, Government Branch, Civil Affairs Division, War Department Special Staff; Prisoners of War, by Brigadier General Blackshear M. Bryan, Jr., Assistant Provost Marshal General; International Law Problems: Legal Aspects of Prisoners of War and War Criminals, by Colonel Archibald King; Military Justice and Court-Martial Procedure: Its Importance and Purpose, Responsibility and

Duties of Staff Judge Advocates, Uniformity in Punishment, Reduction in and Expedition of Trials, Preservation of Manpower, Modification in Revision Proceedings of Sentences to Dismissal, Reduction of Life Sentence Under A.W. 92 by Reviewing Authority, Common Errors and How to Avoid Them, and Relations with Civil Authorities, by Colonel James E. Morrisette, JAGD, Assistant Judge Advocate General; Observations and Open Discussion on Questions Regarding Administration of Military Justice, led by Major General Myron C. Cramer.

Second Day—Administration of Military Justice: Clemency, by Colonel Marion Rushton, JAGD, Office of the Under Secretary of War; Rehabilitation Centers, by Colonel Philip McCook, JAGD, JAGO, and Lt. Colonel Lawrence Jones, AUS, Assistant to Deputy Chief of Staff for Service Commands; Places of Confinement, by Colonel James E. Morrisette, JAGD; General Discussion on Military Justice, by the Conference; Army Exchange Service, by Colonel Erwin M. Treusch, JAGD, Chief, Legal Branch, Special Services Division; Taxes Affecting War Department Agencies, by Major Thomas G. Carney, JAGD, Tax Division, Office of The Judge Advocate General; Legal Assistance, by Colonel Julian C. Hyer, JAGD, Judge Advocate, Eighth Service Command.

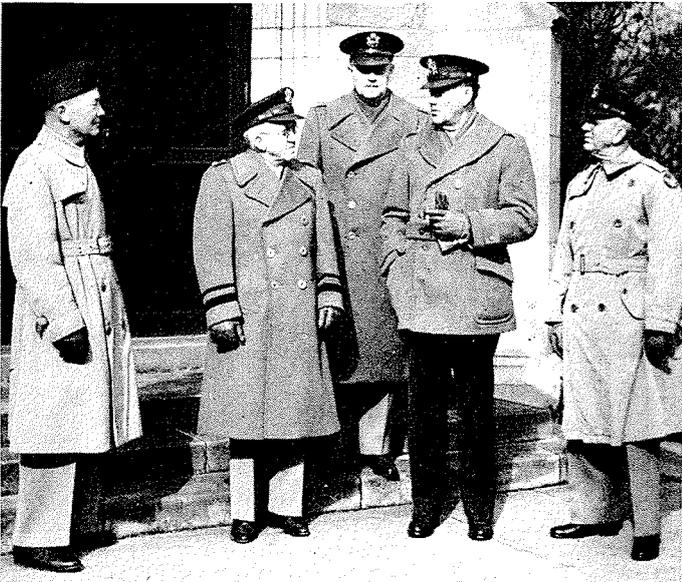
Claims, by Colonel Marion Rushton, JAGD, and Colonel Ralph G. Boyd, JAGD, Chief, Claims Division, JAGO; Air Force Problems, by Brigadier General Law-



*Conference of Judge Advocates, Ann Arbor, Michigan*

rence H. Hedrick, The Air Judge Advocate, and Colonel Franklin P. Shaw, JAGD, Staff Judge Advocate, Headquarters AAF Materiel Command; Ground Force Problems, by Colonel Robert V. Laughlin, JAGD, Staff Judge Advocate, Second Army; Service Command Problems, by Colonel Guy M. Kinman, JAGD, Judge Advocate, Sixth Service Command, and Colonel Thomas J. White, JAGD, Judge Advocate, Ninth Service Command.

Third Day—Personnel, by Colonel Robert M. Springer, JAGD, Assistant Judge Advocate General; Reclassifica-



A respite during the Judge Advocate General's Department Conference, Ann Arbor, Michigan. Left to right: Col. Young, Maj. Gen. Cramer, Brig. Gen. Weir, Brig. Gen. Richmond, Brig. Gen. Hedrick.

tion and Separation, by Colonel Irvin Schindler, JAGD, Chief, Military Affairs Division, JAGO; Military Affairs, by Colonel Irvin Schindler; Greetings from Canada, by Brigadier Reginald J. Orde; Branch Offices and Theater Headquarters by Brigadier General Adam Richmond; Contract Termination, by Colonel R. Ammi Cutter, GSC, Chief, Legal Branch, Office of Director of Materiel, Headquarters ASF; Military Justice in a Combat Zone, Brigadier General Adam Richmond; Foreign Claims, by Brigadier General Adam Richmond; The Judge Advocate General's School, by Colonel Edward H. Young, JAGD, Commandant and Lt. Colonel Reginald C. Miller, Assistant Commandant; Report of the Committee on Uniformity of Sentences, by Brigadier General Adam Richmond; General Discussion, led by Major General Myron C. Cramer.

The manager of the conference was Lt. Colonel Howard A. Brundage, JAGD, and the official reporter was Major Joseph Dainow, JAGD. Copies of the proceedings will be distributed to the conferees and to major commands, but a limited supply is available to interested officers who may not have access to a copy. Requests for copies of the transcript should be addressed to Lt. Colonel Howard A. Brundage, JAGD, Office of The Judge Advocate General, Washington 25, D. C., and will be filled in the order received.

A roster of the conferees follows:

Name	Address
Allison, M. Ray Lieutenant Colonel, JAGD	Oklahoma City Air Service Command, Tinker Field, Oklahoma City, Okla.
Andersen, Daniel J. Major, JAGD	Hq. North Atlantic Wing, ATC, Manchester, New Hampshire.
Bacon, William J. Colonel, JAGD	Hq. AAF Training Command, Fort Worth, Texas.
Bernays, Murray C. Lieutenant Colonel, GSC	Office of the Chief of Staff, Army Service Forces, Washington, D. C.
Boyd, Ralph G. Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.
Brice, Charles S. Colonel, JAGD	Hq. Third Air Force, Tampa, Florida.
Briggs, Warren M. Captain, CAC	Hampton Roads Port of Embarkation, Newport News, Virginia.
Brosman, Paul W. Lieutenant Colonel, JAGD	Hq. Third Air Force, Tampa, Florida.
Brundage, Howard A. Lieutenant Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.
Bryan, Blackshear M., Jr. Brigadier General, USA	Office of The Provost Marshal General, Washington, D. C.
Burnett, Charles P. Colonel, JAGD	Office of the Chief of Staff, Washington, D. C.
Campbell, George B. Colonel, JAGD	Hq. Fifth Service Command, Fort Hayes, Columbus, Ohio.
Carney, Thomas G. Major, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.
Clark, Russell A. Colonel, JAGD	Hq. AAF Eastern Technical Training Command, Greensboro, North Carolina.
Cramer, Myron C. Major General, USA	The Judge Advocate General, Army Service Forces, Washington, D. C.
Cushing, Eugene G. Colonel, JAGD	Hq. New Orleans Port of Embarkation, New Orleans, Louisiana.
Cutter, R. Ammi Colonel, GSC	Office of Director of Materiel, Headquarters, Army Service Forces, Washington, D. C.
Daines, Lorenzo D. Captain, JAGD	Hq. Sacramento Air Service Command, McClelland Field, California.
Dainow, Joseph Major, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.
Daniels, Willis F. Lieutenant Colonel, JAGD	Hq. Middletown Air Service Command, Middletown, Pennsylvania.
Dart, John Lieutenant Colonel, JAGD	Hq. Charleston Port of Embarkation, Charleston, South Carolina.
Decker, Charles E. Colonel, JAGD	Hq. XIII Corps, Fort Du Pont, Delaware.
Emery, Arlo A. Colonel, JAGD	Hq. Western Flying Training Command, Santa Ana, California.
Finnegan, Jr., George B. Lieutenant Colonel, AUS	United States Military Academy, West Point, New York.
Fisher, Chester L. Lieutenant Colonel, JAGD	Hq. First Air Force, Mitchel Field, New York.
Fixel, Rowland W. Colonel, JAGD	Hq. Air Transport Command, Washington, D. C.
Foster, David F. Lieutenant Colonel, JAGD	Hq. Spokane Air Service Command, Spokane Army Air Field, Spokane, Wash.
Franklin, Neal D. Colonel, JAGD	Hq. AAF Western Technical Training Command, Denver, Colorado.
Godwin, James E. Lieutenant Colonel, JAGD	Hq. Third Corps, Presidio of Monterey, California.
Gottlieb, Ellis L. Captain, JAGD	Hq. AAF Tactical Center, Orlando, Florida.
Green, Thomas H. Brigadier General, USA	Assistant Judge Advocate General, Army Service Forces, Washington, D. C.
Hafer, George H. Colonel, JAGD	Natl. Headquarters, Selective Serv. System, Washington, D. C.
Hanley, James F. Colonel, JAGD	Hq. Fourth Air Force, San Francisco, California.
Hanover, Leonard R. Lieutenant Colonel, JAGD	Hq. Eastern Defense Command, Governors Island, New York.

## THE JUDGE ADVOCATE JOURNAL

Name	Address	Name	Address
Harn, Jerry A. Lieutenant Colonel, JAGD	Hq. San Bernardino Air Service Command, San Bernardino, California	Orde, Reginald J. Brigadier	National Defense Council, Army, Ottawa, Canada.
Harris, Ray M. Captain, JAGD	Hq. Air Service Command, Patterson Field, Fairfield, Ohio.	Randolph, Nowlin Lieutenant Colonel	San Antonio Air Service Command, Kelly Field, Texas.
Hedrick, Lawrence H. Brigadier General, USA	The Air Judge Advocate, Washington, D. C.	Richmond, Adam Brigadier General, USA	Hq. USAF North African Theater of Operations
Hinman, Burritt H. Colonel, JAGD	Hq. Eastern Flying Training Command, Maxwell Field, Alabama.	Rigsby, Allen W. Lieutenant Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.
Honan, John J. Colonel, JAGD	Hq. Air Service Command, Patterson Field, Fairfield, Ohio.	Ruble, Vern W. Major, JAGD	Middletown Air Service Command, Olmstead Field, Pennsylvania.
Hyer, Julien C. Colonel, JAGD	Hq. Eighth Service Command, Dallas, Texas.	Rushton, Marion Colonel, JAGD	Office of The Under Secretary of War, Washington, D. C.
Jones, Abram N. Lieutenant Colonel, JAGD	Hq. Rome Air Service Command, Rome, New York.	Schindler, Irvin Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.
Jones, Homer W. Colonel, JAGD	Readjustment Division, Hq. Army Service Forces, Washington, D. C.	Schlant, Edward B. Colonel, JAGD	Hq. Fourth Service Command, Atlanta, Georgia.
Jones, Lawrence Lieutenant Colonel, AUS	Hq. Army Service Forces, Washington, D. C.	Shaffer, Louis R. Lieutenant Colonel, JAGD	Hq. Boston Port of Embarkation, Boston, Massachusetts.
Jones, Paul S. Colonel, JAGD	Hq. Second Service Command, Governors Island, New York.	Shaw, Frank E. Colonel, JAGD	Hq. Seventh Service Command, Omaha, Nebraska.
Jones, Stanley W. Colonel, JAGD	Hq. Fourth Army, Fort Sam Houston, Texas.	Shaw, Franklin P. Colonel, JAGD	Hq. AAF Materiel Command, Wright Field, Dayton, Ohio.
Katz, Ely R. Major, JAGD	Hq. AAF Proving Ground Command, Elgin Field, Florida.	Speer, James P. Lieutenant Colonel, JAGD	Hq. Mobile Air Service Command, Brookley Field, Mobile, Alabama.
King, Archibald Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.	Springer, Robert M. Colonel, JAGD	Assistant Judge Advocate General, Army Service Forces, Washington, D. C.
Kinman, Guy M. Colonel, JAGD	Hq. Sixth Service Command, Chicago, Illinois.	Stedeford, John D. Lieutenant Colonel, JAGD	Hq. Fairfield Air Service Command, Patterson Field, Fairfield, Ohio.
Kunkel, Rudolph E. Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.	Stern, Joseph J. Lieutenant Colonel, JAGD	Hq. Military District of Washington, Washington, D. C.
Ladd, Mason Lieutenant Colonel, JAGD	Office of The Surgeon General, Washington, D. C.	Taylor, A. Rhu Colonel, JAGD	Hq. Third Service Command, Baltimore, Maryland.
Laughlin, Robert V. Colonel, JAGD	Hq. Second Army, Memphis, Tennessee.	Thomas, Charles A. Captain, JAGD	Los Angeles Port of Embarkation, Camp Anza, California.
Leonard, George H. Major, JAGD	Hq. Sixth Service Command, Chicago, Illinois.	Treusch, Erwin M. Colonel, JAGD	Army Service Forces, Special Services Division, 25 W. 43rd Street, New York, N. Y.
Levitt, Arthur Colonel, JAGD	Hq. New York Port of Embarkation, Brooklyn, New York.	Urquhart, Henry C. Lieutenant Colonel, JAGD	Hq. Warner Robins Air Service Command, Robins Field, Warner Robins, Georgia.
Magnusen, Lewis C. Lieutenant Colonel, JAGD	Hq. AAF Central Flying Training Command, Randolph Field, Texas.	Watson, Joel F. Colonel, JAGD	Hq. Western Defense Command, Presidio of San Francisco, California.
McCampbell, Herbert H. Major, JAGD	Hq. Ferrying Division, Air Transport Command, 1309 Vine Street, Cincinnati, Ohio.	Weir, John M. Brigadier General, USA	Assistant Judge Advocate General, Army Service Forces, Washington, D. C.
McCook, Philip J. Colonel, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.	West, Charles W. Colonel, JAGD	U. S. Military Academy, West Point, New York.
McLean, David S. Colonel, JAGD	Office, Fiscal Director, Hq. Army Service Forces, Washington 25, D. C.	White, Thomas J. Colonel, JAGD	Hq. Ninth Service Command, Fort Douglas, Utah.
Moffett, Charles W. Colonel, JAGD	Hq. AAF Tactical Center, Orlando, Florida.	Wilkins, William J. Lieutenant Colonel, JAGD	Hq. Second Air Force, Colorado Springs, Colorado.
Morrisette, James E. Colonel, JAGD	Assistant Judge Advocate General, Army Service Forces, Washington, D. C.	Williams, Bradford J. Major, AC	Hq. Lowry Field, Colorado.
Morse, Lewis W. Major, JAGD	Office of The Judge Advocate General, Army Service Forces, Washington, D. C.	Woodard, Charles H. Lieutenant Colonel, JAGD	Hq. Ogden Air Service Command, Hill Field, Ogden, Utah.
O'Brien, John J. Colonel, JAGD	Hq. IX Corps, Fort McPherson, Georgia.	Young, Edward H. Colonel, JAGD	Judge Advocate General's School, Ann Arbor, Michigan.
O'Donnell, Daniel L. Lieutenant Colonel, JAGD	Hq. First Service Command, Boston, Massachusetts.	Ziegler, Arthur W. Colonel, JAGD	Hq. San Francisco Port of Embarkation, Fort Mason, California.

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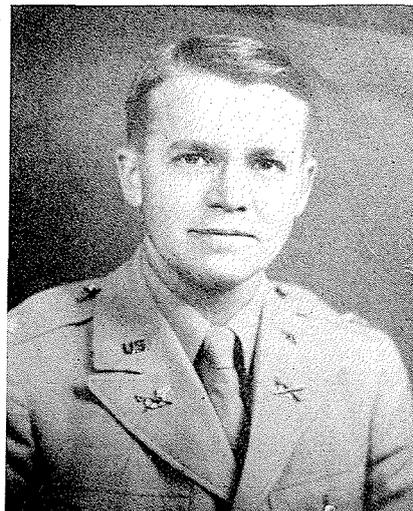
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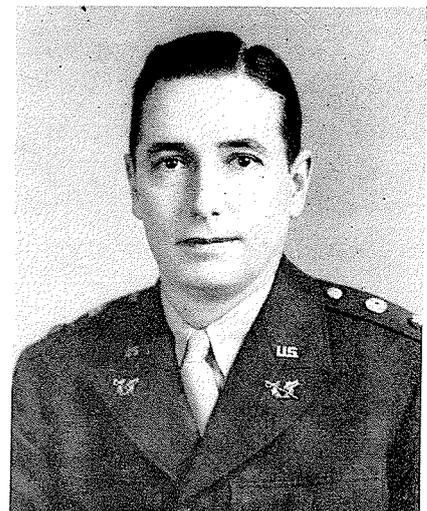
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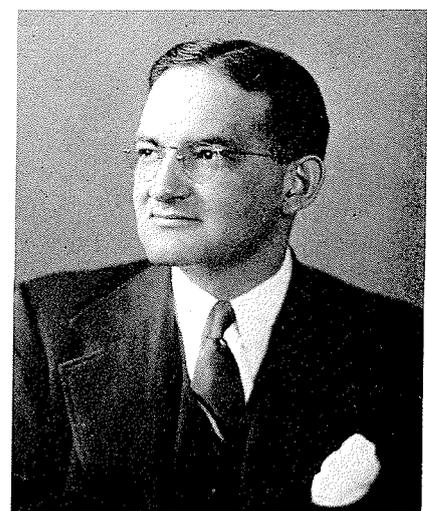
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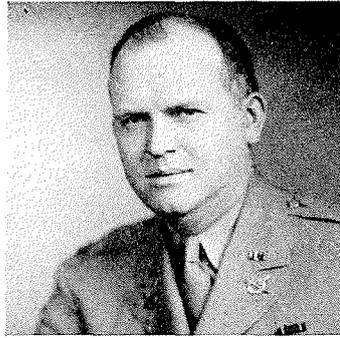
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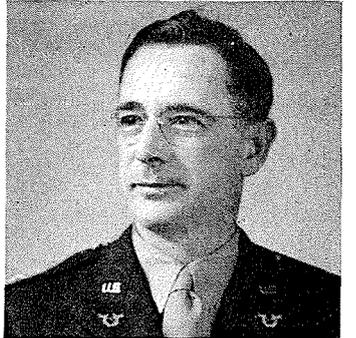
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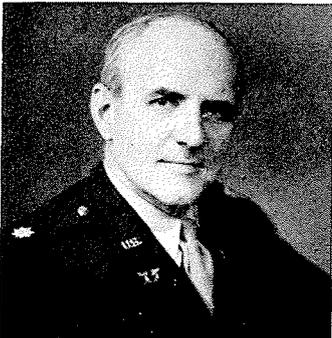
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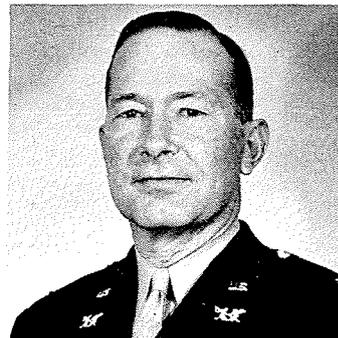
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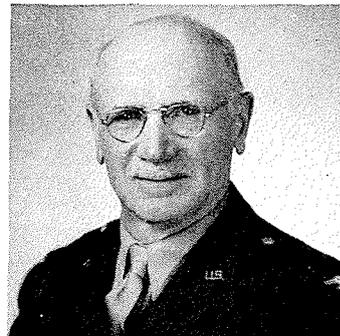
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MAJOR OSMER C. FITTS, JAGD



MAJOR E. F. GALLAGHER, JAGD



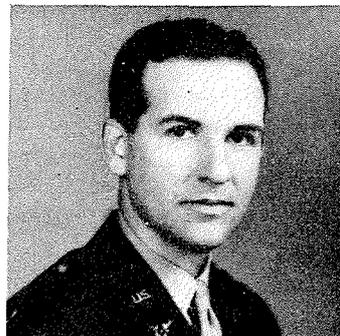
COL. WILLIAM C. RIGBY, Retired



COL. C. P. BURNETT, JAGD



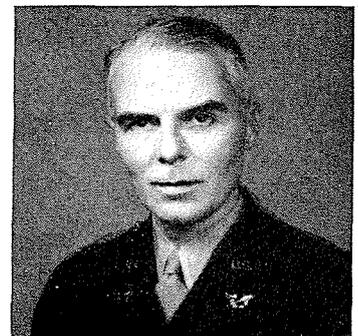
BRIG. GEN. J. M. WEIR



CAPTAIN C. L. YANCEY, JAGD



CAPTAIN S. F. BEACH, JAGD



CAPTAIN L. FOX, JAGD

# WASHINGTON *News* AND *Views*

## **Leading Article**

Colonel Archibald King, JAGD, and Lieutenant Colonel Charles Fairman, JAGD, are co-authors of a leading article, "Taxation of Friendly Foreign Armed Forces" in the April, 1944, issue of The American Journal of International Law. Colonel King is chief of the War Plans Division of the Judge Advocate General's Office. Lieutenant Colonel Fairman is now on duty overseas.

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## **Four Assistants JAG**

The Washington office now has four Assistants Judge Advocate General, as follows:

Brigadier General Thomas H. Green has supervision of the Claims, Contracts, Litigation, Military Affairs, Military Reservations, Patents and Tax Divisions and the Legal Assistance Branch.

Brigadier General John M. Weir, Executive of the office, besides being chief of the Executive Division, supervises the War Plans Division and Control Branch.

Colonel James E. Morrisette is in charge of military justice matters, and supervises the five Boards of Review and the Military Justice Division.

Colonel Robert M. Springer supervises the Military Personnel and Training Division, Special Assignments, and all field installations.

\* \* \*

## **Mr. Lyons Passes Away**

Well known to many Judge Advocates now on duty throughout the world was Mr. Joseph L. Lyons who died on 19 March 1944. He had served as chief clerk of the office since 1939 and had been employed in the Judge Advocate General's Office for 26 years. Interment was held in Arlington National Cemetery. He is survived by his widow, Mrs. Gladys F. Lyons.

\* \* \*

## **Legal Assistance Anniversary**

Over two million law problems were handled for the nation's soldiers and their dependents during the past year by the Army's legal assistance program, the War Department announced in observing the first anniversary of the plan on 16 March.

Jointly organized and administered by the American Bar Association and the War Department, the legal assistance plan is under the supervision of The Judge Advocate General. Over one thousand offices have been put into operation at various posts to handle law problems of the men and women of the armed services. In addition to Army lawyers, many thousands of civilian attorneys are participating in the program through the committee on war work of the various bar associations.

The legal assistance plan has met with praise from soldiers on all fighting fronts, according to Major General Myron C. Cramer, The Judge Advocate General. Files in his office indicate that results traceable to the plan include general improvement in morale by relieving the soldier of legal worries.

The plan's first anniversary was observed in Washington at a dinner at the Army-Navy Country Club, attended by General and Mrs. Cramer, Mr. Joseph Henderson, President of the American Bar Association and Mrs. Henderson, Brig. General Thomas H. Green, Assist-

ant Judge Advocate General and Mrs. Green, George Maurice Morris, past president of the American Bar Association and Mrs. Morris, Brig. General John M. Weir, Assistant Judge Advocate General and Mrs. Weir, Brig. General Lawrence H. Hedrick, Air Judge Advocate and Mrs. Hedrick and other officers and civilians taking part in the legal assistance program, and their wives.

\* \* \*

## **International Law**

Of interest to many Judge Advocates was the 38th meeting of the American Society of International Law April 28-29. Principal speakers were: The Right Honorable the Viscount Halifax, K.C., British Ambassador to the United States; Honorable Tom Connally, Chairman of the Committee on Foreign Relations, United States Senate; Honorable Manley O. Hudson, Member of the Permanent Court of International Justice; Honorable John J. Parker, Senior Judge, U. S. Circuit Court of Appeals for the Fourth Circuit; Dr. Felix Morley, President of Haverford College; Frederic R. Coudert, President of the American Society of International Law; Howard B. Calderwood, Professor of Political Science, University of Michigan; Frederick S. Dunn, Professor of International Relations, Yale University; and Quincy Wright, Professor of International Law, University of Chicago.

\* \* \*

## **Legion of Merit Award**

Colonel Homer W. Jones, Judge Advocate General's Department, who was in charge of legal activities during the vast 1940-1941 Army construction program, was presented the Legion of Merit by Lieutenant General Brehon Somervell, U. S. Army, Commanding General, Army Service Forces, in a ceremony at The Pentagon on 1 May 1944.

The decoration was awarded to Colonel Jones for "exceptionally meritorious conduct in the performance of outstanding services as Assistant to the Chief of the Engineering Branch, Construction Division, Office of the Quartermaster General, between December 15, 1940, and September 15, 1941."

The citation declared that Colonel Jones' professional attainments were of great value in solving the numerous legal problems connected with the expansion of construction activities.

After leaving the Office of the Quartermaster General, Colonel Jones served as assistant to Major General Allen W. Gullion, the Provost Marshal General, and later as a member of the War Department Price Adjustment Board. He went overseas to become Judge Advocate of the Seventh Army, returning to Washington last November. Now assigned to the Readjustment Division, Army Service Forces, Colonel Jones resides at 1628 Mount Eagle Place, Alexandria, Virginia.

\* \* \*

## **Citations to General Gullion**

Two awards, the Oak Leaf Cluster to the Distinguished Service Medal and the Legion of Merit, were presented to Major General Allen W. Gullion, U. S. Army, The Provost Marshal General and former Judge Advocate

General of the Army, by Lieutenant General Brehon Somervell, U. S. Army, Commanding General, Army Service Forces, on 2 May 1944. The presentation took place in General Somervell's office in The Pentagon.

General Gullion is being relieved as The Provost Marshal General and has been given an important overseas assignment.

Brigadier General Archer L. Lerch, U. S. Army, a member of General Gullion's staff since August, 1941, is the acting The Provost Marshal General. General Lerch transferred to the Judge Advocate General's Department in 1938 and was detailed in The Provost Marshal General's office in 1941.

*Oak Leaf Cluster to  
Distinguished Service Medal*

For exceptionally meritorious and distinguished services as Judge Advocate General of the Army from December 1, 1937, to November 30, 1941, particularly in reducing the general court-martial rate per thousand of enlisted strength to the lowest in the peacetime history of the Army; in equalizing and harmonizing court-martial sentences throughout the then rapidly expanding Army; in urging successfully the substitution by Company and Battery Commanders of leadership for trial by court-martial; in conserving and drafting much of the legislation which facilitated transition from a peacetime Army to a wartime Army; and in giving sound, liberal and vigorous effect to the laws of the Nation in furthering the preparation for war. The administration of his office throughout the four years of his tenure was marked by the wisdom of his counsel and the justness of his decisions. His rare powers of discernment, his tact, and sound judgment contributed materially to the success of pre-war planning.

*Legion of Merit*

For exceptionally meritorious conduct in the performance of outstanding service in establishing the Pro-

vost Marshal General Department and in the performance of the functions of the Office of the Provost Marshal General from July, 1941, to April, 1944. Those functions include the supervision of matter relating to prisoners of war; the training of personnel for the Corps of Military Police, the Security Intelligence Corps and for military government; certain programs of the War Department directed toward the protection of continuity of production, including all investigative activities; and certain programs directed toward the conservation of manpower within the military establishment. He discharged his varied and important duties with loyalty and efficiency. One outstanding public benefaction was his persistent activity in carrying out War Department responsibilities in connection with the sailings of the relief ship "Gripsholm," which placed medical supplies intended for Americans in the hands of Japan where they are available to the enemy in carrying out the provisions of International agreements.

\* \* \*

The Classification Officer, Major Randolph Karr, JAGD, furnishes this information concerning the civilian experience of members of this Department. Three Judge Advocates were members of Congress and 57 were members of State Legislatures. Forty-nine were judges of courts of record; 6, courts of appeals; and 52, judges of inferior courts. Ten officers were Deans of Law Schools, 90 officers taught law at one time or another and 5 were legal writers. Five officers were Attorneys General of States and 71 Assistant or Deputy Attorneys General. One hundred and fourteen officers were District or County Attorneys while 53 were Assistant or Deputy District or County Attorneys. Sixty-five officers were City Attorneys and 27 their assistants or deputies. Thirty-two officers served in the Office of the U. S. Attorney. An upward trend in the percentage of married men is very noticeable in the officer candidate classes. Thirty-three per cent of the candidates in the earliest O.C.S. classes were married while seventy-two per cent of the candidates in the last O.C.S. class are married.

**I N M E M O R I A M**

***John Adley Hull, Major General, Retired***

John A. Hull was born at Bloomfield, Iowa on 7 August 1874. He received the degree of Ph.B. from the State University of Iowa in 1895 and the degree of LL.B. from the same university in 1896. He was married to Norma Bowler King 21 September 1919. He was admitted to the bar of Iowa in 1896 and practiced law at Des Moines while serving as captain in the National Guard. He was commissioned lieutenant colonel and judge advocate of volunteers on 9 May 1898 and was honorably discharged on 17 April 1899. He became a major and judge advocate, U. S. Army on 2 February 1901, was promoted to lieutenant colonel 16 April 1903, and became a colonel on 15 February 1911.

He was appointed The Judge Advocate General of the Army on 16 November 1924, with rank of

major general and retired with that rank on 15 November 1928.

From 1930 to 1932 he was legal advisor to the governor general of the Philippine Islands and from 1932 to 1936 he was an Associate Justice of the Supreme Court of that territory.

During the World War, he served as a judge advocate in the Services of Supply in France, also as Director of the Rents, Requisitions and Claims Service and as finance officer for the American Expeditionary Forces. For his service he was awarded the Distinguished Service Medal by the United States, Commander of St. Michael and St. George (Great Britain), Officer Legion of Honor (France), Order of St. Peter (Serbia), and Royal Aman (Indo-China).

His death occurred in Washington on 17 April 1944 and he was interred in Arlington National Cemetery with military honors.

# IN Memoriam

## **Charles A. Wickliffe, Colonel**

A native of Bardstown, Kentucky, Charles A. Wickliffe was born 28 October 1884. He spent his boyhood in Louisiana and received his LL.B. degree from the University of Virginia in 1905. He practiced law in Kentucky with his father until he went on active military duty during the World War.

He became a First Lieutenant of Infantry in the Kentucky National Guard in 1914, was promoted to Captain the following year and entered on Federal service 19 June 1916. He was commissioned Captain of Field Artillery in the Regular Army on 1 July 1920, was detailed in the Judge Advocate General's Department on 19 June 1928, and was transferred to that department on 21 June 1930.

He was promoted to the grade of Major on 1 March 1931 and in 1937 was detailed in the National Guard Bureau, from which he was relieved on 15 April 1941. He was promoted to Lieutenant Colonel on 22 September 1939 and to Colonel (temporary) on 4 June 1942.

At the time of his death on 1 May 1944, he was Judge Advocate of the Third Service Command with headquarters at Baltimore. He was interred at Arlington National Cemetery and is survived by his widow, Mrs. Mary McPherson Wickliffe and a daughter, Miss Jean M. Wickliffe.

## **Mark E. Guerin, Lieutenant Colonel, Retired**

Mark E. Guerin was born in Chicago, Illinois on 22 February 1878. He studied at Sainte Croix College, Paris and the Sorbonne, Paris, from which he was graduated in 1898. He attended the Chicago College of Law from 1899 to 1902 when he was admitted to the bar of Illinois. He engaged in the active practice of law in Chicago until appointed a major in the Judge Advocate General's Department in 1918. He was promoted to Lieutenant Colonel (temporary) in 1919 and was appointed major in the Regular Army in 1920. He was promoted to Lieutenant Colonel on 1 August 1935 and retired on 30 September 1937.

There follows a tribute written by a former commanding officer:

Washington, D. C.  
18 April 1944.

I have learned today of the death of Lieutenant Colonel Mark E. Guerin, Judge Advocate retired, and I desire to write an obituary in this case. Colonel Guerin came into the Service during World War I and was assigned to the Judge Advocate Department in Washington. Eventually he was sent as Judge Advocate on the staff of the undersigned in Chicago, Illinois, who at that time was Commanding General of the Sixth Corps Area.

Colonel Guerin was my principal legal assistant and the ranking Judge Advocate in the Depart-

ment at that station. My acquaintanceship with him became more than the usual official acquaintance. I became warmly attached to Colonel Guerin on account of his sterling qualities and his efficiency. Of commanding presence, great dignity and poise, he was a great influence amongst his fellow officers. He soon became of great utility in his line of work.

When his Commanding Officer (the undersigned) was retired in 1925, Colonel Guerin was changed to station in Washington. He remained on duty in the Judge Advocate General's Office until retired for disability as Lieutenant Colonel. His retired life has been spent in Washington and here again he made himself well known among the officers of his calling. Of late years he has been ill and while suffering severely he has conducted himself always with quiet dignity during an illness which came to an end last night at nine o'clock.

Funeral services will be held tomorrow, 19 April 1944, at 9 a.m. at St. Matthews Church, and the interment will be in Arlington National Cemetery, where his deceased wife is already interred.

A distinguished feature in the character of Lieutenant Colonel Guerin was his humaneness. While a strict disciplinarian, he was well known for the above mentioned qualities and for his lovable character, and above all, he was always a soldier.

Harry C. Hale,  
Major General, U.S.A., Retired.

## **George Rives Neblett, First Lieutenant**

George R. Neblett was born at Ripley, Mississippi on 6 April 1915. He was graduated from the University of Mississippi in 1938 with the degree of bachelor of laws. He engaged in general practice at Shelby, Mississippi on being admitted to the bar in 1938 and in 1940 was appointed District Attorney of the 11th Judicial District of Mississippi.

He volunteered for service as a private in the Army on 30 June 1942 at Keesler Field, Mississippi and received a temporary commission as second lieutenant on 12 January 1943, assigned to the Judge Advocate General's Department. He was graduated from the Judge Advocate General's School at Ann Arbor, Michigan on 17 April 1943 with the Ninth Class and was assigned to The Judge Advocate General's Office at Washington, D. C., where he was on duty in the Personnel Division until 7 June 1943, when he became the executive to Brigadier General Thomas H. Green, Assistant Judge Advocate General. He was elected District Attorney of the 11th Judicial District of Mississippi at the general election held in 1943.

He was promoted to first lieutenant (temporary) on 19 July 1943 and on 14 November 1943 began a course of training at the Command and General Staff School, Fort Leavenworth, Kansas. He died on 26 December 1943 as the result of injuries received in an aircraft accident and interment was held at Shelby, Mississippi, the home of his widow, Mrs. Mary W. Neblett and their two children.

# OUR Mail Pouch

If you wish to write to a friend in the Judge Advocate General's Department and do not know the address of your friend then do not hesitate to address the mail to him in care of Milton I. Baldinger, Executive Secretary, The Judge Advocates Association, National University Law School, Washington 5, D. C., and it will be promptly forwarded to him.



Dear Howard:

In the slang of the Army, AMG means "ancient military gentleman" and this is an attempt to relate, within security regulations the continuance of the tour of one "ancient gentleman."

Up at five o'clock—why?—just because all military movements are based on getting up at some ungodly hour which ruins your sleep—and some wise guy always says "it's a 24-hour war old chappie," and in the dark,

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## The J. A. G. D.

Do you know of the law firm of Cramer et al?

With branches in every land,  
They're a grand lot of men, of The Sword and The Pen,  
In Ground, Air and Service Command.

They fly through the air, they wear the tin hats,  
They toil in the drab ASF,  
They process the charges, they land from the barges,  
Yet they sing in the cheeriest clef.

They've stuck with the Staff in the tropics,  
In Iceland there's a frost-bitten JAG,  
They've labored Down Under, stood Italy's thunder,  
And the Manual has followed the flag.

They've taught Army law to the Briton and Scot,  
To the Arab their A W code,  
They pay all the claims, take all the blames,  
Their opinions they serve a la mode.

They've "surveyed" sarongs in the South Seas,  
Gotten tight deep in many a cup,  
But from Pentagon to Delhi, if there's an ache in a belly,  
They're the lads who must settle it up.

So, here's to the men of The Sword and The Pen,  
Wherever they argue or roam,  
May they guess the right answers, get the choicest WAC  
dancers,  
And each beat his dog-tags home!

—By Col. Julien C. Hyer.

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because it is dark at that hour and for considerable time thereafter, you roll your bedding roll, since you could not have rolled it the night before because you had to sleep on the blankets, and you fuss around, dividing the things into the things you have in the roll, and on the bed are the things you are to carry, and try to get into the roll the things you are not going to need, and carry the things you will need, but you get mixed up, and always put away where you cannot get it the most important thing you need. Eventually, despite of the certainty you will never finish, before and during

the operation, you do get the things in the roll, and with the help of your mates, you haul it to the appointed place, where the trucks are to pick it up at seven o'clock. (They don't arrive until considerably later, but never mind that.) Then you have time to take a cold bath in water that trickles out of a pipe so slowly it is refined torture, and shave (both operations in cold water), and rush down to breakfast, and since you have



Col. Julien C. Hyer, Staff Judge Advocate, Headquarters, Eighth Service Command.

been busy the boys who are not going have eaten all of the best of the breakfast and it's cold, but it's chow and you eat it, and like it, because it is the last meal you are going to have off plates for quite a while.

Then back to the bunk to get dressed for the movement, which means that on top of your bunk you have the articles you are going to carry: to wit, one steel helmet, and liner, heavy trench coat with wool lining, one musette bag, bulging with every thing you can get into

it, because you are going to live out of it for some little time, one bedding roll, consisting of two blankets and a tent shelter half on which you are going to sleep, suspenders for carrying the musette bag and roll, and your belt, pistol, extra clips of cartridges, emergency kit and canteen with one quart of water and your cup. Then you put on your leggings, because the going will be rough and muddy, or cold (it'll surely be cold) and you put on the belt and suspenders and sling the pack and musette bag on your back, throw the trench coat over your shoulder (I pick up my typewriter) and then to the appointed place, which is usually any distance up to a mile, where you stand around until your transportation gets there to take you to the French third class railroad carriage which is going to be your home for days and days.

You only have to wait for one or two hours and you never can decide to take off your pack or not, because it is so hard to get back on, so you leave it on, and finally you're away, bouncing and jouncing over the road, rough and hilly, full of holes, and mud spots, until you think your teeth are going to fall out (but they don't) and you get to the railroad yard and get off (in a puddle of mud so vast it is impossible to get around it) and you stand around, and at last, aboard in the compartment of the third class railroad carriage, which you hope has been cleared of fleas, bugs, lice.

Lunch in the railroad yard, on your mess kit, and there is always the problem of where you can put down your mess kit, and you finally compromise by putting it on the dirty steps of a freight car and just as you are comfortably settled, the car pulls out and you madly dash to rescue your kit before it disappears. You are standing in one or two inches of mud and manure and the smell makes the noon day meal taste better. Then

you wash your messkit in the waste hot water, which the engineer graciously lets down his waste pipe for you, and thank God it is hot and you can get your kit clean. I have been fortunate in keeping a part of one roll of paper towels which are worth their weight in gold, and one towel is carefully used to clean the messkit, and dry it, so it will not rust or get discolored or dirty. Then back on the train to wait for departure which takes place some time in the afternoon. The French railroad coach in peacetime was built to accommodate eight to a compartment and they have a passageway along in front of the compartments. Of course, it was never intended to sleep in them, as people sat up, usually straight and looked at each other, unless they were lucky and got window seats, when they looked out.

I am fortunate enough not to have that number in the compartment with me, but when the gear is in the compartment and stowed away, there is not a heluva lot of room. Finally, with much tooting of whistles, we're away. I shall never forget the whistles with which French brakemen rush up and down and blow in order to start, stop and switch trains. The whistles are thin, shrill and penetrating and you will never forget them once you hear them. I wish I could get one of those whistles to take home.

Of course, we don't go far without stopping; that wouldn't be French, so we start and stop and go forward again, and at each station we switch all of the available cars and there is much tooting and whistles and conversation in French, English and Arabic.

Chow is just before dusk, and the same as lunch. The Great White Father provides all with "C" rations, in a can, and you pile out and the rations are heated and tossed into the messkits and eaten and the kits are



Personnel on duty in the Branch Office of the Judge Advocate General, European Theatre of Operations

*Left to right, seated: Maj. Nicholas E. Allen, Maj. Norman D. Lattin, Lt. Col. Arthur J. Burgess, Lt. Col. Edward L. Van Roden, Col. Benjamin F. Riter, Brig. Gen. Edwin C. McNeil, Col. C. M. Van Benschoten, Lt. Col. Ellwood W. Sargent, Maj. John R. Parkinson, Capt. Joe L. Evans, Capt. Theodore F. Cangelosi and Capt. Edward L. Stevens. Left to right, standing: Jane E. Leith-Buchanan, British Civ. Driver; T/Sgt. Ralph T. Kilgore, T/4 Clarence A. Schenk, T/5 Florence A. Overbey, Miss Dorothy Redding, British Civ. Steno.; T/5 Margaret M. Casero, Miss Mabel L. C. Leitch, British Civ. Steno.; 1/Lt. Guy E. Ward, 2/Lt. Margaret S. Wills, Miss Constance L. Mellor, British Civ. Steno.; T/3 Alice M. Harnison, Mrs. Winifred M. Bambridge, British Civ. Steno.; T/5 Agnes Hardeman, T/Sgt. Charles A. Macken, T/3 Ernest A. Dahmen, Jr., and T/4 Julius C. Remminger.*

washed and put away, all in about 15 minutes and you are standing around looking for what to do.

Night falls, hard and fast, and before you know it it is dark and when I say dark, I mean dark, there is no twilight, now it is light and then it is dark. There is a beautiful moon, but you have little time to admire it, and besides I don't have a window seat. Now it begins to get cold. A French marshal once said about North Africa: "a cold country, with hot sunshine," and he knew what he was talking about. When the sun goes down it begins to get cold and it is colder than a polar bear's nose.

You have learned the utility of sunlight. There is nothing to do, no lights but a small candle and your flashlight, so you unpack your bedding roll (by flash light) and settle down to make yourself comfortable for the night. You cannot have the luxury of lying on the bench, though it be hard and wooden and only sixteen inches wide, because there are too many in the compartment for that, but you put your feet on the other bench, and alternately affix yourself as best you can and as the night grows apace, while in the morning you swear it is not so, you get some sleep, because the others complain of your snoring, and leaning against them in various attitudes during the night.

Succeeding days and nights are like that, and there is nothing different in one day and night's journey from another, unless it be the number of oranges you were able to get, whether firewood was around to heat the rations, and how much you won in the card games.

Then you arrive at your destination at eleven o'clock at night. That's such a nice hour at which to arrive, just before midnight, and everyone has gone to bed and won't hear you and you have a whole night ahead of you to get into bed. It's cold and dark, but fortunately it is not raining, which is a blessing which you do not fail to note and thank God for.

But it's cold, and you think of Sam McGee, who left his home in Tennessee, in search of gold, and you know you, like him, are "always cold." You sit in the dark of the station, while whistles, shrill and loud go on around you, and you finally put on your pack and march out of the train and the station and out into the beautiful moonlight night and into an open vehicle where it is still colder. You remember you thought those hoods on your trench coat were silly when you bought the coat, but you put yours over your head and are darn glad of the fortunate guy in the Pentagon Bldg. who designed that coat, which helps as you ride thru the African moonlight at midnight in November.

So it's out to the staging area—that's a word that will be famous or infamous after this war, we will all remember them. But this one is different: it's worse. It's in a rolling country, where it has been raining for days, and the ground is wet, and cold, and the tents are just thrown up: to wit, the poles are up and the canvas is hung on the center pole but that's all.

So you push and shove and haul around in the dark. Officers above a certain grade have cots issued to them; lucky fellows, and others will sleep on the cold, cold ground. But the cots are stiff, and pieces are missing, and they don't fit, and it's two o'clock or later, and even the moonlight is not enough. Then some one comes around and says they want volunteers to erect the enlisted men's tents because the men are still down at the station wrestling with the baggage. So you turn out

again, sore and tired and cold, and unwrap and erect the men's tents and then back to your bunk about three-thirty in the bright (and cold) African moonlight.

Is it cold? Maybe Admiral Byrd thought he knew something about it being cold at the South Pole, or Amundsen at the North Pole, but I believe it is colder in the African moonlight on a November night than it is at either pole. Fortunately, I had remembered and put on my woolen underwear for the first time in my life, and I took off my shoes and leggings (sorry later about the leggings) and got on the cot under the two blankets and shelter half and my trench coat, and all I had on was of my clothes, including a heavy knitted sweater, woolen O. D. shirt, woolen undershirt and a lined field jacket—and I was cold.



Personnel of Branch Office of The Judge Advocate General with the North African Theatre of Operations

Left to right—1st Row:

Lt. Col. O. Z. Ide, Col. Samuel T. Holmgren, Col. Hubert D. Hoover (Assistant Judge Advocate General), Lt. Col. William H. Beck, Jr., Lt. Col. Gordon Simpson.

2nd Row:

T/5 Mary J. Bement, T/5 Katherine G. Prickett, T/5 Viola E. Belasco, T/4 Mary J. Livingston, T/4 Olive A. Helber, S/Sgt. Ellen M. Condon, T/5 Ethel J. Foster, Pfc. Donna M. Hartford.

3rd Row:

S/Sgt. Paul A. Gorin, Major John H. McGehee, 1st Lt. Henry C. Remick, 2nd Lt. Charles A. Riedl, Major Donald K. Mackay, 2nd Lt. Charles T. Smith, Capt. John J. Rigney, WOJG Jim D. Bowmer, Pfc. Oscar E. Rasmussen.

But you are up before daybreak for there is much to be done. The camp has to be fixed, and the tent and food and cleanliness are important. So you have chow, with the same problems as before, where to put your mess kit, how to clean it and how to get the best use out of your one paper towel, allowed by yourself. Then three hundred yards away showers have been erected, and they are showers by courtesy only, because they are, as usual, thin and cold, and not very showery, and are only going to be on for a short while, so you hurry down and grab your soap and towel and rush down to the showers, where you have a shower that is a lick and a promise, but you get your body wet (and cold) and you shave in hard water. It's hard to lather with this water because it is hard, but you do her and get dressed in the early hours of the morning and you're cold.

Then you have to get back to your tent and begin to make things shipshape for your stay here. Dig a trench around your tent in case it rains, so you won't be inundated. Get some tent poles and pegs and tie the tent down solid so it won't blow away in the wind, and pick up all the stones and sticks and things around there and clear the things away so you can live in it.

Then collect some large stones for a fireplace out in front of your tent, and some wood for the fire, for meals must be cooked and it will be cold again tonight, altho it's hottern hell now. So you settle down to the business of making yourself comfortable, and you unpack your bags and get out more blankets for that night, and you hope you'll be warm. No matter how many blankets you have you know you will not be warm, but you are going to do the best you can. All I have is two shelter halves (canvas), two mattress covers (canvas), three blankets to be folded double, and the bedding roll itself which is canvas. You carefully consider the situation, and decide this way. The cot itself is canvas, so you put the roll on top of it, and then a shelter half and a mattress cover and then the three blankets, and a mattress cover, a shelter half and you're fixed. You carefully insert yourself down between the No. 4 and No. 5 thickness of the blankets, and you have the same amount under you and over you, and you lace the straps of the bedding roll so you cannot toss them away during the night, and while you know your nose will freeze, you let that go.

And so for days the same kind of life goes on, and each day you make yourself a little more comfortable on the God-forsaken hillside, and pray that it does not rain too much, and you finally get the order that tomorrow you are to move.

So you roll your "B" roll, which is what you won't need, your "A" bag, which is your clothing, etc., and you carry them on your shoulder about a mile to the point where they are going to be picked up. Since you sleep on your bedding for the night, that is going to go in the morning. Cold rations for supper and you heat water from your canteen on the fire and toss in a sack of prepared coffee and it tastes swell (coffee). I can't go the cold rations, which are beans or meat and vegetable stew, which you take out of a can with a key. You have husbanded an orange for the occasion and that with the dog biscuit which you get from the breakfast rations makes enough for a meal.

Then to bed early (it's always early because there's nothing to do), and it's cold and dark, but this time it is about 7:15 P.M., because tomorrow you are going to hit the floor at 4:30 A.M., and you roll your bedding roll, and after much puffing and groaning, because it must be tight and shipshape, otherwise it will bust open and you might lose everything. Then carry it to the same place as the night before, and come back to the tent, and go thru procedure "A" of looking over the stuff you are to carry.

Before you put that on, strike the tent, uproot the stakes, loosen the ropes and wrap the canvas around the pole. Police up the grounds and leave everything in shape for the next guy. Fold your cot and take that about a mile to the point where they are being collected. Wash a little (darn little) in cold water from your canteen, and no time to make coffee, so that second orange you saved and a couple pieces of candy, a swig of chlorine water and then sling the stuff on your back.

All of this in the dark, because the sun hasn't come up yet and won't for some little time. But with flashlights and matches, you finally do her and walk about a half mile to your transportation.

Then miles and miles over the countryside, colder than a well digger's toe, with the wind on you and you have your pack, trench coat, hood, knitted cap and gloves, and you finally get there in midday, when the sun is up and it's hot now and you curse the clothes you have on and you're sweating and dying of the heat. But you finally get off, in the inevitable puddle of mud, adjust your pack, and march what seems to be miles and miles and miles and you don't know how far, but at the end is a Simmons bed and mattress, a hot and cold shower, a haircut and shampoo, food out of the ice-box, roast pork, roast beef, ice cream, bacon, cooked right and cleanliness and cleanliness. Thank God for the Great White Father who provides all.

MAJOR JOHN W. CLARK,  
CMP O-519659 APO No. 777,  
c/o Postmaster, NYC

\* \* \*

Dear Col. Springer:

The attitude of the average person toward the legal profession is no different in the army than in civil life. If one is in trouble, the lawyer is a very important person. If one is not in trouble, the lawyer is just someone to call "Judge." The Staff Judge Advocate is expected to learn that his organization has been alerted for overseas, either by overhearing the conversation of a couple of privates at the Post Exchange, or from a conversation his wife has had with the wife of a 2nd Lieutenant from the Post Quartermaster's office. However, in spite of the efforts of G-2, such knowledge will eventually come to him and preparation must be made for the move.

Consultation with G-4 will establish the fact that impedimenta must be reduced to the point where one more item left behind will mean there is no use of the Staff Judge Advocate going. The thought of many moves and one's possible physical participation in the loading and unloading is helpful in approaching this problem from a practical standpoint.

Selection, dictated by experience, will result in amputating about four feet and nine inches from the original five-foot book shelf known as Army Regulations. Winthrop's Military Law and Precedents, Military Laws of the United States Annotated, Martindale-Hubbell Law Digest, a one volume standard work on Evidence, six copies of the Manual for Courts-Martial, 1928, and the Digest of Opinions of The Judge Advocate General with current supplemental Bulletins, has proven an adequate library for one whose primary concern is the administration of military justice. It is practical both from the standpoint of utility and mobility.

A crate constructed of "two by fours" protects the field desk in transit and serves as a base when same is in use. A folding chair and a folding table for each member of the office completes the furnishings and provides the basis for setting up a courtroom for trial.

The functions prescribed by regulation for the Adjutant General were returned to him. Files of general publications are no longer kept in the Judge Advocate's

office. A wooden box with interior the height and width of a legal size folder, and approximately three feet long, now hold the files which consist of General and Special Court-Martial Orders and letters of instructions not matters of general distribution. Sufficient space remains to take care of currently active files, which space was utilized in the movement overseas for packing stencils, writing paper and other odds and ends of office supplies.

The entire office, together with the baggage of the personnel can be loaded into a one-ton trailer. This makes for speed and affords small opportunity for loss.

Activities of the Staff Judge Advocate in the field may be placed in two general classifications. Activities essentially the functions of a Judge Advocate will be hereinafter discussed in detail. Activities not essentially related to the functions of the Judge Advocate vary exceedingly with each Commanding General, therefore it is not believed practical to discuss same in detail. In passing and as a warning I can only say that Judge Advocates in this theater have functioned as Liaison Officers, supervisors of AMG personnel with the Division, Beach Party supervisors during landing operations, and in practically every case are members of awards and decorations boards.

As a part of the essential Judge Advocate activities you should prepare recommendations for the administration of military justice during combat for publication in the Administrative Annex to the Field Order. The impracticability of establishing a Division Stockade led to the following declaration of policy in this regard:

1. Soldiers charged with offenses, triable by inferior courts-martial, will be retained in combat and tried at the first rest period possible. Full use will be made of forfeitures and periods of confinement will be suspended.

2. Soldiers charged with offenses, triable by General courts-martial, except as to A.W. 92, will be retained in combat until tried.

3. Soldiers charged with violations of A.W. 92 will be turned over to the Provost Marshal and the Staff Judge Advocate advised as speedily as possible.

The above policy has proved practical and has conserved much manpower to the front line which would have been lost had confinement been either authorized or convenient. Many soldiers have so conducted themselves on the field of battle after commission of an offense as to justify either the dismissal of charges against them, or disposition of same by an inferior court.

Due to the seriousness of the crimes of murder and rape, and the bad effect on public relations, if a member of the civilian community is involved in either case, the above policy permits a speedy disposition of such matters. The following experience serves to illustrate the point.

Upon arriving in Sicily we soon found that the Germans had convinced the populace that our primary activity after landing would be the raping of their women. On July 13th it was reported that a soldier from an occupying Platoon had raped a woman in a town about fifteen miles distant from the rear C.P. of the Division. Based upon the information a charge and specification were drawn and dispatched to the officer in charge of the Platoon for his signature. Contact with

the Commanding General was established and an investigating officer and General Court-Martial were recommended. The appointment was authorized and the investigating officer accompanied by the Trial Judge Advocate and Defense Counsel proceeded to the scene of the alleged offense. The investigating officer's report was received by me on the 14th and taken to the Commanding General recommending trial on the same date. This recommendation being approved, the members of the court were notified on the 15th and assembled at the Rear C.P. of the Division on the morning of the 16th. They were then transported, by truck, to the locale of the offense. The trial was completed the night of the 16th and resulted in a conviction, the fact of which was published to the command the following day. Thus, within three days from the commission of the offense, the accused was tried and convicted. There has been no other cases of this kind arising within the Division and there was a noticeable change in the attitude of the civilians toward our soldiers when the results of the trial became known.

The importance of maintaining close personal touch with the front lines cannot be over-emphasized. Men and officers who have become so closely associated with death as to be contemptible of it become changed personalities. Their attitudes are different and a consistent effort must be exerted to appreciate and understand this change in order to pass intelligently upon their testimony and recommendations. Nowhere is this more essential than in those cases involving misbehavior before the enemy and desertion to avoid hazardous duty.

The effect of battle, on some officers, is to give them a sincere belief that any man who does not advance in the fight is a coward. He scoffs at any form of psychoneurosis. At the other extreme is the officer who believes that any untoward action on the battlefield is the result of a mental or nervous disorder and that there is no such thing as a coward. Between these two extremes you must operate. A knowledge of the individuals concerned and of the tactical situation at the time is helpful. The services of a psychiatrist are indispensable, but difficult at times to obtain. Informal contact with hospitals in your vicinity will usually result in the cooperation of their psychiatrist. Justice to the individuals demand that the sick be treated—not tried; justice to the great mass of fighting men requires that the coward be tried and not treated. You and I will still be searching for the solution of this problem when the war is over.

The Division Judge Advocate must ever be alert to practical means of obtaining substantial justice in each case. Technical niceties are of small importance. An investigation made by a Lieutenant fresh from the muck and mire of the front line is not apt to be the garrison ideal. In the event it fails to meet the requirements take it back personally and lend every proper aid to its completion. In other words, get the hell out of your office and help the fellow who is carrying the heaviest load.

LT. COL. WM. R. COOK, J.A.G.D.  
Staff Judge Advocate  
45th Infantry Division

The Judge Advocate Journal is not an organ of the War Department. The views expressed in the Journal are those of the author of each article primarily. It is the policy of the Journal to print articles on subjects of interest to officers in the Judge Advocate General's Department in order to stimulate thought and promote discussion; this policy will be carried out even though some of the opinions advanced may be at variance with those held by the Officers and Directors of the Judge Advocates Association and the Editors.

### Notes

The Editorial Board of the Judge Advocate Journal invite our readers to submit articles for publication.

The Executive Secretary of the Association requests that all members inform him of any change of home address and/or mailing address.

Any member of The Judge Advocate General's Department who has not yet joined the Judge Advocates Association is invited to join. A letter of application addressed to the Executive Secretary, Judge Advocates Association, 1227 New York Avenue, N. W., Washington 5, D. C., will bring immediate attention.

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*The following is a collection of notes culled from the columns of THE ADVOCATE, bulletin of The Judge Advocate General's School, concerning the activities of members of the Department who are alumni of the school.*

#### 1ST CLASS NOTE

Lt. Col. John F. Richter, Staff JA, Hq. USAF South Atlantic, APO 676, c/o PM, Miami, Fla. Lt. Guild of the 3rd OC Class came to school from his command. Maj. John C. McCall (5th Cl.) is also stationed there.

#### 4TH CLASS NOTES

Lt. Col. John W. Hill, a member of the Board of Review, JAGO, inspected the school on 4 and 5 February.

Maj. Thomas J. Kennedy is Assistant District Judge Advocate, AAF, Materiel Command, Eastern Procurement District, New York, N. Y., where Maj. James A. Travis (6th Cl.) is District Judge Advocate.

#### 5TH CLASS NOTES

Capt. Theodore F. Cangelosi, Executive Officer, branch office of the Judge Advocate General with the European Theatre of Operations, writes: "On November 13 a Military Justice Conference was held at this office. All considered this conference a success and we in the office, as well as those in the field, benefited because of it. It so happened that the day chosen was General McNeil's birthday. It made possible for us to have a proper celebration for one who has given so many years of his life to military justice.

"Of particular interest to you is the fact that five officers of the 5th Class attended the conference. They were: Lt. Col. Dorrance D. Snapp, Lt. Col. Joseph N. Owen, Maj. Trueman O'Quinn, Maj. John J. Hynes and yours truly."

Maj. Trueman O'Quinn also writes of the meeting. As to the 5th Class he says, "We were able to claim a plurality. We elected Gen. McNeil an honorary member and persuaded him to pose with us for an informal picture. I have talked to Maj. Felix A. Bodovitz and Maj. Stadfeldt but have not been able to visit them yet. I understand Maj. Awtry is also in England. . . . We have problems of discipline not characteristic of other organizations, but similar to those of the Air Corps. I

read medics' poop nowadays as well as that of the JAG so I will better understand these problems."

Lt. Col. Charles A. Weaver is Staff JA at Hq., IRTC, Camp Blanding, Fla. Serving under him is Lt. Benjamin C. Willis (3rd OC) and Cand. Edwin E. Spingarn was also a member of the officer staff as warrant officer prior to reporting here.

Maj. A. E. Spencer, Jr., writes: "Saw the first football game ever played in Egypt on last Thursday. The game was no good (two service teams) but the reaction of the many people that were seeing their first American football game was something! Lots of them thought it brutal and some of the editorial comments characterized it as legal murder, etc. I am certain that the English and all colonies do not consider it the equal of rugby.

"We have many interesting questions here and they are all complicated by the fact that most of the witnesses are natives and many of them cannot speak English. The CM work does not take half of our time but the claims has been a headache for some time. Many of the foreign claims are relatively simple but the determination of damage to government property and the accountability therefor is sometimes a tough job under the circumstances as many of the government drivers cannot speak a word of English."

Maj. Mitchell is Asst. Staff JA assigned from the Military Affairs Branch of the Staff JA Office, AAF Wright Field, O., as liaison with Post Headquarters there.

#### 6TH CLASS NOTES

Maj. James A. Travis, District JA, AAF Materiel Command, Eastern Procurement District, New York, N. Y., writes: "I have been assigned here in New York from Wright Field for the past year and I occasionally get up to Boston and sit as Law Member on some of the court-martials we have in that section."

Capt. Joseph F. O'Connell is Division Judge Advocate of the 16th Armored Division, Camp Chaffee, Ark.

Lt. Col. William H. Gambrell was married recently at Anderson, S. C., to Miss Sarah Elizabeth Sitton of that place. A New York lawyer, Col. Gambrell was commissioned in the JAGD and is now attached to the Office of the Quartermaster General.

Byron N. Butler is now a major and a division staff Judge Advocate. Prior to that assignment he attended Command and General Staff School. Other recent promotions to major include Edward F. Daly and Joseph F. O'Connell, Jr. The latter also attended Command and General Staff School and is now staff Judge Advocate of an Armored Division.

Capt. W. T. Edson is assigned to the JA Section, Headquarters Command, Allied Forces in North Africa.

Capt. James A. Avirett reports that on 16 February the newest member of the clan made her debut, and that the debutante has taken the name of Sarah after her mother.

#### 8TH CLASS NOTES

Maj. Charles Richardson, Jr., reports his address change to APO 7422, c/o PM, New York, N. Y.

Capt. Lloyd A. Ray, Hq. Americal Division: "I came over here with several graduates of the school but we are now scattered to the winds. Those who came with me were Maj. Ed Fulcher (5th Cl.), Capt. Samuel B.

Erskine (9th Cl.), Capt. Carroll Runyon (9th Cl.), and Lt. Sam Dorsey (10th Cl.), and Lt. Albert Stone, Jr. (10th Cl.).

"I am assigned to the Americal Division as Assistant Staff JA. The Staff JA is Lt. Col. Wallace Orr, Jr., who left the States about the time the school was starting and did not get a chance to attend.

"I have been appointed Trial JA of both GCM and SCM. Our office and living quarters are in tents and our court room is in the mess tent. We have found the material which I received at the school very valuable and I would advise anyone coming overseas to be sure to bring such material with them. I may mention that I had a special box made for my books and it came as special baggage (over and above the usual weight allowance), the box was marked 'professional books'.

"Life here is pretty rugged and those JAs who have an idea that when they get overseas they will sit in some headquarters with all the modern conveniences will be sadly disappointed."

Maj. James A. Bell is assigned to AAF Materiel Center, Midwestern Procurement District, Municipal Airport, Wichita, Kan. Capt. Andrew B. Beveridge is assigned to patent work, Headquarters, AAF Materiel Command, Wright Field, O.

Maj. Walter L. Bruington is Executive Officer, Patent Royalty Adjustment Board, AAF Materiel Command, Wright Field, O. Maj. Roger D. Branigan is with the Contracts Division, JAGO. 1st Lt. John J. Collins, Jr. is with the Litigation Division, JAGO.

Capt. Lester A. Danielson is assigned to Military Personnel, Training Division, JAGO. Capt. Littleton Fox is assigned to the Military Affairs Division, JAGO.

Maj. Richard K. Gandy is Staff JA, Central Air Procurement District, AAF Materiel Command, Detroit, Mich. Maj. Gabriel H. Golden and Maj. Benjamin R. Sleeper are on the same Board of Review, JAGO. 1st Lt. Carl G. Buck is now on duty in the office of the Judge Advocate, Headquarters Panama Canal Department.

#### 9TH CLASS NOTES

Capt. George O. Wilson honored more than one member of the S&F with a V-mail Christmas card. His address is JA Section, APO No. 763 c/o PM, New York, N. Y.

Capt. Wheeler Gray and Capt. Donald Brown, formerly assigned to the JAGO are now on duty with the War Department General Staff in the Pentagon. Capt. Orson N. Tolman, formerly at Headquarters Second Service Command, is now in Boston, Mass., at Headquarters First Service Command.

Lt. Col. James E. Spier is now Staff JA at Headquarters, India China Wing, ATC. Col. Spier recently received a commendation for his "outstanding" review of trial in an important GCM.

#### 10TH CLASS NOTES

Capt. Kermit R. Mason (John Rat), former Post Judge Advocate at Fort Sam Houston, Tex., is now on an overseas assignment.

Capt. Herbert H. Davis, Assistant Staff Judge Advocate, Headquarters Second Air Force, Colorado Springs, Colo., writes: "Had a letter from Capt. Buck Wootin who is now in New Guinea. He reports that native girls are not as glamorous as in the movies. He says he is every-

thing from father confessor to advisor to the lovelorn in his capacity as JA."

Maj. Harrison T. Watson has been for some time District Judge Advocate, AAF Materiel Command, Southeastern Procurement District, Atlanta, Ga., where he was assigned from Wright Field, O.

Capt. Lawrence A. Long writes:

"I have recently had the good fortune to be named staff judge advocate of the newly activated XV Air Force Service Command and the work is terrific." Capt. Long bemoans the fact that he can't get his hands on some "newly ordained second lieutenants" as assistants. "My six months' experience in judge advocate work overseas convinces me that there is no substitute for Ann Arbor men. God bless them."

"Bill" Carney, now a major, tells us of another change of address, but he is still in the Far North. "Was sent out here to establish another GCM jurisdiction like I did at the last post and found on arrival that I had been promoted. This place is REALLY RUGGED (sic) and doesn't even slightly resemble Ann Arbor."

Lt. Henry C. Remick (somewhere in North Africa): "This is a branch office of the JAG, so there is an Assistant Judge Advocate General, a Board of Review, and a Military Justice Section. After being in Military Justice for two and one-half months I was appointed assistant to, but not a member of, the Board of Review here, and so I work for the Chairman of the Board." Lt. Remick finds that the regular mess is not so good, and as a result the search for food is endless, and "we always enjoy the search."

Lt. James A. Lee is located in Cincinnati, O., Hq. Ferrying Division, Air Transport Command.

Capt. Gus Rinehart, Staff Judge Advocate of a replacement depot writes: "We have quite a section out here (Hq. AGF Replacement Depot No. 2, Fort Ord, Calif.) in one of the most beautiful settings of the entire west coast. This is an overseas replacement depot so our work is heavy, varied and speedy. It's fun though, and since we exercise general court-martial jurisdiction we have considerable latitude on the method of handling our Military Justice Section. Our Military Affairs Section is quite large and a considerable amount of work is carried on in it." Capt. Rinehart has an assistant, Lt. Charles S. Buck (1st OC).

First Lieutenant William J. Millard, Jr., APO 6, c/o PM San Francisco, Calif., writes: "Well, here I am in a real outfit with a bunch of fine fellows. I can't say where I am, I can say though that it is tropical, the weather balmy; sugar cane, cocoanut palms and banana trees grow around here. . . . We work a seven-day week with a ten-hour pass once every two weeks when time permits."

Capt. Richard B. Foster, Hq. AAFETTTC, Sedgefield, Greensboro, N. C., says: "I was transferred here shortly before Christmas and am in the JA section of this headquarters. I am finding legal problems a little more varied in nature than on my previous assignments. . . . Saw Capt. Arch Ekdale in Chicago a few weeks ago and spent most of a day between trains with him. He seems to be doing famously, having gotten into his old work, admiralty."

First Lieutenant Walter D. Hinkley has moved from one Alaskan point to another. His address now is Hq. Alaskan Dept., APO 942, c/o PM Seattle, Wash. Capt. Daniel M. Batt (9th Cl.) moved with him.

# LIST OF *Promotions*

## IN THE JUDGE ADVOCATE GENERAL'S DEPARTMENT

\* \* \*

1 January to 15 May 1944

\* \* \*

### TO COLONEL

Jones, John McHenry  
Case, Lawrence C.  
Smith, John McI.

Straight, Clio E.  
Jones, Ernest W.  
Barratt, Tom H.

Miles, Clarence W.  
Goodman, Thomas H.  
Haynes, Ashton M.

Durham, Knowlton  
Going, Charles F.

Tipton, John H.  
Abele, Lester J.

### TO LT. COLONEL

Cariotto, Joseph J.  
Dollerhide, Charles L.  
Van Nostrand, George C.  
Bowie, Robert R.  
Green, Samuel  
Laughlin Robert B.  
Smith, John D.  
Bumgardner, Rudolph, Jr.  
Chisholm, Theodore A.

Hodgson, Joseph V.  
Aitchison, Bruce  
Lisenby, Albert S.  
Gaines, Donald L.  
Fenwick, Charles R.  
Ganz, Carl D.  
Mackay, Donald K.  
Sobol, Bernard  
Bush, Hilary A.

Cumming, Joseph R.  
Johnson, Carl L.  
Gray, Henry L.  
Markham, Edward Deleon  
Brown, Lee G.  
Awtry, John H.  
Green, Adwin W.  
Mann, William D.  
Johnson, Jesse M.

Brosman, Paul W.  
Stone, James R.  
Lynch, Charles H.  
Byrum, Paul R.  
Magnusen, Lewis C.  
Fitch, Hereford T.  
Dorbandt, James C.  
Ladd, Mason  
McKenna, Daniel J.

Rosecrans, Vincent J.  
Hall, Laurence W.  
Averill, William P.  
Loos, Aldo H.  
Udall, Don T.  
Barnett, Dolph  
Mabee, Charles R.  
Logan, Harry L., Jr.  
Patterson, Harold T.  
Shrader, Harold D.

### TO MAJOR

Masters, Keith  
Harris, Ray M.  
Riley, Joseph W.  
Bruington, Walter L.  
Patrick, Loomis  
Coletta, Martin M.  
Harris, Louis C.  
Grey, Wheeler  
Eastham, Clarence S.  
Ekdale, Arch E.  
Lynn, David  
Silliman, Benjamin D.

Benamati, Laurence D.  
Black, Clarence J.  
Otto, Carl J.  
Bierer, Andrew G. C., Jr.  
Fjeld, Reginald  
Meritt, Meyer W.  
Allen, Nicholas E.  
Cook, Robert M.  
Ryan, Robert H.  
Lynne, Seybourn H.  
Garlinghouse, Wendell L.  
Henderson, James E.

Goldberg, Herman J.  
Case, Richard D.  
Jones, George R.  
O'Connell, Joseph A.  
Whitener, Louis A.  
Daly, Edward F.  
Westin, Harold L.  
King, John P.  
Nova, Barnett J.  
Kearney, Louis E.  
Rohrer, Kenwood B.  
Wilson, Kenneth T.

Stadtfeld, Harold R.  
Andersen, Daniel J.  
Ice, Clarence F.  
Goldberg, Samuel M.  
Stilwill, Charles F.  
Branigin, Roger D.  
Golden, Gabriel H.  
Houston, Paris T.  
MacClain, George  
Marshall, John M.  
Metzler, Brenton L.  
Power, Percy J.

Rose, Paul A.  
Twinem, Linn K.  
Wolf, William B.  
Langdell, Ralph E.  
Osborne, Harry V., Jr.  
Hallett, Albert E.  
O'Connell, Joseph F., Jr.  
Johnston, Joseph F.  
Latham, Leon D., Jr.  
Mitchell, Donald I.  
Yonge, Philip  
Midlen, John H.  
Gleason, Frank M.

### TO CAPTAIN

Todd, Henry C.  
Exum, Frank E.  
Karlen, Delmar  
Federa, Henry A.  
Jeffrey, Kirk  
Irwin, Theodore K.  
Clare, Robert L., Jr.  
Lee, James A.  
Stephenson, John G., III  
Ross, William V.  
Casey, George T.  
Bell, Robert K.  
Coggill, James C.  
Oswald, John

Peysner, Seymour M.  
Trembley, Marion B.  
Anderson, Leslie L.  
Forbes, George P., Jr.  
Julian, Anthony  
Fountain, Lawrence H.  
Kirkwood, Joseph A.  
Anderson, John R.  
Hamilton, Hanse H.  
Meigs, Robert B.  
Lougee, Laurence W.  
Magdlen, Robert J.  
Archibald, Thomas L.

Fine, Valentine L.  
Smith, Charles D.  
Brookus, Charles F.  
Dollahon, Willard E.  
Boucher, Paul  
Sacks, Marcus B.  
Kaufman, Stanley L.  
Davis, Earl A.  
North, Thomas R.  
Nash, John P.  
Gullett, Charles H.  
Kline, Harold B.  
Treadwell, Kenneth S.

Bushong, Frank L., Jr.  
Rampton, Calvin L.  
Davis, William K.  
Davis, Herbert H.  
Gardner, George H., Jr.  
Mayall, Edwin L.  
Thomas, John W.  
Holleran, Charles B.  
Foster, Stanbery  
Sachter, Joseph  
Bradley, Jack W.  
Davenport, John M.  
Ward, Guy E.

Sullivan, Bartholomew P.  
O'Donnell, John A., Jr.  
Albert, Carl B.  
Doyle, Robert W.  
Kiewer, Edward A., Jr.  
McKasy, John J.  
Peters, Homer E.  
Van Ness, Robert C.  
Welch, Charles F.  
Bradley, George S.  
Harman, David J.  
Hodson, Darrell L.  
Millard, William J., Jr.

### TO 1st LIEUTENANT

Hardeman, Dorsey B.  
Atkins, James E., Jr.  
Brandlin, John J.  
Bravman, Mayer F.  
Brownfield, Lyman H.  
Buehler, John E.  
Calyer, William N.  
Conaway, Howard H.  
Daspit, Paul S., Jr.  
Donohue, George M.  
Driscoll, Paul J.  
Duffy, Bernard J., Jr.  
Durfee, Theodore B.  
Emmons, Harold H., Jr.  
Frantz, Benjamin D.  
Frazier, John G., Jr.  
Fribourg, Louis M.  
Huffcut, William H.  
Ludens, Lawrence A.  
Meyer, Martin W.  
Michalski, Robert F.  
Peickert, Clifford W.  
Phillips, Willard L.  
Podesta, Frank J.  
Reynolds, Rufus W.  
Rogers, Jack  
Roth, Norman  
Sacco, Valentine J.

Schenck, Martin  
Shearer, David H.  
Sonneman, Robert C.  
Speenburgh, Gleason B.  
Spies, Emerson S.  
Stephens, Elmer S.  
Thiel, William F.  
Tindall, Charles S., Jr.  
Trevethan, Robert E.  
Turner, Job D., Jr.  
Wolff, John  
Wolff, William M.  
Miazza, Kalford K.  
Coman, John B.  
Embler, John N.  
Needle, Joseph S.  
Ziemba, Edward J.  
Morrison, Frank H., II  
Danahey, James A.  
Aranow, Edward R.  
Bailey, George J.  
Begg, William S.  
Bishop, Joseph W., Jr.  
Black, Fred M.  
Bogges, Ralph E.  
Bowe, William J., Jr.  
Braden, Emmett W.  
Broad, William L.

Burns, George L.  
Caine, Bernard T.  
Finch, Robert E.  
Gaguine, Benito  
Hemley, Jesse  
Inzer, William H.  
Jones, Richard O.  
Kasen, Daniel G.  
Kearney, Richard D.  
Lewis, Lyman B.  
McConaghy, John S.  
McKeithen, Warren A. L.  
Owens, David M.  
Pasley, Robert S.  
Patton, James W., Jr.  
Rosen, Lincoln  
Segal, Irving R.  
Stanton, Thomas E., Jr.  
Stephens, William C.  
Wall, John M.  
Wardrop, Lawrence B., Jr.  
Wells, Joe R.  
Willis, Benjamin C.  
Wood, Theodore T.  
Wright, Willis C.  
Angland, Stephen J.  
Carlsen, Charles E.  
Dresner, Mayer L.

Dugan, Frank J.  
Freeman, Alwyn V.  
Lazarus, Herbert B.  
Sale, Edwin W.  
Ansnes, Bliss  
Bernhardt, Walter M.  
Bistline, James A.  
Block, Samuel W.  
Bope, James A.  
Clapp, Robert E., Jr.  
Eno, Lawrence R.  
Fable, Robert C., Jr.  
Ford, Patrick H.  
Friedman, Edwin J.  
Gardner, Reece A.  
Harding, Robert J.  
Harris, Samuel  
Hovis, Robert A.  
Jenkins, Thomas K.  
Jones, Bryant W.  
Kearns, Lawrence M.  
Lowe, Robert W.  
McCarthy, Ralph I.  
McCrohan, John L.  
Nystrom, Carl G.  
Phillips, Clifford J.  
Stone, Albert, Jr.  
Kennedy, Angus S.

Poulin, Roland J.  
Scott, Olin B.  
Smith, George W.  
Spingarn, Edwin E.  
Stafford, John P., Jr.  
Ullman, Sidney  
Upton, Arvin E.  
Weidner, John H.  
Bogen, Edward J.  
Buck, Herman M.  
Dakin, Winthrop S.  
Livingston, Charles L., Jr.  
McCuen, George M.  
Ballman, Richard J.  
Becker, Ralph Elihu  
Green, John I.  
Kent, Richard J.  
Barron, John M.  
Balph, William B.  
Oransky, Merrill B.  
Breyer, John J.  
Burns, John A.  
Geib, Robert U., Jr.  
Hanback, William B.  
Howland, John  
Metzler, Edward L.  
Buck, Charles S.