

# JUDGE

# ADVOCATE

# JOURNAL

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## ANNOUNCEMENT

Three years ago the Judge Advocates Association was forced to terminate the publication of its Judge Advocate Journal because of the Association's internal disorganization due to the demobilization of most of its members from the Armed Forces, and also due to the high printing costs. This Bulletin marks the resumption by the Association of the publication of its Journal in a modest form but none-the-less containing very creditable articles from some of its very distinguished members. It is contemplated that future issues of this Bulletin will be distributed quarterly during the next year. We hope that this publication will stimulate your interest in the Association and that you will be contributors of leading articles and comments for publication in its future issues.

With the announcement of the renewal of its publication, the Association received the following messages:

From THOMAS H. GREEN  
Major General  
The Judge Advocate General  
Department of the Army

"I wish to take this means of congratulating the Judge Advocates Association on the resumed publication of its Journal. The increased importance of the role of the lawyer in the military establishment has been recognized recently by the amendment of the Articles of War under the Selective Service Act of 1948. The task of maintaining a cohesive body of efficient and well informed Reserves in the Judge Advocate General's Department has been accentuated both by the passage of this legislation and by present troubled world conditions. The publication of your Journal should prove to be of considerable assistance in maintaining such a body of professional men. May it receive an enthusiastic reception and grow into an established and thriving medium of legal information."

From REGINALD C. HARMON  
Major General, USAF  
The Judge Advocate General  
United States Air Force

"It is a great pleasure to be afforded this opportunity to send greetings to the members of the Judge Advocates Association and to extend, on behalf of the active and reserve lawyer-officer of the United States Air Force, sincere congratulations on the resumption of publication of your Journal. The membership rolls of your Association contain the names of many officers who are Judge Advocates in the United States Air Force, and it is our desire to encourage greater participation in your activities.

"It is our earnest hope that in the near future we will be in a position to furnish your Journal with information concerning the United States Air Force which will be of interest to all of your membership.

"We are confident that the Journal will be a major factor in assisting the Association to carry out its aims and purposes and will aid materially in uniting the members of the legal profession who are engaged, actively or with the reserve, in the activities of the Armed Forces.

"Please accept our best wishes for the success of the Judge Advocate Journal."

Advocate General of the Air Forces.

General Harmon is from Urbana, Illinois, where he has made his residence since 1922. He is a graduate of the University of Illinois, from which University he received his Degree of Bachelor of Law in 1927. Following that time, General Harmon engaged in the private practice of law at Urbana for a number of years. In 1929, he was elected Mayor of the City of Urbana and attained National prominence in 1930 by his initiative and leadership in declaring a bank holiday in Urbana, thereby stopping runs on the banks of that City.

General Harmon began his military career in the ROTC at the University of Illinois and, upon graduation, was appointed 2nd Lt. ORC, in the Field Artillery. In October 1940, he was called to active duty in his then grade of Major. He served at Wright-Patterson Air Force Base, Camp McCoy, Fort Sheridan, and with the Sixth Corps. He was promoted in April 1941 to the rank of Lt. Colonel and, since June 1945, in the grade of Colonel, has served as Judge Advocate of the Air Materiel Command at Wright-Patterson Air Base, Dayton, Ohio. For over twenty years, General Harmon has been an active, interested member of the Organized Reserve Corps.

Very recently, General Harmon became a career officer of the Army and, upon appointment to his present position, was given the statutory rank of his new office.

The General is a member of the Bar of Illinois, Phi Delta Phi Professional Legal Fraternity, and the Masonic Order.

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The Annual Meeting of the Judge Advocates Association was held concurrently with the American Bar Association's Convention at Seattle, Washington, September 8 and 9, 1948. Seventy-five members of the Association registered and attended the business meeting at the Olympic Hotel on September 9. The retiring President, General Ralph G. Boyd, had the pleasure of announcing the American Bar Association's favorable action on our application for affiliated status. The report of the Tellers of the election was read and the following were elected and installed in the offices shown opposite their names:

William J. Hughes 1000 Bowen Building Washington, D.C.	President
George Hafer Kline Building Harrisburg, Pa.	1st Vice-President
Alexander Pirnie Mayro Building Utica, New York	2nd Vice-President
Samuel F. Beach 331 Tower Building Washington, D.C.	Secretary
Edward B. Beale 1411 Pennsylvania Ave., NW, Washington, D.C.	Treasurer
Ralph G. Boyd 220 Devonshire Street Boston, Mass.	Delegate to A.B.A.

Ernest M. Brannon  
3612 Ingomar Place, NW.  
Washington, D.C.

John W. Ahern  
1741 K St., NW.  
Washington, D.C.

Milton J. Blake  
522 Colorado Bldg.  
Denver, Colorado

Roy L. Deal  
826 Wachovia Bank Bldg.  
Winston-Salem, N.C.

Joseph F. O'Connell, Jr.  
812 Barristers Hall  
Boston, Mass.

Robert R. Dickey, Jr.  
Off., Air Judge Advocate  
Department of the Army

John Ritchie, III  
U. of Virginia Law School  
Charlottesville, Va.

Edward F. Gallagher  
Investment Building  
Washington, D.C.

Oliver P. Bennett  
Mapleton, Iowa

The members present at the annual meeting, together with their guests, met at the Sands Point Officers Club, Seattle, on the evening of September 8th for a very successful and sociable cocktail party and supper. There were over 200 present at this affair.

#### RETIREMENT FOR RESERVISTS

by  
Col. John P. Oliver, JAG-Res., Legislative Counsel  
Reserve Officers Association

During the period between World War I and World War II, it was observed that many Reserve Officers lost interest in the military service, dropped out of the active Reserve and permitted their commissions to expire. A trained reserve, being essential to our expanded Army, Navy and Air Force in time of war, requires trained reservists who would remain active in the Reserves over a long period of time. To provide an inducement for the members of the Reserve components to remain active, to continue their training, to hold themselves ready to serve, it was considered advisable to establish a system of retirement pay. To accomplish a parity with the Regulars for those of the Reserves who remain on extended active duty over a period of years, it was necessary also to permit the Reserves to accumulate retirement privileges during their periods of service, periods when similar retirement privileges were not available to them in civil life.

Public Law 810, 80th Congress, signed by the President 29 June, 1948, was designed for these purposes. Title III of this Act contains the provisions for retirement of the members of the Reserves of the Army, Navy, Air Force and for the National Guard. Such retirement will not be easy to earn, nor will the retirement pay permit a life of pleasure and ease. The possibility of earning this retirement, however, will induce many to remain in the Reserves, ready to serve their country, whose services otherwise might be lost. A brief summary of Title III is as follows:

Section 301 provides for the publication of a Retired List for Reserves of the Army, Navy and Air Force.

Section 302 sets forth the minimum requirements for Reserve component retirement at age 60 which are - 20 years satisfactory service in a Reserve component; any person who was a member of a Reserve component on or before August 15, 1945, must have served in either World War I or World War II. A years satisfactory service requires that the Reservists earn a minimum of 50 points. The failure to earn these 50 points in any one year will cause that year not to be considered "satisfactory service" and may not be counted therefore for qualifying. The points may be earned several ways: for example (1) one point for each day of active Federal service or active duty, (2) one point for each drill or period of equivalent instruction authorized or prescribed by the respective Secretaries, (3) 15 points are credited for membership in a Reserve component for each year of Federal service other than active Federal service. Each year of Reserve service prior to the enactment of this Act shall be credited as a years satisfactory service.

Points earned during a year of satisfactory Federal service are converted into one day for each point. Periods of active duty, including training duty, are computed into days. The days of active duty, plus the days (points) of inactive duty, are added together and the sum is divided by 360. This amount is then multiplied by 2 $\frac{1}{2}$ % of the base and longevity pay of the highest rank satisfactorily held during the entire period of service. This answer gives the monthly retired pay at age 60. Each year of Reserve service (other than active duty) performed prior to the date of enactment of this Act is credited at rate of 50 points per year.

Section 304 requires the various Secretaries to establish standards for the retention and promotion of Reserves and appropriate equitable procedures under such standards. Any member of the Reserves who fails to conform to such standards may be removed.

Section 305 prohibits payment of retirement pay under this title to any one who is entitled to receive or is receiving retired pay for military or naval services; provides that Federal civil employees may count such period of service also for Reserve retirement.

Section 306 defines "Federal service", "satisfactory Federal service", "service in a Reserve component" and "active Federal Service".

Section 307 authorizes the respective Secretaries to prescribe such rules, regulations, and procedures necessary.

Section 308 provides for the transfer to an inactive status list, upon his own request, any person of less than 60 years of age who has fulfilled the requirements.

Section 309 provides that service as a member of a Reserve component shall be subject to the military requirements and appropriations available.

Section 310 provides that no back pay or allowances shall accrue for any period prior to date of enactment.

Section 311 states that the provisions of the title shall apply to the Coast Guard Reserve.

Section 312 makes the provisions effective when directed by the cognizant Secretary, but not later than the first day of the seventh month (January 1, 1949) following date of enactment.

Section 313 authorizes appropriation of such funds as may be necessary.

At the time of the writing of this Article, the necessary rules, regulations or procedures have not been issued by the respective Secretaries as required by Section 307. However, in an opinion in the office of The Judge Advocate General of the Army, the view is expressed that the year requiring the earning of 50 points for satisfactory service began as of the date of the signing of the Act, 29 June 1948. The Judge Advocate General's Office of the other two Services have not expressed views on this point. Attention of all Reservists should be invited to the opinion referred to above in order that the interested members of the Reserves may not be found short of the necessary 50 points by June 29, 1949.

#### ----- OFFICER PROCUREMENT PROGRAM OF THE JAGD - ARMY

The expansion of the Regular Army authorized by Congress, the enactment of a new draft law to implement the recruiting program, and the establishment of the Judge Advocate General's Corps as authorized by Title II of the Selective Service Act of 1948 has placed an increasing burden on the Judge Advocate General's Department in the procurement of sufficient Regular Army officers to carry out the mission of the Department, particularly after 1 February 1949.

To meet the necessity of having an adequate number of competent Judge Advocates, a four-fold program of procurement is now being pursued by the Judge Advocate General's Department. Because of the interest of reserve officers, JAGD, in this program a synopsis of the various types of officer procurement is outlined herein:

a. Law School Detail - Under the provisions of Circular 81, Department of the Army, 31 Dec. 47; 24 Mar. 48, provision is made for the training of officers of the Regular Army for Judge Advocate duties through attendance at civilian law schools. Regular Army officers who have had not less than 3 nor more than 7 years actual or constructive commissioned service may apply for this detail. A limited number of officers selected for this training are detailed in the Judge Advocate General's Department and are sent to approved law schools for a regular three year course. Upon graduation from law school they are required to pass the bar examination of one of the several states and are then placed on duty in the JAGD. After a tour of duty in the JAGD, during which time their work is carefully monitored, they are, if found qualified by military and professional standards, transferred to the JAGD and made

United States of good moral character and who are graduates of an approved law school with a professional degree, and who have been admitted to practice in the Federal courts or in the highest court of a state may be commissioned in the JAGD in the grade of First Lieutenant, provided they have reached their 21st but not their 32nd birthday at the time of appointment. Applicants who are honor graduates or distinguished military graduates of the Senior Division, ROTC, or who have served as a commissioned officer on active Federal service in any of the Armed Forces for at least one year with a credible record may be given immediate appointment. However, before any such appointments are made, it is ordinarily required that in addition to fulfilling the necessary professional requirements, the applicant serve a tour of duty of not more than 90 days in the Judge Advocate General's Office, Washington, D.C., where his professional and personal characteristics are studied and evaluated before a final decision is made.

Applicants for commission under this Army Regulation who meet the professional standards, but who do not meet the standards of military service outlined above, are required to complete the JAGD Qualification Tour of Extended Active Duty. Under this program the applicant is placed on duty in the JAGD in Washington, or in the field, for a period of one year during which time his work and personal characteristics are carefully surveyed. If the applicant successfully completes the Qualification Tour, he is commissioned a First Lieutenant, JAGD, Regular Army.

c. Transfers and Details - Qualified lawyers who are Regular Army officers in branches other than the JAGD may apply for detail or transfer to the JAGD under the provisions of AR 605-145, 3 Aug. 48. Such applications are considered by the JAGD in the same manner as applicants for initial appointment and if the applicants are found professionally and personally qualified, they may be, with the consent of their basic branch, transferred or detailed in the JAGD.

d. Extended Active Duty for Reserve Officers - One of the chief sources of officers in the JAGD are those officers of the JAG-Res. who volunteer for extended active duty. Appointments in the JAG-Res. are governed by Circular 210, Department of the Army, 14 Jul. 48. Under this circular citizens of the United States who have graduated from an approved law school with a professional degree and who have been admitted to the Bar of the Federal courts or the highest court of a state may apply for appointment in JAG-Res. in grades from First Lieutenant to Colonel. This circular fixes the minimum and maximum ages for each grade and also provides the minimum professional experience in years of practice, teaching of law, or in holding judicial office for each grade.

One of the most troublesome aspects of Circular 210 as it now stands is being clarified by an amendment which will provide that the period of years in which an applicant has been engaged in the practice or teaching of law, or holding judicial office, is only one factor which will be considered by the Selection Board in determining the grade in which an applicant will be commissioned. Experience, proved ability and standing at the bar are as important, if not more important, than the number of years of practice in determining grades for reserve officers.

An officer in the JAG-Res. may apply for extended active duty through his Army area. Ordinarily, tours of extended active duty are for three years. In order to utilize this important pool of Judge Advocate personnel, every effort is being made to facilitate the handling of such applications with a view of advising the interested officer, at the earliest possible date after his application has been received, whether or not his services can be utilized by the JAGD.

The JAGD is vitally interested in obtaining qualified officers. Inquiries from qualified applicants for any of the categories outlined above will receive immediate attention if addressed to the Administrative Division, JAGD, 3E459, Pentagon, Washington, D.C.

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Revising the Court-Martial System

by

Hubert D. Hoover

Brigadier General, United States Army

Assistant Judge Advocate General

The Selective Service Act of 1948 (Public Law 759, 80th Congress) carried as Title II amendments to the Articles of War which are to be effective on 1 February 1949. The amendments evolved from the experiences gleaned in the administration of military justice during the past twenty-eight years, more particularly those of World War II. After the end of hostilities questionnaires were sent to judge advocates and commanders asking for opinions on many aspects of the administration of military justice. The responses to these questionnaires were carefully studied and conclusions were drawn as to needed revisions by various agencies of the Army. In 1946 the Secretary of War appointed a committee of eminent lawyers and judges nominated by the president of the American Bar Association to make a further study. The committee, after extended hearings and inquiries submitted its report in November 1946. The report contained specific recommendations for the improvement of the administration of military justice, and in submitting them the committee noted that the system as it then existed was a good one -- that the trials were fair and expeditious and that the guilty were seldom acquitted, the innocent not convicted. The War Department, after thorough study of the report, submitted recommended legislation to the Congress containing many items in implementation of the recommendations of the advisory committee. After extensive hearings the recommended legislation, with certain changes and additions, was enacted into law on 24 June 1948.

A summary of the salient features of the amendments to the Articles of War will bring to the minds of many members of the Judge Advocates Association a reminder that suggestions which they made in 1945 have now become law.

Soldiers may sit on special and general courts-martial at the request of an enlisted accused; commanding officers have increased power under Article 104 to punish officers and warrant officers -- three-month forfeitures equal to one-half of one month's pay monthly may now be imposed; the law member of a general court-martial must be a judge advocate or a member of the bar of the highest court of a state or of a Federal court and must be present throughout trial; the counsel for the prosecution and defense shall be lawyers if available, and if the trial judge advocate is a lawyer, the appointed defense counsel must also be a lawyer; the accused may have counsel at pre-trial investigations if he so requests, and depositions may be taken before charges are referred for trial; bad-conduct discharges may be adjudged by general and special courts-martial.

Automatic appellate review has been redefined, and certain classes of cases which are frequently complex as well as grave will be examined by a Judicial Council composed of three general officers of the Judge Advocate General's Department after examination by a Board of Review; convening authorities are required to communicate directly with their staff judge advocates in matters pertaining to the administration of military justice, and judge advocates are authorized to consult with one another through technical channels; a new trial may be granted upon a petition submitted within one year after final appellate action or within one year after termination of World War II; and the exercise of coercion or unlawful influence upon members of courts is prohibited -- this latter provision, of course, makes illegal the old form of "skin letter".

A provisional division was established in the Office of The Judge Advocate General as soon as the revision of the Articles became law. The directive under which the division functioned was "to implement in a new Manual the Articles of War as revised and to incorporate into the implementation any changes made advisable by the experience of the past twenty years."

in fact, equal numbers have been assigned to the work; and, in addition, certain reserve officers who were unable to leave their civilian callings to take up active duty contributed their own time and submitted special studies, particularly in framing the chapter dealing with new trials. Particular care was taken to assign officers to projects with which they had become familiar in their service; for instance, the new paragraphs on pre-trial investigation were prepared by an officer who had functioned frequently as a pre-trial investigating officer, the procedure on summary courts was worked out by officers who had been summary courts themselves. After each paragraph was prepared and approved within the division, the work was reviewed by Colonel William P. Connally, Jr., Assistant Judge Advocate General in charge of Military Justice Matters, and by the author. The finished draft was presented to The Judge Advocate General, Major General Thomas H. Green, for his approval.

With the full recognition of the merits of the Manual for Courts-Martial, 1928, changes were made in the old text only when a change in the law or repeated experience indicated necessary revision. A particular effort was made to use nonlegal and simple language so that the book could be understood by any member of the Army. Such words, for example, as contumelious and mendacious, although accurately descriptive, have been eliminated. The few Latin words which have been used in the new manual have been defined. Simplification, and amplification where necessary, was given particular attention in those parts of the book which deal with the duties of personnel of the line, such as the preferring of charges, the conduct of investigations, the duties of the trial judge advocate and defense counsel, and the duties of court members. A strong effort was made in the chapters on the preparation of charges, action on charges, and the investigation thereof, to lead the reader step by step, and to refer frequently to a revised charge sheet in the appendix which lends assistance by accurate identification of the data required for its completion.

The revised charge sheet requires only that the accuser swear that he has either investigated or has knowledge of the matters alleged, thus eliminating one of the frequent sources of technical error. Each officer who acts on charges is required to consider whether any offense may be punished by action under Article 104, and if it may be so punished, to dispose of it by such action. ~~Charges which may require trial by general court-martial and are to be formally investigated will be more easily handled by the investigating officer as the procedure is set down step by step in the text of the manual, and a new appendix has been added, providing for specific compliance with the new Article 24 and with the provisions relative to the right of the accused to have counsel at the investigation. In the chapter on arrest and confinement, which has been completely redrafted, it has been provided that no accused shall suffer punishment other than confinement before execution of sentence.~~

Chronic offenders whose conduct appears to warrant elimination from the Army, but whose offenses do not indicate the necessity for dishonorable discharge may now be referred to special courts-martial for trial, and a bad-conduct discharge may be imposed by a special court-martial if such punishment is shown warranted by the evidence. The convening authority is required to cause all special court-martial cases to be transcribed verbatim if bad-conduct discharge is an authorized punishment for any offense or offenses referred for trial unless he believes that such punishment should not be imposed. All records of trial in which a bad-conduct discharge has been imposed and approved by the convening authority are thereafter forwarded to the officer exercising general court-martial jurisdiction over the accused. That officer receives the written review of his staff judge advocate before acting on the case. If the sentence to bad-conduct discharge is approved, it is forwarded to the Office of The Judge Advocate General, and the record must thereafter be held legally sufficient by a Board of Review before the sentence can be executed.

Not only may the special court-martial impose bad-conduct discharge, but it may also hear and determine the cases of officers and warrant officers. This provision fills a gap that formerly existed in the chain of jurisdiction. Young officers guilty of offenses for

~~such accused officers were of necessity referred to general courts-martial because the positive~~  
such accused officers were of necessity referred to general courts-martial because the positive  
power of the commanding general under Article 104 was not sufficient to impose adequate punish-  
ment.

In the trial of all offenders by special and general courts-martial the procedure will be simpler. The new manual follows, in general, the Federal Rules of Criminal Procedure. Special pleas have been abolished, and defenses, objections, and requests for appropriate relief are now raised by appropriate motions, and, if inartfully presented, the motions will be considered as one for the actual purpose that the facts indicate is raised in law.

To further facilitate procedure before general and special courts-martial, a procedure guide has been included in the manual as an additional appendix. This guide is more comprehensive than those ordinarily used before, setting forth the explanation of the rights of the accused to counsel, the explanation of the plea of guilty, the explanation of the right to testify as to a part of the specifications, or as to the voluntariness of an offered confession. Although the procedure guide cannot replace proper preparation, it will serve as a check sheet for inexperienced counsel so that matters of substance will not be omitted through inadvertence.

Perhaps one of the most frequently remarked brevities in the former manual was the chapter on evidence, which, though well prepared, often failed to provide ready answer to the questions of court-members. The entire chapter has been expanded appreciably. Care has been given to fuller discussions of such formerly confusing subjects as authentication and judicial notice and examples have been liberally used throughout the discussion.

Along with the simplification of procedure before special and general courts-martial, there has been included in the new manual a full discussion of the procedure to be utilized by the summary court, and to augment the discussion, a new form of summary court-martial record has been provided in the appendix. The new form provides spaces to be filled in by the summary court officer to indicate his certain compliance with the requirements of a fair trial, and, further, ~~if the accused is a noncommissioned officer, there must appear on the~~ record his written consent to trial or the statement of the summary court officer that the officer exercising special court-martial jurisdiction in the case directed trial of the particular accused.

Another added appendix is designed to furnish an example of the proper form for the imposition of punishment under Article 104, and, further, a proper form of record of such punishment to be kept in each organization. Appendices have also been added to show a properly completed deposition and a properly completed subpoena.

In response to many recommendations, there has been added a chapter on insanity, designed to explain simply the presumption of sanity, the determination of when sanity becomes an issue, the distinction between mental responsibility and mental capacity, and to provide a fair and simple method of introducing the result of expert examinations into the sanity of the accused.

Also added is a new chapter on a new provision of law -- the right to petition for new trial under Article 53. The petition for new trial is made directly to The Judge Advocate General, who may designate an officer or officers to consider the petition, and who may thereafter, for good cause shown, grant a new trial, vacate sentence, restore rights, privileges and property, and substitute a discharge other than punitive for one punitively imposed.

In addition to other functions placed in greater measure in the Office of The Judge Advocate General are those dealing with appellate review and confirming action. Only cases involving the death sentence or a general officer will require confirmation by the President. All other cases requiring confirmation may be confirmed by the Judicial Council either alone or with the concurrence of The Judge Advocate General. In cases in which the Judicial

of almost importance in the matter of judicial review is the requirement under Article 50 that any sentence involving dishonorable or bad-conduct discharge or confinement in a penitentiary must be examined and found legally sufficient by a Board of Review before the sentence may be ordered into execution. This provision, under which each accused separated from the service receives an automatic appellate review is the provision under which approximately ninety-five per cent of the general court-martial cases will be reviewed. After action by the Board of Review in such cases the sentence may normally be ordered executed by the reviewing authority.

In summation, it will take a larger Judge Advocate General's Corps to fulfill the responsibilities imposed by the revision of the Articles; the reserve components must be kept active, up to strength, and well trained in order to contribute in the event of emergency. With a proper Corps the Army can establish a criterion in the field of justice for military organizations throughout the world -- a trial at which the rulings are made by men experienced and trained both from a military and judicial viewpoint, and an automatic court of appeals to review the case of every accused sentenced to punitive separation -- a court of appeals composed of men experienced and trained both as soldiers and as judges.

ATOMIC DEFENSE

The Report of The Director of Civil Defense Planning

by

William J. Hughes, Jr.  
Colonel, JAGD (Res.)

President, Judge Advocates Association

Russell J. Hopley, Director, Office of Civil Defense Planning, (in civilian life, President, Northwestern Bell Telephone Co.), recently released through Secretary Forrestal his report to the Secretary of Defense entitled "Civil Defense for National Security". The Report is 288 pages in length, plus an appendix and numerous charts. Copies can be secured from the Government Printing Office, official price \$1.00. A copy of the Report has been sent to each State Chairman of the Judge Advocates Association.

The Hopley Report, compiled with the aid of numerous technical experts, is the result of a study from March 27, 1948, the date of Secretary Forrestal's directive, to date. Considering the time, it is a substantial achievement. It considers the entire subject matter of Federal and State Organization for Civilian Defense in anticipation of a war of the future employing ordinary air and land attack, guided missiles, chemical and atomic attack. Bacterial warfare is not mentioned. It estimates that in time of war a total of 15,000,000 men and women might be mobilized in civilian defense - a staggering thought.

Realizing that pocketing vast bodies of troops in civilian defense is a self-defeating program, the Report announces its primary strategy as follows:

"Basic Tenets of Civil Defense. The individual, given such training as can be provided, does everything possible to help himself in an emergency. The family seeking self-preservation, operates as a unit in handling its own problems as far as it can do so. The community, organized and equipped, puts its Civil Defense organization to work to meet the crisis. If these facilities and efforts are inadequate, mutual aid and mobile reserves from other communities come to the rescue. When these means have been utilized to their limit, military aid comes to the assistance of civil authority. And in the final stage, other steps proving inadequate, martial rule comes into play." (p. 14).

To that end, the Report recommends a National Office of Civil Defense, with a small staff, to furnish leadership and guidance in organizing and training the people for civil defense tasks; basic operational responsibility to be placed in states and communities, but with mutual assistance plans and mobile supporting facilities for aid in emergencies; maximum utilization of volunteers, existing agencies and organizations, and all available skills and experiences; well organized and trained units in communities throughout the United States, its territories and possessions, prepared and equipped to meet the problems of enemy attack,

cular hazards of atomic or any other modern weapons of warfare; and a peacetime organization which would be used in natural disasters even though it may never have to be used for war.

The Report considers the possibility of the use of gas by a future enemy and recommends the immediate establishment of a Chemical Defense Division in the Office of Civil Defense which will plan an educational program to make the public aware of gas warfare and to undertake defensive measures.

Under the cryptic heading "Other Weapons", the Report discusses the mysterious weapons of the future, and plans coordination with the Research and Development Board of the Armed Forces in order to devise defensive measures against such new weapons.

Mutual aid and mobile defensive reserves would enable one city, which has escaped attack, to send forces to another stricken area. State lines would have no effect on such aid. The organization of such familiar things as communications, telephone, telegraph, radio, transportation, air raid warning, air craft observers, police and fire services, medical and health services are all carefully considered in the Report.

The Report makes a realistic approach to the possible use of atomic and other "special weapons" by a hostile power in a surprise attack on some densely populated area of the United States. In language understandable to the layman, the chapter on "radiological defense" explains in considerable detail what can be done in the way of protective measures. Education of the public in respect to the true potentials and actual limitations of atomic warfare is the only means by which the civil population may be adequately prepared to meet the eventualities of atomic attack. Prompt development and implementation of such an education program is a major undertaking of vital importance to national security.

The chapter on Engineering Services covers many subjects including provisions for black-out, dimout, camouflage, protective construction, shelters, city planning and sanitary engineering. Problems of rescue are dealt with in a separate chapter. Organization patterns and techniques for emergency movement of large numbers of people will be found in three chapters headed: Transportation, Evacuation and Civilian War Aid. The latter deals with possible emergency clothing, feeding, sheltering, rehabilitation of the victims of a large-scale disaster.

It will be seen from the above that the Report has anticipated and considered a wide variety of difficulties in Atomic Defense. Following its keynote that individual citizens and state agencies, as distinguished from Federal troops, must, in the nature of things, constitute the principle reliance for defensive measures, the Report contains a Model State Civil Defense Act. This act creates a State Civil Defense Agency and authorizes the creation of local organizations in the political subdivisions of the state. It confers emergency civil defense powers on the Governor in the event of disaster beyond local control, empowers him to cooperate with the Federal Government in matters of civil defense. The act gives the Governor present powers to prepare a comprehensive program for civil defense, to be coordinated with the civil defense plan of the Federal Government. The act authorizes the Governor to create Mobile Reserve Battalions capable of instant action in whatever part of the state it may be necessary. It also authorizes the same type of aid from another state.

The Model State Civil Defense Act seems principally designed to secure state plans or programs for civil defense as distinguished from authorizing direct action. For instance, it contains no provisions whatever for actual evacuation of persons from stricken areas or in anticipation of an attack. Probably such matters are deemed to come under the control of the Federal Government or at least to be embraced in plans to be made by the latter.

A reading of the Hopley Report as a whole leaves one with the feeling of a job seriously undertaken and carefully done so far as it goes. It is, however, disappointing that it does not set forth the draft of the Federal legislation although it states (p.277) that a draft of such legislation has been prepared. To Judge Advocates accustomed to dealing with civilian populations and their movement in event of large-scale attack or warning of attack, it will come as a surprise that the Report mentions martial law, so far as can be discovered, only once, on page 14, quoted in the present article. The Report is, to a certain extent, there-

in this matter that unless an adequate substitute is found, and found early in the game, no large-scale evacuation can be successfully undertaken without some type of martial law, state or Federal. Whether the military want it or not, there is bound to be a public demand for the Armed Forces to take over this very important function. The Report frankly admits the likelihood of large-scale evacuations. It states:

"EVACUATION SERVICE. The time may come, if this Nation is attacked, when large numbers of civilians will have to be moved from their homes to other areas, either in anticipation of attack, or after an enemy attack has occurred. Evacuations, to be successful, do not take place by chance; they must be the result of thorough organization and well-conceived planning --essential functions of Civil Defense."

Up to now, no evacuations whatever in any part of the World have been voluntarily undertaken except under military supervision, usually in the form of martial law. The largest evacuation we know of occurred at Cologne in 1943 when 230,000 civilians were evacuated under great difficulties. The only large-scale American evacuation was the evacuation of some 10,000 residents of Honolulu during the early days of martial law in Hawaii. These evacuations are as nothing compared to what would be required for the evacuation of a city such as New York or Chicago. Whether the evacuation of such huge cities can be effected without military control or some form of martial law is questionable. To avoid military control will require careful planning.

In this connection one of the peculiar problems is that of the Atomic bomb that does not drop; i.e., false alarms. Suppose, for instance, the Government gives warning of an atomic bomb attack on such key American cities as Detroit, Chicago and New York and the populations of these cities are evacuated. Then suppose nothing happens. This might occur once and when the "all clear" signal is given the reaction of the people might be one of relief, tinged with irritation, as they make the slow trek back home. But suppose a false alarm happens not once, but twice, or three times in a row and each time millions of people troop alarmedly out of their cities and then wearily back. What will be their reaction?

Americans are good sports but they have never been a patient people. In particular they are impatient with authority. It is difficult to conceive of any Government strong enough to survive three such fiascos in a row. The American people would lose all confidence in such a Government.

The question therefore arises as to who will take the responsibility for an evacuation in anticipation of an attack. In other words, which is the lesser evil, for the people to lose confidence in the political heads of their Government or in the Army. We venture no answer to this question at this time.

The Hopley Report has been discussed at some length for the reason that we feel that Atomic defense is going to be one of the big political and military questions of the not-so-far-off future. At the present moment no one knows much about these problems but it is safe to say that our Judge Advocates are more informed in the general field of law involved than any other group. Our suggestion therefore is that this field offers an opportunity of service to the public by our Judge Advocates which they should not miss. We believe that in the World of the near future, Atomic defense is going to become a very highly publicized problem. We believe the State Director of that defense will be one of the most important persons in the state and will occupy a position far more important than, let us say, the State Director of the Draft occupied during the past War. Within the next year or so, State Legislatures will undertake to consider the problem of Atomic defense. We suggest to our members that they look into the problem and get into the discussion in their home state as quickly as possible. Atomic Defense is bound to be a big thing.

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by  
 E. M. Brannon  
 Brigadier General, USA  
 Assistant Judge Advocate General

Immediately after V-J Day the Civilian Production Administration set up an Inter-departmental Procurement Policy Committee. This Committee included representatives from CPA, Army, Navy, Treasury, Maritime Commission and the Small Business section of the Department of Commerce. The primary question before the Committee was whether to recommend continuance of the war-time method of procurement by negotiation or go back to formal advertising and competitive bidding that had been customary in time of peace. It was decided that, generally, advertising should be followed. This method is designed to assure the Government the advantages of competition, to prevent favoritism, and to permit all persons an equal opportunity to share in Government business. However, the system is inelastic and permits little initiative on the part of contracting officers. In some cases it may result in failure to procure proper types of equipment; may cause an unreasonable delay; and may even result in the Government having to pay a higher price. Accordingly, it was decided that there should be certain specific exceptions to cover the cases where advertising would not be advantageous.

The basic law covering peace-time procurement is Section 3709 of the Revised Statutes which required that all contracts for supplies and non-personal services should be let after advertising except in emergencies. The original Act was passed in 1861 and over the years Congress had enacted a number of peace-time exceptions to cover special cases. There was no uniformity between the application of the exceptions to the Army, and Navy, and even to the various technical services within the Army.

The committee drafted a bill which generally required advertising, but included such of the prior exceptions as were deemed necessary, together with certain new exceptions, and made these exceptions uniformly applicable to all of the technical services of the Army, ~~bureau of the Navy and the Air Force. The Comptroller General concurred in the bill after~~ some changes, recommended by him, were accepted. The bill, with some slight amendment, was passed by the House in the spring of 1947. The Senate Armed Services Committee reported favorably, with an amendment making the Coast Guard and the National Advisory Committee for Aeronautics subject to its provisions. The measure passed the Senate early in 1948 and was approved by the President on 19 February. It became effective 90 days after approval. Following is a brief discussion of the provisions of the Act:

Section 1 states that it may be cited as the "Armed Services Procurement Act of 1947". The Act was finally passed in 1948 but through some oversight the "1947" was not changed.

Section 2(a) states the general scope as applicable to all purchases and contracts for supplies or services in the designated agencies that are to be paid for from appropriated funds. Accordingly, the Act is not applicable to purchases by Post Exchanges.

Section 2(b) states the policy of Congress that a fair proportion of the purchases and contracts be placed with small business concerns.

Section 2(c) is the most important part of the Act. It provides that purchases and contracts for supplies and services shall be made by advertising, except for 17 exceptions under which negotiation is authorized. These exceptions should be considered in 4 groups, viz: Section 1; Sections 2 through 10; Sections 11 through 16, and Section 17.

(1) This exception permits negotiation in all cases when determined to be necessary during a national emergency declared by the President or by Congress. The next war may come suddenly, in which event we will not have to wait for a special Act of Congress to start negotiation. It was agreed that the exception would not apply to the present emergency.

(2) When the public exigency will not admit of the delay incident to advertising. This exception was in the old law and was designed to meet a sudden local emergency, such as fire or flood.

(3) When the aggregate amount does not exceed \$1,000. For about 40 years the Army and Navy have had an exception for amounts under \$500. The Congress decided that at present prices \$1,000 went no further than the \$500 did originally.

(4) For personal or professional services. This is a slight extension of the old law.

(5) For any service to be rendered by a college or university. This is new and includes research, as well as tuition and similar contracts. Obviously, in dealing with colleges and universities we do not have the same competitive situation as when dealing with commercial companies.

(6) For supplies or services to be procured and used outside the United States and its possessions. Contracts in a foreign country must be made in accordance with local laws. This exception is especially important in view of a relatively large occupation force.

(7) For medicine and medical supplies. This was partially covered, but the Army and Navy are now placed on the same footing. This is important for the reason that medicine and medical supplies for the Army, Navy and Air Force are purchased in a central office in New York.

(8) Supplies for authorized resale. This is designed to permit the purchase of brand-name articles desired by customers of commissaries and ships' stores.

(9) For perishable subsistence supplies. The only practical way to buy perishable subsistence is by visual inspection in the market place. Before the war such supplies were bought locally at retail. ~~During the war The Quartermaster General established a system of~~ market centers which now purchase virtually all subsistence for the three Services. This method has proven so successful that it will be continued.

(10) Where competition is impracticable. The Comptroller General has long recognized that advertising can serve no useful purpose where there is only one source of supply, as no real competition can be secured. The exception was implied but has now been made specific and is intended to cover certain additional cases where the nature of production or service in fact make competition impracticable.

The next 6 exceptions, with one minor exception, require a determination by the agency head of the necessity therefor. Agency head is defined to include Under and Assistant Secretaries. These exceptions are so important that Congress felt the final decision should not be left with any one below the Secretary level. However, and this is important, such decisions are conclusive and not subject to review.

(11) Experimental, developmental and research contracts. This exception is especially important in view of the emphasis now being placed on research and development. The exception mentioned is that when such contracts are not over \$25,000, the determination may be made by the chief of the bureau or technical service.

(12) Classified contracts. Many secret contracts could also be placed under the preceding exception but some of them will be for quantity procurement.

(13) For technical equipment where necessary to assure standardization and interchangeability of parts, and when such standardization and interchangeability are necessary in the public interest. This is not a blanket exception, for example, initial procurement will have to be by advertising, thereafter additional units of the same kind may be procured by negotiation. The Secretary must determine three things:

- b. That procurement by negotiation is necessary to assure standardization; and  
c. That standardization is necessary.

(14) For supplies of a technical or specialized nature requiring a substantial initial investment or an extended period of manufacture where the agency head determines that advertising would require duplication of investment or would unduly delay procurement. This was designed primarily to cover procurement of aircraft but is applicable to other highly technical equipment, such as radar. The development of a modern military airplane requires extensive tooling and specialized engineering. To draft specifications and advertise for additional planes would usually entail a long delay and would involve expensive tooling if the contract were awarded to another contractor. Furthermore, the original designer would have such an advantage in bidding that a better price can usually be obtained by negotiation.

(15) Where bid prices are not reasonable or are not arrived at in open competition. This exception is designed to free the Government from certain disadvantages inherent in too strict adherence to formal advertising. There are many cases where we are certain there has been collusive bidding but cannot prove it. Then too, there are other situations such as "follow the leader" pricing, an understanding that the Government be treated as a retailer and agreements that if A will not bid on one job, B will not bid on another. The provision is somewhat more restrictive than that originally submitted but should save the Government substantial sums.

(16) When the agency head determines that in the interest of national defense a facility should be kept available for production in the event of a national emergency or to maintain active engineering research and development. This is in a way a substitute for the Educational Order Statute. It will be used sparingly but should prove invaluable in maintaining a nucleus of productive capacity in highly essential and specialized fields.

(17) If otherwise authorized by law. This is a catch-all clause designed to preserve the authority contained in several relatively unimportant acts not specifically included and also any subsequent general acts applicable to all Government Departments.

Section 3 provides or specifies the method of advertising, which does not differ materially from the pre-war method.

Section 4 provides that where a contract is negotiated it may be of any type that will best promote the interests of the Government. Cost-plus-a-percentage-of cost contracts are prohibited and restrictions are placed on the amount of fees that may be paid under cost-plus-a-fixed-fee contract. The present emphasis on research will lead to greater use of cost type contracts than has heretofore been customary in peace time.

Section 5 permits advance payments under negotiated contracts provided adequate security is furnished. This will facilitate research contracts with colleges and in some cases will relieve the services of the necessity of taking title to unfinished work; it will also be highly desirable in the event of a sudden national emergency.

Section 6 provides that the Comptroller General may waive liquidated damages on the recommendation of an agency head. In the past, situations often arose where a Contractor was equitably entitled to remission of liquidated damages but where no relief could be afforded because of his failure to comply with some technical requirement of the contract, such as giving notice within a specified time.

Section 7 provides for delegation of authority by the agency head except that he must act in person on exceptions 11 to 16 of Section 2(c), and on advance payments under Section 5a.

Section 8 retains in effect certain acts relating to labor such as Walsh-Healey and Bacon-Davis.

Section 10 is designed to facilitate joint and cross procurement. It permits delegation or assignment of procurement responsibility within or between agencies. It also provides for the establishment of joint or combined procurement offices. It is anticipated that this Section will be very important in connection with the working out of procurement procedures under the Unification Act.

Section 11 repeals a number of old acts. As stated in the House Committee report, this Section sweeps away many archaic, conflicting and unnecessary laws.

About two years ago when the general post-war procurement policy had been decided upon, the War Department amended its war-time Procurement Regulations to require that procurement be effected in substantial conformity with the proposed legislation. This policy has been generally followed except that shortages in many lines have made any effective competitive bidding impossible. The Air Forces have operated under the same regulations, and the Navy has followed the same general policy. Recently, the Secretary of Defense, acting through the Munitions Board, decided that the three Services should have joint Procurement Regulations. These have been designated as the Armed Services Procurement Regulations and are now in process of preparation (6 Sections have been published). They will provide uniform policies in dealing with contractors and it is hoped will prevent contractors from trying to play one service against the other. These joint regulations will be supplemented by a series of departmental procedures. The latter will be based on the same procurement policies but will take into account the different organizations of the three Departments and the different degrees to which procurement is centralized or decentralized.

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IN MEMORIAM

Brigadier General John M. Weir, USA Retired, died at Walter Reed Hospital on November 21, 1948. General Weir was Asst. Judge Advocate General during World War II and served as Chief of the War Crimes Commission in Europe, by appointment of the Secretary of War. He served as a member of the Military Commission which tried Nazi saboteurs who were landed by submarine on the ~~East coast of the United States in 1942. General Weir had long been an active and interested member of the Association and at his death was a member of the Board of Directors.~~ Funeral services were held at Fort Meyer Chapel and interment was in Arlington National Cemetery on November 24th.

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The Office of the Air Judge Advocate General has announced that it is confronted with a shortage of trained commissioned personnel and desires that Reserve Officers with legal training, who are interested in extended active duty, make application direct to the Office of the Air Judge Advocate General, attention Major Hurley, Pentagon, Washington 25, D.C.

Members of the Association living in Washington, D.C. and surrounding areas had a dinner meeting at the Continental Hotel on October 25, 1948. The guest speaker was Mr. Felix Larkin, Executive Secretary to the Forrestal Committee on a Uniform Code of Military Justice for the Armed Forces. Among guests present were Major General Thomas H. Green, JAG, U.S. Army, Major General Reginald C. Harmon, JAG, U.S. Air Forces, and Captain E. E. Woods, U.S. Navy, Assistant to the Judge Advocate General, U.S. Navy.

Former officers of BOJAG, European Theater, held their second reunion at the Mayflower Hotel, November 26-28, 1948.

The Judge Advocates Annual Fall Formal Dinner Dance was held at the Officers Club at Fort McNair on Saturday, November 20, 1948.

Col. Frederick Bernays Weiner recently announced his resignation from the Office of Asst. to the Solicitor General of the United States and his entry into private practice with Joseph B. Keenan, Esq., in Washington, D.C. Col. Weiner recently published, through the Infantry Journal, Washington, D.C., a booklet entitled "The New Articles of War". It is a comparative study, with comments, on the New Articles as related to the old.

First Lieutenant Edward E. Palmer, 6th O.C., of Williston, N.D., reports as State Chairman that his State had 100% attendance at the JAA annual meeting in Seattle, since he, the only JAG in private practice in the State, was there.

Lt. Colonel Vincent T. Mulvaney, 11th OFF, of Cheyenne, Wyoming, was elected Governor of the Rocky Mountain District of Kiwanis International for the year 1948.

Col. Michael L. Looney, 6th OFF - S&F, has recently announced his resignation from the office of Special Assistant to the Attorney General of the United States to resume private practice in Washington, D.C.

#### NOTES FROM CALIFORNIA

Orange - Maj. David D. French, 11th OFF, who served as an Asst. Staff JA in the CBI Theater has formed a law partnership at Orange with Gordon X. Richmond, Esq.

Los Angeles - Lt. Col. Randolph Karr is serving as Counsel for the Pacific Electric Railway Co. Lt. Col. Louis E. Kearney is back in private practice.

Bakersfield - Maj. Jack Bradley, 8th OFF, erstwhile Staff JA of Base Section, Calcutta, is back in private practice.

Coldon - Capt. Lawrence A. Hutton, 3rd OFF, is in private practice.

~~San Francisco - Maj. John H. Finger, 5th OFF and S&F, formerly of Oakland, has formed a partnership with the firm name of Hoberg & Finger~~

Palm Springs - Lt. Col. Hilton H. McCabe, 11th OFF, is in general practice.

Santa Barbara - Capt. Hugh M. Lindsey, 8th OFF, has resumed private practice.

Sacramento - Capt. Benjamin D. Frantz, 4th OFF, is back in private practice. When he was separated from the service, office space was not available so he purchased an old building and converted into a very fine and well-appointed office. Capt. Sherman C. Wilke, 7th OFF, is in private practice. Capt. Ralph I. McCarthy, 5th OFF, is Administrative Advisor to the State Controller of California. Lt. Col. Albert E. Sheets who, in the early part of the War was assigned directly from the Reserve to Hq. 9th Service Command, is in private practice. Maj. John Francis O'Shea, 3rd OFF, is now serving as Asst. Attorney General of California in charge of the Sacramento Branch of the Attorney General's Office.

Carmel - Col. Charles Richardson, Jr., 8th OFF, is reported recuperating at beautiful Carmel-by-the-Sea after a rather long siege of illness. He anticipates resumption of active practice in the near future.

NOTES FROM NEVADA - Maj. Thomas McCraney, 2nd OFF, is in private practice at Nevada City. 1st Lt. Frank G. Finnegan, 1st OFF, is also in private practice at Nevada City and is prominent in Rotary affairs.

NOTES FROM MASSACHUSETTS - Col. Sumner W. Elton, who served as Staff JA, First Service Command, is now Asst. Attorney General for the Commonwealth of Massachusetts. Maj. Anthony Julian, 1st OFF and S&F has been elected State Venerable, (the head man) of Massachusetts' Sons of Italy. Lt. Col. Thomas L. Thistle, 2nd OFF, who served as Staff JA at Camp Edwards was elected Mayor of Melrose, Mass. on the Republican ticket.

Frederick T. Henry, 1st OFF, Colorado Springs, has been appointed City Attorney for that City.

NOTES FROM LOUISIANA - Lt. Col. Paul M. Hebert, 4th OFF. has returned from Neurenburg where he served for more than a year as a member of Military Tribunal VI in the I.G. Farben Trial, Case #6. He has resumed his duties as Dean of the Law School of Louisiana State University, which has on its faculty two other members of the Judge Advocates Association - Lt. Col. Joseph Dainow, 8th Off., who did such an outstanding job as Chief of the Digest and Bulletin Section of the JAGD; and Lt. Col. John Denson Smith, 5th OFF, who served as Staff Judge Advocate with a Division overseas. In addition to his other duties, Dean Hebert is a member of the Loyalty Review Board of the U.S. Civil Service Commission. Lt. Col. Paul W. Brosman, 12th Off., is dean of Tulane University School of Law. Maj. Theodore F. Cangelosi, 5th Off. has been appointed General Counsel for the Louisiana Highway Commission. Col. Casimir D. Moss has been named as a member of the Commission to Administer Veterans' Affairs in the State.

NOTES FROM KANSAS - Maj. John M. Wall, 3rd OFF., back in the practice of law at Sedan. Lt. Col. Frank P. Eesch, 3rd OFF., is City Attorney for Topeka. Lt. Col. Warren W. Shaw, 4th OFF., Topeka, is County Attorney of Shawnee County and practicing in Topeka. Wendell L. Garlinghouse, Lt. Col., 4th OFF., has resumed private practice in Topeka. Capt. Robert A. Schermerhorn, 4th OFF., Junction City, has resumed private practice and is at present County Attorney. (Ft. Riley is surrounded by Bob's County). Lt. Col. Bert E. Church, 3rd Off., Wellington, is assisting the State in the prosecution of the most notorious murder case in the State this year.

NOTES FROM ALASKA - Lt. Col. Franklin W. Clarke reports that there are two General Courts Martial jurisdictions in the Department of Alaska: U.S. Army and the Alaska Air Command. In his office as Staff Judge Advocate, Hq., USA, Alaska, he has the following officers - Capt. Lew M. Noble, JAGD, a Maine lawyer who was formerly Post JA at Pine Camp, N.Y.; Capt. Joseph J. Crimmins, JAGD, JAGS Officers Class #28, who was one of the Litchfield TJAs and left Special Clemency Branch, JAGO a year ago; Capt. William W. Newsom, USAF, who lacks a year of completing law school, but hopes to complete it soon and become an Air Force JA. Maj. Arnold G. Eger, is enroute from Hq., Sixth Army, to join the office. The Staff JA of Alaskan Air Command is Maj. Gaetano V. Strati, USAF. His assistants are - Maj. Herman E. Schuler, JAGD (USAF), who will be Post JA at Davis Air Force Base, Adak, about December 1; Capt James M. Stubbs, USAF, former Post JA at Mather Field, California; Lt. Gladys R. Yeaman, USAF, an Iowa Lawyer. Major Strati was stationed at 1st Air Force, Fort Slocum, before coming to Alaska. Since Alaska is an Air Theater, most of the stations, and all of the larger ones, are under the Alaskan Air Command. The Post JAs are, therefore, Air Force officers. They are - Fort Richardson - Maj. James B. Davis, USAF; Capt. Roy M. Sullivan, USAF. Davis AFB (Adak) - Maj. Harry H. Goldstein, USAF. Ladd AFB (Fairbanks) - Major Herbert J. Lindstrum, USAF. Col. Clarke has forgotten the Navy jurisdiction at Kodiak where the Legal Officer for the 17th Naval District is Lt. Commander Tilden L. Brooks, USN. Recently Col. Clarke was loaned to the Navy to defend an Officer case at Kodiak.

NOTES FROM MINNESOTA - It is reported that 1st Lt. Francis J. Nahurski is back in general practice, with offices in St. Paul. He has always been interested in people of foreign birth and their problems in America. Part of his service overseas was with the Allied Contact Section and dealt with many of the people who will be coming over under the recent D.P. legislation. Aside from his practice, he is therefore putting in a lot of time working with organizations and government agencies who are dealing with this matter. It is reported that Maj. Goodrich M. Sullivan, of Stillwater, has been doing the following few things since return to civilian life - Third Vice Commander, the American Legion, Department of Minnesota, 1946-47; Commander Kramer-Berg Post No. 597, American Legion, Mahtomedi, Minn., 1946-47; President 19th Judicial District Bar Assn., 1947-48; Chairman National Defense Committee, American Legion, Dept. of Minnesota, 1947-48; Major and Staff JA, State Staff, Minnesota National Guard; Lt. Col., AUS, Sept. 14, 1948. Col. Thomas E. Sands reports from the Twin Cities that the JAG Reserve Group there is extremely active, that the group of 22 JAG Reserve Officers there are a cross section of the best of the Bar of the State and their enthusiasm insures an interesting and successful program there of training and officer procurement.