

The Judge Advocate JOURNAL



Published By

JUDGE ADVOCATES ASSOCIATION

An affiliated organization of the American Bar Association, composed
of lawyers of all components of the Army, Navy, and Air Force

JUDGE ADVOCATES ASSOCIATION

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Executive Secretary and Editor

RICHARD H. LOVE
Washington, D. C.

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Publication Notice

The views expressed in articles printed herein are not to be regarded as those of the Judge Advocates Association or its officers and directors or of the editor unless expressly so stated.

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The Annual Meeting

On August 28, 1956, at the El Fenix Club, Dallas, Texas, the Association held its annual social event. Abandoning the customary annual banquet with its head table, toastmaster and post-prandial speeches, Colonel Gordon Simpson and Lieutenant Colonel Hawkins Golden, both of Dallas, arranged for an evening of unadulterated fun. It must be reported that they fully accomplished their purpose.

The Mexican atmosphere of the El Fenix established the style of the evening. The 200 members of the Association and their guests were equipped with large sombreros on admission and the men who lacked natural upper lip foliage were supplied with attachable black mustachios. Those who wished to go the whole course in the Mexican manner were invited to imbibe in tequila, but for all the guests there was a never-closing bar and more solid taste teasers followed by the full Mexican style dinner. Early in the evening Captain Robert G. Burke, President of the Association, officiated by conducting the dissection of a pinata with vigorous blows disgorging favors on the gay crowd. After dinner, many of the members stayed to put Colonel Simpson's never-closing bar to the test and to enjoy dancing in the Latin-American manner.

Absence of a head table by no means indicated a lack of honored guests. Among those present were Major General Eugene M. Caffey,

Major General Reginald C. Harmon, Rear Admiral Chester W. Ward, Chief Judge and Mrs. Robert E. Quinn, Associate Judge and Mrs. George W. Latimer, and Associate Judge Homer Ferguson.

Earlier in the afternoon in the Court Room of the United States District Court for the Northern District of Texas, the Association sponsored a ceremonial session of the United States Court of Military Appeals at which more than 150 lawyers were admitted to practice before the high military court. The motions for admission in behalf of active duty JAG's were made by The Judge Advocates General of the respective Services. Motions of other members of the Association were made by Richard H. Love, Executive Secretary of the Association.

The business meeting of the Association was convened at 4:00 p.m. on August 29th also in the Court Room of the United States District Court for the Northern District of Texas. The meeting was presided over by Captain Robert G. Burke. General Caffey and General Harmon reported on the work of their respective offices and the full texts of their remarks are reported in this issue of the Journal.

Rear Admiral Chester W. Ward, the recently appointed Judge Advocate General of the Navy, spoke briefly concerning his own office. Admiral Ward dealt at some length with the extremely acute personnel prob-

lem of the Office of The Judge Advocate General in the Navy and announced a plan which he is about to propose for the re-organization and re-vitalization of the law specialist program with the view of creating real career possibilities and professional recognition for Naval lawyers. He proposed, pending legislation, to implement some of his ideas administratively, chiefly in the direction of naming deputy and assistant TJAG's from the legal specialist billets in the Navy so that they might become familiar with the duties of those offices and become qualified for consideration for the highest legal office in the Naval Service. Admiral Ward was high in his praise of the civilian bar and particularly the Judge Advocates Association for its work in helping military and naval lawyers and especially the improvement of the Office of The Judge Advocate General of the Navy. He stated that he was certain that the primary mission of the Office of The Judge Advocate General of the Navy has always been to provide justice for the men in the Service and that most assuredly that would be the end toward which his office would continue to aspire.

The Chief Judge and the Associate Judges of the Court of Military Appeals also attended the business meeting of the Association. Judge George W. Latimer addressed the annual meeting as the spokesman for the Court. Judge Latimer outlined the work of the Court during the past year and expressed pleasure and pride in the fact that civilian courts had called upon the military court for judicial opinion upon military judicial subjects on ever increasing

occasions. He pointed out that this was a good sign that the Uniform Code of Military Justice has established an acceptably good judicial system, that it is working and has earned a good reputation. Judge Latimer stated that the Court's primary interest is justice, but that on an equally high level is the Court's interest in the Services' disciplinary and personnel problems and in those connections, he promised the Court's full support to each of The Judge Advocates General.

Captain Burke paid tribute to Judge Paul W. Brosman, who had died on December 21, 1955. Captain Burke pointed out that Judge Brosman had long been active in the work of the Association, and by his outgoing personality, his inquisitive and scholarly mind and his untiring energy, he had contributed much to military law and military lawyers. He said that the Association and all of its members were intensely proud when Paul Brosman was elevated to the bench of the highest military tribunal and with the same degree of intensity, had felt the loss of a great friend and sponsor upon his untimely death. A resolution was passed that the Association take steps to have prepared a bronze plaque in memory of Judge Brosman and secure its installation in the Court House of the United States Court of Military Appeals.

Colonel Gordon Simpson was awarded the past President certificate for his services to the Association in the year 1954-1955.

The report of the Association's committee on the status of the lawyer in the Armed Forces was sub-

mitted to the body and referred to the Board of Directors for consideration and action. The full text of this report is included in this issue of the Journal.

At the end of the meeting, the report of the Board of Tellers was read and the following were announced elected and installed in their respective offices.

Col. Nicholas E. Allen, USAF-Res.,
Maryland—President

Col. Thomas H. King, USAF-Res.,
Maryland—First Vice President

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USAR, Maryland—
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Lt. Col. Louis F. Alyea,
Philippine Islands

Maj. Gen. Albert M. Kuhfeld,
District of Columbia

After a few words of thanks to the members of the Association for honoring him as its President during the past year, Captain Burke ordered the installation of Colonel Nicholas E. Allen as President. Col. Allen expressed his pride in being named as President of the Association and expressed appreciation for the opportunity of lending greater service to the legal establishments of the Armed Forces.

The Tenth Annual Meeting of the Judge Advocates Association was adjourned in loving memory of the deceased charter member, Judge Paul W. Brosman.

TJAG of the Army Reports:

THE PAST YEAR *

We have had a good year on the Army side in the law business. In addition to advising on the current legal problems we meet daily all over the world, we are keeping on with long range planning, with our system of continuing legal education, with the development of our reserve activity. We have been making progress in working hand in hand with our brothers in the other services—we look forward to still more of it—and it is a point of real satisfaction.

I suppose, if I were to count our blessings and try to pick out a particular one as the most blessed, I would choose the initiative and the forward looking, constructive attitude of our officers—both those who are on active duty and those in the active reserve who, at a very honest sacrifice, are doing such a magnificent job of keeping up their training.

There is a response from our clients that shows the benefit of this attitude on the part of each man. Just last week a senior officer took over a large organization in the Pentagon. He has recently been with a large field command and he told his deputy he wanted to meet his judge advocate. When he found that they sent their legal problems to my office, he said it wasn't enough, that he wanted a lawyer around to recog-

nize his legal problems so that he would know when he had one. Now that general officer reacted like that because he knew the value of his staff judge advocate in the field. When he requested a lawyer on the ground and I saw how many problems did arise that might need quick recognition, I agreed to supply him with a substantial lieutenant colonel, Judge Advocate General's Corps, after he had converted one of his line spaces to a JAGC space, which he did. I mention that because it demonstrates that once a man has had a good judge advocate, he is going to want a good judge advocate thereafter—not only to solve his problems, but to lessen his problems—to keep problems from arising.

It's worth your time and mine to mention how our ready reservists keep my morale up. I'll just give you one example. During World War II, one of our officers came to duty and performed outstandingly during the whole time. He went back home after the war and took over the reins in a very busy law firm. But he always found time to prepare for the night he gives the U. S. Army. Knowing how busy he was, he was told that he was only a year from retirement and wouldn't be required to do his two weeks this summer. He wrote

* Report of Major General Eugene M. Caffey, The Judge Advocate General of the Army, delivered at the annual meeting of the Association at Dallas, Texas, on 29 August 1956.

back and said he didn't quit just because he could see the finish line, that he was going to sprint down the stretch. He had a lot of ideas on career inducement which he thought would help us in one of our problem areas—getting the right kind of young lawyers to make the regular Army a career. He came to active duty in June, worked like a Trojan, and made a sterling contribution to the study on career inducement which we will be submitting to the Deputy Chief of Staff for Personnel in the very near future.

Speaking of recruiting brings us around to numbers. We have over a thousand judge advocates on duty—over half are reserve officers. The quality of our officers from top to bottom has never been better. Our big problem is, as I have mentioned, getting the right quality of young lawyers to come in and stay in. With our three-year active-duty program for first lieutenants, we have kept the spaces for younger officers filled, but because they don't stay with us, we now have what amounts to almost five years' worth of empty spaces for young officers, lieutenants and captains. We have, as I said, been making a study which we hope to forward through channels next month. I'm not going into the conclusions and recommendations because no Department of the Army position has been determined yet. Any ideas that any of you have, however, we would appreciate. Just send them in to my office.

Shifting now to the general nature of legal problems, and to new ones that have come up, during the past year, my office has been busy with

a variety of problems of a complexity that would tax the wisdom of a modern-day Solomon. Hundreds of opinions have been rendered in the past year concerning the obligations, rights, duties and privileges, of members of the Army, which have been occasioned by the enactment of laws such as the Reserve Officer Personnel Act of 1954, together with its amendments, the Reserve Forces Act of 1955, and the various amendments to the Selective Service acts, among others. The Judge Advocate General is required personally to determine for the Secretary of the Army the validity of marriages and divorces in connection with dependency benefits. My office now also advises on each case of pecuniary liability acted on by the Secretary of the Army. We are now engaged in drafting, as well as advising on, the legislation for the Army. We've also just been assigned duties in connection with security cases, which duties require that my office send out an attorney-advisor to the Field Boards of Inquiry hearing each case. Accordingly, we are sending out senior grade officers to all parts of the world on a few days' notice.

In the field of military justice, we've been concerned with studying and recommending changes to the Uniform Code of Military Justice, to be enacted, we hope, by the coming Congress. These changes include waiver of trial by a multi-officer court by an accused pleading guilty before a general court-martial. At the same time, we've been struggling to hold what we have against an onslaught of attacks concerning the jurisdiction of military tribunals. In this

connection, the Supreme Court in the *Toth* case removed jurisdiction by the services over former members. In the *Covert* and *Smith* cases, on the other hand, the Supreme Court upheld the right of the military to try dependents accompanying them overseas. In addition, a number of special projects in military justice have been undertaken because of the Prisoner of War aftermath to the Korean conflict.

In the field of international affairs, Congress has recently passed a law authorizing the Secretaries of the Armed Forces to employ counsel, and to pay other expenses incident to the representation of our soldiers before judicial tribunals and administrative agencies of any foreign nation. Substantially identical regulations of the three services in implementation of this authority are currently undergoing publication. I believe that these regulations are a significant achievement in our continuing efforts to promote the welfare of the American serviceman stationed overseas. I want to state that the status of forces agreement has generally worked very well, and that our people who have to answer for offenses before foreign courts are being fairly treated.

At the Judge Advocate General's School, we are still going ahead. On the 26th of September, we will dedicate the new school building. It has been built to our specifications by the State of Virginia with no increase in the rate of rent. Secretary Brucker, who helped us to get the building when he was General Counsel to the Secretary of Defense, will

be there to make the dedicatory address.

But the important thing about the school is not the individual lock mailboxes nor the innerspring mattresses for the students. The important thing is the fact that men of intelligence gather there to exchange ideas in military law and to listen to real experts in the various subjects who bring them up to date. Last year, the school was again rated by the representatives of the American Bar Association as one of the most outstanding postgraduate law schools in the country.

The Navy participates now in our program. Their first five officers graduated from the advanced course this Spring. The Navy chooses their students just as carefully as we do—and the instructors and students who worked and lived with the law specialists last year have a genuine respect and admiration for their counterparts in the blue uniform. They were, without exception, outstanding. Some of the theses prepared by the Navy advanced students are already in use in the Pentagon.

We look forward to Navy participation in the basic course in the near future—and the staff and faculty, in particular, are looking forward to the arrival of the new Navy instructor, who will teach Navy administrative law and, in addition, counsel the research and planning division on the Navy and Joint Command aspects of their projects. I just hope he will be a man of stamina and endurance, because they are all looking forward to his help.

When I get to the subject of the school and Virginia, there's a danger that I talk too much—for every last thing about it is wonderful—even the scenery. So I'll leave the school by stating that there is no phase of the work there that is more important than the work of the non-resident schools division who not only now provide a nine-year program of instruction for our officers not on active duty, but who regard the individual problems of each officer as their own, and who don't hesitate to enlist my personal aid in solving such problems—and I am always pleased to give it. It makes no difference whether a judge advocate lives in New York City where he can train weekly with well over a hundred others or whether he lives in Oskaloosa, Kansas, where he must train alone. At the end of nine years, he can have the equivalent, in completely parallel training, of graduation from both the basic and advanced courses.

I must go back on my word and mention one other matter at the School because it is so very important. Next summer, at the latest, we will start in with our course for law officers. The students will be senior officers who have been acting as law officers and who will go right

back to their commands to continue as law officers. Through what I expect to be model records of trial, we will be able to show our appreciation to Judges Quinn, Latimer, and Ferguson for the fine support they have given to us.

In addition to the work at the School and that performed at my office, I now turn to the proof of the pudding. At the local level, throughout the world, officers of the Corps and civilian attorneys under their supervision have been performing their assigned duties with great distinction. I know, because I have traveled to these commands and have seen and heard from their field commanders concerning their work. I cannot tell you how proud I am when I am told that they are indispensable to a well-run command and when I read the letters and citations concerning their work.

There will always be a lot to be done—both in bettering our every day legal advice and our legal planning for the future. But we are doing it, we are drawing closer to the uniformed lawyers in the other services, and even though many tough problems lie ahead, we will find the answers as we have in the past, and we can look forward to a good year ahead.



Air Force's TJAG Reports To The Association*

With the exception of last year when I was in Europe when your meeting was held in Philadelphia, this is the eighth consecutive annual meeting which I have attended. Already this is four more than any person should be permitted to attend in this capacity.

I shall not burden you with many statistics. However, in order that you may get some idea as to how military justice is being administered in the Air Force and the relations of the Judge Advocate General's Department of the Air Force with the Court of Military Appeals, it will be necessary for me to cite a few. I should like to say parenthetically at this point that our relations with the Court of Military Appeals are of the very best as they have always been. We do not agree on all things but neither do the members of my department always agree with each other. In fact, my relations with the closest friends I have in this world are always subject to my right to disagree with those friends and they with me when we feel like it. Therefore, any disagreements we might have should never be taken as an indication of bad relations but on the contrary should be interpreted as an

association of the most wholesome character.

During the Fiscal Year 1956, over 3700 Board of Review cases have come through my office. The accused in each and every one of those cases had a right to petition the Court of Military Appeals. About 400 did petition the Court and the Board of Review was reversed in 4 cases. During the first five years which we have been operating under the Uniform Code of Military Justice, over 19,000 Board of Review cases came through my office. Over 1500 petitioned the Court and 19 were reversed. From these figures, you will observe that the accused in about 10% of all cases petitioned the Court, and about 1% resulted in reversals by the Court. In other words, the reversals amount to about 1 out of 100 of the cases in which petitions were filed or 1 out of a thousand of all cases handled by Boards of Review in the Air Force.

During the Fiscal Year 1956, I certified 6 cases to the Court because I disagreed with the Board of Review. The Court affirmed 2, affirmed 1 in part, reversed 2 and 1 is still pending. During the first five years which we have been operating under

* Report of Major General Reginald C. Harmon, The Judge Advocate General of the Air Force, delivered at the annual meeting of the Association at Dallas, Texas, on 29 August 1956.

the Uniform Code, I certified 21 cases to the Court. Seven were affirmed, 1 was affirmed in part, 9 were reversed, 1 reversed in part, and 3 are still pending. Now, from these figures you can observe that the cases which have been certified involved questions which are close indeed, because the Court has decided with the Boards of Review in about half of the cases and with me in about half, so neither they nor I have much room for boasting.

During the five year period as well as during the Fiscal Year 1956, convening authorities have reduced confinement in between 13 and 14% of the cases and have suspended the execution of punitive discharges in between 23 and 24% of the cases. Further clemency has been extended by Boards of Review by modifications for legal reasons and reduction in sentences for appropriateness as well as reductions in confinement and suspension of discharges by The Judge Advocate General and the recommendations to the Secretary for the substitution of administrative discharges in lieu of punitive discharges. As you know, since the beginning we in the Air Force have felt very strongly that our responsibility did not end with the conviction and punishment of offenders but extended to and included every effort within our power to reform and rehabilitate those offenders wherever possible. In addition to the conservation of manpower, we have always felt that society would be best served by making good airmen out of bad ones in order that they may return to their respective homes at the conclusion of their service with

an honorable separation rather than a dishonorable one with the accompanying stigma and disgrace which may make them burdens on society rather than useful citizens in future years.

I have also felt that The Judge Advocate General not only had clemency powers but a very serious clemency responsibility, and in order to be in a position to properly discharge that responsibility, we established several years ago that very important part of our procedure in the administration of justice known as the post-trial investigation. In each case the staff judge advocate conducts a thorough investigation after the trial, including a conference with the accused, his commanding officer, the chaplain of his faith, the prison officer, the psychiatrist and any others who may possess relevant information on the questions of why did the accused commit the offense and does he possess the qualities which will make him a suitable candidate for clemency or rehabilitation.

In addition to all of the other types of clemency and efforts at rehabilitation, which are exercised within the various units of the Air Force itself, in 1952 we established the Retraining Group at Amarillo in a further effort in making good airmen and good citizens out of bad ones. Approximately 3100 prisoners have been processed through that Retraining Group. Of that number, 65% have been returned to the Air Force and further military service. Of this 65%, approximately 71% are presently either on a productive duty status or have earned a subsequent honorable separation from the Air

Force on the expiration of the term of their enlistment. This means that 3100 people who were too bad to rehabilitate within the units themselves but still had enough good in them to give some hope of rehabilitation, have been retrained at Amarillo and nearly half of them are good citizens today either in the Air Force or out of it. I submit that the effort has been worth while.

Since the war, much consideration has been given in protecting the rights of the accused before the trial, at the trial and during the appellate process. Certainly, every member of our profession will always enthusiastically approve every effort to see that every accused is clothed with all of the safeguards of protection afforded by our Constitution and long recognized and cherished by our people. However, in affording that protection, I think we always have to remember that there is another party to the proceedings, to wit, the people. We should never become so blinded by our diligence to protect the rights of the man charged with crime that we do not recognize the harm to society resulting from his violations. In an address before the Law School of Yale University, June 26, 1905, on the subject of the administration of criminal law, a distinguished lawyer from Cincinnati, Ohio, then I believe Secretary of War and later destined to be both President and Chief Justice of the United States, William Howard Taft issued a stern warning in this connection to future generations. I do not join in all of his apprehension but with one thing we must agree and that is that in the administra-

tion of the criminal law, both in the service and out of it, in addition to seeing that all of the rights of the accused are completely protected, the guilty must be punished in order that the law abiding citizens of our land may be protected from the lawless.

There is another matter totally unrelated to the discussion this far which I would like to mention to you at this time. The military service is finding it increasingly difficult to compete with civilian opportunities in the retention of young lawyers on active duty. We have about 1200 lawyers on active military duty in the Air Force. Approximately half of them are lieutenants. About half of those lieutenants are separated from the service each year which means that we have an annual turnover of about one-fourth of our lawyers. I am sure that every lawyer present here today realizes that this is not a good situation. In the first place, it means that the people who are responsible for about half of our work are inexperienced and unable to do half of it which makes an additional burden on the experienced. Furthermore, the supervisory burdens are far greater than they should be in order to make sure that a good legal product is turned out. In the second place, the long range results of this tremendous turnover at the bottom are even more alarming. While we have adequate people in the top grades and adequate in the lowest commissioned grades, we are extremely short in the middle in the grades of captain and major. The lieutenants are simply not staying long enough to grow up to be

captains and majors. In future years as the men who are now colonels and lieutenant colonels retire with an inadequate number of captains and majors growing up to take their place, it simply means that the percentage of lieutenants and inexperienced people is going to increase unless we can contrive some successful program to retain them in the service. Furthermore, as soon as the influence of the draft is relaxed or released, our problem will not be limited to retention, it will be expanded to include a procurement problem as well.

My concern with this problem has extended back several years and in an effort to find out the real causes, three or four months ago I sent out a letter to my Judge Advocates in the field asking why the young fellows do not want to stay in the service. The answer we received brought out generally that the young fellows enjoy their service, they think they receive fine experience from it, and generally their morale is high, but they are not staying in the service for the reason that they think they can make more money

elsewhere. Three almost unanimous recommendations from Judge Advocates in the field to solve the retention problem were: First, to increase the monetary benefits of the officers concerned; second, to increase their promotion; and third, to increase their professional prestige. I summarize briefly these problems and express the hope that your organization may render such assistance as your officers deem appropriate in helping the military services solve this problem.

In closing, I should like to thank you for the unqualified support which you have given me through the years. As you no doubt recall, we started from nothing eight years ago with the problem of building a new legal department. Your kind cooperation and indulgence as well as those of the Bar generally have been very comforting and encouraging during these years. This has meant even more to me because of the fact that we were building a new department. If there is anything I can do or the members of my department can do to reciprocate, please feel free to call upon me.



The Judge Advocates Association is a national legal society and an affiliated organization of the American Bar Association. Members of the legal profession who are serving, or, who have honorably served in any component of the Armed Forces are eligible for membership. Annual dues are \$6.00 per year, payable January 1st, and prorated quarterly for new applicants. Applications for membership may be directed to the Association at its national headquarters, Denrike Building, Washington 5, D. C.



Official U.S. Air Force Photo

Maj. Gen. Reginald C. Harmon

General Harmon Reappointed As TJAG Of Air Force

Major General Reginald C. Harmon, The Judge Advocate General of the United States Air Force, was reappointed for a third term on 5 September 1956. He was appointed the first Judge Advocate General of the Air Force on September 8, 1948, shortly after it became a separate military department and has served continuously in that capacity since that time having been reappointed for a second four-year term on September 8, 1952. His new term will continue until the date of his mandatory retirement from the military service March 31, 1960.

General Harmon's long tenure as The Judge Advocate General of one of the military services establishes a record which has not been equaled in modern times when military legal departments have been anything like their present size, and which has been equaled on but very few occasions in the entire history of the United States.

As the chief legal officer of the Air Force, General Harmon heads a legal organization which is one of the largest law firms in the world under one centralized control. He has approximately 1300 military and civilian lawyers under his supervision.

For many years before World War II, he was actively engaged in the practice of law in Urbana, Illinois, where he was twice Mayor of that City. He was commissioned as a Reserve officer in June 1926, and called to active military duty in the fall of 1940. After serving twenty years as a Reserve officer, he was commissioned in the Regular Army in July 1946 and transferred to the Regular Air Force the following year. He holds the permanent grade of Major General in the Regular Air Force. General Harmon is a member of the Judge Advocates Association and is currently a member of that Association's governing body.



The Journal is your magazine. If you have any suggestions for its improvement or for future articles, please bring them to the attention of the Editor. We invite the members of the Association to make contributions of articles for publication in the Journal. Publishability of any article submitted will be determined by the Editor with the advice of a committee of the Board of Directors.



Rear Admiral Chester Ward

Admiral Ward Named TJAG Of The Navy

Rear Admiral Chester Ward has been appointed to a four-year term as The Judge Advocate General of the Navy. Immediately prior to the assumption of his new post, Admiral Ward served as Staff Legal Officer on the staff of Admiral Felix B. Stump, Commander In Chief, Pacific, and Commander in Chief, United States Pacific Fleet.

Admiral Ward brings to his assignment as the Navy's chief law officer a happy blend of Navy and legal experience. Prior to World War II, he had over thirteen years' experience in the Naval Reserve. He became a naval aviation cadet in 1927 and was initially commissioned as an ensign and designated a naval aviator in 1928. His early active duty assignments covered more than three years, and included tours at NAS Pensacola; with Torpedo and Bombing Squadron 9; and with Scouting Squadron 6 and as Junior Aviator, USS DETROIT. There followed over ten years of active participation in Reserve aviation training. Admiral Ward returned to active duty in June, 1941, and has been on duty continuously since that time. He was promoted to the rank of captain in the Naval Reserve in 1945, was commissioned in the regular Navy in that rank in 1946, and became a law specialist at the inception of the law specialist program in 1947.

Admiral Ward has had extensive legal training and experience, both civilian and military. After receiving his B.S. from Georgetown Uni-

versity, he received his LL.B. and his LL.M. from The George Washington University Law School. He is a member of the legal honor society, Order of the Coif, and is a past president of the Washington, D. C., chapter of that society. He has been admitted to the practice of law in the District of Columbia since 1935 and is a member of the bar of the United States Supreme Court. He is a member of the American Bar Association. In 1940 he was made an Associate Professor of Law at The George Washington University Law School, having taught there from the time of his graduation in 1935. He has in addition been Senior Legal Editor and Assistant Editor of *The United States Law Week*, Co-Editor of *Administrative Interpretations*, Legal Editor of *Labor Relations Reporter* and *Labor Relations Reference Manual*, and Faculty Editor of *The George Washington Law Review*. He has written leading articles for the Harvard, Yale, Vanderbilt, and George Washington University law reviews. His civilian law practice included work as a consultant in contract law and labor relations, as well as his many years as professor of law.

For the past fifteen years, Admiral Ward has been performing Navy legal duties in a variety of responsible assignments. Prior to his most recent tour of duty as Staff Legal Officer of the Navy's largest area and fleet command, first under Admiral Radford and then under Admiral Stump, he was District Le-

gal Officer of the Twelfth Naval District. He reported to that assignment just before the outbreak of the Korean hostilities and served there for three years when legal activity at the San Francisco port of embarkation was at its Korean War height. He came to San Francisco from the Office of the Judge Advocate General where he had served as Director of the Administrative Law Division. He had previously been Director of the General Law Division, Office of JAG, when that division handled all admiralty, taxation, international law, legal assistance, and claims matters for the Navy. While in the Office of JAG, Admiral Ward drafted the charter party which was used in the lend-lease of naval vessels to scores of nations. He was the author of the "Agency Clause" which saved the Navy scores of millions of dollars in state and local taxes under Navy contracts and purchase orders and which was upheld by the Supreme Court of the United States as a valid method of conserving naval appropriations. He was instrumental in prescribing the procedure for settlement and payment of the more

than ten thousand claims which arose from the explosions at the Ammunition Depot at Port Chicago, California, in 1944; and he handled many other important special projects for the Judge Advocate General. For these and other assignments, Admiral Ward holds a Secretarial commendation and ribbon for outstanding performance of duty in the Office of the Judge Advocate General.

Admiral Ward now has nearly twenty-five years of intensive and varied experience in numerous fields of law, both civilian and military. For nearly thirty years—ever since his enrollment as a Naval Aviation Cadet at the age of 19—he has been dedicated to the Navy. He is a naval officer with a professional specialty. He believes in putting that specialty to work for the greatest possible benefit of the Navy, and to promote the effectiveness of the sea power of the United States. Navy lawyers, he feels, are most fortunate. In no other way can two careers, each offering so much in professional satisfaction and personal happiness, be combined in one lifetime.



JAA Award To Midshipman Elpers

The Association's Award for scholarly attainments in the study of military law was presented to Midshipman William Wendell Elpers, First Class, United States Naval Academy, at a ceremony held at the Academy on May 31, 1956. Captain O. Bowie Duckett (11th Off.), a charter member of the Association, now engaged in the private law practice at Annapolis, made the presentation as the representative of the Association.

Report of the Committee on the Status of the Lawyer in the Armed Services*

At the June, 1956 meeting of the Board of Directors of the Judge Advocates Association reports were submitted which indicated that the service attorney was not enjoying the professional prestige to which his educational attainment and comparable standing in the civilian community entitle him. This alleged lack of professional prestige, with certain other factors, has created difficulty for the services in procuring and retaining qualified lawyers. On the basis of that report, this committee was appointed to investigate the status of the lawyer in the service and to make recommendations as to ways and means to improve his status.

Procedure

In order to obtain the necessary information upon which to base its report, the committee has discussed the subject at length with officers in the legal departments of each service. Finally, a meeting was held with the Judge Advocates General or their representatives. It is considered that sufficient material has

been gathered to warrant a preliminary report. The short period of time given the committee within which to act precludes preparation of a lengthy and detailed report. This report is interim in nature, and a final report will be submitted to the Judge Advocates Association prior to its convention in 1957.

The Facts

The implementation of the Uniform Code of Military Justice in 1951 substantially increased the requirements for qualified lawyers in the armed services. In addition to this increase there is a continuing requirement for work in civil law matters such as contracts, procurement, tax matters, patents, claims, international law, and the ever broadening field of military affairs.¹ The field of the military lawyer is even broader in scope than that of the average government attorney, since the former deals with both civil and criminal law.

Concerning the scope of activity of the military attorney, it is interest-

* This report does not represent the official view of the Association at this time but it is illustrative of matters receiving current consideration by the Association and does very clearly point up a matter of great concern to the military services in general and military lawyers in particular. The Committee making this excellent report was composed of Major General E. M. Brannon, USA-Ret., Chairman and Commander J. Kenton Chapman, USNR and Captain William C. Hamilton, Jr., USAF, members.

¹ See: Pamphlet "Legal Career Opportunities in the Judge Advocate General's Corps Regular Army—; "The Lawyer in the Air Force" by Maj. Gen. Reginald C. Harmon, The Judge Advocate Journal, May, 1956.

ing to note that the Hoover Commission in its report on Legal Services and Procedure has made certain recommendations which would limit the field of judge advocates and legal specialist to military justice and military affairs matters. (See A Report to Congress, Commission on Organization of the Executive Branch of the Government, Legal Services and Procedure; Recommendations 10 and 20.) The American Bar Association has recently gone on record as favoring these recommendations. This committee believes that such action was taken without full knowledge of the facts.

Since the status of the attorney in the military service is directly related to the problem of retention of qualified attorneys by the legal departments of the Services, it is considered pertinent to this report to outline the staffing problems existing in each and the efforts being made to correct them.

The Air Force. An analysis of the personnel situation in the Air Force shows a manning of 24% and 34% less than the overall Air Force manning strength in the grades of captain and major, respectively. On the other hand there is a large overage in the grade of lieutenant. Input of officer-lawyers into the Judge Advocate General's Department of the Air Force has been for the past three years from the ranks of ROTC graduates who have been granted a three-year delay in their call to active duty in order to complete law school and qualify for the practice of law. Some few direct commissions have been granted in the lieutenant grade.

However, beginning this year the Department can no longer depend on the ROTC officer-lawyer since all students, with rare exceptions, now entering the advanced class are required to sign for flight training. No further input can be expected from this source.

The retention rate of this group is practically zero, leaving no input into the grades of captain and major. At this time the Air Force legal department consists of 51% lieutenants as against an 8% authorization, few of whom under existing conditions will remain beyond their obligated tours of two and three years. The situation is getting progressively worse each year. Older lawyers are being retired and there are not sufficient experienced officers available to replace them. The total effect of this trend has been to drastically reduce the experience level of the Judge Advocate General's Department, USAF, which trend continues even in the face of expanded requirements.

This year, the Department has been forced to again enter the direct commissioning field as a source of input with a quota of approximately 175 lawyers needed. The small recall and direct commission quotas have been barely filled in the past. The ability to meet minimum requirements has been primarily due to the existence of selective service and the lawyers vulnerability thereto. Even so, selective service will continue to drive into JAG commissioned ranks new law school graduates who choose commissions as the alternative to being drafted as an enlisted man for two years. How-

ever, these young officers can be expected to remain only for their obligated tours of active duty.

Recent legislation authorized in lieu of draft, six months enlistment for active duty and seven and one-half years obligated reserve service. Initial experience indicates that under this program the difficulty in obtaining candidates for direct commissions is greatly increased.

The Judge Advocate General, US AF, has solicited opinions and recommendations from judge advocates in the field as to ways and means of combatting the problem of retention. The replies received have been made available to this committee and will be discussed *infra*.

The Army. The Army is experiencing an identical problem in retention of experienced personnel. Reserve appointments entailing three years active duty have been granted to 1,000 individuals as first lieutenants, Judge Advocate General's Corps, since 1951. Of that number, only nine have elected to remain on active duty after completing their required period of service, two of these extended their active duty tours in order to accompany their units to Europe, six to try for regular Army commissions, and one to remain on active duty in reserve status. Since 1954, nineteen regular officers, mostly in the grade of captain, have resigned their commissions.

At this time, the Judge Advocate General's Corps is composed of approximately 43% lieutenants in a ratio of 496 to a total strength of 1,156 officers. Two hundred and four of these lieutenants will be separated

from the service in FY 1957. Here it is also evident that the necessary build-up of experience legal personnel is not being achieved.

The Navy. From the information received it would appear that the Navy's problem of retention is comparable to that of the Army and Air Force. The Navy has attempted, without much success, to obtain for legal specialist duties service lawyers with line experience.

The American Bar Association should be vitally concerned with the proper and effective administration of military justice and should appreciate the fact that experienced attorneys are required in order that the Uniform Code of Military Justice be successfully administered. Such is no longer the sole responsibility of the Military Service, but with the advent of the Code, it is also the responsibility of the legal profession.

An examination of comments received by The Judge Advocate General, USAF, in response to his inquiry aforementioned, and the additional material presented to this committee, indicates that most service attorneys are dissatisfied with their position and feel that their profession is considered second-rate, not only by the services, but by their professional associations. An analysis of the material obtained, representing the opinions of many hundreds of judge advocates serving in all levels of command, warrants our placing the reasons for this dissatisfaction within three general categories:

Pay. Officer-lawyers of all services feel strongly that their profession is the object of discrimination in the matter of pay. While the required educational attainment of an attorney is equal to that of other professional groups and considerably more than that required of officers skilled in the military profession alone, reimbursement is not provided for on an equitable basis. This inequity can be illustrated by reference to a table prepared by the Air Defense Command, United States Air Force, showing the salary disparities between certain officer categories by age. The fact must be borne in mind that officers of the professional groups such as doctors and lawyers must begin their military career no less than three years later than those officers considered non-professional. Four types of officers were considered: (a) Pilot, (b) Non-rated ROTC officer, (c) Doctor, and (d) Lawyer. This chart indicates that at age thirty, the normal yearly service income of the pilot is \$10,334.00, the non-rated ROTC officer—\$6,860.00, the Doctor—\$8,660.00, and the Lawyer—\$6,229.00. At age forty-five the disparity is greater: Pilot—\$14,142.00, non-rated ROTC officer—\$11,202.00, Doctor—\$14,202.00, and Lawyer—\$10,827.00.

A second factor of great importance involves the present income producing opportunities of the attorney in civilian life. Many officers have accepted legal positions with the Federal Government at substantially larger salaries than they were receiving in the military service. In addition, many officers have been leaving the military service to enter

private practice or to accept lucrative positions with civilian enterprise.

Promotion. Studies of the promotion system show that lawyers in the service have fared well generally in promotion to higher grades. The inclusion of judge advocates and legal specialists on general promotion lists is producing favorable results, primarily because of extra consideration given the educational level of the lawyer as compared to the educational attainment of the line officer. On the other hand, there was complete agreement among the Judge Advocates General or their representatives that the initial grade of first lieutenant or equivalent, if adequate, was adequate recognition only for the recent law school graduate, and that either civilian or military experience of one year's duration should entitle him to advancement to the next higher grade. It should be noted here as a point of comparison that prior to World War I the initial grade for the judge advocate was major, prior to World War II, captain, and presently, first lieutenant. In the meantime, professional requirements of education and admission to the Bar have increased tremendously under constant pressure from the American Bar Association.

Prestige. It is recognized that this category overlaps the preceding two. That increased pay and advanced promotion will go far to enhance the prestige of the attorney among his service contemporaries cannot be doubted, yet there are other factors requiring change in order

that the military lawyer may attain first-rate professional status.

The standing of the military attorney cannot be improved until provision is made to equate his rank with that of the other members of the commander's staff upon which he serves. An organization commander cannot be expected to repose complete faith and trust in a young law school graduate holding the grade of second or first lieutenant when all other officers on his staff are in the higher grades of major, lieutenant colonel, and colonel. This is the situation facing all services to a degree, yet predominantly existent in the Air Force where many base commanders have as their assigned staff judge advocates officers in the grade of second or first lieutenant.

This situation cannot be corrected until inducements are provided which will procure and retain qualified officers. One of these inducements must be acknowledgement of his professional status by the military, the civilian community, and his professional associations.

The popular belief, held even by some attorneys, that the field of the service attorney is limited in scope to the administration of military justice, is completely erroneous and should be corrected. Further, the rather widely held belief that military justice does not require the services of a lawyer but can be handled equally well by a line officer, is a holdover from the old Articles of War and the experience of officer-lawyers during World War II.

The field of military justice under the Uniform Code of Military Justice has become highly complicated

and technical, comparable to the field of civilian criminal law; the same legal principles apply; the same general procedure prevails. A court-martial is now a criminal action in the strictest sense of the word. The fact that judge advocates and legal specialists devote at least 50% of their time to civil law matters as mentioned previously is a factor of no little consequence, particularly in view of the fact that many legal problems with which they deal are of greater importance and consequence than those which many of their civilian contemporaries will ever handle. The service attorney strongly desires that military practice be recognized as the practice of law.

A Defense Advisory Committee on Professional and Technical Compensation (Cordiner Committee) has recently been appointed, charged with the responsibility of recommending an adequate solution to the problem of personnel retention. It has been recommended to that committee that it include within its study the specific problem of retaining qualified officer-lawyers on active duty in the Air Force.

Recommendations

It is therefore recommended by this Committee that:

1. *This Association go on record as supporting additional pay for the service attorney.*

The professional status of the attorney must be recognized even though he is in uniform and specializing in a field little known to other members of his profession. Additional pay as provided other professional

groups would assist in obtaining this recognition from the Bar and the civilian community. Such recognition would acknowledge the value of legal services to the military, greatly assist in solving the problem of retention of qualified lawyers in the military service, and would tend to eliminate the salary disparity mentioned above.

2. *This Association go on record as supporting the proposal that graduate lawyers who have been duly admitted to practice and initially commissioned in the grade of first lieutenant or its equivalent be automatically promoted after one year's service.*

Such a policy would tend to equate the officer-lawyer with other officers of his age group, recognize his educational achievement, and increase the experience level of the legal departments by inducing him to remain on active duty for an extended period.

3. *This Association go on record as being strongly opposed to the Hoover Commission recommendations that would have the effect of limiting the field of the military lawyer to military justice and military affairs.*

Such a limitation would seriously damage the professional prestige of the military lawyer. For years the services have recruited and obtained the services of law school graduates who have finished in the upper half of their law school classes. The legal departments of which they are or have been a part are well qualified from organizational, professional, and geographical points of view to handle all military legal matters of

a civil nature. In addition, the broad military legal experience received by the service lawyer from his handling of both civil and criminal matters benefits the legal profession generally. The degree of present dissatisfaction would be tremendously increased by acceptance of recommendations that would restrict the military legal field narrowly and unnecessarily. It is unfortunate that the American Bar Association has gone on record as favoring these restrictive Hoover Commission recommendations. This action has had an adverse effect on morale since it appears to be a serious reflection on the capabilities of the service lawyer.

4. *Appropriate representation be made to the Cordiner Committee by representatives of The Judge Advocates Association and The American Bar Association supporting additional pay for service lawyers.*

Other professions have benefited greatly through the backing of their professional associations. The American Medical Association has not limited its activities to the support of the civilian physician, but continues to consider the military doctor as a member of the medical profession. The two pay increases and other special benefits received by medical officers were strongly supported by that association.

5. *The Judge Advocates Association recommend to the American Bar Association the establishment within its organization of a section of military law.*

The American Bar Association as a whole must recognize the fact that

military law is a legal specialty and that its practice constitutes the practice of law on a par with civilian and governmental practice. Fully 50% of the military lawyers are now members of that organization, the Army leading with almost 100%. This percentage is greatly in excess of the percentage of civilian attorneys belonging. These officer-lawyers have shown their interest in their professional association. It is now time for the association to show its interest in them and to acknowledge their legal specialty. Such acknowledgement was made by the Section of Legal Education and Admission to the Bar in its report on the visit to the Judge Advocate General's School in Charlottesville, Virginia.

6. *The Association recommend to The American Bar Association the continuance as a standing committee of the special committee on lawyers*

in the armed forces as an adjunct to the proposed section of military law.

This committee provides a vehicle for the support of the service attorney and advancement of his interests as the need may appear. It also provides for an effective liaison between the service lawyer and the American Bar Association.

The present dissatisfaction of attorneys in the service and the inability of the military service to retain experienced lawyers are but cause and effect. It is incumbent upon the American Bar to take the lead in effecting a solution.

The foregoing report was made at the Annual Meeting of the Judge Advocates Association at Dallas. It was referred to the Board of Directors with Appendices containing supporting data for consideration and action. The committee will continue its study and make further reports.



Regional Meeting In Baltimore

Members of the Association in the Mid-Atlantic States will have a luncheon meeting on October 12, 1956, at the Lord Baltimore Hotel, Baltimore, Maryland. This event is scheduled during the American Bar Association Regional Meeting to be held in Baltimore, October 10-12. As guest speaker at the JAA luncheon will be Rear Admiral Chester W. Ward, recently appointed Judge Advocate General of the Navy. Douglas N. Sharretts and Howard H. Conway of the Baltimore bar are the committee on arrangements. There is also scheduled a Legal Assistance Conference under the auspices of the A.B.A. Committee on Legal Assistance for Servicemen to be held beginning at 2:00 p.m., October 12th. Among those conducting the conference are Col. Charles M. Munnecke, JAGC, and Cdr. Anthony J. Caliendo, USCG, both members of our Association.

General Hickman Adds A Second Star

Major General George W. Hickman, Jr., a native of Kentucky, received the stars of his new rank from Lieutenant General Walter L. Weible, Deputy Chief of Staff for Personnel, at the Pentagon Building, Washington, D. C., on August 1, 1956. At the same time, General Hickman took the oath of office as The Assistant Judge Advocate General of the Army.

General Hickman was nominated for his present position by the President on July 20, 1956, and the nomination was confirmed by the Senate on July 27, 1956.

The son of a lawyer, he was born in Calhoun, Kentucky, February 3, 1904. He entered the Army from Madisonville, Kentucky. He was commissioned a second lieutenant, Regular Army, on June 12, 1926. He is the fourth Kentuckian to enjoy high rank as a Judge Advocate in the Army, following Judge Advocate Holt in the Sixties, Judge Advocate General Gullion in the Thirties, and Major General Shaw, who retired in 1954.

General and Mrs. Hickman live at 1529 44th Street, N. W., Washington, D. C., with their three daughters, Margaret, Patricia and Mary Lee.

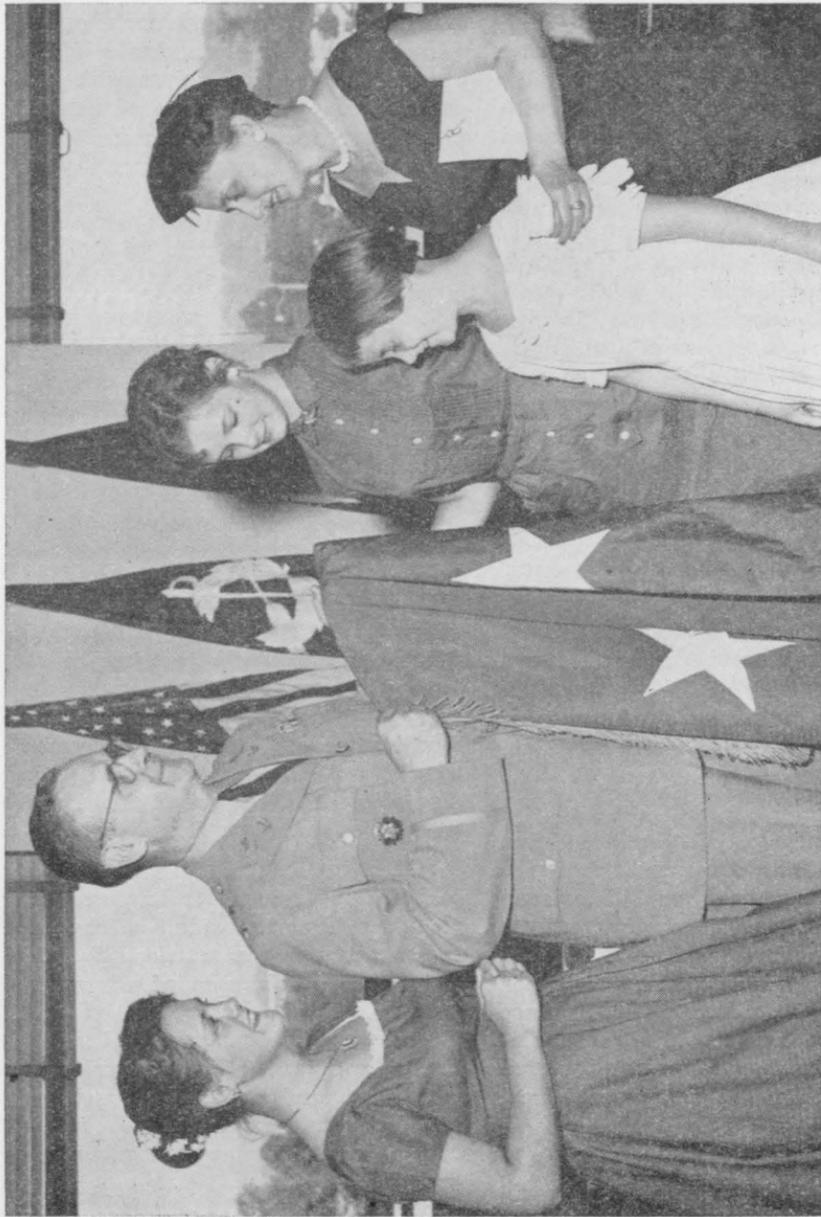
A graduate of Harvard Law School, with additional postgraduate training at Columbia University and the Harvard University Graduate School of Business Administration, General Hickman has had wide legal experience throughout all levels of the Army. With the outbreak of World War II, he was soon made the Staff

Judge Advocate of the 98th Infantry Division, then Staff Judge Advocate, of the XIII Corps; thereafter he was assigned to the War Department. In 1946, he was made Executive Officer of the Judge Advocate Office, Far East Command. In 1948 he was assigned to the Office of The Judge Advocate General, Department of the Army, Washington, D. C., and served as Chief of Claims and Litigation Division from July 1948 until January 1949.

In February 1949, he returned to Japan as Staff Judge Advocate of the Far East Command. During the first trying years of the Korean conflict, he also served as the Staff Judge Advocate, United Nations Command. From 9 July 1951 to 8 May 1952, he served as senior legal adviser with the United Nations Command Delegation during the cease-fire and armistice negotiations. He returned to the United States in July 1952 and was assigned as chairman of a Board of Review in the Office of The Judge Advocate General, Department of the Army.

In October 1952, he became the Executive Officer in the Office of The Judge Advocate General. He was appointed Assistant Judge Advocate General for Civil Law Matters in May of 1954 and served in that capacity until appointed The Assistant Judge Advocate General on August 1, 1956.

His decorations include the Legion of Merit, with two Oak Leaf Clusters, and the Bronze Star Medal. The



U. S. Army Photograph

Major General G. W. Hickman, Jr., Assistant Judge Advocate General of the Army, holding the two star General flag which was presented to him by Lt. General W. L. Weible, Deputy Chief of Staff for Personnel. Looking on are the General's three daughters, (L. to R.) Margaret, Patricia and Mary Lee and Mrs. Hickman. Ceremony held in the Pentagon, Washington, D. C.

decorations of which he is the proudest, however, are the three young ladies shown in the picture—and the credit for these he must share with Mrs. Hickman. Among his varied

avocations and extracurricular pursuits are his fondness for a night around the piano singing with his friends, for a good game of bridge, and for a good cigar.



In Memoriam

The members of the Judge Advocates Association profoundly regret the passing of the following members whose deaths are here reported and extend to their surviving families and relatives deepest sympathy:

Judge Wesley T. Crozier of Washington, D. C., died on 20 July 1956. Judge Crozier served as Chief Examiner, Military Justice Division, JAGO, in the Department of the Army for fourteen years. The many members of the Corps who received help from him in the field of military justice over the years are saddened by the loss of a true friend whose devotion to duty and continuing efforts to improve the administration of military justice served as a real inspiration to all who knew him.

Captain John N. Embler of Walden, New York, died in his sleep on 26 July 1956 of a heart attack. Captain Embler, who enlisted in November 1942, was commissioned at Ann

Arbor in August 1943 and served as a judge advocate officer with the 42nd Infantry Division in the ETO until his separation from the service in 1945. He was a prominent lawyer and active civic leader in his community and his death at age 43 came as a shock and extreme loss to his many friends both in civilian and military law circles. He was a charter member of this Association.

Captain Clarence M. Lawyer, Jr., of York, Pennsylvania, a charter member of this Association, died 17 May 1956 at the age of 43 years. Captain Lawyer was an active and able lawyer, well known and affectionately regarded by the residents of his community, the bench and bar of his home state and his many friends in the Judge Advocates Association.

Colonel James Archibald Myatt of High Point, North Carolina, died of a heart attack on 27 June 1956.

Colonel Myatt at his death was 54 years old and had practiced law for thirty years. He was commissioned as a reserve officer of the Judge Advocate General's Department in 1936 and during World War II served as a judge advocate officer at Headquarters USAFFE. Shortly before his death, he had been reelected Judge of the Municipal Court of High Point.

Colonel Clarence O. Tormoen of Duluth, Minnesota, died 28 May 1956 of a heart attack. Colonel Tormoen, an active reservist, had just completed a two weeks training tour of duty in JAGO at the time of his death. He was 53 years old. Since April 1954, he had served as Assistant to the Secretary of the Treasury and as Personnel Security Officer of the Treasury. During World War II, he served as Assistant Theater Judge Advocate in the ETO. In 1950 he was recalled to active military duty and served two years as legal officer in Washington for the Army operation of railroads.

Maj. Louis A. Whitener of Hickory, North Carolina, died of a heart attack on 16 July 1956. Only 54 years of age at his death, Major Whitener practiced law for thirty-five years. During World War II, he enlisted in the Canadian Army, serving overseas with those forces until November, 1941 when he was discharged to enter the U. S. Army. Major Whitener graduated from the

Sixth Officers Class at Ann Arbor and served in the Military Justice Division of The Judge Advocate General's Office. He was a charter member of the Association.

Lieutenant Colonel Reginald Field of Falls Church, Virginia, died after a short illness on September 28, 1956. Colonel Field, who was 63 years old, was at his death a member of the Armed Services Board of Contract Appeals. He had been a member of the bar of the State of New York more than thirty-five years. After graduation from Yale in 1916, he enlisted in the National Guard and saw active service overseas as a field artillery officer in World War I. Following graduation from the Law School of Columbia University, he engaged in private practice in New York City until his call to duty as a Major in World War II. He was affectionately known among JAG's as "The Dean of Lebanon" for his organization and conduct of the Foreign Claims School at Lebanon, Tennessee, during the later years of World War II. Colonel Field, a charter member of the Association, served as a member of JAA's board of directors for many years and was during August of this year elected Treasurer of the Association. His keen intellect, warm personality and ready wit endeared him to all of the many persons who knew him, and his death is a great shock and loss. He is survived by his widow, daughter and two sons.

Recent Decisions

of the Court of Military Appeals

The Right to a Speedy Trial

U. S. v. Hounshell (AF) 20 April 56,
7 USCMA 3

In this case the accused was confined on 20 February 1954, but not brought to trial until 8 December 1954. The SJA reported that the delay of trial was caused by difficulties encountered in interviewing witnesses, obtaining depositions and documentary evidence. The accused was represented by civilian counsel, both at the pre-trial investigation and at the trial, but no objection was made at the trial concerning the delay in prosecution although the defense counsel urged the pre-trial confinement of the accused as a mitigating factor at the sentencing. On petition of the convicted accused, it was urged that he had been deprived of his right to a speedy trial. CMA held the right to a speedy trial a substantial Constitutional right, but a personal right which may be waived. The accused could have applied for a speedy trial by appropriate motion any time after his confinement began, and the matter would have either been expedited or the charges dismissed. Neither this, nor objection at the time of trial was made with regard to the delay, and the right must be taken to have been waived.

Right to a Public Trial

U. S. v. Brown (A) 17 August 56,
7 USCMA 251

The accused was tried on a charge of communicating obscene language over the telephone. Prior to the trial, the convening authority directed that the trial be closed to the public although defense counsel was advised that the accused could have anyone present that he wished. At the trial, defense counsel objected to the convening authority's order on the basis that the accused was entitled to be tried in the presence of the public at large. The objection was overruled by the law officer who held that the convening authority had good cause for closing the court room to spectators because of the nature of the testimony. Following conviction, on petition of the accused, CMA held that the order of the convening authority was too broad and denied the accused his right to a public trial under Article VI of the Constitution. The Court said: "For reasons of military necessity, the trial of certain cases in the Armed Services may require the exclusion of the public"; however, when the offense involves no more than vile and obscene language, "there is no necessity for departing from the rule applicable to civilian offenses".

Right of Confrontation

U. S. v. Miller (A) 27 April 56,
7 USCMA 23

The accused was convicted of attempted sodomy. The defense was based on alibi supported by the testimony of the accused and corroborative testimony. The prosecution's case depended on the testimony of a guard who had discovered the accused and his co-actor in a compromising position. The testimony of the guard with regard to the acts and identity of the parties was corroborated by the deposition of the co-actor. The defense objected to the admissibility of the deposition because of the circumstances surrounding the taking of the deposition. It developed that when the accused was on authorized leave, it was learned that the co-actor was about to be discharged from the Service and without notice to the accused, his deposition was taken. The military authorities had not known that the accused had retained civilian counsel and, therefore, the only attorney present at the deposition was the regularly appointed defense counsel who made no objection to the taking of the deposition and requested no continuance so that the accused could be present. The appointed defense counsel cross-examined the deponent on the details of the offense but had not communicated with the accused and was not familiar with his defense of alibi. Objections to the admission of the deposition were overruled. On petition of the accused, CMA held the deposition was erroneously admitted. The accused's right to confrontation, the Court said, cannot be satisfied by

merely sending some attorney to a hearing without the knowledge of, acceptance by, or consultation with the accused. Further, the Government had not shown the unavailability of the co-actor as a witness at the trial, but merely that they did not know his whereabouts at the time of trial and had made several unsuccessful telephone calls to try to locate him.

Privilege Against Self-incrimination

U. S. v. Murphy (A) 27 April 56,
7 USCMA 32

Four soldiers and a civilian allegedly conspired to wrongfully dispose of Government property. At the trial of the accused, three of the soldiers successfully asserted the privilege against self-incrimination, but the civilian, a Korean National residing in Japan, was directed to testify even though he claimed a similar privilege on the ground that a prosecution was pending against him in a Japanese court. Upon conviction, the accused petitioned for review and CMA held that there was no error in the law officer's requiring the civilian to testify. The Court held that the privilege against self-incrimination under Article 31, like that created by the Fifth Amendment, extends only to a reasonable fear of prosecution under the laws of the United States. In a concurring opinion, Judge Quinn reserved judgment on this question, but concurred in the result on the ground that the privilege against self-incrimination is personal to the witness and the accused cannot complain if the witness was improperly deprived of the right.

Admissibility of Confession

U. S. v. Leal (AF) 20 April 56,
7 USCMA 15

The accused was convicted of larceny of certain communications equipment. In a pre-trial statement he had admitted each theft alleged. The evidence revealed that some of the missing equipment was found in the accused's possession and that there were unaccountable shortages of some of the types of missing material from the place where the accused worked. On appeal to CMA, the defense contended that this evidence was insufficient to corroborate the accused's confession. CMA held the pre-trial statement was admissible since the proof of substantial unexplained shortages of the types of things alleged to have been taken and the proof that some of these types of items were found in the accused's possession was sufficient circumstantial evidence to satisfy the requirement of corroboration.

Use of Depositions

U. S. v. Valli (N) 11 May 56,
7 USCMA 60

Some months after a reported theft, the item was found in a pawn shop and the pawn ticket revealed the name of the accused. The accused upon interrogation admitted the theft. Before trial, the trial counsel and defense counsel took oral depositions of the detective, who located the stolen article, and the pawn broker. The depositions reduced to typewritten copy were identified only by the name of the witness at the top of the first page. There was no identification of the officer

before whom the deposition was taken, there was no indication whether an oath had been administered, whether the reporter had been sworn, or the time or place of the hearing; nor were the depositions signed by the witnesses or any explanation made of the failure to sign. Likewise, there was no certification by the reporter. Without objection on the part of the defense counsel, the depositions were introduced in evidence. The board of review reversed the conviction of the accused on the ground that the depositions were inadmissible. On certification, CMA affirmed the board of review by saying that the right to take and use the deposition of a witness is statutory; and, the procedure prescribed for its taking must be substantially followed in order to make the deposition competent and admissible. The Court held that there were too many deficiencies in the matter of these depositions based on the requirements of Article 49, UCMJ, and Paragraphs 114, 117e and 117g of the Manual. The failure to object could not be raised to the level of a stipulation or a waiver of such deficiencies.

Jurisdiction of Special Courts-Martial

U. S. v. Sanders (AF) 20 April 56,
7 USCMA 21

The accused was convicted by a special court-martial in Japan of sleeping on post. The date of the offense was 4 June 1955. The record did not show that competent authority had directed the case be treated as non-capital. On petition of the accused, it was argued that the offense was committed in time of war

and, therefore, a special court-martial lacked jurisdiction. CMA did not agree with this contention. Although a special court-martial is without jurisdiction to try capital cases and sleeping on post is a capital offense if committed in time of war, the Court said the offense here was not capital since a time of war did not exist on the date of the offense. The Court recognized that time of war can result in the fact that our Armed Forces are actually engaged in combat against an organized armed enemy even without a formal declaration of war by Congress, but the cease fire order of 27 July 1953, when considered with all the other facts indicating that the consequences of actual hostilities were no longer present, resulted in the inescapable conclusion that a time of war condition had ended.

Trial Counsel May Argue Quantum of Sentence

**U. S. v. Olson (N) 10 August 56,
7 USCMA 242**

On a plea of guilty, the accused was convicted of the charges against him. There were no previous convictions and he and other witnesses testified in mitigation. Defense counsel made a statement to the court on the subject of appropriate sentence. Over defense objection, the trial counsel was permitted to argue on the subject of the sentence that should be adjudged. The board of review held that this was improper; and, on certification, CMA reversed the board, saying that counsel for either side can make a separate argument for an appropriate sentence so long as the argument is based on

the evidence adduced at the trial and does not go beyond the bounds of fair argument.

Re-Opening the Trial After the Court Has Closed

**U. S. v. Parker (N) 22 June 56,
7 USCMA 182**

After the court had closed in this case, it re-opened and the president offered the trial and defense counsel further time to prepare their cases on the ground that the court was unable to decide a question of intent involved in the charges and suggested that additional evidence be obtained. Defense counsel then moved for a finding of not guilty; but, his motion was denied, and several witnesses were recalled by the prosecution. The defense refused to call further witnesses and renewed its motion for a finding of not guilty. The board of review reversed the conviction of the accused on the ground that he was prejudiced by the introduction of evidence after the court had retired to deliberate on the findings. On certification, CMA held the accused was not prejudiced by the admission of additional testimony. Citing paragraph 54b of the Manual, the Court said: "The court may, when the evidence introduced by the parties appears to be insufficient for a proper determination of the matters before it, require the trial counsel to recall or summons witnesses." CMA said it was of the opinion that the court may order further evidence to be introduced even after it has retired to deliberate on its findings.

Prejudicial Disclosures on Challenge

U. S. v. Richard, (A) 4 May 56,
7 USCMA 46

Upon a trial for rape, members of the court were requested to disclose facts which might form the basis of a challenge. One of the members then proceeded to state that he was a member of the court which had tried the accused for a similar offense, that he had been interviewed by the CID in connection with another similar offense against the accused, that he had consulted with a psychiatrist who had interviewed the accused, and that he knew of the results of certain polygraph tests given the accused. The law officer unsuccessfully tried to stop the member from making the disclosures; and, did excuse the member and he did withdraw. No further challenges were made. The defense counsel, out of the hearing of the other members of the court, presented to the law officer a motion for mis-trial on the ground that the disclosures of the retiring member were inherently prejudicial. The motion was denied then and at the conclusion of the trial and the law officer did not admonish members of the court to disregard the assertions of the excused member. From a conviction of an assault with intent to commit rape, the accused petitioned CMA for review. CMA held that the law officer abused his discretion in denying the motion for a mis-trial. Here, the other members of the court were informed through the excused member of an earlier trial of the accused on similar charges, investigations of similar charges, the fact that his

conduct presented psychiatric overtones, and that he had taken a lie detector test in connection with the present case. Since the excused member believed these facts constituted ground of challenge against him, the remaining members could certainly infer that the results of the lie detector test were adverse to the accused. It would be impossible to wipe out the harm done the accused. Therefore, the motion for a mis-trial, which is designed to cure errors which are manifestly prejudicial, and the effect of which cannot be obliterated by cautionary instructions, was a proper motion and should have been granted.

Pre-Trial Determination of Admissibility

U. S. v. Mullican (N) 13 July 56,
7 USCMA 208

Several days before trial, a pre-trial hearing was held with the law officer, trial and defense counsel, accused and reporter present for the purpose of determining the admissibility of prosecution exhibits. The pre-trial proceeding was made a part of the record in the case and the defense counsel expressly approved of the procedure. At the trial, the documents were read into the evidence. A board of review held that this procedure deprived the accused of military due process and the case was certified to CMA. The Court held that although the procedure in this case was not specifically permitted by either the Code or the Manual, it did not result in a deprivation of military due process. The Court found the procedure unorthodox and without any precedent in Federal

criminal procedure. Nevertheless, no prejudice resulted and the result would have been the same as if the admissibility of the documents had been determined at the trial. In any event, the defense counsel waived any objection he might have to the procedure.

Self-defense

U. S. v. Clansy (A) 10 August 56,
7 USCMA 230

The accused was convicted of assault with a dangerous weapon (a knife) upon a German civilian. The accused testified that he was violently attacked without provocation by persons who, unknown to him, turned out to be policemen. He denied that he struck them, that he had a knife or that he stabbed anyone. The defense counsel in discussing instructions with the law officer stated that he did not want instructions on the lesser included offense of assault and battery and simple assault and that there was no need for instruction on self-defense. The closing argument of the defense suggested that the victim was stabbed by somebody else. On petition of the accused, it was urged that the law officer erred in not instructing on the right to resist an illegal apprehension. The Court said that a person has a right to defend himself against illegal arrest but may not use force that exceeds that reasonably necessary to repel the force used by the arrestors. Here the accused's defense was not based on self-defense but a disclaimer of all responsibilities for the injury and, therefore, the position on appeal is inconsistent with his contention at the time of trial. The conviction was affirmed.

Mistake of Fact as a Defense
U. S. v. Holder (N) 3 August 56,
7 USCMA 213

The accused Marine was convicted of desertion from 24 March 1953 to 6 April 1955. In February 1953 the accused had been restored to duty with a suspended BCD at which time he was told by his commanding officer that if he didn't behave himself, the discharge would be executed. Shortly thereafter, the accused again went AWOL and while AWOL was convicted and sentenced for petty larceny by civil authorities. The military knew of the accused's whereabouts but put no "hold order" on him with the civilian authorities and although military representatives were present when he was released from civilian custody in May 1953, he was not taken into custody. The accused then obtained civilian employment. At the trial, the accused testified that he believed that the suspended BCD must have been executed and that some time or other he would receive his discharge in the mail. In 1954, the accused's wife notified the FBI of her husband's whereabouts and was advised that her husband was not wanted. The law officer gave no instructions, although they were requested by the defense counsel, with regard to mistake of fact. The board of review felt that the issue of mistake of fact with regard to the discharge was raised and that question was certified to CMA. The Court held that since desertion involves a specific intent, an honest mistake of fact is a defense. Since a reasonable person could find that the accused honestly, even though negligently, be-

lieved that he had been discharged from the Service, an issue of mistake was raised as to the desertion and the instruction should have been given by the law officer. However, since absence without leave requires only a general intent, the mistake or ignorance of fact must be both honest and reasonable in order to constitute a defense to that offense. The accused's mistake as to that status was not reasonable and the defense of mistake of fact was not raised as an issue as to that offense.

**U. S. v. Connell (A) 10 August 56,
7 USCMA 224**

The accused was convicted of dishonorably failing to deposit funds in the bank to cover payment of checks drawn by him. The accused's defense was based on the fact that he did not keep an accurate record of checks and believed that he had sufficient funds to cover them. The law officer instructed that the accused's mistake to be a defense must be both honest and reasonable and not the result of carelessness. On petition to CMA, the instruction was held to be prejudicial error. The Court held that a negligent failure to maintain sufficient funds to cover outstanding checks does not constitute an offense; thereby, making an honest mistake of fact, whether reasonable or not, a defense to this offense.

Disrespect to a Superior Officer

**U. S. v. Noriega (AF) 29 June 56,
7 USCMA 196**

Prior to an enlisted men's party, the officer in question briefed the men

by telling them to get drunk and have a good time. At the party the officer acted as bartender working stripped to the waist, serving beer as fast as he could. The accused was mixing his beer with a little whiskey and became threatening and aggressive. While two other Airmen were escorting the accused to his barracks, the officer suggested that they let him have a couple of more drinks, whereupon the accused invited his commissioned benefactor to a physical encounter on the green which the officer apparently ignored. Nevertheless, the accused Airman was convicted of disrespect toward a superior officer and his conviction was affirmed by a board of review. On petition, CMA held that the accused's actions did not, as a matter of law, detract from the authority and person of the officer within the meaning of Article 89.

Legality of Sentence

**U. S. v. Hounshell (AF) 20 April 56,
7 USCMA 3**

In this case the accused upon conviction received a sentence of dishonorable discharge, total forfeitures, confinement at hard labor for twelve years, and a fine of \$1,500. On accused's petition, it was contended that the sentence was illegal in that it included both a fine and total forfeitures. CMA held that the portion of the sentence dealing with the forfeitures was illegal; although a fine may be adjudged in lieu of forfeitures, a fine and forfeitures cannot be adjudged against an enlisted man in the same sentence.

U. S. v. Jefferson (A) 29 June 56,
7 USCMA 193

Upon conviction of premeditated murder, the accused was sentenced to dishonorable discharge, total forfeitures and confinement at hard labor for life. The conviction and sentence were approved by the convening authority and affirmed by a board of review. The board of review, however, in its decision stated that the sentence was mandatory and that it was without power to change it. On petition of the accused, the Court held that the board of review erred in its determination that it lacked

the power to ameliorate the sentence without changing the findings of guilty. The punishment prescribed by Article 118 for premeditated murder is a minimum for the court-martial but not for the reviewing authorities. The record was returned to the board of review for determination of an appropriate sentence. As to this decision, see U.S. v. Brascher, 2 USCMA 50, where this Court held that a board of review may affirm only a sentence which could lawfully be imposed by the court-martial. The present decision seems to be in the direction of Judge Latimer's dissent in the Brascher case.



Your professional success, important cases, new appointments, political successes, office removals, and new partnerships are all matters of interest to the other members of the Association who want to know "What The Members Are Doing." Use the Journal to make your announcements and disseminate news concerning yourself. Send to the Editor any such information that you wish to have published.

A strong Association can serve you better. Pay your annual dues. If you are uncertain as to your dues status, write to the offices of the Association for a statement. Stay active. Recommend new members. Remember the Judge Advocates Association represents the lawyers of all components of all the Armed Forces.

General Mickelwait Retires

On July 31st a military review at Fort Myer, Virginia, honored Major General Claude Bayles Mickelwait, The Assistant Judge Advocate General of the Army, on his retirement. General Mickelwait, who was the second ranking officer in the legal branch of the Army, has completed more than 38 years service as an Army officer, 21 years of which were spent as an officer-lawyer. After General Mickelwait reviewed The Third Infantry Regiment, a reception was held in his honor in Patton Hall, Fort Myer.

General Mickelwait has had a distinguished career in the military service. Born in Iowa in 1894, he was commissioned a 1st Lieutenant during the First World War after graduating from the University of Idaho. In 1920 he received an appointment in the Regular Army and thereafter served in the Infantry for 16 years. In 1932 he entered the University of California, School of Jurisprudence, graduating with the degree of Bachelor of Laws in 1935. In the following year, he transferred to The Judge Advocate General's Department, serving in this Department and its successor, The Judge Advocate General's Corps, from that time until his retirement.

In 1940 he graduated from the Army Industrial College (now the Industrial College of the Armed Forces), serving thereafter in the Office of The Judge Advocate General in Washington, D. C., as Chief of the Military Affairs Division. During World War II he served overseas

as Judge Advocate of the Atlantic Base Sector in Casablanca and as Judge Advocate of the Fifth Army with which he served in North Africa and Italy. In June 1944 he became Judge Advocate of the First United States Army Group in England and the following month was designated as Judge Advocate of the Twelfth United States Army Group in France. In May 1945 he became Theater Judge Advocate of the United States Forces in the European Theater. He returned to the United States in April 1947 and became an Assistant Judge Advocate General, with the rank of Brigadier General on 27 January 1950. On 7 May 1954 he was promoted to the grade of Major General and served as The Assistant Judge Advocate General until his retirement.

General Mickelwait has been awarded the Distinguished Service Medal, Legion of Merit with one Oak Leaf Cluster, and the Bronze Star Medal. His foreign decorations include the Luxembourg Curronne de Chene and Croix de Guerre, the Order of the British Empire, the French Legion of Honor and Croix de Guerre with Palm, the Czechoslovakian Order of the White Lion, the Belgium Order of Leopold, and the Italian Military Valor Cross.

He is a member of the American Bar Association, Federal Bar Association, American Society of International Law, Judge Advocates Association, and American Judicature Society. Recently he was elected presi-

dent of the newly chartered Pentagon Chapter of the Federal Bar Association.

General Mickelwait and his wife, Marian, live at 4500 Cortland Road,

Chevy Chase, Maryland. He has three sons, Major Kenneth B. Mickelwait, USAR, Major Malcolm P. Mickelwait, USAF, and Mr. Aubrey B. Mickelwait, Ph.D.

General Gardes Retires

Brigadier General George W. Gardes was honored July 31 at a ceremony at Fort Myer, Virginia on his retirement after twenty-eight years service as an Army officer.

General Gardes was born in Norfolk, Virginia. He was commissioned a 2nd Lieutenant in the Engineers in 1928 upon graduation from the Catholic University of America with a Bachelor of Science degree in civil engineering. In 1933 he received an LLB degree from Georgetown University. From 1929 to 1937 he was employed as a Patent Examiner in the United States Patent Office and from 1937 to 1940 was employed as a patent attorney by the United Shoe Machinery Corporation of Boston, Massachusetts.

In November 1940 he entered on active duty as Captain in the Engineer Reserves. During World War II, General Gardes served twenty-six months overseas, participating in eight campaigns. As the commanding officer of the 36th Combat Engineer Regiment, he served in Africa, Sicily, Italy, and southern France, taking part in five invasion landings. Thereafter, he served with the 7th Army Headquarters as Assistant Army Engineer and accompanied that Army in its push to the Rhine. He was promoted to Colonel in the Army of the United States in October 1944.

General Gardes' decorations include the Legion of Merit and the Bronze Star Medal.

Upon being appointed to the Regular Army in 1946, he transferred to the Judge Advocate General's Department, serving in the Office of the Judge Advocate General until 1951. During this period his main assignments were as Chief of the Patents and of the Procurement Divisions. He became Judge Advocate of the 6th Army on 26 October 1951 and served in that capacity until 14 June 1953. He served as the Assistant Judge Advocate General, United States Army Europe, from 8 August 1953 until he was promoted to Brigadier General, with date of rank from 27 May 1954. From that date until 30 June 1956, he served as Judge Advocate, United States Army Europe. General Gardes has been a member of the Bar of the District of Columbia since 1932 and of the Bar of the Commonwealth of Massachusetts since 1940.

He and his wife, Mrs. Loretta F. Gardes have two sons, George H., who graduated from West Point in 1951 and now commands A Company, 325th Airborne Infantry Regiment, Fort Bragg, North Carolina, and John P., presently serving as Private First Class with the Third Cavalry in Nuremberg, Germany.

Supreme Court Upholds Article 2 (II) UCMJ

The United States Supreme Court in two recent decisions upheld the right of the military to court-martial civilian dependents of Servicemen on overseas duty. These decisions are *Kinsella v. Krueger* and *Reid v. Covert*, both decided 11 June 1956.¹ In the *Krueger* case, the Supreme Court held that Article 2 (11) UCMJ which purports to confer court-martial jurisdiction over persons "serving with, employed by or accompanying the Armed Forces without the continental limit of the United States" does not violate the Federal Constitution. As courts-martial are not required to provide all the protections of Constitutional courts, it is a violation of the Constitution to try by court-martial civilians entitled to trial by an Article III court (see *Toth v. Quarles*, 350 U.S. 11). The Court pointed out that the jury provisions of Article III and the Sixth and Seventh Amendments do not apply to legislative courts established by Congress in the territories or to consular courts established by Congress to try American citizens in foreign countries; and, therefore, held "these cases establish beyond question that the Constitution does not require trial before an Article III court in a foreign country for offenses committed there

by an American citizen and that Congress may establish legislative courts for that purpose". The Court did not examine the power of Congress "to make rules for the government and regulation of the land and naval forces" under Article 1 of the Constitution; but, having determined that persons in the position of Mrs. Krueger could be tried by a legislative court established by Congress, found it reasonable for the Congress to employ the existing system of courts-martial for that purpose.

Based on the *Krueger* decision, the Court found in the *Covert* case that Mrs. Covert was subject to military jurisdiction under Article 2 (11) and that military jurisdiction having once validly attached continued until the final disposition of the case. The Court stated that it would be unreasonable to hold that the Services retained jurisdiction of military prisoners while they are kept in a foreign country but lose their jurisdiction when they are transferred to penal institutions in the Zone of Interior. It was found that the mere fact that Mrs. Covert's conviction had been reversed and remanded for rehearing did not defeat jurisdiction since the rehearing amounted to

¹ See report of lower court decision in *Reid v. Covert*, 21 JAJ 18 and further with regard to these cases 22 JAJ 36.

nothing more than a continuation of the original proceedings. The Court distinguished the Toth case on the basis that the Air Force, with Toth's honorable discharge, had relinquished all jurisdiction over him prior to the filing of charges, whereas in the Covert case, jurisdiction had never been relinquished. Chief Justice War-

ren and Mr. Justice Black and Douglas dissented in both cases, deferring written opinions, and Mr. Justice Frankfurter reserved his opinion as to both cases.

The petitioners in both cases have filed petitions for rehearing which will probably be determined early in the October term.



RETIRED RESERVISTS EXEMPT FROM DUAL COMPENSATION PROHIBITION

The United States Supreme Court recently denied certiorari in the case of *Tanner v. U.S.*, 129 Ct.Cls. 792. The Court of Claims in the *Tanner* case had held that members of the reserve components placed on the retired lists under authority contained in Title III of the Act of 29 June 1948 were exempt from the dual compensation provisions of Section 212 of the Economy Act of 30 June 1932 by Section 1 (b) of the Act of 1 July 1947 which provides that "no existing law shall be construed to prevent any member of the Officers' Reserve Corps or the Enlisted Reserve Corps from accepting employment in any civil branch of the public service nor from receiving the pay incident to such employment in

addition to any pay and allowances to which he may be entitled under the laws relating to the Officers' Reserve Corps and Enlisted Reserve Corps." Therefore, in the *Tanner* case, and two others related to it, the Court of Claims held that the plaintiffs were entitled to retired pay even though they were employed by the Government as civilians at salaries in excess of \$3,000 per year. Section 2 of the Act of 1 July 1947 provides substantially the same exemption for members of the National Guard and Section 804 of the Armed Forces Reserve Act of 1952 extends the exemption to all members of the reserve components of the Armed Forces.

What The Members Are Doing

Alabama

Frank J. Mizell, Jr. (11th Off.) recently announced the removal of his offices for the general practice of law to Suite 612, First National Bank Building, Montgomery. Mr. Mizell was also recently elected State President of the Alabama Department of the Reserve Officers Association.

California

Ned Good of Los Angeles recently announced the formation of a law partnership under the firm name of Oliver & Good with offices in the Roosevelt Building, Los Angeles.

District of Columbia

John Lewis Smith, Jr. (2nd Off.) was recently appointed by President Eisenhower as a member of the District of Columbia Public Utilities Commission.

Edward B. Beale (6th Off.) and George R. Jones (17th Off.), members of the firm of Beale and Jones, recently removed their offices to the Pennsylvania Building, 425 Thirteenth Street, N. W.

Clifford A. Sheldon, formerly Colonel, USAF, announces the resumption of law practice in association with Richard L. Merrick, Thomas H. King and Franz O. Willenbacher, with offices at 1624 Eye Street, N. W.

Illinois

Chief Judge Robert E. Quinn of the United States Court of Military Appeals spoke to reserve legal officers

on August 15th at Great Lakes on the work of the Court. More than 400 reserve officers of the three Services attended and several hundred were admitted to practice before the Court.

Indiana

James W. Draper (24th Off.) recently moved his office for the general practice of law to 110 East Washington Street, Muncie.

New Hampshire

Robert A. Shaines recently announced the removal of his law offices to 5 Market Square, Portsmouth.

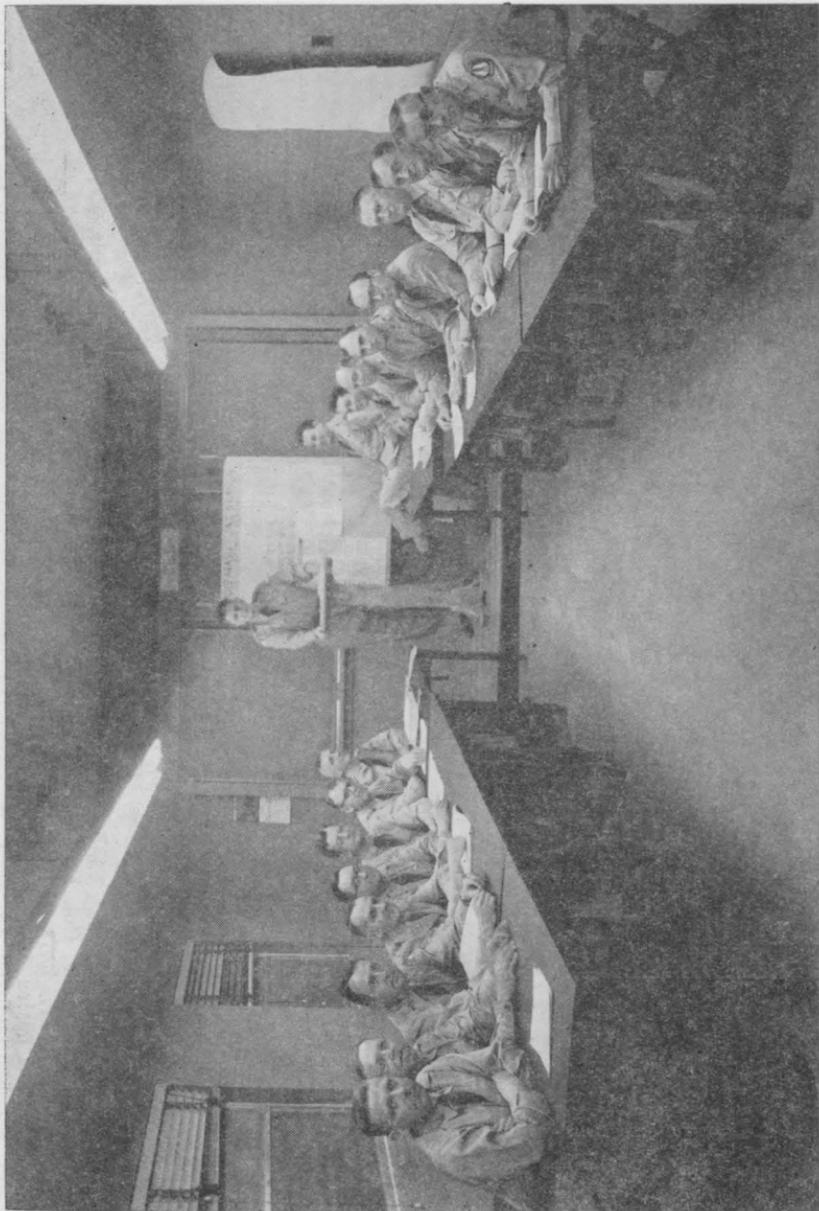
New York

Edmund J. Kane has become associated with James A. McKaigney for the general practice of law with offices at 42 Third Avenue, Mineola.

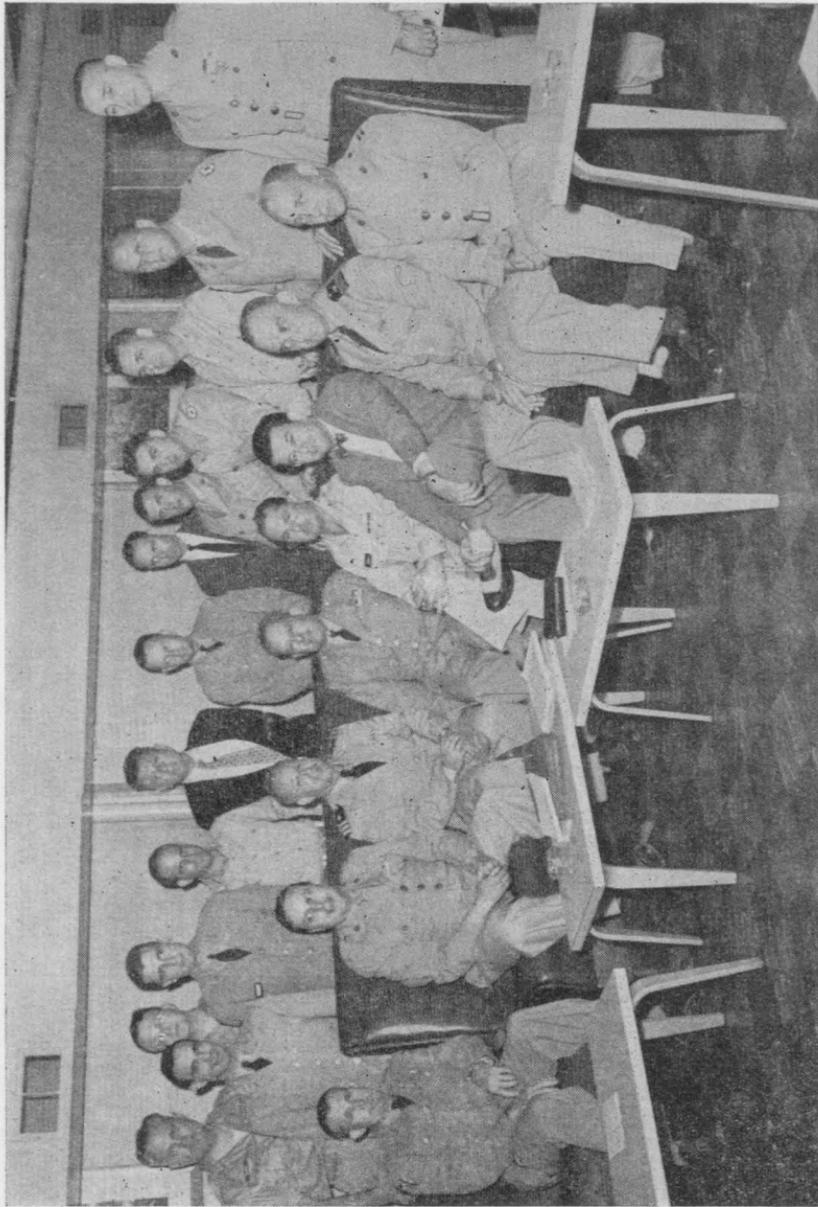
Milton F. Rosenthal (6th O.C.), President of Hugo Stinnes Corporation, recently announced the removal of his corporation's offices to 415 Madison Avenue, New York City.

Stanley L. Kaufman (7th O.C.) recently announced the formation of the firm of Kaufman, Imberman, Taylor & Kimmel with offices at 41 East 42nd Street, New York City.

Edward Ross Aranow (3rd O.C.), is the co-author of an article which appears in the May issue of the New York University Law Review entitled "Corporate Proxy Contests: Enforcement of SEC Proxy Rules by the Commission and Private Parties".



Richmond USAR School in action, showing the class in International Law (left to right): Colonel H. Merrill Pasco, Lt. Col. David G. Tyler (visiting), Col. Edward M. Hudgins, Lt. Col. John W. Knowles, Col. Charles J. Blair, Lt. Col. B. Warwick Davenport, Col. Catlin E. Tyler, Lt. Col. Lewis W. Martin, Capt. Walter W. Regier (Assistant Instructor, standing), Lt. Col. W. Griffith Purcell (Director of the Department), 1st Lt. Julian H. Otten, Col. Edgar Allen, III, Maj. William H. Sager, 1st Lt. William Morton, Maj. Plato D. Muse, Jr., Lt. Col. Roswell P. Sneed, and Maj. Earl M. Edwards.



Persons Attending Legal Assistance Conference

Left to Right (Sitting) Maj. Ekillis M. Chandler, Maj. Alfred L. O'Connor, Jr., Comdr. Earl Bennett, Col. Charles M. Munnecke, Col. Earl M. Bradley, Lt. Col. Griffith Purcell, Comdr. Linwood B. Tabb, Capt. Elvin R. Coon, Jr. Left to Right (Standing) Capt. Blair H. Dewey, Lt. Robert I. Worth, Lt. Murray B. Stewart, Lt. Charles Adams, Lt. Steven A. Winkelman, Capt. Walter Reigler, Capt. Thomas Y. Awalt, Capt. Stephen Gelband, Lt. Jean "B" Green, Lt. Robert E. Lyle, Maj. Sumner A. Brown, Lt. Cohen, CWO Zigmund Waclawski.

Leroy E. Rodman (7th O.C.) is the author of an article recently published in Dun & Bradstreet's International Markets entitled "Role of Foreign Corporations in Capital Formation".

North Carolina

Nelson Woodson (6th Off.) of Salisbury, a member of the North Carolina State Senate, was recently elected President of the North Carolina Bar Association.

Texas

Captain George Red (7th O.C.) of Houston arranged for a breakfast meeting of Texas JAG's coincident with the Texas State Bar Association meeting at Houston on July 7th. Judge Meade F. Griffin was Chairman of the meeting and Col. Durham E. Allen, Staff Judge Advocate of the 14th Air Force, was the guest speaker. Thirty-four members of the Association attended the meeting.

Virginia

There was a Legal Assistance Conference held at Fort Lee, Virginia, on August 17, 1956. Among those attending were Lt. Col. Lewis W. Martin, Col. Joe T. Mizell, Jr., Lt. William Morton, Maj. Plato D. Muse, Jr., Lt. Col. William G. Purcell, and Lt. Col. David G. Tyler. Instructors were Col. Charles M. Munnecke, Chief of the Legal Assistance Division, and his assistant, Lt. Lawrence W. Kaplan. (See cut—a group of those attending this conference.)

The Richmond USAR School, JAG Branch, is an extremely active group headed by Lt. Col. W. Griffith Purcell assisted by Capt. Walter W. Regirer. (See cut—this USAR School group in action.)

John Alvin Croghan recently announced the establishment of a firm for the general practice of law under the style Croghan and Carter with offices at 102 North Washington Street, Alexandria.



Lieutenant Colonel Edward F. Gallagher of Washington, D. C., has been appointed by the Board of Directors of the Association to serve as Treasurer for the balance of the unexpired term of Reginald Field, recently deceased.

Use the Directory of Members when you wish local counsel in other jurisdictions. The use of the Directory in this way helps the Association perform one of its functions to its membership and will help you. You can be sure of getting reputable and capable counsel when you use the Directory of Members.

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* See 22 JAJ 48-53 for changes and additions heretofore made.

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