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Executive Secretary and Editor

RICHARD H. LOVE
Washington, D. C.

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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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SAFEGUARDING THE RIGHTS OF AMERICAN SERVICEMEN ABROAD

STATEMENT OF SENATOR JOHN W. BRICKER Before the Judge Advocates Association— Boston, Massachusetts, August 25th, 1953

It is a real pleasure for me to address the Judge Advocates Association. Many of you bear direct and daily responsibility for administering fairly our system of military justice. Ultimate responsibility is vested by the Constitution in the Congress. Our mutual problem is simply this—to assure every American serviceman a standard of justice comparable to that enjoyed by his civilian brother.

The rights of American servicemen stationed in the United States are well protected. You and I can point with pride to their protection. Congress has provided them with the world's best code of military justice—a code that guarantees the accused far more rights than civilians possess in most other countries. From judge advocates of the Armed Forces and from the Court of Military Appeals, American servicemen have received enlightened and sympathetic interpretation of the Code. Inevitably, any system of justice, civil or military, develops faults and inequities. As these develop, however, you and the Congress can take immediate corrective action.

Thousands of American servicemen stationed abroad are not so fortunate. On July 15th of this year, the Senate approved the NATO Status of Forces Treaty. The treaty surrenders to the local courts of NATO countries and Japan criminal jurisdiction over non-military offenses of American armed forces personnel, civilian components and their dependents.

As a result, it will be difficult, if not impossible, to protect the fundamental rights of American servicemen abroad. Many of them are no longer assured a trial by their fellow Americans in accordance with our concepts of legal due process. Nevertheless, we must do the best we can to protect them. That is the problem I want to explore with you tonight.

First, let us consider the forces abroad over which American service courts are exercising exclusive criminal jurisdiction. That is the situation in Korea and in some other countries even though no binding status of forces agreement exists. The jurisdiction of our service courts is recognized by generally accepted principles of international law. In the *Schooner Exchange* decided in 1812, Chief Justice John Marshall gave the traditional rule of international law its most authoritative expression. Fifty years later, the Supreme Court was able to say:

“It is well settled that a foreign army permitted to march through a friendly country, or to be stationed in it, by permission of its government or sovereign, is exempt from the civil and criminal jurisdiction of the place . . .” (*Coleman v. Tennessee*, 97 U. S. 509, 515).

Col. Archibald King, who has served for many years with distinction in the Judge Advocate General's office of the Army, traced the development of this rule of international law in two articles

published in the *American Journal of International Law*. He proved that prior to 1946, with rare exceptions, no member of an American armed force was ever tried by a foreign court. Col. King also proved beyond any reasonable doubt that most other nations of the world demanded and received exclusive jurisdiction over offenses committed by members of their armed forces abroad.

Recognizing this traditional rule of international law, Congress made the Uniform Code of Military Justice applicable to the armed forces wherever they might be stationed. As late as 1951 we find in the U. S. Courts-Martial Manual a restatement of the rule of international law declared by John Marshall more than a century ago.

Where the jurisdiction of our service courts has not been surrendered by treaty, we must work to preserve it. The job is not an easy one. Erroneous arguments used by the Administration to win approval of the NATO Status of Forces Agreement will return to haunt us. For example, it was claimed that under international law, and in the absence of any agreement, the host country may exercise exclusive jurisdiction over offenses of friendly foreign forces, including offenses of a purely military nature. I certainly need not spell out for this audience the crippling effect of such a rule on military operations and discipline.

What can you do to help? First, you can recommend that a status of forces agreement be made with every country where American troops are stationed recognizing the exclusive criminal jurisdiction of our service courts. Even though such jurisdiction is recognized by international law in the absence of any

agreement, an express agreement is desirable. If circumstances permit, the agreement should be made before the force is stationed abroad. Then there can be no misunderstanding. An express agreement is also helpful in stating the conditions under which local authorities agree to assist our service courts.

I do not regard this suggestion as contrary to United States foreign policy. In approving the NATO Status of Forces Treaty, the Senate did so with the understanding that it was not to be regarded as a precedent.

There is no reason to mince words about a treaty of such grave import. To put it bluntly, the American GI was sacrificed on the altar of international cooperation. There were mitigating circumstances, to be sure. The previous Administration had made secret illegal executive agreements under which American servicemen were already being turned over for trial in local foreign courts. The treaty was said to be an improvement on the existing practice. Had it not been confronted with an illegally accomplished fact, the new Administration might not have urged approval of the treaty.

Secondly, you can help maintain the jurisdiction of your service courts by maintaining the jurisdiction of friendly foreign service courts. One argument for the Status of Forces Treaty was that Federal and State courts would acquire jurisdiction over foreign forces in the United States. That is pure chauvinism. Those forces are the symbol of their sovereign. If we trust those forces to the extent of inviting them into the United States, then we should trust them to punish violators of our laws. International cooperation is a two-way street.

We cannot with good grace assert jurisdiction over foreign forces here without surrendering control over our troops abroad.

Third, judge advocates of the armed forces have an important public relations job abroad. As Kipling pointed out, barracks do not make men plaster saints. Offenses will be committed. No decent person wants the American soldier abroad to violate local laws with impunity. The Communists have had some success in convincing the local population that the American soldier can violate local law and escape punishment. That erroneous impression could be dissolved by publicizing widely the verdict of courts-martial involving non-military offenses.

Finally, judge advocates have an important public relations job to do at home. Too many Americans associate trial by court-martial with Star Chamber procedure. Many are not aware of recent improvements in military justice. That may explain why the NATO forces agreement did not arouse more opposition. It was encouraging, however, to have the support of so many who were familiar with American military justice and with foreign criminal procedure. A number of judge advocates pointed out the inherent difficulties in the concurrent jurisdiction of military and foreign civilian authorities. Scores of officers and men directly affected by the treaty protested. The Veterans of Foreign Wars passed a resolution urging repudiation of the treaty.

What can be done to protect armed forces personnel in the NATO countries and Japan where exclusive criminal jurisdiction has been surrendered? I exclude from my subsequent remarks Great Britain and Canada. Their criminal pro-

cedure is similar to our own. American servicemen will receive a fair trial in their courts.

First, judge advocates have a duty to see that the terms of the NATO Status of Forces Treaty are scrupulously observed. The treaty provides that the accused shall have certain rights such as a prompt and speedy trial. Should any of you hear of any treaty violation, I hope you will not hesitate to bring it to Congress' attention.

Secondly, you should bring to the attention of Congress any information indicating, by our standards, a denial of due process of law. Many rights recognized in the Uniform Code of Military Justice are not guaranteed by the treaty. The treaty is silent on presumption of innocence, privilege against self-incrimination, protection against cruel and unusual punishment, and many other fundamental rights.

Third, judge advocates should try to obtain a waiver of jurisdiction for every American serviceman in foreign custody. In approving the NATO Status of Forces Treaty the Senate adopted a statement of intent to that effect. It provides that the commanding officer shall examine the laws of the foreign country, and, if they do not contain the safeguards applicable to armed forces personnel in the United States, he shall negotiate for the release of any American servicemen held for trial. Anyone with the slightest knowledge of foreign law knows that it does not add up to the safeguards found in the Constitution and laws of the United States. Therefore, if the Senate's statement of intent means anything, it means that commanding officers and judge advocates are expected to work for the release of every member of the armed forces in the custody of the local au-

thorities. Moreover, President Eisenhower expects it. In a letter to the Senate during the debate on the treaty, he said:

"I can certainly appreciate the concern of those who fear that these agreements might subject American soldiers overseas to systems of criminal justice foreign to our own traditions. I do not share such fears, however, because of the many years' experience I have had in command of American troops overseas. That experience convinces me that our friends abroad will continue to cooperate, as they have in the past, in turning over those charged with offenses against their laws to our own military courts for trial."

My fourth recommendation is that every officer concerned with military justice in the NATO countries and Japan make an exceptional effort to explain it to local authorities and to residents of the community. Local authorities should be consulted on crime prevention. The end result might be a waiver of local criminal jurisdiction in all cases. I doubt that our NATO friends have an overwhelming desire to try American servicemen. After all, trials cost money. So does confinement in a penal institution. In addition, military and diplomatic inquiry and intervention is time-consuming and expensive for all concerned.

Finally, every judge advocate in the NATO countries and Japan should examine not only the laws of those countries, but also the actual practice. Some constitutions and laws read beautifully, but are given only lip service. For example, a Communist judge or one who is violently anti-American cannot be trusted to give an American boy a fair trial. The territorial jurisdiction of any such judge should be declared off-limits for all armed forces personnel. Other-

wise, an American boy may some day be sentenced to death in the court of a Communist judge. That would be the end of NATO.

The NATO Status of Forces Treaty, in the words of the State Department's Legal Adviser, is based on this conclusion:

"Individuals wearing our uniform and part of our military force do not have sovereign immunity . . . Immunity is restricted to those which the receiving state chooses . . . to give immunity to, such as Ambassadors, and so forth."

When the President of the United States visits a foreign country, he is not amenable to its laws. He is the symbol of our sovereignty. Our diplomatic representatives abroad enjoy the same immunity. I think the American soldier abroad is an even more impressive symbol of American sovereignty. He, unlike the diplomatic representative, is stationed abroad involuntarily; for the purpose of defending foreign soil; and with little chance of escaping unharmed in the event of attack. I shall never vote for any treaty that treats him as a second-class symbol of American sovereignty.

When an American soldier is sent to a NATO country, he is followed by the finest equipment that the industrial genius of this nation can provide for his protection. Coca-Cola, American cigarettes, and all the other products of our land follow him abroad. The flag follows him. And I shall not stop fighting until the Constitution and laws of the United States, which he risks his life to defend, follow him wherever he may be sent.

Many people ask me what effect my proposed constitutional amendment to limit the treaty-making power would have on such treaties as the one I have

been discussing. The answer is that it would have no effect. Senate Joint Resolution 1 would not change the legal effect of treaties that do not become internal law.

The most curious development in this treaty amendment debate has been the introduction of an Administration substitute for S. J. Res. 1. The President has given it his "unqualified support." It is quite probable, however, that the substitute proposal would invalidate the Status of Forces Treaty. Let me explain how that could come about.

Both S. J. Res. 1 and the substitute provide that a treaty or executive agreement in conflict with the Constitution shall be of no force or effect. That is a warning to the President and the Senate to make no treaty in conflict with the Constitution even though it relates solely to the Nation's external affairs. The Status of Forces Agreement is a good example. It conflicts with the Constitution. However, S. J. Res. 1 does not bring international questions of a political nature within the ambit of judicial review. Under S. J. Res. 1, the validity of the NATO Status of Forces Treaty could not be challenged in a court of law.

Unlike S. J. Res. 1, the Administration substitute contains this additional language:

"The judicial power of the United States shall extend to all cases, in law or equity, in which it is claimed that the conflict described in this amendment is present."

If that language is more than a meaningless restatement of Article III of the Constitution, it means that the Supreme Court would be compelled to review non-domestic, political questions arising out of international agreements no matter

how remote the interest of the litigant. As I have said, the NATO Status of Forces Treaty might be declared unconstitutional under that provision. Although I opposed the treaty, I would object to its judicial invalidation. The United States must speak internationally with a single voice which must necessarily be that of the President. Our fight to protect American soldiers abroad must be waged, not in the courtroom, but on the political front.

The Administration substitute for S. J. Res. 1 might permit judicial review of the Korean armistice agreement. The fact that the Supreme Court would no doubt uphold the agreement is beside the point. To dispose of the case, the Court would have to interpret the disputed provision. That interpretation might well differ from that of the President and other parties to the armistice. I will not accept any compromise proposal that would shift vital foreign affairs responsibilities to the Supreme Court.

The heart of my proposed constitutional amendment is in Section 2 which provides:

"A treaty shall become effective as *internal law* in the United States only through legislation which would be valid in the absence of treaty."

I do not have time now to answer all of the misrepresentations leveled against that section. They all boil down to the allegation that the United States would be only partially sovereign if the Federal government could not acquire by treaty, power denied to it by the Constitution in the absence of treaty. The fact is that my amendment would place the United States in the same position as Canada. Our great and good neigh-

bor to the north is not an isolationist state, nor is she unable to participate effectively in the solution of international problems.

In Canada, a treaty does not become domestic law except through legislation by the national or provincial parliaments. That was settled by the Privy Council in a case decided in 1937. S. J. Res. 1 would establish the same rule for the United States.

In *Canada v. Attorney-General for Ontario*, the Privy Council considered three statutes of the Parliament of Canada dealing with minimum wages, maximum hours, and weekly rest in industrial undertakings. The statutes were passed to implement three International Labor Organization conventions ratified by Canada. Incidentally, there are more than 100 other ILO conventions. Many of them deal with such burning international issues as the time that must be allowed for working mothers to nurse their babies at the factory.

The issue in the Privy Council case was whether or not the Parliament of Canada had power to implement the three ILO conventions. No such power existed in the absence of treaty since the subject matter fell within the constitutional authority of the Canadian Provinces.

The Attorney-General of Canada argued that by transfer of the treaty-making power to the Dominion executive the correlative power to implement treaties by legislation took nothing from the Provinces. He contended that Canada would not be fully sovereign if Parliament could not acquire by treaty legislative power which it did not possess in the absence of treaty. The identical line of reasoning was accepted by the Supreme Court of the United States

in *Missouri v. Holland*. But the Privy Council held otherwise. It declared the legislation invalid on the ground that the Dominion could not, "merely by making promises to foreign countries, clothe itself with legislative authority inconsistent with the constitution which gave it birth." The gist of the Privy Council's decision is found in this statement:

"It must not be thought that the result of this decision is that Canada is incompetent to legislate in performance of treaty obligations. In totality of legislative powers, Dominion and Provincial together, she is fully equipped. But the legislative powers remain distributed . . . (When) Canada incurs obligations they must . . . when they deal with Provincial classes of subjects, be dealt with . . . by cooperation between the Dominion and the Provinces. While the ship of state now sails on larger ventures and into foreign waters she still retains the watertight compartments which are an essential part of her original structure."

The American ship of state is also sailing on larger ventures in international waters. Some of us would steer a different course. Others would sail farther or faster. But once the course is set we must place considerable trust in our captain, no matter what his political faith. On our ship of state, however, there is room for honest difference of opinion. There is no room for mutineers or for subversives who would open the sea cocks.

Our ship of state sails today in turbulent waters. The international barometer is falling fast. Rougher weather is ahead. Some passengers are panic-stricken. They would give the captain dictatorial authority. They forget that a solemn compact was made when the ship was launched. The watertight com-

partments of our Federal-State structure must remain inviolate. The ship of state must forever be steered by the compass of our liberties—the Constitution of the United States.

By preserving our Federal-State system of limited and divided powers, by adhering to the concept that all men are endowed by their Creator with unalienable rights, and with unswerving faith in God, we can make our rendezvous with the rest of humanity on a sea of peace, prosperity, and liberty for all.

Please advise the headquarters of the Association of any changes in your address so that the records of the Association may be kept in order and so that you will receive all distributions promptly.

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.

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.

STATEMENT OF POLICY

The Judge Advocates Association, an affiliated organization of the American Bar Association, is composed of lawyers of all components of the Army, Navy, and Air Force. Membership is not restricted to those who are or have been serving as judge advocates or law specialists.

The Judge Advocates Association is neither a spokesman for the services nor for particular groups or proposals. It does not advocate any specific dogma or point of view. It is a group which seeks to explain to the organized bar the disciplinary needs of the armed forces, recalling, as the Supreme Court has said, that "An Army is not a deliberative body," and at the same time seeks to explain to the non-lawyers in the armed forces that the American tradition requires, for the citizen in uniform not less than for the citizen out of uniform, at least those minimal guarantees of fairness which go to make up the attainable ideal of "Equal justice under law."

If you are now a lawyer, if you have had service in the Army, Navy or Air Force or are now connected with them in any capacity, active, inactive, or retired, and if you are interested in the aims herein set forth, the Judge Advocates Association solicits your membership.

RECENT DEATH

Stanley Howard Smith, Jr. (ETO Claims) of Providence, Rhode Island, died in Providence in July, 1953.

THE ANNUAL MEETING

Two hundred and fifty members and guests of the Association attended the annual banquet on August 25th at the First Corps Armory in Boston. Among the distinguished guests present were Senator John W. Bricker, of Ohio; Chief Judge Robert E. Quinn and Judges George W. Latimer and Paul W. Brosman of the United States Court of Military Appeals; Major General E. M. Brannon, Rear Admiral Ira H. Nunn and Major General Reginald C. Harmon, The Judge Advocates General of the Army, Navy, and Air Force; and, Major General William C. Harrison, The Adjutant General of the Commonwealth of Massachusetts.

General Oliver P. Bennett of Mapleton, Iowa, President, opened the meeting with a personal greeting to the members and guests present, and warmly thanked Colonel Joseph F. O'Connell and his committee on their excellent arrangements. Colonel Warren Farr of the Boston bar was then introduced as toastmaster.

Colonel Farr with dignity, learning and humor proceeded to a grand performance of his duties as toastmaster in presenting the distinguished guests. General Harrison expressed the regrets of His Excellency, Governor Herter, in being unable to attend the banquet, and extended Governor Herter's welcome to the members of the Association visiting the Commonwealth.

Colonel Farr then introduced the senior United States Senator from the State of Ohio, Senator John W. Bricker, who ad-

ressed the group upon the subject of "Safeguarding the Rights of American Servicemen Abroad".* The address, dealing with the recently ratified NATO Status of Forces Treaty, was directly related to the very controversial proposed Bricker Constitutional Amendment which was the subject of much debate in the meetings of the American Bar Association then in convention.

The annual meeting convened at 4:00 p. m. on August 26th also in the First Corps Armory. General Bennett, President presided. Reports were received from the United States Court of Military Appeals and each of The Judge Advocates General.

Chief Judge Robert E. Quinn, for the Court of Military Appeals, told the meeting that in the past year the Court had docketed about 2,500 cases and had granted review in about 260 or 270 of those cases. He indicated that this volume represented a study of more than 200 records of trial a month on petition for review and about 25 oral hearings a month on cases in which review had been granted. Of course, the cases reviewed required not only hearing but careful reading of records, study, research and opinion writing. He advised that the Court has its work under control and that there is no backlog—but he stated that there appears to be no diminution of the Court's workload in sight. Judge Quinn mentioned the Committee of the Court appointed from the civilian bar to

* Full text appears in this issue.

study certain problems incident to military justice, and said that the Committee's Report would be filed in time for the Court's consideration in preparing the Court's annual report to the Congress as required by the law.

Rear Admiral Ira H. Nunn, The Judge Advocate General of the Navy, commended the Association in its continuing interest in the improvement of military law and justice, and stated that because the members of the Association are all lawyers with a knowledge of the facts of military justice, they placed it in a unique position to render valuable public service.

Admiral Nunn warned that this country for many years ahead will be concerned with a large amount of military activity; that the military arts will become more and more a part of our American culture; and, accordingly, the work and importance of the military lawyer will increase. He pointed out, that administratively, we have a complicated and very complete system of military justice with an extremely large jurisdiction. The Admiral recited statistics concerning the crime potential of the country by age groups of the male population and demonstrated from those statistics that 8% of the country's overall crime potential lies in the group of men in the armed forces and thus subject to military judicial processes. The other 92% of the nation's crime potential, he observed, was divided among 48 state and 49 federal jurisdictions. Upon total mobilization, at least 32% of the country's crime potential would be in the military service and subject to the military judicial administration. Even now the jurisdiction of the military judicial system is equal in size to the criminal jurisdiction of the State of New

York—in time of total mobilization, more than a million criminal trials a year under the military judicial system must be anticipated.

Notwithstanding the overwhelmingly large criminal jurisdiction of the Services, there is, nevertheless, a lack of public respect for military discipline and military judicial processes and justice. Admiral Nunn expressed the opinion that this lack of public respect was due to the fact that the general public is not conscious of the problem of discipline and justice in the military society. On the other hand, he observed that civilian prosecutors are highly respected in civilian society because civilians appreciate and realize the importance of the protection of society from the depredation of criminals. One of the reasons the Admiral ascribed for this public apathy toward the enforcement of the military criminal code is the fact that 82% of military offenses arise out of absenteeism, a crime for which there is no civilian counterpart, and, accordingly, no civilian understanding or sympathy of its seriousness. Admiral Nunn recommended that the members of the Association, being respected members of the civilian society, all cognizant of the military problem, could effectively act as a liaison between the military and civilian societies, and should engage in a program of public education and understanding of the need for discipline in the Armed Forces through a fair and just system of military justice.

Major General E. M. Brannon, The Judge Advocate General of the Army, then made the following report to the members of the Association.

"It is once again a pleasure for me to meet with you and discuss briefly some

of the activities in which we Army judge advocates have recently been engaged. Before proceeding to such discussion, however, I take this opportunity to say that my office is always open to members of this fine organization whenever they visit Washington; furthermore, I am always appreciative of suggestions, yes, and criticism, leading toward the improvement of the legal work of the Army.

"Only about two weeks ago, the Army saw its splendid outgoing Chief of Staff, General Collins, replaced by the equally vigorous General Ridgeway. We lawyers in the Army are extremely fortunate in having successively these two commanders in the top spot, for they both believe in the principle of exercising firm, dynamic leadership, within the framework of law. With the world-wide deployment of our forces today, General Ridgeway's tenure of office bids fair to be no less beset with problems, and we hope they are all peaceful ones, than was General Collins'.

"During the past year we appointed approximately 186 first lieutenants and discharged about the same number. Because of budgetary limitations we had to stop recruiting for several months this spring. However, we have been given a new quota and expect to appoint about 200 during this fiscal year. While there may be some reduction I do not expect any substantial change in the strength of the Corps during the year.

"Since our need for new personnel has been quite modest, competition has been keen and we have gotten the very cream of the recent law school graduates. After going through the regular course of The Judge Advocate General's School in Charlottesville, these young men make excellent judge advocates and their work has been highly satisfactory.

"As you all know, The Judge Advocate General's School is divided into two departments, the Academic Department and the Special Projects Department. Since 1 July 1952 the Academic Department has conducted four cycles of the regular course of 12 weeks and has graduated 359 students. Nineteen students were graduated from the advanced course which lasts thirty weeks.

"As I talk to you, the first special course in Contract Termination is going forward at the School. This new course has had careful preparation over a period of several months. Included with the other students are sixteen highly qualified procurement lawyers, civilians and military, who will 'guinea pig' the course and help us to make it better for later students.

"The advanced class membership of approximately 20 to 25 is composed of older officers selected individually on the basis of best qualifications.

"Continuing emphasis is placed upon that method of instruction which is universally recognized as the most effective—learn by doing. For instance, the number of moot courts has been increased from two to six, and the scope of individual participation in the courts has been greatly enlarged. Practical exercises are a very large part of the total instruction and small student seminar groups are used effectively.

"The School's Research, Planning and Publications Division, during the past year, completed the following major projects:

Publication and distribution of The Law Officer, a handbook designed for use by law officers of general courts-martial and presidents of special courts.

Compiled and published a new pocket part to the 1951 Manual for Courts-Martial. The pocket part annotates each paragraph and the appendices of The Manual for Courts-Martial. Decisions of the federal courts, The Court of Military Appeals, Boards of Review, and those of my office are included.

The JAG Chronicle, of course, was published weekly throughout the year. This training bulletin is the principal vehicle we have for transmitting quickly to the field decisions and other current matters of interest in the field of military law.

"Going now to the non-resident schools division, we are providing training to over 1300 non-resident military personnel who, by and large, are reserve officers not on active duty. During the past year, the School has accomplished

the following with respect to this non-resident instruction:

JAGC branch departments of USAR schools increased from 31 to 54 with an enrollment of about 500 reserve officers.

Prepared instructional material for the USAR schools program covering the full three-year basic course and the winter phase of the first year of the advanced class, a total of 444 instructional hours.

Enrollment in the extension school increased by approximately 300 students—from 500 to 800 as of 1 August this year.

“I might observe that this is quite a jump from the time the school took this work over in 1950, when we had 54 extension course enrollees and a few scattered training units that had to devise their own training programs. I should also note that plans have already crystallized for 12 years of reserve training which will parallel the basic and advanced courses at the School, together with the course at the Command and General Staff College.

Completed the preparation of three new extension courses and published four new special texts.

Conducted a one-week conference (27 July through 1 August) at Charlottesville to train reserve officer-instructors of USAR schools. Forty-four of our USAR schools were represented. Also present at this conference was a liaison man from each Army staff judge advocate office who had been oriented from ‘A to izzard’ on the reserve training program so that there will be a man on the spot to help the reserve officer take care of his professional and administrative problems.

“We have completed two years of operation under the Uniform Code of Military Justice and several deficiencies therein have become apparent. For instance, the machinery is too slow and cumbersome. There is considerable waste motion and much more time is required to dispose of cases than under the former system. There seems to be a consensus of opinion that the procedure can be much improved without taking away any of the substantial rights of the accused under the Code.

“Accordingly, the three Judge Advocates General and the General Counsel of the Treasury Department recently formed a working committee to draft recommended changes to the Code. As you know, the Code requires us, in collaboration with the Judges of The Court of Military Appeals, to present annually to the Congress our recommendations for amendments. The committee, with representatives from the Army, Navy, Air Force and Coast Guard, had sessions for several weeks and finally unanimously agreed on some ten or twelve recommended changes and, as might be expected, failed to agree on several other changes proposed by one or more of the services.

“The committee’s recommendations are now being studied by the Judges of The Court of Military Appeals. We hope that needed changes may be effected during the next session of the Congress.

“I will not discuss the contemplated changes in detail, but should add that several of them have as an objective the streamlining of the trial and appellate processes. For example, it is proposed that a general court-martial may, if an accused requests and the convening authority approves, be composed of one officer only, a law officer. Also, it is proposed that accused who have pleaded guilty will have their records examined and finally approved by The Judge Advocate General without the necessity of referring such cases to a Board of Review. I think you will also be interested in our proposal for so extending the ‘command influence’ articles as to make it prohibitory for staff officers as well as commanding officers to censure, reprimand, or otherwise unlawfully influence a court-martial.

“Now, as to promotion. New regulations provide for the permanent promotion of reserve officers not on active duty. In these regulations, distinction is made between the non-unit reserve officer and the unit reserve officer. By a non-unit reserve officer is meant a mobilization designee and any other officer of the Army reserve who, actively engaged in reserve matters, is not assigned to a T/O or T/D unit, organized for the pur-

pose of serving as such. Generally speaking, eligibility of non-unit officers for promotion is dependent upon a combination of years' active service in grade and total commissioned service.

"For mandatory consideration for promotion to Captain, a non-unit reserve First Lieutenant must have completed four years of active status time in grade and have a total of six years' commissioned service; for promotion to Major, a Captain must have completed 7 years of active service in grade and have a total of 12 years' commissioned service; to be promoted to Lieutenant Colonel, Majors must have completed 7 years of active service in the grade and have a total of 17 years' commissioned service. These total commissioned service requirements are constructive in that an officer may count his actual commissioned service or his age minus 25 whichever is to his advantage. It is required only for his first promotion under the new system.

"If an officer presently meets the service requirements he must be considered for promotion to the next higher grade prior to 1 October 1953. Others will be considered as they become eligible. Officers mandatorily considered and found fully qualified will be promoted without regard to existence of vacancies in the grade concerned. Non-unit First Lieutenants, Captains and Majors may be considered sooner than the 4, 7 and 7 years in grade, respectively, if there are overall grade structure vacancies in those grades. However, for the time being, promotion of these officers will be on the basis of the time in grade required for mandatory promotion. Selection boards for Colonels convened by the Department of the Army will be furnished the names of non-unit reserve officers who have completed a specified number of years active status time in grade of Lieutenant Colonel and, if being considered for the first time under these regulations, have completed 19 years' total commissioned service (constructive). The boards will then select for promotion a specified number of those officers considered to be best qualified to fill overall grade structure vacancies. The first such board will be convened in September 1953. This first zone of consideration will be 8

years active status time in grade and 19 years' constructive time (as of 1 October 1953). So much for the non-unit officers.

"Now, with respect to unit reserve officers, promotions will be made to fill vacancies in T/O and T/D units by selection boards. These boards will be convened by the Army commanders for grades below Colonel and at the Department of the Army level for full Colonels. These promotions will be limited to position vacancies. Service requirements for unit officer promotions are as follows:

- 2 years active status time in the grade of First Lieutenant
- 4 years in the case of Captains or Majors
- 3 years in the case of Lieutenant Colonels.

These unit officers need not have completed any particular number of total years' commissioned service. Thus, the promotional 'log jam' is about to be broken. This should boost morale generally. I am sorry to say that I have no specific information about whether any one of you may get such a boost, but I wish all of you who are involved the best of luck."

Major General Reginald C. Harmon, The Judge Advocate General of the Air Force, then proceeded to make his annual report to the Association. General Harmon reported the legal department of the Air Force presently has a strength of 325 regular officers and 2,517 reserve officers of all grades, of which latter number, 858 are currently on extended active duty, and the other 1,659 are engaged in a reserve training program. Of the reserves not on active duty, 100 are mobilization assignees assigned to a headquarters and engaged in on-the-job training. 434 other reserve officers belong to voluntary air reserve training groups which, under guidance, engage in a training program, largely conducted by themselves. The other 1,125 reserve officers not on extended active duty are

remaining qualified and competent to perform the duties of judge advocate through the medium of extension courses.

General Harmon reported that in connection with the administration of the Uniform Code of Military Justice during the year 31 May 1952 to 31 May 1953, there had been 4,062 court-martial cases in the Air Force sent to boards of review in Washington. Of these cases, 206 were sent to the Court of Military Appeals, almost entirely upon petition of the accused. 204 of the cases sent to the Court of Military Appeals had been disposed of by the Court at the time of General Harmon's report, and among those, there had been four reversals by the Court and 200 affirmances. General Harmon observed that these figures indicated that the legal department of the Air Force was functioning along sound lines and, therefore, getting along all right with the Court. The General then addressed himself to the general civilian complaint concerning the severity of military sentences. He pointed out that in the 4,062 cases received in Washington for action by boards of review, sentences had been reduced by the convening authority in 652 cases and punitive discharges suspended in 905 cases. Boards of review modified or disapproved 152 sentences for legal reasons and granted clemency in 141 cases. Further, The Judge Advocate General had reduced the sentences in 13 cases and suspended 52 punitive discharges, and the Secretary of the Air Force in 28 other cases directed administrative discharge instead of punitive discharge.

General Harmon then proceeded to give comparisons between average sentences in federal courts with those given by air court-martials. The statistics, he ob-

served, indicated that average sentences in federal courts for particular crimes were greater than those given by air court-martials and that, therefore, the public complaint was not justified by the record.

General Harmon admonished that the fair administration of justice is not to be accomplished by change of statute law. Judicial systems, he pointed out, seldom fail because of statutory deficiencies—the failures are usually caused by the want of education and charity of the people running the system.

Toward the end of the meeting, President Bennett called for the reading of the report of the Board of Tellers, and the following were announced elected and installed in the office as indicated:

President—Col. Joseph F. O'Connell, Massachusetts.

First Vice President—Col. Gordon Simpson, Texas.

Second Vice President—Capt. Robert E. Quinn, Rhode Island.

Secretary—Col. Thomas H. King, Maryland.

Treasurer—Col. Edward B. Beale, Maryland.

Delegate to the American Bar Association—Col. John Ritchie, III, Wisconsin.

Board of Directors

Navy

Capt. George W. Bains, Alabama.
 Capt. Robert G. Burke, New York.
 Capt. S. B. D. Wood, Hawaii.

Army

Brig. Gen. Ralph G. Boyd, Massachusetts.
 Col. Frederick Bernays Wiener, District of Columbia.

Col. Joseph A. Avery, Virginia.
 Col. Charles L. Decker, Virginia.
 Col. William J. Hughes, District of
 Columbia.
 Lt. Col. Reginald Field, Virginia.
 Col. Edward F. Huber, New York.
 Col. Arthur Levitt, New York.
 Col. George H. Hafer, Pennsylvania.
 Col. Osmer C. Fitts, Vermont.
 Lt. Col. Edward F. Gallagher, District
 of Columbia.

Air

Col. Paul W. Brosman, Louisiana.
 Col. Allen W. Rigsby, Nebraska.
 Lt. Col. Louis F. Alyea, Illinois.
 Maj. Milton Zacharias, Kansas.
 Maj. Nicholas E. Allen, Maryland.
 Col. Fred Wade, Tennessee.

Gen. Bennett expressed his appreciation for the opportunity of having served the Association as its President and offered special thanks to those who had assisted him with his tasks. Gen. Bennett then appointed Col. George H. Hafer and Col. John Ritchie, III, as a guard of honor to escort the newly elected President, Col. Joseph F. O'Connell, to the rostrum. Col. O'Connell was installed in his office and assumed the chair.

Col. O'Connell expressed his appreciation to the membership for their confidence in him and their election of him to the high office of the Association.

In addition to the above elected Officers and Directors, the governing body of the Association includes General Oliver P. Bennett and Colonel Alexander Pirnie, past Presidents, and The Judge Advocates General of each of the Services.

The Judge Advocates Association

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 \$5.00 per year, payable January 1st, and prorated quarterly for new applicants. Applications for membership may be directed to the Association at its national headquarters, 312 Denrike Building, Washington 5, D. C.

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 composed of Lt. Col. Reginald Field, Col. William J. Hughes, Jr., Col. Charles L. Decker, USA, Capt. George Bains, USN, and Col. Louis F. Alyea, USAF.

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.

THE TEACHING OF MILITARY LAW IN A UNIVERSITY LAW SCHOOL *

FREDERICK BERNAYS WIENER **

I

Justification

It is a truism that the law school curriculum of today reflects both the increasing complexity and specialization of contemporary life and the increasing scope of federal activity. Courses which but a generation ago were esoteric electives (chosen, like as not, because half-year courses in the first semester eased somewhat the burden of preparing for the spring examinations in the full year courses) have now become prerequisites, not only for the law degree, but also for the practice that awaits the student upon graduation. Labor law, taxation, administrative law, and corporate finance (with or without accounting) are examples that come readily to mind; and of course there are others.

The currently crowded curriculum, and the disinclination of both faculty and students to add a fourth year to the already difficult three,¹ necessarily mili-

tate against any effort on the part of enthusiastic specialists to add still another subject. But there are, it is submitted, valid reasons why military law, certainly in its broader aspect of military jurisprudence generally, *i.e.*, not simply the law governing the armed forces,² has at least as valid a claim upon the attention of a university law school as, say, admiralty or bankruptcy or insurance—and all these are still staple electives, just as much today as in the days of Harding's normalcy, Coolidge's prosperity, or Hoover's depression. (Possibly bankruptcy had a

² "Military jurisdiction is exercised by a belligerent occupying enemy territory (military government); by a government temporarily governing the civil population of a locality through its military forces, without the authority of written law, as necessity may require (martial law); by a government in the execution of that branch of the municipal law which regulates its military establishment (military law); and by a government with respect to offenses against the law of war." Manual for Courts-Martial, United States, 1951, ¶ 2 [hereinafter cited as MCM, 1951].

The first three headings derive from Chief Justice Chase's opinion in *Ex parte Milligan*, 71 U. S. 2, 4 Wall. 2, 132, 141-142, 18 L. Ed. 281 (1866); the fourth was added after *Ex parte Quirin*, 317 U. S. 1, 63 Sup. Ct. 2, 87 L. Ed. 3 (1942), and *In re Yamashita*, 327 U. S. 1, 66 Sup. Ct. 340, 90 L. Ed. 499 (1946), demonstrated that the earlier listing was incomplete.

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¹ As Shakespeare says in *Love's Labour's Lost*, Act I, Scene 1:

"... 'tis but a three year's fast:

"The mind shall banquet, though the body pine. . . ."

more obvious appeal as the depression deepened.)

No law school, surely, will omit a course in criminal law, notwithstanding that the majority of its graduates will never practice at the criminal side of the bar. And, as Messrs. Karlen and Pepper have recently pointed out, at the peak of the World War II mobilization, the armed forces "not only handled one-third of the nation's crime potential, but . . . their courts handled one-third of all criminal cases tried in the nation, with the remaining two-thirds being divided between 49 civilian systems."³ As of today, the same authors state, "Since one-ninth of the nation's crime potential is to be found in the armed forces, one-ninth of the criminal cases can reasonably be expected to be tried by courts-martial."⁴ And they conclude:⁵

Since the nation seems involved in a continuing crisis, with most responsible leaders agreed that the present state of mobilization must continue for some time to come, the conclusion seems justified that military justice is the largest single system of criminal justice in the nation, not only in time of war, but also in time of peace; now, and as far ahead as we can see.

Since the above was written, of course, Malenkov has replaced the dead Stalin, but at this writing only the most blind optimist could suppose that Soviet pressure will decline in consequence. Hostilities in Korea continue; up to now (April 1953) President Eisenhower has failed to realize the hopes of those mil-

³ Karlen and Pepper, *The Scope of Military Justice*, 43 J. Crim. L., Crimin., & Police Sci. 285, 297 (1952).

⁴ *Id.* at 298.

⁵ *Ibid.*

lions of his supporters who believed that, by some painless magic, he could end the fighting; and not only is the country subject to a continuing draft law in the absence of a declaration of war,⁶ as is well known, but, and this is not so generally appreciated, the selectees released from service remain under a continuing obligation to serve in a reserve force for some years following their release.⁷ We are, indeed, not far from the system of continuing compulsory service which in 1914 and before served to distinguish the nations of continental Europe on the one hand from Great Britain and the United States on the other.

The impact on this situation of the Uniform Code of Military Justice has produced a problem in judicial administration which is far from solved and which in certain aspects is well-nigh staggering. For that Code created a real "super-legal-aid bureau,"⁸ the extent of which will be best understood by comparison with the system of criminal law administered in the federal courts.

In the federal courts, some 94 per cent of the defendants plead guilty; that is true of only about 10 per cent of

⁶ Universal Military Training and Service Act, Act of June 24, 1948, 62 Stat. 604, as amended, 50 U. S. C. App. § 451 *et seq.*

All citations in this paper to the U. S. Code, unless otherwise specifically indicated, are to Supplement V to the 1946 edition.

⁷ Section 4(d) of the Universal Military Training and Service Act, as amended; 50 U. S. C. App. § 454(d).

⁸ Frankfurter, J., dissenting, in *Uveges v. Com. of Pennsylvania*, 335 U. S. 437, 442, 450, 69 Sup. Ct. 184, 186, 190, 93 L. Ed. 127 (1948).

those accused before military courts.⁹ In the federal courts, the defendant convicted after a trial can appeal only if he has the means to do so, subject to a very small exception in the *forma pauperis* cases. ...In the military system, every accused convicted after a trial and sentenced to a punitive discharge or a year's confinement or more has his case reviewed as of right by a service Board of Review, before which he is furnished with appellate counsel without cost to him.¹⁰ If he loses there, he may, again with assigned counsel and without expense, petition the Court of Military Appeals for a further review.¹¹ No agency is permitted to screen the case with a view to eliminating those petitions that are patently without merit; and, if review is granted, he will be represented at the argument of the appeal, still without expense and by government-provided counsel.¹²

In what condition would the Supreme Court of the United States find its docket if, with a similar reduction in cases disposed of by pleas of guilty, there were superimposed a system of appeals in *forma pauperis* as of right, and a similar series of petitions for certiorari in *forma pauperis* as of right, regardless of merit,

⁹ For the federal figures, see Chandler, *Latter-day Procedures in the Sentencing and Treatment of Offenders in the Federal Courts*, 37 Va. L. Rev. 825 (1951). For the military figures and a statement of the problem, see Hughes, *Pleas of Guilty—Why So Few?* The Judge Advocate Journal, April, 1953, pp. 1-6.

¹⁰ Uniform Code of Military Justice [hereinafter UCMJ] Arts. 66, 70; 50 U. S. C. §§ 653, 657, see MCM, 1951, ¶¶ 100, 102.

¹¹ UCMJ Arts. 67, 70; 50 U. S. C. §§ 654, 657; see MCM, 1951 ¶¶ 101, 102.

¹² *Ibid.*

on top of that! Yet whereas Chief Justice after Chief Justice has admonished the bar not to file groundless petitions for certiorari,¹³ a committee of a responsible bar association recently characterized as "regression" and "set-back" any provision for a waiver by a military accused of his right to petition the Court of Military Appeals for review.¹⁴ And whereas, in the federal courts, an equally divided vote means that a criminal defendant goes to jail¹⁵ or stays in jail,¹⁶ as the case may be, Article 52(c) of the Uniform Code of Military Justice specifically provides that a tie vote on any question other than on a motion for a finding of not guilty or on a motion relating to the accused's

¹³ See *Address of Chief Justice Hughes at the American Law Institute Meeting*, 20 A. B. A. J. 341 (1934); address of Chief Justice Vinson before the American Bar Association meeting, September 7, 1949, *Work of the Federal Courts*, 69 Sup. Ct. v, vi-vii (1949).

¹⁴ See the abstract of the Report of the Committee on Military Justice in *Annual Report of the President for 1951-1952*, 7 The Record of the Association of the Bar of the City of New York 341, 346 (1952).

¹⁵ *Marzani v. United States*, 168 F. 2d 133 (App. D. C. 1948), *affirmed by equally divided court*, 335 U. S. 895 (1948), *adhered to after rehearing*, 336 U. S. 922 (1949).

¹⁶ *Von Moltke v. United States*, 189 F. 2d 56 (6th Cir. 1951), *affirmed by equally divided court*, 343 U. S. 922, 72 Sup. Ct. 756, 96 L. Ed. 1335; *U. S. ex rel, Giese v. Chamberlain*, 184 F. 2d 404 (7th Cir. 1950), *affirmed by equally divided court*, 342 U. S. 845, 72 Sup. Ct. 72, 96 L. Ed.—(habeas corpus to review court-martial conviction). For a recent dramatic example of the civilian rule, see *In re Isserman*, 345 U. S. 286, 73 Sup. Ct. 676, 97 L. Ed. —, where an attorney's disbarment was ordered by an equally divided court.



17TH ANNUAL DINNER
JUDGE ADVOCATE'S ASSOCIATION
FIRST CORPS ARMORY
BOSTON MASS AUGUST 25, 1953

sanity shall be a determination in favor of the accused.¹⁷

The merits—and demerits—of the Uniform Code will not be discussed here.¹⁸ Suffice to say that the problems of administering criminal justice which the Code presents are problems not unworthy of the brains and experience of a university law school.

Similarly, a broad course covering the entire scope of military jurisdiction raises constitutional problems which, so former students have indicated, are neither adequately dealt with nor (speak it softly) adequately understood in the ordinary course on constitutional law. A very few examples will suffice:

First, where are the constitutional boundaries of military power? Were the decisions in the several Japanese exclusion cases¹⁹ mere fruits of war hysteria, as some have contended,²⁰ or did

17 “. . . A tie vote on a challenge shall disqualify the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused’s sanity shall be a determination against the accused. A tie vote on any other question shall be a determination in favor of the accused.” Art. 52(c), 50 U. S. C. § 627(c).

18 For a comprehensive recent survey, see the several papers comprising *A Symposium on Military Law*, which constitutes the February 1953 issue of the *Vanderbilt Law Review* (Vol. 6, No. 2).

19 *Hirabayashi v. United States*, 320 U. S. 81, 63 Sup. Ct. 1375, 87 L. Ed. 1774 (1943); *Yasui v. United States*, 320 U. S. 115, 63 Sup. Ct. 1392, 87 L. Ed. 1793 (1943); *Korematsu v. United States*, 323 U. S. 214, 65 Sup. Ct. 193, 89 L. Ed. 194 (1944); *Ex parte Endo*, 323 U. S. 283, 65 Sup. Ct. 208, 89 L. Ed. 243 (1944).

20 See, e.g., Morton Grodzins, *Americans Betrayed* (1949); and, by way of antidote, Wiener, Book Review, 63 Harv. L. Rev. 549 (1950).

they reflect a statesmanlike acknowledgment of what Charles Evans Hughes articulated in 1917 when he told the American Bar Association that “The power to wage war is the power to wage war successfully.”²¹ Here again, the problem will simply be posed. It may be suggested that the first Japanese case, that of *Hirabayashi*,²² can hardly qualify as an example of war hysteria, having been handed down on the same day as *Schneiderman*,²³ which would seem more properly to exemplify a counter-hysteria on the march to the wrong goal-post.²⁴ It may likewise be ventured that the best starting point for a consideration of constitutional limitations on military power will be found in the separate opinions of Frankfurter and Jackson, JJ., in the *Korematsu* case.²⁵ And, finally, it can be stated with assurance that, for intellectual difficulty and intellectual excitement, this particular field will hold its own with any in the curriculum.

Second, to what extent do the specific guarantees of the first eight Amendments apply to military trials? This question is now (April 1953) pending

21 Hughes, *War Powers Under the Constitution*, 42 A. B. A. Rep. 232, 238 (1917).

22 *Supra* note 19.

23 *Schneiderman v. United States*, 320 U. S. 118, 63 Sup. Ct. 1333, 87 L. Ed. 1796 (1943).

24 See Wiener, “Freedom for the Thought That We Hate”; *Is it a Principle of the Constitution?* 37 A. B. A. J. 177 (1951).

As to the practice of citing one’s own writings, cf. 2 Holmes-Laski Letters, 1499 (Howe ed. 1953) s. v. Frank.

25 *Korematsu v. United States*, 323 U. S. 214, at 224 and 242, 65 Sup. Ct. 193, 197-198, 205-206, 89 L. Ed. 194 (1944).

before the Supreme Court, though the case can be otherwise disposed of.²⁶

. . . Again, it is a question appropriate to the level of a university law school.

Third, and, as indicated, these are only examples—why is it that the broad sweep of the presidential removal power foreshadowed by *Myers v. United States*²⁷ has never been applied, either by Congress or by the Executive, to the removal of officers in the armed forces?²⁸ (The Army failed to act even where the way was clear under the letter of the law.²⁹) Is it because of the pre-

vailing sentiment that a career in the military or naval service should have more permanence than a career in the more traditionally political postal service? Or does it reflect a growing realization that the *Myers* dissents were sounder than Chief Justice Taft's post-presidential pronouncements as to the scope of the presidential power?³⁰

²⁶ *Burns v. Wilson*, No. 422, October Term, 1952. It would be entirely possible for the Court to assume the applicability of the constitutional provisions, and then hold, either that no violation was made out, or that, since the petitioners had raised and been heard on their points on direct review, they could not do so again collaterally on habeas corpus. Cf. *Whelchel v. McDonald*, 340 U. S. 122, 124-126, 71 Sup. Ct. 146, 147-149, 95 L. Ed. 141 (1950).

²⁷ 272 U. S. 52, 47 Sup. Ct. 21, 71 L. Ed. 160 (1926).

²⁸ For the legislative provisions purporting to confer a right to review removals, see Rev. Stat. 1230 (10 U. S. C. [1946 ed.] § 573), and Article 4, UCMJ, 50 U. S. C. § 554. Note how the later provision meets some of the constitutional doubts canvassed in 1 W. W. Winthrop, *Military Law and Precedents* *78 (2d ed. 1896).

²⁹ The last exercise of the presidential removal power under the implied wartime powers of Article of War 118 of 1916—"No officer shall be discharged or dismissed from the service except by

order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof"—took place in 1918. See Sec. I, General Orders 17, War Dep't, 1918; and, for the sequel, *Wallace v. United States*, 257 U. S. 541, 42 Sup. Ct. 221, 66 L. Ed. 360 (1922), *rehearing denied*, 258 U. S. 296, 42 Sup. Ct. 318, 66 L. Ed. 626 (1922). Except for the insertion of the word "general" before "court-martial" in the second clause in 1920, this provision remained in force up to the date of the Code; but the late Secretary Patterson was positive, when he discussed it with me early in 1947, that he had been advised throughout the war that the President had no power to dismiss an officer by executive action. I have more faith in his recollection than in the learning of those who so advised him.

For the present provision, not different in substance but applying to all of the armed forces, see 50 U. S. C. § 739.

³⁰ See *Humphrey's Ex'r v. United States*, 295 U. S. 602, 55 Sup. Ct. 869, 79 L. Ed. 1611 (1935), for the first backtracking. It is well known that President Roosevelt's removal of Commissioner Humphrey was based on the *Myers* dictum, 272 U. S. 52 at 171-172, 47 Sup. Ct. 21 at 43-44, that members of regulatory commissions were removable.

II

Scope

If, then, it be granted that a course in military jurisprudence may claim recognition in a university law school, what shall be its scope?

Let us go back to what Holmes said, in 1886: ³¹

A law school does not undertake to teach success. . . .

It is from within the bar, not from outside, that I have heard the new gospel that learning is out of date, and that the man for the times is no longer the thinker and the scholar, but the smart man, unencumbered with other artillery than the latest edition of the Digest and the latest revision of the Statutes.

The aim of a law school should be, the aim of the Harvard Law School has been, not to make men smart, but to make them wise in their calling—to start them on a road which will lead them to the abode of the masters.

So there is nothing new in the still expressed criticism that American universities, and their law schools, are in constant danger of approaching too closely the trade school category. What Professor Goodhart said the other day puts the same thought in a different setting: ³²

. . . the primary purpose of a university is to train a man to think clearly and to think constructively. A university differs from the purely technical institution in its method and not in the subject matter with which it is concerned. The university trains a man to ask "why" a thing is done, while the technical school teaches him how it is done. Although the university and the technical school may both deal with the same subject

matter, it is clear that some subjects are better suited to a university than are others. The study of philosophy is obviously the perfect subject for the university method, because it consists entirely in asking "why?" The purpose of philosophy is to explain the nature of ideas and of things and not to tell people what they should do about them. On the other hand the subject of cooking is pre-eminently one for a technical school, because cooking has not got much to do with general principles. It depends on practical experience and not on abstract thought. This does not mean that cooking is not of the greatest importance to the life of the country. Coming from England, where there are a number of excellent philosophers but very few good cooks, I should be the last to underrate the importance of the latter, but it still remains true that they will learn more about cooking if they approach it in a kitchen rather than in a university laboratory.

If, therefore, the teaching of military law is to form part of the law school curriculum, it must not be on the narrow footing of "military justice," i.e., how to try and defend a case before a court-martial or how to review a record of trial. That is not to disparage in the slightest the excellent training afforded young officers by what may be called the service law schools.³³ If a young lieutenant is about to serve his tour of duty at the judge advocate's desk rather than in a fox-hole or on board a destroyer, he must know the *Manual for Courts-Martial*

³¹ *The Use of Law Schools* in Collected Legal Papers 35, 36, 39-40 (1921).

³² Goodhart, *Law and the Universities*, 5 J. Legal Educ. 1 (1952).

³³ The Judge Advocate General's School of the Army at Charlottesville, Va.; The School of Naval Justice at Newport, R. I.; and the Judge Advocate General Division of the Air Command and Staff School at the Air University, Maxwell Field, Ala.

backwards and forwards, he must know the rules of evidence and the latest decisions of the Court of Military Appeals, he must feel perfectly at home in the voluminous laws and regulations of his own service. Unless he does, he must acquire his specialized knowledge through the more difficult process of making his own mistakes; and the services have decided, very wisely, that this alternative process is too wasteful of everyone's time.

But of course it does not follow that the university law school should similarly restrict itself to the minutiae of practice and the current trend of procedural rulings, any more than a university law school course in Federal Jurisdiction should have the same coverage and emphasis as a practicing law institute seminar in the Federal Rules of Civil and Criminal Procedure.

Even to affirm that the university law school shall stress principles rather than rules of practice hardly formulates the dividing line in the field of military law, where so much turns on statutory rules and provisions that are constantly being changed. A dramatic instance of this may be found in the circumstance that the United States Air Force, which at this writing is less than six years old,³⁴ has in that short span of time operated under three different disciplinary codes: The Articles of War of 1920,³⁵ the Ar-

ticles of War of 1948,³⁶ and the Uniform Code of Military Justice.³⁷ Moreover, the newly enacted Armed Forces Reserve Act,³⁸ quite apart from the internal organizational changes which it effects in the several reserve components, alters in a significant aspect the consequences flowing from the dual state and federal status of the National Guard.³⁹ If, therefore, a university law school concentrates on minutiae, it will not only be dealing with what Holmes called "the small change of legal thought",⁴⁰ it will be issuing small change that is subject to early demonetization without notice.

Nor does it follow that it is sufficient to concentrate on military law proper, the branch of municipal law that regulates the organization and regulation of the armed forces. As Professor Schiller . . . says in his preface.⁴¹

. . . the student who may have occasion to treat of military law must be aware of

[Supp. 1 to 1946 ed.] § 171(l), and by Section 2 of the Act of June 25, 1948, c. 648, 62 Stat. 1014 (5 U. S. C. [Supp. II to 1946 ed.] § 627k). See *Stock v. Department of Air Force*, 186 F. 2d 968 (4th Cir. 1950).

³⁶ Title II, Act of June 24, 1948, c. 625, 62 Stat. 627.

³⁷ Act of May 5, 1950, c. 169, 64 Stat. 108 (50 U. S. C. §§ 551-736).

³⁸ Act of July 9, 1952, c. 608, 66 Stat. 481 (50 U. S. C. § 901 *et seq.*).

³⁹ Section 714, 50 U. S. C. § 1124, provides that, for the purpose of laws providing benefits for members, all training performed by members of the National Guard while in state status shall be considered as active or inactive duty training, as the case may be, performed in the service of the United States.

⁴⁰ *Introduction to the General Survey*, in *Collected Legal Papers* 298, 300.

⁴¹ A. Arthur Schiller, *Military Law* vii (1952).

³⁴ The United States Air Force was first established as an independent branch of the armed forces by the National Security Act of 1947, effective September 18, 1947. Act of July 26, 1947, c. 343, 61 Stat. 495.

³⁵ Act of June 4, 1920, c. 227, 41 Stat. 787 (10 U. S. C. [1946 ed.] §§ 1472-1593), made applicable to the Air Force by Section 305(a) of the National Security Act of 1947, 61 Stat. 508, 5 U. S. C.

the constitutional extent of military power, the organization of the armed forces, and the relation between civil and military jurisdiction.

Therefore it is not sufficient simply to consider the disciplinary code of the armed forces, it is necessary to take up the power to compel military service, the perplexities of the militia clause (that "curious cabinet of antiquities"⁴² which still plagues our mobilizers)⁴³, the status of enlistment, and the rights that military officers have in their offices. All of this, of course, is military law beyond military justice. But, in order to treat of the constitutional extent of military power and the relation between civil and military jurisdiction, it is necessary to examine the war powers, whether carried on by military or by civilian agencies; the problems implicit in the admittedly vague but still familiar expression "martial law"; the problems of military government, where our forces enter on belligerent territory⁴⁴ (not omitting military government in reverse, of which, fortunately, the last example up to this time comes from the not-so-glorious War

of 1812);⁴⁵ and, now that it has found its way into municipal litigation via the *Quirin*,⁴⁶ *Yamashita*,⁴⁷ *Hirota*,⁴⁸ and *Eisentrager*⁴⁹ cases, the laws of war.

At this point it is well to be specific—and permissible to be personal.⁵⁰ The course in Military Law and Jurisdiction at George Washington covers all of these topics in one semester. It could no doubt be stretched—and padded—into a full year course, by a further treatment of substantive military offenses, by greater emphasis on the mechanics of collateral attack of court-martial judgments, by more detailed treatment of martial law situations, and by expanding the study of the laws of war to include the details of the applicable conventions and the changes wrought by the 1949 Geneva Conventions which are now awaiting ratification.⁵¹

⁴² Pollock and Maitland, *The History of English Law* 365 (2d. ed. 1898).

⁴³ See Wiener, *The Militia Clause of the Constitution*, 54 *Harv. L. Rev.* 181 (1940). This time my justification for self-citation is the circumstance that Congress has seen fit to reprint the bulk of this paper, though without acknowledgment—and without quotation marks. H. R. Rep. No. 1066, 82d Cong., 1st Sess. (1949).

⁴⁴ For the most recent case in the Supreme Court involving a military government problem, see *Madsen v. Kinsella*, 343 U. S. 341, 72 Sup. Ct. 699, 96 L. Ed. 988 (1952).

⁴⁵ *United States v. Rice*, 17 U. S. 246, 4 Wheat. 246, 4 L. Ed. 562 (1819), which arose out of the British occupation of Castine, Maine, in 1814.

⁴⁶ *Ex parte Quirin*, 317 U. S. 1, 63 Sup. Ct. 2, 87 L. Ed. 3 (1942).

⁴⁷ *In re Yamashita*, 327 U. S. 1, 66 Sup. Ct. 340, 90 L. Ed. 499 (1946).

⁴⁸ *Koki Hirota v. General of the Army MacArthur*, 338 U. S. 197, 69 Sup. Ct. 1238, 93 L. Ed. 1902 (1948).

⁴⁹ *Johnson v. Eisentrager*, 339 U. S. 763, 70 Sup. Ct. 936, 94 L. Ed. 1255 (1950).

⁵⁰ The editor advises that nothing in the style-book of the *Journal of Legal Education* precludes a restrained and reasonably modest use of the perpendicular pronoun.

⁵¹ *Yingling and Ginnane, The Geneva Conventions of 1949*, 46 *Am. J. Int'l L.* 393 (1952).

But—and at this juncture the writer successfully defends against the charge of being an enthusiastic specialist—I doubt very much whether the subject is worth a full year of a law student's time, even under today's conditions of international tension. No doubt the course as now given can be substantially improved by a rearrangement of the time allotted to the various topics covered; and of course the quality of the teaching can and probably should be materially

strengthened. (I always recall with concern the query of a more experienced colleague: "Are you teaching—or just lecturing?") But I am satisfied, both on analysis and from the comments of former students, that, in its essentials, the course in Military Law and Jurisdiction at George Washington has the proper scope, that it warrants treatment for one semester, and that it has a proper place in the curriculum. * * *

Conclusion

With tools that leave considerable to be desired, with much of the periodical literature devoted to polemics, and with a paucity of papers setting forth the lay commander's problem that he must have at hand a sanction that will if need be force his men obediently to march or sail or fly to death, it is obvious that the content of a course in military law does not lend itself to easy cramming by the latest young instructor signed up for the faculty. There is no painless trot; there is no reliable modern text; and the law in action as distinguished from the law in books is for the most part articulated only by experience. Administration of the military law requires a combination of the lawyer's reason and the soldier's faith; and teaching it can do with both, since it needs not only an exploring and a "wondering" mind, but also a capacity for blending safeguards

with practicality, else the problems raised by the course will be neither well understood nor well taught.

Perhaps that is why, although only a sun-downer in the teaching profession, I find military law such a fascinating subject to teach—and one which up to now has succeeded in holding the interest of classes with diverse backgrounds: civilians, reserves, regulars—and, if you please, ladies. It has been high adventure for me; and, so some of the alumni have been kind enough to say, not just for me alone.

*** At this point the author reviews available casebooks and textbooks (Journal of Legal Education Vol 5 No. 4 pp. 483-498) particularly Schiller, *Military Law, Military Jurisprudence*, and Snedeker, *Military Justice under the Uniform Code*.

MILITARY LAW PUBLICATIONS *

Prior to the adoption of the Uniform Code of Military Justice in 1951, the services had several official or semi-official publications in the field of military law, such as the "Bulletin of The Judge Advocate General of The Army," the "Digest of The Judge Advocate General of The Air Force," the "Court-Martial Orders" (Navy), the "Board of Review and Judicial Council" reports (Army), and the "Court-Martial Reports of The Judge Advocate General of the Air Force."

At that time, the services were operating under separate and independent statutes and regulations containing many differences with respect to the rights, status, and duties of their personnel, the administration of discipline, the procurement of supplies and services, the processing of claims against the government, and various other matters. For example, with respect to military justice, the Articles of War governed the Army and Air Force, whereas the Articles for the Government of the Navy applied to naval personnel, and the Disciplinary Laws of the Coast Guard applied to Coast Guard personnel. Both the Army and Air Force had separate Manuals for Courts-Martial. The Navy had its "Naval Courts and Boards" and the Coast Guard published the "Coast Guard Courts and Boards."

Obviously, under such circumstances, many decisions or opinions of a particular Judge Advocate General or the members of his staff were limited in coverage and interest to his particular branch of the service and could not serve as case precedent in the application of

laws or regulations distinctive to other branches of the service.

However, with the unification of the armed forces under a single Department of Defense and the adoption of many statutes (including the Uniform Code of Military Justice) equally applicable to all branches of the service, a single system of reporting decisions and opinions affecting the military, so as to provide a readily available and easy-to-use fundamental source of case law, became a virtual necessity.

Having this in mind, the Judge Advocates General obtained the services of the Lawyers Co-operative Publishing Company of Rochester, New York. Together, members of the staffs of the Judge Advocates General and the editorial staff of the publisher made an extensive study of the needs of the services for a set of reports which would contain all the features of the modern law book and would be available for general distribution throughout the services and to the general legal profession and public as well. This led to a series of publications which will prove to be of immense value in the field of military law.

* Editor's Note. The Journal has heretofore published brief notes on all decisions of the Court of Military Appeals. Since these opinions are now published with head notes and digested in publications available to the military and civilian bar, this practice is being discontinued. Hereafter case notes will be written from time to time on selected cases. The purpose of this article is to advise the membership of existing publications on military law in which decisions of the Court of Military Appeals and other matters may be found.

The Court-Martial Reports— The Judge Advocates General of the Armed Forces and the United States Court of Military Appeals

This publication contains the decisions of the newly created United States Court of Military Appeals and the several Boards of Review having the statutory responsibility under the Uniform Code of Military Justice of reviewing court-martial convictions.

These decisions cover all phases of military justice including questions concerning the appointment, competency, and jurisdiction of courts-martial, criminal law, evidence, trial procedure, witnesses, etc.

In addition to the full text of the decisions, each volume of the Court-Martial Reports contains special features and aids to research, such as headnotes of the salient points involved; classification of the headnotes to relevant topics in the "Digest of Opinions—The Judge Advocates General of the Armed Forces" (described below) where other cases on the particular point headnoted may be found; helpful references to standard legal publications like American Jurisprudence and the American Law Reports (Annotated); a table of cases reported; tables of cases, orders, regulations, statutes, etc., cited; and a thorough and comprehensive index.

Volumes 1 to 9 have been published at this date, and it is understood that Volume 10 will be published shortly and that there will be approximately 5 to 6 volumes a year.

Court-Martial Reports of the Judge Advocate General of the Air Force

These reports, which were published from 1949 to 1951, contain the decisions of the Boards of Review and the Judicial Council in the Office of The Judge Advocate General of the Air Force, with headnotes and other special aids to research as noted above.

Volume 4 completes this series of reports, and the decisions of the Boards of Review in the Office of The Judge Advocate General of the Air Force are now published in the general "Court-Martial Reports."

Digest of Opinions—The Judge Advocates General of the Armed Forces

This publication is another great step taken by the Judge Advocates General in making current opinions and decisions affecting the military available to all the armed services and the legal profession generally.

The Digest of Opinions contains digest paragraphs of selected decisions and opinions of The Judge Advocates General of the various services, the United States Court of Military Appeals, and the Boards of Review, together with opinions of other governmental departments and agencies, and decisions of Federal and State courts, which are of interest to the military. The digest paragraphs contain a summary of the facts to the extent necessary to explain

the legal holdings involved; including the citations given in support of such holdings; and in appropriate cases references are made to standard legal publications.

The Digest contains many decisions or opinions covering such matters as pay and allowances, transportation, hospitalization and medical treatment, government life insurance, veterans' rights, retirement, disability benefits, Reserve forces, and many other questions of general interest to members or former members of the services.

A most important feature of the Digest is the adoption of a new military classification system which will insure the permanency and usefulness of this publication over a long period of years. The classification system uses numerous topics or titles, alphabetically arranged, corresponding generally to those employed in standard legal digests, with the addition of other topics or titles covering matters distinctive to the military. The topics or titles are divided, on a logical or analytical basis, into subdivisions, numbered sections, and decimal-numbered sections. Through the use of such a comprehensive scheme of arrangement, it is possible to classify the digest paragraphs so that those relating to the same subject matter appear together under the same topic and section number. The headnotes in the Court-Martial Reports are given this digest classification, so that a user can proceed automatically from the headnote to the Digest.

Additional aids to research contained in the Digest, include: word indices; tables of cases and opinions digested; tables of cases and opinions cited; and tables of orders, laws and regulations cited. These are cumulated from issue to issue throughout the year.

The Digest is published in quarterly pamphlet parts which are cumulated into an annual bound volume. At the present time, Volumes 1 and 2 (bound volumes) have been published. The first quarterly pamphlet of Volume 3 will be available shortly.

United States Court of Military Appeals

The United States Court of Military Appeals, also recognizing the extreme importance of the wide distribution of its opinions, not only throughout the military system, but to the general legal profession and public, recently initiated the publication of a series of reports, entitled the "Decisions of the United States Court of Military Appeals."

Each volume of this series also features headnotes of the salient points involved in the decision, classification of the headnotes to relevant topics in the "Digest of Opinions—The Judge Advocates General of the Armed Forces" where other cases on a particular point headnoted may be found, appropriate references to standard legal publications, a table of cases reported, and a comprehensive index.

In view of the fact that these opinions constitute the highest judicial precedents within the field of military justice, the Court has also initiated the publication of Advance Opinions in pamphlet form, so that its opinions will receive worldwide distribution within a comparatively brief time after they are rendered by the Court.

Volume 1, a bound volume of the decisions of the Court covering the October term 1951, has been recently published.

Volume 2, which includes the decisions of the Court during the October 1952 term, will be available shortly.

Military Jurisprudence

"*Military Jurisprudence*" is another new publication of great value in the field of military law. This publication contains selected cases and material covering the entire field of military law, including government liability for acts of the military (under the Federal Tort Claims Act), military interference with private business, jurisdiction of civil authorities over military personnel, civil rights and obligations of military personnel (including subjection to civil process and civil relief acts), criminal and civil liability of military personnel for acts done in the performance of military duty, status of National Guard and Reserve Forces and personnel thereof, and the rights and status of officers and enlisted men and retired personnel.

The comprehensive coverage of this one-volume work is in itself evidence of its great usefulness, both to the military services and the legal profession generally.

EDITOR'S NOTE:

The above publications may be obtained by writing the Lawyers Co-operative Publishing Company, Rochester 14, N. Y. The prices are as follows:

Court-Martial Reports (Armed Forces)—
Vols. 1-9, \$6.00 per vol.

Court-Martial Reports (Air Force)—
Vols. 1-4, \$6.00 per vol.

Digest of Opinions (Annual bound volumes)—Vols. 1-2, \$7.50 per vol.

Digest of Opinions, Volume 3, quarterly issues 1-4, \$5.00.

U. S. Court of Military Appeals—Vols. 1 & 2, \$7.50 per vol.

Advance Opinions (weekly) of U. S. Court of Military Appeals, beginning with Volume 3, \$15.00 per volume. Cases published 2 weeks after receipt thereof from the Court.

Military Jurisprudence, \$12.50.



WHAT THE MEMBERS ARE DOING

ARIZONA

Recently Henry S. Stevens of Phoenix (17th Off.) was elevated to the bench of the Superior Court, Maricopa County, Eighth Division. The Superior Court is a court of general and unlimited civil, criminal, probate and other jurisdiction.

Don T. Udall of Holbrook (5th Off.) is Judge of the Superior Court in Navajo County, sitting at Holbrook.

CALIFORNIA

Robert L. Moon recently announced the removal of his law office to Suite 834, 111 Sutter Street, San Francisco, where he is associated with the firm of Hoffman, Davis & Martin.

H. Walter Steiner of Santa Ana has recently established offices for the general practice of law at 807 North Main Street, Santa Ana. Before entering into

private practice, he had been Deputy District Attorney for Orange County.

DISTRICT OF COLUMBIA

Col. Thomas H. King, USAFR, Secretary of the Association, was elected this summer to the office of National President, Reserve Officers Association, succeeding Capt. Robert G. Burke, USNR, of New York City. Capt. Burke is a member of the Board of Directors of the Association. Col. King, following his election, toured the Army and Air Force installations in Europe in connection with his official duties with ROA.

On October 5th at the Dodge Hotel, the local members of the Association resumed their practice of monthly dinner meetings. Chief Judge Quinn and Judge Brosman were among the members present. Col. King spoke to the group concerning his recent inspection tour of military installations in Europe. Maj. Love reported to those present on the recent annual meeting of the Association in Boston. The Washington group meets on the first Monday of each month, October through May.

George MacClain (10th Off.), formerly an attorney with Federal Communications Commission, recently announced his entry into the private practice of law as an associate of the law firm of Cohn and Marks with offices in the Cafritz Building.

Benito Gaguine (3rd O. C.), until recently Hearing Examiner of the Federal Communications Commission, has announced his entry into private practice as a member of the firm of Fly, Shuebruk, Blume and Gaguine, with offices at 1001 Connecticut Avenue, N. W.

Association members of the Washington area will honor Brigadier General Eugene Caffey on his recent appoint-

ment as Assistant Judge Advocate General of the Army at a reception and supper at the Dodge Hotel on November 2nd.

The following Army JAG reserves were recently promoted: John Wolff and Paul S. Davis, Major to Lieutenant Colonel, and Dorsey Harryman, Captain to Major.

Col. Walter H. E. Jaeger recently completed a combination case and text book on the law of contracts which is being published by Dennis and Company, Rochester, N. Y., under the name "Law of Contracts".

KENTUCKY

Elvis J. Stahr, Jr., returned in September to his position as Dean of the University of Kentucky College of Law after serving as Special Assistant to the Secretary of the Army during the summer of 1953. He had previously served also in the latter position from June, 1951, to September, 1952. His successor is Franklin L. Orth, who is also a lawyer, and a colonel in the Army Reserve.

MISSOURI

Fred G. Mancuso (Claims ETO) of Kansas City was recently elected Judge Advocate General of the Veterans of Foreign Wars.

The law firm of Bertram W. Tremayne, Jr., recently announced that Ralph R. Neuhoff, Jr., has become a member of the firm under its new name Neuhoff, Tremayne & Schaefer with offices at 220 North Fourth Street, St. Louis.

NEVADA

Richard W. Horton, having recently completed a tour of duty in the United States Navy, has resumed the practice

of law in association with Royal A. Stewart, at 131 West Second Street, Reno.

NEW JERSEY

Arthur D. McTighe (13 O. C.) of Trenton recently removed his office to Suite 821, Trenton Trust Building, Trenton.

NEW YORK

Alexander Pirnie (Claims ETO), past President of the Association, recently announced the change of name of his law firm to Evans, Pirnie & Burdick. The firm will continue the general practice of law under its new name in the Mayro Building at Utica.

Morton H. Zucker recently announced the opening of offices for the general practice of law at 175 Main Street, White Plains.

Sidney A. Wolff (9th Off.) was recently re-appointed as Chairman of the Special Committee on Military Justice of the New York County Lawyers Association.

Stanley Kaufman (7th Off.) of New York City in behalf of minority stockholders has been litigating the question of legality of stock option programs for key corporation executives. The defendants named by him in suits in New Jersey state courts and in federal courts are Standard Oil of New Jersey, U. S. Steel, May's Department Store, and CIT Financial Corp.

Col. Chester DeF. Silvers of Kentucky was recently appointed First Army Judge Advocate, succeeding Col. David Hottenstein, who retired July 31, 1953, after 35 years of military service.

Charles J. Klyde (8th O. C.) of Brooklyn was recently appointed by the Secretaries of the Services as Chairman of the Appeals Division of the Eastern Indus-

trial Personnel Security Board. The Security Board is established under the new security program of the Defense Department to screen and determine final action on all cases in which a military department of the government has recommended that the clearance of a contractor or an employee of a contractor be denied or revoked.

Raymond A. Waldman of Whitestone, Queens, was recently appointed by the Secretaries of the Services as a member of the Appeals Division of the Eastern Industrial Personnel Security Board.

Max Solorsy, New York City, was recently promoted from Lieutenant to Captain, JAGC-USAR.

OREGON

Col. Benjamin G. Fleischman (3rd Off.) attended the Military Government School at Camp Gordon, Georgia, during the spring, and participated in exercises at Camp Pickett, Virginia.

TEXAS

Tom D. Glazner recently established offices for the general practice of law specializing in negligence and workmen's compensation cases in the Oil and Gas Building, Wichita Falls.

VIRGINIA

Col. Suphakan Nitisiri, Chief of the Prosecution Division of the Royal Thai Army, in the course of a three months' visit of military installations in the United States for the purpose of observing U. S. Army Military Justice System and rehabilitation establishments, recently studied preparation of cases for trial and the courts-martial proceedings at the Engineer Center at Fort Belvoir, Virginia, under the guidance of Lt. Col. Franklin W. Clarke, Staff Judge Advocate of the Engineer Center.

SUPPLEMENT TO DIRECTORY OF MEMBERS

JULY 1953

NEW MEMBERS

Maj. Edward P. Barrows
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