

**HEADQUARTERS 97TH INFANTRY DIVISION**

**Camp San Luis Obispo, California**

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**REPORT OF STAFF JUDGE ADVOCATE FOR MONTH OF AUGUST 1944**

**I N D E X**

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**INCLOSURES TO REPORT (Statistical tables):**

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- 2 - AWOLs, July 1943 thru August 1944
- 3 - Courts-martial for August
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- 5 - Analysis of special courts-martial for August
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HEADQUARTERS 97TH INFANTRY DIVISION  
Office of the Division Judge Advocate

Camp San Luis Obispo, California  
8 September 1944

SUBJECT: Report of the Staff Judge Advocate for the month of August 1944.

To : Commanding General, 97th Infantry Division.

I. AWOL - During August, 212 soldiers were absent without leave from the Division, an increase of 21 over the July total of 191. This increase was due to late returns from furloughs. Despite this increase, the number of man-days of training lost declined by nearly 50%, reaching the lowest figure the Division has shown for a year. This was due to the sharp decline in August in the average number of days lost per absentee. Statistics for the first 8 months of this year follow:

<u>1944</u>	<u>No. of Men AWOL</u>	<u>Man-days Lost</u>	<u>Avg days lost per man</u>
January	140	1894	13
February	162	1899	8 $\frac{1}{2}$
March	308	2101	7
April	240	2278	9 $\frac{1}{2}$
May	228	1936	8 $\frac{1}{2}$
June	194	1874	6 $\frac{1}{2}$
July	191	1542	8
August	212	787	3 $\frac{1}{2}$

Inclosure 1 is a table of AWOLs by units for the month of August, and a 15-months' comparative tabulation of AWOLs is shown in Inclosure 2.

Seven units of the Division showed no AWOLs for the month of August, among them the Division Band which has now had no AWOLs for twelve consecutive months. The 97th Quartermaster Company, with no AWOLs for August, showed marked improvement, as it had had several AWOLs per month during the past eight months.

II. COURTS-MARTIAL. - There were 115 trials by court-martial in the Division in August, a decline of 10 from the July total. By types of court,

the August trials were divided as follows:

General courts	2
Special courts	53
Summary courts	60

Inclosure 3 is a tabulation of the August trials by unit and by type of court. Inclosure 4 is a comparison of courts-martial by unit for the 13-month period from August 1943 through August 1944.

AWOL continues to be the offense most frequently committed in the Division. Of the August 115 cases, 74 were for AWOL.

For a detailed analysis of special and summary courts in August, see Inclosures 5 and 6. The ratio of special courts-martial to summary courts improved somewhat in August but the number of special courts is still higher in proportion to summary courts than the facts warrant.

Inclosure 6 shows 6 trials during August for AWOLs of 1 day each, in 5 of which cases the soldier tried had no previous convictions. There were 7 trials for AWOLs of 2 days each; there were no previous convictions in any of these cases. There were 8 trials for AWOLs of 3 days each, in 7 of which cases the soldier tried had no previous convictions. It is believed that all of the 1- and 2-day AWOLs by soldiers with previous good records could have been disposed of adequately by company punishment and that nearly all of the cases described in this paragraph illustrate an ill-considered use of courts-martial, and a failure to properly use the disciplinary weapon of company punishment.

III. TIME AWAITING TRIAL. - Average time lapse between filing of charges and date of trial was lower than in July. The average is very low; cases in the Division are handled expeditiously. For August the averages are:

Special courts	3.4 days
Summary courts	2.8 days

IV. MILITARY POLICE REPORTS. - MP reports for August totaled 140, a decline of 117 below the July figure. Reductions occurred in nearly all categories, the most numerous being under the heading of "No pass or improper pass", wherein 64 MP reports were made in July, and none in August. It is believed that this decline is due largely to the fact that passes were checked by the MPs at the gates at Fort Leonard Wood, and are not so checked at the gates at Camp San Luis Obispo.

Inclosure 7 is a breakdown of MP reports for the month of August. Inclosure 8 is a recapitulation of MP reports over the past 12 months. The

797th Ordnance Company, 389th Field Artillery Battalion, 365th Field Artillery Battalion, 322d Medical Battalion, 303d Field Artillery Battalion, and 387th Infantry, had better than average MP records. The 797th Ordnance Company had a perfect record. The 322d Engineer Combat Battalion had the highest average of reports, with 97th Quartermaster Company and Division Headquarters Company also having more than double the division average.

V. CONCLUSIONS. - a. There was a remarkable decline in the number of man-days lost as a result of absences without leave during August.

b. More use should be made of AW 104 by unit commanders in minor cases, in lieu of resort to trial by court-martial.

c. The 53 special and 60 summary courts-martial tried in August, taken in connection with the offenses for which the trials were held, indicate a too-frequent use of inferior courts where punishment under AW 104 would be appropriate.

VI. RECOMMENDATIONS. - a. That AW 104 be resorted to in lieu of trial by court-martial for minor offenses and particularly in the case of first offenders with previous good records.

b. That minor offenses referred for trial be tried by the lowest type of court having the power to give appropriate punishment, and that summary courts be used more in lieu of special court trials.

RALPH W. YARBOROUGH  
Major, JAGD  
Division Judge Advocate

AWOL REPORT OF EM FOR MONTH OF AUGUST 1944

<u>Unit</u>	<u>No. of Men AWOL</u>	<u>Days Lost</u>
303d Inf	29	176
386th Inf	62	183
387th Inf	60	186
303d FA Bn	4	8
385th FA Bn	8	15
389th FA Bn	6	49
922d FA Bn	4	28
Hq Btry Div Arty	0	0
322d Engr C Bn	27	97
322d Med Bn	9	14
797th Ordn Co	1	24
97th Div Hq	0	0
97th Div Hq Co	0	0
Hq Sp Tps	0	0
Band	0	0
MP Platoon	0	0
97th QM Co	0	0
97th Rescom Tr	1	3
97th Sig Co	1	4
<b>Totals</b>	<b>212</b>	<b>787</b>

*Inc.*

AWOL

July 1943 through August 1944

	<u>NUMBER OF MEN AWOL</u>	<u>MAN-DAYS LOST</u>	<u>AVG DAYS LOST PER MAN</u>
July 1943	186	777	4
Aug "	451	3433	7 $\frac{1}{2}$
Sept "	197	2167	11
Oct "	134	1666	12
Nov "	149	1625	11
Dec "	136	1747	12
Jan 1944	140	1884	13
Feb "	162	1399	8 $\frac{1}{2}$
Mar "	308	2101	7
Apr "	240	2276	9 $\frac{1}{2}$
May "	228	1936	8 $\frac{1}{2}$
June "	194	1274	6 $\frac{1}{2}$
July "	191	1542	8
Aug "	212	787	3 $\frac{1}{2}$

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TABULATION OF COURTS MARTIAL

August 1944

<u>Organisation</u>	<u>Specials</u>	<u>Summaries</u>	<u>Generals</u>	<u>Total</u>
303d Inf	6	13	1	20
386th Inf	18	5	1	24
387th Inf	16	17	0	33
303d FA Bn	1	0	0	1
365th FA Bn	1	1	0	2
389th FA Bn	3	0	0	3
922d FA Bn	2	2	0	4
Hq Btry Div Arty	0	0	0	0
322d Engr Bn	4	14	0	18
322d Med Bn	0	6	0	6
797th Ordn Co	1	0	0	1
97th Sig Co	0	1	0	1
97th Recon Co	0	0	0	0
97th QM Co	0	0	0	0
97th Hq Co	1	1	0	2
<b>Totals</b>	<b>53</b>	<b>60</b>	<b>2</b>	<b>115</b>

*Incl 3*

COMPARATIVE TABULATION OF COURTS-MARTIAL  
Twelve Months Ending 31 August 1944

	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Total since Activation</u>
308d Infantry	23	32	18	9	5	5	21	28	20	33	15	15	20	358
366th Infantry	23	27	16	10	6	5	24	24	25	28	24	29	24	336
367th Infantry	25	32	20	6	23	15	36	31	30	33	19	29	33	411
305d PA Bn	3	7	0	0	0	1	2	2	4	8	10	6	1	41
365th PA Bn	5	6	4	1	7	1	2	6	1	3	4	7	2	60
389th PA Bn	0	11	3	4	11	5	9	16	11	20	12	9	3	138
922d PA Bn	4	2	0	2	1	0	2	6	3	4	5	9	4	55
Hq Btry Div Arty	0	3	1	0	0	0	0	0	0	0	0	0	0	7
322d Engr C Bn	9	12	6	2	1	4	8	10	11	11	8	15	18	145
322d Med Bn	8	4	4	3	2	1	7	1	0	2	5	1	6	67
797th Ordn Co	2	0	0	3	0	0	0	0	1	0	0	0	1	10
97th Div Hq Co	1	2	1	3	0	3	1	0	0	2	0	0	2	18
97th QM Co	0	2	0	0	3	0	1	1	8	4	1	3	0	30
97th Recon Tr	0	0	2	2	1	0	0	1	1	0	0	0	0	15
97th Sig Co	2	1	1	3	5	0	2	3	0	1	1	2	1	30
	103	141	76	48	65	40	115	129	115	149	104	125	115	1719

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CHL - Confinement at hard labor.  
 HIMOC - Hard labor without confinement.  
 RES - Restriction.  
 PORF - Forfeiture of pay.

SPECIAL COURT-MARTIAL CASES  
 August 1944

Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	OTHER OFFENSES	
							Reviewing Authority	Prior Conv.
A W O L								
306D Inf	24 days	CHL 6 mos	HIMOC 3 mos	3	AW 65, disrespect	CHL 6 mos	HIMOC 3 mos	0
	22 "	CHL 3 mos	HIMOC 3 mos	0			HIMOC 3 mos	1
	19 "	CHL 6 mos	HIMOC 3 mos	0	AW 96, took ear	CHL 6 mos	HIMOC 3 mos	0
	14 "	CHL 6 mos	HIMOC 3 mos	0				
306th Inf								
	24 days	RES 2 mos	Approved	0	AW 96, forge pass	RES 3 mos	Approved	1
	19 "	RES 3 mos	"	1	AW 75, allow pris- oner to escape	RES 3 mos	Approved	0
	22 "	RES 2 mos	"	0		Aequitted		
	27 "	RES 3 mos	"	0	AW 96, forge pass	RES 2 mos	Suspended	0
	* 1 "	Porf	"	1	AW 96, fail to re- port V.D.	Aequitted		
	33 "	RES 3 mos	Suspended	0		RES 3 mos	Approved	1
	25 "	RES 3 mos	"	0	AW 96, forge pass	RES 3 mos	Approved	0
	* 4 "	RES 2 mos	Approved	3	AW 96, broke res	RES 2 mos	Approved	0
	12 "	RES 2 mos	Suspended	0				
	47 "	RES 3 mos	Approved	0				
	15 "	RES 3 mos	"	2				
	17 "	RES 3 mos	"	1				
307th Inf								
	45 days	CHL 6 mos	CHL 3 mos	1	AW 96, took sabj drk	CHL 6 mos	CHL 3 mos	0
	* 2 "	CHL 6 mos	Suspended	1	AW 96, D & D	CHL 3 mos	Suspended	0
	11 "	CHL 6 mos	CHL 3 mos	0	AW 96, D & D	CHL 3 mos	"	0
	12 "	CHL 6 mos	CHL 3 mos	1	AW 96, escape	CHL 6 mos	Approved	3
	84 "	CHL 6 mos	HIMOC 3 mos	2	AW 96, forge pass, broke arrest, AWOL	CHL 6 mos	HIMOC 3 mos	2
	9 "	RES 3 weeks	Approved	0				
	18 "	CHL 6 mos	HIMOC 3 mos	0				
	21 "	CHL 6 mos	Suspended	1				
	2 "	CHL 6 mos	"	1				
	24 "	CHL 6 mos	HIMOC 3 mos	1				
	19 "	CHL 3 mos	Suspended	0				
	22 "	CHL 6 mos	HIMOC 3 mos	0				
308D PA 306 PA								
	18 days	HIMOC 3 mos	Approved	0				
	18 days	CHL 6 mos	HIMOC 3 mos	0				

\*Tried in conjunction with additional charges.

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SPECIAL COURT-MARTIAL CASES - cont'd  
August 1944

Unit	Length of Absence	Sentence	Reviewing Authority	Punish Conv.	OTHER OFFENSES			
					Offense	Sentence	Reviewing Authority	Punish Conv.
389 PA	5 days	CHL 6 mos	HDMOC 3 mos	2	AW 86, left post AW 85, theft	CHL 6 mos CHL 6 mos	HDMOC 3 mos Approved	2
922 PA	24 days	CHL 6 mos	Suspended	0	AW 96, D & D	Aquitted		
322d Eng'rs	15 days 5 "	HDMOC 3 mos RHS 1 mo	Approved Approved	2 0	AW 85, drunk on dy AW 96, took explosives	RHS 3 mos	Approved	1
797th Ordn	15 days	CHL 6 mos	Suspended	0		RHS 3 mos	Approved	2
Eq Co					AW 65, struck WCO	CHL 6 mos	Approved	0

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SUMMARY COURTS-MARTIAL  
August 1944

A W O I

OTHER OFFENSES

Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.		
3084 Inf	12 days	Res 1 mo	Approved	0						
	1 "	HIMOC 15 days	"	0	AW 96, D & D	HIMOC 1 mo	Approved	0		
	6 "	HIMOC 1 mo	"	0	AW 96, D & D	HIMOC 45 days	"	0		
	5 "	Res 1 mo	"	0	AW 96, fail obey MCO	HIMOC 45 days	HIMOC 1 mo	0		
	1 "	HIMOC 1 mo	"	0	AW 64, wilful dis-obedience of O	HIMOC 1 mo	Waisted			
	8 "	HIMOC 45 days	HIMOC 1 mo	0						
	6 "	Res 1 mo	Approved	2						
	10 "	HIMOC 1 mo	"	0						
	15 "	HIMOC 20 days	"	0						
	386th Inf	2 days	Res 1 mo	Approved	0	AW 96, forge pass	Res 2 mos	Approved	0	
		6 "	Res 2 wks	"	0					
		4 "	Res 1 mo	"	0					
		4 "	Perf	"	0					
		387th Inf	2 days	HIMOC 1 mo	Approved	0	AW 96, speeding	HIMOC 1 mo	Approved	0
			1 "	CHL 1 mo	HIMOC 1 mo	0	AW 61, AROL 2 days	Res 2 wks	Approved	0
1 "	Res 2 wks		Approved	0						
4 "	HIMOC 1 mo		"	0						
2 "	HIMOC 1 mo		"	0						
1 "	CHL 1 mo		Suspended	1						
3 "	CHL 1 mo		"	0						
3 "	HIMOC 1 mo		Approved	0						
5 "	CHL 1 mo		Suspended	0						
6 "	CHL 1 mo		"	0						
365 PA	4 "	Perf	Approved	0						
	1 "	Res 14 days	"	0						
	4 "	HIMOC 1 mo	"	0						
	2 "	HIMOC 1 mo	"	0						
	3 "	CHL 1 mo	HIMOC 1 mo	2						
922 PA	1 day	HIMOC 1 mo	Approved	0	AW 96, D & D	HIMOC 1 mo	Approved	1		
	322 Med 15 days	Res 1 mo	Approved	0	AW 96, speeding	Perf	Approved	0		
					0	AW 69, broke arrest, D & D	Res 1 mo	Approved	0	

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SUMMARY COURTS-MARTIAL - cont'd  
August 1944

A W O L				OTHER OFFENSES				
Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
322 Med cont'd					AW 96, fall obey MCO	Res 1 mo	Approved	0
					AW 96, deceive of.	Res 3 mos	Res 1 mo	0
					AW 96, unauthorized pass	Forf	Approved	0
					AW 96, wrongful use of pass	Res 1 mo	"	0
322d Engr	14 days	Res 1 mo	Approved	0	AW 96, speeding	Forf	Approved	0
	"	Res 1 mo	"	0	AW 96, drunk	Res 1 mo	"	0
	"	Res 1 mo	"	0	AW 96, D & D	Res 1 mo	"	0
	"	Res 1 mo	"	0	AW 96, D & D	Res 1 mo	"	0
	"	Res 1 mo	"	0	AW 96, D & D	Res 1 mo	"	0
	"	Res 1 mo	"	0	AW 96, D & D	Res 1 mo	"	0
	"	Res 1 mo	"	0	AW 96, speeding	Forf	"	1
Div Hq Co					AW 66, insulting MCO	HINOC 1 mo	Approved	0
97 SIG Co	4 days	Res 1 mo	Approved	0				

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MILITARY POLICE REPORTS

SEPT 1943 THRU AUGUST 1944  
COMPARATIVE

<u>Offense</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>
Fail to salute	3	-	-	-	-	-	1	-	-	-	-	5
Off Limits	11	8	22	3	-	-	-	-	-	7	1	-
Traffic violation	15	24	49	15	3	4	24	15	15	16	7	15
Curfew	96	84	23	34	-	48	9	-	16	21	9	6
Improper uniform	25	3	-	-	-	10	24	16	28	47	43	13
AWOL	24	26	27	10	2	14	103	92	37	33	81	55
Drunk	57	27	29	12	3	25	15	16	20	28	20	5
Disorderly	20	19	4	2	1	13	12	17	22	23	14	22
No pass or improper pass	13	19	2	2	1	18	49	37	39	36	64	-
Liquor	5	8	1	3	6	-	-	-	-	-	-	-
Other	<u>13</u>	<u>27</u>	<u>29</u>	<u>37</u>	<u>2</u>	<u>17</u>	<u>6</u>	<u>45**</u>	<u>27</u>	<u>36</u>	<u>18</u>	<u>19</u>
	282	255	186	118	*18	149	241	234	202	247	257	140

\* Incomplete

\*\* Includes 42 cases of "illegal use of government vehicle."

*Incl 8*