

HEADQUARTERS 97TH INFANTRY DIVISION

Camp San Luis Obispo, California

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REPORT OF THE DIVISION JUDGE ADVOCATE FOR THE MONTH OF JULY 1944

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- 2 - AWOL (comparative)
- 3 - Tabulation of July courts-martial
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- 6 - Analysis of Summary Courts-Martial, July
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HEADQUARTERS 97TH INFANTRY DIVISION
Office of the Division Judge Advocate

Camp San Luis Obispo, California
11 August 1944

SUBJECT: Report of the Division Judge Advocate for the month of
July 1944.

TO : Commanding General, 97th Infantry Division.

I. AWOL. During the month of July, 191 soldier were absent without leave from the Division, a decrease of 3 from the June total of 194. July is the fourth consecutive month of decline in 1944 AWOLs, from the March high point of 308 absentees. Statistics for the first 7 months of this year follow:

	<u>No. of Men AWOL</u>	<u>Man-days Lost</u>	<u>Avg days lost per man</u>
Jan 1944	140	1884	13
Feb	162	1899	9 $\frac{1}{2}$
Mar	308	2101	7
Apr	240	2276	9 $\frac{1}{2}$
May	228	1936	8 $\frac{1}{2}$
June	194	1874	9 $\frac{1}{2}$
July	191	1542	8

Man-days of training lost in July increased 21% over the June total, as shown above, despite the decline in number of soldiers absent without leave.

The July AWOLs are tabulated by unit in Inclosure 1. Seven units of the Division reported no AWOLs for the month, among them the Division Band which has now had no AWOLs for 11 consecutive months. Comparative AWOL figures from June 1943 to date are given in Inclosure 2.

II. COURTS-MARTIAL. There were 125 trials by court-martial in the Division in July, an increase of 20% over the June total of 104. By types of court, the July trials were divided as follows:

General courts - 7
Special courts - 64
Summary courts - 54
125

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

AWOL continued to be the most frequently committed offense, with use of improper passes next in frequency. Inclosures 5 and 6 give a detailed analysis of July special and summary courts.

The 125 cases tried by courts-martial in July represent a high number of cases when types of offenses are considered. Eight summary court cases were for AWOLs of 1 day or less than 1 day each, while 10 summary court cases were for AWOLs of more than 1 day but less than 2 days duration. Most of these 18 cases could probably have been properly handled by company punishment.

Two cases of AWOL for 1 day each were tried by special court, and 2 cases of AWOL for 2 days each were tried by special court. Three of these 4 cases could have been disposed of properly by trial before a summary court, or by company punishment. Three cases for 4 days AWOL each and 3 cases for 5 days AWOL each, were tried by special courts during July. In keeping with the directions of paragraph 34, MCN, 1928, that cases should be tried "by the lowest court that has power to adjudge an appropriate and adequate punishment", it is suggested that the cases mentioned in this paragraph might more appropriately have been tried by summary court. In one 1-day AWOL case tried by special court, the punishment imposed was forfeiture of \$25 for 1 month. This should have been by summary court.

III. TIME AWAITING TRIAL. Average time lapse between filing of charges and date of trial continues at an exceptionally low figure. For July the averages are:

Special courts - $3\frac{1}{2}$ days
Summary courts - 3 days

IV. MILITARY POLICE REPORTS. MP reports for July totaled 257, 10 more than in June. In the two categories of "AWOL" and "Improper Pass", large increases in the number of offenses occurred, but all other types of offense showed a substantial decline. Inclosure 7 is an analysis of July MP reports by unit and by type of offense; Inclosure 8 gives a comparative tabulation of MP reports by months over the past 11 months.

V. CONCLUSIONS. a - The AWOL rate is continuing a decline which began in April 1944.

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

c - The 64 special and 54 summary court-martial cases tried in July indicate an improper balance between types of court, and too frequent use of special courts where summary court punishment would suffice.

VII. RECOMMENDATIONS. a - That AW 104 be resorted to in lieu of trial for minor offenses.

b - That minor offenses referred for trial be tried by summary rather than special court.

RALPH W. YARBROUGH
Major, JAGD
Division Judge Advocate

AWOL REPORT OF EM FOR MONTH OF JULY 1944

<u>Unit</u>	<u>No. of Men AWOL</u>	<u>Days Lost</u>
303d Inf	45	333
385th Inf	60	569
387th Inf	46	341
303d FA Bn	2	21
385th FA Bn	7	49
387th FA Bn	6	25
322d FA Bn	5	37
Hq Btry Div Arty	0	0
322d Engr C Bn	12	92
322d Med Bn	2	33
797th Ordn Co	1	16
97th Div Hq	0	0
97th Div Hq Co	0	0
Hq Special Troops	0	0
Band	0	0
MP Platoon	0	0
97th QM Co	2	18
97th Reccon Tr	0	0
97th Sig Co	3	8
Totals	191	1542

AWOL

July 1943 through July 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	7½
Sept "	187	2167	11
Oct "	134	1665	12
Nov "	149	1625	11
Dec "	156	1747	12
Jan 1944	140	1684	13
Feb 1944	162	1399	8½
Mar "	308	2101	7
Apr "	240	2275	9½
May "	225	1886	8½
June "	184	1274	6½
July "	191	1542	8

TABULATION OF COURTS MARTIAL

July 1944

<u>Organization</u>	<u>Specials</u>	<u>Summaries</u>	<u>Generals</u>	<u>Total</u>
303d Inf	10	3	2	15
386th Inf	21	8	0	29
387th Inf	14	12	3	29
303d FA Bn	4	2	0	6
365th FA Bn	1	6	0	7
389th FA Bn	5	3	1	9
322d FA Bn	1	3	0	4
Hq Btry Div Arty	0	0	0	0
322d Hqr C Bn	5	10	0	15
322d Med Bn	1	0	0	1
797th Ordn Co	0	0	0	0
97th Hq Co	0	0	0	0
97th Reccon	0	0	0	0
97th QM Co	2	0	1	3
97th Sig Co	0	2	0	2
Totals	64	54	7	125

COMPARATIVE TABULATION OF COURTS-MARTIAL

Twelve Months Ending 31 July 1944

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Total since Activation
303d Infantry	30	23	32	18	9	5	5	21	28	20	23	15	15	238
368th Infantry	17	23	27	16	10	6	5	24	24	25	28	24	29	312
367th Infantry	11	23	32	20	6	23	15	36	51	50	33	19	29	378
303d PA Bn	2	3	7	0	0	0	1	2	2	4	3	10	6	40
365th PA Bn	1	5	6	4	1	7	1	2	6	1	3	4	7	58
369th PA Bn	12	0	11	3	4	11	5	9	16	11	20	12	9	135
923d PA Bn	0	4	2	0	2	1	0	2	6	3	4	5	9	51
Hq Btry Div Arty	3	0	3	1	0	0	0	0	0	0	0	0	0	7
322d Engr C Bn	8	9	12	6	2	1	4	8	10	11	11	8	15	127
322d Med Bn	6	8	4	4	3	2	1	7	1	0	2	5	1	51
797th Ord Co	0	2	0	0	3	0	0	0	0	1	0	0	0	9
97th Div Hq Co	3	1	2	1	3	0	3	1	0	0	2	0	0	16
97th QM Co.	3	0	2	0	0	3	0	1	1	8	4	1	3	30
97th Recon Tr	2	0	0	2	2	1	0	0	1	1	0	0	0	15
97th Sig Co.	2	2	1	1	3	5	0	2	3	0	1	1	2	29
	100	103	141	76	48	65	40	115	129	115	149	104	125	1604

CHL - Confinement at hard labor
 HLMOC - Hard labor without confinement
 RES - Restrictive
 PORF - Forfeiture

SPECIAL COURT-MARTIAL CASES
 July 1944

A M O L

OTHER OFFENSES

Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
3034 Inf.	10 days	CHL 6 mos	HLMOC 3 mos	1	96, drunk	CHL 6 mos	HLMOC 3 mos	2
	16 days	CHL 6 mos	HLMOC 3 mos	3	96, feign illness	CHL 6 mos	CHL remitted	0
	4 days	CHL 6 mos	HLMOC 3 mos	5				
	16 days	CHL 6 mos	HLMOC 2 mos	1				
	1 day	CHL 6 mos	Disapproved	4				
	4 days	CHL 6 mos	HLMOC 3 mos	2				
	19 days	CHL 6 mos	HL Disapproved	1				
	54 days	CHL 6 mos	HLMOC 3 mos	1				
188th Inf.	32 days	Porf	Approved	1	96, forge pass	Porf	Approved	0
	5 days	RES 3 mos	Approved	0	96, drunk, break restr	RES 3 mos	Susp	2
	13 days	RES 2 mos	Approved	0	96, forge pass	RES 3 mos	Approved	0
	22 days	Porf	Approved	0	85, damage US property	Porf	Approved	2
	16 days	Porf	Approved	0	96, drunk; forge pass	RES 3 mos	Approved	0
	18 days	Porf	Approved	0	96, fail to obey comm	RES 3 mos	Approved	0
	10 days	Porf	Approved	1	96, theft	acquitted		
	33 days	RES 3 mos	Approved	1				
	5 days	RES 3 mos	Susp	4				
	10 days	Porf	Approved	0				
	1 day	Porf	Approved	0				
	30 days	Porf	Approved	0				
	16 days	Porf	Porf red	2				
	14 days	Porf	Approved	0				
187th Inf.	7 days	CHL 3 mos	Susp	0	96, forge pass	CHL 6 mos	Susp	0
	2 days	CHL 2 mos	Susp	0	96, forge pass	CHL 6 mos	Susp	2
	6 days	CHL 3 mos	Susp	0	96, forge pass	CHL 6 mos	Susp	0
	6 days	CHL 6 mos	Susp	1	96, forge pass	CHL 6 mos	Susp	0
	2 days	CHL 4 mos	Susp	2	96, forge pass	CHL 6 mos	Susp	0
	4 days	CHL 6 mos	Susp	0	96, forge pass	CHL 6 mos	Susp	0
					65, disrespect to 0 lose property	CHL 6 mos	Susp	1
					96, leave post	CHL 6 mos	Susp	1

SPECIAL COURT-MARTIAL CASES
(Continued)

A W O L				OTHER OFFENSES				
Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
PA 3032	13 days	CHL 6 mos	Approved	0	92, use govt vehicle w/out authority	HIMOC 3 mos Approved		0
PA 3032	13 days	CHL 6 mos	Approved	0	92, theft \$20	HIMOC 3 mos Approved		0
PA 3032	13 days	CHL 6 mos	Approved	0	92, use govt vehicle w/out authority	HIMOC 3 mos Approved		0
PA 365th	6 days	HIMOC 3 mos	Approved	0				
PA 365th	44 days	HIMOC 3 mos	Approved	1	96, D & Di Forged pass in possession	HIMOC 3 mos Approved		1
PA 365th	108 days	CHL 6 mos	HIMOC 3 mos Approved	0	96, forged pass in possession	HIMOC 3 mos Approved		1
PA 365th	7 days	HIMOC 1 mo	Approved	0	96, sleeping on post	CHL 6 mos HIMOC 3 mos		0
PA 322d	13 days	CHL 6 mos	Approved	2	96, speeding	Forf Approved		0
PA 322d	13 days	HIMOC 3 mos	Approved	2	94, convert truck to cmm use	HIMOC 3 mos Approved		1
PA 322d	10 days	RES 3 mos	Approved	1				
PA 322d	10 days	CHL 6 mos	HIMOC 3 mos	0				
PA 376th	10 days	CHL 6 mos	Susp	2	85, damage military property	CHL 6 mos	Susp	2

CHL - Confinement at hard labor
 HIRWOC - Hard labor without confinement
 HRS - Restriction
 PORF - Forfeiture

SUMMARY COURT-MARTIAL CARDS

July 1964

A W O L

OTHER OFFENSES

Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Sentence	Reviewing Authority	Prior Conv.
3034 Inf.	7 days	CHL 1 mo.	CHL susp	0			
	14 days	HIRWOC 1 mo.	AGE				
	1 day	HIRWOC 10 days	AGE	0			

3067A Inf.	4 days	HRS 1 mo.	AGE	0			
	3 days	HRS 1 mo.	AGE	0			
	2 days	PORF	AGE	0			
	4 days	HRS 1 mo.	AGE	0			
	8 days	PORF	AGE	0			
	1 day	HRS 1 mo.	AGE	0			
	2 days	HRS 1 mo.	AGE	0			

3074A Inf.	4 days	CHL 1 mo.	CHL susp	0			
	2 days	CHL 1 mo.	CHL susp	0			
	2 days	CHL 1 mo.	CHL susp	0			
	4 days	CHL 1 mo.	CHL susp	0			
	4 days	CHL 50 days	CHL susp	0			
	5 days	CHL 1 mo.	CHL susp	0			
	3 days	CHL 1 mo.	CHL susp	0			
	5 days	HRS 90 days	HRS 60 days	0			
	6 days	CHL 1 mo.	CHL susp	0			
	7 days	CHL 1 mo.	CHL susp	0			
	4 days	CHL 1 mo.	CHL susp	0			
	1 day	CHL 10 days	Disapproved.	0			

Unit	Offense	Sentence	Reviewing Authority	Prior Conv.
3034 VA	AW 95, Drunk	HRS 1 mo.	Appr.	0
Bn.	AW 96, Drunk	HRS 1 mo.	Appr.	0

SUMMARY COURTS-MARTIAL (cont'd)
July 1944

A W O L				OTHER OFFENSES				
Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
365 PA	3 days	CHL 1 mo	CHL Remitted	0				
	5 "	HIMOC 1 mo	AOE	1				
	11 "	CHL 1 mo	CHL Remitted	0				
	5 "	CHL 1 mo	CHL Remitted	0				
589 PA	10 "	HIMOC 1 mo	AOE	0				
	1 day	Forf	AOE	0	96, Imp. pass	HIMOC 1 mo	AOE	0
922 PA	6 days	CHL 1 mo	AOE	0				
	2 days	HIMOC 1 mo	AOE	0	96, D & d	HIMOC 1 mo	AOE	0
3224 Engrs	2 "	Res 1 mo	AOE	0	84, neg. injure arms	HIMOC 14 days	AOE	0
	4 "	HIMOC 1 mo	AOE	0				
	4 "	Forf \$10	AOE	0				
	1 "	Res 1 mo	AOE	0				
97 Sig Co	1 "	Forf \$10	AOE	0				
	2 "	Res 1 mo	AOE	0	96, fail safeguard rifle	Forf \$20	AOE	0
	1 "	Res 1 mo	AOE	0				
	2 "	Res 1 mo	AOE	0	96, Imp. pass	Forf \$16	AOE	0
3224 Engrs	3 "	Res 15 days	AOE	0	96, Imp. pass	Res 15 days	AOE	0
	1 "	Res 1 mo	AOE	0	61, fail to re-pair	Res 1 mo	AOE	0
	2 "	HIMOC 1 mo	AOE	0	61, fail to re-pair	Res 1 mo	AOE	0
	2 "	HIMOC 15 days	AOE	0				

MILITARY POLICE REPORTS

SEPT 1943 THRU JULY 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>
Fail to salute	3	-	-	-	-	-	1	-	-	-	-
Off Limits	11	8	22	3	-	-	-	-	-	7	1
Traffic violation	15	24	49	15	3	4	24	15	13	16	7
Curfew	96	84	23	34	-	48	9	-	16	21	9
Improper uniform	25	3	-	-	-	10	24	16	28	47	43
AWOL	24	26	27	10	2	14	103	92	37	33	81
Drunk	57	27	29	12	3	25	15	16	20	28	20
Disorderly	20	19	4	2	1	13	12	17	22	23	14
No pass or improper pass	13	19	2	2	1	18	49	37	39	36	64
Liquor	5	8	1	3	6	-	-	-	-	-	-
Other	13	27	29	37	2	17	6	43**	27	36	18
	<u>282</u>	<u>255</u>	<u>186</u>	<u>118</u>	<u>*18</u>	<u>149</u>	<u>241</u>	<u>234</u>	<u>202</u>	<u>247</u>	<u>257</u>

* Incomplete

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