

HEADQUARTERS 97TH INFANTRY DIVISION  
Camp Swift, Texas

\* \* \*

REPORT OF THE DIVISION JUDGE ADVOCATE FOR AUGUST 1945

I N D E X

REPORT:

I. AWOL	Page 1
II. COURTS-MARTIAL	1
III. TIME AWAITING TRIAL	2
IV. CONFINEMENT	3
V. MILITARY POLICE REPORTS	3
VI. CONCLUSIONS	4
VII. RECOMMENDATIONS	4

INCLOSURES TO REPORT (Statistical tables):

- Incl. 1.- Tabulation of Courts-Martial for August.
- 2.- Tabulation of Courts-Martial, May through August.
- 3.- Classification of Courts-Martial.
- 4.- Special Court Trials.
- 5.- Summary Court Trials.
- 6.- Comparative Terms of Confinement.
- 7.- Military Police Reports (Comparative).
- 8.- Military Police Reports for August.
- 9.- Inspection Team Reports for August.
- 10.- Summary of M.P. and Inspection Team Reports for August.

**HEADQUARTERS 97TH INFANTRY DIVISION**  
**Office of the Judge Advocate**

Camp Swift, Texas  
15 September 1943

**SUBJECT:** Report of the Division Judge Advocate for the month of August 1943.

**TO :** The Commanding General, 97th Infantry Division.

I. **AWOL.** - In August 1943, 451 soldiers were absent without leave from the Division, an increase of 143% over the 186 absentees in July. Comparative statistics for the last three months:

	<u>Number of Soldiers AWOL</u>	<u>Number of Man-days lost</u>	<u>Average Number Of days per man</u>
June	69	633	9
July	186	777	4
August	451	3433	7½

These figures would represent an alarming increase were it not for the fact that approximately 80% of this total arise out of administrative entries against men returning late from furloughs.

From a study of reports and returns coupled with conferences with officers in different units in the Division, it is believed that the main causes of the relatively large increase in AWOLs from furloughs were as follows:

a. Higher percentage of AWOLs in attached troops than in regular Divisional troops. Attached troops anticipate a change to a station which will require longer absences from home, so once AWOL stay away longer after furlough than the regular divisional soldier.

b. Policy of unit commanders in rewarding good soldiers with early furloughs, reserving late furloughs for soldiers with poorer records, thus resulting in a heavy increase in August furloughs to poorer soldiers, with a resulting higher number of soldiers returning late from furlough. Soldiers with poor records who return late usually stay AWOL longer than soldiers with previous good records.

II. **COURTS-MARTIAL.** - The 104 court-martial trials in August represented an increase of only 3 cases over the July total of 101. Jurisdictionally, the August cases were divided as follows:

General courts - 1  
Special courts - 27  
Summary courts - 76

Report to the Commanding General - continued

This reflects a shift in types of courts, with a percentage decline in special courts and a corresponding increase in the percentage of summary courts. This shift represents a sounder handling of disciplinary matters, as a tendency noted in past months to refer to special courts petty offenses which should have been tried before summary courts, has now been checked.

Inclosure 1 gives a tabulation of the August cases by units. Inclosure 2 is a comparative tabulation by units for the months of May, June, July, and August 1943.

Total number of court-martial cases, by months, for the last four months, have been as follows:

	<u>Total Cases</u>
May	118
June	89
July	101
August	104

On 31 August 1943, more than six months after activation, the number of general court-martial trials for the Division totalled 2. This is an exceptionally low rate.

Inclosure 3, Classification of Court-Martial trials by offenses, reveals a marked increase in the number of trials for ANOL in August, 62, over the July total of 38 ANOL trials. This was to be expected because of the increased ANOL rate in August.

Very encouraging is the decline in the court-martial rate for offenses other than ANOL. While the ANOL trial rate was increasing sharply, the incidence of other serious offenses was dropping so rapidly as to practically off-set, in number of trials, the increase in ANOL trials.

Inclosures 4 and 5 contain an analysis by courts, units, offense, sentence, and action of reviewing authority, of every special and summary court case tried in August. These tables show that a majority of the ANOLs in August were of short duration.

**III. TIME AWAITING TRIAL.** - The average time interval between arrest or confinement and trial, during August, was as follows:

Special court cases - 5.4 days  
Summary court cases - 4.5 days

Report to the Commanding General - continued.

These figures show an average elapsed time slightly in excess of that suggested by VIII Corps as a maximum. Unremitting efforts have been and are being made to lower this average elapsed time. Reasons for delay most often stated by units are field problems, bivouacs, tests, and other extended operations. Other reasons were: taking of depositions, making investigations at points away from camp, and securing documentary evidence by mail.

IV. CONFINEMENT. - On 31 August there were 79 Division prisoners in the stockade, as compared to 77 on 31 July. Of these 79 prisoners, 35 were hold-overs from previous months (serving terms adjudged prior to the month of August), 27 were serving sentences adjudged during August, and 7 were awaiting trial. This represents an increase in hold-over prisoners with long terms, and a decline in short-term prisoners. Probable reason for decline in number of short-term prisoners is found in the action of some Division units in commuting short sentences of confinement at hard labor to hard labor alone, because of dissatisfaction with the present state of discipline, or lack of it, in the Post Stockade.

August trials in which confinement was adjudged . . .	86 cases
Confinement suspended at time of review . . . . .	41 cases
Confinement commuted to hard labor or other punishment. . .	11 cases
Confinement approved by reviewing authority . . . . .	54 cases

See Inclosure 6 for confinement table, illustrating comparative unit policies with regard to the suspending of confinement.

Previously suspended sentences vacated in August: 3 cases.

Three prisoners escaped from confinement during August, 1 of whom has been returned to confinement. At the end of August, 3 escapees remained at large.

During the past month, 123 Division prisoners were in the stockade for some period of time.

V. MILITARY POLICE REPORTS. - Inclosures 8 and 9 show military police and inspection team reports by units, with a recapitulation in Inclosure 10. Inclosure 7 is a comparative table of combined military police and inspection team reports during the past month, but due to the elimination during August of inspection team reports as a basis for disciplinary action, the combined totals are not deemed as illustrative of the true state of discipline as the following comparison based on military police reports only:

	<u>M.P. Reports</u>
May	278
June	351
July	295
August	299

Report to the Commanding General - continued.

The number of curfew and "no pass" violations decreased markedly from the June and July totals, while improper uniform, off-limits, traffic violation, AWOL and disorderly conduct cases increased.

There was no increase in drunkenness, while attempts to bring liquor into camp declined to the negligible number of 1.

VI. CONCLUSIONS. -

a. The average rate of court-martial trials per month remained constant during August.

b. Serious offenses, with the exception of AWOL, continued to decline from the July rate.

c. The number of men in confinement at the end of the month remained constant (July 77; August 79).

d. There was a large increase in the AWOL rate in August.

d. With the termination of the ordinary furlough period within the Division, it is believed that the AWOL rate will show a sharp decrease. While this should begin in the latter part of September, its full effect will not be felt until October.

f. When the attached troops are moved out of the Division, it is believed the AWOL rate will decline further.

g. A tendency toward laxity in processing court-martial charges is indicated when units are in the field.

h. A generally satisfactory state of discipline within the Division is indicated by the combined courts-martial, confinement, and military police reports.

VII. RECOMMENDATIONS. - a. That a survey be made of prisoners in confinement with a view to suspension of sentences in deserving cases.

b. That, concurrent with the survey mentioned in a above, an additional survey be made to determine those prisoners whose cases warrant recommendation for their transfer to the Rehabilitation Center, Camp Bowie, Texas.

c. That the services of the Personnel Consultant in the Adjutant General's office be utilized in the above surveys in coordination with the Division Judge Advocate's office.

d. That a memorandum issue from this Headquarters directing

Report to the Commanding General - continued.

more prompt handling of courts-martial charges by all units.

RALPH W. YARBOROUGH  
Captain, J.A.G.D.  
Division Judge Advocate

Incls (See Index)

97TH INFANTRY DIVISION

TABULATION OF COURTS-MARTIAL

AUGUST 1943

<u>Organisation</u>	<u>Specials</u>	<u>Summaries</u>	<u>Total</u>
303rd Inf	6	15	23
380th Inf	4	19	23
387th Inf	7	16	23
303rd F.A.	1	2	3
365th F.A.	1	4	5
389th F.A.	0	0	0
922nd F.A.	1	3	4
Hq Btry Div Arty	0	0	0
322d Engrs	1	8	9
322d Medics	2	6	8
797th Ordn	0	2	2
97th Div Hq Co	1	0	1
97th Recon	0	0	0
97th QM Co	0	0	0
97th Signal Co	<u>1</u>	<u>1</u>	<u>2</u>
	27	76	103
General Court-Martial (Hq Co, 97th Inf Div)			<u>1</u>
Total all courts-martial			104

Final

97TH INFANTRY DIVISION  
FABRICATION OF COURSE-MATERIAL  
MAY THROUGH AUGUST 1945

Unit	May		June		July		August		Total	
	Spec.	Sum.	Spec.	Sum.	Spec.	Sum.	Spec.	Sum.	Spec.	Sum.
3034 Inf	22	10	11	13	19	11	8	15	60	49
3036th Inf	3	21	7	9	2	15	4	19	16	64
307th Inf	13	16	10	10	6	5	7	16	36	47
3034 F.A.	2	0	0	1	2	0	1	2	5	3
3056th F.A.	1	2	1	2	1	0	1	4	4	6
3096th F.A.	2	1	2	3	7	5	0	0	11	9
9234 F.A.	2	0	3	2	0	0	1	3	6	5
Inf Serv Div Arty	0	0	0	0	0	3	0	0	0	3
3224 Inqtrs	0	13	1	3	0	3	1	3	2	21
3224 Mds	0	4	1	7	3	3	2	6	6	20
797th Ordn	2	0	0	0	0	0	0	2	2	2
97th Div In Co	0	0	0	0	0	3	1	0	1	3
97th QM Co	0	1	0	0	0	3	0	0	0	4
97th Messn	2	0	1	0	0	2	0	0	3	2
97th SIG Co	0	2	0	2	2	0	1	1	3	3
	<u>49</u>	<u>69</u>	<u>37</u>	<u>52</u>	<u>42</u>	<u>33</u>	<u>27</u>	<u>76</u>	<u>155</u>	<u>205</u>

97TH INFANTRY DIVISION

CLASSIFICATION OF COURTS-MARTIAL  
AUGUST 1945

	<u>AW 61, AWOL</u>	<u>AW 96, DRUNK</u>	<u>OTHER</u>
303d Inf	17	4	2
386th Inf	12	9	2
387th Inf	12	6	5
303d F.A.	3	0	0
365th F.A.	8	0	0
389th F.A.	0	0	0
922d F.A.	1	1	2
Hq Btry Div Artillery	0	0	0
322d Engineers	7	2	0
322d Medical Bn	4	2	2
797th Ordnance	0	1	1
97th Div Hq Co	0	0	1
97th QM Co	0	0	0
97th Recon	0	0	0
97th Signal Co	<u>1</u>	<u>0</u>	<u>1</u>
	62	25	16
Percent of all cases:	60%	24%	16%

**97TH INFANTRY DIVISION  
SPECIAL COURT TRIALS - AUGUST 1943**

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d	17 Days	6 Mos.	Approved	0	85, Disobedience	3 Mos.	Approved	1
	30 "	3 Mos.	"	0				
	21 "	6 Mos.	"	0				
	12 "	3 Mos.	"	0				
	14 "	6 Mos.	"	1				
	20 "	6 Mos.	"	0				
	27 "	6 Mos.	"	0				
386th	17 Days	6 Mos.	Reduced to 3 Months	0	96, Disorderly	6 Mos.	Reduced to 4 Mos.	0
					96, Drunk & Dis.	6 Mos.	Reduced to 3 Mos.	0
					96, " " "	6 Mos.	Reduced to 2 Mos. and suspended	0
387th	70 Days	6 Mos.	Approved	0	96, Failure to obey	3 Mos.	Approved	0
	3 Hours	4 Mos.	"	1	96, " " "	6 Mos.	"	0
	14 Days	4 Mos.	Suspended	0				
	19 Days	6 Mos.	Approved	0				
	6 Days	6 Mos.	"	0				
308 FA	19 Days	4 Mos.	Approved	0				
365 FA	17 Days	4 Mos.	Approved	0				
922 FA					96, Assault & Battery	6 Mos.	Approved	0
322								
Engrs	2 Days	6 Mos.	Approved	1				
322								
Meds	12 Days	6 Mos.	Approved	0				
	58 Days	6 Mos.	"	2				
97th Div Hq Co.					96, Wrongful taking	Forfeit \$18.60 for 2 mos.	Appvd	0
97th Sig Co					96, Wrongful taking	6 Mos.	Approved	2

97TH INFANTRY DIVISION  
SUMMARY COURT TRIALS - AUGUST 1943

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d	15 Days	1 Mo.	HL without conf.	0	96, Fail to obey	Forf. \$10	Approved	0
	3 1/2 Hrs	1 Mo.	HL without conf.	1	96, Drunk	1 Mo.	1 Mo. HL	0
	3 Days	1 Mo.	HL 10 days	0	96, Drunk	Restr 2 Mos	Susp.	0
	3 Days	1 Mo.	HL 1 Week	0	96, Drunk	1 Mo.	Approved	0
	3 Days	1 Mo.	HL 1 Week	0				
	5 Days	1 Mo.	HL 1 Mo.	0				
	3 Days	1 Mo.	HL 1 Mo.	0				
	4 Days	1 Mo.	HL 1 Mo.	0				
	3 Days	1 Mo.	HL 1 Mo.	0				
	3 Days	1 Mo.	HL 1 Week	0				
	8 Days	1 Mo.	Susp.	0				
386th	7 Days	1 Mo.	Susp.	0	96, Drunk	1 Mo.	Susp.	0
	6 Days	1 Mo.	Susp.	0	96, Fail to Obey	1 Mo.	Susp.	0
	10 Days	1 Mo.	Susp.	2	96, Drunk	1 Mo.	Susp.	0
	13 Days	1 Mo.	Apprv.	0	96, Drunk	1 Mo.	Susp.	0
	4 Days	1 Mo.	Susp	0	96, Drunk	Forf \$30	Appr	0
	9 Days	1 Mo.	Appr	1				
	4 Days	1 Mo.	Appr	0				
	3 Days	1 Mo.	Susp	0				
	1 Day	1 Mo.	Susp	0				
	4 Days	1 Mo.	Susp	0				
	6 Days	1 Mo.	Susp	0				
	8 Days	1 Mo.	Susp	0				
	3 Days	1 Mo.	Susp	0				
	5 Days	1 Mo.	Susp	0				
387th	2 Days	1 Mo.	Susp	3	96, Fail to obey	1 Mo.	Susp.	0
	3 Days	1 Mo.	Susp	0	96, Drunk	1 Mo.	Susp	0
	8 Days	1 Mo.	Susp	0	96, D & D	1 Mo.	Susp	0

SUMMARY COURT TRIALS - continued

A W O L					OTHER OFFENSES			
Unit	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
387th cont'd	2 Days	1 Mo.	Susp	0	96, D & D <sub>2</sub>	1 Mo.	Susp	0
	2 Days	1 Mo.	"	0	96, D & D	1 Mo.	"	0
	1 Day	1 Mo.	"	2	96, Disorderly	1 Mo.	"	0
	4 Days	1 Mo.	"	0	96, Drunk	1 Mo.	"	0
					96, Drunk	1 Mo.	"	0
					96, Brake Restr	1 Mo.	"	0
305 FA	6 Days	Perf. \$25	Appr	0				
	2 Days	1 Mo.	Susp	0				
365 FA	2 Days	1 Mo.	Appr	0				
	2 Days	1 Mo.	Appr	0				
	7 Days	1 Mo.	Susp	0				
	2 Days	1 Mo.	Appr	0				
922 FA	10 Days	27 Days	Susp	0	85, Fail to obey	1 Mo.	Susp	0
					96, Drunk	1 Mo.	"	0
322d	2 1/2 Hrs	Restr 2 Mos.	Appr	0	96, Drunk	1 Mo.	Appr	2
Engrs	6 Days	Restr 45 Days	"	0	96, D & D	Restr 2 Mos.	"	0
	3 Days	Restr 1 Mo.	"	0				
	2 Days	Restr 20 days	"	0				
	3 Days	Restr 1 Mo.	"	0				
	8 Days	Restr 2 Mos.	"	0				
322d	3 Days	Restr 45 Days	Appr	0	96, Disorderly	Restr 1 Mo.	Appr	0
Meds	8 Days	Restr 45 Days	"	0	85, Drunk on duty	20 Days	"	1
					96, Drunk	Restr 3 Mos.	"	0
					85, Drunk on duty	20 Days	"	1
797th Ord					96, D & D	1 Mo.	Susp	0
					96, Straggling	1 Mo.	Susp	0
97 Sig Co	1 1/2 Hrs	Restr 15 days	Appr	0				

**97TH INFANTRY DIVISION**  
**COMPARATIVE TERMS OF CONFINEMENT**  
**OF PRISONERS RELEASED IN AUGUST 1945**

<u>Organization</u>	<u>Age of Offender</u>	<u>Length of Service</u>	<u>Previous Convictions</u>	<u>Sentence</u>	<u>Days Served</u>
303d Inf	34	6 Mos.	0	1 Mo.	12
	33	5 Mos.	1	3 Mos.	17
	31	1 Year	0	3 Mos.	20
	18	6 Mos.	0	6 Mos.	67
	30	2 Yrs.	3	6 Mos.	123
306th Inf	25	1 Yr.	0	1 Mo.	25
	21	10 Mos.	1	2 Mos.	28
307th Inf	31	1 Yr.	0	1 Mo.	26
	26	5 Mos.	0	1 Mo.	21
	19	5 Mos.	0	1 Mo.	18
	20	6 Mos.	0	3 Mos.	67
	18	5 Mos.	0	3 Mos.	30
	23	6 Mos.	1	4 Mos.	36
	19	5 Mos.	1	4 Mos.	29
	26	6 Mos.	0	6 Mos.	60
309th F.A.	31	1 Yr.	0	4 Mos.	34
	29	7 Yrs.	1	6 Mos.	33
	33	5 Mos.	2	6 Mos.	33
Hq Btry Div Arty	23	3 Yrs.	0	1 Mo.	22
322d Engrs	23	1 Yr.	0	1 Mo.	25
	24	5 Mos.	0	1 Mo.	24
323d Meds	29	5 Mos.	1	20 Days	17
	20	5 Mos.	1	20 Days	17
	22	3 Yrs.	0	4 Mos.	37
97th Div Hq Co	31	5 Mos.	0	1 Mo.	24

97TH INFANTRY DIVISION

MILITARY POLICE REPORTS  
AUGUST 1945

<u>Offense</u>	<u>For August</u>			<u>Month of July</u>	<u>Month of June</u>	<u>Month of May</u>
	<u>M.P. Reports</u>	<u>Inspection Teams</u>	<u>Aug. Total</u>			
Failure to Salute	2	20	22	141	97	-
Off Limits	33	-	33	28	31	8
Traffic Violation	13	-	13	10	11	39
Curfew	87	1	88	142	144	100
Improper Uniform	62	49	111	97	59	18
AWOL	15	-	15	9	7	5
Drunk	35	-	35	35	45	40
Disorderly	26	-	26	15	17	29
No or Improper Pass	10	-	10	33	101	16
Attempt to bring liquor into camp	1	-	1	3	18	9
Other offenses	15	-	15	15	5	14
	<u>299</u>	<u>70</u>	<u>369</u>	<u>528</u>	<u>525</u>	<u>278*</u>

\*Military Police reports only; no inspection teams in May.