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HEADQUARTERS 97TH INFANTRY DIVISION

Port Leonard Wood, Missouri

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REPORT OF THE DIVISION JUDGE ADVOCATE FOR MONTH OF

MARCH 1944

I N D E X

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HEADQUARTERS 97TH INFANTRY DIVISION  
Office of the Division Judge Advocate

Fort Leonard Wood, Mo.  
5 April 1944

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

TO : The Commanding General, 97th Infantry Division.

I. AWOL. There were 308 soldiers absent without leave from the Division during March 1944. This represents an increase of 90% over the February total of 162. Total number of man-days lost from training in March was 2101, an increase of 50% over the preceding month's loss. Length of the average AWOL in March was approximately 7 days, a decline from the February average of  $8\frac{1}{2}$ . Comparative statistics on AWOL by months, from June 1943 through March 1944 are given in Inclosure 1. Comparative statistics for 1944 are as follows:

	<u>Number of Men AWOL</u>	<u>Man-days Lost</u>	<u>Average days Lost per man</u>
Jan. 1944	140	1884	13
Feb. 1944	162	1399	$8\frac{1}{2}$
Mar. 1944	308	2101	7

Most usual type of absence without leave in March was the soldier who returned late from furlough. A similar situation existed at the close of the 1943 furlough period in August and September 1943. See statistics of Inclosure 1. It is believed that a contributing factor to the increase in AWOL lies in the inability of unit commanders to inflict confinement as a punishment, due to Second Army policies. This is the opinion held by many unit commanders. However, 451 men were AWOL from the Division in August 1943, when confinement for relatively long periods was freely used in the Division as punishment for AWOL. It is the opinion of the Division Judge Advocate that confinement forms no certain cure for AWOL, but the power to confine, carrying, as it would, an ever present danger of confinement, would have a deterring effect on AWOL.

March AWOLs by unit are listed on Inclosure 2. There have been no absences without leave from the band for 7 months. The 305d Field Artillery Battalion again had only 1 man AWOL during the month; he was AWOL 2 days. This was the fifth consecutive month in which this battalion had only 1 man AWOL.

I. (a) Comparison of AWOL from furlough and AWOL from duty.

Inclosure 2a is an analysis of types of AWOL during March, showing the number of men who went AWOL from duty and the number who went AWOL from furlough. The total number of men who went AWOL from furlough was 225, or more than twice the 94 who were AWOL from duty. The 94 men AWOL from duty in March were absent a total of 939 days, or an average of approximately 10 days per man. The 225 men AWOL from furlough in March were absent a total of 1154 days, or an average of 5.1 days per man. The soldier who went AWOL from duty in March remained away, on an average, twice as long as the soldier who was AWOL from furlough.

The statistics for March include only the period of time from 1 March through 31 March. In instances where soldiers went AWOL in February and had not been apprehended on 31 March, only the 31 days in March were counted. Where soldiers went AWOL in March and had not returned on 31 March, again the March segment of time was counted as the total period of AWOL. With this method of computation the average computed AWOL period is a little shorter than the actual average which would be obtained if a 90-day AWOL, for example, were averaged in as a whole. Since reports are made and kept on a monthly basis, and long AWOLs are relatively few, it is believed that a representative average is obtained by containing the figures used within the limits of the calendar month.

Inclosure 2 shows a total of 308 soldiers AWOL for a total of 2101 days during March. These figures were obtained on 1 April by the returns section of the Division Adjutant General's office by phone. Inclosure 2a shows 319 men AWOL in March for a total of 2093 days. These are figures revised after rechecks.

Number of men on furlough in February and March was as follows:

	<u>February</u>	<u>March</u>
305d Inf	574	1009
389th Inf	754	975
387th Inf	792	1028
Div Arty	623	432
Spec Troops	372	441
322d Med Bn	151	408
322d Ingr Bn	209	272
Total	<u>3775</u>	<u>4565</u>
Grand Total		<u>8338</u>

Since the Division did not close in Fort Leonard Wood until about the first of February, granting of furloughs did not reach an accelerated pace in January. The large number of furloughs granted in February were terminated at such time as to cause the full effect of AWOLs by soldiers returning late from furlough to first become apparent in March statistics.

II. COURTS-MARTIAL. There were 128 court-martial trials in the Division in March, divided by types of court as follows:

General courts	2
Special courts	39
Summary courts	87

This is an increase of 13 cases over the February total. There were 86 trials for AWOL in February, and 100 trials for AWOL in March. That offense (AWOL) accounted for the March increase. Inclosure 3 is a tabulation of all March cases by units and by types of court, while Inclosure 4 is a tabulation of March cases by units and by types of offenses. Inclosure 5 gives a comparative tabulation of all Divisional court cases by units for each month from April 1943 through March 1944.

Inclosures 6 and 7 give an analysis of each summary and special court case tried in the Division in March, showing the offense, sentence imposed, and action by reviewing authority.

Of the 128 cases tried in March, 30 (or less than 24%) involved soldiers with previous convictions. More than 76% were trials of first offenders.

Eleven cases were for AWOLs of less than 1 day, while 13 cases were for AWOL of more than 1 but less than 2 days. Distribution of trials by court-martial for AWOL of less than 2 days duration were as follows:

	<u>Less than 1 day</u>	<u>More than 1 and less than 2</u>
305d Inf	2	1
386th Inf	2	5
387th Inf	2	3
389th FA	5	3
322d Engrs		1
	<u>11</u>	<u>13</u>

The 389th Field Artillery had a large number of cases during March, but this is no indication of lack of discipline in that unit, as its treatment of short AWOLs as triable offenses accounted for 8 of the cases tried.

**III. TIME AWAITING TRIAL.** The average time interval between the filing of charges and trial, during March, was as follows:

Summary court cases - 2.5 days  
➤ Special court cases - 5.7 days

This is the best time average between filing of charges and trial that the Division has ever had. It will be practically impossible to maintain this average in the field; it is exceptional for garrison.

**IV. CONFINEMENT AND OTHER PUNISHMENT.** In line with Division policy, confinement in unit guardhouses was resorted to as punishment in only a few cases. Forfeiture of pay and restriction to limits are the two punitive measures now most generally used in the Division. Hard labor without confinement is used in only a few units.

The 365th Field Artillery Battalion is one of those units using hard labor without confinement. It has a hard labor squad for the entire battalion, drawing the noncommissioned officers who supervise the hard labor from these batteries whose personnel are serving sentences in the squad. The commanding officer reports that this punishment has had a very beneficial effect on discipline in the battalion. Some units not using hard labor as a means of punishment state that the noncommissioned officers most competent to supervise hard labor are also the best instructors, and that instruction to new personnel now requires their full time and efforts.

**V. MILITARY POLICE REPORTS.** The total number of military police reports for the month, 241, is the largest number for any month since the Division left garrison in October. Inclosure 8 is a comparative table showing the number of reports by month and by type of offense from June 1943 to March 1944.

In March, AWOL accounted for over 40% of the reports, while failure to have a proper pass was the second most frequently reported offense. Inclosure 9 is an analysis of military police reports by offenses and by units for March. On a weighted percentage basis, Headquarters Battery Division Artillery, 365th Field Artillery, and 97th Signal Company had the best military police report records for March. Poorest military police records were in 97th Quartermaster Company, 797th Ordnance Company, and 97th Cavalry Reconnaissance Troop.

**VI. CORPS REPORTS.** Inclosures 10 and 11 are copies of the bimonthly disciplinary reports forwarded to XIII Corps during March, as required by Corps directives.

**VII. CONCLUSIONS.** a. There was a large increase in the March AWOL rate over the February totals, caused largely by the late but voluntary return of soldiers from furlough.

b. There was an increase in the March court-martial rate over the February rate, caused solely by the increase in AWOLs.

c. Serious offenses, with the exception of AWOL, showed no increase in March.

d. AWOL caused 78% of all cases tried in the Division in March.

e. The band, with no AWOLs for 7 months, has the best AWOL record in the Division. The 303d Field Artillery Battalion, with 1 man AWOL per month for each of the past 5 months, has the best AWOL record for any of the larger units in the Division.

f. AWOLs for less than 2 days each caused 24 of the March trials.

g. There was a good proportional balance between general, special, and summary court-martial trials in March.

h. Court-martial proceedings are promptly handled in the Division; its record is exceptional in that regard.

i. Military police reports increased in March, due to the increase (14 to 103) in AWOLs reported by the military police.

j. Forfeiture and restriction are the main types of punishment imposed by courts-martial.

k. Procedural errors in court-martial proceedings indicate a need for a short refresher course of instruction in military law.

l. The large number of pass violations indicate either laxity by commanders or ignorance of pass regulations by enlisted personnel.

VIII. RECOMMENDATIONS. a. That the band and 303d Field Artillery Battalion be commended for good AWOL records.

b. That a short school of instruction in military justice be authorized for Division personnel having court-martial duties.

c. That hard labor without confinement be more widely used as punishment in the Division.

d. That all company commanders stress the necessity for strict observance of pass regulations and warn personnel that forging passes is

a serious offense, involves falsity and deception, and is punishable by the drastic penalties provided in C 1, AR 380-10, 25 September 1943.

RALPH W. YARBOROUGH  
Major, JAGD  
Division Judge Advocate

AWOL

June 1943 thru March 1944

	<u>NUMBER OF</u> <u>MEN AWOL</u>	<u>MAN-DAYS</u> <u>LOST</u>	<u>AVERAGE DAYS</u> <u>LOST PER MAN</u>
June 1943	69	635	9
July "	186	777	4
Aug "	451	3453	7 $\frac{1}{2}$
Sept "	197	2157	11
Oct "	154	1665	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

Incl 1

AWOL REPORT OF EM FOR MONTH OF MARCH 1944

<u>UNIT</u>	<u>NUMBER OF MEN AWOL</u>	<u>DAYS LOST</u>
303 INF	56	600
386 INF	95	491
387 INF	71	507
303 FA BN	1	2
365 FA BN	2	35
389 FA BN	20	157
922 FA BN	14	68
HQ DIV ARTY	1	5
DIV HQ	1	1
HQ SP TRS	0	0
HQ CO	2	9
BAND	0	0
M P PLAT	1	2
SIG CO	3	8
RECON TRS	3	12
QM CO	5	16
ORD CO	2	7
322 MED BN	10	108
322 ENGR BN	<u>21</u>	<u>73</u>
TOTALS	308	2101

Incl 2

NUMBER OF MEN AWOL FROM DUTY AND NUMBER  
AWOL FROM FURLOUGH, WITH NUMBER OF TRAINING  
DAYS LOST DURING MONTH OF MARCH 1944

<u>Unit</u>	<u>No. Men AWOL from Duty</u>	<u>No. Men AWOL from Furlough</u>	<u>Total AWOLs</u>	<u>Days Lost From AWOLs From Duty</u>	<u>Days Lost From AWOLs From Furlough</u>	<u>Total Days Lost</u>
305d Inf	26	30	56	161	439	600
386th Inf	29	67	96	227	268	495
387th Inf	25	54	77	308	204	507
305d F.A.	0	1	1	0	2	2
385th F.A.	2	1	3	34	4	38
389th F.A.	6	14	20	77	68	145
922d F.A.	2	15	17	4	68	70
Spec. Troops	2	15	17	7	48	55
322d Med Bn	3	8	11	95	13	108
322d Engr Bn	<u>1</u>	<u>20</u>	<u>21</u>	<u>31</u>	<u>42</u>	<u>73</u>
	94	225	319	939	1184	2093

Incl 2a

TABULATION OF COURTS-MARTIAL

March 1944

<u>Organization</u>	<u>Specials</u>	<u>Summarys</u>	<u>Total</u>
303d Infantry	10	18	28
306th Infantry	8	15	23
307th Infantry	12	19	31
303d Field Artillery	1	1	2
307th Field Artillery	2	4	6
309th Field Artillery	1	14	15
922d Field Artillery	0	6	6
Hq. Btry., Div. Arty.	0	0	0
922d Hqtr.	3	7	10
322d Med.	1	0	1
797th Ordnance Co.	0	0	0
97th Div. Hq. Co.	0	0	0
97th Recon. Tr.	0	0	0
97th CQ Co.	0	1	1
97th Signal Co.	<u>1</u>	<u>2</u>	<u>3</u>
	39	87	126

General courts:

306th Infantry - 1  
 309th FA - 1

2  
128

Incl 3

CLASSIFICATION OF COURTS-MARTIAL

March 1944

	<u>AW 61</u> <u>AWOL</u>	<u>AW 96</u> <u>DRUNK</u>	<u>OTHER</u>
303d Inf	22	3	3
386th Inf	23	0	1
387th Inf	21	2	8
303d F.A.	0	0	0
365th F.A.	3	0	0
389th F.A.	14	1	0
922d F.A.	6	0	0
Hq Btry Div Arty	0	0	0
322d Engrs	6	3	1
322d Meds	1	0	0
797th Ordn	0	0	0
97th Hq Co	0	0	0
97th Recon Tr	0	0	0
97th QM Co	1	0	0
97th sig Co	<u>3</u>	<u>0</u>	<u>0</u>
	100	9	19
Percent of Total	78%	7%	15%

Incl 4

COMPARATIVE TABULATION OF COURTS MARTIAL

May 1943 thru March 1944

	<u>May</u>	<u>June</u>	<u>July</u>	<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>Total since Activation</u>
303d Infantry	32	24	30	23	32	18	9	5	5	21	28	255
386th Infantry	24	16	17	23	27	16	10	6	5	24	24	206
387th Infantry	29	20	11	23	32	20	6	23	15	36	31	267 ✓
303d F. A.	2	1	2	3	7	0	0	0	1	2	2	20 ✓
365th F. A.	3	3	1	5	6	4	1	7	1	2	6	43 ✓
389th F. A.	3	5	12	0	11	3	4	11	5	9	16	83 ✓
922d F. A.	2	5	0	4	2	0	2	1	0	2	6	30 ✓
Hq Btry Div Arty	0	0	3	0	3	1	0	0	0	0	0	7 ✓
322d Engrs	12	4	8	9	12	6	2	1	4	8	10	82 +2
322d Meds	4	8	6	8	4	4	3	2	1	7	1	53 -1
797th Ordn	2	0	0	2	0	0	3	0	0	0	0	8 ✓
97th Hq Co	0	0	3	1	2	1	3	0	3	1	0	14 ✓
97th QM Co	1	0	3	0	2	0	0	3	0	1	1	14 ✓
97th Recon	2	1	2	0	0	2	2	1	0	0	1	12 -2
97th Sig Co	2	2	2	2	1	1	3	5	0	2	3	25 -2
	<u>118</u>	<u>89</u>	<u>100</u>	<u>103</u>	<u>141</u>	<u>76</u>	<u>48</u>	<u>65</u>	<u>40</u>	<u>115</u>	<u>128</u>	<u>1119</u>

Incl 5

SPECIAL COURT-MARTIAL CASES  
MARCH 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d	45 days	6 mos	Suspended	1	96, Unauth. vehicle 98, theft of money	Acquitted 6 mos	Approved	1
	78 "	6 mos	HL 3 mos	0				
	30 "	6 mos	Suspended	1				
	20 "	6 mos	"	2				
	3 "	6 mos	"	0				
	17 "	6 mos	"	4				
	142 "	6 mos	"	2				
	21 "	6 mos	Approved	2				
386th	85 "	Restr 3 mos	Approved	0				
	8 "	Restr 1 mo	"	0				
	11 "	Restr 1 mo	"	2				
	14 "	Restr 3 mos	"	1				
	8 "	Restr 2 mos	"	1				
	3 "	3 mos	Suspended	1				
	16 "	Restr 1 mo	Approved	0				
4 "	Restr 3 mos	"	3					
387th	12 "	6 mos	Suspended	1	95, disobedience	Acquitted		
	32 "	6 mos	"	3	96, forge pass	3 mos	Suspended	0
	1 "	6 mos	"	1	96, asleep on post	5 mos	Suspended	0
	16 "	5 mos	"	1	96, asleep on post	5 mos	Suspended	0
	1 "	3 mos	Disapproved	0				
	61 "	6 mos	Suspended	0				
	52 "	6 mos	Approved	1				
	3 "	6 mos	Suspended	3				
303d PA					96, discourtesy	Acquitted		
365th PA					96, asleep on post	6 mos	Suspended	0
					96, asleep on post	6 mos	"	0
389th PA	10 "	6 mos	Suspended	1				

*Serial 61*

SPECIAL COURT-MARTIAL CASES  
MARCH 1944

Unit	A W O L				OTHER OFFENSES			
	<u>Length of Absence</u>	<u>Sentence</u>	<u>Reviewing Authority</u>	<u>Prior Conv.</u>	<u>Offense</u>	<u>Sentence</u>	<u>Reviewing Authority</u>	<u>Prior Conv.</u>
322d Engr	20 days 10 "	Restr 3 mos Acquitted	Approved	0	85, drunk on guard	Restr 3 mos	Approved	1
322d Medic	12 "	6 mos	Suspended	0				
97th Sig	15 "	6 mos	4 mos susp	0				

*Incl 62*

SUMMARY COURTS-MARTIAL CASES

MARCH 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d	3 days	Restr 15 days	Approved	0	96, drunk	Restr 3 mos	Approved	2
	3 "	Restr 1 mo	Approved	0	96, D & D	Forf \$14	"	1
	6 "	Restr 15 days	"	0	96, drunk	Restr 1 mo	"	1
	27 "	Restr 1 mo	"	0	96, fail obey	HL 1 mo	"	0
	2 "	Forf \$20	"	1				
	5 "	Forf \$20	"	0				
	17 "	Forf \$25	"	0				
	5 "	Forf \$18	"	0				
	1 "	Forf \$28	"	0				
	14 "	Restr 45 days	"	3				
	1 "	Restr 1 mo.	"	0				
	3 "	Forf \$14	"	1				
	14 "	Forf \$18	"	0				
	37 "	Restr 1 mo	"	0				
	386th	12 "	Forf \$28	"	0	96, false pass	Restr 3 mos	Approved
1 "		Forf \$15	"	1				
2 "		Forf \$32	"	0				
8 "		Forf \$30	"	0				
6 "		Restr 1 mo	"	0				
7 "		21 days CHL	Suspended	0				
2 "		Forf \$18	Approved	0				
4 "		Forf \$15	"	0				
2 "		Forf \$17	"	0				
1 "		Forf \$15	"	0				
4 "		Forf \$31	"	0				
2 "		Restr 3 Mos	Suspended	0				
2 "		Forf \$14	Approved	0				
3 "		Forf \$18	"	0				

*Incl 7*

SUMMARY COURTS-MARTIAL CASES - continued  
MARCH 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
387th	6 days	1 mo	Suspended	0	96, Unauth vehicle	1 mo	Suspended	0
	5 "	1 mo	"	0	96, disorderly	Acquitted	"	
	2 "	1 mo	"	0	96, drunk	1 mo	Suspended	0
	2 "	1 mo	"	0	96, D & D	Restr 1 mo	Approved	0
	5 "	Forf \$18	Approved	0	96, Use vehicle	1 mo	Suspended	0
	7 "	1 mo	Suspended	0	96, disorderly	1 mo	"	0
	4 "	1 mo	"	0				
	3 "	1 mo	"	0				
	10 "	1 mo	"	0				
	5 "	1 mo	"	0				
	2 "	1 mo	"	0				
	8 "	1 mo	"	0				
	3 "	1 mo	"	0				
305d FA					96, Exceed limits of pass	Restr 1 mo	Approved	0
385th FA	3 days	1 mo	Suspended	1	96, loiter on post	1 mo	Suspended	0
	5 "	Restr 3 mos	Approved	0				
	5 "	Restr 3 mos	"	0				
389th FA	2 "	Forf \$10	"	0	61, fail to repair	Forf \$25	Approved	0
	1 "	Restr 10 days	"	0	96, drunk	Forf \$15	"	0
	2 "	Forf \$10	"	0	96, disorderly	Forf \$5	"	2
	1 "	Forf \$5	"	0				
	1 "	Forf \$20	"	0				
	2 "	Forf \$5	"	0				
	3 "	Forf \$10	"	0				
	1 "	Forf \$10	"	0				
	1 "	Forf \$5	"	0				
	10 "	HL 14 days	"	0				
3 "	Forf \$15	"	0					
822d FA	5 days	HL 1 mo	"	0				
	4 days	HL 1 mo	"	0				
	5 "	Restr 2 mos	"	0				
	5 "	Forf \$15	"	0				
	4 "	1 mo	Suspended	0				
	6 "	HL 1 mo	Approved	0				

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SUMMARY COURTS-MARTIAL CASES - continued  
MARCH 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	P C
322d Engr	5 days	Restr 15 days	Approved	0	96, D & D	Restr 15 days	Approved	0
	4 "	Restr 2 mos	"	0	96, drunk	Restr 1 mo	"	0
	2 "	Restr 1 mo	"	0	96, disorderly	1 mo	"	0
	3 "	Restr 12 days	"	0				
97th Sig	5 "	Restr 1 mo	"	0				
	10 "	HL 15 days	"	1				
97th QM	11 "	HL 22 days	"	0				

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