

HEADQUARTERS 97TH INFANTRY DIVISION

Fort Leonard Wood, Missouri

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

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INCLOSURES TO REPORT (Statistical Tables):

- Incl 1 - AWOLs in May 1944
- 2 - AWOLs by months, June 1943 thru May 1944.
- 3 - Courts-martial for May 1944.
- 4 - Twelve months courts-martial comparison.
- 5 - Analysis of special courts-martial for May.
- 6 - Analysis of summary courts-martial for May.
- 7 - Military police reports for May.
- 8 - Comparative tabulation of MP reports.
- 9 - Copies of Weekly Reports to XXII Corps.

HEADQUARTERS 97TH INFANTRY DIVISION
Office of the Division Judge Advocate

Fort Leonard Wood, Missouri
10 June 1944.

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

TO : Commanding General, 97th Infantry Division.

I. AWOL -- During May, 228 soldiers were absent without leave from the Division, a decrease of 5% from the April total of 240. The total man-days lost in May by reason of AWOL was 1936, a decline of 15% from the previous month's total of 2276 days. Absences without leave during the month of May 1944 are tabulated by unit in Inclosure 1. There were no AWOLs during May from the Band, Military Police platoon, 797th Ordnance Company, Division Artillery Headquarters Battery, or Division Headquarters Company. May was the 9th consecutive month without an AWOL from the Band. The 922d Field Artillery Battalion had but 2 men AWOL during May, an excellent record for an entire battalion.

Comparative statistics on AWOL by months from June 1943 through May 1944 are given in Inclosure 2. For the first 5 months of 1944 the figures 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 "	162	1399	8½
Mar "	308	2101	7
Apr "	240	2276	9½
May "	228	1936	8½

II. COURTS-MARTIAL -- a. Number. There were 149 trials by court-martial in the Division during the month of May 1944, an increase of 30% over April's total of 115. This was the largest number of court-martial trials processed in any one month since the Division's activation. By types of court, the May trials were divided as follows:

General courts	5
Special courts	76
Summary courts	68

b. Types. By types of offenses, May trials were divided as follows:

<u>Offense</u>	<u>No. of Cases</u>	<u>Percent Of Total</u>
AWOL	106	70%
Drunk	13	9%
Drunk & Disorderly	7	4%
Forged pass	13	9%
Asleep on post	3	2%
All other offenses	8	6%
	<u>149</u>	<u>100%</u>

Since activation, absence without leave has caused more trials in the Division than any other offense. While the May totals show that offense far ahead of other offenses as a cause for trial, the reports for May reveal an increase in the proportion of other offenses to AWOL. There is a rise in frequency of drunk and forged pass offenses. There was 1 trial for drunk and disorderly in April, but 7 for this offense in May, with an additional 13 trials for ordinary drunkenness. Trials for forging passes or using illegal passes increased from 3 in April to 13 in May. This increase in forged pass offenses tried was doubtless caused by an effort on the part of unit commanders to stamp out use of forged passes.

c. First offenders. In 36 of the 149 trials in May, the accused had previous convictions within the year. In 75% of the trials, the accused was a "first offender".

d. Trials for Short AWOL. Fewer short AWOLs were tried by courts-martial in May than in April; a total of 9 soldiers with unauthorized absences of 1 and 2 days were tried in May, as against a total of 20 tried in April.

e. Statistical tables. Inclosure 3 is a tabulation of all May cases by unit and by type of court. Headquarters Battery, Division Artillery, had no courts-martial during the month, and has had none since October 1943. The 797th Ordnance Company has had 1 trial in 7 months. The 97th Reconnaissance Troop has had 2 trials in 5 months.

The 389th Field Artillery Battalion had more trials during May than all other field artillery units combined. May trials in the 389th FA Bn included 2 summary courts for 1-day AWOL and 2 for 2-day AWOL.

Inclosure 4 is a comparative tabulation of courts-martial for the past 12 months in the Division, by units. Inclosures 5 and 6 are detailed analyses of special and summary courts-martial for May.

III. TIME AWAITING TRIAL. -- The average time interval between filing of charges and date of trial, during May, was:

Summary courts - 3 days
Special courts - 4 days.

These figures reflect expeditious handling of inferior court-martial cases in the Division.

IV. MILITARY POLICE REPORTS -- The number of MP reports showed a decline from the 254 in April to 202 in May. Inclosure 7 is an analysis of MP reports by offenses and units in May. Military Police reports for AWOL showed a sharp decline. Reports for illegal use of government transportation also decreased but the number of reports for all other offenses increased. Inclosure 8 is a tabulation of MP reports from August 1943 to May 1944, by offenses, for purposes of comparison between months. The 922d FA Battalion, 322d Engineer Combat Battalion, 97th Reconnaissance Troop (Mozd), and 97th Signal Company, had the best MP report records for the month of May. Poorest MP report averages were in the 97th Quartermaster Company, Headquarters Battery Division Artillery, 97th Division Hq and Hq Company, and the 797th Ordnance Company.

V. CORPS REPORTS -- Inclosure 9 comprises copies of the reports to LXII Corps which go forward from this office weekly in accordance with Corps directives.

VI. ATTACHED TROOPS -- Troops of the 9th Detachment Special Troops, Second Army, Fort Leonard Wood, who are attached to the 97th Division for general court-martial jurisdiction, held a total of 24 trials by inferior courts during May. Summary court cases comprised 16 of the total, while 8 were trials by special court. Records of these trials were received, reviewed for legality, and filed in this office.

VII. CONCLUSIONS -- a. There was a continuing gradual decline in the AWOL rate in May. This was the second consecutive month of decline from the March high rate.

b. The AWOL rate was still in excess of the 1943 average. However, it is believed that the decline in the AWOL rate will continue, as new personnel acquire a feeling for the units to which they have been assigned.

c. There was a very sharp increase in the number of court-martial cases during May. It is believed that this increase is due in part to the relatively mild sentences imposed by inferior courts in past months. During May, 2 soldiers in one regiment were restricted 1 month each for being AWOL 22 and 24 days respectively. Another soldier was

restricted 3 months for being AWOL 98 days. In another regiment a soldier was sentenced to 1 month's restriction for a 20 day AWOL. Forfeitures in varying amounts accompanied these restrictions, but it is not believed that the punishment was severe enough. Light punishment for earlier offenses tend to cause soldiers to treat the offense as trivial, and make sentences of general court-martial the only real punishment meted out. This tends to increase the number of general court-martial cases.

d. The 5 general court-martial cases tried in May represent the highest monthly total yet reached. (Total GCM cases in 1943: 6; total for January, February, March, and April, 1944: 8).

VIII. RECOMMENDATIONS. -- a. That more use of hard labor without confinement, as punishment for offenses, be had in the Division.

b. That first offenders who are AWOL for 10, 20, or 30 days be punished by hard labor without confinement, in addition to other punishment imposed.

c. That punishment by special courts be made more severe.

RALPH W. YARBROUGH
Major, JAGD
Division Judge Advocate

CHL - Confinement at hard labor
 HLWOC - Hard labor without confinement
 RES - Restriction
 FORF - Forfeiture
 AOE - Approved & ordered executed.

SPECIAL COURT-MARTIAL CASES
 MAY 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prio Conv.
303d I	12 days	CHL 6 mos	RES 2 mos	0	AW 96, forged pass	CHL 6 mos.	HLWOC 3 mos.	0
	17 days	CHL 6 mos	HLWOC 2 mos	3				
	37 days	CHL 6 mos	HLWOC 3 mos	4	AW 96, D&D driving govt vehicle; fail to obey O; drive govt. vehicle w/o authority	CHL 6 mos.	HLWOC 3 mos	0
	20 days	CHL 6 mos	HLWOC 3 mos	0				
	23 days	CHL 6 mos	HLWOC 3 mos	0				
	7 days	CHL 6 mos	HLWOC 3 mos	3				
	17 days	CHL 6 mos	HLWOC 3 mos	0	AW 96, D; intent to deceive O; aid soldier use govt. vehicle	CHL 6 mos	HLWOC 3 mos	0
	19 days	CHL 6 mos	HLWOC 2 mos	1				
	46 days	CHL 3 mos	HLWOC 3 mos	1				
	25 days	CHL 6 mos	HLWOC 2 mos	0	AW 96, forge pass	CHL 6 mos	HLWOC 3 mos	0
	14 days	CHL 6 mos	HLWOC 2 mos	0				
	37 days	CHL 6 mos	HLWOC 3 mos	0				
386th	15 days	RES 3 mos	AOE	0	AW 96, forge pass	RES 3 mos	AOE	
	17 days	RES 1 mo	AOE	0	D & D			
	6 days	RES 3 mos	AOE	2	AW 96, forge pass	RES 3 mos	RES rem.	0
	5 days	RES 3 mos	AOE	4				
	12 days	RES 3 mos	RES 1 mo	0				
	13 days	RES 2 mos	AOE	0				
	42 days	RES 3 mos	AOE	0				
	12 days	RES 1 mo	AOE	0				
	22 days	RES 1 mo	AOE	0				
	24 days	RES 1 mo	AOE	0				
	4 days	RES 3 mos	Res Remitted	5				
	4 days	RES 3 mos	Appr	4				
	98 days	RES 3 mos	AOE	0				
6 days	RES 3 mos	AOE	0					
387th	25 days	CHL 4 mos	Susp	1				
	7 days	CHL 4 mos	Susp	0				
	13 days	CHL 6 mos	Susp	1				
	5 days	CHL 6 mos	AOE	5				
	14 days	CHL 3 mos	Susp	0				
	20 days	CHL 6 mos	Susp	0				
	8 days	CHL 6 mos,	Susp	1				

Continued on page 2

SPECIAL COURT-MARTIAL CASES
MAY 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
387th (cont'd)	18 days	CHL 6 mos	Susp	0	AW 96, DAD	CHL 1 mo	Susp	0
	14 "	CHL 4 mos	Susp	0				
	2 "	CHL 2 mos	Susp	0				
	9 "	CHL 6 mos	Susp	1				
	10 "	CHL 6 mos	Susp	1				
	10 "	CHL 3 mos	CHL 1 mo	0				
	8 "	CHL 6 mos	Susp	1				
	12 "	CHL 4 mos	Susp	0				
	20 "	CHL 6 mos	ACE	1				
	30 "	CHL 6 mos	Susp	0				
	15 "	CHL 3 mos	Susp	0				
389th FA	7 "	N/L 7 days	ACE	0	AW 96, Drunk	Perf \$50	Red to \$45	0
	11 "	N/L 30 days	ACE	0	AW 96, forge pass;	CHL 6 mos.	CHL Rem.	0
	12 "	CHL 6 mos	HLWOC 3 mos	2	w/o blouse			
	16 "	HLWOC 2 mos	ACE	0	AW 96, Drunk	Perf \$40	ACE	0
	16 "	CHL 4 mos	CHL 2 mos	2				
303d FA	3 "	CHL 6 mos	HLWOC 3 mos	0	AW 96, Forge pass	CHL 6 mos	Suspended	0
	5 "	CHL 6 mos	HLWOC 3 mos	0	AW 96, forge pass	CHL 6 mos	HLWOC 3 mos	0
922d FA	18 "	CHL 6 mos	Susp	0	AW 96, sleep on			
	22 "	Perf \$25/2 mos	ACE	0	post	CHL 6 mos	HLWOC 3 mos	0
322d Engrs	7 "	Res 3 mos	ACE	0	AW 96, sleep on			
	11 "	Res 3 mos	ACE	0	post	Res 6 mos	Res 3 mos	0
	7 "	Res 90 days	ACE	2	AW 96, D & D	Aquitted		
	17 "	Res 2 mos	ACE	1	AW 96, sleep on			
322d Mede	5 "	CHL 6 mos	Res 3 mos	0	post	Res 6 mos	Res 3 mos	0
					AW 96, D & D	Aquitted		
97th QM Co	19 "	CHL 6 mos	Susp	0	AW 96, insult MP	CHL 3 mos	Suspended	0

CHL - Confinement at hard labor
 HLWOC - Hard labor without confinement
 RES - Restriction
 FORF - Forfeiture of pay

SUMMARY COURTS-MARTIAL
 MAY 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d	4 days	Res 3 Mos	Appr	2	96, Forge pass	CHL 1 Mo	HLWOC 1 mo	0
	1 "	CHL 1 Mo	Res 1 Mo	1	96, " "	Forf \$25	Approved	0
			HLWOC 1 Mo		96, " "	Forf \$30	Forf \$24	0
	20 "	Res 1 Mo	Appr	0	96, " "	CHL 1 Mo	HLWOC 1 Mo	0
	9 "	HL 15	Appr	0	96, " "	Res 1 Mo	Approved	0
	6 "	Res 3 Mos	Appr	0	96, " "	Forf \$28	Forf \$24	0
	9 "	CHL 1 Mo	HLWOC 1 Mo	1	96, D & D	HLWOC 1 Mo	Approved	1
	5 "	Res 3 Mos	Appr	2	96, Strike civilian	CHL 1 Mo	HLWOC 1 Mo	0
	8 "	Res 1 Mo	Appr	0	96, Drunk and driv- ing w/o auth.	CHL 1 Mo	HLWOC 1 Mo	0
386th	4 days	Forf \$14	Appr	0	96, disorderly	Res 2 wks	Approved	0
	2 "	Res 1 Mo	Appr	0	96, Break res	Res 6 days	Approved	0
	7 "	Forf \$33			96, forge pass	Res 1 Mo	Approved	0
		Res 1 Mo	Appr	0				
	8 "	Forf \$18	Appr	0				
	5 "	Res 1 Mo	Appr	0				
	8 "	Forf \$33	Appr	0				
	9 "	Forf \$14, Res 1 Mo	Appr	0				
	5 "	Res 2 Mos	Appr	0				
1 "	Res 3 Mos	Appr	0					
387th	5 "	CHL 1 Mo	Susp	0	96, D & D	CHL 1 Mo	Susp	0
	5 "	CHL 1 Mo	Appr	0				
	4 "	CHL 1 Mo	Susp	0				
	15 "	CHL 1 Mo	Appr	0				
	5 "	CHL 1 Mo	Susp	0				
	5 "	CHL 1 Mo	Appr	0				
	14 "	CHL 1 Mo	Appr	0				
	8 "	CHL 1 Mo	Appr	0				
	5 "	CHL 1 Mo	Susp	1				
	14 "	CHL 1 Mo	Susp	0				
	15 "	CHL 1 Mo	Appr	0				

SUMMARY COURTS-MARTIAL
MAY 1944

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d PA	3 days	HMOC 1 Mo	Approved	0				
	1 day	Forf \$35	Approved	0	96, D & D	Acquitted		
	4 days	Forf \$35	Approved	0				
365th PA	16 days	CHL 1 Mo	Remitted	0				
	5 days	CHL 1 Mo	Remitted	0				
	10 "	CHL 1 Mo	Remitted	0				
389th PA	1 day	CHL 10 days	Approved	1	96, Drunk	Forf \$20	Approved	0
	2 days	Forf \$25	Approved	0	96, Drunk	Forf \$35	Approved	0
	2 "	Forf \$25	Approved	0	96, Drunk	Acquitted		
	1 "	Forf \$40	Approved	0	96, Drunk	Forf \$20	Approved	0
					96, Drunk	Forf \$25	Approved	1
					96, Concealed wpn	Forf \$5	Approved	1
				96, Drunk	Forf \$40	Void; retried by Spec CM		
				96, Drunk	Forf \$45	Void; retried by Spec CM		
922d PA	13 days	HMOC 1 Mo	Approved	0				
322d Engrs	1 day	Res 3 Mos	Approved	0				
	2 days	Res 3 Mos	Approved	0				
Hq Co 97th Div	7 days	Res 1 Mo	Approved	0	96, drunk	Res 1 Mo	Approved	0
97th QM Co	7 days	HMOC 45 days	Approved	1	96, forge pass	Res 1 Mo	Approved	0
97th Sig Co					96, use truck	HMOC 45 days	Approved	0

TABULATION OF COURTS-MARTIAL

May 1944

<u>Organization</u>	<u>Specials</u>	<u>Summaries</u>	<u>Generals</u>	<u>Total</u>
303d Inf	15	17	1	33
386th Inf	16	12		28
387th Inf	19	12	2	33
303d PA Bn	4	4		8
365th PA Bn	0	3		3
389th PA Bn	8	12		20
922d PA Bn	3	1		4
Hq. Btry., Div. Arty.	0	0		0
322d Engr. C. Bn	8	2	1	11
322d Med. Bn.	1	0	1	2
797th Ord. Co.	0	0		0
97th Div Hq. Co.	0	2		2
97th QM Co.	2	2		4
97th Ren. Tr.	0	0		0
97th Sig. Co.	0	1		1
	<u>76</u>	<u>68</u>	<u>5</u>	<u>149</u>

COMPARATIVE TABULATION OF COURTS-MARTIAL

Twelve Months Ending 31-May-1944

31 June

	<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>Apr</u>	<u>May</u>	Total since <u>Activation</u>
	<u>JUNE</u>												
3034 Infantry	24	30	25	32	18	9	5	5	21	28	20	33	15 300 323
304th Infantry	18	17	23	27	16	10	6	5	24	24	25	28	24 350 283
307th Infantry	20	11	23	32	20	6	23	15	36	31	30	33	19 330 349
3034 PA Bn.	1	2	3	7	0	0	0	1	2	2	4	8	10 34 34
3034th PA Bn.	3	1	5	8	4	1	7	1	2	6	1	3	4 47 51
303th PA Bn.	5	12	0	11	3	4	11	5	9	16	11	20	12 114 126
9224 PA Bn.	5	0	4	2	0	2	1	0	2	6	3	4	5 37 42
Hq Stry Div Arty	0	3	0	3	1	0	0	0	0	0	0	0	0 7 7
3234 Engr C Bn.	4	8	9	12	6	2	1	4	8	10	11	11	8 104 112
3234 Med Bn.	8	6	8	4	4	3	2	1	7	1	0	2	5 55 60
797th Ord Co.	0	0	2	0	0	3	0	0	0	0	1	0	0 9 9
97th Div Hq Co.	0	3	1	2	1	3	0	3	1	0	0	2	0 16 16
97th QM Co.	0	3	0	2	0	0	3	0	1	1	3	4	1 27 27
97th Recon. Tr.	1	2	0	0	2	2	1	0	0	1	1	0	0 13 13
97th Sig Co.	2	2	2	1	1	3	3	0	2	3	0	1	1 27 27
	<u>89</u>	<u>100</u>	<u>105</u>	<u>141</u>	<u>76</u>	<u>42</u>	<u>35</u>	<u>40</u>	<u>135</u>	<u>109</u>	<u>115</u>	<u>140</u>	incl 1386 1489

4

AWOL

June 1943 thru May 1944

	<u>NUMBER OF</u> <u>MEN AWOL</u>	<u>MAN-DAYS</u> <u>LOST</u>	<u>AVG DAYS</u> <u>LOST PER MAN</u>
June 1943	69	633	9
July "	186	777	4
Aug "	451	3433	7½
Sept "	197	2167	11
Oct "	134	1665	12
Nov "	149	1625	11
Dec "	136	1747	12
Jan 1944	140	1884	13
Feb "	162	1399	8½
Mar "	308	2101	7
Apr "	240	2276	9½
May "	228	1936	8½
Jun "	194	1274	6½

TABULATION OF COURTS-MARTIAL

May 1944

<u>Organisation</u>	<u>Specials</u>	<u>Summaries</u>	<u>Generals</u>	<u>Total</u>
303d Inf	15	17	1	33
386th Inf	16	12		28
387th Inf	19	12	2	33
303d FA Bn	4	4		8
365th FA Bn	0	3		3
389th FA Bn	8	12		20
922d FA Bn	3	1		4
Hq. Btry., Div. Arty.	0	0		0
322d Engr. C. Bn	8	2	1	11
322d Med. Bn.	1	0	1	2
797th Ord. Co.	0	0		0
97th Div Hq. Co.	0	2		2
97th QM Co.	2	2		4
97th Ren. Tr.	0	0		0
97th Sig. Co.	0	1		1
	<u>76</u>	<u>68</u>	<u>5</u>	<u>149</u>

4

MILITARY POLICE REPORTS

^{Sept}
~~AUG~~ 1943 THRU ^{June}
~~MAY~~ 1944
COMPARATIVE

<u>Offense</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>APR</u>	<u>MAY</u>	<u>June</u>
Fail to salute	2	3	-	-	-	-	-	1	-	-	-
Off Limits	33	11	8	22	3	-	-	-	-	-	7
Traffic violation	13	15	24	49	15	3	4	24	13	13	18
Curfew	87	96	84	23	34	-	48	9	-	16	21
Improper uniform	62	25	3	-	-	-	10	24	16	28	47
AWOL	15	24	26	27	10	2	14	103	92	37	33
Drunk	35	57	27	29	12	3	25	13	16	20	28
Disorderly	26	20	19	4	2	1	13	12	17	22	23
No pass or improper pass	10	13	19	2	2	1	18	49	37	39	36
Liquor	1	5	8	1	3	6	-	-	-	-	-
Other	<u>15</u>	<u>13</u>	<u>27</u>	<u>29</u>	<u>37</u>	<u>2</u>	<u>17</u>	<u>6</u>	<u>43**</u>	<u>27</u>	<u>36</u>
	299	282	255	186	118	*18	149	241	234	202	247

* Incomplete

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