

HEADQUARTERS 97TH INFANTRY DIVISION  
APO 445, c/o Postmaster  
Shreveport, Louisiana

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5 December 1943

REPORT OF THE DIVISION JUDGE ADVOCATE FOR NOVEMBER 1943

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INCLOSURES TO REPORT (Statistical Tables):

- Incl 1 - AWOL Report for November.
- 2 - Tabulation of November Courts-Martial.
- 3 - Comparative Tabulation, May thru November.
- 4 - Classification of November Courts-Martial.
- 5 - Analysis of Special Courts.
- 6 - Analysis of Summary Courts.
- 7 - Military Police Reports on Enlisted Men.
- 8 - Military Police Reports on Officers.
- 9 - Comparative Military Police Reports.

HEADQUARTERS 97TH INFANTRY DIVISION  
Office of the Judge Advocate

APO 445, Shreveport, La.,  
5 December 1943.

MEMORANDUM

FOR : The Commanding General, 97th Infantry Division.  
SUBJECT : Report of the Division Judge Advocate for  
November 1943.

I. AWOL. In November 1943, 149 soldiers of the Division were absent without leave. This represents an increase of 15, or 11%, over the 134 soldiers AWOL in October. Comparative AWOL statistics for the past 6 months follow:

	No. of Soldiers <u>AWOL</u>	Man-Days <u>Lost</u>	Avg days lost per <u>MAN</u>
June	69	633	9
July	186	777	4
August	451	3433	7½
September	197	2167	11
October	134	1665	12
November	149	1625	11

Inclosure 1 gives a breakdown of November AWOL cases by units. This inclosure reflects a general decline in AWOL cases except in the 387th Infantry. The number of AWOLs in the 387th increased from 30 in October to 56 in November, an increase of 26 in one regiment. Except for this increase, the Division total would have fallen below that of October. Both of the other infantry regiments had slight decreases in the AWOL rate in November. For several months the 386th Infantry has had the lowest AWOL rate of the infantry regiments.

No soldiers have been AWOL from the band for the past three months. There were no AWOLs during November from the 922d Field Artillery Battalion, 797th Ordnance L.M. Company, Division Headquarters, Headquarters Company, and Hq and Hq Btry, Division Artillery.

II. COURTS MARTIAL. The 48 courts martial for November represents a sharp decline from the 78 courts in October. By types of courts, the November cases were divided as follows:

General courts	0
Special courts	10
Summary courts	38

These cases are tabulated by units in Inclosure 2. Inclosure 3 is a comparative tabulation by units for the months of May through November 1943.

While the number of cases in November represented a sharp decline from the October total, not all of the factors contributing to that decline were favorable. Delays in completing trials and forwarding records, caused by administrative difficulties encountered during tactical phases of problems, has lessened the number of records of trial received. Records of a number of trials held late in November may reasonably be expected in December. A study of M.P. reports and other data reflects that some units do not clearly have in mind the division policy on drunkenness in public, as not all of such offenses are being handled by trial while on maneuvers.

The proportion of special court martial trials to summaries during November represented a desired balance in the exercise of the power of reference for trial.

November trials are classified by units and offenses in Inclosure 4. AWOL caused 31 out of 48 trials, or 64% of all cases tried. With 56 AWOLs in November, the 387th Infantry had only 3 trials for AWOL during that month.

Completed M.P. reports which have been processed through the Division Adjutant General's office reflect a wider use of the disciplinary powers of unit commanders under Article of War 104, than was exercised in garrison. This is in keeping with War Department policy.

Inclosures 5 (special court cases) and 6 (summary court cases) contain an analysis by courts, units, offenses, sentences, and actions by reviewing authorities, of special and summary court cases during November.

The total of 48 cases in November is the lowest number of cases since last March.

III. CONFINEMENT. On 30 November 1943, prisoners of the 97th Infantry Division were distributed as follows:

Camp Swift stockade, general prisoner	- 1
Camp Peck stockade, awaiting trial	- 1
Camp Livingston stockade, garrison prisoner	- 6
	8

These figures do not include those soldiers picked up at distant points while AWOL, and being held for return to the Division.

By units, the 386th Infantry earned more M.P. reports in November than both the other Infantry Regiments combined. The 365th Field Artillery M.P. record for November is far better than most "Good" records of the past three months, while the poorest records of the Band and Division Artillery Headquarters are exceptional.

Inclusive 9 is a comparative table of military police reports from May through November. With the addition of the officer cases not included in Inclusive 7 and 8, there was a net decrease of 29- out 10% in the number of M.P. reports from October to November. The November figure is the lowest in seven months.

Headquarters Btry, 97th Division Artillery - 86.5 men per M per month.  
97th Signal Company - 56.4 men per M per month.  
97th Quartermaster Company - 39.3 men per M per month.

Units with November arrest records considerably higher than the Division average are as follows:  
97th Division Band - none.  
97th Division Artillery - none.  
365th Field Artillery - 4.0 men per M per month.  
387th Infantry (not including officers) - 9.8 men per M per month.  
309th Infantry (not including officers) - 10.3 men per M per month.

Best M.P. records for November, as shown by the average number of arrests per 1000 men, were made by the following units:  
Military police reports for the month include 29 drunk reports (Inclusive 7); reports of trials reveal 7 trials for drunkenness during the month (Inclusive 4).  
Best M.P. records for November, as shown by the average number of arrests per 1000 men, were made by the following units:

IV. MILITARY POLICE REPORTS. Military police reports for November totaled 306, divided between 186 for enlisted men (Inclusive 7), and 30 for officers (Inclusive 8). While the officer figures are not complete, due to the extraction of officer cases from the files for immediate processing in many instances, they are representative of the types of offenses for which officers are being reported. Of the 20 officer reports, 19 involved transportation use (without violations, improper use, speeding), while 1 was an "off limits" report. Of the 186 military police reports on enlisted men, 77 represented some type of traffic violation or transportation use.

V. CONCLUSIONS.

- a. The AWOL rate for the Division is not exceptionally high.
- b. The 386th Infantry has a low AWOL rate.
- c. The 387th Infantry had a very sharp increase in its AWOL rate in November.
- d. There was a sharp decline in the number of court martial trials during November.
- e. Analysis of unit commander action shown in reports forwarded to A.G. shows a wider use of A.W. 104 punishment.
- f. Division high standards with reference to conduct, appearance, military courtesy and discipline, have been material factors in keeping the AWOL rate static and court-martial rate low.
- g. Delays in processing court-martial trials are much greater in field than in garrison.
- h. There is such a lack of uniformity in the Division in the treatment of drunk offenses in the field as to indicate a failure to understand Division policy on drunkenness during breaks in the field.
- i. There has been a sharp increase in number of officer offenses reported since arrival in the maneuver area.
- j. There has been a steady but not sharp decline (10% in October, 10% in November) in the number of enlisted men offenses reported since beginning of the Division movement to the maneuver area. Excluding traffic violations, there has been a very sharp decline in M.P. reports.
- k. The M.P. report rate in the 386th Infantry is high in comparison with the other two infantry regiments.
- l. A generally satisfactory state of discipline within the Division is indicated by the combined courts-martial and military police report rates.

VI. RECOMMENDATIONS.

- a. That the units with low M.P. report rates be commended.
- b. That the Band be commended for its record of no AWOLs for 3 months, and that the 386th Infantry be commended for its low AWOL rate.

c. That those units with high M.P. report rates for November be admonished that necessary measures should be taken to effect a reduction therein.

RALPH W. YARBOROUGH  
Major, JAGD,  
Division Judge Advocate

**AWOL REPORT FOR MONTH OF NOVEMBER**

**30 November 1943**

<u>Unit</u>	<u>No. of Men AWOL</u>	<u>Days Lost</u>
Division Headquarters	0	0
Hq Special Troops	0	0
Headquarters Company	0	0
Band	0	0
M.P. Platoon	2	4
97th Signal Co	3	14
97th Recon Tr (Head)	1	9
97th Q.M. Co	4	56
797th Ordn L.M. Co	0	0
322d Medical Bn	4	74
322d Engr Combat Bn	6	41
Hq & Hq Stry Div Arty	0	0
303d FA Bn	1	17
365th FA Bn	3	12
389th FA Bn	4	59
922d FA Bn	0	0
303d Inf	38	562
386th Inf	27	277
387th Inf	<u>56</u>	<u>500</u>
<b>Totals</b>	<b>149</b>	<b>1625</b>

TABULATION OF COURTS MARTIAL

November 1943

<u>Organization</u>	<u>Specials</u>	<u>Summaries</u>	<u>Total</u>
303d Inf	3	6	9
386th Inf	0	10	10
387th Inf	4	2	6
303d F.A.	0	0	0
365th F.A.	0	1	1
389th F.A.	1	3	4
922d F.A.	1	1	2
Hq Btry Div Arty	0	0	0
322d Engr	0	2	2
322d Meds	1	2	3
797th Ordn	0	3	3
97th Div Hq Co	0	3	3
97th Recon	0	0	0
97th QM Co	0	2	2
97th Sig Co	<u>0</u>	<u>3</u>	<u>3</u>
	10	38	48

97TH INFANTRY DIVISION

TABULATION OF COURTS-MARTIAL

MAY THRU NOVEMBER 1943

<u>Unit</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Total</u>
303d Inf	32	24	30	23	32	18	9	168
386th Inf	24	16	17	23	27	16	10	133
387th Inf	29	20	11	23	32	20	6	141
303d FA	2	1	2	3	7	0	0	15
365th FA	3	3	1	5	6	4	1	23
389th FA	3	5	12	0	11	3	4	38
922d FA	2	5	0	4	2	0	2	15
Hq Btry	0	0	3	0	3	1	0	7
322d Engr	12	4	8	9	12	6	2	53
322d Med	4	8	6	8	4	4	3	37
797th Ord	2	0	0	2	0	0	3	7
97th Hq Co	0	0	3	1	2	1	3	10
97th Q.M.Co	1	0	3	0	2	0	0	6
97th Recon	2	1	2	0	0	2	2	9
97th Sig Co	2	2	2	2	1	1	3	13
	<u>118</u>	<u>89</u>	<u>100</u>	<u>103</u>	<u>141</u>	<u>76</u>	<u>48</u>	<u>675</u>

CLASSIFICATION OF COURTS MARTIAL

NOVEMBER 1943

	<u>AW 61</u> <u>AWOL</u>	<u>AW 96</u> <u>DRUNK</u>	<u>OTHER</u> <u>OFFENSES</u>
303d Inf	8	1	0
386th Inf	6	3	1
387th Inf	3	1	2
303d F.A.	0	0	0
365th F.A.	1	0	0
389th F.A.	0	1	3
922d F.A.	1	1	0
Hq Btry Div Arty	0	0	0
322d Engrs	2	0	0
322d Med	3	0	0
797th Ordn	0	0	3
97th Div Hq Co	2	0	1
97th Reconn	0	0	0
97th QM Co	2	0	0
97th Sig Co	1	0	0
	<u>31</u>	<u>7</u>	<u>10</u>



SUMMARY COURT MARTIAL CASES - NOVEMBER 1943

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d Inf	3 Days	1 Mo.	Susp.	1	96, D&D	Perf \$10	Appr.	0
	4 "	1 Mo.	"	2				
	2 "	1 Mo.	1 Mo. HL	1				
	16 "	Perf \$20	Appr.	0				
	4 "	Perf \$20	"	0				
386th Inf	7 "	1 Mo.	Susp.	0	96, D&D	1 Mo.	Susp.	0
	19 "	1 Mo.	"	0	96, D&D	1 Mo.	"	0
	14 "	1 Mo.	"	1	96, Drunk	1 Mo.	"	0
	1 "	1 Mo.	"	0	96, Fail obey	1 Mo.	"	0
	1 "	1 Mo.	"	0				
387th Inf	T				96, Imp. Cond.	1 Mo.	"	0
					96, Drunk	1 Mo.	"	0
365th FA 389th FA	2 Days	1 Mo HL	Appr.	0				
					96, Drunk	Perf \$10	Appr.	0
					96, Imp. Uni.	Perf \$10	"	0
					96, Exposure	1 Mo.	Susp.	0
					96, Drunk	Perf \$25	Appr.	0
922d FA								
322d Engr	3 Days	Restr 1 Mo.	Appr.	0				
	5 "	" 1 Mo.	"	0				
322d Med	9 Days	1 Mo.	Susp.	0				
	10 "	1 Mo.	"	0				
797th Ord					96, Loiter	Aquitted		0
					96, Fail obey	Perf \$29	Appr.	0
					96, Loiter	Perf \$32	"	0
97th Hq Co	2 Days	1 Mo.	Susp.	0				
	2 "	1 Mo.	"	0				
97th QM	1 Day	1 Mo.	"	0				
	8 Days	1 Mo.	"	0				
97th Sig	1 Day	1 Mo.	"	0				
	1 Day	1 Mo.	"	0				
	1 Day	1 Mo.	"	0				

MILITARY POLICE REPORTS

MAY THRU NOVEMBER 1943  
COMPARATIVE

<u>Offense</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>
Fail to salute	-	3	7	2	3	-	-
Off Limits	8	31	28	33	11	8	22
Traffic violation	39	11	10	13	15	24	49
Curfew	100	144	139	87	96	84	23
Improper Uniform	18	13	-	62	25	3	-
AWOL	5	7	9	15	24	26	27
Drunk	40	43	35	35	57	27	29
Disorderly	29	15	15	26	20	19	4
No. Pass	16	71	33	10	13	19	2
Attempt bring liquor	9	18	3	1	5	8	1
Other	14	5	14	15	13	27	29
	<u>278</u>	<u>351</u>	<u>293</u>	<u>299</u>	<u>282</u>	<u>255</u>	<u>186</u>

Officer cases

20  
206

AWOL REPORT FOR MONTH OF NOVEMBER

30 November 1943

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Division Headquarters	0	0
Hq Special Troops	0	0
Headquarters Company	0	0
Band	0	0
M.P. Platoon	2	4
97th Signal Co	3	14
97th Recon Tr (Medd)	1	9
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