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HEADQUARTERS 97TH INFANTRY DIVISION  
Maneuver Area, Louisiana

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REPORT OF THE DIVISION JUDGE ADVOCATE FOR OCTOBER 1943

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INCLOSURES TO REPORT (Statistical Tables)

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- 2 - Tabulation of Courts Martial for October
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HEADQUARTERS 97TH INFANTRY DIVISION  
Office of the Judge Advocate

Maneuver Area, Louisiana  
5 November 1943

SUBJECT: Report of the Division Judge Advocate for October 1943

TO : The Commanding General, 97th Infantry Division.

I. AWOL. In October 1943, 134 soldiers of the Division were absent without leave. This represents a decrease of 63 from the 197 soldiers who were AWOL in September. Comparative AWOL statistics for the past 5 months follow:

	Number of Soldiers AWOL	Man-days Lost	Avg days lost per man
June	69	633	9
July	186	777	4
August	451	3433	7½
September	197	2167	11
October	134	1666	12

With the ending of the furlough period, it is believed that the AWOL rate will continue to decline in November.

No soldiers have been AWOL from the M.P. platoon or the band for the past 2 months. No soldiers were AWOL from either the 303d Field Artillery or the 97th Reconnaissance Troop (Mechanized) during October. The number of men AWOL by units, and the number of man-days of training lost, for October, is shown by Inclosure 1.

II. COURTS MARTIAL. The 78 court martial trials in October represents a sharp decrease from the 143 trials reported for September. By types of courts, the October cases are divided as follows:

General court cases	2
Special court cases	43
Summary court cases	33
	78

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

Inclosure 4 shows a distribution of October trials by unit and by offenses, while Inclosure 5 (special court cases) and Inclosure 6 (summary court cases) contain an analysis by courts, units, offenses, sentences, and

actions by reviewing authorities, of special and summary court cases during October. AWOL caused 47 out of 78 trials, or 60% of all cases tried in October.

The proportion of special court cases to summary court cases was very high in October, seemingly caused by the impending suspensions of confinement on movement of the division, and the decision of officers exercising special court martial jurisdiction to forfeit pay for several months in order to inflict adequate punishment where forfeiture of pay for one month was considered inadequate.

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

Special court cases	4.9 days
Summary court cases	2.8 days

Averaging both special and summary court delays, the average time between confinement and trial was less than 4 days per case in October, being below the 4.3 day average for September. The October 97th Infantry Division figure was slightly lower than the 4 day average cited in the September 1943 I.G. Information Circular as the shortest time lag between confinement and trial found at any of the 50 post and camp stockades inspected.

IV. CONFINEMENT. Pursuant to instructions contained in movement orders, all 97th Division garrison prisoners were removed from the Post Stockade at Camp Swift at the time their respective units left for Louisiana. The two general prisoners left at the stockade were Warren and Rushlow. In order to guard against the possibility of any garrison prisoner having been left behind by inadvertence, the Division Judge Advocate has written to Camp Swift for a final report on 97th Infantry Division prisoner status.

V. MILITARY POLICE REPORTS. Military police reports for October totaled 256, or 23 per 1000 men, a decline of about 10% from the September total of 282. An analysis of October reports by unit and offense is included in inclosure 7. Best records, as shown by average number of arrests per 1000 men per month, were made by the following units:

303d Field Artillery	7.5 men per M per Mo.
Hq 97th Div Artillery	9.3 " " " " "
97th Recon Tr (Mesd)	13.8 " " " " "

Units with October arrest records well above the division average of 23 per 1000 men per month were:

97th Q.M. Co.	41.4 men per M per Mo.
97th Inf Div Band	35.1 " " " " "
797th Ordn Co.	34.9 " " " " "

Inclosure 8 is a comparative table of military police reports from May through October. The October figure is the lowest in the past six months.

VI. CONCLUSIONS.

a. The decline in AWOLs which began in September continued in October.

b. The AWOL rate will likely continue to decline in October, due to (1) the end of the furlough period, with its late returners, and (2) the change of scene with a fast moving training program in full swing.

c. There was a very sharp decline in the court martial rate in October, due partly to the decline in the AWOL rate, and partly to the movement of the division to the Louisiana maneuver area.

d. The division has a very exceptional record in the low average period of time between confinement and trial.

e. The number of military police reports declined, but not to the extent that the number of trials decreased.

f. Most of the recent failure to obey cases involve soldiers who are physically below the division standards; grave doubts exist as to their lack of desire to obey. These cases focus attention on the desirability of eliminating through discharge all physically unfit soldiers.

g. An increase in offenses involving misuse of government vehicles will probably occur, due to the greater freedom of movement that drivers have on maneuvers.

h. The total court martial rate probably will decrease during November.

i. Due to the rapid movement of troops in field exercises, greater difficulty is experienced in processing court martial charges promptly.

VII. RECOMMENDATIONS. Due to the recent change from garrison to field training, sufficient time has not elapsed for field disciplinary problems to develop in such volume as to call for concrete problems.

RALPH W. YARBOROUGH  
Major, JAGD,  
Division Judge Advocate

AWOL REPORT FOR MONTH OF OCTOBER

31 October 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	1	2
Band	0	0
M.P. Platoon	0	0
97th Signal Co.	1	10
97 Recon Tr (Mezd)	0	0
97th Q.M. Co.	3	63
797th Ordn L.M. Co.	1	6
322d Medical Bn.	6	111
322d Engr Combat Bn	5	15
Hq & Hq Btry Div Arty	1	4
303d FA Bn	0	0
365th FA Bn	10	41
389th FA Bn	3	60
922d FA Bn	4	19
303d Inf	39	611
386th Inf	30	367
387th Inf	<u>30</u>	<u>346</u>
	134	1665

**97TH INFANTRY DIVISION**  
**TABULATION OF COURTS MARTIAL**  
**OCTOBER 1943**

<u>Organization</u>	<u>Specials</u>	<u>Summaries</u>	<u>Total</u>
303d Infantry	11	7	18
386th Infantry	9	7	16
387th Infantry	12	8	20
303d FA	0	0	0
365th FA	2	2	4
389th FA	3	0	3
922d FA	0	0	0
Hq Btry Div Arty	1	0	1
322d Engrs	1	5	6
322d Med	1	3	4
797th Ordn	0	0	0
97th Div Hq Co	1 (Band)	0	1
97th Recon Tr	1	1	2
97th Q.M. Co.	0	0	0
97th Sig Co	<u>1</u>	<u>0</u>	<u>1</u>
	43	33	76
General Court Martial (303d Inf) .....			<u>2</u>
			78

97TH INFANTRY DIVISION

TABULATION OF COURTS MARTIAL

MAY THRU OCTOBER 1943

<u>Unit</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Total</u>
303d Infantry	32	24	30	23	32	18	159
386th Infantry	24	16	17	23	27	16	123
387th Infantry	29	20	11	23	32	20	135
303d FA	2	1	2	3	7	0	15
365th FA	3	3	1	5	6	4	22
389th FA	3	5	12	0	11	3	34
922d FA	2	5	0	4	2	0	13
Hq Btry Div Art	0	0	3	0	3	1	7
322d Engrs	12	4	8	9	12	6	51
322d Med	4	8	6	8	4	4	34
797th Ordn	2	0	0	2	0	0	4
97th Div Hq Co	0	0	3	1	2	1	7
97th Q.M. Co.	1	0	3	0	2	0	6
97th Recon Tr	2	1	2	0	0	2	7
97th Sig Co	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>10</u>
	118	89	100	103	141	76	627

Incl 3

97TH INFANTRY DIVISION

CLASSIFICATION OF COURTS MARTIAL  
OCTOBER 1943

	<u>AW 61</u> <u>AWOL</u>	<u>AW 96</u> <u>DRUNK</u>	<u>OTHER</u> <u>OFFENSES</u>
303d Inf	14	2	2
386th Inf	13	0	3
387th Inf	10	2	8
303d F.A.	0	0	0
365th F.A.	0	2	2
389th F.A.	0	1	2
922d F. A.	0	0	0
Hq Btry Div Arty	1	0	0
322d Engr	4	2	0
322d Med	2	1	1
797th Ordn	0	0	0
97th Div Hq Co	0	1	0
97th Recon	2	0	0
97th QM	0	0	0
97th Sig	<u>1</u>	<u>0</u>	<u>0</u>
	47	11	18
Percent of all cases:	61%	14%	25%

97TH INFANTRY DIVISION

SPECIAL COURT MARTIAL CASES - OCTOBER 1943

Unit	A W O L				OTHER OFFENSES			
	Length of Absence	Sentence	Reviewing Authority	Prior Conv.	Offense	Sentence	Reviewing Authority	Prior Conv.
303d Inf	16 Days	6 Mos.	Susp.	0	96, Drunk	4 Mos.	Disapproved	0
	19 "	6 "	Susp.	0	66, Disobedience	HL 6 Mos.	Approved	0
	106 "	6 "	HL 6 Mos.	2	96, Fail to obey	6 Mos.	Approved	0
	10 "	6 "	HL 6 Mos.	0	96, D & D	6 "	HL 3 Mos.	1
	26 "	6 "	HL 6 Mos.	1				
	14 "	6 "	HL 6 Mos.	0				
	31 "	6 "	HL 6 Mos.	2				
386th Inf	26 Days	4 Mos.	Susp.	0	96, Fail to obey	6 Mos.	Approved	1
	27 "	6 "	Appr.	2	96, " " "	6 "	"	2
	18 "	3 "	1 Mo.	0				
	26 "	4 "	Susp.	0				
	86 "	6 "	Appr.	0				
	26 "	4 "	Susp.	0				
	18 "	3 "	1 Mo.	0				
387th Inf	6 Days	6 Mos.	Appr.	0	96, D & D	3 Mos.	Suspended	1
	14 "	6 "	Appr.	0	66, Disrespect	4 "	Approved	0
	11 "	5 "	Susp.	0	96, forgery	6 "	"	0
	19 "	6 "	Appr.	0	96, Impers. NCO	6 "	"	0
	8 "	3 "	Susp.	0	66, Disobedience	6 "	"	0
	16 "	6 "	Appr.	0				
	19 "	6 "	Appr.	0				
385th PA					86, Asleep on post	1 Mo.	Approved	0
					86, " " "	3 Mos.	"	0
389th PA					86, " " "	6 Mos.	Approved	0
					96, Loitering on post	1 Mo.	"	0
					96, D & D	6 Mos.	"	3
Hq Btry Div Art	4 Days	6 Mos.	Appr.	3				
322d Bn	19 Days	6 Mos.	4 Mos.	1				
322d MI	17 Days	6 Mos.	Appr.	1				
Div. Hq. Co.					96, D & D	Restr 3 Mos	Suspended	0
97 Rean	30 Days	6 Mos.	Susp.	0				
97 Sig	13 Days	6 Mos.	Appr.	0				

97TH INFANTRY DIVISION

SUMMARY COURTS MARTIAL - OCTOBER 1943

Unit	A W O L			Reviewing Authority	Prior Conv.	Offense	OTHER OFFENSES		
	Length of Absence	Sentence					Sentence	Reviewing Authority	Prior Conv.
303d Inf	5 Days	1 Mo.	HL	1 Mo.	0				
	27 "	1 "	"	"	0				
	41 "	3 "	"	"	0				
	41 "	1 "	"	"	0				
	14 "	3 "	"	"	1				
	12 "	1 "	"	"	0				
	15 "	1 "	"	"	0				
386th Inf	5 "	1 Mo.	Suspended		0	96, Fail Obey	1 Mo.	Approved	0
	7 "	1 "	Approved		0				
	7 "	1 "	Suspended		0				
	2 "	1 "	Approved		0				
	7 "	1 "	"		0				
	3 "	1 "	Suspended		0				
387th Inf	5 Days	1 Mo.	Suspended		0	96, Asleep	1 Mo.	Suspended	0
	4 "	1 "	"		0	96, Drunk	1 "	"	0
	5 "	1 "	"		0	96, Took car	1 "	"	0
						96, Disorderly	1 "	"	0
						96, Asleep	1 "	"	0
385th FA						96, D & D	HL 1 Mo.	"	0
						96, Drunk	HL 1 Mo.	"	0
322d Engr	3 Days	Restr 1 Mo	Approved		0	96, Drunk	Restr 2 Mos.	Approved	0
	2 "	" 1 Mo	"		0	96, D & D	" 1 Mo	"	0
	1 "	1 Mo.	Suspended		0				
322d Med	16 "	1 Mo.	Suspended		0	96, Disorderly	1 Mo.	Suspended	0
						96, Drunk	1 Mo.	"	0
97th Recon	4 Days	1 Mo.	Disapproved		1				

7/1/44

**97TH INFANTRY DIVISION**  
**MILITARY POLICE REPORTS**  
**MAY THRU OCTOBER 1943**  
**COMPARATIVE**

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