

ORAL HISTORY

OF

COL CHARLES A. WHITE
UNITED STATES ARMY (RETIRED)

Interviewers:
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58th Graduate Course
The Judge Advocate General's Legal Center and School

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JUDGE ADVOCATE ORAL HISTORY PROGRAM
COLONEL (RETIRED) CHARLES A. WHITE, JR. U.S. ARMY
EXECUTIVE SUMMARY

Colonel Charles White served in the United States Army for almost 21 years. Initially, Colonel White was commissioned as an armor officer but later transferred into the Judge Advocate General (JAG) Corps. He spent several years of his military career in locations outside the continental United States, to include Okinawa, Vietnam, and Germany. As a career judge advocate, he had multiple assignments but the most notable were as a judge advocate in the newly formed 173rd Airborne Brigade in Vietnam, Staff Judge Advocate of the 1st Cavalry Division at Fort Hood, Texas, and Staff Judge Advocate of the 21st Theater Support Command in Kaiserslautern, Germany. Additionally, Colonel White spent a significant part of his career in the Virginia area either assigned to the Pentagon in Washington, D.C. or as part of the faculty at The Judge Advocate General's Legal Center and School. After his retirement, he went into private business and currently lives and works in Alexandria, Virginia.

Colonel White was born in Newport News, Virginia on January 27, 1939 as the only child. He grew up in Mathews County, Virginia in a small town with a population of approximately 250 people. During his early school years Colonel White's extracurricular activities included the debate team, where he and his partner won the state debate championship, being a page for the Virginia Senate, and working various small jobs. He graduated Matthews High School in 1958 as class salutatorian.

Colonel White accepted and went on to attend the College of William and Mary. While there, he was involved in the Reserve Officer Training Corps, student government, Lambda Chi Alpha fraternity, and worked as a waiter in a colonial restaurant. He received his Bachelor of Arts degree from William & Mary as well as being commissioned a 2nd Lieutenant Armor Officer in the U.S. Army in 1961. As part of William & Mary's six year law program, Colonel White began law school in his final year of college. As a law student, he continued to work as waiter in addition to being a seasonal park ranger until he graduated. During his third year of law school he married his now wife Tricia White and later their daughter, Laurie, was born. Finally, he received his Bachelor of Civil Law from the Marshall-Wythe School of Law in 1963.

Colonel White began practicing law in Williamsburg, Virginia in 1963 until he was called to active duty in December of 1963 to the Armor Officer Basic Course at Fort Knox, Kentucky. While there, he was promoted to 1st Lieutenant and transferred into the JAG Corps. He attended and completed the JAG Corps Basic Course and went on to Fort Benning, Georgia earning his airborne wings in the spring 1964.

As a judge advocate, Colonel White's first assignment began in Okinawa at HQ, USARYIS Office of the Staff Judge Advocate in July of 1964. Soon after being assigned to USARYIS he was transferred to the newly formed 173rd Airborne Brigade on Okinawa. After being unaccompanied for three months and transferred to the 173rd, his wife came to live with him where eventually their second child, a son, Jeffrey was born. Colonel White then deployed to Vietnam in July of 1965 for one year. He was the fifth judge advocate to deploy to Vietnam,

converted from a Reserve Officer to Regular Army Officer, and was promoted to Captain while there.

After a twelve-month deployment to Vietnam he returned to the United States and was assigned to Office of the Judge Advocate General (OTJAG), Career Management at the Pentagon in July of 1966. In addition to being an assignments officer, Colonel White was designated as the Army Young Lawyer Liaison to the American Bar Association. From there, he attended the Fletcher School of Law and Diplomacy in Boston, Massachusetts receiving his Masters of Arts in International Relations in 1968. Colonel White then returned to the Pentagon and was assigned to the International Law Division eventually being promoted to Major. Continuing his international law focus, Colonel White was assigned to the USAREUR Office of the Staff Judge Advocate in Germany as the Chief of the International Affairs Division. He served there from 1969-1972 as a Major in Colonel designated slot.

At the completion of his second overseas assignment, Colonel White returned to the United States and attended the 21st Advanced Class completing the course in 1973. He followed on as an instructor in the International Law Division and then as the Assistant Director to the Academic Department where he was promoted to Lieutenant Colonel. Finally, his intermediate level schooling was rounded out with a six month stint at the Armed Forces Staff College in Norfolk, Virginia.

In 1976, Colonel White became the Staff Judge Advocate (SJA) for the 1st Cavalry Division at Fort Hood, Texas. As the SJA, Colonel White dealt with a variety of notable issues such as relocating his entire legal shop due to arson, overseeing a court-martial of a brigade commander accused of rape, and was arguably the pioneer in deciding to put judge advocate Captains down at the brigade level. Colonel White also led the way in bringing office automation to the SJA and Division S-3 shop and he and his office served as the Division G-5 during multiple field exercises. Colonel White served as the SJA from 1976-1979 until he was selected to attend the Army War College in Carlisle, Pennsylvania graduating in 1980.

After completing the Army War College, Colonel White was selected by Lieutenant General Nathaniel R. Thompson to be his SJA for the 21st Support Command in Germany from 1980-1983. While there he was promoted to Colonel, after 17 and a half years of service, and oversaw the largest general court-martial jurisdiction in the Army. The OSJA had over 60 lawyers, and 100 legal personnel serving in 7 offices in 3 countries. Colonel White finished his military career by again returning the United States and being assigned to the Office of the Secretary of Defense, Inspector General for Intelligence at the Pentagon from 1983-1984.

During his Army career and after, he remained active in the American Bar Association serving as an officer in the Young Lawyers Section, Council of the International Law Division, 14 years as Finance Officer and Revenue Director of the General Practice, Solo and Small Firm Division, Chair of the Section Officers Conference Budget Officers for 7 years, and LNO to Board of Governors Finance Committee for 6 years and the ABA Investment sub-committee.

Colonel White retired from the Army in October of 1984 with 20 years, 11 months, and 28 days of service to his country. Upon retirement, he remained in his home state of Virginia

and with a fellow Army JAGC, Colonel (Ret.) Charles A. Murray, began a business, Business Leasing Associates, Inc., where he is currently the Vice President of Administration. He is 71 years old and lives with his wife in Alexandria, Virginia. He and Tricia have 5 grandchildren and enjoy sailing out of Annapolis on their 45.5 Bristol sloop, *No Questions*

1 **ORAL HISTORY - COLONEL (RETIRED) CHARLES WHITE**

2 Q. All right, we are here to conduct the oral history of Colonel White. It is

3 November 14th, 2009, and we are in his home and we will start off with some basic questions
4 about hometown family and go from there.

5 Q. Okay, sir, when and where were you born?

6 A. Well, first of all, thank you guys for coming up from Charlottesville. I started life
7 in Newport News, Virginia, January 27th, 1939, which makes me 70, almost 71, and I come
8 from the third smallest county in Virginia, Mathews. It's down near Yorktown. It broke away
9 from Gloucester County. It's the only county east of the Blue Ridge that isn't named after
10 somewhere in England. All the counties west of the Blue Ridge are named after Revolutionary
11 heroes; all the ones east of the Blue Ridge are named after places in England: Gloucester, York,
12 Nansemond, and the whole drill; and Mathews County broke off after the Revolution, and there
13 was a Colonel Thomas Mathews, who was the Speaker of the Junior House of Delegates, so to
14 get the county broken off from Gloucester County, they named it after him and it sort of sailed
15 through the legislature at that point. So it's the third smallest county in Virginia. It probably had
16 a population 250 years ago of 7,000; today, it has 9,000, so it's -- since it's a peninsula, nobody
17 stumbles on it. It's not on the way to anywhere.

18 Q. Okay.

19 A. When I grew up, it was farming and fishing and that's all died, but what you have
20 now are two or three rivers; two bays, Chesapeake and Mobjack, and lots of people come there,
21 ex -- former military because of waterfront property. It's a goldmine of waterfront property. So
22 they're restoring the county to something that never existed originally. It's become very cutesy

1 now. The courthouse is now called "The Village," and it's all -- it's all been done by some very
2 nice people but have moved in from New York and Chicago and ----

3 Q. Okay.

4 A. ---- all over. Having said that, my mother was a schoolteacher for probably over
5 35, 40 years. She stayed teaching until she saw grand.....she was a high school English teacher
6 finally. She did everything, one-room schools, and when she was looking out in the sophomore
7 class and saw grandchildren of people that she had taught when she first started teaching, she
8 figured that was time to quit.

9 My father was a county treasurer for 26 years, and consequently between my
10 mother and my father, we knew everybody in the county, their children, their parents, so you
11 couldn't really do anything in that county without somebody reporting it to your parents.

12 Q. Right.

13 A. So being an only child, I didn't have any problems with brothers and sisters, but
14 the rest of the county kept me straight, so that's -- it's nice growing up in a very small county like
15 that. And as it turns out, our son and his family is now living in the same county.

16 Q. Oh, wow.

17 A. They like living in the house that my dad and mother built when I was in high
18 school.

19 Q. How big was the town when you were growing up there permanently?

20 A. It isn't even incorporated; probably had 200 people in it. The -- I had 48 in my
21 high school graduating class.

22 Q. Okay.

1 A. I think now they may be up to a hundred.

2 Q. Okay.

3 A. But the total population of the county -- the young people leave to get jobs, and
4 then you have people coming in -- it's probably the highest population of any county of people
5 over 65 because of the waterfront.

6 Q. Okay.

7 A. Absolutely terrific, beautiful rivers, et cetera.

8 Q. So ----

9 Q. So then ----

10 A. Go ahead.

11 Q. So what did you do for fun, then, as a youth?

12 A. It was a movie.

13 Q. Yeah.

14 A. And we went to the big city, like Williamsburg or Richmond, and -- because we
15 didn't have television until I was in high school, and I remember -- probably 7th grade, and I
16 remember getting off the school bus and all of us would trek down to a store that sold
17 televisions. We'd sit there and watch the test pattern until Howdy Doody or somebody came on
18 at 4 or 5 o'clock, but you did the school dances and things like that. Everything revolved around
19 the high school. And I see you guys are interested in athletics. I was never very good at
20 athletics. I was always the junior varsity or the third string or whatever, so my senior year in
21 high school I said, "This is nonsense. Why am I pretending to be macho when I'm not going to
22 make first team?" So I ended up getting jobs and that sort of continued in college. One time in

1 college I had three jobs at once. So I graduated -- I couldn't do anything worse because my
2 mother being an English teacher, which didn't pay but she made me study, so I ended up being
3 second in my class; and then the only choice -- I only -- you had a choice of whether you go to
4 university. I never thought about going anywhere except William & Mary, and so I applied to
5 William & Mary and was accepted; and at that time, all -- we only had seven people that went to
6 college out of the high school class to begin with, and they either went to Virginia Tech or VMI.
7 VMI was big and Tech was big. Nobody wanted to go to William & Mary. It wasn't -- well only
8 seven people went anyway, so it wasn't much of a choice.

9 Q. Right.

10 A. I guess that's -- I'm not so sure of what -- oh, heritage. I haven't any idea. It's one
11 of these things that every -- when I finally got interested in finding out what the background was,
12 everyone had passed away that knew and I didn't have anybody else to ask questions. My dad
13 lived to be 95 years old. He was born in the county and went away to sea for a while, was a
14 draftsman, beautiful handwriting, He was working a Newport News Shipbuilding and Drydock
15 Company, and then he went on a luxury liner as the captain's secretary; and then he met my
16 mother and that ended his seafaring career; and he -- they lived through the Depression, so that
17 shaped everything. Anybody who lives through the Depression, you've got to save money, you
18 don't borrow money, and I think during the middle of the Depression they were making \$12 a
19 week and they were literally starving. She was teaching school, he was working as a
20 bookkeeper, so that sort of shaped what their outlook was. And it's very interesting. My dad
21 probably made twice as much drawing social security as he ever made his entire life working. I
22 think the highest salary he made a year was \$8,000 per year.

1 Q. Wow.

2 A. So that's the background. We weren't poor. It was just we didn't know -- we

3 didn't know we weren't rich.

4 Q. Sure.

5 A. And there weren't any rich people in the county anyway so ----

6 Q. Sure.

7 A. ---- so that's the way that went.

8 Q. Did you have brothers and sisters?

9 A. None, not yet. I'm still waiting. **[Laughter]** So far, no brothers and sisters.

10 Q. You ----

11 A. So -- I'm sorry; go ahead.

12 Q. Oh, I was going to say, you mentioned jobs, some of the jobs. What sort of jobs

13 were available for ----

14 A. One of the things -- one of the things I did was there was a Five & Dime Store

15 and after school I would sweep it out; and during Christmas I would put together bicycles and all

16 these little tabs and things that you put together, like dollhouses, things like that, and you end up

17 with two pieces leftover when you finally got it together; and then during Easter I had this big

18 thing of -- five gallons of sugar that I would color and then I would decorate Easter eggs; and

19 then my senior year of high school, I worked for a butcher and I'd get up about 4 o'clock in the

20 morning on a Monday, drive to Richmond and go to a couple of the slaughterhouses up there, or

21 Armor and a couple others, load up whatever the butcher wanted, bring it back to the county,

1 unload it, and then go to school and then come back that night and we would start making
2 sausages and stuff like that.

3 Q. Did you think ----

4 A. Oh, you asked me about heritage. I think my mother -- I think my mother --
5 mother's family came from Gloucester and I think they may have been German background but
6 nobody ever talked about it, it had been so long.

7 Q. Yeah, right, right.

8 A. So I ended up being an only son of an only son of an only son, and we have -- and
9 I have one son.

10 Q. Right, okay.

11 A. So it's not a lot of people to ask.

12 Q. Right, right, right.

13 Q. Do you recall, you know, looking back at just sort of the high school and pre-high
14 school, grade school, you mentioned you were second in your class, I think that sort of stands
15 out, but is there anything else that stands out that you thought sort of ----

16 A. Well we went into forensic and a part -- another partner and I won the state debate
17 championships and then my mother, who was the debate coach, decided the next year she'd break
18 up the team and since two of us were state winners -- and it was in Charlottesville, the
19 tournament. It was interesting. We won the tournament. We were out there in -- I forget what
20 the city park was -- and the four of us, we had two gals that were in **poetry** reading or something,
21 and so we went out and we were just riding around Charlottesville, and we missed the
22 presentation ceremony. My mother was not very happy with that **[laughter]**, having won the

1 state debate championship and then miss the ceremony, but next year, she broke us up and she
2 said, "Okay. We've got two state winners. We'll put you with two new people," and we didn't
3 even get out of the region, you know. It was a disaster.

4 Q. Right.

5 A. And the lady who graduated first in our class to this day, she just retired as the
6 superintendent of the school, she was the valedictorian and I was salutatorian, she still blames
7 herself for messing up that team. I said, "This is ridiculous," you know. **[Laughter]** It's -- my
8 mother probably was the one who messed it up by breaking up the team, but that's okay.

9 Q. Did you -- at this point in high school, did you have any long-range plans; did you
10 think to yourself I wanted to be a lawyer or ----

11 A. I don't think so. Had it -- I was going to college; never a doubt about going to
12 college, but what was going to come out the other end of four years, no, and I sort of evolved
13 when I was in college; that's when that went.

14 So, anyway, then we go to William & Mary; start in 1957; get involved very
15 much in student politics, student government, orientation leaders, Lambda Chi Alpha fraternity;
16 very much involved in sort of class leadership and student government at the school; and then
17 somewhere along the way I decided to go to law school, and William & Mary at that time had a
18 6-year law program. It's been done away with in the state. We went up and lobbied the state to
19 grandfather everybody in law school because what they permitted you to do then and the law
20 schools hated it, your senior year of undergraduate was your first year of law school, so you
21 shaved off a whole year of expenses and then you could -- when you finished law school -- and
22 when you were in law school you could take the bar exam in December even though you weren't

1 going to graduate until the next June. The law schools hated that because now that spring
2 semester, once you passed the bar exam, attendance was zippo ----

3 Q. Right.

4 A. ---- and so we went up and lobbied -- a bunch of us from student -- the law
5 student government went up and lobbied the legislature, and I had been -- oh, I had been a page
6 in the Senate; that was pretty exciting. When I was in grammar school, we had a state Senator
7 and had a delegate who was a Speaker at the Virginia House of Delegates, so I pulled up to
8 Richmond, and I lived by myself when I was about 12 years old for two months at a time, four
9 times. We had two regular sessions at the Virginia Assembly and two special sessions, and I
10 lived in what was then the old Richmond Hotel and I had to do -- and I'd miss school, so I had to
11 take all these books, bring all this homework back on the weekend, but being in the State
12 Legislature as a page and I was assigned to the Rules Committee so I was in the smoke-filled
13 room and watching sausages and legislation being made ----

14 Q. Uh-huh [affirmative response].

15 A. ---- and battle with the Governor of Virginia and a guy named Lewis Preston
16 Collins was the Speaker of the House and the Lieutenant Governor; very exciting for a young
17 guy. It really was and I had forgotten about that, so that sort of got into politics.

18 Q. Okay.

19 A. I started knowing all the players in the Virginia House, so maybe that's what when
20 I got into college shifted it over to maybe I ought to go to law.

21 Q. How did you get your eye on being a page? Like who -- how did you get
22 interested in that or how did you have the opportunity to do that?

1 A. Very good friends of my family, as they only lived a half a mile away, one was
2 the Speaker of the House. In fact, there was some talk when I finished college of when I was in
3 the Army to leave the Army to come back to the county and they would appoint me the Clerk of
4 the Court, but I went back and talked to these people and due to the redistricting in Mathews,
5 now you've got Hampton and Newport News and Williamsburg in the -- there's no one from
6 Mathews County that was ever going to be the Speaker of the House or the Delegate or
7 Lieutenant Governor or anything. This guy could have been -- John Warren Cooke was the
8 Speaker for many years, but because they threw these big population centers into it now, no one
9 from a county like that could ever do it. So I had this long discussion with him years later and I
10 said, "Well, if I come back and I get" -- the clerk was going to resign and the -- they were going
11 to get the judge and I would get appointed the Clerk of Court of the county and then go up the
12 politics. So after that discussion, I decided, no, stay in the Army.

13 Back to law school, so the -- your senior year of undergraduate is a disaster. You
14 have all the trauma of starting law school, and everybody else is partying.

15 Q. Yeah.

16 A. So I had student government and I had gotten roped in by a buddy to be President
17 of the Young Democrats -- I wasn't even a member of the Young Democrats but they had an
18 internal feud and when I was going off to work they said, "We're going to make you president of
19 the Young Democrats." I said, "I'm not even a member of the Young Democrats. I don't want
20 the job. I'm going to work. Good-bye," and so when I got back at 11 o'clock after being a waiter
21 down at the King's Arms, they said, "Okay, you're now the president of the Young Democrats.

1 Here's what we're going to do. Here's the minute books," and it was the Kennedy-Nixon
2 election, so it was very exciting. Bobby Kennedy came down to Williamsburg and ----

3 Q. Wow.

4 A. William & Mary had a 6 year law program combining an undergraduate law
5 major (actually in first year of Law School. So senior year of undergraduate was a disaster. You
6 have ROTC; you have all the student government stuff; you have the fraternity; and everything
7 else you're involved in, and all your fraternity brothers, their senior year they're goofing off and
8 partying ----

9 Q. Right.

10 A. ---- and you're in law school; and a bunch of us, we had three of us -- in fact,
11 there's a guy named Bill Whitten who was on the 7-year program and he retired as an Army
12 colonel and so we were in law school. There were only 23 of us in our class. William & Mary
13 was a very small law school at the time, and it was a disaster because you know what the first
14 year of law school was like.

15 Q. Right.

16 A. So, anyway, and then you put that with your senior year, but you made it through
17 and you saved all the money of having to pay for another year; and I had a -- we had a
18 scholarship. Tricia -- we'd gotten married in her senior year of undergraduate and my senior year
19 of law school and she had a trust fund, her father had died, and I had a \$1,000 scholarship and
20 we actually made money.

21 Q. Uh-huh [**affirmative response**].

22 A. Tuition at William & Mary was about \$360 a semester, ----

1 Q. Oh, wow.

2 A. ---- and I was -- had a job. I was a park ranger, because they liked to have law
3 students as park rangers.

4 Q. Okay.

5 A. Plus I worked as a waiter in two places and then on *The Common Glory* did the
6 pyrotechnics, so we always worked ----

7 Q. Sure.

8 A. ---- and she worked [inaudible].

9 Q. So even during law school, you had outside paying jobs as well?

10 A. Yeah. I was an IGS-4, seasonal ranger; made \$4,040 a year if you were full-time
11 but I only worked part-time, so I made a whole whopping two, three thousand dollars a year, but
12 it got me a great job. We were at the Jamestown-Yorktown Historical Park. Rangers hated it
13 because to them the Park Service was Grand Teton, Yosemite, the West; historians loved it,
14 because you had Jamestown and Yorktown, so all of the rangers were trying to leave and get
15 back to what -- you know, they were all from the Midwest or something. Their idea ----

16 Q. Right.

17 A. ---- of the National Park Service was Grand Canyon and stuff like this, not
18 highway patrol between Jamestown and Yorktown, but the historians, it was a gold mine and so
19 they all wrote books. So one of the things that happened, we had this huge automobile accident,
20 somebody rear-ended, the cars exploded, and I was investigating it along with the ranger. He
21 wanted to leave and go out West, so he had me sign all the accident reports; so that led to -- got
22 to be civil -- well, we charged them in the Commissioner's Court for the traffic offense but there

1 was a civil litigation on the side, so each -- even though the Commissioner's Court was, you
2 know, sitting in a room with a lawyer working part-time, the civil litigation was going to depend
3 on this thing, so each of the parties were trying not to have the traffic offense to them because
4 they had civil litigation pending at the same time for the auto -- insurance companies. So you
5 had two very high-powered lawyers, including they got an attorney to be the judge, representing
6 both sides of this accident, and I was the only witness for the government, so I ended up being
7 cross-examined all over the place and about two weeks later one of the lawyers called up and he
8 says, "I'd like for you to work for me," turned out to be the judge, and in those days in Virginia
9 you're only judge maybe two days a week and you still practice law; you can't do it now. So
10 after I passed the bar exam in December, I started clerking for him. I wasn't admitted to practice,
11 and so I'd work with a guy named -- his name was Don Taylor, Judge Taylor, so I ended up
12 practicing law with him before I'd finish law school, and he sent me down to a place and didn't
13 tell anybody I wasn't admitted to the bar. So I'm down there on my own, not even a member of
14 the bar, but I can't tell anybody that, and so we had this child custody thing and I come back and
15 I -- I think I lost it. I said I came with such a high demand on this. It was a property settlement
16 or something, and I said, "I think I lost it for the kids and everything," and about two hours later,
17 the opposing attorneys came in and offered the settlement that I had proposed which I thought
18 was out of sight, so ----

19 Q. Wow.

20 A. ---- that's how my law career started working for this judge. And then the ROTC
21 thing came. This ROTC summer camp was at Fort Knox, and I was a distinguished military
22 student -- my wife says I've got to cut -- my "I's" are too close together, I did this, I did that, got

1 to say more "we," **[laughter]** so edit that out. ROTC summer camp was at Fort Knox; hot,
2 armor, and the whole drill, and during the week we were scrubbing latrines and Private E-1
3 minus, but on the weekend we could go to the Officers' Club and I remember in those days we
4 were introduced to the Singapore Gin Slings after working as a Private minus one during the
5 week and then sitting by the pool on the weekends, it didn't take long to get snookered in the hot
6 sun ----

7 Q. Right **[laughed]**.

8 A. ---- and so that's how -- and I'm going -- I had gotten the distinguished military
9 student, and so somewhere on the firing range you weren't supposed to wear sunglasses, but then
10 somebody made a change to something, so I'm in the pit pulling targets wearing sunglasses.
11 Well we lived -- yeah, this is later. Yeah, we lived in a trailer park in Radcliff, Kentucky, but
12 anyway, and this Sergeant Wren -- and I spent the next 20 years trying to find Sergeant Wren --
13 Sergeant Wren found me in the pits pulling targets. I don't guess you've ever seen anybody pull
14 the targets and then you -- they're on big things and you ----

15 Q. Yeah.

16 A. ---- counterbalance and anyway and somebody else is firing; you're pulling tar --
17 so he wrote this up and I lost my distinguished military student because I was wearing sunglasses
18 in the pits and somebody had countered it and said you could put the sunglasses back on, so I
19 spent the next 20 years trying to find Sergeant Wren. I never found him.

20 Q. Right. **[Laughter.]**

21 A. But I've stopped looking for him.

1 And so then I'm back now, I've lost the DMS, and so I've got to work senior year,
2 which now the first year of law school, so I ended up being company commander in ROTC
3 Headquarters Company. We had the Drill Team and the Drum and Bugle Corps, which turned
4 out to be later on the Queen's guards. The Queen came over to visit William & Mary in '57, so
5 one of the PMS's got all carried away and decided he would design special uniforms that looked
6 like something out of the British army, with red jackets and everything, so the -- **[audio ends]**.

7 **[END OF AUDIO WS_30029/END OF PAGE]**

8 A. And so now we're back at senior year of law school and I'm the Headquarters
9 Company commander, and the battalion commander was a guy named Neil Hock, who years
10 later, by pure fate, coincidence, when I was at the Army War College, no anything, he'd end up
11 to be my faculty advisor at Carlisle, and he had been my battalion -- ROTC battalion commander
12 in college. So then there comes out -- so I get the DMS back and they offer me a commission,
13 and in those days, you had Reserve commissions and you had Regular Army commissions; now
14 it's all melded, I think. You guys are in the Guard side of it, but you had -- you could come on
15 active duty in the Reserve and then you had to apply for Regular Army, and so I was offered a
16 Regular Army commission in Signal Corps, and I said, "I don't know anything about Signal
17 Corps. This is nuts. What am I doing here?" So I went to the PMS and said, "I don't want to go
18 Signal Corps. I'd like Armor." I had been out to Fort Knox, that was pretty cool, and so he said,
19 "Well turn down the RA, keep your Reserve commission in Armor" -- I was a second lieutenant
20 in Armor -- "and then when you get on active duty you can apply for Regular Army in Armor."
21 "That sounds good." So I turned down the RA commission in Signal, took the Reserve
22 commission in Armor, and went off and finished the next two years of law school.

1 Law school, as I said, was very intense because we only had 23 in the class and
2 we were on deck every class, every day, and we had great professors. So now I'm finishing law
3 school in June, I've already passed the bar the previous December, and I'm working for Judge
4 Taylor and somewhere along the way there's looming active duty and no one would tell me what
5 the story is. So I'm practicing law and doing all the normal things we do and we -- one time --
6 one weekend we had three sets of parents whose kids had gotten pregnant and we're trying to
7 deal with three situations where a boy and a girl -- the boy had gotten the girl pregnant and now
8 you've got two sets of parents on each one times three in one weekend and all of them are
9 changing positions. I mean nuts. One time he's "going to make that guy marry my daughter"
10 and the next one says, "I don't want that fellow anywhere near my daughter," and finally we
11 threw all the parents out and just sat the kids down and said, "What do you want to do? Do you
12 want to give the child up for adoption? Do you want to get married or not married," and we
13 finally settled it when we got the parents out of there and then let the kids go back and convince
14 their parents what they wanted to do.

15 Q. Right.

16 A. But it's a very interesting law practice, and we ended up one time counting -- we
17 had 23 divorce cases happening at once. It was very busy. It was very exciting to get out of law
18 school and working a lot of hours, but I still got this ROTC thing. And then the Dean sent me
19 down to a tax firm in Norfolk and I interviewed in this tax firm, which was a big law firm in
20 Norfolk in those days; had 20 lawyers. They did corporate mergers; they did a bunch of other
21 stuff. And they said, "We'll offer you a job and we'll offer you a job if you can get ROTC active
22 duty for 6 months, but if it's 2 years, we can't hold the job open," so then I go back to Second

1 Army and I try to find out and they said, "No, we're not going to give you away for 3 or 2 years.
2 You're going to" -- I mean, you can't do 6 months; you got to do 2 years," and so that's when --
3 then they sent the guy who was graduating behind me, who later ended up going down -- a
4 brilliant guy. He was a park ranger with me. We studied together down on a cold, winter day in
5 Jamestown Station studying for the bar exam -- I mean for our law school exams, and he went
6 down there, a brilliant guy, dirt poor, made -- started doing real estate -- got bored with corporate
7 mergers, steel companies and stuff like that, and went out with the senior partner's son and
8 started developing and they developed -- started rehabbing condos in Norfolk and making them
9 into -- I mean rehabbing apartments and making them into condos and they invented the first
10 suites hotel. It was called Guest Quarters. It was across from the Kennedy Center, and they
11 started developing those and they had no middle managers, just two of them -- the manager and
12 the maids and they had about seven of them. They had them in Houston, they had them all over
13 the place, and eventually sold out to Doubletree, made a fortune, ----

14 Q. Wow.

15 A. ---- and then the guy bought the Hinckley Boat Company. I don't know if you're
16 sailors, but it's the premier sailboat company up in Maine. So that's how that went.

17 And so now I'm still practicing law with Judge Taylor and then the Kennedy
18 assassination happens and that's in November and everybody knows where they are when that
19 happened if you were born at the time, and you weren't, but that was sort of traumatic. The
20 whole country went into a funk for a long time and so I find out about -- **[audio ends]**.

21

1 By then I have my order to report to Armor Officer Basis at Fort Knox Kentucky. Still a Reserve
2 Second Lieutenant but with two years in grade. Love the course, after 7 years of study of books
3 including law school that was a treat. To learn entirely new subjects and all hands on.
4 Automotive (M60 Tank had just started to be phased in) Gunnery, Communications, Leadership,
5 Tactics...it was terrific. Having been to Fort Knox for ROTC Summer Camp and married I was
6 not off to Louisville to party like my classmates did. I shared a room with two National Guard
7 officers who were from Texas and Kentucky. They were experienced Armor officers and gave
8 me lots of practical advice. So by the 6-7 week of the course, I was "Number 1" in the class
9 standings. The training cycle behind us had a number of newly minted JAGC officers and they
10 were the butt of jokes from the cadre and the other troops because of the dumb things that they
11 did during training.

12 Toward the end of my Armor Officer Basic course in January 1964, one day I got a call from
13 "The Pentagon" the sergeant said. It was a Major Emory Sneed who said that he had my
14 application for the JAG Corps which I had submitted a year or so earlier in 1962 and told me I
15 had been accepted. I politely declined and told him I liked Armor, was doing well and had an
16 assignment to the 3rd ACR in Bamberg, Germany and wanted to finish my two-year obligation
17 and leave the Army. It was not until later did we learn that Major Sneed had two officers he
18 wanted to obtain for JAGC, Cal Tischnor who was in Artillery (I believe) at Ft Sill and myself.
19 Sneed had called both Tricia White and Sue Tischnor and convinced both of the wives that if
20 their husband were lawyers they should be in the legal branch and not in combat arms. Major
21 Sneed had called both wives about two or three times before he called the husbands.

1 So when I declined the branch transfer, Sneed said “ I will make you a First Lieutenant”.
2 Second Lieutenants made about \$228.00 per month then and it would be a big pay increase.
3 “How soon?” I asked. Two Weeks! But I have an overseas assignment I replied. He said I will
4 give you an overseas assignment he responded. Where? Call me back in an hour he said. When
5 I call him back he said it was Ryukyu Island (Okinawa). I upped the ante by wanting to go to
6 Airborne School at Fort Benning too. He agreed to all three requests: First Lieutenant, Overseas
7 Assignment and Jump School. So I said “First I have to talk to my wife”. He replied, “You do
8 that”. (with a smile in his voice) He got Cal Tischnor into JAGC and he and Sue stayed in and
9 retired as Colonel (0-6). That is how I got into the JAG Corps.
10 Then all hell broke loose at Knox. They cadre did not think it was cool to have they number 1
11 student not be an Armor Officer. So Warrant Offices suddenly appeared all around me and
12 started a “fraternity rush scenario” tell me why I should not branch transfer. But I resisted as the
13 promotion came through in about two weeks and I still finished as First in the class.
14
15 From Knox it was to Charlottesville and the JAGC Basic Class on the Main Ground of UVA and
16 not the North Grounds where the TJAGC School is presently located.
17 After finishing the Basic class (somewhere in the middle of the class but liking the International
18 Law part of the course, it was off to Fort Benning for Airborne School.
19 Note: Emory Sneed, who is not deceased, later became a BG in the JAG Corps, retired to be
20 Senator Strom Thurman’s Staff Counsel, and later became a Federal Appeals Court Judge. He
21 promoted me to Lt. Colonel in Charlottesville in 1976 and later served as one of the original

1 "Friends of TJAGS Alumni Association." I was privileged to write his obituary for the
2 newsletter.

3 **[END OF AUDIO WS_30030/END OF PAGE]**

4 A. I was on the end of the cycle for Fort Benning and all the odds and sods -- I mean
5 the Military Academy had already gone through Jump School. All the Regular people had gone
6 through Jump School. This was the final course at Jump School for the end of the fiscal year so
7 everybody who was non-combat arms or everything else was through there; and thank God we
8 had an Air Force squadron commander, C-130, at about 45 years old who some said you can take
9 over C-130 squadron in another month, dropping paratroopers, so you got to go to Jump School,
10 so this guy with about a week's notice, he's now the class leader. Thank God he couldn't run
11 because it saved the rest of us; and then there were three Navy seals and so the instructors didn't
12 want to do anything to the colonel, so he kept the pace slow for the runs and they took it out on
13 the Navy seals, so we'd be running around and he says -- somebody would say, "Where are the
14 Sailors?" "Here, sir -- here, sergeant," and he said, "Drop," and he'd make them give him ten.
15 By this time, we're 200 yards down -- jogging down the -- down the whatever we were jogging
16 around, and then they'd catch up again; they'd do it over and over again. So the rest of us who
17 weren't that athletic, thank God for the Navy seals, who they just went up the rope without using
18 their legs; it was nuts.

19 Q. Right.

20 A. And then this Air Force colonel kept the pace down because he was the class
21 leader, so I survived Jump School, the physical part of Jump School, but it was terrifying. I'd

1 wake up -- wake up in the middle of the night not knowing whether I was going to make it
2 through PT the next day because, as I said, I was not a big athlete.

3 The first jump, we jumped out of Flying Boxcars then, C-119 I think they were,
4 and you had to do -- you had -- have you ever seen a C -- it's got a center pod and then the
5 engines are right on the side and so you're jumping out a very narrow fuselage about the size of
6 this room and you've got to make a very vigorous exit on each side or you'll hit [**slapped hands**
7 **together**] under the plane. Well, there's a guy from the University of Virginia and I hit, first
8 jump, we hit under the plane; my legs are tangled up in his risers. I'm upside down. He's yelling
9 to get away. I was trying to get away, and we're going down toward the ground and I'm sort of
10 on my back and he's up there yelling and so finally we swung apart. Well I called Trish that
11 night and I says, "I just knew the next day I was going to die, the next jump," ----

12 Q. Right.

13 A. ---- and so -- but it went through okay, but that was the tough things that you
14 remember.

15 Q. Uh-huh [**affirmative response**].

16 A. So from there, we finished Jump School, got the wings, life is good, and I also
17 asked them to go to Ranger School, this Major Sneed, and about the first week in Jump School
18 I called up the Pentagon and found Major Sneed. I said, "I don't want to go to Ranger School,"
19 [**laughed**] because I saw some of these guys that I'd seen in college and they had Rangers going
20 through there, too, and these guys were, you know, the 40-pound weakling in college, but they
21 had muscles like this; they'd just gone through Ranger training. Well I -- there was never a

1 chance I was going to Ranger School anyway. Sneeden wasn't going to do that, but I -- then I
2 began to worry they may send me to Ranger School; well I didn't need that.

3 So then the next -- so then we finished that and Tricia -- you couldn't take
4 accompanied tours to Okinawa, so I went over to Okinawa in '64. I missed the 4th of July
5 because of the International Date Line; the whole 4th of July disappeared. So I'm over there at
6 Headquarters, USARYIS, the U.S. Army, Ryukyu Islands, and this is my first JAG assignment.
7 It is like a nuthouse. At that time, the United States still had Okinawa as a protectorate and
8 Okinawa didn't revert to Japan until 1972 or very -- there was a U.S. high commissioner who
9 was the commanding general of U.S. Army -- USARYIS, U.S. Army, Ryukyu Islands. He had a
10 completely civilian staff down in the capital city with a complete legal department that was the
11 civil administration for the whole prefect -- just the prefect of Japan it was, and then he had the
12 military side, so you had Marines; you had an airborne brigade; you had a bunch of military
13 intelligence people; and you had two major Air Force bases and a Navy base on Okinawa, and
14 the commanding general didn't trust the civilians in the civil administration and their legal
15 department so he had the Army JAG shop work on civil administration stuff without telling the
16 civil administration people and they gave -- well, there was a guy named Colonel John Wolfe,
17 who was my first boss, and everybody called him "Dad," and he would say, "If you" -- he never
18 would criticize you. He said, "If my son had done that, I'd call him a dunderhead, Captain." I
19 was a lieutenant then -- by then, "Lieutenant," and so we had about four of us who were right out
20 of The JAG School; a guy named Ralph Miranda; Malcom T. Yon; a guy named Bob Cohen; Joe
21 Creekmore; Conrad Courtney, and we were all right out -- brand new JAG first lieutenants, and
22 we got this guy who was so patronizing to him and so we were working on this project. We had

1 a Japanese attorney in the military JAG office and we couldn't tell him anything. He didn't have
2 a security clearance. And they set us up to do an evaluation of the prefecture -- the central
3 government of Japan, the prefecture government, and then the county governments within the
4 Japanese, and the object of this thing was that we were to show -- to come up with a paper and a
5 chart that showed that the Okinawans had more liberties and freedom under U.S. occupation than
6 if they had reverted to Japan. Well this is nuts. So what? They were Japanese and they wanted
7 to go back to Japan, and we had to keep this secret because he couldn't tell the U.S. civil
8 administration. So we worked on this damn project, and it was a nutsy project, and this is my
9 first job in The JAG Corps, and so we're working on it and we can't tell this Japanese attorney
10 what he's translating and why we're doing this stuff. So we had these charts and we had to hide
11 them and we didn't have enough offices so we went -- and two of us didn't have an office so we
12 worked on a table in the library; and then -- then we ended up, the Gulf of Tonkin incident,
13 where the -- as it turned out, it never really happened. The North Vietnamese patrol boats
14 supposedly made a torpedo run on the Maddox, Destroyer Maddox, and the Turner Joy. As it
15 turned out later, it never really happened, but that started the Congress excited, the Gulf of
16 Tonkin Resolution, and we were going to go in there to protect against North Korea. While
17 we're listening to this on the radio and the orders come down that I'm transferred to the 173d
18 Airborne Brigade, so I'm out of USARYIS and I go down 300 yards away and I'm transferred
19 down to the 173d Airborne. It's just a separate brigade formed on Okinawa. And the other thing
20 was we were all geographical bachelors because they wouldn't let the wives come over for about
21 4 months to get the concurrent travel. We used to tie in with this guy. Pacific Architects and
22 Engineers was a firm that -- it's like Halliburton today. They had the contract to pave everything.

1 They probably cut down jungles and paved Vietnam, but they had a subsidiary called Manning
2 Corporation that did all the -- that did all the housing on Okinawa. These were concrete -- stuff
3 rots in about a year, so you put a wooden frame in a house, in a year it's gone. It's so humid and
4 monsoons and all this stuff, so they had these shells and Manning Corporation would go in,
5 rehab the shell, put a new roof on it, put new wood on it, and then the government would rent the
6 quarters. So the guy who was the head of that was a guy named Cipriano A. Lopez from the
7 Philippines and so Bob Cohen, who was one of these guys -- Bob was a JAG officer, retired out
8 of one of the commodity commands, the Signal Corps or something, and he was one of these
9 guys that you could buy something for a nickel but he knew a guy in Quartermaster, he knew a
10 guy over here, and I -- you're my friend, you can -- I'll get it to you for six cents. You know, you
11 could just go out and buy it, but, no, you had to go through this sub. Bob was all tied in with this
12 thing, so we spent a lot of time with Cipriano Lopez down at the Ryukyu -- Tokyo Ryukyu Hotel
13 and his favorite song was "Yellow Bird," and every three songs he'd send four or five dollars up
14 to the band and have them play "Yellow Bird" again. And they had these Japanese nightclub
15 acts who had memorized -- they were country-western, Japanese country-western; didn't speak a
16 word of English. They'd memorized the lyrics, and so that was about 3 months, every other
17 night we'd go down with Cipriano Lopez somewhere and listen to whatever the current act was;
18 and then the wives came over and we got back to a normal life.

19 An incident that happened at USARYIS, there was a judge by the name of
20 Colonel Joe Ramsey, very -- these JAG colonels were nuts. They were just -- John Wolfe. Joe
21 Ramsey was a bachelor, had a little dog, and he was the military judge, GCM judge. He had a
22 little dog and he had this spike that he screwed into the ground and he'd go down to the -- there

1 was a little snack bar. He'd go into the snack bar and the windows were about so
2 **[demonstrated]** and the ground was here. He'd sit there, screw the dog into the ground outside
3 the window, and he'd sit there and have lunch or breakfast every day. Well it got to be a joke.
4 He was a colonel that screwed the dog in the ground every day **[laughter]**, and so the Japanese
5 word for judge was "honji." What he did, since he was a bachelor and we were geographical, but
6 he -- and since he was the judge we couldn't say no, so he would pull all of us to be his
7 companions and we'd go down to some Okinawan village and start eating sushi. Well, you drink
8 enough beer, you can almost eat anything, but he would -- he just loved it, and so we had all
9 these JAG lieutenants. Now, that got our boss mad because Ramsey and Colonel Wolfe didn't
10 get along and now the Judge Ramsey has got all of his officers out every other night when we
11 were not with Cipriano A. Lopez, so now we've got to play this game. We've got two full
12 colonels who are mad at each other and all need companionship and we four Lieutenants were
13 pawns in this tug between two Colonels.

14 In the middle of that, there was a sergeant charged for something and there was a colonel,
15 another eccentric guy, in United States Army, Hawaii, named Colonel Paul Durbin, and he had a
16 high-pitched voice, so they called him "Squeaky" Durbin. There was a sergeant charged with
17 something or other, and Bob Cohen was his appointed defense counsel and being Bob, being the
18 wheeler-dealer, he got Sergeant Goskin to request a full colonel as individual counsel, and
19 Durbin was sitting in Hawaii and he was bored, didn't have much of a job because U.S. Army,
20 Pacific, was there with its own SJA shop, -- so he made himself available. So now you've got
21 three full JAG colonels in Okinawa and one of them is just trying to stretch the case out so he
22 can spend time on Okinawa and not have to go back to Hawaii. Three JAG colonels who don't

1 get along with each other and the rest of us lieutenants are sitting down there trying to sort this
2 out and not -- trying to keep our career intact.

3 Q. Uh-huh [**affirmative response**].

4 A. And one of the things that Durbin did when they finally finished the case, and he
5 always mispronounced the name of his client, and the client had this beautiful wife and so she
6 was -- always had to consult with the defense team. One of the things that Colonel Durbin did
7 just to hassle our boss, Colonel Wolfe just as Durgin as he was leaving, in the middle of of SJA
8 show and in the hearing of our boss, Col. Durbin turns around and says to a couple of we guys,
9 "Thank you for all the help you gave me on this case. We never would have won it otherwise."
10 he Nobody had given him any help, but he did it just to get us in trouble with our boss. We had
11 never spoke to him about the case nor given anyone information. So I was very happy to get out
12 of Headquarters, USARYIS, so that was my first JAG experience working with colonels.

13 Q. Wow.

14 Sir, not to take you back too far, but one of the things we'd like to find out, too, is
15 like why did you decide to do the ROTC Program and like what -- you know, kind of go back
16 from the beginning of kind of your initial Army career and talk about like, you know, why you
17 felt you wanted to go into the service and what you felt you'd gain out of that, things like that.

18 A. Because you're from the South; that's why people went to VMI. And in those
19 days, Virginia Tech had a -- probably -- Virginia -- Virginia Tech probably had 90 percent of its
20 undergraduates in ROTC, so for all intents and purposes in those days, Virginia Tech was a
21 military school, VMI was a military school, University of Virginia was not, William & Mary was
22 not, but it was a Southern tradition that people go in the military, so there was almost never --

1 and we didn't have a -- didn't have ROTC scholarships at the time, so there was never a doubt
2 that we'd join the ROTC; it was the Southern thing to do. And I guess that's not much of an
3 explanation, but we hadn't even thought about it.

4 Q. Sure.

5 A. You just did it.

6 Q. How would you compare, then, like the ROTC Program at William & Mary
7 versus the schools that were -- that were known for that?

8 A. Well, it's very interesting because what you had for the professors of military
9 science and tactics and all of the people assigned to the cadre, they had been officers in Korea or
10 World War II and they had been RIF'd, so these people were maybe lieutenant colonels or majors
11 and they were maybe 15, 16 years in the Army and they could either leave the Army or they
12 could come back as master sergeants and serve out the remaining 4 years or so; then they would
13 retire at whatever the highest grade they held, so the whole ROTC cadre were pretty experienced
14 highly educated guys and they were very much admired, even though they were NCOs -- I mean
15 you had a colonel and a major and a captain, but they had about five NCOs who had, you know,
16 a year and a half before had been officers somewhere but the Army had shrunk because of
17 Korea, so the instruction was good. It was very good, and the fraternities sort of competed to see
18 who could get also the company commanders and the battalion commanders and things like that.
19 So the fraternities were supportive of it, the whole school was supportive of ROTC, and it was
20 the Southern thing to do. I guess that's a long answer for ----

21 Q. No. I think that's good, sir.

22 A. Well, I mean, I never -- until you asked that I never thought about ----

1 Q. Sure.

2 A. ---- why I joined ROTC; that just -- I didn't expect not to and I was expected to,

3 the why.

4 Q. Absolutely. Was there any, then -- did you have relationships or friends that were

5 not in it and how did that affect -- because if that was the Southern thing to ----

6 A. Very few.

7 Q. Okay.

8 A. William & Mary at that time revolved around the fraternities and sororities, so

9 you had most of the social life -- they developed later on a big campus center and then, I think,

10 the fraternities, sororities had fallen -- maybe fallen out of favor but I don't think the percentage -

11 - and certainly the percentage of people going into ROTC has dropped, so I don't know, probably

12 less than 3 or 4 percent now in universities; I don't know.

13 Q. Okay.

14 A. What was the source of your commission?

15 Q. I was direct commission out of ROTC.

16 A. You're direct commission.

17 Q. Yes.

18 A. Okay.

19 Q. Yeah, I was ROTC. In fact, I did ROTC at the University of Virginia, so -- but

20 now at this -- so had you -- when did you meet your wife and when did you have your first child

21 and how did those two, obviously, life-changing events affect your military -- or how did the

22 military affect those ----

1 A. Back to the fraternity. Since I was in student government, the fraternity said --
2 and a new freshman class was coming in. I was a sophomore. New freshman class coming in,
3 involved in student government, so the fraternity said, "Everybody involved in student
4 government go and attach yourself to one of the political parties in the freshman class; scope out
5 all the guys." So there were three guys running for freshman class officers and two females, and
6 Tricia was one of the females in the freshman class officer slate. She lived over in Surry, which
7 is across the James River, and I lived in Mathews, which is across the York River, which I
8 referred to being little. So I go down there to scope out the two -- three guys running for
9 fraternity rush, and that's how I met Tricia; didn't think much about it. I dated the other, the little
10 blonde, little fluff, and none of them got elected, and then we decided also we didn't like the guys
11 for the fraternity so that's how I met her.

12 Q. Okay.

13 A. Now, fast-forward, I did not date her that time. She eventually becomes a
14 sophomore and she never went sorority because she didn't have any money. She was on this --
15 her father died and she just had this thing to go to college. So she started dating around with
16 some of my fraternity brothers and she had a good social life because people would ask her and
17 then a couple -- after we started dating, one of the sororities tried to push on me to get her to join
18 the sorority but she still didn't have any money so, I mean, she couldn't afford it. So years later,
19 one of my fraternity brothers, Jeffrey M. Graham, who -- he and I are both working as waiters at
20 the King's Arms Tavern in Williamsburg and we're over Christmas vacation and I had -- I had
21 been pinned to somebody else and she had broken up with me and so we were both working
22 there and so on Christmas vacation all the school is out so we had finished work and we said,

1 "Let's go to Richmond and try to find some party," so here -- he was from New York, Staten
2 Island. He had a '51 Chevy. I had a '51 Chevy. His Chevy had a radio that worked. My Chevy
3 had a heater that worked, so we figured we'd have hot dates enough so we didn't need the heater,
4 so we did take the car with the radio. So we go driving off to Richmond, which is about 60 miles
5 from Williamsburg, and so we go up to the Lambda Chi House at University of Richmond,
6 nothing. We go over to Randolph Macon; can't find a party anywhere. We even got desperate
7 enough to go to the nurses' dorm at the Medical College of Virginia; can't find a party anywhere.
8 And so as we're huddled back over his radio trying to keep warm, driving back to Williamsburg,
9 we started going through all the people that we knew because he was looking for someone to
10 date and we started going through and we named every girl we knew in school. William & Mary
11 was only about 3,000 at the time, so we knew everybody, and everybody who we knew had
12 dated at the fraternity and we finally decide upon Tricia Lee; that that would be perfect for Jeff.
13 So as we're driving back and the school is going to start the next -- he said, "I'll invite her down
14 to the fraternity on Saturday." Okay. So we go back to school. School starts, we're in class and
15 we're working and thinking about this -- thinking about this, and there was a choir concert on
16 Wednesday before the Saturday, so I call her up on Wednesday before the Saturday and I said,
17 "Would you like to go to the choir concert?" But I am in student government. I have to work the
18 ticket booth for the first half of the concert. She said -- I should have known an omen on that, so
19 she agreed. So I dated her the Wednesday before he was going to take her out on Saturday.
20 Well, he never dated her. So we started going together, and he didn't get married for another 25
21 years, and I was in Vietnam and he finished law school and the Air Force got him and I tried to
22 get him to come back. He ended up retiring as a full colonel in The JAG Corps and as the SJA

1 of the Air Force Academy. He's in Colorado Springs now. He didn't get married for another 20
2 years. He married a great lady and they have two boys and our son is named after him; that's my
3 son's name, Jeff, Jeffrey, named after him, but that's how -- that night we went through all the
4 people who would be pretty good for him to date and then I dated her three days before. And he
5 was the captain of the William & Mary golf team; great golfer. Now, imagine what his Air
6 Force career was like: lawyer, terrific golfer, and a good attorney. This guy went up to full
7 colonel. He was in every Air Force golf tournament with the wing commander, the base
8 commander. Every boss he had, had him on the golf team and he was the -- he was at Bolling
9 Air Force Base and the Miranda decision came out and the military didn't have the Miranda
10 warning at the time. He picked up *The New York Times* and went into court. He had a case
11 called Tempia [**pronounced temp-here**] or Tempia [**pronounced tem-p-a**]. Tempia I think you
12 pronounced it. And the air police had not given what was equivalent to the Miranda warnings in
13 those days, so he comes in with *The New York Times* and argues to the judge that Miranda
14 should apply to the military. Of course, he lost at the trial level, but it went all the way up to
15 COMA at the time, and they reversed it, and so he ended up -- the Miranda warnings got into
16 Article 31 and everything else at that time.

17 So that's how we got married. And, oh, we got married at William & Mary in the
18 chapel. I waited till after school was over because we didn't need fraternity brothers freeloading.
19 You don't need 70 people showing up at your wedding and reception since we're still very poor
20 at this point. And so there were about five guys that I really wanted, and Jeff was one of them, in
21 our wedding and so we got married in Williamsburg and the president of the university was
22 there, the head of the choir was the organist for the thing, and it was very nice in Williamsburg

1 Chapel. Then we -- we still had a year to go, each of us had a year to go in college, and so we
2 got a little house -- well, we had summer school. I rented from a fraternity brother. He had an
3 apartment and then we bought a house for \$12,000, and we lived in this little house until I
4 finished law school.

5 Q. Oh, wow. So no honeymoon then, after the wedding, sir?

6 A. The honeymoon was very interesting.

7 Q. **[Laughed.]**

8 A. We still don't have any money. We got married, and we knew the first -- we were
9 going to Richmond the first night. I had reservations up there at one of the brand new
10 hotel/motels up there, and we decided that when we got up, if it were cool, we'd go south, and if
11 it were not, we'd go north. So we went north, and one of my aunts had an operation or
12 something, she was in the hospital and couldn't come to the wedding, so the next day, the day
13 after we were married, we show up in her hospital room. She said -- and she's still alive and she
14 still remembers the fact that we came to see her on our honeymoon. So we end up in New York
15 City and we called up our best man, who was from New York. He was my room -- college
16 roommate, and so we went to see *Camelot* and Robert Goulet had just come out of it and it was
17 on Broadway. I remember that. And Robert Goulet had been playing Lancelot and he was
18 playing Arthur in this because Richard Burton and Julie Andrews had departed, and then we
19 came back through Gettysburg and I remember we were going to the Dutch Pantry and we're
20 sitting there. This woman comes up when we're finishing and she says, "I want to give you this
21 cookbook for your wedding present." "How did you know we were married?" Yeah, right; you
22 could spot us a mile away.

1 And then we're back now. She has got to finish school, I've got to finish school,
2 and so we took in a boarder. We've got three rooms with a -- there's a floor furnace. It was a
3 \$12,000 house. It has a floor furnace and it's in the hallway, so you got to leave all of the rooms
4 open in the winter so that the floor -- no air-conditioning, of course. So we took in a boarder and
5 then -- and then Tricia -- we were expecting a child, so as we're getting near the term, we got to
6 get the guy who was -- a guy named John Terrant. He was a law student, too, and I think he paid
7 us something like \$50 a month to live there, and so we had to get him a job to get him out of the
8 house because we needed that extra room for the nursery. So I got -- called my friend, Jeff
9 Graham, who we named our son after, the same one, and he was one of the dorm counselors so
10 he got Terrant another job as an assistant dorm counselor so he had free board, a free room in --
11 on the campus. So now we've got a room for a nursery, at which point our best man gets thrown
12 out of his place, so he moves back in with us and Tricia's pregnant and his idea of a meal is
13 burning lamb chops or something and the smoke is going all over the place, so a week before
14 Laurie was born we got rid of him, so that was -- and that's when I was a park ranger too. And
15 they always -- I was working the night shift. We worked till midnight, and I'd try to come home
16 -- the house was not that far off the parkway, so I could bring the ranger car in. So it was
17 interesting, you know, living on -- the mortgage was about \$58 a month and I'm making, maybe,
18 \$200 a month, if that.

19 Q. So you -- when you -- you were at Armor School when you sort of got recruited
20 into the JAG to some extent but it sounded like you actually applied to JAG prior to going Armor
21 ----

1 A. We had applied to JAG but I'd given up on it, because you had this procedure that
2 just took forever; obviously, it took forever. And you had to fill out all this paperwork and then
3 the Army took maybe 10 percent of the people who applied and the expense of applying through
4 that, and when I got back later on, we changed all that; the guy I worked for was great. So,
5 anyway, so that gets me through up to Headquarters, USARYIS, and now I'm on the 173d
6 Airborne Brigade.

7 Q. Well actually, sir, just real quick. What was JAG OBC like for you and especially
8 since you'd already been through Armor OBC? I mean I'm guessing that the two basic courses
9 were pretty different.

10 A. Oh, absolutely.

11 Q. I mean what about **[inaudible due to talking at same time]** ----

12 A. I really don't think of -- I remember -- the only thing I remember that was
13 outstanding when I was in the Basic Course, somewhere the State Department had this guy who
14 maybe worked for USAID or had -- the guy played a guitar as sort of a troubadour and he had
15 walked through Vietnam and he'd probably spent a year walking around Vietnam, meeting
16 people, playing the guitar, and talking to people or something, and I remember him coming down
17 there and talking to The JAG Corps about how we were getting into something that nobody
18 understood the people, no one understood the culture, and we were somehow doomed until we
19 got some -- got some idea of what we were dealing with and the people and their morals or the
20 people and their outlook and stuff like that, and I remember that guy, years later, what he said
21 came true. And I don't know if he was still on the government pay -- he must have been still on
22 the government payroll, but they let him be a dissenter and talk about the importance of

1 understanding people's culture before you get involved how we just went through in Afghanistan
2 and Iraq.

3 Q. Exactly.

4 A. It's exactly the same journey. I remember this guy speaking to the Basic class,
5 and I don't remember too much more about the Basic class other than the fact that, you know, we
6 had to do all this stuff and pass the test. I did okay. I was probably in the, I don't know, top 20
7 percent of the class. You probably know if you've got all my OERs and stuff. You can probably
8 look and find out what I did -- how I graduated, but the Basic class was -- it was fair.

9 Q. And how was, like, just getting to Okinawa? I would imagine even at that time
10 that must have been -- does that not stand out; was there not any rickety, 14-hour ----

11 A. Yeah. I had -- well, they sent us over -- I remember, yeah. Well that's Tricia and
12 Laurie with her mother -- my mother; she went back and forth between the two because they
13 were only about 60 miles apart while I was there, before they could come over, and I remember
14 going out to Travis -- and there was another William & Mary guy who had been in ROTC with
15 me, and there was a choice of whether we would fly or whether we would take one of -- like the
16 General Grant, I think the thing was called. It was a government troop transport, and so he took
17 the government troop transport, which probably took 3 weeks. He was going to Korea, but the
18 thing stopped at Okinawa and then went to Korea, and I took -- it wasn't a military flight. It was
19 a commercial flight chartered by the military, so I took that flight and so I missed a day -- missed
20 the 4th of July because of the International Date Line, and so I landed on the 5th of July in
21 Okinawa, and I remember stepping out of that thing. It was like, you know, like New Orleans.
22 If you've ever been to New Orleans, the sun, a wet, soggy blanket descends upon you. The

1 humidity was just unbelievable. Okinawa is a very nice place, and the judge -- Ramsey, when
2 we weren't going -- eating sushi, he'd go -- we'd get the beer and go down to the beach, and this
3 colonel insisted on climbing onto coral reefs, these coral heads, and jumping off. Well you had
4 these spikes all over the place. I remember the, you know, mere lieutenants are trying to
5 convince this colonel not to jump off this -- because it was going to kill him, and he jumped
6 anyway and, you know, the coral hits him on here and he's bleeding and finally we said, "You
7 don't do that, sir." You know, "Let's get back," because he's smashed. I mean it -- these three
8 colonels and a bunch of lieutenants trying to stay alive was just nuts at Headquarters, USARYIS.
9 It was an amazing operation.

10 Anyway, that was my first -- I said, "I'm going to stay away from JAG colonels. I
11 don't like JAG colonels."

12 **[Laughter]**

13 Q. So then you're transferred down ----

14 A. Then we transferred to the 173d. The 173d was a brigade formed in Okinawa.
15 This is -- this is Butch Williamson, Ellis W. Williamson, "Butch" Williamson, brigadier general,
16 separate brigade. They had -- well as it turned out, the brigade was formed, they had the people
17 together, and then we deployed to Vietnam and they froze everyone in place, so you had the
18 same team together for 3 years. It was one heck of a good unit. Everybody knew everybody.
19 They knew how to operate, et cetera, et cetera, and I worked for a guy named Ray McRorie,
20 captain, former Navy guy, tattoo up the arm, redhead, fiery guy, temper, and so there's only two
21 JAG officers with the brigade. We've got three legal clerks, including a guy named Freddy Foss,
22 SFC. Freddy is -- to get Freddy's attention is like a mule; you hit him in the head with a 2 by 4

1 and then you get Freddy's attention and Sergeant Foss would do what you said. Now Sergeant
2 Foss had been -- as it turned out had been to Vietnam, Indochina three times, and in World War
3 II, I don't know if you ever heard of it, there was a provisional group called Merrill's Marauders.
4 Sergeant Foss tramped through Burma with Colonel Merrill and the Merrill's Marauders with
5 pack mules behind Japanese lines, okay. All of these guys are airborne, so they constantly go
6 from the 82nd to the 101st to whatever else is airborne because they can't afford to live -- not to
7 live on jump status.

8 Q. Uh-huh [**affirmative response**].

9 A. And so these guys, they all know each other; the 82nd and the 101st and now the
10 173d, so everybody keeps rotating around, especially the NCOs, because they can't afford not to,
11 you know, be on jump status -- and the XVIII Airborne Corps. So Freddy taught himself
12 stenotype. Everybody else was using masks; the court reporters were using masks at the time.
13 And Freddy would go into a concentration and you literally had to shake him to get his attention
14 because he'd get so concentrated on what he was doing; heart of gold; wonderful guy; stubborn
15 as hell. And so I didn't know this until years later when they confessed it. We used to flip every
16 morning to see who bought the office coffee. There were only five of us in the office and the
17 coffee was about a nickel or something, whatever, who knows, and doughnuts. Well Ray
18 McRorie, my boss, and Freddy Foss had decided that -- I kept figuring why I keep losing; they
19 knew what they were going to flip, and only when Freddy forgot did I not lose. So I'm going --
20 every day I'm buying coffee and doughnuts for the office and I didn't figure this out for -- until
21 we were leaving Vietnam and finally they confessed that they had been -- they were doing this.
22 So one day I had my first run-in -- not run-in, first thing with the general, and I'm walking up the

1 stairs and I'm holding this coffee tray with the doughnuts and the stuff is spilling and this voice
2 says, "Lieutenant." "Yes, sir." He says, "When you're carrying coffee, look straight ahead; don't
3 look at the tray." "Yes, sir." And he's right. I thought to myself, "Gosh, that's how you make
4 general. You got to know things like that." **[Laughter]** And it was General Williamson.

5 Ray McRorie was essentially a hillbilly from North Carolina; made it through
6 Wake Forest Law School; been in the Navy; had been in the Navy; gotten out of the Navy to go
7 to school. The next thing you know Korea comes along and he gets drafted and gets called up
8 and it stopped his education. He gets out again and goes through ROTC or something and he's
9 getting ready to go back and practice law again and Korea breaks out and the son of a gun now
10 they freeze him again. So now he's got something like 8, 9 years in the service, so what the
11 heck; I might as well stay in. So Ray was -- I learned all my criminal law from Ray McRorie.
12 The guy was fabulous, and he had techniques that served me so well forever. I'll give you an
13 example of what Ray McRorie -- Ray McRorie was in the Advanced Course. Everybody else
14 puts off their thesis till May and they're struggling. Ray wrapped up his thesis, had it finished by
15 September, turned in, finished it up, took the classes, and played golf. He's left-handed; played
16 golf left -- played golf the rest of the time. The rest of the time the rest of us are agonizing and
17 we're trying to work on our thesis. We don't get it finished -- when you finish the Advanced
18 Course, I forget, May, June, whatever it is; you know, you're right up to the end. When Ray
19 McRorie's got a job; **[snapped fingers]** bang, it's done; move on to the next thing.

20 So we. The 173rd JA Shop -- it was very interesting. A separate brigade has GCM jurisdiction
21 but you can't exercise it unless you are -- unless you have three JAG officers. In those days the
22 BCD special didn't exist, so you had summary, special, and general court-martial. The other

1 thing that was really great for me as a first lieutenant was they had a nuclear weapon called the
2 Davy Crockett. I don't know if you ever heard of the Davy Crockett. Thank God nobody ever
3 fired one.

4 Q. Artillery.

5 A. Yeah, it was -- it was on a piston. It was a nuclear weapon about like so
6 **[demonstrated-size of about 4 basketballs]**, sort of a bubblehead, and it was like on a mortar
7 but it was on a piston and the piston came out of a tube, fired this thing God knows how far
8 down the range the piston went with the Nuclear weapon on it, it separated, and this nuclear --
9 tactical nuclear weapon was supposed to explode. I don't know if they ever fired one of these
10 ever. I'm sure they never fired one, but we had these things, and General Williamson, because
11 we had these and for whatever reason, he got -- he required that every officer in the brigade have
12 a Top Secret clearance. Second Lieutenants had a Top Secret clearance. So I'm a first lieutenant
13 and I've got a Top Secret clearance. Later on in Europe and everywhere else I went, I had bosses
14 that didn't have a Top Secret clearance, so all of a sudden that clearance put me in positions that I
15 never would have gotten before. I was a major in a full colonel's position in Europe and all
16 because General Williamson decided that every officer in that brigade because it was so small, so
17 few officers and what we were doing, every officer should have a Top Secret clearance, so that
18 was a real milestone that later on proved to be just terribly beneficial.

19 So we're on Okinawa and we've got two JAG officers and we're doing all sorts of
20 things that normal JAG officers do. We've got, you know, problems with military justice. We
21 had the Marines billeted next door to us, a whole Marine brigade, and then you get the airborne
22 yelling at night across to the Marines, and it finally got so bad the Marines had to put an officer

1 in every barracks and then we had to put an officer in every barracks. We -- and we'd pull duty.
2 I remember two or three times I'd spend the night in the barracks just to keep the airborne away
3 from the Marines and the Marines did the same thing. I mean, you had both of these high-strung
4 18-year-olds and everything, you know, 200 yards apart from each other. It was fraught with
5 disaster, and the commanding general of Headquarters, USARYIS did not think it was very
6 funny because he had to deal with the Japanese population with an airborne brigade fighting with
7 the Marines if they ever got a chance, and if they went off post and you had Marine bars and you
8 had airborne bars, and they ----

9 Q. Uh-huh [**affirmative response**].

10 A. ---- well. And the Japanese weren't very happy about any of this stuff.

11 Jumps; I did the five jumps at Fort Benning. In Okinawa, we did jumps on an old
12 Japanese airstrip. The problem was you had Reserve Air Force pilots coming from the United
13 States. They'd go to Clark, Philippines, 130 pilots. They'd fly down to Naha, load up a bunch of
14 airborne guys, fly back up, and they'd never seen the drop zone before. So you had Okinawa,
15 every peninsula looked like every other peninsula, all up and down the coast, so they'd fly north,
16 fly back, and our drop zone was an old Japanese airstrip and it had concrete runways, which
17 were great, because you try to hit a concrete runway when you jump because in the middle the
18 Japanese planted sweet potatoes and the sweet potato patches in rows were like this
19 [**demonstrated**]. My boss broke his leg -- ankle because you landed coming down on the sweet
20 potato patch and one leg was below the other and all the weight went down [**slapped hands**
21 **together**] on one ankle. So we did night jumps and we did day jumps but thank God they had
22 these concrete runways and pads. It was an old Japanese fighter strip. But then the Air Force

1 would hit the button too soon and they would dump people into the South China Sea and next to
2 the drop zone there was an Army Security Agency station with all of these antennae all over the
3 place, a listening station, and there you had Japanese villages. So you would drop paratroopers
4 all over the place and one time we did a heavy drop and we dropped a pallet in the middle of a
5 Japanese village with little kids. It had 55-gallon oil drums filled with water. Thank God it
6 landed between the houses but the chutes went all over the telephone lines and the houses and it
7 didn't kill anybody, but ----

8 Q. Wow.

9 A. ---- because the Air Force guys -- and sometimes -- there were a couple of times
10 where the Air Force guys hit the green light, the lead plane hit the green light, realized the
11 mistake and turned it off -- and this was a big investigation -- and then the next two 130s dumped
12 all their sticks out and the people swore they hadn't seen the green light because it only went on
13 and the guys went so when two guys went out on the first flight and then they flipped it off, the
14 rest of the first of the formation, the rest of the stick stayed there but the two following planes
15 saw the first two troopers go out so they emptied both planes in the wrong place and only when
16 they got back -- and they blamed it on the Army jumpmaster and so about an hour or so later
17 when the Air Force got back to Clark, they radioed back that they had made the mistake; they
18 had actually turned on the green light and it was their mistake so it got this guy off the hook.
19 Then the problem comes in, you had to jump every 90 days for pay, and so you get to be the drop
20 zone safety officer and the winds on Okinawa -- I remember being a drop zone safety officer and
21 you had the little thing going around and you -- and here everybody is on like 70 days, you got to
22 make this jump because the Air Force can't give you anymore planes in time for the 90 days, and

1 so you slowly bring this down until it's masked by the communications van and then it's just
2 barely turning around, and then you give the drop clearance..

3 We did an exercise in Taiwan, a joint exercise, and we jumped into Taiwan, and
4 they had a heavy drop. They dropped 105 howitzers and guys hurt their backs because the
5 howitzer chute didn't open so now the howitzer shoots around the corners, the barrel, and it was a
6 disaster; people all over the place. So we're reviewing the film and here's the reviewing stand.
7 You've got Chinese officials; you've got American officials; you've got all these dignitaries on
8 the reviewing stand; you have all these flags. The flags are like that "solid" and about to come
9 apart from the wind [**demonstrated**] and the guy says, "Oh, yeah, well the winds were fine when
10 we dropped," and no way. I mean these flags are just bending the poles, so that was that.

11 The only outstanding thing was I was defense counsel for the first time and they
12 had a -- had a - on this Taiwan exercise there were three guys (Privates Moultrie, Ingram and
13 Bush) who were -- actually they were moving through country. They went into a Taiwanese
14 village, got this gal, and raped her, and one of them tried to kill her, hit her up in the head, so I
15 was appointed defense counsel. Now this got to be very high-level political. The Taiwanese
16 government sent one of the leading -- the leading attorneys -- I mean this girl had an attorney
17 was the same like you have the senior partner at Vinson & Elkins or one of the major law firms
18 in DC. There's no way this village girl -- the Chinese government had paid for it. The
19 Nationalist government had paid for it, a guy named Twanmoh [**phonetic**], so it was becoming a
20 big international incident of whether these Soldiers would be tried in Taiwan or they were going
21 to be tried by the U.S. military. I'm the defense counsel for one of the guys, a guy named Bush,
22 and they actually did it and Moultrie was the guy actually tried to kill her with whatever rifle,

1 something after daybreak, so we had a plea bargain for 20 years each and that was -- because the
2 Chinese didn't think that was what it should have -- so we had the trial on Okinawa but the
3 Chinese had trial observers there because they were watching what the sentences were going to
4 be. Now, this guy Joe Creekmore, who is back from USARYIS, was the trial counsel, terrific
5 trial counsel. Bob Cohen is a defense counsel, Ralph Miranda is a defense counsel, and I'm a
6 defense counsel; each one of us representing one of the three guys because it was conflict of
7 interest as to who did -- who actually hit her. Joe Creekmore tells us two days before the trial, he
8 says, "In my final argument" -- (now we all had plea -- a plea for 20 years). The arguments were
9 only on sentencing as they had all pleaded guilty.

10 Q. Uh-huh [**affirmative response**].

11 A. He says, and tells this to Bob Cohen -- no, he tells Miranda, he says, "I'm going to
12 use Tennyson in my final argument," and he turns to me and something -- he says, "I'm going to
13 use Rudyard Kipling in my final argument," and he says, "I'm using Ogden Nash on the third
14 one." So we go into the sentencing portion of the thing, we get through the plea and everything,
15 and so Creekmore gets up and he starts quoting Tennyson about Soldiers east of Suez do not
16 become plaster saints, and that's his argument, and the jury comes back 50 years, okay. Two
17 days later, you get another panel that goes in there and he uses Tennyson about a maiden in her
18 flower and he embroiders on that, and the jury comes back 30 years. And then he gets to Bob
19 Cohen's guy and he used Ogden Nash, and I forgot what the quote was for Ogden Nash. It was
20 something -- anyway, the jury came back 20 years, so you got a 50 year, 30 year, and 20 year, at
21 which point Bob Cohen says, "Obviously, the jury thought they were apportioning the guilt and
22 the crime," and he tries to get -- better his 20-year deal, but I remember Joe Creekmore telling all

1 three of the defense counsel what he was going to use against us in final argument, and he pulled
2 it off and it was great. He was a terrific trial counsel. So that was the only major criminal law
3 thing that I had in Okinawa.

4 Q. Do you know if that was publicized back in the States or how much ----

5 A. At the time, it was a huge incident; three American Soldiers rape and try to kill a
6 Taiwanese -- Taiwanese -- she was just a villager -- I mean I think the United States Government
7 paid a solatia claim. They -- but it was -- I mean it may have been three or four hundred dollars.
8 It was ----

9 Q. Sure, sure.

10 A. But the Chinese government was very -- they wanted jurisdiction. They wanted
11 to see the ----

12 Q. Right.

13 A. ---- guys tried in Taiwan. And it was very interesting. When we were
14 investigating the case, the Chinese favored the prosecution so they wouldn't let the defense
15 counsel talk to anybody until Joe Creekmore had talked to them. So we'd go around in some of
16 these places and I remember we had -- we'd interviewed all the witnesses in all the places that the
17 brigade had been and I remember the police chief at a town called Chung Wah in a Chinese
18 restaurant we went up to the 5th floor, but the food got better as you kept going up. They had
19 this enormous lazy Susan with all this fabulous Chinese food for lunch, but they did not want the
20 defense counsel -- in fact, they assigned a National Police guy to keep track of us in Taipei, so he
21 was with us. We couldn't talk to anybody without him being there, and we were not to leave the
22 hotel if he wasn't there. So we tell him good night and we go out -- we go out and leave the hotel

1 and we're walking around Taipei, the three of us, the defense counsel, at which point all of a
2 sudden policemen show up. The hotel reported that we had left. The policemen spotted us
3 somewhere and this guy who had gone home, his name was Larkin something or other, he shows
4 up and says, "You told me you weren't going" -- he read us the riot act and we go back to the
5 hotel, but the next day after this marvelous meal in Chung Wah, we're interviewing somebody
6 else and we were at the Taiwanese Rubber Factory and we're in the worker's cafeteria and it's
7 huge and at the end of the cafeteria they had these two cauldrons with some sort of heat under
8 them with big, metal things, and so we go down there and they give us, I think, a plate and a
9 spoon or something, and one of them is filled with rice and then the other one has this soup and
10 things are bubbling in the soup because it's heated and then the fish head flies over the soup and
11 goes down and then an octopus tentacle comes over and whatever this was and all this
12 conglomeration, maybe there was a chicken in there too, and so you dipped in and I remember
13 Ralph Miranda, all he ate was rice; never tried the soup **[laughter]**. So that's my -- that's my
14 criminal justice -- now, McRorie, to move court-martial papers along, developed something that
15 I used later on. He had folders when you had to -- we had to send everything to the chief of staff
16 to go to the commanding general, and so McRorie had these gaudy folders made up. I mean they
17 had stripes, they had stars, they had red markers all over that says, "Military Justice Action. Do
18 Not Delay," and it worked. You put that thing on the S-1's desk or the chief of staff's desk, it's --
19 you got to move it. You can't have this gaudy thing sitting there, and so that's the way Ray got
20 court-martial papers and the general to do convening orders and to sign -- do all the military
21 justice stuff and, boy, it worked like a champ. Nobody wanted this gaudy -- and if he had a neon
22 sign -- if he had neon lights, he'd probably attached it to the folder.

1 Q. Uh-huh [affirmative response].

2 A. And it worked like a charm and you can't believe what that does to a Headquarters

3 so -- and everybody else is in a military folder, all of a sudden this Christmas -- Easter egg

4 appears on the desk, they move it.

5 Q. Right.

6 A. And so military justice went pretty swiftly through General Williamson, and so --

7 but we only had -- so if we only had two JAG officers, we only did special courts-martial and

8 such. And then we go to Vietnam.

9 Q. Now did you exclusively do military justice when you were in Okinawa or how

10 did ----

11 A. No. We did, ----

12 Q. ---- how was ----

13 A. ---- I mean, family ----

14 Q. ---- that structured?

15 A. ---- law. We did everything.

16 Q. Oh, okay.

17 A. But -- but it was either military justice or it was family law. We didn't do

18 anything else ----

19 Q. Okay.

20 A. ---- because the Head -- we had two Headquarters there and they -- they ran -- the

21 United States Government ran Okinawa as an occupying power from World War -- from World

22 War II, and Okinawa was interesting. It had a 35-mile speed limit. The Marines had a huge

1 training -- and Tricia's sister married a guy who was a year behind me at William & Mary. He
2 was a Marine instructor up there. One of her high school -- she only had 17 in her high school
3 class. One of them was a DOD school teacher and the other one was a guy at William & Mary,
4 was an Air Force guy on a remote radar station for the Air Force, so we had essentially five
5 people from our hometown on Okinawa at the same time.

6 Q. Uh-huh **[affirmative response]**.

7 Q. Could you describe kind of your overall quality of life there in terms of like where
8 you lived, the dining ----

9 A. Well ----

10 Q. ---- facility, how all that was?

11 A. Well we lived off -- we lived in these Manning Corporation houses and lived out
12 on the economy, but the economy in that area was probably 90 percent military. We lived up on
13 a high ridge. It was near Kadena Air Force Base, which was a SAC base. The Fort Buckner
14 Officers' Club -- you sort of look at Fort Buckner's Officers' Club and you go back and you say,
15 "Here's some guy in 1945 out there in the invasion. The Marines are landing, fire is running
16 along, and some colonel is sitting there with his binoculars and says, "That's where we're going
17 to put the Officers' Club." **[Laughter]** Hanging over a cliff; it was magnificent. It was a great,
18 high point, and that was the Army Officers' Club and the NCO club -- they had slot machines in
19 those days. The NCO Club held the mortgage on the Officers' Club because the NCO Clubs
20 were making so much money off slot machines that they were investing and the Officers' Clubs
21 weren't using -- the Officers' Clubs weren't gambling like the NCOs were, and so you had this
22 situation. So we could go to the Kadena Officers' Club, which was Air Force, and we were in

1 there sometimes when they called a strike. The pilots are going over tables and everything else
2 when they pulled the base on an alert; and then the Navy had what they called White Beach,
3 which the Navy was an appropriated fund for their recreation centers, where the Army was not
4 appropriated funds, they had to pay their own way, because the Navy ships came in and then
5 3,000 people leave, so it can't be self-supporting. So we were on this high ridge and Buckner --
6 White Beach was probably about 5 miles away and you could see it across this lagoon. So we'd
7 look over there and all of a sudden the lagoon would be filled with ten Navy ships, but then
8 they'd leave and then we'd go around and use the White Beach Club because there's nobody
9 there. They had steaks and everything. So -- and Okinawa was a good climate. It's hot and
10 humid and you've got the monsoons and it rains every day for a certain time. The kids were too
11 small; they didn't go to school. We took about 110 hours of Japanese from -- spoken Japanese
12 from the University of Maryland, and we'd go wandering around in Okinawa villages and we'd
13 go into the market. You'd never see another Caucasian, and we knew enough Japanese to buy
14 things and have a good time, and Laurie was 2 years old and as -- oh, our son was born on
15 Okinawa, and one of the -- one of the jumps, I exited the aircraft. It was on a Saturday morning
16 and we were doing a jump and I exited the aircraft and I had a William & Mary ring and I
17 hooked it on the side of the craft. I've never worn a ring -- a ring since. And so the ring flips off,
18 not my finger, thank God, the ring flips off and I'm parachuting and I see it going down and it
19 hits the runway somewhere, but when I hit the runway, my driver was there and he says, "Your
20 wife's in the hospital and I'll take you right to the hospital," and our son was born on Okinawa.

21 Q. Oh, wow.

1 A. She probably conceived the week after Jump School. **[Laughter]** I had finished
2 Jump School.

3 Q. So it was an accompanied tour.

4 A. But not for the first 4 months -- first 3 months.

5 Q. Okay.

6 A. Everybody -- you couldn't get concurrent travel. Everybody had to be there 3 or 4
7 months before you could get concurrent travel. Okay, so that's that.

8 Q. Now when you -- actually when you said earlier that when you were trying to -- I
9 wanted to -- when you switched into The JAG Corps you wanted to be a -- you had the offer to
10 be a first lieutenant and you wanted to go overseas.

11 A. Yeah.

12 Q. Was -- were you looking for an overseas assignment?

13 A. It was exciting.

14 Q. Okay.

15 A. I got to go back. She comes from a small town. I come from a small town.
16 We're essentially running away to see the world.

17 Q. Yeah.

18 A. And somebody's paying us to do it. It's a grand adventure. We'd never been very
19 far. Here we are and now we can go to Okinawa and so the -- the Army was great. I grew a lot
20 in the Army. I was always in a job that I wasn't prepared to do, and I had to grow to the job, and
21 I had guys who looked out for me, angels or guardians, who when I felt comfortable in the job
22 they moved me into another position and I had to grow again. So I never had a job, except the

1 last one, I never had a job that I wasn't totally challenged on. I loved the people I was working
2 with. I was working with good people, camaraderie. I didn't plan to stay in the Army. Vietnam
3 changed my mind to stay in the Army, but it was the people, the unit cohesiveness, the good
4 people I was working for, and I thought we were doing some good things.

5 Q. Uh-huh [**affirmative response**].

6 A. And it was an adventure and it was fine -- and later on as the kids grew up, we
7 kept checking with them, being moved around and all this stuff. I mean my daughter went to her
8 sophomore year in Killeen, Texas; her junior year was in Carlisle, Pennsylvania; and she
9 graduated from Kaiserslautern American High School, so she has a class ring from the school --
10 high school she didn't graduate from, and I always kept saying, I says, "Is this -- are you guys
11 okay with all these moves?" "Yeah, yeah, we get to see things," and they keep running across
12 other kids, military families, that they had been with somewhere else, so they really adjusted to
13 it. Interestingly enough, they both married people who'd never probably traveled -- or that never
14 traveled outside the United States, and so ----

15 Q. Sure.

16 A. ---- now they're getting some travel, but they thrived on it.

17 Q. Okay.

18 A. So the Army was very good for -- very good to us. I enjoyed it. Vietnam was a
19 little tricky, but ----

20 Q. Sure. When the -- when you were looking for an overseas, did you care where or
21 did you know ----

22 A. No.

1 Q. ---- you were kind of going somewhere?

2 A. No. I just -- overseas.

3 Q. Yeah.

4 A. Well, I wanted to go to Germany, because I had -- already had this 3rd ACR,
5 Armored Cav Regiment, and I was a cav officer, 1203, 1204 tank and cavalry small unit
6 commander, so that was cool, but USARYIS, I mean, it's overseas; what do I know.

7 Q. Right, right.

8 A. I had no idea what Okinawa looked like.

9 Q. Sure.

10 Q. When you were in Okinawa, I mean, this is, you know, I -- I think you went over
11 pretty early when Vietnam was, you know, the combat troops first got into Vietnam, ----

12 A. Right.

13 Q. ---- so when you were in Okinawa, how aware of Vietnam were you?

14 A. We were aware of Vietnam because Special Forces -- 5th Special Forces was also
15 based on Okinawa, and 5th Special Forces was already over there, and then they started sending
16 the Marines up to Da Nang area, so the Marines were deploying out of Okinawa, 5th Special
17 Forces was headed to Okinawa, and that brings me to did you ever see the movie *The Green*
18 *Berets* with John Wayne? That's modeled after some Irishman. I think it was O'Shaughnessy or
19 something, who was the commander of 5th Special Forces on Okinawa, and Colonel Wolfe, Dad,
20 got replaced by another Irishman named Colonel Dan Lennon, as the new SJA of Headquarters,
21 USARYIS. Dan Lennon and this Special Forces guy were like that; they had known each other
22 from somewhere. I think Dan was combat arms before, and Dan -- every -- Dan never passed up

1 an opportunity at every social event to tell me that he could pull me back into Headquarters,
2 USARYIS anytime he wanted, so it was a crazy relationship. And then when I got deployed to
3 Vietnam, Tricia had a visa to go to Saigon and Dan Lennon exploded. He got mad at her. He
4 says, "Don't you -- don't you dare go," and she had -- she had a visa to go. She could go into
5 Saigon. She went -- as it turns out, she went to Taipei; she went to Thailand. The triumphal
6 buying tour when you're PCS'ing, as everybody who says, "Oh, spouses should be quarantined 6
7 months before any PCS move." This rug, the china, the third set of china, that chandelier, all
8 occurred within the last 2 weeks of leaving Kaiserslautern.

9 Q. Oh, wow.

10 A. Yeah, well anyway. So it was neat. We didn't make much, but then it didn't cost
11 much to live on Okinawa, ----

12 Q. Uh-huh [**affirmative response**].

13 A. ---- but we were aware -- and the -- and the original deal was that the 173d was to
14 go to Vietnam. The 173d was the only strike force the Army had in the Pacific that they could
15 deploy. So the idea was that we would go to Vietnam for 30 to 60 days and then come back.
16 Well one of the old sergeants we're talking to -- Tricia at the commissary or something like that
17 says, "They're never coming back once they deploy," right, and our first inkling that we weren't
18 coming back, the brigade had a birthday party scheduled on the Okinawa -- on the Fort Buckner's
19 Officers' Club, a celebration of the anniversary of the formation of the brigade. Well they
20 canceled that party. They said it's going to be a permanent PCS, but they didn't tell us that. So
21 this is about April, so we start sending advanced parties to Vietnam to check out where the
22 brigade may be going, all classified, but it's a small island, the NCOs know, the wives know, the

1 Okinawans know, but we can't tell anybody, and so Tricia always tells the story that I was
2 coming home late. She said, "Are you having an affair?" We were doing powers of attorney and
3 wills, getting everybody -- in preparation for overseas deployment, and so we were working very
4 late at night, all the time, and we couldn't tell -- we couldn't tell anybody what we were doing.
5 And so that -- we were in a concrete, two-story -- I think they have a bunch of them at Bragg, so
6 the brigade headquarters building and the troops were in two-story, concrete barracks, and when
7 I first got there, Headquarters, USARYIS, I was sent down in the BOQ, which was a Quonset
8 hut, and so I'm in there, first lieutenant, and it's hot. It's a Quonset hut that was probably leftover
9 from 1945. It's out there in the sun, and it has 2 by 4s, they formed a little room and then one
10 room -- and it's got two rooms. So I'm sitting there and all of a sudden this Japanese-looking guy
11 walks in with bird colonels on, and I said, "Sir?" He says, "I'm your new roommate." "Yes, sir."
12 I said, "Well, you're living in company grade quarters and I'm living in field grade quarters." He
13 laughed. He says, "Well, my name is Toyama Matsumoto," O-6, he was military intelligence,
14 and he says, "But you can call me," and I'm waiting, he says, "Colonel." **[Laughter]** And so I'm
15 living with this intelligence guy. I mean we never see each other because we're both going
16 different directions, but I'm living with him for about, I don't know, a month and a half, two
17 months in this little Quonset hut and he was military intelligence. I finally -- he said, "Call me
18 Toy." Everybody called him Toy. And I said, "Yes, sir. I won't call you Toy." **[Laughter]** So --
19 but -- so that was funny when this colonel walked in there. He was a Japanese guy in a U.S.
20 position.

21 Q. Right. Now this was the 4 months that you were unaccompanied?

22 A. Yeah, yeah, 3 to 4 months, whatever it was.

1 Q. Got it; got it; okay.

2 A. Yeah, it was fun.

3 Q. Okay.

4 A. So that was Okinawa.

5 You guys want any water or anything?

6 Q. I think I'm ----

7 A. Orange juice?

8 Q. ---- okay.

9 Q. I'm fine, sir.

10 A. Okay, good.

11 Q. How was, then, that -- and you may have -- I was going to ask, but then how was

12 your deployment; how did that all start to Vietnam, then, from Okinawa?

13 A. Well, the deal we thought was we were going to Oki -- we were going to Vietnam

14 for 30 to 60 days and then they would bring a unit in from the States and send us back to

15 Okinawa. We deployed to Vietnam -- I remember it was surreal. We went from Okinawa on

16 130s, and I remember flying -- when I went to Okinawa -- I mean when I went to Vietnam, we

17 had a brigade at Vung Tau, 1st Battalion, 503d. The 2nd Battalion was at Bien Hoa and we flew

18 into Bien Hoa Air Base and Bien Hoa Air Base at that time was a Vietnamese Air Force Base

19 and U.S. Air Force had Canberras, which were two-engine jets, small fighter bombers, and the

20 base was coming under fire, sniper fire and stuff like that, so they decided to put the brigade out

21 surrounding the Bien Hoa Air Force Base and then the other brigade went down to Cape St.

22 Jacques or Vung Tau. So we put -- so we sent advanced parties. The support battalion would

1 send people, quartermaster guys and stuff like that. So I remember deploying to Vietnam and we
2 left Okinawa, left Naha because that was the closest base. Kadena was a SAC base; they didn't
3 fly 130s out of Kadena. And I remember flying to Vietnam and we're all in a 130 and I go up on
4 -- sort of on the flight deck. You ever been on a 130?

5 Q. Yes.

6 A. Okay. Well Jump School, sure, and so these -- the pilots have -- had the door
7 open to the flight deck and they're all in red and they've got the headphones on, nobody -- and
8 they're talking to each other, and it was the most vivid scene I've seen. We're flying into a
9 thunderstorm. So the red glow is over the cockpit. These guys, you can't hear a word they're
10 saying. They're talking and looking back at each -- they're looking at dials, and in front of the
11 airplane is all this lightning going back and forth and except for the roar of the engine it's like
12 everything is in slow motion. And so we land at Bien Hoa Air Base and then we deploy, and I
13 remember the first night, you know, I just knew that I was going to be stabbed by a Vietcong in
14 the middle of the night. And so we're out there in a foxhole on the perimeter and -- staying
15 awake at night and then the other guy sleeps or whatever it is and there was a guy named Jack
16 Hammond, a signal guy, who was a lieutenant at the time, and I just thought it was the bravest
17 thing I've ever seen. There was a communications breakdown and he's -- he's out there in the
18 middle of the night doing commo wire between the brigade headquarters and one of the
19 battalions and he's out there in total darkness running commo wire as a lieutenant, he later made
20 general, and I said, "God, that's a brave thing to do." Well, daylight came and, no, there weren't
21 VC all over the place, but we were near an old French Foreign Legion post that had been fallen --
22 fallen down and there was just the walls. It was a typical foreign legion post in Indochina and

1 then you had the air base and we were about 35 clicks or so from Saigon and so eventually we
2 started bringing the -- the rest of the brigade came in. We had a 1/4-ton jeep and started bringing
3 in -- we're out there in tents and we sort of set up -- the JAG shop eventually was set up. We had
4 a GP medium. The first third of it was the office, all -- Freddy Foss sitting there with his
5 typewriter and two legal clerks and we were doing claims and stuff and then the last third we
6 made a courtroom and the middle third Ray McRorie and I had our bunks and then a great day
7 came and we got portable steel plate, you know, the steel plate they use for landing strips with
8 the corrugate. It's got big holes in it, ----

9 Q. Uh-huh [**affirmative response**].

10 A. ---- so now we're off the mud, so this was great. Months later the engineers
11 started pouring concrete slabs, and one of the problems they ran into [**sic**] was a Vietnamese
12 graveyard, probably a war crime, and so the solution since they had laid the slabs out in line,
13 they came to this grave -- little family gravesite, probably eight or nine, ten graves, so the
14 solution was to pick up the headstones, move them over, and create another little graveyard with
15 a little fence around it and continue to pour the concrete slabs.

16 It was very interesting how we operated with the brigade. We were so short of
17 officers. We'd gone from an 8-hour day to a 24-hour day, so I started -- well, Ray stayed back at
18 the base camp and I would go forward, or I would stay back at the base camp and Ray would go
19 forward. We had two court-martial panels. One made up of all the elements, who were forward
20 on any operation; one back at the brigade headquarters. So depending on what we had to try or
21 what we had to do, the case would be referred to one panel or the other throughout the year in
22 Vietnam.

1 Now in those days, trial and defense counsel were line officers. I would advise
2 the defense counsel, who were -- could be engineer second lieutenants, and Ray would advise the
3 prosecutors and we only had special -- we only had special court-martial jurisdiction and
4 summary court-martial jurisdiction because we only had two JAG officers. We had GCM
5 inherent, but ----

6 Q. Uh-huh **[affirmative response]**.

7 A. ---- we couldn't exercise it because we didn't have a third JAG officer. So we
8 continued to operate throughout the Military Justice System that way, and when I went forward,
9 I pulled a shift in the S-3 shop, and that's why it was good because I had a Top Secret clearance
10 because we were -- we were getting -- and then so it was the old free fire zones. Everything in
11 this zone is determined to be enemy. You don't care what you're shooting at, so they would fly --
12 the Air Force would fly what they called SLAR and Red Haze, "SLAR" being side-looking radar
13 and "Red Haze" being infrared flights. So the Air Force would fly these flights at night and go
14 back to Ton Son Nhut and then they would evaluate it and then they'd say, "We found hotspots at
15 these coordinates," or we found this, that, and the other, so in the middle of the night I was --
16 since I was a JAG officer, they put me on at night. So I was -- and the brigade TOC, working
17 right out of a track, an APC with tents behind it, but the command track was an APC for the ----

18 Q. Right.

19 A. ---- S-3 shop, so we'd go in there and they'd say, "Okay, we've got a hotspot here,
20 a hotspot there, one there, one over here," so, okay, wake up the artillery guy and tell him to put
21 two rounds here, one round there, two there, and go back to bed **[pointed to each spot as he**
22 **talked]**. So I would work as part of the operations part when I was forward. Ray never did. He

1 maintained, "I'm a JAG and I'm not going to do it," okay, but I always integrated into it with the
2 operations people and that was good. They were shorthanded and they need -- after all, I'd been
3 through Armor School so ----

4 Q. Right.

5 A. ---- what the heck, I was as good as any of these guys, any other first lieutenant
6 around there. So ----

7 Q. When you say you went forward, how did you get from Point A to Point B?

8 A. Generally, on a helicopter.

9 Q. Okay.

10 A. And what the brigade's mission was, we went all over Vietnam. We would go in
11 and secure a place. The first division I believe that came in was the 25th Infantry Division out of
12 Hawaii, and we would go in and secure an area and then the 25th would come over and take
13 over, a brigade, all they'd take was a brigade, and then we'd move; then we'd go up to III Corps,
14 Pleiku, that's where the Special Forces camp was intact and that was one of the things that tied in
15 with the Gulf of Tonkin Resolution; that's when they decided that it wasn't all Vietcong. It was
16 North Vietnamese, because the Special Forces camp was attacked, apparently, by North
17 Vietnamese Regulars. So we'd go up there and then they'd bring in somebody else. We went up
18 to An Khe **[inaudible]** the 1st Cav Division, which at that time was air mobile. I've never seen
19 so many helicopters in my life. It was a new experimental division. A guy named General Harry
20 Kinnard formed this thing. It was an experimental division, 1st Cav Air Mobile, all helicopters,
21 everything. It -- what they call it was the golf course, which was where they parked all the
22 helicopters, and it was -- it was curvy so as far as you could see would be helicopters, Hueys,

1 Chinooks, what else, Skycranes. It was unbelievable to see all these helicopters parked out there.
2 And then the 4th ID would come over and we'd go somewhere else and then somebody else
3 would come over, so we traveled all over Vietnam securing a place and then a brigade would
4 come in from some division and then we'd leave and go somewhere else. When we got to
5 Vietnam, the French were still -- they were still running commercial tiger safaris. We'd go out in
6 War Zone D or somewhere and we'd meet guy -- people coming back in Land Rovers and the
7 French at the rubber plantations were sitting out there and swimming pools, but they had paid --
8 they had paid money to the VC and everybody so nobody messed with the rubber plantations,
9 okay.

10 Q. Uh-huh [**affirmative response**].

11 A. I remember going to Saigon the first time and there was a French graveyard there,
12 and the French didn't bring their -- didn't bring their dead back; they buried them in Vietnam,
13 Indochina, and I looked at that cemetery and, you know, just grave after grave after grave of
14 French soldiers, and I said, you know, "I'm glad we're not getting into that," and that was very
15 interesting to look at that French cemetery.

16 But the road from Bien Hoa to Saigon was not secure. You sort of had to go in
17 convoy, and then we moved around. I got serial commander one time on a convoy. We were
18 moving the brigade or moving the battalion somewhere, and so I got about 17 vehicles that I was
19 in command of. It was really tricky and I thought I knew map reading and stuff like that; and the
20 S-3 was up in a Piper Cub L-19 and he was up there directing it and we had these checkpoints
21 and stuff as we're moving across this thing and all of a sudden I'm going down the road and I've
22 got these vehicles behind me and I've got commo and everything, this god-awful mountain, huge,

1 I can't find it on the map, and so the guy is asking me my coordinates and I'm stalling him. I
2 don't know where I am and I've got all these guys following me and I'm in charge of this thing
3 and I'm looking all over this map -- I'm looking all over this map. I can't find this mountain
4 anywhere. I don't know where I am and this guy keeps asking me, "What's your position?"
5 Finally, the driver says, "Sir, open up the map; open up the map," and the mountain was about
6 like that **[demonstrated]**, the contour lines, but I had it folded in quarters and the mountain was
7 so big when you opened up the map you saw the mountain. Thank you **[laughter]**. And then --
8 and so we went all around and that's what the brigade did, and I was the fifth JAG officer in
9 Vietnam, fifth Army JAG officer in Vietnam.

10 And that brings in to Colonel George Prugh, who ended up being one of my
11 godfathers. Colonel George Prugh -- is there a Colonel Pat Prugh still on active duty? Probably
12 not.

13 Q. I don't ----

14 A. It's his daughter.

15 Q. I don't know.

16 Q. I don't know, ----

17 A. Okay.

18 Q. ---- but I haven't heard that name recently.

19 A. Okay. Colonel Prugh was General Westmoreland's legal advisor at Headquarters,
20 MACV, Military Assistance Group **[sic]**, Vietnam. They had a Army JAG captain who did
21 claims; they had a lieutenant colonel (a drunk), Air Force deputy, who was just an alcoholic; they
22 had a Air Force major, chief of criminal law, who didn't know anything; and a couple of others,

1 but General Prugh and this one Army captain were the only two JAG -- Army JAG officers in
2 Vietnam, and then Ray McRorie and I came in so we were the third and fourth -- and there was
3 another one down there, so we were the fourth and fifth JAG officers; then all these -- all these
4 commands started coming in, and then they formed Headquarters, **[phone rang]** USARV, and
5 USARV SJA shop is told about in Ernie Auerbach's book.

6 Q. Okay.

7 A. *Blue Villa*. They were housed at Ton Son Nhut and that is a real "kiss and tell"
8 **[inaudible due to interference on microphone]** book.

9 **[END OF AUDIO WS_30031/END OF PAGE]**

10 A. Was -- we still okay?

11 Q. Yes, sir.

12 A. The problem was there was no GCM authority in all of Vietnam, other than in
13 these Army divisions. So U.S. Army, Vietnam, USARV, and Colonel Dean Dort and this guy,
14 Don Pierce, who I disobeyed the order of, and Ernie Auerbach talks about all these people in
15 here, they were scrambling around to try to figure how they could establish the GCM jurisdiction
16 apart from the divisions, so since we were a separate brigade, they toyed with the idea for a while
17 of giving us another JAG officer and so we would be -- exercise the GCM jurisdiction for
18 everybody that wasn't attached to a division and they didn't like that idea because they were
19 building up their own JAG shop; so then Don Pierce comes up with the idea that they will pull
20 me back to Ton Son Nhut so they can have enough to exercise GCM jurisdiction. So this is on
21 one of these field telephones or things where you -- you know, "Operator, get me Parachute 7,
22 get me Saigon 7," and then get me the, you know, whatever the call numbers are. It was all -- it

1 was nuts, and so it was -- the communications were so bad you could say, "Shh, I'm sorry; I'm
2 breaking up, sir. Sir, I can't hear you," so Colonel Pierce calls me up and gives me a direct order
3 to report to USARV, and I pretend that the circuit's bad and so I keep asking him, "I'm sorry,
4 sir," and you know, "Hello, hello, operator, operator," so I'm not acknowledging that I heard his
5 order and so I run back to my boss who runs back to the general, General Williamson, the one-
6 star, and says they want to get Lieutenant White back into Saigon, and the general says, "Over
7 my dead body." Well, now it got to the point that they had to go to General Westmoreland or
8 some three-star to overrode a brigadier and they weren't about to do that, so I got saved from
9 being sent down to USARV and I'd be part of the Blue Villa, so -- and Don Pierce is still floating
10 around here somewhere and I think he goes to the [inaudible] meeting or something like that. I
11 haven't seen him since, but he's not a nice guy. I don't know if we ought to put that on the tape
12 but anyway.

13 So that's how that worked; that's how we operated the brigade. Now, all of a
14 sudden you've got all these people who need to have cases tried. You had people sleeping on
15 guard, you had all sorts of stuff, and there's not enough JAGs to go around. So I get a request --
16 Ray McRorie gets a request from somewhere but could I go up to An Khe or could I go up to
17 somewhere and serve as a defense counsel and stuff like that, and this is when it really gets
18 ridiculous, so I -- I'm supposed to be going for a week and you're hitching rides on helicopters
19 and everything; going in one time with the 1st Cav. Division (Airmobile) and we're going up to
20 Bong Son and that was when this -- you ever see the movie with the 101st, with the battle of --
21 *We Were Soldiers Once...And Young* ----

22 Q. Ia Drang.

1 A. Yeah, Ia Drang.

2 Q. Yes, sir.

3 A. That was going on and so, I mean, the helicopters were going all over the place.

4 So I arrive -- I come in on a C-123, which is an experience itself because it just keeps dropping

5 through clouds and, I mean, yeah, a C-123, and the Air Force either has some young guy pilot

6 who is on his way up or some lieutenant colonel on his way down and so the colonel on the way

7 down gets the C-123, rather than a C-130, and some guy who doesn't have much experience, is

8 on his way up, so they're not too happy with who's flying these machines, and we learned very

9 early in the war that you -- when you're going from Point A to Point B, especially toward the end

10 of the tour, you see who the helicopter pilot is. If it's some 19-year-old warrant officer who

11 thinks he's immortal, you wait until you find the captain, because these 19 year old guys are

12 flying, you know, 3 feet off the rice paddies going in amongst trees and every now and then

13 they'll hook a skid in a rice paddy and flip the helicopter over, whereas the captain, you get in,

14 goes up 3,000 feet, goes over and comes back down, so it got to the point that we'd look for

15 captains flying and then I've got another story coming out of Nha Trang, which is absurd, on a

16 helicopter ride, but anyway. Then I am leaving An Khe this time and going into Bong Son. At

17 the An Khe airfield (for the 1st Cav Division), there's this guy standing there. He says, "Sir, I

18 can get you two ways to go." He says, "You can take that helicopter or you can take the

19 VNAF(Vietnamese Air Force) C-123." I said, "I'll take the U.S. helicopter." Well as the

20 helicopter takes off, we circle over the wreckage of the C-123. It was carrying mortar shells. It

21 went right in the side of the mountain, and it's one of these things, "You want to take that plane

1 or that plane?" "I'll take that one." This one crashes. My God, I think about that every now and
2 then.

3 So what happens -- I'm going from Point A to Point B and I'm going through
4 Point C (Nha Trang) in the middle and the another JAG Captain says, "Hey, we got to run a
5 Article 32 Investigation. Would you take 3 hours and just represent this accused at the Article
6 32?" "Okay." I say. He said, "I've got to go to Taiwan," and so he leaves. He was with one of
7 the LOG Commands, and so I'm at the Art 32 representing this guy, and son of a gun the
8 witnesses don't show up. So now I've established an attorney-client relationship. It is not a 3-
9 hour deal at all. I've now got to come back. I'm trying to get from A to B. I'm now at C. Now
10 I've got to get back to C after I get to B if I ever get to B. So every time I go somewhere,
11 somebody would say, "Can you do -- would you counsel this guy?" because I was the only JAG
12 showing up, and every time I'd show up for -- and a lot of these JAGs were one-man shops and
13 they were in LOG Commands all over the place, so it took me 2 1/2 weeks to finally get back to
14 the brigade because of all the favors I had to do -- and I kept trying to call Captain Ray McRorie
15 and tell him what was happening because every time I'd land somewhere somebody would ask
16 for another favor and they usually outranked me so I couldn't say no.

17 Q. Uh-huh [**affirmative response**].

18 A. So that was sort of how we did things in military justice, and I defended a bunch
19 of guys sleeping on post and -- at some of these other places; and I went out one time, the most
20 incongruous thing I ever saw was up at Phu Bai, way up north, and it was called the 3rd Radio
21 Research unit. It was an MI (Military Intelligence) operation with signal intelligence. These
22 guys were inside triple concertina wire, air-conditioned commo vans, sleeping in commo vans.

1 They were guarded by a Marine battalion that was sleeping in the mud; unbelievable. The
2 Marines are out there in the mud guarding this MI unit who is sleeping inside commo vans and
3 eating A-rations and the Marines were out there in pup tents in the mud. It was nuts.

4 Q. Wow.

5 A. A helicopter ride one time and part of this same thing. We were at Qui Nhon, I
6 think, and another JAG officer -- it was another JAG at this time, it was two of us, and we're
7 hitching a ride somewhere else because he was going to be the prosecutor and I was going to be
8 defense counsel or I was the prosecutor and he was -- whatever it was, and so there's this
9 helicopter going there. Two warrant officers, 19, 20 maybe, and they got -- they said, "Well
10 we'll give you a ride, sirs," and so fine. So they've got six Vietnamese soldiers in there and
11 they're so small they've got two to a seat, so they've got two of them on the same seatbelt. We're
12 there and they've got the thing stacked with canned goods. There going to some Special Forces
13 camp. Okay. So the guy -- we get strapped in there and the guy guns the chooper, the helicopter
14 goes up about 3 feet and drops to the ground, okay, so the other JAG officer and I look at each
15 other and say, "Maybe this is not a good idea," and so the guy revs it up again and he goes about
16 4 feet this time, bang, it's on the ground. So at this point we tell the door gunner, "Tell him we'll
17 get the next helicopter. It's too much." "Oh, no," he turns around. I can't hear him, but he's
18 turning around and he's assuring us that he's going to get us airborne.

19 Q. Right.

20 A. Okay. The guy cannot get us airborne. He's off on the side of the concrete
21 runway and he starts walking the helicopter on the skids down this embankment trying to get to
22 the runway. It's a concrete runway at airport, so he's walking down the ground next to the

1 runway with the skids and he's got to fly across a drainage ditch, which isn't deep but it's wide.
2 He's got to fly 5 feet to get to the runway, the rev up the helicopter it up again, and he can't make
3 it, drops down in the middle of the drainage ditch. Now he's got to walk the helicopter up this
4 embankment. Now he's on the concrete runway, and I really don't want to be there at this point,
5 and the Vietnamese don't know what to make of this either. There's six of them sitting there and
6 the other captain and I and then all the canned goods and the stuff they were carrying. They
7 were -- I don't know what they are planning. And so the pilots start bounding up and down on
8 the concrete runway. Now we're afraid he IS going to get airborne. So he starts going. He goes
9 up and he gets about 3 feet and hits the runway, bounces up again, and starts bouncing down the
10 runway. Well, on a helicopter you get enough transitional lift -- I mean if you get a forward
11 speed you get more lift. The pilots finally get enough forward speed and they take off and now I
12 said, "Oh, God. This is going to be ridiculous," and everything's okay. The pucker factor's
13 pretty high, and I said, "All right. It's settled down," The helicopter is now flying ok and so then
14 we start flying around the mountains because they're going to the Special Forces camp to deliver
15 the Vietnamese. All of a sudden the door gunner jerks up the .50 cal machine gun that he's got and
16 we're flying -- he's looking over here and the pilots are pointing to something or other and they're
17 all -- and we can't hear anything but they're all talking on the headsets and the Vietnamese don't
18 think much of this either and so finally we find this Special Forces tent and they don't have radio
19 communication with them. A soldier actually comes out with some sort of a signal flag or
20 something to let them know it's okay to land. The Special Forces camp has got 55-gallon oil
21 drums stacked up two high on one side of the compound. So the guy puts it down in the middle
22 of the compound. It took him the runway to get off last time; now he's out of runway -- now he's

1 got max 50, 60 yards, if that. So the Vietnamese get off. Some of the cargo gets put off. We are
2 still over max takeoff weight. The co-pilot gets out and they back up the helicopter to one side of
3 the compound. The pilot revs it up. We're back in the air again. He starts off, one bounce, he
4 knows he can't make it, shuts the helicopter back down. So now the pilot gets out, the co-pilot
5 gets out, they start looking at everybody, and so they start shifting the weight back and forth and
6 so at this point the other captain and I now have got to hold some of these cases of canned goods
7 because he's moving us to the rear or moving us forward. He is trying to position the weight in
8 the helicopter either forward or aft to trim the aircraft better. Two of the Vietnamese got off but
9 that's only about 60-70 pounds each and that ----

10 Q. Right.

11 A. ---- doesn't help much, and so he's now got us shifted and he thinks the trim is
12 now okay so he backs it the other way. Well and this time he's now facing the two rows of 55-
13 gallon oil drums and then he's got a mountain. So he backs it to the other side of the compound
14 and this is not a good place to be for the rest of my career standing in this Special Forces camp,
15 so he revs it up again and, son of a gun, the guy makes it but now he's got the mountain, so he
16 does one of these things [**demonstrated**]. We're holding on to this stuff trying to hold on to the
17 canned goods, a rifle, an M16, so that was my most harrowing helicopter ride ever.

18 Q. Wow.

19 A. And so we finally make it up to where we're going, but we learned that should not
20 fly with 19-year-old warrant officers.

21 Q. Right, right. How long were you in ----

22 A. A year.

1 Q. ---- Vietnam?

2 A. Toward the end of the tour year the personnel folks start to take the brigade apart.
3 Well, since all the brigade had arrived the same day, all of them were in the same rotation to
4 leave. You are going to have everybody rotating at the same time, so they started the last two
5 months we were in Vietnam, after 10 months they started pulling people out and bringing new
6 people in and shifting us to other unit and -- to other areas. Now we stayed there. We were the
7 only two JAG officers, so we stayed there the whole time; however, a couple of instances there.
8 I have a theory on the one's outlook on live by what happens at the poker table. The brigade
9 headquarters played poker at night, the stakes and raises were nickel, dime, quarter. The
10 Aviation Company, since they were on flight pay -- aviation company, we didn't have a
11 battalion, on -- and we had a New Zealand artillery battery attached to us and an infantry
12 battalion from Australia, and one of the things you had to do was keep the New Zealanders from
13 firing on the Aussies. They didn't get along very well. And so when you got to the aviation
14 company, they played poker with stakes and raises of quarter, fifty, a dollar. When you got to
15 the infantry battalions, their poker games were table stakes. Those guys did not see a future
16 beyond the next day, so it gave you a perspective of what people thought their future would be,
17 depending on what the size of the poker antes were ----

18 Q. Right.

19 A. The other thing that happened was the Bien Hoa Air Base blew up. The Air
20 Force had all these two engine Canberra jets, had them parked wing tip to wing tip. About a
21 month after we were there, one Sunday morning, the chaplain giving the service, you know,
22 we're all sitting on the hill looking at the air base -- oh, when we got there, the airplanes were

1 taking off like at max climb rate. Once we got secure, the airplanes would take off in a normal
2 way. But that Sunday afternoon, somebody was loading bombs and they dropped a bomb and the
3 whole flight line went up. Flames must have gone up 500 to 1,000 feet. We thought everybody
4 was dead. As it turned out, only about two or three people got killed, but the whole flight line --
5 that was the end of all the Canberra for the Air Force and so then you had all this ammunition
6 cooking off on the runway and that's where you got this guy, this Special Forces guy came in
7 there -- this colonel went out there and started removing live ammunition that was cooking off so
8 they could open up the runway and I think that was in the John Wayne movie, if I remember
9 correctly; that was the same guy -- the same guy who was 5th Special Forces Command because
10 you couldn't use the air -- you couldn't use the base because you had unexploded ammunition,
11 .50 caliber rounds. I mean, the whole flight line went up, not only the bombs but all the other
12 ordnance was all over the place. It was spectacular, and the chaplain said, you know, "We need
13 to pray for those guys who are over there right now."
14 One VNAF (Vietnam Air force) pilot was flying in a Skyraider (huge propeller aircraft) and
15 these guys are so light, he was coming in to land and we were watching him land the Skyraider
16 The torque on that engine and propeller is so powerful that you have to apply apparently left or
17 right pedal when you put more power to it. Well he was coming in for a landing, decided he
18 couldn't make it, he was too far in, and hit the power. When he hit the power, it flipped the plane
19 completely over because he didn't have enough weight to put on the rudder to keep the torque
20 from turning the plane over, so this guy crashes right in front of us and everybody had to watch
21 this thing. Another thing that happened over there was the Bob Hope Show,
22 [inaudible]. Bob Hope came there and came to Bien Hoa that Christmas and he had Joey

1 Heatherton with the show. Joey Heatherton -- our driver got to carry Joey Heatherton around and
2 he wouldn't let anybody sit in the right-hand seat of the Jeep for about a week because that's
3 where Joey Heatherton sat **[laughter]**. He was so proud of that; that Jeep sparkled. And -- but
4 the Bob Hope Show was interesting because Bob Hope, they do it for television. Have you ever
5 seen a Bob Hope Show?

6 Q. Yes.

7 A. It's all cue cards. They do certain takes. The audience is there. He plays for the
8 troops, but -- they do it for free but it's all jokes and it's all televised because they sell the TV
9 show when they get back.

10 Q. Okay.

11 A. And that was the experience with the Bob Hope Show. It was a great show. We
12 were delighted, but it was -- it was done as the troops were the audience but the real audience
13 was the sale of that show much later back on U.S. television. What I thought was interesting is
14 they had all the cue cards and everything. It was a television production and we would just
15 happen to be sitting in the studio.

16 Q. Right.

17 My promotion came through in Vietnam. I made captain. I was accepted as RA (Regular Army)
18 in the middle of Vietnam, and so there were a couple of us that went RA. This guy Jack
19 Hammond, who was the signal officer, we were both lieutenants, and a guy named Wayne
20 Downing. Wayne Downing ended up a four-star general, Headquarters, Special Operations
21 Command. Wayne Downing just died about last year of cancer. He and I were lieutenants
22 together over in Vietnam, and so I went RA and the general made a big deal of that, going

1 Regular Army; then I had to memorize a new serial number. And so the -- then the captains list
2 came out and I got passed over. I said, "This isn't too good. I go RA and now I get passed over
3 for captain. I don't think this is very cool. Can I take back my RA and stay a Reserve Officer?"
4 So personnel called back to the States and what had happened was -- the branch had pulled my
5 records for the RA board, but personnel didn't put it back into the hopper of those to be
6 considered for the promotion board records. OTJAG, took my file to a special promotion board
7 in about 3 weeks, and they straightened it all out and I went to the board for a correction of my
8 records and got the back pay, so I eventually made captain about a month later after I normally
9 would have, but they backdated the rank to what it should have been and gave me the month's
10 pay for that.

11 Q. Because we deployed from Okinawa our communications were back to Okinawa
12 and then to the U.S. of A. A. Uh-huh [**affirmative response**], which is very tricky. The
13 interesting thing about Vietnam from a high antenna off a Jeep, you could -- you could take turns
14 -- you could have a whip antenna on the Jeep, you could communicate by radio with Okinawa
15 from Vietnam. So what would happen with the families back on Okinawa, you'd have a -- you'd
16 have the military operator in RVN contact the military operator on Okinawa and they -- would
17 plug into the Okinawa telephone system so you could actually talk to your family back on
18 Okinawa but it's like, you know, 50 people waiting in line and say, "I love you, over." "And I
19 love you too, Darling, over." "How are the kids, over," you know it was this type -- so that's the
20 way it went, and now I guess everybody texts and everybody can do Web stuff and stuff like
21 that, but that's how we could communicate. Originally the Brigade was to be in RVN for 60-90
22 days and then go back to Okinawa -- then the Pentagon decided to PCS the Brigade; send all the

1 dependents back to CONUS. Absolutely the best experience ever; talk about the Army taking
2 care of its own. Every family that went back to the United States from Okinawa, I don't care
3 where they were, it could be in the middle of Idaho and there'd be somebody there to meet the
4 wife and family, get them settled, put stuff in the refrigerator, all along the way. When the Army
5 sent back those dependents, it's the Army at its best. It really was. And when Tricia went back,
6 she had the two kids then and she had somebody that met her at Travis AFB, took care of the
7 kids -- she was dead tired. When the flight stopped in Hawaii; the Army had somebody who
8 took the kids in the nursery and then they got her on the next plane and they got her to
9 Richmond, Virginia and there was somebody there and so -- and the stories got back to the
10 troops. Everybody that went back was taken care of, and that's one of the reasons I stayed in the
11 Army. I mean, it's that type of experience; and these of the Army looking out for all of us and
12 our families that settled my decision to remain on active duty.

13 Another experience I have was writing up a recommendation for a Congressional
14 Medal of Honor for a soldier. We had a AG captain by the name of Joe Isenhower, who was the
15 AG for the brigade, spelling it with an "I" instead of an "E," no relation, and he screwed up the
16 AG shop something fierce and the general fired him and since he considered the JAG shop the
17 most efficient staff section he had, he says, "You guys are now in charge of awards and
18 decorations." So Capt. Ray McRorie, my boss, went to the general and said, "Please add two
19 award and decorations clerks to the JAG shop. If I'm going to be in charge of awards and
20 decorations for the brigade, you've got to give me two more clerks," so the general took two of
21 the AG guys out and gave them to us. And so we ended up for about 3 months not only doing
22 legal work but handled the awards and decoration for the Brigade too. -- Finally a captain, Ezra

1 Cummings, who was an infantry -- infantry officer who was going to transfer from Infantry to
2 The Adjutant General's Corps who was one of the company commanders, the general chose him
3 and then made him the AG and he shaped everything back up. The guy was named Ezra
4 Cummings, or "Ez" -- and then it took us another month before we could get the general to give
5 the awards and decorations back to the AG shop. During that period, I wrote up a Congressional
6 Medal of Honor that got approved. Two Congressional Medals of Honor -- there were two --
7 two came out of the brigade. There was a medic called Milton Olive and then this Sergeant
8 Larry Pierce. Sergeant Larry Pierce was leading a patrol and he spotted a claymore up front and
9 he threw himself -- I don't think he -- I don't think people deliberately commit suicide. He threw
10 himself to knock the thing up, to make the claymore when it exploded fire up in the air instead of
11 ahead, but he was about 2 seconds too late. It was command detonated, and so he dove at the
12 claymore to tilt it up, and when he dove at it, he took the whole blast and saved the rest of his
13 squad or platoon -- or squad, and so I interviewed all the Soldiers that were in the squad and the
14 ones that he'd saved and I took their statements and then I went back and we had the clerk
15 transcribe them and type them up. Before I could get them signed, two of the Soldiers that he
16 had saved had been killed on the next patrol. The chaplain did a very interesting sermon that
17 Sunday because he talked about Sergeant Pierce essentially gave his life to save his platoon but
18 for only 2 weeks for a few of the guys and was it worth it? And the question [sic] was it worth to
19 save a life but for only two weeks? The chaplain concluded the answer was yes, it was worth it
20 but it was very interesting sermon. So that went all the way through and then that got approved
21 for a Congressional Medal of Honor. Then years later at a 173rd Bde reunion I was talking to
22 General Williamson about that and he said, "Well let me tell you the rest of the story." He says,

1 "When President Johnson awarded that Congressional Medal of Honor to Sergeant Pierce's wife,
2 General Williamson was was in the Oval Office" – Williamson had came back to RVN as CG
3 of the 25th Infantry Division; after the first time he was the Fort Polk commander, I think. And
4 so he was in the Oval Office when Sergeant -- I mean President Johnson did that and this little --
5 Sergeant Pierce had a little boy, and the President tells the little boy, he says, "I have something
6 for you after the ceremony," so they start reading the -- [

7 **[END OF AUDIO WS_30032/END OF PAGE]**

8 Q. As the officer was reading the citation for Sergeant Pierce, the Congressional
9 Medal of Honor, and the little boy says, "What's my present?" So the President Johnson stops
10 everything and he gets down on his knees and he opens up one of the drawers of the desk and the
11 little boy is standing there, he's about 3 or 4 or 5 years old, whatever, and The President finds in
12 the drawer a pocket knife with a Presidential Seal, and so he gives it to the little boy. He says,
13 "Now you've got to be very sure that your mother -- you don't play with this when your mother
14 doesn't -- if your mother is not around. It's up to her to tell you when you can have it," so the
15 little boy takes the knife and the President stands back up and signals for the officer to continue
16 reading the citation. And General Williamson said it was just amazing; the President of the
17 United States down on his knees talking to this little boy, and he says, " -- that's the rest of the
18 story on the Congressional Medal of Honor that we wrote up in RVN"

19 Q. Wow.

20 Q. Wow.

21 A. So ----

1 Q. How involved is that for you when you were doing that investigation to official ---

2 -

3 A. Well, you did an affidavit, this is what they said, and they were killed before they
4 could sign it. Now the other -- the other guys in the platoon did sign them. They were able to
5 sign the backup for the Congressional Medal of Honor.

6 I almost got a platoon. We were short so many -- short officers that the general
7 said, "Would you take an infantry platoon until we can get somebody over here?" I didn't think
8 that was a good idea but I wasn't going to say no, and Ray knew how short of officers we were,
9 but as it turned out, at West Point a class graduated real fast and so before I was scheduled to
10 take over this platoon, a couple of new West Pointers showed up and they -- and so they took the
11 ranks, but I don't know if they -- if they -- they probably would have yanked me out of there if
12 that had happened, I don't know.

13 So I'm trying to think of what else happened in ----

14 Q. How long were you there for, sir?

15 A. A year.

16 Q. A year.

17 A. Oh, I was the first officer to take a bunch of guys on R&R to Hong Kong, because
18 Tricia was doing her triumphant buying tour of the Orient, leaving Okinawa. The kids were
19 staying with my boss's wife on Okinawa, and somebody else was -- we had a babysitter, but she
20 was taking care of them, and so I've got these guys on a C-47 and we're flying out of -- out of
21 Bien Hoa and I'm the only officer and we're landing in Hong Kong. I left three guys there. I
22 don't know where they are. They're probably still there **[laughter]**, and so we're all landing. It's

1 the first R&R going into Hong Kong out of Vietnam for Americans, so we were there and then
2 the flight got delayed so we had an extra 3 days or something. I bailed one guy out of jail once
3 but he got arrested a second time. I'm walking down the street and this guy says, "Hey, Sir,
4 Specialist _____ is in jail." This time he stays in jail, We're all supposed to meet back at the
5 plane and then all these guys come back except three whom we left in Hong Kong. Oh, on the
6 plane when we were taking off from Bien Hoa, and all of a sudden the pilot says, "Oh, we have
7 coffee in the back." Well five guys get up and all of a sudden the plane's going dropping by the
8 tail. The pilot start yelling "Get back in your seats. There's only two at a time go back and get
9 coffee," No need to crash at the star of R&R. When we're coming back out of Hong Kong, this
10 sergeant sitting in front of me, he says, "You won't believe what happened." At the top of the
11 airport terminal there are about six young women who are waving to on of the soldiers and
12 crying and everything, and the Sergeant says, "I" -- he says, "I didn't spend a nickel the whole
13 time." This gal latched on to the Specialist the minute he got off the plane and spent the whole
14 time with him. I, (the SGT) was his friend. She bought me a suit of clothes. She paid for
15 everything, and this guy had a wonderful time. As I say, I left three guys there. I don't know
16 where they are. I mean, you know you take 50 NCOs or Snuffys out there. You know,
17 everybody stayed wherever they wanted to stay. There was no common place. Tricia and I
18 stayed at the Hilton for \$10 a day. Yeah, Tricia met me in Hong Kong as a part of her buying
19 tour of Asia (Taiwan, Hong Kong, Thailand etc).

20 Q. Wow.

21 A. At the end of our tour, Ezra Cummings, he was the AG so as we start and ready to
22 come back and he and I were two of the last ones to leave the BDE, too, he cut us a set of orders

1 that permitted us to travel anywhere in the world on the way back to the US, just the two of us.
2 We had money from everybody because we're going by Japan to buy -- to buy camera equipment
3 -- to buy camera equipment in Japan pretty cheaply, and so we must have had two or three
4 thousand dollars and everybody's address and telephone number. One guy wanted a 1,000
5 millimeter telephoto lens and so Ez set us up a set of orders that allowed us to go anywhere in the
6 world going back to the United States, but by the time we'd gone to Japan, the idea of traveling
7 to several other countries was not so alluring and we said, "We want to get home to our wives.
8 We don't need to go traveling to Thailand." I didn't care if we'd never been there. I don't want to
9 go there. So even though we had orders to go everywhere, we just went straight back and we
10 shipped two-three thousand dollars' worth of camera stuff to all these guys in the brigade
11 wherever they were, whatever addresses we had.

12 So next I'm back in the Pentagon. Since I was the first JAG back out of the RVN,
13 they put me in what was called Career Management at the time. Now it's PP&TO; what do you
14 call ----

15 Q. Yes, exactly; yes, sir.

16 A. Question?

17 Q. I think -- do we want to take a -- I have a few more questions.

18 **[END OF AUDIO WS_30033/END OF PAGE]**

19 A. Let me add one thing on Vietnam, and it's -- The Judge Advocate General at the
20 time was a guy named Bob McCaw, from Nebraska. He was a cavalry officer somewhere, and I
21 wrote a part of his retirement ceremony, so I did some research on Robert McCaw. One of the
22 things that he had one as a Lieutenant, he was assigned from Fort Snelling to move some cavalry

1 unit to some other point with something like so many horses, so many mules, so many men, and
2 so many thousand pounds of baggage and other impedimenta, if anybody could figure out what
3 "other impedimenta" was [laughter], Colonel George Prugh was MACV judge advocate.
4 General McCaw wanted to put somebody else in MACV or whatever. He didn't want to assign
5 anymore officers, JAG officers to MACV. Colonel Prugh went to General Westmoreland who
6 went to the Chief of Staff of the Army who came to The Judge Advocate General and told him to
7 send two more JAG officers to Colonel Prugh, okay, at which point Colonel Prugh is not in high
8 standing with General McCaw. So they start offering Colonel Prugh a reassignment post -- Fort
9 Lewis post JA and they start -- and he keeps turning the assignments down and stays in Vietnam
10 and they keep pulling all this stuff and everything they offer him is like a lieutenant colonel's
11 position because he's no longer in favor to General McCaw. General McCaw is offering jobs
12 beneath the experience of Colonel Prugh and is trying to force him into retirement. Finally, the
13 EUCOM Legal Advisor's slot opens up, USEUCOM in Stuttgart, and they send Prugh off there,
14 which is essentially a three person JA shop, one Army, one Air Force, one Navy, whatever the
15 joint command is, okay. So Prugh's career is dead; then Brigadier General Lewis "Lou Shul"l
16 gets in trouble for various and sundry reasons and gets relieved as the USAREUR JA and
17 demoted to colonel from general. The only Colonel close by around there is Colonel Prugh,
18 who's so many km away in Stuttgart from Heidelberg. Now in the meantime, McCaw has
19 retired, so TJAG, MG Kenneth Hodson moves Prugh in to be the USAREUR JA. Colonel Prugh
20 gets promoted to brigadier general and 2 years later to Major General and he becomes The Judge
21 Advocate General of the Army.

1 I had a close association with George Prugh -- and when I RVN I was detailed to
2 Colonel Prugh at MACV for two weeks because they had special court-martial jurisdiction, and
3 Colonel Prugh was the international law guy. He didn't know bip about a courts-martial. He was
4 actually convening them himself without having the convening authority sign any orders and
5 didn't know any better. So I'm there and I've studied under Ray McRorie where we've got this
6 gaudy folder theory to move military justice actions through the line officers, ----

7 Q. Right.

8 A. ---- so Colonel Prugh doesn't know bip. He's an international lawyer. He's in
9 MACV. I mean he doesn't know -- probably never seen a court martial -- he was California
10 National Guard. His idea of military justice was some guy stole a regimental crest in the Guard
11 and they pulled everybody out on the beach and ripped this guy's patch off and drummed him out
12 of the National Guard unit in front of the whole unit on the beach in total disgrace; that's his idea
13 of military justice because the sergeants did that on their own or something.

14 Q. Uh-huh [affirmative response].

15 A. Once I got to MACV and sized up the situation, it was obvious all the military
16 justice actions the headquarter has done could be challenged as not in line with the UCMJ, "The
17 JAG can't refer these actions to trial. You got to have the convening authority make the referrals
18 and you should document it." Colonel Prugh didn't have a clue. So he doesn't know how to
19 handle military justice actions, but he says, "Okay. Captain White you go along with me to the
20 see the convening authority" -- and General Sternberg was the S-1 of MACV -- so I did about
21 three or four courts-martial, set the thing -- I mean, set the papers up and I went in and briefed
22 General Sternberg and had him sign it, because Ray McRorie had taught me we've got to have

1 the general's signature on every order and on the referrals and on the approving of the sentences
2 and all that stuff. Colonel Prugh was doing this all on his own; he thought the JAG could do it.
3 So that was that -- but General Prugh turned out to be one of my godfathers down the road, okay.

4 I'm sorry; back to you.

5 Q. No; that's a -- that's a great story and I -- that was one of our questions was, you
6 know, what those kind of -- where he becomes the TJAG later on; that's an interesting ----

7 A. It only -- well, General McCaw was not very happy. At the same time, there was
8 another general -- I mean, at the top of The JAG Corps you -- you get the star and then you move
9 on and give somebody else a chance because they have so few slots, okay. There was a MG
10 named Harry Engel, who was the The Assistant Judge Advocate General. I can't remember what
11 the problem was between MG Engel and MG McCaw. MG Engel didn't put in his papers to
12 retire when he was expected to. And when I got to the Pentagon, General McCaw had him
13 sitting in an office, an office about the size of this table -- well you had a desk and you could just
14 get barely by the desk; had the door open to the E Ring; MG Engel had no job; had a two-star
15 general sitting there day after day after day but he was drawing his pay and he wouldn't leave and
16 he was shunned and here we are all, you know, captains and majors and there's a two-star general
17 sitting there on the E Ring looking out on the corridor; nobody sends him anything; nobody
18 brings him anything to sign; no one asks his opinion; nobody does anything. Finally, he left, but,
19 I mean, McCaw was -- he had it in for Colonel Prugh and only -- as I say, he finally gave him
20 this nothing job. Well, it wasn't a nothing job. It was an international law job at Headquarters,
21 EUCOM, but it wasn't mainstream SJA with GCM authority, and so -- and then all of a sudden
22 Lou Shull gets caught by going to a bordello and running a coin -- or stamp business using his

1 warrant officer as his salesman or something like that and anyway he gets bounced and then all
2 of a sudden there's Colone Prugh, already in Europe, already there, full colonel, and they move
3 him into USAREUR JA and then he becomes a brigadier and then he becomes TJAG.

4 Q. Wow.

5 Q. What sort of discipline or what sort of infractions would not make it up to you as
6 the JA when you were in Vietnam? I mean I think ----

7 A. Well, you had the Article 15s and we just reviewed them and signed off on them.

8 Q. Right.

9 A. But everything was so busy, and I go back to the 173rd Abn, it is a unit that's been
10 together for 3 years. We didn't have a lot of problems. It was a draft Army, but the commanders
11 had been in place, the sergeants had been in place, the ranks had been in place, because they had
12 been formed at Okinawa, were about 2 1/2 years into their tour, and then they were frozen for
13 another year, so you -- they'd weeded out the people they didn't want long ago and so we really
14 didn't have any major problems. We didn't have -- I don't remember ever doing a GCM.

15 Q. What was ----

16 A. Because you had to refer -- there wasn't any -- wasn't anyplace to refer it to ----

17 Q. Uh-huh [**affirmative response**].

18 A. ---- quite frankly.

19 Q. Right. What was your ----

20 A. Except back on Okinawa. You didn't want to send anybody back to Okinawa.

21 Q. Right.

1 Q. What was your peer's opinion of the war, what was your opinion of the war at the
2 time, and was there a difference between sort of what JAGs saw the war as and what your
3 commanders saw the war as?

4 A. No. We were all winning, we were all doing the right thing, and it was the guys
5 after us who lost the war, HA, because we were there so early and we -- I mean there was
6 absolutely no idea that we weren't doing the right thing for the right reasons ----

7 Q. Uh-huh **[affirmative response]**.

8 A. ---- and that we would be saving the country. When I got back in grad school in
9 Boston, now you've got the Boston draft -- and Tom Brokaw has a book called *Boom!*. It's about
10 the '60s, and he interviews General Wayne Downing who was at that time a four-star general and
11 Wayne Downing and I were first lieutenants in the 173rd. Wayne Downing came back and the
12 infantry branch sent him to grad school and his -- in Tom Brokaw's book he describes his
13 experience in graduate School coming out of Vietnam. It's the same as my experience in Boston,
14 coming out. Now all of a sudden you're meeting the war protestors, you're meeting the draft
15 resistance people, and you're doing all this stuff; but when we were in Vietnam, I remember
16 coming back and Mathews County and someone asked me to speak at one of the churches, what
17 was happening in Vietnam; what were we doing; very much on an upbeat operation. This is '65,
18 because this is '65, '66.

19 Q. Okay, I think that's it for -- do you have any other -- **[audio ends]**.

20 **[END OF AUDIO WS_30034/END OF PAGE]**

1 Note: We are all looking at a Chinese hand grenade defused. The brigade kept capturing all sorts
2 of Chinese and North Vietnamese weapons. A team would fly out from Saigon to check out the
3 latest catch...so these guys would fly out of Saigon

4 A. ---- and I don't know if they were picking up souvenirs to ship back to the States or the
5 Infantry Museum or whatever the hell they were doing, but every time we got something, we'd
6 have all these things laid out and so these EOD guys would come out of Saigon, fly in on a
7 helicopter, pick up what they wanted, ----

8 Q. Uh-huh [**affirmative response**].

9 A. ---- and then they would disappear back to Saigon leaving what they did not want
10 lying on the ground.. So one time, this is a Chinese grenade, and so we're out -- they got all this
11 stuff laid out. The helicopter comes down. These guys come fluttering out, and they start
12 picking out AK47s or whatever they wanted and they had these grenades. So a bunch of us are
13 standing there and they're watching these guys that would disarm the ordnance and so what they
14 would do, they would take out these little pins and then they would ease the wooden handle out
15 of the metal body, shake out the explosive powder, take this wooden handle cap on the end off, it
16 had a little string with a cap, blow it back out, and they started disarming these things and they
17 were putting them in a little pouch or whatever and take it back to Saigon. And every now and
18 then they'd get one that was too difficult because the handle had gotten wet and it had expanded
19 inside the metal and they thought it was too dangerous to take apart. So these guys got what they
20 wanted and they went off to Saigon and there were about 20 of these grenades sitting down there
21 still on the ground. So we're sitting there looking at these grenades and we'd watched them take
22 apart 15 to 20 of them and we said, "Hmm," so I pick up the grenade -- I disarmed this thing --

1 picked up the grenade and we put a sort of tree between us and the grenade and we took out --
2 we got the -- we got the little -- we got the little metal -- I mean the nails out and then we
3 gradually -- keep gradually trying to get the wooden handle out until finally all of us got all the
4 handles out and then we dumped the powder and then pulled the fuse and it sputtered, you know,
5 because it wasn't going anywhere and so that's how I got that grenade. And every one of us was
6 watching that thing. It was about three sergeants and three or four officers and we all got our
7 grenades and I always put that on my desk to remind me of an act of stupidity. [laughter].

8 And one of the earlier things, I told you about Major Sneed, who talked Cal Tichenor
9 and Sue Tichenor and Trish and I to join the JAG Corps. Emory Sneed eventually made
10 brigadier general and then he retired and he was on Strom Thurmond's Armed Services
11 Committee and then he was with McNair Law Firm, which was a big law -- South Carolina law
12 firm and then Strom got him appointed to whatever that circuit court of appeals and he had
13 cancer and died. The JAG School has an Alumni Association which years ago had this huge
14 scandal pertaining to money and how it was spent, so they always had three non-active duty
15 people -- it was a slush fund for The JAG School; still is. And so you had three former active
16 duty people who were all friends that were supposed to take the hit so the active duty guys didn't
17 get involved in this little fund out of the Alumni Association for The JAG School. Well Emory
18 was one of the Friends -- I was the secretary and there were two other general officers retired --
19 two general officers. When Emory died and I wrote the obituary for him, literally tears coming
20 down as I'm writing this thing, and I'll give that to you guys [handed document], but that sort of
21 tells Emory Sneed; and when I went up to The JAG School -- well you don't have to read it
22 now -- but ----

1 Q. Sure; we'll include it.

2 A. ---- yeah, but what happened was when Trish and I went up to the Pentagon to
3 talk to this guy, he handed us an Esso map. We wanted to go somewhere, and he said, "Oh, we'll
4 give you a map," and so he opens up this big Esso map and I'm trying to figure out how to fold
5 this thing up and I think it was actually his test of whether you're going to join The JAG Corps or
6 not if you could get this map folded back up. I talked about that, but the guy was absolutely
7 marvelous, and he's the one who sent me to Okinawa. He also promoted me to lieutenant colonel
8 when I was at The JAG School and I reminded him that I didn't get a full tour in Okinawa and I
9 think he'd breached his contract and he says, "Do you want me to pin these -- this lieutenant
10 colonel's leaves on you or not?" And I said, "Okay, I won't make an issue of Okinawa"
11 **[laughter]**.

12 Q. Yeah.

13 A. I'll forgive you for not having 3 years on Okinawa.

14 Q. Right, right.

15 Q. Right.

16 Q. Well actually, sir, I wanted to make sure before you start talking about your job or
17 your transition at the Pentagon and for assignments, can you go through the process of how you
18 actually ended up there, meaning like how Personnel had said, "Okay, we'd like you to come and
19 do assignments," like talk about that process?

20 A. Yeah, sure. Are you ready?

21 Q. Sure.

1 A. Oh, okay. When I came out of -- when I came out of Vietnam, being the fifth
2 JAG officer there and for whatever reason they found it very convenient that someone who had
3 already been to Vietnam -- they had an opening for a guy who did acquisitions and assignments
4 for The JAG Corps, and it was very nice to have someone who says, "I've already been to
5 Vietnam; you're going to Vietnam," and since there weren't any JAG officers except Colonel
6 George Prugh, who was now over in Europe and EUCOM, and one other guy who wasn't staying
7 in the service and Ray McRorie was in the Advanced Course, so there weren't any JAGs
8 scheduled to come out of Vietnam for reassignment for perhaps another 4, 5, or 6 months, so I
9 was the first available guy coming out of Vietnam and so they decided to put me in Personnel
10 because I had no qualms about sending people to Vietnam. I had already been there; your turn;
11 your time to go. And so the deal was, there's a guy named Dick McNeely, Richard K. McNeely,
12 who's a retired full colonel, lives at Wintergreen right now, and Dick was the guy I replaced.
13 And so we had this boss was named Lt. Colonel Don Shaneyfelt, a lieutenant colonel from
14 Nebraska who was the head of what was called Career Management at the time or how
15 everybody called it "Career Mangement," and there was a GS-11-13 I don't know what named
16 Eileen Burns, who colonels and other senior officers used to send her cookies and candy and
17 cake because they always thought that Eileen Burns, a civilian, controlled everybody's destiny
18 and the full colonels who thought that if they crossed Eileen Burns that they'd end up standing in
19 some rice paddy in Vietnam because Eileen -- they never knew how powerful Eileen was in the
20 Career Management shop and she was. She did majors' assignments, but they didn't know that
21 she didn't -- but she had influence over everything. So, I mean, there were people who'd come
22 by and schmooze Eileen and give her flowers and that. I mean, it was nuts, and -- but Eileen --

1 and Career Management at that time, it was 2E443, right where the plane went in, fourth corridor
2 in the Pentagon, and we were on the E Ring, on the inside of the E Ring on the fourth corridor,
3 exactly where the 9/11 plane went in, and the JAG generals and the EXO were around the
4 outside of the E Ring and we were on the inside of the E Ring. And so the assignments were
5 done, there was a captain's slot and I did acquisitions and new captains of the Corps and then I
6 did initial captains' assignments and then there was a major (Barney Brannen and later Mike
7 Downes) who did the majors and second assignments for captains. The lieutenant colonel
8 (Shaneyfelt and later, Graville Rouillard) did lieutenant colonels and colonels but the XO and the
9 TJAG's office were consulted on any SJA positions and stuff like that, so there were only three
10 of us in there. And the guy who was the head of Career Management was a guy named Don
11 Shaneyfelt, who was absolutely fabulous, and he had gone to grad school. In those days, they
12 sent Army officers to grad school for advanced degrees; they may still do. You either get a
13 master's of law or you can get a master's in the international relations -- you can get an MA or a
14 master's in law, and the people who were getting master's in law, probably -- generally went to
15 George Washington University, and the people who were getting a master of arts in international
16 relations, because Shaneyfelt had gone to Fletcher, which is -- are you familiar with Fletcher?

17 **[No audible response.]**

18 A. Fletcher is a -- is like Georgetown Foreign Service School. Fletcher is one of the
19 premier foreign service/international relations schools in the country. It's in Boston. It's on the
20 Tufts Campus, but it is jointly administered by Harvard and Tufts. The Dean of Fletcher was
21 named Ed Gullion a long time ago whose father was The Judge Advocate General of the Army.
22 He was the Dean when I was there, so they always wanted military service guys to go to these

1 schools and they always gave them a quota. I mean they always had a slot. One, they didn't
2 have to worry about employment after they graduated. Secondly, the fees were paid, so Fletcher
3 courted military people. At the same time you had an enormous number of foreign diplomats,
4 mid-career people from all over the world coming there and recently the Saudis started sending -
5 - probably took over the school. The Saudis started giving them a lot of money to the school -- I
6 mean recently, like 15 years ago, 20 years ago, so Shaneyfelt convinced us -- he says, "I think an
7 MA is a better degree to have than a master's in law because the MA gives you the economics,
8 gives you the policy, gives you the diplomacy, gives you the overall view of international
9 relations if that's going to be your specialty." So the deal was that I'd come out of Vietnam and
10 took Dick McNeely's place. Dick McNeely goes to Vietnam as the deputy SJA in the 1st Cav
11 Division. He comes back and they send us both to grad school the next year.

12 Q. Okay.

13 A. And that was the plan and that's what worked. So that was -- that was sort of the
14 deal. It was a reward for being in Vietnam. They'd send you to grad school, and the reason we
15 went to Fletcher was because Don Shaneyfelt went to Fletcher and he thought that was better;
16 then they sent other people to GW, so -- and the Army still sends people to Fletcher to my
17 knowledge. A friend of mine, Colonel Fred Green, who went after me was first in his class up
18 there, and they've sent some very smart people. Fred retired as the Legal Advisor to The
19 Chairman of the Joint Chiefs of Staff (General Colin Powell) Fred worked for me in Germany
20 briefly. I managed to just barely get through. McNeely spoke fluent German and one of the
21 problems is you'll have a German language requirement -- or you had a language requirement to
22 graduate from Fletcher, but you had an enormous number of foreign students. The Navy sent

1 people there for doctorates. They stayed there for four years. The Coast Guard I don't remember
2 sending anybody there. The Air Force would send some people there, and, I don't know, the
3 Navy liked to send ship drivers there because they thought a ship driver should know all about
4 international relations.

5 Q. Uh-huh [**affirmative response**].

6 A. You know, power projection; an aircraft carrier rolls into, you know, Calcutta or
7 somewhere, this guy ought to have a doctorate in international relations as far as the Navy's
8 concerned, so the Navy sent a lot of guys up there for a full doc -- for three years of a doctorate --

9 Q. Wow.

10 A. So that was the deal going into Career Management, ----

11 Q. Okay.

12 A. ---- okay. So because I was the first guy out of Vietnam, I was a captain, they
13 needed a captain, and there were no other people available that had already been there. It was
14 luck maybe, I don't know, or maybe somebody asked for me. I don't know.

15 Q. Okay.

16 A. I mean the OER was good.

17 Q. Sure.

18 A. McRorie was -- I don't know if you still have OERs with little men on them.

19 [**No audible response.**]

20 A. No, you don't. The old OER system had little stick men. I'll find one here for you
21 somewhere, and it had an inverted -- sort of an inverted pyramid -- it's a bell curve and it has --
22 yeah, here you go [**handed document**]. See, it has little stick men that total a hundred. The rater

1 had to place the rated officer in the place where the rater considered this officer to be among his
2 peers. So where do you place this officer? Do you put him as the best officer you've ever known
3 ever or is he in here in the fungible captain's category or is he sub-par down here? So they had
4 these little stick men in a pyramid graph format.

5 Q: and what did Ray McRorie put me in?

6 A: I think he put me in -- up at the top, so I had to go to -- but Ray was a funny guy, too, because
7 he had a temper and we played poker and Ray never bluffed at poker and we were playing in
8 there one night and there was a Catholic chaplain who played. It was the brigade staff played
9 poker at night, and for some reason I called Ray on his poker bet and he was bluffing and he
10 never bluffed and he got called and he lost the pot because he was bluffing. So we're walking
11 back -- and Ray's been drinking. We'd both been drinking but Ray had a little more than the rest
12 of us. We're walking back in the dirt going back to our tent, the one-third being the office, one-
13 third being the sleeping part for Ray and me and the last third a courtroom. (all this in a GP
14 Medium tent is PSP as a floor (later concrete pad) -- and Ray starts fighting with me. We get to
15 the dirt HQS company street and he starts slugging it out. Well I don't want to start slugging it
16 out with Ray, so I grab him. So I'm grabbing around his waist, he's trying to kick me and bite me
17 and yells at me **[laughter]**, and we're rolling around in the company street in the dirt and the CQ
18 comes out and there's this private or spec 4, whatever he was, and there's two captains rolling
19 around, fighting each other. This kid doesn't know what to do. Pour water on us, yell fire, you
20 know, sound the alarm. He doesn't know what to do. He's watching us and all of a sudden Ray
21 stops, gets up, looks at the kid, and he says, "I bet you thought we were serious, didn't you, son,"
22 and the kid goes back in there and so we go back to the tent and we're asleep next to each other.

1 I put a chair between Ray and myself. He is mad at me. He is furious, and so I put a chair
2 because I can go outside the tent. I figured he was going to come after me again he will hit the
3 chair first; that's Ray. And then one time we got into an argument. It's surreal. I mean, living
4 next to Ray -- he's dead now, you know, wonderful guy, but he's tough, tough to live with, and
5 after being in close quarters with Ray McRorie for 10 months out of a year, there was something
6 he said -- something I said and I just blew up. We had these portable Army field desks and I
7 banged my fist down and I stood up and I said, "That's not right," or something like that. The
8 minute I stood up I thought, "This is not good." I started apologizing. Ray blows up. He stands
9 up. He says, "You're fired. Get out of here. Get out of here. You're not working for me. Get
10 out of here and I don't ever want to see you again," and he's yelling and I'm apologizing as fast as
11 I can apologize. Meanwhile, there are three legal clerks working away as if they're in another
12 world. They're not acknowledging that these two captains are yelling and screaming at each
13 other. They're typing away and it's like -- it's like, you know, something out of a film, you know,
14 as if they were -- they were going along doing their work as if nothing is happening. The
15 chaplain actually moved because he couldn't stand the language that Ray was using most of the
16 time. **[Laughter]** The chaplain's tent was next to ours, and the chaplain actually moved. The
17 Catholic chaplain stayed but the Protestant chaplain left. So when it comes time for the rating,
18 Ray gives me my rating, OER, and there's one notch down for loyalty and the only thing he says
19 is, "You know what that was -- you know why that's that?" and I says, "Yep." That was all he
20 ever said. And I ended up making lieutenant colonel before Ray did, and he was the first guy to
21 call me. He says, "I always knew you were going to make it. I just hoped I made it, too." Later
22 on he made it, but the guy was an unselfish boss. He never carried a grudge, and for that

1 incident and the fighting on the company street, he -- these little men, he knocked me down one
2 little men -- one little man, you know. It was nothing, but that's the way it was; a wonderful guy
3 to work for.

4 Q. Right, right.

5 A. So anyway, PP&TO.

6 Q. Right; yes, sir.

7 A. All right, PP& -- well, Career Management; a very interesting time because now
8 the draft is in full swing. The -- oh, now, remember I told you before we had all this paperwork
9 that you submitted up through two or three Army Headquarters complete with physicals and all
10 the information necessary to do a security background check, fingerprint card etc, to apply to
11 The JAG Corps. It was about 15 plus pages in triplicate and each Army Headquarter had to look
12 at it on the way forward. In my case I was on active duty in Armor Branch before it ever arrived
13 to the Pentagon. Don Shaneyfelt came up with the idea and got a big cash award for doing it is
14 that The JAG Corps has a four-page application form, a preliminary form, and all you do is fill
15 out that form and send directly to OTJAG along with your transcripts. You send it directly to the
16 Pentagon. We looked at all these things. If we picked a person, then we told him or her to go
17 back and fill out all that bulky paperwork **[inaudible]** This idea that saved the government lot of
18 time and money -- I've forgotten what -- he got a nice award, maybe three or four thousand
19 dollars; must have saved the government forty or fifty thousand dollars because you had
20 hundreds of people submitting all this crap that never -- they were never going to stand a chance
21 of being selected. So the new system was now you sent all this stuff in directly to JAG Career
22 Management, and I was in charge of the selection process. Now "the selection board" consisted

1 of my walking around talking to the other two guys in the office. But to the applicants, "Oh, it
2 has to go before the selection board," This bought us a little time to think about the applicant.
3 It was JAGC policy that any applicant that did not have a military background had to to some
4 military training. We had 25 slots at the Infantry Center at Fort Benning and 25 slots at Fort
5 Know in Armor. Because Vietnam is ramping up, you can't get slots at Fort Knox or Fort
6 Benning for JAG officers. They need every school slot for their own branch officers. So let's say
7 we had a thousand or two thousand applicants because everybody's facing the draft and you have
8 to -- you can take 200 people, 250 people. You could only take 50 people that didn't have prior
9 military experience (officer or enlisted) – and give them a direct commission. You could only
10 take 50 people in that category because you couldn't get them trained anywhere, whereas you
11 could take 200 people if they had any sort of military background or they were transferring from
12 some other branch. So what that created was a system that if I can move the applicant from a no
13 military background category where you were totally noncompetitive, if I could get you into
14 where you were competing in the 200 pool, then you were acceptable in The JAG Corps. So the
15 question was how to get someone "military experience" how to move an applicant from the 50
16 slots criteria and get them to go into the 200 slots? We could take people who had had Basic
17 Training. We could take people who transferred from somewhere else. We could take ROTC
18 people, but so the problem came in and now everybody's writing their congressman, "Why can't
19 my son or daughter get into JAG?" and the Vice President at the time was Spiro Agnew, who
20 was -- eventually resigned and went to jail, and Spiro Agnew went to University of Baltimore
21 Law School and the University of Baltimore Law School at that time was not an American Bar
22 Association accredited law school. The Army and the Federal Government said we will only

1 take people from American Bar Association accredited law schools, and so this guy went to
2 Boston -- I mean went to Baltimore, submitted an application to the JAG Corps, and we rejected
3 him, at which point he went to the Vice President of the United States who the Vice President's
4 office now is calling us and saying, "Why can't you take" -- "Because, Mr. Vice President, he
5 went to a non-ABA accredited law school." That had to be done fairly diplomatically, but we
6 didn't give in. We held the line. We never took the guy. So we have all these people who are
7 well qualified; you know, top people, Harvard, Yale, Michigan. You take a law school that's top
8 in the country and we've got the cream of the crop because they're facing draft as a private E-1
9 who would end up going to Vietnam. So you have this mass of people and it's terrific, and you
10 had people with master's and doctorate's who were enlisted soldiers and we -- and during that
11 time at the Pentagon and on this Conference of American Armies and in Europe I had spec 4s
12 with master's degrees who'd been drafted. There were -- I mean -- they're never going to stay,
13 but, good grief, you could use them when you had them. They were great. I had an enlisted
14 lawyer spec 4 in the Heidelberg International Affairs Office who was a Yale law graduate, and I
15 tried to put him in civilian clothes so he could deal with the rest of the USAREUR staff but the
16 general wouldn't let me do it, so I had to take him by the hand, walk him around to these colonels
17 at USAREUR Headquarters, and say, "This is Peter. He's a Yale law graduate. He's been
18 drafted, but he is one of my action officers in international affairs, and please don't throw him out
19 when he comes out for an action paper because he'll brief you and we need a chop (concurrence)
20 from whatever section that does that."

21 So you had that. So this was the flavor, and so now you run into what we devised
22 on our own, and I'll give you an example. The applicant, Aubrey Daniel, who prosecuted Rusty

1 Calley, Lieutenant Calley, for the My Lai Massacre was a guy named Aubrey Daniels [sic], a
2 University of Richmond graduate, middle of his class. Okay if he was competing in the 200 slots
3 category he would be selected but never going to make it in the 50 slot category, so informally
4 we started developing a little program. Somebody would call up. We had their application and
5 we would say, "If you volunteer for the draft," (you're going to be drafted anyway), "if you join
6 the Army on your own, complete Basic Training and everything is satisfactory, we will give you
7 a direct commission as a captain. By the way, you've got a 4-year obligation." So we started
8 working this new program totally informally, nothing in writing, so I remember Aubrey calling
9 me up, he was a University of Richmond graduate, and he knew from my accent I wasn't from
10 Boston or anywhere or any smart place, and so he said, "You mean to tell me if I volunteer for
11 the draft and I go down and I complete Basic Training at Fort Jackson or wherever they were,
12 you'll commission me as JAG," and I says, "Yes." He says, "Can I have that in writing?" I said,
13 "Absolutely not." He says, "How do I know it's going to happen?" I gave him one of those "one
14 Virginian to another" word of honor. [laughter] But really-- he had no choice. He's going to
15 be drafted anyway. It was a matter of whether he was going this month or 4 months later.

16 Q. Right.

17 A. So Aubrey goes down to the recruiting station and enlists -- and we had a lot of
18 guys like this. We probably had at any given time 15 or 20, and so I'd call up the company
19 commander down at whatever training -- whether they're at Fort Ord, wherever the training bases
20 were, and I'd say, "Okay, we've got Private Whomever and he's going through your cycle down
21 there for Basic Training in the Army. I need to call you every now and then to see how he's
22 doing," okay. So Aubrey goes down, ends up at Fort Jackson, and he's going through Basic

1 Training. You talk about motivation and it came very interesting because the cadres at these
2 training centers and their fellow -- their fellow recruits going through Basic Training, the word
3 got out and if these guys were schmucks or if they were bad news, I'd find out about it, or if they
4 didn't perform they would not get their commission. However, every one of them to my
5 knowledge did and then the training -- the training bases and the company commanders made a
6 huge deal if these guys graduated from 8 weeks or whatever Basic Training was and they'd go
7 from private E-1 to Captain in one day. The training company commander is probably a first
8 lieutenant and he would pin the captain's bars on a guy who had gone through 8 weeks with all
9 these other privates and they made a big deal of this. You'd think they may resent it but they
10 didn't, but these guys were so motivated they didn't alienate -- anybody. I mean they would be
11 helpful to everybody else. I mean they -- because they knew I'd call up. I was checking on them
12 every 2 or 3 weeks, and every now and then they'd get off on the weekend and they'd call me and
13 want to know if everything was still on track. "Yeah, nothing's happened. We're still waiting for
14 you if you complete basic training." So we did a lot of those that way. And then Aubrey ended
15 up, they assign him to Fort Benning as a trial counsel and then the next thing you know they
16 have the My Lai trial and I was the JAG duty officer in the Pentagon the day before Rusty Calley
17 was supposed to get out of the service. I wasn't involved in criminal justice. I just happened to
18 be the JAG duty officer and they were all huddling in the Army staff did they have enough
19 information to charge him to keep him on active duty or would they have to discharge him? And
20 so they had enough and they charged him, so they kept him on active duty and then as it turns
21 out, Aubrey was in the right place at the right time. He's the trial counsel on the *Calley* case,
22 does a brilliant job, a fabulous job, gets Calley convicted on the whole thing, and Calley had a

1 high-powered civilian counsel, former U.S. Court of Military Appeals Judge -- big law firm, plus
2 he had JAG defense too. And so then it gets to be so political that Nixon pardons Rusty Calley
3 after he's convicted of killing the people at My Lai, at which point Aubrey Daniels writes an
4 open letter to the President of the United States as trial counsel on the *Calley* case. Edward
5 Bennett Williams with one of the major law firms in Washington -- Williams, Connolly &
6 Califano -- learns about Aubrey and Aubrey Daniels who wouldn't stand a chance applying to a
7 major law firm coming out of the University of Richmond Law School is now a partner in
8 Williams, Connolly & Califano after he finishes his four years, and then he ends up being with
9 Chuck Robb, who ended up Governor of Virginia and now the Senior U.S Senator from Virginia
10 -- married President Johnson's daughter and went to University of Virginia Law School. Chuck
11 Robb was tied in with Aubrey and I got Aubrey on an ABA Committee. Chuck Robb was a
12 UVA Law School was there when I was - on the faculty. Now Robb went with the same law firm
13 with Aubrey Daniel and then later became governor of Virginia. All this changing of Aubrey's
14 life because was this informal program that we said, "Your record is fine but we've got to move
15 you from the 50 category into the 200 category and volunteer for the draft.

16 Q. Uh-huh [**affirmative response**].

17 A. ---- the 250," and we did a lot of people like that, all informally. I mean there was
18 nothing -- we couldn't put it in writing. It wasn't anybody's policy. It was just something that
19 we, JAGC Career Management evolved from this mass of applications coming in. And for years
20 in the American Bar Association somebody says, "You were the one that sent me to_____" and
21 I'd find a wall to see if they said Vietnam or they sent me -- or a guy says, "Honey, meet this guy.
22 He's the guy that assigned me to Fort Carson," and they remember the accent. I never met them.

1 They just remembered the voice on the phone from the over 300 law school applicants I was able
2 to bring on duty in the JAG Corps. And so it was very gratifying because these people would
3 come up for years later, they were all facing the draft, and we must have in the year I was there
4 we probably brought 350 new officers in and now they're all over -- practicing attorneys all over
5 the United States. So it was -- it was -- and Tricia and I used to sit around our kitchen table at
6 night doing JAG Officer assignments....there talking about doing assignments and what you --
7 what you put in for your wish list. We used to sit -- we had a house on Edsel Road, and I'd take
8 all these JAG dream sheets and Trish and I would sit there at the table and we'd try to match
9 everybody's first choice with what was a vacancy and then we could move people and we'd give
10 these people, ten, their second choice and then we could get ten people happy and then we'd
11 move throughout the thing, and we did some funny things, like we decided -- there was a guy
12 named McKinley and one named McGinley, and so we're kicking around PP&TO and said,
13 "Let's assign them to the same post," so we assigned both of them to XVIII Airborne Corps, so
14 can you imagine the havoc that created? Two JAG captains, one named McKinley and the other
15 named McGinley. And then we'd have some guy who says, you know, from Brooklyn or that
16 and he says, "I don't care, anywhere, but I don't" -- everybody's first choice, of course, Presidio
17 of San Francisco and Fort Ord. Right. I couldn't get there. Why should you get there?
18 **[Laughter]** And so then you'd have some guy that says, "Assign me anywhere but the South,"
19 and so you had Barney Brannen, who was from Georgia. I was the second of the three guys and
20 I'm from Virginia, and we'd say, "This guy needs a little education. We think Fort Polk,
21 Louisiana, would be a perfect place for his JAG career," and we -- and we'd do things like that
22 every now and then. If they were obnoxious enough to put it on their wish list, "Assign me

1 anywhere but the South" and you're dealing with two Southerners, I'm sorry. This guy needs
2 some education. **[Laughter]** He needs to broaden his experience, so that's -- that -- that's what
3 happened in PP&TO.

4 At the same time, General Hodson was now The Judge Advocate General of the Army
5 and now Colonel Prugh was back in good graces and Lou Shull had been fired and so anyway --
6 and General Hodson -- and a bunch of TJAGs were very active in the American Bar Association,
7 and General Hodson had -- was -- was the chair and was the secretary -- he was the chair of the
8 Criminal Justice Section of the ABA, and then he was the secretary for years of the same section
9 -- and very active in the American Bar Association and he headed the task force that wrote the
10 first standards of criminal justice, which after the ABA most of the state bars had approved the
11 standards as a set of standards for the prosecutor, standards for the defense, standards for -- I
12 don't know if you've seen them. They may have combined them now. The JAG Corps adopted
13 them. No big thing; General Hodson had written the standards. The JAG Corps adopted them
14 and handed them out at The JAG School in the Basic Class for all their officers. Those standards
15 were written by General Hodson and the committee.

16 General Hodson told me about the Young Lawyers Section (up to age 36)(now Young
17 Lawyers Division) -- there's always an Army rep to the Young Lawyers Section. I'm going to
18 appoint you to be the Army rep to the YLS of the ABA. Each of the services, assign one young
19 lawyer to be a representative to the ABA. essentially for recruiting and trying to get the rest of
20 the organized bar to learn that service lawyer -- the JAG lawyers, are really lawyers, too. They
21 actually practice law. It's just military law is not some totally specialized practice of law but. It's
22 procurement. It's contracting. It's international. It's environmental, and all this stuff. So he says

1 that "the American Bar Association meeting this summer is in Hawaii. I've got to go and visit
2 Reserve units, but the Vice President has two slots on his plane, and I can't take them. Each of
3 the services get two slots," so Lieutenant Colonel McCartin [**phonetic**], who is head of legal
4 assistance, and Charlie White, JAG captain, are on Hubert Humphreys plane with Senator
5 William Fulbright, head of the Foreign Relations Committee in the Senate; all the congressional
6 delegations from Hawaii; and the Vice President; that hooked me. JAG captain flying with the
7 Vice President to an American Bar Association in Hawaii, so I've been with the ABA ever since.

8 Q. Wow.

9 A. And then you were talking about attitude toward military; In the years with the
10 ABA I kept going and doing things and sort of doing well in the -- in the Young Lawyers and
11 that came up to be one of the division directors and in 1972, at the height of Vietnam, I ran for
12 secretary, which was on the ladder to be chair of the Young Lawyers section, open election,
13 stand up vote in San Francisco in the middle of a war and I'm an Army major in uniform; lost by
14 eight votes out of 125; stand up roll call by states and I had people get up and say, "Well," you
15 know, start off with, "Baby killers," and then they got to the point and it was, "Well, you're
16 military. You can't exercise free will. You're going to do what your superiors tell you to do.
17 How can you be chair of a section of the ABA," which had -- now is 140,000 people in it.
18 Over the years, so we've had military people be very active, depending on who they were and a
19 lot of international law people; and then I was appointed by Young Lawyers to be on the Council
20 of the International Law Section of the ABA and here I am just starting out and I've got all the
21 paragons in international law, all the professors, all the -- I mean Delta Airlines general counsel
22 sitting next to me. I mean it's just wonderful. It's so heady for a young guy who's starting in

1 international law to be one vote equal with all these guys who have been practicing in the field
2 and teaching in the field for years. So that's sort of the hooking on the ABA thing.

3 Q. Wow.

4 A. And years -- in fact, it was not until this year and a guy named Jim -- James
5 Durant, who's an Air Force colonel, he is the first active duty officer -- I ran in '72 and lost and
6 Durant just made it this year, 2009; he is the head of the General Practice and Solo Division. It
7 has 30,000 members, solo and small firm practitioners in the ABA, and I had dinner with him
8 last night and he's teaching at the Air Force Academy right now, but he's now -- first, now you
9 have people -- we had committees who are active duty, but you never had an elected position in a
10 section or division of the ABA until this year, and it's been from 1972 when I made a run at it
11 until now before he finally did it.

12 Q. Wow.

13 Q. Wow.

14 A. So that gets us through the assignment at Career Management.

15 Q. To some extent I wanted to backtrack on that, sir. What would you say your
16 overall quality of life was at that point here, being in DC, working at the Pentagon, things like
17 that?

18 A. Well, you had no money. We're living on Edsel Road. There was no metro, and
19 so we car-pooled and you're spending 2 hours twice a day on the highway, on Shirley Highway
20 trying to get to the Pentagon in rush hour, but we're okay. It's a nice, little community. It's about
21 5 miles from here, just south, and we found you carpool. We found a GS-15 with a South
22 parking pass, so we all carpooled and even though it's a straight shot from Shirley Highway to

1 the Pentagon, we never went Shirley Highway. We always go back and forth, through parking
2 lots, through Safeway garbage pickup lots, anything, to keep off that highway and wending your
3 way into the Pentagon. And so it was -- the job was so good and there's something called
4 "POAC" -- oh, not "POAC," "Area Officers Recreation Reserve." It was all the PX profits in the
5 Washington area, which are enormous, and so they would have drawings for Redskins tickets, to
6 give away 50 Redskins tickets every Saturday of the season, and they had boats that you could
7 check out and a bunch of stuff, so we could take sailing classes or we could check out a boat
8 from this AOC or whatever it was called, and the kids started in school here and it was pretty
9 good and it was a military town. I mean, you know, Washington was not anti-military by any
10 stretch of the imagination.

11 Q. Okay.

12 A. So that's how that was.

13 Q. What was it like working in the Pentagon? Were you in awe of the place at all, at
14 least initially or ----

15 A. Well, it's always confusing, you know, but that settles down and the Pentagon is a
16 very interesting mixture of people who have been there, not only civilians, since World War II,
17 since the thing was built. The fun part -- well, the second tour at the Pen -- at the Pentagon was
18 where I really got into substantive stuff and coordinating papers around the Pentagon, so I came
19 back after grad school; but in Career Management, I was purely bringing people into the Corps,
20 giving them assignments, and then they'd send me out on special projects and then I got involved
21 in the American Bar Association, and one of the things I did then was to put on an hour and a
22 half Seminar for the Federal Bar Association -- and General Hodson went to bat because the

1 general counsel, DoD, wanted to kill it -- we were talking about draft and the war and I decided
2 that I would have a seminar in one of the Pentagon conference rooms, invite all the lawyers, and
3 I brought a guy in from the American Civil Liberties Union for one side of certain things and
4 then I brought somebody else in and somebody up in the higher ranks got wind of it and said,
5 "Why are you bringing some ACLU in to talk to military officers?" He thought they were going
6 to start a revolt or something like that, and so General Hodson went to bat and quashed them. It
7 was above The JAG Corps. It wasn't even The JAG Corps. It was somebody up in DCSOPS or
8 somewhere, DoD, I don't know where it was, but somebody put the pressure to cancel this thing.
9 General Hodson says, "No. It's set up. It's a good program. The panel is for balance, and we're
10 going to go ahead with it." We had about 300 people in the audience, because all the services
11 sent their JAGs and the general counsel's office sent their JAGs. It was a good debate.

12 Q. Absolutely. Well, okay.

13 A. And at the same time I got on the Ethics Committee of the Federal Bar
14 Association, so, you know, rising above fungeability, I went through professional associations,
15 Federal Bar, American Bar Association, and that's what distinguished me from the other captains
16 at the time.

17 Q. Got it.

18 Q. So then you went to The Fletcher School of Law and Diplomacy.

19 A. The Fletcher School [**pronounced sku-ell**], as Dean Gullion pronounced it,
20 School [**pronounced sku-ell**]. It was like a kid in a candy store. I mean, grad school was all
21 paid for. You can take any class you want at Harvard, at Harvard Law, the Kennedy Center,
22 Fletcher, Tufts, or MIT. We -- and they let the wives go, at least Fletcher did. So I went

1 primarily in economics classes and audited more classes than I took for credit -- I did everything
2 I had to do to get the degree at Fletcher, and we had a Professor named Ruhl Bartlett, who was
3 like a Woodrow Wilson, talk American diplomatic history. We had a Professor Imla who taught
4 international relations from an economic viewpoint. The guy could sit there and give you the
5 balance of trade for five centuries between England, France, and anybody else, Spain, and his
6 thesis was you'd look at the balance of trade. You'd know who's going to war and why they're
7 going to war. If somebody has cut off somebody's rubber supply, then -- or whatever, their
8 textiles from hither, thither, and yon, and we had a Professor Alan Cole, who taught Chinese
9 politics; that taught -- he taught about China -- he had been a missionary's son and grew up in
10 China.

11 Cambridge, we lived on the Sommerville-Medford city dividing line. It's a
12 wonderful community. Tufts has sailing, lakes, and boats you can check out, everything. The
13 Broadway shows that come -- they start -- they start on the road in Boston; then they go to
14 Broadway, so there was lots of theater. There's community little theater. It's a fabulous
15 community, good places to live, and something's happening in Boston all the time and you've got
16 this school that is just fabulous; and Edwin Reischauer had just come back as Kennedy's
17 ambassador to Japan. He'd married -- the Japanese prime minister's granddaughter. Reischauer
18 had come back from being ambassador and was teaching a course at Harvard called
19 Modernization of Japan, which I took for credit, and John Kenneth Galbraith had just come back
20 from being ambassador to India and he was teaching an economics course. I sat in on that.
21 Henry Kissinger was teaching a 2-semester American policy over at Harvard. I couldn't take it
22 because it was 2 semesters, but I could sit in on any classes I wanted. So we ended up auditing

1 as many classes as I took, maybe more. You just could not do it. I mean it was there, and here
2 I'm in trying to be an international relations/international law guy in the Army and here's all --
3 it's the Mecca of the whole thing. So it was a wonderful time. The only problem I had was the
4 language course, and George Halm, who was an economics professor, who was a Jewish guy that
5 had left during when Hitler came to power, and he used to -- used to debate economics with
6 Rudolf Hess when the National Socialists were coming to power in Germany and he said to Hess
7 that the policies for the National Socialist Party, it's inflationary, he said, "I told Rudolf Hess it
8 was inflationary, and Rudolf Hess says, 'We will forbid inflation,'" and Hahn says, "By God,
9 they did forbid inflation and a lot of other things when the Nazis came to power in Germany but
10 they didn't have inflation," and so he was the economics professor.

11 One had to have a language test to graduate and get the MA. I'd taken German in college. I
12 don't do well in languages. And Dick McNeely had a previous tour in Germany so it was a
13 breeze for him. Dick and I used to do funny things. We were the ghost people. We'd find some
14 caption and then we'd put a -- we'd find something in the newspaper and then we'd put it -- and
15 then we'd secretly put it on the bulletin board. I remember one of the captions was on a picture of
16 Humphrey and Johnson. It was Hubert Humphrey turning -- at a conference, -- there's Hubert
17 Humphrey leaning over at some conference next to Lyndon Johnson and Johnson leaned over to
18 Humphrey. Dick and I took the picture out and we put a caption on it. It said, "Hubert, is that
19 your hand on my knee?" and we would do this every other week or so -- nobody knew who did
20 it. **[Laughter]** We would always -- we, you know, we'd be in there and we'd put it on the
21 bulletin board when no one is there and so we'd do that the whole year. We put about two things
22 a week, two or three things a week on the bulletin board, but Dick had been to Germany. He was

1 a Harvard graduate to begin with and he was darn near fluent in German and so it was a snap
2 **[snapped fingers]** to him. He passed the German exam. So I go into Professor Halm for my
3 language test and he gives me a piece to translate. It's from the German newspaper *Die Zeit*. It
4 was an editorial talking about the grand correlation between three German political parties. The
5 article had used French phrases in the middle of his editorial. I did not have a clue to the
6 meaning. I don't know what the three parties are or what the -- I mean you have to know the
7 event. I mean this is -- this is a newspaper editorial in German. So I hand the paper in and, of
8 course, Dr. Halm says, "I'm sorry. You didn't pass the test." Okay, so Halm has to retest me. So
9 I go in for the second test. So the second test -- so the second test, it's a -- it's a paper that he's
10 written on the velocity of circulation of money. "Umlaufgeschwindigkeit" was the term for
11 velocity of circulation in Germany and it's this whole page of economic theory and I've been
12 reading newspapers by that time. Well I flunked that one. So now it's becoming May and I'm
13 not going to graduate until I can pass this thing. So I go in to Dr. Halm and I said, "Give me a
14 clue, please. Are you going to do current events or are you going to do economics? I've got to
15 have some -- I can't study everything," so he said, "It'll be economics." This is great. I've taken
16 two courses by Halm at this time. I knew exactly Dr. Halm -- I knew what his theories were. I
17 went and found every book he'd ever written before he came to the United States and, of course,
18 they were in the library and they were in German, so I study up for this thing and I studied and so
19 finally my last chance at the test and he -- and sure enough it's an economic thing or something
20 he's written. It's not something I had found but it was on economics -- I haven't seen that article,
21 but I know what his thinking is. I've taken two of his courses. So I turn the thing back in and I
22 wait for -- and I get a call from him, and he says, "Mr. White," he says, "You've passed, but, in

1 the future restrict your reading to little books." He said, "Stay away from the big books."

2 **[Laughter]** He just gave it to me. I just know he gave the passing grade to me.

3 And then the other thing that was fun. I was assigned to Fort Meade and so when
4 I went on leave -- I mean the weekends didn't count but if you're going to take leave, you sent a
5 postcard to Fort Meade and said, "I'm taking 3 days' leave," and so over Christmas I decided to
6 grow a beard but unfortunately I kept a crew cut so it looked like Abe Lincoln with a crew cut. It
7 was nuts. And so here I am an active duty Army officer and I'm growing a beard and a mustache
8 and the whole thing. Well pretty soon, about January, the middle of January, it got to be so itchy
9 I shaved it off, but somehow a picture got back to my old boss at Career Management. He didn't
10 take any adverse action -- he just gave me a rough time about it, ----

11 Q. Uh-huh **[affirmative response]**.

12 A. ---- but that was my idea of being a rebel up there. But one of the things I did --
13 and it had nothing -- the Army didn't put me up to it -- the Boston draft resistance was meeting
14 up there and they were trying to get ROTC off -- Naval ROTC off Tufts campus, so I -- McNeely
15 didn't want to go. I said, "I'm going to go to their meeting just to see what's happening," because
16 now they're protesting all over the place. So I went to the meeting and sat there and just listened
17 to them and it was very interesting. They split into three groups. One group wanted to pour
18 blood all over the ROTC parade, the Naval ROTC parade; the other wanted to do something
19 destructive to the building, actually deface it or break the windows or something; and the third
20 group just wanted to march around and protest a line on the ground or something to disrupt the
21 thing. They could never agree on a united front, so they split up and they didn't do anything

1 because the group had three different views and they couldn't coalesce on any one thing but
2 eventually they got Tufts to drop -- to drop Naval ROTC and the university got rid of it.

3 And then Harvard Law School asked Dick McNeely or somebody at the Pentagon
4 -- they found out there were two former JAG recruiters or two JAG Officer at Fletcher in Boston
5 who were familiar with The JAG Corps to come and speak to Harvard Law School seniors about
6 the Army. Harvard had an inverted ROTC. They had like five people in MS-1 and then they had
7 maybe 10 or 15 in MS-2 and then you had all these grad students in MS-3 and 4. They had a 2-
8 year program, ROTC, and every grad student facing the draft, so they had all these privates and
9 then they had all these sergeants and officers in the ROTC Corps up at the top; nuts. And so we
10 went out and talked in terms of what The JAG Corps was, how you got in, and what you needed,
11 but we were -- we were turning people down because they weren't well-rounded but we were
12 taking people in The JAG Corps then -- I mean at PP&TO; the captain of the football team,
13 captain of this, honor graduate from undergraduate, Phi Beta Kappa, law school, and president of
14 the student body, and we would turn down somebody that just had academic because they
15 weren't well-rounded, whatever that meant.

16 Q. Uh-huh [**affirmative response**].

17 A. And the conclusion is when we sat there, who do you pick up for The JAG Corps?
18 You pick up people that are just like you. I look for people who are involved in student
19 government. Barney Brannen looked for people who were big in athletics, and it's funny how,
20 you know, you look -- start looking at all these applications and it turns out you look for people
21 like yourself, ----

22 Q. Yeah.

1 A. ---- whether you admit it or not.

2 Q. Uh-huh [**affirmative response**].

3 Q. What were -- what was the makeup, then, of your student body then at the time
4 you went to Fletcher School of Law and Diplomacy?

5 A. A lot of foreign students, French, and these were -- at Fletcher, they were
6 primarily diplomats. You had -- you had about seven military guys there in our class. We had a
7 Coast Guard guy. We had a Navy destroyer -- mine sweeper guy, and we had one of the big ship
8 drivers, cruiser captain or something like that, and then you had probably about half the -- of
9 them were foreign students, Middle Easterner, European, East European. There was one guy
10 named Dan Chibano from Romania. He was the only guy they ever let out of Romania -- the
11 only guy they ever let out of Romania, and for years after that and people said, "Gosh, I was at
12 this international conference. I met this neat guy from Romania." I said, "Is his name Dan?"
13 "Yeah, how'd you know?" "That's the only guy they let out." And we went to the -- we went to
14 The Fletcher School and they take the tour of the United Nations and one of the Fletcher
15 graduates was Senator William Fulbright's administrative -- chief -- general counsel -- chief
16 counsel for the Senate Foreign Relations Committee. Senator George McGovern was on that
17 committee. Our school class is touring Washington and we're sitting there in the Senate Briefing
18 Room or one of the committee rooms and George McGovern is ranting and raving against the
19 Vietnam War and he's -- here -- here's a United States Senator, really ranting, giving it to
20 President Johnson and everybody else. So Dick Shreadley, who's a Navy guy is sitting next to
21 me on the left, Tricia's sitting next to me and the right, and Dan Chibano who's the Romanian
22 diplomat is sitting next to Tricia. Dan can't believe it. Here's a United States Senator ranting and

1 raving against the President of the United States, so Dan leans over across Tricia and he says,
2 "That guys a bigger Communist than I am," **[laughter]** and this is a Romanian diplomat who IS a
3 Communist. It was so funny we had to, you know, keep from laughing at this thing, but it was
4 really a unique experience; and then the State Department got excited with people going into
5 their Situation Room and here -- and they didn't question Dan Chibano at all. He's going right
6 through. The charts are on the wall and ----

7 Q. Wow.

8 A. So ----

9 Q. So other than the -- other than the language class, did you have to do some kind of
10 paper or thesis, ----

11 A. Yeah, you had papers all the time.

12 Q. ---- things like that?

13 A. You had to do reports. You had to do -- yeah. Well, the auditing classes we
14 didn't have to. We just attended

15 Q. Sure.

16 A. ---- enjoyed and listened.

17 Q. Sure.

18 A. And our kids went to school up in Boston and it was okay. It was good. And we
19 met some good friends up there and we lived in a house above a guy who's sister was married to
20 one of the ten most wanted guys in the United States for the FBI.

21 Q. Oh, wow.

1 A. Part of the mafia. He was a painter, and his name was Buddy Gallo, and he had
2 just gotten married and we rented the place above him; and Gallo and a buddy would paint
3 warehouses and he'd get a call, "Come and paint this warehouse," and I think the deal went --
4 somebody called up and said, "Hey, your warehouse needs painting," and the guy said, "Well it
5 just got painted last month." He says, "You didn't hear me. Your warehouse needs painting.
6 Call Gallo Painting," right. So Buddy got all of his -- he got all of his painting contracts -- he
7 didn't have to go out and market. The marketing came to him.

8 **[Laughter.]**

9 Q. Do you recall what your thesis was?

10 A. Well I didn't do -- I -- the only thesis I did was at the Advanced Course.

11 Q. Oh, okay.

12 A. We didn't do a thesis up there. We just took all these courses and stuff.

13 Q. Okay. And then -- so then you were promoted to ----

14 A. I got promoted to major in -- at Fletcher.

15 Q. Was that a big ceremony?

16 A. No, because there wasn't anybody else around. There was another Army guy
17 there who I think he was always -- he has an Army career but is so bizarre I think he worked for
18 the CIA . He never told me that, but he just goes from one strange -- he's supposedly wearing --
19 he's an infantry officer, retired as a colonel. He may have been, but he was either Special Ops,
20 because he went from one embassy to another. He went to Knox College undergraduate, ROTC.
21 He was stationed in Bangkok for about 6 years at the embassy; then he was somewhere else at
22 another embassy, and I remember he was TDY from Bangkok for about 2 years to the Pentagon

1 drawing per diem every day and it was really bizarre and so he was another one of our friends up
2 there but it was only about six or eight military guys so we didn't make -- I think we went out to
3 dinner or something like that.

4 Q. Was it competitive to O-4? What was the ----

5 A. Only Army list -- all Army list. I mean it wasn't a JAG list; yes. And I had great
6 OERs because, you know, when I came out of PP&TO these guys said, you know, things like,
7 "This is the best officer I've ever seen." It's all inflated but ----

8 Q. Right.

9 A. ---- that's what you do.

10 Q. When you were in your international law classes, did you ever say -- I mean
11 surely Vietnam was a source of discussion. Did you ever say, "Hey, ----

12 A. You always had that ----

13 Q. ---- I've been there"?

14 A. ---- discussion; always had that discussion. They knew that Dick McNeely and I
15 both had been there, and so the students would ask us about it. And we -- keep remembering, at
16 that time we thought we were winning.

17 Q. Yeah, interesting.

18 A. No, no. We had a lot of discussions because we had both been to Vietnam.

19 Q. So then you're going to come back to International Law Division, which seems in
20 line with spending the money on you to go to Fletcher and get a master's.

21 A. And the Army extracted another ----

22 Q. Right.

1 A. ---- 3 years.

2 Q. Was that -- did you want to go back to the Pentagon? I mean you're from Virginia

3 and ----

4 A. Yeah; oh, yeah.

5 Q. Yeah.

6 A. Yeah, absolutely. We had rented the house. We still had the house on Edsel

7 Road. We just rented it for then.

8 Q. Yeah.

9 A. So we knew we were coming back. Well, we thought -- well, I was in Career

10 Management. I knew I was coming back.

11 Q. Yeah.

12 A. It was part of the package deal.

13 Worked for a Colonel Edward Haughney -- that's when you're talking about

14 papers and running them around. Worked for a wonderful guy named Ed Haughney; very senior

15 colonel, never going to make general, probably 30 -- close to 30 years in the service. In fact he

16 retired when we were there, over 30 years in the service; a wonderful mentor, wonderful teacher

17 later taught at Dickinson School of Law in Carlisle, PA.

18

19 International Law Division. I worked for a Major who got out of the Army. He was a major and

20 I was a major; and then we had a civilian there who'd been there forever. All the services had

21 their leftover European international law expert who was normally Jewish who'd fled Germany

22 when Hitler came to power. The Army had one; the Navy. They all had doctorate degrees -- I

1 mean they were all PhDs or professors, and the Navy had a female, Dr. Watson, who was their
2 international law specialist, and we had Dr. Waldamar "Wally" Solf. So we had a civilian and
3 Colonel Ed Haughney was the godfather of the whole thing, and Ed taught me how to get staff
4 papers through any organization, and I came back from some meeting with DCSOPS -- because
5 we were -- this is the International Law Division, so we're chopping on everything that has to do
6 with international law or status of forces or -- and I was in the Status of Forces Branch and so we
7 were running papers all over the Pentagon at that point and Ed Colonel Haughney said -- and I
8 complained because nobody wants to do a draft and Ed Haughney's advice was, "Always
9 volunteer to do the first draft." He says, "I don't care where you are. You're in DCSOPS or
10 DCSPER. I don't care where you are. If somebody has to write a paper, always volunteer to do
11 the first draft because nobody wants to do the grunt work to start with. Everybody wants to give
12 an opinion, pull out their red pen, and I said, "Tell me why," and he says, "You can put anything
13 in there you want. You can put all this stuff and then you throw a paragraph that says, "When
14 this regulation is implemented, the Deputy Chief of Staff of the Army has to -- Personnel has to
15 stand on his head for three minutes." He says, "You put some straw man in that paper. It draws
16 all their attention; then you reluctantly negotiate out that phrase and then everything else that you
17 ever wanted sails right on through," and he was -- I mean you don't say something that stupid,
18 but you put something in there you know they won't buy but you know they're all going to
19 concentrate on that and so Ed Haughney said, "You write it the way JAG wants it written. You
20 want the report -- whatever you want done and put something up there that is relatively
21 controversial and absurd that you could care less about." He says, "The whole staff will
22 concentrate on that. They'll get that out of there and the rest of the stuff" -- and I've seen that

1 time and time and time again, just unbelievable. And he never got ruffled and it was just
2 amazing.

3 Q. You mentioned in your CV the detail to the Army DCSOPS for the 9th
4 Conference of American Armies, Fort Bragg?

5 A. That was one of -- well. The Conference of American Armies is a -- probably a
6 bi-annual, 2-year meeting of the chiefs of staff of every Latin American country except Cuba,
7 including Haiti; the operations chiefs of all the countries; and the -- well the chief of staff, the
8 operations chiefs, and the intelligence chiefs, so you have three heads of the armies in all Latin
9 American countries and they rotate around, each country hosts it. So when it was the United
10 States turn to do it, I got detailed to DCSOPS not as a JAG -- well as a JAG but I got detailed to
11 the Office of the Secretary for the conference. The setup was you had three committees. Each
12 committee was headed by the Intelligence Chief or the Chief of Staff or Operations. Because the
13 U.S. was hosting it, General Westmoreland headed the chiefs of staff's committee; the
14 intelligence chief, whoever it was, headed the intelligence chiefs' committee; and the operations
15 guy headed the other. And so at that time the Chilean -- I'll never forget this. The Chilean guy
16 showed up and they're from Chile and the intelligence chief is named General Kurt von
17 Schlagenhagen. These guys are wearing Nazi uniforms. I mean, well, they're wearing Chilean
18 army uniforms, but all it is, is a different color, the same hard-brimmed hat, and a guy who is in
19 South America named Kurt von Schlagenhagen, who is the head of -- the intelligence chief for
20 Chile, doesn't seem to fit the role of, you know, Jose Gonzales would have been an expected
21 name, and so the deal was -- it was absurd. I mean, excuse me. Everybody's trying to -- the deal
22 was to bring them into Miami, wine and dine them for a while in Miami, bring them up to Fort

1 Bragg, and then they meet for three days at Fort Bragg. Each of the committees discusses
2 whatever, and the -- and then they have a resolution and the committees pass on the resolution
3 and the conference comes out with a report and then they go to Washington for another two days
4 and by the time they get on the plane the report has to be given to them when they're wheels up
5 at Andrews, okay. It's like producing -- it's like producing a high school annual in four days,
6 okay. Somebody decided that they should do verbatim transcripts of three committees, produce
7 things in three languages since we had Brazilians. You had English, Spanish, and Portuguese,
8 okay. We went over to the State Department -- there was a Department Head, the head of
9 Language Services, State Department, Ted Leon was his name. and now I was in DCSOPS and
10 we had to be -- we had to be the secretary and record all the proceeding, translate same and
11 produce a report in two days. We had to make all this happen. Each of the committees had a
12 JAG officer assigned to them as a parliamentarian with the committees; that was the JAG's role.
13 Colonel Haughney had now retired and a guy named Robert Miller had come in and he was now
14 my new boss in Interna -- in International Affairs. The guy was dying and nobody knew it. He
15 had a brain tumor and nobody knew it. So Colonel Dick Bednar, who later made general, was
16 one of the secretaries -- one of the parliamentarians for one of the committees and I've forgotten
17 who the other one was. They didn't take it too seriously, and I kept trying to convince the JAG
18 people that this is a very serious thing and the Chief of Staff of the Army thinks it's exceedingly
19 serious, because I was now buried in DCSOPS. I was out of The JAG Corps and they detailed
20 me for a couple -- maybe a month or so to get this stuff all together. So we went out to the State
21 Department and the State Department says, "No one does international conferences verbatim,
22 and if you can do it -- first of all, it can't be done, and if you can do it, it shouldn't be done. You

1 take summary notes. The State Department does not take verbatim transcripts of international
2 conferences for a lot of reasons, and we advise you not to do it." The Army's going to do it. So
3 we had -- we were in the basement at Fort Bragg. These guys arrived. We have stacks of paper.
4 The only way to keep this stuff straight is Committee #1 has paper that is pink. Well, let's put it
5 this way. Committee 1 has pink paper. The English is blue heading on pink paper; Portuguese is
6 green heading on pink paper; Spanish is red heading on pink paper. Committee 2 is on green
7 paper, blue heading, et cetera, et cetera, so you had three committees with four sets -- we had a
8 room stacked up with stationery. We had Xerox -- had three people down there. We had these
9 huge Xerox machines and we looked all over Washington trying to find Portuguese translators.
10 You can find Spanish. We raided the Inter-American Defense Board. We went to the World
11 Bank. The State Department cleaned out everybody. They had -- and first of all, you have
12 simultaneous interpreters, so each of the committees had a booth with the people doing
13 simultaneous interpretation, which is not -- and then translators don't like interpreters. I don't
14 know if you know this. Then you got the problem of people who are Latin American speak
15 Spanish and then you have Castilian Spanish and what may be perfectly acceptable in Latin
16 America is an insult in Spain, so you get the arguments between the translators, et cetera. And
17 so -- and I'm in the secretariat. I'm not doing JAG work. I'm trying to make this monster happen
18 as a lieutenant colonel myself and three spec 4s with doctorate's and master's. DCSOPS had
19 scrounged them up somewhere in the Army. These guys were brilliant and I had all these people
20 and I said, "There are four of us who know how to put this thing together," and we had about ten
21 other people who had been drafted and [inaudible]. They were lieutenant colonels. They were
22 supposed to be runners and, you know, go get coffee and stuff like that, and we exactly said,

1 "Whatever the spec 4 tells you to do, do. Don't question it. We've been on this thing for months
2 and they know how this monster fits together," and so what would happen, the committees would
3 meet and then everybody would go off to dinner, and we had translators who were very precise
4 in the basement; some of them were little 70-year-old ladies that we'd scraped up from
5 somewhere -- somewhere in Washington, and then these guys would come back and then they'd
6 start turning in their -- turning in their minutes and their resolutions and stuff at, say, 7 o'clock at
7 night. We had to have this stuff in three languages in a book the next morning by 9 o'clock, and
8 we had a revolt. We had a revolt. These ladies said, "I'm not going to stay up all night
9 translating this stuff," and so finally we had to get General Bond, who was later killed in
10 Vietnam, he was the DCSOPS secretariat guy, he had to go up to the top and tell, "You can't let
11 these guys go to lunch until they turn this stuff in. These are civilians. We can't keep them in
12 the basement all night translating this stuff." So we finally got that under control for the first
13 day. And then we're down there with this mass of paper creating all this stuff and then they've
14 got pictures and people are putting this stuff together. We were using a machine, a 3M machine,
15 which was a paper transfer copier, before the Xerox, and it caught fire one time in the middle of
16 one of the committees and smokes billowing out of this whole thing, and in the middle of this
17 thing my new boss, Colonel Robert Miller, who is General Westmoreland's parliamentarian,
18 doesn't show up. And I get on the phone to one of the TJAGs and I said, "We've got a problem
19 down here for the" -- I'm looking at it from DCSOPS' viewpoint. It had nothing to do with the
20 JAGs. "We have a problem down here. Colonel Miller hasn't shown up for the -- for one of the
21 sessions with the Chief of Staff of the Army. I don't know where he is. I've got so much that
22 I've got to do that I can't go find him, but I need to alert The JAG Corps that this is happening."

1 The guy ended up with a brain tumor and they got him out of there and then they put another
2 JAG colonel in there. I forgot who they put in there, but I lost 15 pounds in two weeks, all of us
3 did. We were working 22 hours a day for a solid week. We put this thing together; made the
4 deadline. It was an absolute nightmare and we delivered these books and did it and at the end of
5 the time we sat back and said, "Now we understand why the State Department said you do not do
6 verbatim transcripts, and if you can do it, you should never do it," and we totally agreed. You
7 should never do it. But it was an experience and a half, but I was totally working for DCSOPS.
8 I was working with this Brigadier General Bond, who was the secretariat for the conference, but,
9 I mean, there was people who did stupid things, like this colonel comes down there one day --
10 one night, and he says, "The Spanish General from El Salvador or something has just made -- has
11 just made a motion and I need it typed up and translated immediately," and the guy gives it to me
12 in English. I said, "Thank you, sir." So I get one of the Specialist 4s -- and tell him go upstairs,
13 find the general, find the guy who made the motion, have him write it out in Spanish, and then
14 bring it down here; then we'll translate it into English and translate it into Portuguese. So they go
15 up, they find the general who actually made the motion, have the guy write it out in Spanish,
16 brought it down, and they gave an accurate translation. We printed it up and sent it back up, at
17 which point the colonel who brought me down his English translation says, "That's not what the
18 man said." You know, I told Skip (DSOPS LTC in charge of backroom operations), I said, "You
19 cannot deal with total dumbness here." This Colonel is listening to an interpreter. Interpreters
20 aren't that accurate to begin with, and he wants me to take his notes and translate them into two
21 languages. The Spanish General would never have recognized his own words. The way you do it
22 is to find the guy who made the motion, have him write it out and have a translator do it, and I

1 could never convince this Colonel of that procedure. -- and the guy was going to get on me for
2 not following his orders until finally General Bond threw him out of the place, but this madness
3 is happening 24 hours a day and we're -- you know, we're getting ----

4 Q. Wow.

5 A. ---- 2 hours of sleep at a time.

6 Q. Wow.

7 A. And so that's -- that really stands out as something.

8 Q. Next Assignment: So then you go to USAREUR SJA as chief of the International
9 Division; was that -- that's over in Germany again?

10 A. Yeah. I'm back in international law now and I get a request from Colonel Shull,
11 General Shull, for me to be chief of the international law in Heidelberg. Now we knew -- well,
12 when I went to Hawaii with General Hodson-- when we went to the ABA meeting, General
13 Hodson -- have you ever been to Fort DeRussy?

14 **[No audible response.]**

15 A. Well, you know where the Hilton Hawaiian Village is in ----

16 **[No audible response.]**

17 A. All right, next to that's Fort DeRussy. It's the Hale Koa Hotel now. It's ----

18 Q. Oh, okay.

19 A. ---- a military hotel. In those days you had little cottages on the beach at the
20 location where the Hale Koa Hotel high rise is currently; two of them there, I think, had not been
21 built. General officers could have -- general officers could have -- get the cottages, so General
22 Hodson, right on Waikiki Beach, next to Hilton Hawaiian Village, has this little three-bedroom

1 cottage right on Waikiki Beach and so to get me in there -- he didn't like Colonel Shull, who was
2 the commandant at The JAG School, so he kicked Shull out, tells these people that I'm his aide,
3 so Hodson and I are on the beach for the ABA meeting because he's now finished his tour of
4 JAG Reserve units and he meets -- ends up in Hawaii with us. So -- but we knew Shull and
5 Shull was sort of a tricky character. Shull was commandant of The JAG School but he had a --
6 either it was a coin collection or a stamp collection and he actually ran a full-time business and
7 they had a warrant officer named, I think, Kelly Dale; had a warrant officer who was really full-
8 time working the stamp business or the coin business. I think it was a stamp business, and I had
9 seen that somehow when I was in the Basic Class for some reason Shull or somebody showed
10 me what they were doing, so everybody who knew Colonel Shull knew this guy was essentially a
11 ticking time bomb and that anybody who worked for Colonel Shull -- or General Shull because
12 he made general when he was USAREUR JA, they -- when he blew up, he may take out some
13 good officers along with him, so I'm sitting in International Law Division and I -- and they -- and
14 PP&TO comes over and says, "General Shull has asked you to be chief of International Affairs
15 in Heidelberg," and so I go to Colonel Haughney or then it was another Colonel because
16 Haughney had retired and gone to teaching and I said, "Is this a good thing?" and he said, "Well,
17 we think everybody else will survive him so it's a good career thing. By the way, we're going to
18 get another 3 years from you, by the way. Sign up for another 3."

19 So I go over to -- I go over to Europe as the chief of International Affairs Division, OJA,
20 USAREUR. Before I get there, BG Shull's career blows up and he was relieve and demoted to
21 Colonel. Our family took the last trip on the S.S. United States -- the Army was trying to save
22 the United States line so the Department of Defense was trying to send as many officers across

1 on the ocean liner rather than fly them because they were trying to support the U.S. line and it
2 was the last trip of that luxury liner and then they took it out of commission. The company
3 brought it back to Newport News and it never went to sea again. It was in October; Halloween
4 night we arrived in Bremerhaven. And it was -- going across the North Atlantic in October was
5 not a nice way to go and especially since I wasn't a field -- I mean I was not a lieutenant colonel.
6 I wasn't in first class, so we were back in ----

7 Q. Uh-huh [**affirmative response**].

8 A. ---- there. It was -- we all got seasick, but it was fun. We'd never been on an
9 ocean liner before, and my mother went with us. And so we arrive over and we arrive in
10 Bremerhaven and we got all these -- about 23 bags, and our sponsor is Major Ray McRorie from
11 Vietnam, my first boss. He's at Patton Barracks, at Seventh Army, deputy SJA. So I'm -- we're
12 all on the train and we're going down toward Heidelberg and I notice that the German trains are
13 running on time in the stations. I mean we're always -- it says, "We'll be 3 minutes in the
14 station," and we leave, and I got a mother, two kids, a wife, and 23 pieces of luggage, and I look
15 at this thing and it says, "Heidelberg, 5 minutes," or 3 minutes, whatever it was, and so I said,
16 "All right, let's start about three -- four stations away I start moving all the stuff out and I take --
17 and I said, "Mother, here you take the two kids. When you get to the end of the car, we're going
18 to open -- you get off on the platform and that's all you have to worry about. I'll put all the
19 luggage -- I'll get out and Tricia will hand the stuff out of the compartment across the little aisle
20 way, lift the window, and we'll hand them out there -- hand them out there through the window
21 and we'll get all the bags off because we've only got 3 minutes," so that's the plan. So Ray is
22 standing there and the train rolls in. Mother has the kids out. We hop on the platform. I got all

1 the luggage out. Tricia is handing me this stuff. Thank God some people were helping her, and
2 Ray's sitting there looking at this circus, and the train hoots and Tricia is still on the train and
3 they shut the doors and so Tricia starts running to the end of the car. As the train is slowly
4 moving, I open the door and the train is moving slowly, grab Tricia, close the door, and she gets
5 on the platform. She didn't speak German. She'd been, God knows, still in Germany traveling
6 down the line to where ever, so -- and Ray's sitting there and doesn't help a bit. He's just sitting
7 there laughing at this thing. So we end up in -- we end up in Heidelberg and Lou Shull has just
8 blown up. Somebody -- General Polk had discovered or somebody over there had discovered
9 that his sedan is parked outside of a German bordello and General Shull has gone up visiting
10 prostitutes and the commanding general was livid and so they get Shull out of there in 24 hours.
11 They reduce him back to colonel and they also, I think, did the stuff with -- they found out he'd
12 been running the stamp collection or something, too. So, Colonel Prugh, is in Stuttgart. They
13 move him up there, and now my father -- the guy who's looking out for me is now the
14 USAREUR JA. So I am a major in an O-6 job and Major Ernie Auerbach, who wrote *The Blue*
15 *Villa* (about the MACV SJA office), was the previous major in that job, and Wade Williamson
16 was the lieutenant colonel in there, and so I replaced Ernie. Well I was -- had a little overlap
17 with Ernie. We had about 4 months' overlap, and we had 23 classified document safes --
18 everything we had was totally Top Secret or below. Everything was locked up, and we had --
19 and George Bahamonde,-- I don't know if you ever ran across George -- was the deputy, and we
20 had to memorize the combinations to 23 safes. Actually they were in sequence; they were only
21 one number off of the combination of the previous safe. So if you knew the first safe, you could
22 open the other 22. -- so that was the International Law Division.

1 Q. Wow.

2 A. And that was a lot of fun, a lot of fun, because we were dealing with the German
3 Ministers directly. The United States Government at that time controlled about 11 billion
4 dollars' worth of real estate. We had more in common with Siemens, BASF, and German major
5 corporations than anybody else. The German Companies had the same real estate problems we
6 had. They had environmental problems. They had labor relations problems, so we had all these
7 contracts. So the International Affairs Division worked with the USAREUR -- engineers were
8 the lead agency overseas. They -- they were the kings, the engineers, and then we were support,
9 so we'd go to negotiations with German ministers. I had a US Citizen lawyer but a German
10 professor, who was another German Jew who had left Hitler, came back with Nuremberg War
11 Crimes trials, and his life was devotion to stick it to the German ministers to tell them that their
12 interpretations of their own laws were wrong and his were right He was teaching part-time at
13 University of Heidelberg. He was a Dr. Schwenk, Herr Professor Edmond Schwenk, and he
14 never wrote anything less than five pages. So the big challenge was to get anything through
15 General Prugh, so we would -- the Germans would send something legal opinion back to the US
16 Forces and then we would give our position and we had to coordinate it with the other NATO
17 countries what the position was because whatever the Germans would get from one they'd apply
18 to everybody else. And so the great revelation there was General Prugh would never sign
19 anything he didn't understand and nobody can understand five pages of what Herr Doctor
20 Professor Edmond Schwenk wrote, so the final solution after batting my head against the wall
21 not being able to get anything through General Prugh that he had to sign. was to sum up with
22 something like this. General Prugh signs the letter, "Dear Minister , On your recent letter da da

1 da da da da, the position of my staff is set forth in the attached document. Please give it your
2 consideration." Now, General Prugh didn't have to understand what that staff had written. He
3 didn't put his name behind the opinion on that. He just transmitted it and he always kept one
4 person between him and the problems so he could back down, and Herr Doctor Professor
5 Edmond Schrenk could write his five-page memos and it was just fine. General Prugh didn't
6 have to sign the memo. He just signed his little cover letter. After that, life got very good and I
7 could get my actions through the staff and out the door..

8 Over there for the first time, the Army went to a 5-day work week. Now,
9 everybody is used to coming to work 6 days -- 6 1/2 days -- 5 1/2 days. Everybody came in on
10 Saturday, so the Army decides they're going to a 5-day work week, so all the division chiefs,
11 Colonel Darryl Peck was one of them, [inaudible] and the Procurement Law Division and
12 myself, we all had a pact and we said, "This Saturday, none of us can come to work. Everybody
13 agree, because if one of us comes to work, it's going to destroy -- we're never going to go to a 5-
14 day work week. Okay." So all -- now the duty officer had to show up and the duty secretary or
15 whatever, so we all stay home. General Prugh arrives. There's none of his staff there. No
16 division chiefs are there. So he starts getting on the telephone, and he starts calling people in,
17 asking questions, and so -- and we do that the second week, and we say, "Nobody goes in on
18 Saturday, agree?" "Yeah." Three weeks, four weeks go by; finally General Prugh stops going in
19 on Saturday and JAGs -- and the JAG office went to a 5-day work week, so that was a big thing
20 with all of us..

21 Then you had later BG Prugh had ten ideas a day, nine of which were totally
22 unworkable but one of them was great -- but you didn't know which one was which, and then we

1 were overwhelmed and so nobody could keep up with all of his ideas; that's the way he was. But
2 he was an international law guy. He didn't know bip about criminal law from way back, we
3 know that, and so the deputy was assigned to keep track of the Prugh-grams. They were all
4 numbered and he had to keep track of how many the International Affairs Division had and why
5 hadn't you answered them and all this stuff. The only salvation was when General Prugh or the
6 deputy went on a trip and Darryl Peck, who was the admin law chief, would be the acting deputy
7 at this point and he would -- and Bruce Coggins and would -- when General Prugh was away
8 they'd just wipe the stuff off the slate and have it retyped and so the only way we survived was to
9 have the deputy on our side who would wipe out these pending notes and we'd say, "They can't
10 be done. How many hours do you want to do to this thing?" And we said, "We don't have
11 enough man-hours to do it. Our priorities are here and we can't do this stuff," General Prugh
12 always believed that if you went to a conference you had to do handouts. It was our position in
13 International Law that we didn't want anybody else in USAREUR, we were dealing with the
14 German government, we didn't want V Corps or VII Corps to start giving legal opinions on the
15 international stuff that we had already opined on and so I didn't want to give him anything. So
16 General Prugh would come in there and he would say, "I need some handouts for the next JAG
17 conference in Garmisch," or some fool thing, and then, finally, I'd just say, "How many pounds
18 do you want, sir?" "Stop kidding me," he says, "Charlie." He said, "Just get" -- "We'll get you
19 something, sir." We'd find something obnoxious that nobody wanted and we'd just throw it in
20 the handouts, but General Prugh figured that when you walked away from a conference, if you
21 had paper then it was a good and productive conference..

22 Q. Uh-huh [**affirmative response**].

1 A. USAREUR had the race problems in the command. General Polk got replaced by
2 a four-star named General Michael Davidson, and the race problems were so bad you had people
3 coming, you had drugs, your people coming back from Vietnam being assigned to Europe, and
4 I've seen USAREUR division staff -- USAREUR command meetings where a division
5 commander would get up and say, "I command this division during the day. I'm not so sure
6 who's in charge at night," and that's how bad it was; that's how bad it was. And so the Pentagon
7 sent Mike Davidson, who was sort of a cool, laid back four-star, and he would talk about rapping
8 with Richie Haven's albums or something like that, and he started relating to all ethnic groups
9 and they finally put a lid on this race relations problem and finally -- and then when Vietnam
10 finally wound down then the drugs and stuff started stopping a little bit, but that was a nightmare
11 for race relations and we had some real problems because we were the -- we were the
12 relationship between Status of Forces Agreement with all the Germans and all the criminal things
13 and we had a -- we had a black Soldier that supposedly raped a white woman coming back from
14 church at night and the Germans went bonkers. We had a lieutenant who went bonkers and
15 murdered about three women, cut them up in little pieces, and buried them -- scattered them
16 along the Autobahn and he was turned over to the German courts and the people were from
17 Minnesota, as it turned out, and so they started -- his name was Lieutenant Jerry Werner, and he
18 was the Mad Beast of Byrrouth and that's the way the headlines played him, and so the governor
19 of Minnesota got to the State Department and the parents and everybody and it became a big
20 political issue and they told us, "Get Jerry Werner sent back to the United States," so we had to
21 go down to Bavaria and try to negotiate with the German authorities to release and so they said,
22 "Well, you'd have to guarantee that you'll keep him locked up forever -- that you'll keep under --

1 in an insane institution" -- he was acquitted by the German Courts by reason of insanity. "You
2 have to guarantee you'll keep him in an asylum," and we said, "The Army can't do that. The
3 Army doesn't have an asylum. We can't do that. We will guarantee that he will be transported
4 back to the state of Minnesota," so the bottom line of that thing was that the parents went to the
5 state courts of Minnesota, the governor, and they got -- based on the documents they had a
6 commitment order to commit Jerry Werner to the St. Cloud Veterans Administration Hospital in
7 Minnesota, and we let the governor of Minnesota deal directly with the governor of Bavaria and
8 then they finally worked it out and so the Army picked up Jerry Werner, transmitted him back to
9 the United States, and turned him over to Minnesota, but -- and we had a lot of problems like that
10 to work out. We, the US Forces brought the first antitrust lawsuit. This suit was again Herr
11 Doctor Professor Edmund Schwenk's idea. The Germans weren't familiar with antitrust. They
12 didn't have an antitrust concept, and at this time we had Siemens and major companies with us.
13 What the Germans had, you had Town A, Town B, and a Military Installation. Town A is selling
14 electricity to the US Forces for 7 pfennigs per unit; Town B is selling it to town A for 5 pfennigs.
15 What's happening is we have an obligation to buy electricity from Town A. Actually, Town A is
16 buying electricity from Town B. The US Forces facility border both towns A & B and have the
17 ability to buy from either town. However, the German law or regulations say the Forces can
18 only buy from A and not from B (which is 2 pfennigs cheaper). Now Siemens, BASF, and all the
19 big, German companies have the same problems, so we said -- and if permitted then we could
20 buy directly from Town B. We said, "We have a right to buy here where it's cheaper," so Herr
21 Doctor Professor Edmond Schwenk, concocted essentially an antitrust argument and under the
22 Status of Forces Agreement and we brought a lawsuit in the German Courts. If the United States is

1 sued the German government will defend us and then we reimburse the Germans and we work
2 with their attorneys. If we want to bring a suit, then we go to another German agency, we
3 provide the legal briefs, the Minister of Justice, the Minister of the Interior will provide the
4 attorneys, and then we can sue, so we brought an antitrust violation against town A, which said
5 we should be permitted to buy electricity for 5 pfennigs from town B, or whatever it was, ----

6 Q. Uh-huh **[affirmative response]**.

7 A. ---- and we won and we had essentially three German companies that joined us in
8 that litigation because these big, German companies had the same problem we did. The few
9 pfennigs were worth millions of dollars over the course of a year. We have the same thing with
10 water and so it was a very exciting time.

11 Q. What was the racial makeup of The JAG Corps at this time?

12 A. I only knew one person in Europe, Captain Curtis Smothers, he was in the
13 Criminal Law Division, and he was -- let's put it this way. He was an activist and played the race
14 card every chance he had. This is '72. I think maybe seven, seven -- there was a problem, too,
15 because now the military population of the Troop Commands was racially much higher so you
16 ended up with white defense counsel defending black guys charged with violations of the UCMJ.
17 We had one African-American Judge in Europe at the time.

18 And also -- and everybody -- everybody got involved in anything regarding to
19 race, and we had congressional delegations over there all the time, and at that time we always
20 had visiting firemen. We had -- we were -- our late, great friend, the Shah of Iran, and we had --
21 and General Prugh was always big in international conferences and international aside to military
22 law and law of war, so we had to post that and do all this good stuff, and this was all in different

1 languages and these guys all spoke English, that was good, so we were constantly entertaining
2 Cabinari, general officers from Italy, or the Iranians would send three general officers who were
3 there legal -- Justice Ministry for the Iranian army over there once a year on a boondoggle to get
4 them out of Iran so that they were shopping, and for some fool reason, the two times they came
5 there when I was there, and we had to assign escort officers and take them around or whatever
6 they wanted, but all they wanted to do was shop and they bought white gloves, all size 7. We
7 went -- everywhere they'd go, they'd go into the PX and buy them out of the white gloves, all
8 size 7. I have no earthly idea what those guys were doing. They were outfitting some unit or
9 something back in Iran, but that was the thing. And Gary Anderson who worked for me, he says,
10 "Guess where I got to go?" You know, "Got to go to the PX again." He'd go down to Stuttgart
11 where maybe they had two or three kasernes. He'd go to every PX and buy every -- all the white
12 gloves, and so we were tied in with Iran at that time so we were close.

13 Q. So then you move on to the 21st Advanced Class. What was your Advanced
14 Course like; what was -- did you ----

15 A. Wonderful bunch of people, absolute nuts, Wayne Iskra, fun people, and Holdane
16 Myer, who is I think retired or maybe still the Chief Court of Appeals judge for the DC circuit --
17 are you familiar with the "Old Fuds Lunch"?

18 **[No audible response.]**

19 A. Okay. General Bill Suter, who's the clerk of the U.S. Supreme Court, and Colonel
20 Don Deline -- Bill Suter was commandant of The JAG School at one time, and then he was
21 acting TJAG; never got confirmed because of some problems at Fort Bragg that when he was
22 TJAG. The incident of command influenced happened while he was acting TJAG and

1 Congressional staffers thought the XVIII Abn. Corps. SJA should have been relieved and he
2 wasn't relieved so Suter never got confirmed. So Bill Suter and Don Deline, who was in the
3 Advanced Course when I was on the faculty, they have what they call the "Old Fuds Lunch," and
4 two times -- three times a year we meet at Charlie Chiang's down in Chinatown and it's
5 everybody who -- all these JAG officers who have retired and now could have veterans'
6 preferences, they have some wonderful federal jobs. I mean, they are commissioners. They are
7 head of the Justice Department JAG School. They're head -- we've got one guy who was in our
8 Advanced Course who's head of the security for all federal courthouses in the United States, so
9 all these guys with vet -- they're in the VA -- Veterans Administration Court, BG Ron Holdaway,
10 and so you get about 40 or 50 people and we have -- we have lunch three times a year at Charlie
11 Chiang's and it is amazing -- and a lot of these guys were in the Advanced Course. They've all
12 stayed around. They stayed in, and then they're now in all these federal jobs. Now they're
13 coming into a second retirement, but there were a lot of people in the Advanced Course, not all
14 of them stayed in for a career, but enough of them did and they're still around. They're now
15 beginning to retire again and now they passed the law so you can get your full retirement and
16 federal salary, so I saw Bill Suter. He was going up from the train on King Street and I saw him
17 about 10 years ago. He was going up to meet a guy who has since died, and he says, "I just like
18 to got a huge pay raise. It just, you know, now there is no offset to my retirement," so he's got
19 major general's retirement plus full pay for the clerk of the U.S. Supreme Court and he's having a
20 ball. Now all these former JAGs with federal jobs are in fat city pay wise.

21

1 And this gets to the point of rising above fungability. We picked a JAG captain named Cynthia
2 Rapp and we brought her into the American Bar Association and made her the editor of the
3 Military Law Newsletter, so we take this JAG captain and introduce her to the rest of the world,
4 all the TJAGs, everybody else, and she does such a great job. Of course she did a great job. We
5 wouldn't pick her if she wouldn't, and so she comes to the attention of Bill Suter and so when
6 Bill Suter leaves the Army, he offers Cynthia Raff a job at the U.S. Supreme Court as the death
7 clerk. She's the one -- they always have to -- whenever there's an execution in the United States,
8 you always have to have one justice that is on duty for last minute appeals and they always have
9 a court clerk to process it and there's a straight line -- fax line from the governor's office or the --
10 whatever it is, from -- so every time there's an execution in the United States, they have to have
11 one Supreme Court justice and one clerk on duty. She was that clerk for many years, and Bill
12 has moved her to now be the deputy clerk of the U.S. Supreme Court and there's no doubt in my
13 mind when Bill retires, Cynthia Rapp will be the first female clerk of the United States Supreme
14 Court, something may go off track along the way, but that career came about solely by taking a
15 very talented JAG captain and saying she's different from anybody else and giving her enough
16 exposure -- she was good to begin with. You know you wouldn't pick some dud and bring her
17 up -- to bring her to the attention of everybody; that was an example of it.

18 Q. How large was your Advance class?

19 A. I'm guessing about 22. There were three class leaders. Colonel Wayne Iskra was
20 one; I was one; and a guy named Charlie Murray who helped found Business Leasing
21 Associates, Inc. was the third one. We had a lot of time on our hands, so Tricia being in real
22 estate, she got her real estate license down there, and she started selling real estate, so Charlie

1 and I and then we found another guy named Jim McCune (Retired Colonel, JAGC), we ended up
2 buying one, two, three -- three rental properties. In the middle of the cold, dark winter, real
3 estate agents turn on their own; if they can't sell it to anybody else, they sell it to their husbands.
4 So we bought a bunch of stuff and then Charlie and I out at Earlys ville, we built a house on spec
5 and the general contractor went bankrupt in the middle of it. But you come out of a place where
6 you're working 14, 15 hours a day and now you're at The JAG School and you've got, I don't
7 know, when do you get out of class? What do you do with the rest of your time?

8 Q. Right.

9 A. You do oral histories probably **[laughter]**, so we had a lot of time so we went into
10 real estate. Charlie and I went into real estate and then we brought Jim McCune in, so we did a
11 lot. We constantly looked at real estate, buying and selling places. We kept them 3 or 4 years;
12 flipped them; did well.

13 Q. Were you maneuvering for your follow-on faculty position while you were in the
14 Grad Course or did that ----

15 A. I don't think so. I don't think -- I don't think so. I don't know how that -- well, the
16 thesis in The JAG Corps. When I was in Europe -- when I was in Europe, the General
17 Accounting Office, General Accountability Office came over there and they did a huge study on
18 residual value.

19 Do you know what residual value is?

20 **[No audible response.]**

21 A. Okay. It's a very complex formula deals with improvements and damages to real
22 estate used by NATO Forces in the Federal Republic of Germany. The whole complicated

1 formula were negotiate so when all is said and done the end result is going to be zero and no one
2 has to pay anything to any other country,. The Status of Forces Agreement says that the
3 Germans are going to support the U.S. occupation. If -- and we have German funds and U.S.
4 funds, and you have Deutsche mark funds and dollar funds. So let's say that the United States
5 builds an airfield which once was a potato patch. When the United States -- when the United
6 States leaves we're leaving the German Government with a nice airfield. So under the Status of
7 Forces Agreement, the German Government will now reimburse the US on some percentage for
8 what improvements we made. Now all improvements, whether in Deutsche mark funds or dollar
9 funds, can be offset by damages. So if we do something and damage it, then that gets subtracted
10 from that sum that is owed for the improvement, and so what is to the U.S. as an added value
11 may be the Germans' damages. For example, they say, "We'd rather have our potato field back" -
12 ---

13 Q. Uh-huh [**affirmative response**].

14 A. ---- or if you take over German barracks and you'd put individual Soldier's
15 partitions in there in a Soldier's room and the Germans have 20 people to a bay, they don't want a
16 barracks that has 20 separate rooms, so to them it's a damage. So the Congress says, "We aren't"
17 -- we're turning back facilities back and forth all over Germany and we're not getting the German
18 Government to give us money. "Why aren't the forces collecting residual value from the German
19 Government?" So the General Accountability Office came over and they had a couple of guys
20 and they spent weeks with us writing up a report. Well, we had to pull all these documents on
21 the negotiating history of the Status of Forces Agreement. We had to have the minutes. We had
22 to help them. So we spent an awful lot of time researching the basis, the negotiating minutes, the

1 understandings that weren't in the agreement of what all this stuff meant, and GAO goes back
2 and writes a report. Well I've got copies of this stuff. It's not classified, it's just old, and so that's
3 my thesis. So I write a thesis called "Candles and Costs," which the bottom line is the cost isn't
4 worth the candle when you finally get it because this thing was negotiated by diplomats years
5 ago and the hidden agenda was that damages would offset and who determines what's damages
6 and what's an improvement and the bottom line is always going to be zero. So when we started
7 drawing down, General John Cooke -- I don't know if you ever met General Cooke?

8 **[No audible response.]**

9 A. General Cooke was the USAREUR JA and years later when we started drawing
10 down all the forces in Europe and turning back installations and facilities to the German
11 Government, he called back to The JAG School and he got my thesis because it was a road map
12 for what they were going through at the time. I was over there visiting and he says, you know,
13 "This thesis your wrote just laid it all out." And I said, "Yeah, I lived it when the GAO did it,"
14 so ----

15 Q. Uh-huh **[affirmative response]**.

16 A. ---- that was my thesis at the Advanced Course.

17 Q. So moving into the faculty, it was one of these offers, "Would you like to teach?"
18 "Yeah." "Sign up for another 3 years."

19 Q. But by this time you're pretty well committed, I would think.

20 A. Oh, yeah.

21 Q. Yeah.

1 A. So the old JAG School, as I say, was the original Ball's Hall over there where the
2 -- and we were all on Main Grounds. The JAG School was behind the old UVA Law School.
3 The international -- the Advanced Course was in the University of Virginia Law School. The
4 Basic Class was in the other classroom. The Procurement Law Division was on the balcony in
5 the Law Library interspersed with the -- with faculty and University of Virginia law professors,
6 and the International Law, there was three of us in International Law, we were in there. The next
7 office may be a University of Virginia law professor and then we had an office and Colonel
8 Dave Graham, who's now at the center for operationl law you're talking about, he and I shared an
9 office. Dave was a Texas Aggie and was going to leave the service; loved international law; had
10 a master's from George Washington before he came in The JAG Corps, and so we all conspired
11 as to how to get Dave Graham to stay in the Army and so I called up General Prugh and I said,
12 "You're making a tour, JAG tour of Korea and the Far East. Why don't you take Captain Graham
13 as an aide and show him what The JAG Corps is doing around all over the world?" So General
14 Prugh, at this time, my godfather, takes the suggestion so he gets Dave Graham to go with him.
15 They go all over and he's traveling with General Prugh and sees JAG offices all over the world,
16 and they end up -- the commander of Eighth Army in Korea happens to be a Texas Aggie, and it
17 ends up Graham and the commanding general of Eighth Army are standing on some table and
18 the commanding general berating General Prugh because he went to University of California,
19 whereas he and Captain Graham were Texas Aggies. That was such a trip for Dave Graham that
20 he signed up again and never left the Army until he retired as Chief of the International Law
21 Division, OTJAG He never had an SJA job. He's never left the international law field was so
22 valuable there to the Army that OTJAG never made him leave the field and do criminal law or

1 other. He's gone to The JAG School; gone to the Pentagon in International Law; he was a legal
2 advisor to a United Nations force in the Sinai that negotiated with a Norwegian general to move
3 the Egyptians and the Israelis back; he's been to international conferences; he's never had to
4 touch an article of criminal law in his life; and The JAG Corps has always made room for him
5 and he's been -- he's spent 29 years in the Army, 30 years in the Army.

6 David and I shared an office in the old UVA Law School in the front of the building --
7 the University of Virginia coeds used to cross the bridge and we had this big oval window so
8 when the classes -- we'd all walk to the front and both of us stand there and -- Tricia told me to
9 tell you this -- and that we would all watch the coeds change classes. We were in the front yard.
10 And then when I was on the faculty, we moved to North Grounds and the present TJAG School,
11 the Darden School of Business, not the Darden School you see now but the old Darden School. I
12 mean that's a palace we've got, and the UVA Law school -- the Darden School moved first, so
13 the law school and The JAG School had faculty people to coordinate lessons learned from the
14 Darden School, like the number of inches between seats in the auditorium and whether you can
15 get out when you -- I mean just -- it's not **[inaudible]** but you had to have a faculty go, "Where
16 are the projections?" What lessons learned did the Darden -- when we moved The JAG School
17 and the law school to North Grounds, we've got to overlook. For example, the Darden School
18 built in this big computer room. By the time the contract had been let and everybody had it,
19 these business students no longer had slide rules; these guys were sitting with HP calculators and
20 stuff and they never put a computer in the computer room because everybody had their own,
21 private calculator or ----

22 Q. Uh-huh **[affirmative response]**.

1 A. ---- scientific calculator, whatever they used, so there were things like that. So I
2 was in on the ground floor for the planning for the new JAG School, which was really a lot of
3 fun

4 Q. And you didn't save enough space for the seats, sir.

5 **[Pause]**

6 Q. I'm just teasing.

7 A. Where's the classroom now? I mean there's so many classrooms now that -- but
8 that was one of -- I mean stuff like that. They discovered that if they put the seats too close
9 together and the students couldn't get out or something like that at the old Darden School.

10 Q. Okay.

11 Q. What percentage of the faculty had been to Vietnam at that point? Were you still
12 fairly unique ----

13 A. To my knowledge, probably everybody except Dave Graham, because most of
14 these people had come back from being JAs, et cetera, in different places.

15 Q. Now ----

16 A. And then I end up in Panama one time.

17 Q. Oh, that's right; the tech advisor for the Army Geneva Convention film in
18 Panama.

19 A. That was a disaster -- well. H D Peters was a private company and the
20 government contractor to do the film that really -- had some really neat people who'd done
21 Hollywood films, stuff like that, and they were out of Jersey and they did documentaries for
22 anybody. They did anything you wanted, but the Army had a contract with them to do

1 documentaries and so I was a technical advisor to shoot this Geneva Convention/Law of War
2 film down in Panama, and the arrangements had been made and U.S. Army, South was closing
3 down and there was a public affairs guy who was supposed to have cleared our filming in the
4 Canal Zone. So I go up -- we have the script. We go over the script and The JAG School
5 blessed the script and they read -- the script is fine. We go to New York and we cast the actors,
6 which was an amazing -- it was amazing. The director goes up there and you have all these
7 people show up for a cattle call and you know some people are never going to make it ever.
8 They come out of, you know, Podunk somewhere with stars in their eyes and they're going to be
9 Broadway actors or something; no talent. But some who read the script were amazing. And so
10 the director sits there and the guy who is going -- I remember one thing. The guy was going to
11 be the revolutionary, the Che Guerra type. I mean this is the guy who got killed in the film and
12 the director says, "Okay" -- he had already given the lines for it; they gave them a couple of
13 pages of script, so they all come in and he says, "Okay, go through this," and the guy sort of
14 turns around, thinks about it, 15 seconds later he turns around and delivers a line as the character
15 in the film and the director says, "I'd like for you to soften the character a little bit and then do
16 something here," and the guy turns around, takes his 15 seconds, comes back, and delivers the
17 same line, it's the same character, but the nuances are just absolutely different and just the way
18 the director wants the action done. and there's hundreds of people just like that in New York
19 City. They take direction. They can deliver their lines in the way the director wants it. So we
20 went up there and we spent 3 days casting that film and then off we go to Panama and then these
21 people are going to show up when we're get -- and they show up in Panama what day we tell
22 them to show up; get down to U.S. Army, South and the public affairs officer has never done

1 anything to achieve our permission to film. We don't have permission to go into the Canal Zone.
2 We don't have permission to shoot the film. The PA -- the public affairs guy is a dodo and just
3 dropped the ball. So we're out X number of dollars a day. The film crew is down there.
4 Everybody's ready to go. The actors are coming in 3 days. We're out shopping for locations to
5 shoot the film and we don't have approval to do it. And this public affairs guy was about to be
6 fired anyway, so I go over to the DCSOPS, US Army South, some colonel, and he says, "Who
7 are you?" and I said, "I'm down here to shoot a training film," and he says, "What training film?"
8 and I layout the thing, what we're doing, and he says, "We haven't approved that." I said, "What
9 does it take to get it approved?" and he said, "We've got to staff that thing around the
10 Headquarters." Back to Ed Haughney and his sage advice, I say, "Can I be your staff officer in
11 DCSOPS?" "Sure." And I said, "I'll do all the work to write up a decision paper" -- he said, "We
12 don't have time to do that." I said, "I'll do all the work. Just give me a typewriter and let me be
13 one of your staff officers assigned to DCSOPS." He says, "Okay." So I type up a decision paper
14 for the command, write out all the things, a discussion paragraph. I mean everything that Ed
15 Haghney taught me back in the Pentagon International Law Division. I go back to this colonel.
16 He doesn't care what it says. He signs off on it as a full colonel, and then I start walking around
17 USARSOUTH -- I mean U.S. Army, South; DCSPER; the Public Affair -- whoever we had -- we
18 had to get five people and then we had to get the deputy commander to sign the decision paper,
19 and we got that done in about 6 hours and then we're back out shooting the film finally, but that's
20 all because Ed Haughney says, "This is how you do staff papers in the Pentagon," and all I had to
21 do was walk into a Headquarters, didn't know anybody, and I'd walk in there and they'd say,
22 "Who are you?" I'd say, "I'm working for Colonel Such-and-Such." "Well, okay, the DCSOPS

1 says you work for him." My name was right up at the top and he's signed it so walk the chops
2 around and get it done.

3 Q. Wow.

4 Q. I'm interested to get to SJA, 1st Cav, the time you spent at Fort Hood, Texas, but I
5 don't want to -- is there anything in particular you would like to mention about the Armed Forces
6 Staff College in Norfolk because ----

7 A. Yeah, I was a roadrunner and hit a deer **[laughter]** driving down there one night
8 and I bagged a -- what I thought was a 400-pound deer but when it was dead just probably only
9 weighed about 60 pounds but I use a 2500-pound car when I go deer hunting.

10 Oh, yeah. I was the class leader again. I end up being class leader of Armed
11 Forces Staff College, and if you guys have been to Leavenworth, going to Leavenworth, you
12 have a chance -- do they still have Armed Forces Staff College?

13 Q. They do. I think it's called ILE now, but ----

14 A. Okay ----

15 Q. Generally go after the Grad Course.

16 A. Yeah. It's the equivalent to Command and General Staff.

17 Q. Yes, sir.

18 Q. Yes.

19 A. Command and General Staff is horrible, it's work, it's tough, and Armed Forces
20 Staff College was designed to diminish inter-service rivalry, everybody is to get along and be
21 purple suited, and they don't have grades and they don't have competition and it's just fine, thank
22 you very much, and so I'm down there on Norfolk Naval Base and I'm the class leader and we've

1 got Marines. We've got an Air Force faculty advisor. We've got Marines in there. We've got
2 Air Force, Army, Coast Guard, everybody, and so I'm the class leader; very interesting stuff.
3 Admiral Jeremiah Denton, one of the POWs who later became for one term the Senator from
4 Alabama until they realized that this guy was not quite there and they didn't reelect him, he was
5 the commandant and he'd just come back from being a prisoner of war and he was the
6 commandant, Armed Forces Staff College. This guy had earned the right to determine his
7 relationship to God, the universe, and with his fellow man, and so he would lecture to the
8 students about what was -- what he had evolved from 7 years of solitary confinement and torture
9 and everything else. The students did not agree with his conclusions, but we all respected the
10 fact this guy had earned the right to come to any conclusion that got him through the night; but
11 this guy was -- he was like a missionary in all these things, trying to convince all these young
12 potentially majors and lieutenant colonels of his views, but he's earned the right to have these
13 views ----

14 Q. Uh-huh [**affirmative response**].

15 A. ---- and we respected him a lot but we didn't buy -- we didn't buy into what he did.

16 The other thing that happened was -- had -- and that was when I was at my lowest
17 weight. We had to do PT and I ended up being 167 pounds. I wish I was back to that now, but
18 we had to do all this PT and the only way you could finally get the point -- we had a point
19 system. Since I was the class leader, I had to keep -- certainly, I had to keep doing it, so I'd be
20 out there at 10 o'clock at night on Sunday night running my 3 miles in the rain or whatever it was
21 so I could have points to turn in on Monday, and I -- and I just kept losing weight and losing
22 weight, which was great.

1 And then we got into volleyball, got into sports. In the Army, volleyball in
2 Vietnam was, as you know, is a contact sport, you can reach under the net, grab the guy's shorts
3 and yank them down and then hit him in the face. I mean I didn't know there were rules to
4 volleyball, and the Army guys didn't know there were rules in volleyball. The Marine Corps
5 takes volleyball very seriously. I mean they're nuts on this, and the Navy guys, I guess, know
6 that, the Air Force guys don't care, the Army guys don't know any better, so we are playing
7 volleyball and this Marine major by the name of Len Mize is the coach. One of our faculty
8 advisors who, is a Air Force lieutenant colonel is playing. Mize is the coach. He blows up.
9 Somebody has done something wrong. He then benches the faculty advisor. The tension in this
10 seminar and he's yelling that's his faculty advisor who's an Air Force lieutenant colonel because
11 he did something wrong, I guess, whatever the protocol the Marines had on the volleyball court,
12 and so this is now translating into the seminar. So I got to figure a way to diffuse this thing. So
13 we had these little red book that the Chinese came up with call "thoughts of Chairman Mao", so I
14 came up with a little -- little overhead projector slide when -- it was like what Dick McNeely and
15 I did on the bulletin board up in -- up in Fletcher. I had this little thing that had, "Thoughts from
16 Chairman Volley," and it had a little caricature of Major Mize in a Mao costume and it says,
17 "Volleyball is something -- is a game of sophisticated coordination, delicate nuances of timing
18 and service, and if anyone doesn't understand this about volleyball, I'll cram this thing down their
19 throat," and so that got a big laugh and so finally it diffused, but I mean Mize went bonkers and
20 he was yelling at all of his classmates as he coach and when he benched the faculty advisor, that
21 was sort of the bottom line on that.

1 Then we had a guy who was supposed to be the XO on the Destroyer Belknap,
2 and I don't know if -- no. This was before you guys' time. The Destroyer Belknap ran into an
3 aircraft carrier somewhere and it took out the whole super structure of the Belknap. The aircraft
4 carrier suffered some damage, but it put the Belknap in dry dock. So this guy was supposed to
5 be the XO of the Belknap, so at the end of the class, we started giving gifts. So we went to one
6 of these Revell ship models and so we got a destroyer model, penned this thing up beautifully,
7 put it up and mounted on the board, and then took a match and started working on the super
8 structure, all the plastic started melting and stuff, and presented it to this guy. This is his new --
9 his new command. It was fun, because you didn't have grades.

10 And that was the first time we ever saw a computer, and we all went on the
11 computer and what did it do? You know, after a lot of programming it printed Merry Christmas
12 or your name or something like that, United States, **[laughter]** you know, just little ----

13 Q. Yeah.

14 A. That was -- they wanted everybody to be familiar with computers then.

15 Q. Right.

16 Q. So in 1976, assigned SJA, 1st Cav Division, Fort Hood, Texas. What was that
17 like? Obviously, 1st Cav big in Vietnam and also ----

18 A. Yeah, it was now back as an armored division.

19 Q. Right. And ----

20 A. By the way, the 173d got decommissioned in Vietnam when it finished Vietnam,
21 and then years later when General Hugh Shelton was the Chief of Staff of the Army, he was
22 wearing a right shoulder patch that said, "173d," so he reactivated the 173d in Italy and now it's

1 all over Iraq and now it's all over Afghanistan and these guys who were ambushed about -- they
2 were all 173d, I'm sure. And there's a big, active -- "The Herd" -- bunch of people around here in
3 DC who go to Walter Reed quite regularly and try to help those 173rd guys out.

4 Q. And this is near not only the end of Vietnam but this is also transition from draft
5 to volunteer Army.

6 A. Yeah.

7 Q. Can you talk about how those two influences ----

8 A. Well, the -- the SJA of the 1st Cav Division -- well they knew I wasn't strong on
9 criminal justice, never having seen a general court. I've never been -- well had been a -- been a
10 defense counsel once, so they gave me a military judge as my deputy; a guy named Ard Gates,
11 Elmer Ardrick Gates, A-r-d; had been a military judge, so they figured that he was my deputy, I
12 could handle anything else in management but he would keep me straight and that was -- I don't
13 know who did that but it was a joy and a blessing, and so we had -- I replaced Cal Tichenor, the
14 same guy that Emory Sneed had brought in and talked to Sue Tichenor when he was at
15 Artillery School and I was at Fort Knox. Cal Tichenor -- Cal Tichenor is governed by religion
16 first and the rest of the world second. Everything is totally black or white. His wife is a lot more
17 shades of gray and a lot more fun, so Cal -- I'm not tied up with military justice. I'm not into
18 who's winning and who's losing. I'm an international law guy. I'm not wrapped around how
19 many convictions we get, how many special -- I am -- I'm moving a mass amount of things
20 through a system. So I replace Cal, who believed in granting immunity and a bunch of other
21 things, and in my opinion overcharging. They went out on a field exercise and the JAGs went
22 out and at the end of the workday took off their fatigues, put on shorts, and had camp chairs out

1 there in the middle of the field exercise at Fort Hood with the 1st Cav Division. So you talk
2 about how a JAG is perceived? I didn't think that was too good for The JAG Corps, but that's
3 what -- they did that with Cal and I don't know why he got away with that. They actually went
4 out in the field, took off their uniforms, put on shorts, had a beer, and, you know, fold-up, you
5 know, metal chairs. So I go in there and the week before I got there, some disgruntled guy who'd
6 been convicted got the buildings wrong and burned down the JAG shop. The whole JAG shop
7 went up in flames. The JAG has no building. So a week or so before I got there, there were
8 these old, temporary, World War II hospitals -- I don't know if you've ever seen them. They're
9 up on stilts. You can walk -- almost walk under them. It was a kind of -- was sludge and then
10 they have walkways between them so you can roll gurneys back and forth -- back and forth, in
11 between the different buildings. They gave the JAG shop one of those buildings. It had been
12 abandoned. It had been condemned and abandoned and it had been sitting there with doors off
13 and windows off blowing in the breeze for probably 7 or 8 years waiting to be torn down. It was
14 a whole, big complex. So they moved the JAG shop in there, and so when I came in to take over
15 as the SJA, and we designed the new JAG building and General Nardotti said that it was a great
16 building because he later was the SJA at 1st Cav and apparently it is a nice building, but -- so we
17 went in there and I inherited a case that had happened at Fort McClellan. They were court-
18 martialing a full bird Colonel who was a brigade commander for rape. Cal had something like 5
19 charges, 15 specifications, and so I'm in there and we're about to try a full colonel brigade
20 commander and we've got no JAG shop, no courtroom, no nothing. The 2nd Armored Division
21 is there too.

1 So we went to Fort Hood and now we get into a little bit of philosophy. I decided -- we get into
2 the "Lawyer first, Soldier first," so I adopted a policy that said, "Everybody in the shop calls
3 Tricia by her first name. All wives and spouses are on a first-name basis with me," so the
4 sergeant's wife, it was Charlie and Julie, and I said, "This is my way to sort of making it a law
5 firm but keep the military," and we also worked that for the rest of my career over in
6 Kaiserslautern, too. So all the officers were on a first-name basis with Trish, and all of the
7 wives, no matter what rank, spec 4, private E-2, were on a first-name basis with me. The officers
8 and ourselves it was the rank, and it was a very interesting experiment and I think it worked very
9 nicely.

10 So at the 1st Cav Division, I inherited a whole bunch of guys who were right out -- right out of
11 the JAG Basic Course, bright guys. They're all about -- now they're volunteers or ROTC. I'm
12 their first boss, except for Cal. Some of them were there before Cal, and they're all away from
13 home. This is their first job. They're all married and most of them had their first child when
14 they were there in those 3 years. They bonded together, maybe against me, but they bonded. I
15 know they were a little bit against Cal, and so -- but I had some very great -- I had some terrific
16 people. I had a couple of West Point graduates because we'd gone into the Funded Legal
17 Program and I had a couple of Mormons and BG the LTC Holdaway was a Mormon. He was the
18 PP&TO guy at the time and he says, "How are my Mormons doing?" And I said, "Great; send
19 more Mormons." I said, "We're not very big on social work, but they don't drink, they don't
20 smoke, and they work all the time and they're very smart and I love them. Send more
21 Mormons." So he's down there one time and he's drinking a glass of wine and one of the guys
22 went up to him and says, "Colonel Holdaway, I thought you were a Mormon." Holdaway says,

1 "Yeah, I am. I'm not a good one." **[Laughter]** So it was a very -- because I had to mold these
2 people for the first time and one of the problems since we had this ridiculous -- we had this
3 ridiculous set of building for an office and the engineers had said, "You can do anything you
4 want to it; self-improvement," as the whole JAG Office was in condemned and abandoned
5 buildings. so I had three commanding generals: MG Julius Wesley Becton, who is a black major
6 general, 1st Cav Division, commanding general. The first time he saw a Cav patch he was
7 walking along in Korea. There's a couple of white sergeants with the big Cav patch on the front
8 of their Jeep and they said, "There's one. Let's get him," and they tried to run him off the road
9 with the Jeep and hit him. He jumped in the ditch. X number of years later, he's the
10 commanding general of the 1st Cav Division, and a wonderful guy to work for; and so what we
11 had -- we had people who did self-help. I had a captain who came out there and one day the post
12 engineer calls me up and says, "Do you know what Captain Twidwell's done?" "No, sir; I don't
13 know what Captain Twidwell's doing." He says, "He's got a concrete truck coming from Killeen,
14 Texas, pouring concrete down there in front of your JAG shop." "Good for him." They told us
15 we could do anything we wanted to do. He got tired of walking in the mud, so he goes out on his
16 own thing, hires a contractor to deliver -- 2 yards of concrete or whatever it was and has it
17 poured there. I go in there one day. He's cut a hole in the side of the building, gone down to a
18 pawn shop, and he's got one of these fake fireplaces for our waiting room; then he's got stuff
19 from a pawn shop and he's got a stereo set for the waiting room. So people started doing self-
20 help. I started paneling my office, buying my own plywood and all this stuff, so we -- the
21 general got very excited because we'd taken these condemned buildings and made them look like
22 a law office. I had one guy who actually turned it into a Judge Roy Bean thing. He had a roll-

1 top desk. He had cattle horns from Colorado. He had a Stetson hat; had the cattle thing; had a
2 brass spittoon on his desk, and the general would just keep bringing people in to show them the
3 JAG shop.

4 So the other thing was I had the problem I didn't have enough space with this
5 stuff, so then I start taking them out and putting captains in the brigades. And the brigade
6 commanders loved it. Every one of these brigade commanders made general, and they had brand
7 new headquarters, each brigade had brand new headquarters buildings, and so they gave the JAG
8 Captains a nice office and they treated them as part of the staff and they loved it. And the deal I
9 made with the brigade commanders, I'd bring the captain in, I'd bring the brigade commander,
10 and I said, "Okay. Captain Smith is going to be your JA. He hasn't been in The JAG Corps
11 long" -- same thing we talked about over lunch -- "hadn't been in The JAG Corps long. He's
12 going to give you his best advice. If you are not happy with the advice that Captain Smith gives
13 you, ask Captain Smith to bounce it off me. See what Charlie wants to do, okay. I may be able
14 to find another way to skin that cat or something else, a way to get what you want done or
15 something that he hadn't been in the Army long enough to know that. I will go back to him and
16 he will say, 'I bounced this off Colonel White and he suggests we do this,' or he will tell you,
17 'Colonel White concurs with what I said.'" That's my point. I said, "You call me directly --
18 they're colonels and I'm a lieutenant colonel -- you call me directly, human nature is such the
19 question you ask Captain Smith and you didn't get the answer you wanted you're going to change
20 the question when you call me. I'm not going -- I can't -- I can't play that game. You've got to
21 have trust in your JA. He will come to me. I'm not going to override him on the phone. You
22 can call me if you want; that's no problem." So that worked out beautifully. No one was at risk.

1 The captain wasn't at risk. The brigade commander was happy, and it -- that was the way it
2 worked. Now how did the rating system work? The brigade commander was the rater; full
3 colonel on a JAG captain. I was the endorser as a lieutenant colonel, staff judge advocate, as the
4 technical endorser for the legal part of what that captain did, and the division chief of staff was
5 the reviewer. So you had a JAG captain out of the Basic Class, had two full colonels and a
6 lieutenant colonel on his first OER, his second OER. These guys stayed in the Army. They had
7 good reports, and we protected them, but we had to set up a situation where no one was at risk.
8 The captain was not at risk of the JA overruling him, and so we worked things like somebody's
9 out there -- the military police blotter says, "This guy," you know, "committed treason and
10 insulted the," you know, "somebody else," and the general and everybody's looking at the blotter.
11 Well the real facts are the guy got out of the door, inadvertently slammed it against the military
12 police or something so he really didn't commit treason or something like that. So I'd say, "Here's
13 the way we're going to work it. You tell me what the disposition is that you want to have at
14 brigade level. How do you want to handle this offense? I will run it by the general, and I'll say,
15 'Colonel Andrews wants this offense that we saw on the blotter that looks like treason or mutiny,
16 it didn't turn out to be that way, the general wants -- I mean the colonel wants to handle it by
17 Article 15. I've looked at the facts. I think that is in the realm of discretion on this case based on
18 what -- this is what the colonel says, so I suggest that I tell the colonel to go ahead with whatever
19 he wants to do.'" Now the brigade commander is no longer at risk. I said, "General, if you don't
20 agree with the brigade commander, pull the case up to division level, that way you don't get into
21 unlawful command influence. You don't order the colonel to do something. Pull it up to
22 division level. We'll handle it the way you want to handle it," but it created a total non-

1 confrontational, nice situation of putting captains in brigades, protecting the brigade commander,
2 and working with the general and I think it worked beautifully. Now, what are we, 25 years
3 later, they're now putting captains in brigades, but I have no earthly idea how you're going to
4 work out the risk factor for the JAG; that's how I saw the risk factor down there. And if the -- if
5 the brigade commander -- if it didn't mix, then I'd pull the guy back into the shop; didn't hurt
6 anything; didn't do anything.

7 The other thing was how do wives participate in it? So I had the officers, I said,
8 "If your wives want to participate, they're not in the Army." My wife's a real estate agent. I had
9 a captain's wife who was a Navy brat and she liked to go to cocktail parties and we had a chief of
10 staff who liked to have -- wife had to have -- put on gloves and have cocktails, so Mary went to
11 the cocktail party and Tricia did her stuff, and she loved it. This captain's wife up there with all
12 the colonels' wives, the chief of staff's wife, they loved her. She'd grown up in the Navy; life
13 was good; Tricia could work; anybody else that wanted to work and there we were.

14 Back to how we worked the Captains in the brigades.

15 Major General Larry Williams who was the deputy -- the ATJAG came down and told
16 me, "This idea of taking the JAG shop apart and putting a Captain in the BDE Headquarters is
17 doomed for failure and this is a disaster," and he said, "But it's your neck," and so I said, "Well
18 that doesn't sound too good," but we continued to do it. It was my neck, but I believed in it and it
19 worked. And it only -- and I only had one problem. One day one of the captains who was a
20 brigade JA came in and he was arguing about something with my deputy, and the captain told
21 Ard Gates, who was a major, he says, "I don't work for you," at which point my chief of justice,
22 another Captain, who was standing there listening to this grabbed this first Captain by his

1 fatigues, slammed him up against the wall, and pulled him into his office, and you could hear
2 him, he says, "Don't you ever say that to the major. You do work for the major," and Ard looked
3 at me, he says, "I told you this would happen," and I said, "Stay with it, Ard. Dave Smith took
4 care of this guy. It won't happen again," but that's the only time that the JAG captain talked back
5 to my deputy and said, "I don't work for you," and he didn't, he wasn't in the rating scheme but, -
6 ---

7 Q. Wow.

8 A. ---- "We'll bring you back in the office real fast and you will work for me."

9 Q. Right.

10 A. The other thing that happened was Major Bane Ashley -- oh, the -- go ahead; you
11 had a question.

12 Q. Nope.

13 A. Back to the Bde Commander who was charged with rape, Colonel Mickey
14 Marshall, brigade commander, charged with rape. Colonel Marshall is on TDY to Fort
15 McClellan for some course. The sergeant major of the division's driver, Hispanic, Gloria Lugo,
16 is at Fort McClellan for another course. Somehow they meet in the mess hall. Gloria Lugo goes
17 back to Colonel Marshall -- Colonel Marshall is Black. Gloria Lugo is Hispanic -- goes back to
18 Colonel Marshall's BOQ and from that point on the story diverges. He says it's consensual sex.
19 She says it was rape. Cal Tichenor charges conduct unbecoming, adultery, rape, and 15 other
20 violations of Army regulations -- he's got a list of charges that would take us 5 days to prove, and
21 so I inherit this thing and now we have a general court-martial going for a brigade commander.
22 We have a Black commanding general, a Hispanic victim, a very senior Black brigade

1 commander, so now who are you going to have on the court-martial panel? We had to pull
2 generals, retired colonels from all over, probably III Corps to get this thing done. Colonel
3 Marshall asks for Dave Smith, who is my chief of justice; a fabulous guy who ended up being a
4 civilian attorney in Appellate Division, OTJAG and had a heart attack at an early age and died
5 about 4 years ago, worked in -- a wonderful guy, a decent guy. We had a -- the trial counsel was
6 a guy from Arkansas named Billy D. Pratt, who chewed tobacco, and he had a briefcase in the
7 courtroom and he had a Coke can so he'd bend down and spit and finally the judge says, "Captain
8 Pratt, are you chewing tobacco?" "Yes, sir." He says, "I don't want to see that in my court
9 again." So Billy Dick Pratt stopped chewing tobacco in the court. These guys were best of
10 friends. Billy Dick was trial counsel, and Colonel Marshall asked for Dave Smith to be his
11 defense counsel. Dave Smith came in and asked that all charges be dismissed except rape, so
12 General Becton and I sat there and we talked about that and we said, "Would we take a full
13 brigade command -- if we take a brigade commander to a general court-martial for anything less
14 than rape, we're going to get a conviction. His career was over the minute CID got the report.
15 Mickey Marshall was finished in the Army win, lose, or draw. He's finished. And we're talking
16 about rape, so let's drop -- General Becton says, "What do you think about dropping all the
17 charges except rape?" I said, "I'm okay with that. I'm not out there to try to convict Mickey
18 Marshall of something. I mean, he's admitted to adultery, conduct unbecoming etc for God's
19 sake," so we dropped all charges except rape. So we go to -- and Colonel Fran Gilligan was the
20 SJA at Fort McClellan and Captain Andy Afron, who was the Court of Armed Forces -- Military
21 Appeals chief judge was a JAG captain working for Fran Gilligan and he was assistant trial
22 counsel when it happened, so he came down to Fort Hood for the trial and he was willing to pad

1 the system. So we go through this trial, 3 or 4 days, and Mickey Marshall is acquitted. We took
2 it to trial on the theory -- well, we had a doorknob. Gloria Lugo had gone into the bathroom and
3 Mickey Marshall, he'd broken the lock to the bathroom, so we have the -- what convinced us --
4 Mickey Marshall considered -- his idea of sex was rough sex, and we got that from testimony
5 from other people. He may not -- the best guess was, he wasn't -- he didn't realize it was
6 nonconsensual since she went to his BOQ room, but the doorknob was what kept the rape charge
7 in -- kept it in play. She was in the bathroom. He broke the doorknob to find her, so that -- we
8 knew at some point she changed her mind and once she said no he couldn't -- he had to stop. So
9 we took it to trial based on the fact the doorknob was broken in and he pulled her out of the
10 bathroom.

11 So then the trial ends in an acquittal. Mickey Marshall -- a couple days later,
12 Mickey Marshall goes to the general and wants to be reinstated as the brigade commander and he
13 says, "I'll accept your retirement in 2 days." Mickey Marshall did just that. So Capt Pratt, Capt
14 Efron, Gloria Lugo and her husband come back to the courtroom and we're still in these little
15 cramped quarters. So Gloria Lugo, her husband who they called "The Shadow," and Captain
16 Afron, who's now the chief judge, and Billy Dick Pratt are in a room about the size of this table
17 with a government desk and suddenly a pistol appears and every -- all the hands are after this
18 pistol that Gloria Lugo pulls out. I don't know if she's going to kill herself, kill Billy Dick Pratt,
19 or what the problem was, but she pulls a pistol, squeezes off three rounds, the pin hits the
20 cartridge but the cartridges don't fire. CID took the gun later on and there was an indentation on
21 each of the cartridges but they didn't go off. So they wrestle her down. They bring -- I'm two

1 doors down. They bring the pistol back and put it in my office and then Andy Efron walks in
2 and he says, "Is this like every trial at the 1st Cav?" I answer, "Just about."

3 The other thing was I had a legal clerk who went berserk in the field, and the MPs
4 come out one time and they say, "A specialist, female, she's got a gun and it's your problem, sir.
5 We're not going to go and disarm her." So I go walking over to her -- I mean, she worked for
6 me; I'm not -- you know, ego enough she's not going to shoot me, so I'm going and talking to her
7 about her problems and I'm inching closer to her and talking to her about she needs help and how
8 we can help her and finally took my helmet off and put it over the pistol and then sort of slid the
9 helmet back and then she got mentally discharged. She'd gone off the deep end for some reason
10 or another. So you have an instance like that that came up. There's nothing you can't handle.

11 Q. When you first took that job, what was your -- when you knew now I'm going to
12 be SJA, kind of like at least a very, you know, big pinnacle in a -- in the legal career in the Army,
13 what -- what were your feelings? Were you excited, scared ----

14 A. A lot of fun. Being a lieutenant colonel in the division is a lot of fun; being the
15 staff officer and I worked for a good general. The second general was a guy named W. Russell
16 Todd. In those days the 1st Cav looked like a rodeo operation. The helicopter pilots are wearing
17 actual spurs. They wore Stetsons with silver acorns on the Stetson. Everybody wore a yellow
18 neckscrif, and unlike the rest of the Army, we wore black berets and 1865 Union Army belt
19 buckles, so we looked like something out of the 7th Cav and George Armstrong Custer and so
20 this was neat.

21 We also had a horse platoon, which was a problem with the SJA Cav -- with the
22 SJA because a horse platoon was not -- it was an 18th Century reenactment. Rodeos would pay

1 \$30,000 for that horse platoon and they did a saber thing with watermelons and a full gallop,
2 riderless pickup, and they did all this stuff that the 7th Cavalry did in the Old West and rodeos
3 would pay them twenty-five to thirty thousand dollars to the Cav to have the horse platoon
4 appear at the rodeos. Nobody's watching this money, and so we finally had to get that under
5 control and be sure that got done.

6 Then we had -- but what happened was we were talking about using the assets
7 with the JAG shop to help the rest of the shop, like the word processors where the chief of staff
8 gave us twenty -- thirty thousand dollars and we started using them and putting them out with the
9 -- when the division went to the field, so we were viewed as the most helpful, supportive staff
10 section by all the commanders. We had established a relationship that the commanders were not
11 at risk with the general, because I would be the go-between on military justice and inform the
12 general that this is what the colonel wanted to do, and -- so if they didn't do something and then
13 have the world collapse on them because the general thought they'd undercharged or handled it
14 inappropriately, so I got that relationship going; got to be the point that the AG shop was the
15 least cooperative and least respected shop in the whole division at the time, which was very
16 interesting.

17 We made one big mistake. Nobody realized the size of the JAG shop. One day at
18 division hail and farewell -- we had division hail and farewells, as everybody does, and wives
19 suggested, "Why don't we all go in as convicts and have a cops and robbers thing. We'd be the
20 robbers," so the wives said, "We will build the costumes," so everybody had little prison stripes,
21 the wives had prison stripes. Well, no, and so we had the little prison cap. The mistake was we
22 walked into a division hail and farewell with about 40 people dressed alike. They had no idea

1 that I had 15 officers. Nobody knew the JAG shop had 15 officers. They thought we were
2 probably five or six people. You walk into a division hail and farewell and the JAG shop -- of
3 course we had the wives in the same costume -- they thought we were larger than any other staff
4 section the JAG shop -- and if we got -- now we are on every duty roster, you know, so that was
5 a tactical mistake show up at a Division Party with about 20% of all the attendees dressed in
6 prison uniforms.

7 **[END OF AUDIO WS_30035/END OF PAGE]**

8 A. Continuing with 1st Cav Divion Tour. Staff officers are one thing, but you've got
9 to keep the commanders happy.

10 Q. Absolutely.

11 A. So from our viewpoint, it was fabulous. It worked fine. We were respected. We
12 were helpful to everybody else. The commanders trusted us. We were not the enemy, and when
13 they went out and had a problem, we were there to help.

14 Q. How was your relationship with the brigade commander as being they were O-6s
15 and you were O-5; was that an issue?

16 A. Because I was -- I was the general's JAG.

17 Q. Okay.

18 A. I was their protector against the potential wrath of the CG if they had come down
19 and done something. And they were good people. I mean there were -- we had something
20 called, I forgot what it was, Brigade 2000 or some fool thing. We did an experiment with one
21 brigade. They were -- they were changing the makeup of tank platoons. The Abrams was still in
22 testing and the Division-- they're still operating on M-60s. The Abrams hadn't been invented or

1 had not been deployed, and they -- the 2nd Brigade commander got everybody else mad at him
2 because he was the test brigade and he was robbing all the other brigades to bring up his TO&E
3 so he could do this test and he wasn't very gracious about if they needed -- if they needed five
4 more sergeants to take over -- if they had a fifth platoon or something like that to some company,
5 then he demanded that the other brigades give him five sergeants and so the angst was turned
6 among themselves primarily rather than anywhere else.

7 Q. And had this been -- when you arrived to be SJA at Fort Hood, was this the first
8 time you'd been to Fort Hood and ----

9 A. Oh, god, yes, yes.

10 **[Laughter.]**

11 Q. And what was -- and what was this like ----

12 A. It's like -- I was going to tell you -- Fort Hood in your rearview mirror is paradise.
13 You know, it's -- but -- because people can go from second lieutenant to three-star general and
14 still say on on the post. It's a huge post, so it is great for careers. Remember I was an Armor
15 Officer before being a JAG and there was the best of all worlds being the SJA of an Armored
16 Division. Tricia did not like it because of the Texas good ole boys.
17 But you're talking about how you get respect; and one of the things that happened early on was
18 when I was at The JAG School I was -- they give a Methods of Instruction Course and I -- they
19 sent me up to Fort Monmouth. It's a week course to teach you how to teach, and I was the only
20 officer there and they were all communications or signal corps sergeants because they were
21 stationed at Fort Monmouth. So I listened and I gave -- I gave my lesson plans and they were all
22 excited about Article 15s and military justice, all these NCOs were very much interested in that

1 part, so my -- all my classroom instruction and methods for that week were on military justice.
2 Their instructions were like how to calibrate troposcatter relay communications bouncing off
3 clouds in the stratosphere and stuff like that, so I sat for a solid week and picked up so much
4 signal information you wouldn't believe, and I was talking to the signal battalion commander one
5 time as a JAG and I was talking Signal Corps technical information "Were you having trouble
6 doing such-and-such," and I came up with stuff that at an NCO level, I'm not sure the battalion
7 commander knew this. He could not understand how a JAG officer would think about tuning
8 troposcatter relays and signal communications or whatever they were talking about, ----

9 Q. Uh-huh [**affirmative response**].

10 A. ---- but I'd gotten all this signal garbage spiel -- that was before we -- and the
11 instructors up there said, "Got to keep it simple to told the NCOs. If the major can understand it,
12 then you know you've achieved the goal," you know, so they played on the fact that, you know, I
13 was the wind dummy to their instructions. They figured that is a field grade officer could
14 understand what they were teaching then the privates could too. Ha.

15 Q. Right.

16 A. The other thing that happened that endeared me to the brigade commanders, they
17 had an incident in training. They were having a live fire exercise and a -- one of the tank
18 command -- one of the sergeants was standing up in the turret -- was standing up and he hadn't
19 closed the turret and -- or one of his men or something and so they had an airburst of artillery and
20 it took this guy's arm off. Well the brigade commander was trying to protect this guy because
21 they said it was an accident. They didn't want to ruin the Sgt's career -- the guy who had not
22 closed the tank, the TC, and so they had this investigation and they're getting ready to hang this

1 guy out to dry and they sent the investigation to the JAG shop for review. Having gone through
2 armor school, I took the opinion that in an armor operation, the biggest danger to an armor
3 column is one tank getting ahead of the other; and they teach you at armor school, you've got to
4 have visibility with the tanks to the left and right because all you need is for one guy to get in
5 front and the other two put a round into him. So the fact that this guy had the hatch open
6 partially even though they were doing airburst artillery was within a realm of discretion because
7 his main danger was keeping the tanks in line and not getting one in front of the other. Well, that
8 was a total shock to the brigade commander. He was trying to protect this guy and now the JAG
9 has given him an argument that wasn't in any of the reports, and so when we did our
10 endorsement and sent it back, it essentially saved this very valuable NCO that the brigade
11 commander -- so the JAG shop was always looked upon as very help -- and that's why with
12 having this combat arms background was ----

13 Q. Uh-huh [**affirmative response**].

14 A. ---- very helpful.

15 Q. Uh-huh [**affirmative response**].

16 A. One other thing that was a disaster -- what I think was a disaster is Major Otis
17 Ashley, Bane Ashley, and this is where Major General Williams almost fired me again. There
18 was a major at Fort Bragg who was the general's aide to the JF Kennedy Warfare Center. He
19 was a little bantam rooster who thought he would be better than Audie Murphy. So one of the
20 things that got him in trouble I think he started having sexual problems with the general's
21 daughter, which the general didn't like him, and then he started falsifying all these medals, so he
22 had all these medals that he supposedly earned in Vietnam. Well their solution -- their solution

1 at Fort Bragg was to ship this guy off to Fort Hood without telling anybody that he was under
2 investigation. So our general has a new major coming up there and so the III Corps Personnel
3 Office knew about the problem at Bragg but didn't tell either of the two divisions. So they assign
4 Otis Ashley to the 1st Cav Division, and so we got him out and he was the XO in one of the
5 battalions. The next thing you know two full colonels from the DAIG's office come down and
6 they, honest to God, have a stack of paper that high (3 feet) They've done all these investigations
7 against Otis Ashley and they want 1st Cav to board the Major out of the Army, so we have to go
8 into a board. Well Otis "Bane" Ashley is a charismatic figure and he has people at his board
9 hearings -- the witnesses got in a fight with each other, those supporting Ashley and those not,
10 and so we're looking at all this stuff. Here's a major and you have two full colonels in the
11 DAIG's office that have taken almost a year of their time to develop a case against this guy on
12 about three or four different areas. So we're looking at this thing and the general says -- now
13 we've got General Becton again, and General Becton says, "You know this smells like a little bit
14 of Department of the Army telling us what to do." I mean, why would they put all this time on
15 this stupid major at Fort Bragg? So he says, "I'm a little worried about that." He says, "Why
16 don't you call the deputy TJAG and tell him about my concerns," and I said, "I will do that but I
17 will not tell him that it was -- that you asked me to do it. I'll go up there and I'll call him." So I
18 called General Williams and I told him about the concerns I had on boarding this guy with all the
19 stacks of paper and the DAIG was calling us every other day wanting to know what the progress
20 was of this thing, so somebody's up there out to get Bane Ashley and it's actually General Haley
21 who's mad at him so he's putting -- he's got his guys in the Pentagon and they're calling JAG and
22 the IG is calling us. You know, it would take us a month to read this thing.

1 Q. Uh-huh **[affirmative response]**.

2 A. So General Williams explodes and he says, "Are you accusing the DAIG of being
3 -- unlawful command influence," and he starts reaming me a new one over the telephone, so I put
4 down the phone and I tell Major Ard Gates, (my deputy SJA) I said, "Well, that's the end of our
5 career. Let's start packing. We're going to go to Fort Polk or somewhere," and almost
6 immediately my buzzer goes off and it's General Becton and he says, "Did you just get a call
7 from General Williams" -- he's the division commander, and he said, "Did you just get a call
8 from General Williams?" I says, "Yes, sir." I said, "It was the most unsatisfactory telephone call
9 that I have ever had in my life." He says, "Meet me out front." So MG Becton shows up and he
10 says, "Tell me about the telephone call," and I said, "I told him," and -- and -- oh, General
11 Williams asked me on the phone. He says, "Does General Becton know you made this call?" I
12 said, "No, sir," So now MG Williams calls General Becton and asks General Becton if his SJA
13 was nuts. So General Becton and I meet out front and he says -- he says, "Tell me about the call
14 to General Williams," and I said what happened and I says, "I didn't tell him that you knew I was
15 making the call." "Okay," he said, and that was the end of it.

16 Then I had another one. Bill Neinast **[phonetic]** -- Colonel Bill Neinast was the
17 III Corps SJA. Back in 1970 or so and he had been slated to come to Europe and take the
18 International Affairs Division. He'd been in Criminal Law before and was happy to switch
19 assignments. General Prugh was still the USAREUR JA. I'm a major in an O-6 slot; Neinast is a
20 lieutenant colonel. Neinast -- Neinast believes he's coming to take over the International Affairs
21 slot in Europe. Major Earl Lasseter, EXO at OJA USAREUR and Colonel Coggins, the deputy
22 convince General Prugh to shift LTC Neinast to Criminal Law instead of IA. General Prugh

1 keeps putting off the time to tell him of the switch. I am Neinast's sponsor and I want to tell him
2 before he get to Europe as Neinast is writing to me about how happy he is to leave criminal law
3 and go into international las.. He tells Colonel Bruce Coggins, the deputy, "Well, we got to tell
4 Neinast s that I have a" -- now, see, Europe was blowing up criminal-wise with all the race
5 relations.

6 Q. Uh-huh **[affirmative response]**.

7 A. He has a major in the criminal law slot. Prugh doesn't know anything about
8 criminal law and Neinast is a criminal law expert, but he wants to get out of criminal law; he
9 wants to take international law, international affairs. So they decide in USAREUR -- and I'm
10 Neinast's sponsor -- they decide in USAREUR that Neinast is going to be Chief of criminal law
11 Division but they won't let me tell him -- not going to international law but they won't let me tell
12 him. This situation goes on for weeks. Now we are two day before Bill Neinast is to arrive in
13 Frankfurt. So comes the day and General Prugh says, "Well I've got to tell him," but General
14 Prugh doesn't like to give bad news or experience an unpleasant task or situation, so the day
15 comes, and General Prugh's going to meet him at the airport and tell him, Frankfurt. General
16 Prugh conveniently now has a medical appointment; he doesn't want to -- he doesn't want to
17 disappoint the doctors, so he tells Bruce to -- Bruce Coggins, the deputy, who later made general,
18 to go up with me to Frankfurt to meet Bill Neinast. So Bill Neinast comes over to Europe
19 thinking he's taking my job and he's not and nobody's told him. So we're waiting in the lounge --
20 we're in the waiting lounge at Frankfurt Airport and Bill Neinast comes out and Bruce Coggins is
21 sitting there as the deputy, he's a full colonel, and I'm sitting there, I'm the major, and Neinast
22 says, "I am so glad that I'm taking in the international law and I'm getting out of criminal law." I

1 look at -- I look at Bruce Coggins, at which point Colonel Coggins takes out a cigarette and
2 probably takes the longest time EVER to light the cigarette and there's this pause and Neinast is
3 looking at me. He's looking at Coggins who's now fussing with this cigarette, and I just said,
4 "General Prugh has made a decision that you're going into criminal law." I thought Neinast was
5 going to get on a plane and go back to the States. What a disaster. So LTC. Neinast goes into
6 criminal law and I get the idea that he thought I was behind the switch but I wasn't. They had a
7 disaster with race relations and criminal law in US Army Europe and OJA wanted an experience
8 criminal law expert to head the staff division and try and solve the problem.

9 Fast-forward; I'm now the division SJA at Fort Hood. Neinast is the Corps SJA.
10 He is -- thinks that I had something to do with this in Europe. So now when the 1st Cav attorneys
11 did something original he was resentful. The next thing that happened was that Captain
12 Twidwell invites the Local Killeen Bar Association to a happy hour at the Officers Club. This is
13 the same Twidwell who had a civilian contractor, at his expense, come on post and poured 3 cu
14 yards of concrete to get rid of the mud around the legal assistance office, Colonel Neinast hears
15 out about it even before I did. Bill Neinast calls me and says, "What's the division people
16 inviting the local bar to happy hour?" I said I had now heard of it but since my legal assistance
17 lawyers they work with the local bar, you know, family law and stuff it was probably a good
18 idea. Now Colone Neinast blames me for taking a function he believe is solely residing at the
19 Corps SJA leve. -- I didn't know anything about it. I mean it was okay, what, but ----

20 Q. Uh-huh [**affirmative response**].

21 A. ---- so Neinast blames me for it. He thinks I'm undercutting him, so he develops
22 this idea that I am undercutting his authority as the Corps JA. So we can't call off the inviting of

1 the local bar, so we in the 1st CAV and 2nd Armor Division SJA shops show up. Neinast refuses
2 -- he told -- forbids his officers to attend the happy hour. Now we've got three husband-and-wife
3 teams. They were split up so that no team are both in the same SJA shop. If one is at Corps SJA
4 the other is at one of the two Division SJA shops. The wife can go but the husband can't go; the
5 other one, the husband can go; and so the wives sit out in -- I mean the spouses sit out in the
6 hallway. The rest of us are in the happy hour and the 2nd Armored Division participated with all
7 their officers, which was five, because the two legal assistances officers, 2nd Armored had done
8 this.

9 Q. Uh-huh [**affirmative response**].

10 A. So this idea develops in Colonel Neinast's mind -- and almost anything that
11 happens, Neinast thinks that I'm behind it. So one day -- now General Becton's gone. General
12 Todd's there, who's a New Englander. It was General Todd who decided that the 1st Cav
13 Division should be a part of the Army; get rid of the 1860s Union Army belt buckles, get rid of
14 the yellow scarves, get rid of the berets, get rid of the -- everything else that isn't standard Army
15 uniform and let's get back in the Army. Well that didn't go over big but [**laughter**] MG Todd got
16 it done. So one day I'm in the office with General Todd -- and we had finished with all the
17 military justice actions required of the Convening Authority, and he says, "I have something to
18 show you," and he pulls this letter out and it's a letter from Colonel Neinast to LTG Fuller, three-
19 star general corps commander asking him to talk to my commander to fire me, his SJA and --
20 about disloyalty and Neinast has typed this letter with a list of personal grievances plus
21 complaining about my activities with the Bar Association, and so MG Todd gives me the letter
22 and says, "What do you think?" and I look at the letter and I says, "I think he's nuts." He says,

1 "That's what General Fuller and I think," It was nice to know that the three-star and the two-star
2 had the same opinion of Colonel Neinast as did I.-- Neinast did the same thing with the 2nd
3 Armored Division SJA, Jim Endicott, who was Neinast's deputy, but had been reassigned as SJA
4 of the 2nd Armored Division. Several time, LT. General Fuller didn't trust the advice he got from
5 Colonel Neinast so he used -- he went to the 2nd Armored Division SJA for advice around
6 Colonel Neinast, too, so it wasn't just me and the Cav, it was the 2nd Armored Division also who
7 Colonel Neinast was undercutting him.. So it was an interesting situation at Fort Hood with the 3
8 SJA shops. -- when you have a corps commander, two divisions commanders and two division
9 SJAs, (two lieutenant colonels), and one full colonel as the Corps SJA -- on the same post at Fort
10 Hood.

11 Q. Sure.

12 A. So the two division SJAs always had to watch what Bill Neinast was doing.
13 However, Neinast no longer had the confidence of his 3 star.
14 2nd Armored Division was commanded by George Patton, III, who did crazy things, so he would
15 always disqualify the whole division from trying courts-martial because Patton would do
16 something stupid, like he found out someday that some company commander was going -- was
17 going to testify in extenuation and mitigation at a court-martial, called this guy up in the middle
18 of the night, he was out in the field, and told him what he thought of a company commander who
19 would come in and testify in E&M on behalf of a Soldier at a court-martial -- who was being
20 court-martialed. Well that disqualified him, so every now and 2nd Armored would ask the 1st
21 Cavalry Division to take criminal jurisdiction over a 2nd AD soldier. There was no way they
22 would as III Corps to do it. When that happened I would go in with the request to my convening

1 authority -- the general would say -- I'd say, "We got another 2nd Armored Division Case. What
2 did George do this time?" **[Laughter]** Patton was just -- he had to live up to his father's
3 reputation is what he had to do, so that's Fort Hood.

4 Q. Now speaking of -- when you talked about kind of the old -- the old kind of cav
5 with the buckles and the hats and such, it's my understanding they still kind of have ----

6 A. Well they've gone back to ----

7 Q. ---- a spur ----

8 A. Well the whole Army has gone into berets now.

9 Q. Sure, but they have some kind of initiation called "Spur Ride"; where -- was that
10 around when you were there ----

11 A. No.

12 Q. ---- or anything like that?

13 A. No.

14 Q. Okay.

15 A. That's sort of like -- I think it's like "Prop Blast," the old "Prop Blast" for the
16 airborne.

17 Q. Right.

18 A. I think they've scaled that back, mercifully.

19 Q. I think so.

20 A. I mean you develop some real dangerous situations by forcing ----

21 Q. Yes, sir.

22 A. ---- people to drink until they're damn near unconscious.

1 Q. Right.

2 Q. Looking at Army War College, was there anything that stood out in particular
3 about that?

4 A. I got to the Army War College by a fluke. I came out of the 1st Cav Division,
5 worked for three generals: W. Russell "Russ" Todd, Julius Wesley Becton, and the last one was
6 Bo Williams, and Bo Williams had been the DCSPER of the Army. He knew General Larry
7 Williams, the ATJAG Williams. He had stories in the Pentagon where the rest of the Army staff
8 thought General Williams was nuts. So Division Commander Williams -- and I told him about
9 the incident with Bane Ashley and General -- he says -- he says, "The Army staff thought" -- he
10 says, "Larry Williams probably thought that -- Larry Williams probably thought that he was
11 emphasizing a point." He says, "The rest of the Army staff thought the guy was bonkers on
12 occasion," but General Williams was a Jekyll and Hyde. We had a terribly crippled AG officer
13 captain -- lieutenant, terribly wounded in Vietnam. General Williams had gone to Walter Reed,
14 seen this kid, and the kid said, "I want to stay in the Army." General Williams had gone through
15 -- I mean nobody stayed in the Army with -- you know, that crippled. They guy never made
16 captain. I mean, major; he was a captain, never made major, so he had to get out of the Army,
17 but General Williams had gone in there and gotten this kid special dispensation to stay in the
18 Army, and General Williams would go out and do wonderful things with people; at the same
19 time he'd pick up a telephone and throw it at somebody in the Pentagon. He would come down
20 to Fort Hood where you had 50 JAG officers and wives and the guy knew -- he'd done his -- I
21 don't know -- he's like a devil. You never knew if he was going to kill you or doing something
22 good. He would walk in and know everybody by name, where they were, and their wife's name.

1 I was taking him for a tour one time around the JAG shop and we had two law students who
2 were assigned to us from the University of Texas. I mean they were Army officers. They came
3 around the corner. General Williams had never seen them before but he had probably
4 memorized the pictures of all 50 JAGC officers at Ft Hood and the pictures of the law students at
5 University of Texas who were detailed to Fort Hood. I mean it's like 2 seconds; he calls them
6 both by name. He had pictures of them in the Pentagon, and the guy would do that. He would
7 do unbelievable things of kindness; at the same time he'd turn around and do something
8 absolutely lunatic, so some people went to his funeral just to be sure he was dead [laughter].
9 One full colonel refused to go to his funeral. He was head of one of the OJA Division. I mean
10 General Williams had people who hated -- I mean, scared to death of him.

11 Army War College: I didn't know anything about the Army War College. The
12 list came out for the Army War College and I -- I don't know that the list was out or not. I didn't
13 -- I wasn't selected. The guy they selected was at Fort Knox. For some reason, he got mad. He
14 wanted an assignment and they wouldn't want him to do it and he got mad and put in his
15 retirement for spite and all of a sudden I get a call. Unbeknownst to me, I'm the first alternate.
16 So Cal Tichenor, the guy I replaced at 1st Cavalry Division as SJA, and Trish and I and Sue
17 Tichenor, we all go up to the Army War College; and here again, because I'm the senior
18 lieutenant colonel, I am now another seminar leader and we've got combat arms guys and
19 everything else and here you got a JAG as a seminar leader; and as it turned out completely by
20 fate, my old battalion commander in ROTC, Neil Hock, was my faculty advisor at the War
21 College. He didn't remember me, I didn't remember him, and it just happened to be assigned that
22 way. The Army War College and that year was the best year ever. Out of that class, we had a

1 Commandant named Dewitt Smith, and Dewitt Smith was -- had been the former DCSPER of
2 the Army and he was a three-star general and he retired and took a two-star rank and became
3 commander of the Army -- commander -- commandant of the War College. General Smith says,
4 "You guys have made it. You've been selected. You're the top 3 percent of the Army. "At the
5 War College There's no test." Nobody believed him. He says, "You're now at a point where if
6 you want to come to class, come to class. If you want to play golf, play golf. If you -- all the
7 things you always put off the entire time you're in the Army, you want to write a book, you want
8 to compose music, you want to spend time with your family, do it. There are no grades. You're
9 here." Boy, was that a safe thing to say by General Smith. Three percent of hard chargers all
10 their life and you tell them they don't have to do anything and they will be graded in any way --
11 so they spend the first month looking for the hidden agenda; how do they really grade us?
12 Nobody slacks off. I mean you can say it till you're blue in the face and nobody believes you.

13 Q. That's how you got ----

14 A. But that's the way it was. He believed it and the guy was a saint; and one of the
15 things that we -- there were more general officers that came out of that class. We had the chief --
16 well they were all colonels at the time. We ended up with the chief of staff of the German army;
17 the chief of staff of the Dutch army; the chief of staff of the Philippine Army -- the Egyptian
18 army, and the president of Nigeria. We had a general by the name of Mohammed Bohari; had
19 been the oil minister from Nigeria. And in one of their shuffles of government, they got him out
20 of the country so they stashed him over here and sent him to Army War College. And he goes
21 back 2 years later; he was elected president of Nigeria or appointed or, you know, and he -- and
22 he wasn't shot when he left. He was probably one of the more -- ones that wasn't quite as corrupt

1 as the rest of them, but it was a wonderful class and I think we got 40 or 50 general officers out
2 of that thing or admirals and it was a terrific camaraderie. And the big deal was as a fellow LTC
3 Bill Parnell, who came from Fort Hood, we used to do -- we used to write skits at Fort Hood.
4 Bill was one of the battalion commanders in 1st Cav Diviosn and I used to write the hail and
5 farewells and the skits and we'd do imitations and satire on the commanding generals when they
6 were leaving and stuff like that, and he went to the War College, too, a guy named Bill Parnell.
7 So he and I and LTC Fred W. Greene, III and a lot of other people produced a Broadway show.
8 The wives of the students were in an exercise class -- the women were in an exercise class and
9 they turned it into a dance rehearsal and so we -- Parnell and I and a bunch of other people,
10 everybody contributed, we wrote a script taking Broadway tunes and putting things like
11 everything's very small in Carlisle or -- and all these parodies. It was called "Punch," like in
12 ticket. Carlisle, you got to punch a ticket to get promoted, ----

13 Q. Uh-huh [**affirmative response**].

14 A. [**Showing pictures of the show scenes**]---- and so these are the -- that guy ended
15 up as a two-star general and that was a takeoff on the school secretary and that one's -- that's
16 when you would get invited to -- you're finally selected for the War College and it goes --
17 whatever you're doing, Air Force, Navy, Coast Guard, and then you have the hallelujah chorus,
18 you've been selected for the War College.

19 Q. Okay.

20 A. What's that one right there? That's -- oh, that's -- that's part of that. These were
21 all Broadway shows that we wrote the lyrics to -- we wrote the lyrics to.

22 Q. Oh, wow.

1 A. So you're talking about the highlight and the commandant who was there the first
2 night, the deputy commandant -- the commandant came back and sat on the back row the second
3 night and tried to get the Secretary of the Army and Chief of Staff to come up there because it
4 was a fabulous show and we'd been rehearsing this thing and it was really a great show. So you
5 talk about Carlisle, it wasn't the academics. It was the camaraderie; it was the show; and we
6 always had a thing of wine. And there were a bunch of Marines there and the Air Force did
7 something called "The Thunder Thuds." I don't know if you've ever seen that or not.

8 Q. I don't think so.

9 A. The Air Force has a flight team called "The Thunderbirds," but they have this
10 script. The guys are doing barrel rolls. Well these Air Force guys, you'll see them. They'd use
11 that same script. They use that same script buy they are calling themselves "The Thuderthuds"
12 but the guys are pretending they're airplanes. They put up their little hands for flaps and they
13 turn around ----

14 Q. Oh, okay.

15 A. ---- and we -- well, you'll see a picture of them. It is so stupid you just roll in the
16 aisle, and they use a -- like a real air show script where these guys are spinning around and doing
17 crazy stuff. So you say, "What's the highlight in Carlisle?" That was a real bonding operation
18 for -- and it was a terrific show. It was over 2 hours.

19 Q. Wow.

20 Q. So was there any kind of academics there?

21 A. Yes. Yeah; there were great academics there.

22 Q. Right.

1 A. And it was like -- it was like Grad School.

2 Q. Okay.

3 A. You just took part of it. One of the things we did was we had to produce a
4 national budget, and we concluded that you couldn't do what President Ronald Reagan did. You
5 couldn't reduce taxes, build a 600-ship Navy, and sustain the federal budget, and sure enough, it
6 didn't. And that was when everything -- we did everything -- everything was up to date --
7 everything was up to date in Kansas City or that -- everything's very small in Carlisle Barracks,
8 so we got the shortest females and the largest females to do everything -- because quarters up
9 there are tiny.

10 Q. Uh-huh [**affirmative response**].

11 A. They're little miniature houses. That's the Thunder Thuds. It was a hoot, because
12 they use a serious script and it's just nuts.

13 Q. Oh, wow.

14 Q. This looks pretty intense.

15 A. Well, I mean, it was a fun show. We were -- and the fun of it was rehearsing this
16 thing because everybody -- we rehearsed this thing for 2 months, and we kept rewriting it as we
17 went along. We were going to have a pit band, and the problem ----

18 Q. Oh, really.

19 A. ---- well, here's the problem. We had a -- we -- oh, this was -- this was
20 sensational. This is The Chorus Line.

21 Q. Yes.

1 A. No one had seen their wives dressed up as chorus girls. When they came -- there
2 was an exercise class and the woman who was doing the exercise was a choreographer. They did
3 that thing and it was absolutely stunning.

4 That's a parody on the school secretary.

5 Q. Okay.

6 A. That guy is a national security -- he's a DA -- he was a civilian defense
7 intelligence guy. We had a CIA.

8 Q. Oh, okay.

9 **[Pause]**

10 Q. And what was -- were you renting like a house or an apartment at that point?

11 A. No. We were in -- we were in big barracks. We were all in little family quarters.
12 Carlisle, they could house most of the people ----

13 Q. Okay.

14 A. ---- in Carlisle Barracks. It's the old Carlisle Indian School and originally it was a
15 French and Indian -- it was a British outpost in the French and Indian War; and then it was the
16 Carlisle Indian School where Jim Thorpe who was the Olympian athlete went to; and then the
17 Army had it as the Cavalry School probably in the 1800s-something or other; and then I don't
18 know when the Army War College moved up there. But -- and we had -- we had about four
19 former battalion commanders from the 1st Cav in the Class of 1980, including the signal officer
20 and the guy who was the -- the artillery guy and he and I wrote the script and then we had
21 another guy who produced it and so it was a fabulous year and we all lived right there on post
22 together.

1 Q. Right.

2 A. And the kids did everything, you know, soccer. The Germans -- the German
3 officer (later Chief of Staff of the German Army) was the soccer coach for the kids because the
4 Europeans were big on soccer and so this Germany officer who turned out to be the chief of staff
5 of the German army later on was that.

6 Q. So how much choice did you have coming out of the War College for the 21st
7 Support Command? Was that your selection or did you say, "Anywhere ----

8 A. No.

9 Q. ---- in Europe" or?

10 A. No. I didn't know what the 21st Support Command was. I thought the sexy jobs
11 were V Corps and VII Corps. Now Cal Tichenor, who had -- who I followed up as SJA Cav, he
12 got VII Corps. Max Thurmond, who was one of two brothers and one of -- ended up Vice Chief
13 of Staff of the Army, had no family and he worked his staff seven days a week, and one of the
14 guys that worked for him, he was in charge of Recruiting Command where they had the
15 recruiting scandals that went out there, Max Thurmond came up -- everybody comes up. The
16 President comes up there, everybody comes up there, and so Max came up there and gave a --
17 tell him that he had a choice of all the War College graduates and he was going to get whoever
18 he wanted for his command. Max is a little bantam rooster. They were all out of the 82nd, ----

19 Q. Uh-huh [**affirmative response**].

20 A. Back to when I was on the faculty of TJAGSA and because when General Prugh,
21 then TJAG had developed and had the school teach the Senior Officers Legal Orientation, a good
22 friend of ours, (Earl Lasseter former XO from USAREUR) was the SJA of the 82nd so Trish and

1 I had to -- well we were the sponsors for the week that the 82nd guys were there. They were all
2 colonels at the time, but we would have them out to our house during that week they were up for
3 The JAG School and the Senior Officer Legal Orientation. One of the guys was -- the Division
4 Support Command commander had been the 173d Support Company -- I mean commander in
5 the 173d. Colonel Max Thurmond was the Division Artillery commander and then we had a
6 couple of brigade commanders. One night during the SOLO we were in the bottom of my living
7 room in Charlottesville and it was the time when Tricia got into an argument with Max
8 Thurmond and it was the time when Nixon was resigning -- when Nixon was going to be
9 impeached and resign, there was a real danger that Nixon would not resign and the Department
10 of Defense thought there was a possibility that he would call the 82nd Division into Washington.
11 So the Department of Defense went out with a message saying that all orders for movement of
12 military commands -- it was probably -- wasn't even coming close to be true ----

13 Q. Uh-huh [**affirmative response**].

14 A. ---- but they took it seriously and the Department of Defense went out to all the
15 commands saying, "Only orders coming from the Department of Defense would they react to,"
16 because there was -- they thought -- somebody thought that Nixon would call the 82nd up to
17 Washington.

18 So ----

19 Q. Wow.

20 A. ---- meanwhile now they're up for the SOLO Course and we're entertaining them
21 at the thing, at which point they're talking about it. This guy, Max Thurmond, who ended up
22 being Vice Chief of Staff of the Army, was a colonel at the time, and so they're -- and MG Fritz

1 Kroesen, who is a god and ended up being a Four Star Commander and commanded USAREUR
2 and everybody consider him-- Mr. Soldier, U.S. Army, is Fritz Kroesen, beloved four-star
3 general, and so he was the 82nd Division Commander at the time as a two-star, and these guys
4 expressed the opinion -- they didn't know anything about politics -- but their loyalty was to
5 General Kroesen at which point my bride says, "That sounds like Hitler's generals," [laughter] at
6 which point these three colonels, including Max Thurmond, just had a ball arguing with my wife.
7 I've just seen my career going down the drain and they're having this big discussion with Tricia
8 and I can't get the the discussion on another subject -- I mean I'm trying to talk about the
9 weather, I'm trying to get us out of there, get the drink, get them back to The JAG School, and
10 they just had a -- they just enjoyed the heck out of it and I'm standing there in agony, but that's
11 how we know Max Thurmond.

12 But -- so Max came up there and said, "I have a choice of anybody here." He was
13 -- he was -- I think he was -- he ended up being Commander, U.S. Army, Panama, whatever the
14 joint command is in Panama, and then he was head of Army Recruiting. Thurman didn't get a
15 single officer out of the Class of 1980, and so the best guy I ever worked for a lieutenant -- he
16 was a major general, later Lieutenant General Nathaniel R. "Ross" Thompson, was -- the 21st
17 Support Command was the major logistics command in Europe. I didn't know it, but it's the
18 largest GCM jurisdiction in the Army. I didn't -- hadn't heard of it. You only hear of V Corps.
19 Actually, V Corps is very small. It doesn't -- it doesn't have a lot of -- it's the smallest -- one of
20 the smallest GCM jurisdictions around. VII Corp is pretty large, but the 21st SUPCOM has
21 everything from Iran all the way through Germany, Britain, including USAREUR Headquarters,
22 because they don't want to exercise criminal jurisdiction. So General Thompson came over as

1 the commander of 21st SUPCOM. He was a two-star, later was promoted to three-star and he
2 ended up staying at the 21st. General Thompson later became IG of the Army. He picked three
3 of us. We didn't know that till later. He picked a guy named Jim Zachary to be his operations
4 and intel staff head, he picked W.Peter "Pete" Bradley to be his IG, and he picked me to be his
5 SJA. I went back to Career Management and I said, "I want the V -- can I be V Corps or VII
6 Corps." "No. You're going to 21st." They knew that 21st SUPCOM was bigger than the two
7 corps. It had more moveable parts. I didn't know that. So I go over to Kaiserslautern and I don't
8 think we got concurrent travel and Pete and I lived in -- next to the soccer stadium in -- which is
9 fun, living next to a soccer stadium in Europe, in Kaiserslautern. General Thompson, did the
10 rating scheme by the book and he's the only guy that ever did it the way The JAG Corps wanted
11 it. General Thompson was my rater and endorser as he was for Pete Bradley for -- the operations
12 guy was rated by the chief of staff. General Thompson kept the rating and the endorsement to
13 himself, so Pete Bradley, as his IG, and I, as his SJA, became very close to him, (we only were
14 responsible to him) because every now and then he'd ask us to -- how we thought the chief of
15 staff was doing, Robert Drudik, who ended up being a Major General, too, and a good friend
16 later on. And so we operated on area jurisdiction, so we had probably a GCM jurisdiction of
17 eighty to a hundred thousand troops or more. The military judge from Fort Hood was the 21st
18 SJA that I replaced. He, again, believed in granting immunity. I didn't believe in granting
19 immunity for certain reasons, and my predecessors were trying everything that moved. They
20 were doing 80 general courts-martial a year. We had seven offices. I had two lieutenant
21 colonels, a deputy; one in Mannheim, one in Kaiserslautern; a full complement of officers,
22 civilians and enlisted in Kaiserslautern; had an office in Pirmasens; had an office in Karlsruhe;

1 had one in NATO, Shape; had one up in the northern part of Germany called Rheinberg; and a
2 Heidelberg office and a Mannheim office. There were seven offices and about 170 JAG
3 personnel and probably 60 lawyers. I didn't realize how large the 21st SUPCOM was and all the
4 moveable parts the command had.

5 Now, the actual command was mostly civilians, because we had depots and
6 ammunition work stuff; we had facilities in Scotland; we had locations in England, storage
7 facilities; we had more tanks in storage than either of the divisions -- either of the corps had on
8 the ground, ----

9 Q. Uh-huh [**affirmative response**].

10 A. ---- waiting for, you know, the balloon to go up. So it was a huge command, and General
11 Thompson's -- General Thompson's guidance to us was, "Don't do anything stupid and don't let
12 me do anything stupid, and I've got three stars, so remember, three beats two beats one. So when
13 you're talking to some one-star or two-star within this operation and you tell them that General
14 Thompson wants X, get back to me real fast to let me know what I was supposed to have told
15 them I wanted and that's" -- he says, "The staff, you guys can wear my stars and the only guy we
16 have to look out for is four beats three," and that's CINC, USAREUR. So it worked out
17 beautifully, and he gave us -- he gave us total latitude, gave us total ability to run our own
18 operations, he trusted us. For two-three weeks General that said, "I want you to be my signal
19 officer," when in 1983 he fired the Signal Officer
20 Prior to 1980, the 21st SUPCOM was a dumping ground. Personnel -- we had the worst officers,
21 anybody who messed up somewhere else. Any logistician that messed up, the quartermaster
22 dumped -- the -- when the promotion list came out, the 21st SUPCOM was the lowest number of

1 people who got promoted on any promotion list. General Thompson went back to Headquarters,
2 DA, and went to USAREUR and said, "I will take a shortfall. Stop sending me duds," and so
3 this was part of his turnaround when he came to the War College and picked three of us up and
4 all of us got promoted to O-6 on the next list that came out and that was the first time; from that
5 point on, the 21st started coming up above the two corps, the number of people eligible and
6 being selected, and then he got his third star and stayed there another 2 years, The first week Pete
7 Bradley and I got there he says, "I've been in command here for a year My staff officers have
8 never seen this command." We had an aviation battalion down in Mannheim. He says, "Go
9 down there; get yourself a C-21, I guess that's the military version of a King Commander, a
10 turboprop. He says, "I want you to visit every installation we have." So we had a couple of
11 warrant officers flying us. We took a captain with us out of -- out of the IG shop and myself and
12 we spent a week flying all over Europe, looking at the installations we had in England; looking at
13 the ammunitions rework plants in Scotland, we had tugboats and piers, barges etc in warehouses
14 in Hythe England (South Hampton) ; looking at the expansion up into northern Germany and
15 visiting every part of it and we had this huge depot at Burtonwood, left over from World War II.
16 It was acres and acres and acres of warehouses. You had to have a Jeep to ride around the thing
17 because it was so -- it was leftover from World War II and we had so much stuff in storage there,
18 so he had us go around and then come back and tell him what we thought. He would do things
19 like that all the time. "Go out and check this out for me." We had chemical weapons over there,
20 which were worse than nukes. The Germans knew we had nukes. Chemicals were worse than
21 nukes, so we had a chemical site disguised as a nuke site, and it developed a leak. We got very
22 serious about putting on our masks when we went and looked at that because we'd had civilian

1 contractors from one of the Army depots in there trying to find -- the ammunition was
2 deteriorating, so finally we took all the chemical stuff out, but it was -- it was a great command
3 and you could do anything you want. As I say, I had all the JAG offices, and the big deal was
4 processing time. I had to have something you could measure and processing time for criminal
5 law actions was the best in USAREUR for most of the time we were at the 21st. For fun, I
6 developed a quirk that all the staff could point to, and the quirk was you could have anything on
7 your wall but I better not see a piece of tape. So here's a full colonel that's obsessed over Scotch
8 tape, so that's a good thing to get around. You know, if you want to talk about Charlie White,
9 "The guy's nuts. He's worried about tape." Now if you want to put tape behind your picture,
10 fold it around, but I don't want to see yellowing tape on the corner of a piece of paper, and I'd go
11 around and do that. I mean I just did it. I needed to have something for them to concentrate on.

12 Q. Uh-huh [**affirmative response**].

13 A. And then it was processing time because you could measure it, and then you had
14 the 90-day rule. If you didn't process this -- the case would be busted -- we were doing 80
15 general courts-martial a year, so then I -- and started this at Fort Hood, Chapter 10. I got the
16 reputation for Chapter 10s, and all the other JAs were ridiculing me for taking Chapter 10s rather
17 than taking everything to BCD Specials CM or general court-martial; and so I convinced the
18 commanders that we didn't need to do all these trials-- courts-martial aren't free! You're tying up
19 all your key personnel sitting in some waiting room, you're losing training, and what you really
20 want to do is to get this Soldier out of the Army, and if it's a drug offense or something like that,
21 let's get them out of here within 3 days. Let's not sit around and have this guy sitting in your unit
22 waiting for 4 weeks to be court-martialed and then tying up a third of your leadership sitting in

1 the waiting room either in E&M or on the merits. General Thompson bought into this theory of
2 moving cases quickly and pushing Chapt. 10 discharges. Because we had area jurisdiction it was
3 possible to mandate it. The 21st with the area jurisdiction had a brigade of the 8th Infantry
4 Division in our area, which meant that the commander of the 8th Infantry Division didn't
5 exercise court-martial jurisdiction over that brigade because they were working area jurisdiction
6 and General Thompson was, I mean, perfect, absolutely perfect commander, and he would read
7 everything that the defense counsel or the accused had to say or have a personal interview -- and
8 I told the defense counsel, I said, "Anytime you've got somebody that -- you want to talk to the
9 general, you can talk to the general." I told the general it was very healthy to overrule his SJA.
10 So the word gets out that "you overrule my advice to you, that's just fine. If I recommend a 15-
11 year sentence and you want to cut it back to 10, 5, you can do no wrong; you're the convening
12 authority," so we encouraged the defense counsel to go in there and talk to him. In Mannheim
13 there was a good defense counsel, Captain John Nolan. General Thompson started as a private
14 E-1 right off the street in Philadelphia, his father was a cop. Nolan's off the street in New York,
15 a captain down in Mannheim. Nolan's a cocky son of a gun; the general's street smart. So Nolan
16 always came up to see the general, and I remember one time I said to the defense counsel, I said,
17 "You want to recommend the sentence be cut. I'm not going to do your work. You better have
18 an order ready for the general to sign that does what you are asking him to do. I'm not going to
19 sit there and go back and you ask him to do something, suspend the sentence, and you don't have
20 an order to hand to him, that's not my job. If you're going to make a plea, you'd better have
21 something to give the general to sign." So Nolan would come up there, and his client would
22 maybe get, you know, 20 years or some other sentence, and the general would sit there and Nolan

1 would give his pitch and want to cut the sentence. So the general says, "What do you think,
2 Judge?" and I said, "I recommend the sentence be approved." So Nolan hands the piece of paper
3 over to the general. The general looks at it. He rips it. Nolan reaches in his briefcase, pulls out
4 another piece of paper; makes his second pitch. The general smiles. He says, "What do you
5 think?" I says, "I recommend you approve the sentence." He says, "All right, Captain Nolan, I'll
6 go with you on this one." He just cut a year or two off the sentence, whatever it was. It wasn't
7 too much. It wasn't a big deal.

8 Q. Right.

9 A. So the general signs the order and he gives it back to Nolan and he pulls it back
10 and he says, "If I had ripped this one up, would you have had another one in the briefcase?"
11 **[Laughter]** Nolan says, "You'll never know, sir." **[Laughter]** But that's the type -- that's the
12 type of guy General Thompaon was. Thompson loved my first deputy in Kaiserslautern, LTC Al
13 Vernon. My deputy was the chief of justice at Fort Hood, and he and the general -- I don't know
14 how -- you'd do hail and farewells and my deputy, Al Vernon, would make jokes about the
15 general using -- he'd make a joke and put the general's name in it. And I was sitting there one
16 time in the general's office. We had civilian guards, and the general's office was right next to the
17 gate, which for security was a disaster because they're right by the gate. So Al has been down --
18 sent down to USAREUR and he's driving by the gate and has to stop for the guard shack and the
19 general looks out -- I'm sitting there and the general looks out and he sees -- he sees Al, and he
20 says, "Hey, Vernon," and Al looks over at the general's office and the general gives him -- flips
21 him the bird and Vernon puckers up his lips and does an "air kiss" back at the general **[made**
22 **kissing sound]** and drives out the gate. The general says, "I guess that wasn't too dignified." I

1 said, "Probably not." **[Laughter]** I said, "I wonder what this Polish labor service guard thought
2 about this."

3 But I had two deputies; one was -- I had Al Vernon and I had Jim Gleason, who
4 was an USMA Academy graduate. Gleason was strict; did not go along with Organizational
5 Effectiveness -- I mean I was into organizational effectiveness; not so Gleason. He didn't want
6 to open up to anybody, and so I had two LT. Colonel wild horses who were competitive with
7 each other, both are deputies, and I'm the SJA; it's like having a foot on two galloping horses that
8 are going different directions. And finally Al Vernon transferred out to be the EXO in OJA,
9 USAREUR. Gleason was going back to the sttes -- and Gleason -- we did some of these -- we
10 had an organizational effectiveness officer, Major Lynda Mann, who did conflict resolutions if
11 the defense counsel and trial counsel got -- get each other and it was getting nasty, so I said,
12 "Okay. Let's talk about civility and let's have a 1-day stand down session so we have all the
13 defense counsel and prosecutors and trial counsel and we'll have conflict resolution so we can get
14 this thing so it isn't personal and nasty anymore and the organizational effectiveness officer who
15 is our friend still said, "Well that's a challenge to run a seminar for Trial and Defense Counsel" --
16 well Gleason refused to participate in it. So I called up the 8th Infantry Division SJA, he was a
17 good friend of mine, LTC Fred K. Green, who had also gone to Fletcher School, and I said -- his
18 deputy, LTC Jim Burger was going to be my deputy in about a month or so. I said, "Can we
19 bring the other Jim over here and let him attend the seminar because he's taking over from
20 Gleason." So Gleason refused to go and I personally don't care if he goes, he's leaving anyway,
21 so Burger came over. Now I had two very sane and calm lieutenant colonels as deputies. LTC

1 Jim Burger in Mannheim and LTC Dick Black in Kaiserslautern who cooperated with each other
2 and life got a lot better after that.

3 Q. So it sounds like Kaiserslautern was definitely a pinnacle of your ----

4 A. Absolutely.

5 Q. ---- career.

6 A. No doubt about it.

7 Q. Did that affect your decision to transition out of the military; was it one of those,
8 "Man, that was so great and I look ahead to my future and I don't see any ----

9 A. The answer is yes, but not at that time.

10 Q. Okay.

11 A. So now I'm coming back to the Pentagon -- well, General John Bruen, who is
12 another one of these guys -- the SJA who replaced me was a West Point graduate, everything
13 going for him, Afro-American officer, handsome as he could be, absolute perfect. He got fired
14 because General Bruen was -- General Bruen was a commander that says, "If I refer this to trial,
15 you've got to assure me we're getting a conviction." It got to the point that Colonel Bob Hancock
16 got so unsettled of General Bruen he wouldn't take things in, so now everything is stacking up.
17 So LTC Dick Black, who was my deputy and now Bob Hancock's deputy, had to go in and deal
18 with General Bruen. We knew General Bruen because General Bruen had been the Military
19 Transportation and Management (MTMC) commander and he was over in -- and we had a major
20 that belonged to MTMC in Washington but was in Europe and so he was our GCM jurisdiction
21 and he had, I think, had an affair with one of his subordinates, a female, and so we were going to
22 handle it and so the JA for General Bruen called me up, who was a good friend of ours, and he

1 says, "General Bruen -- General Bruen -- this is General Bruen's idea of how this case should be
2 disposed of," **[made noise]** so I said, "Okay." Now we'd gone through this all along, people
3 telling General Thompson how he should dispose of it just because they were the commander,
4 like the 3rd Brigade -- I think 3rd Brigade out of the 8th Infantry Division, and so I said, "All
5 right, I'll tell General Thompson that General Bruen will be calling." So I told General
6 Thompson, and he says, "Yeah, so what." So General Bruen called him up and General
7 Thompson read him a new one and said, "That's my GCM jurisdiction. This is where I'm going
8 to dispose of it." I mean he wasn't taking it to a general court-martial. He just wanted to board
9 him out of the Army, accept a resignation, and just get rid of the guy. What are we ----

10 Q. Uh-huh **[affirmative response]**.

11 A. ---- going to do with this. Later, we heard that General Bruen was trying to get
12 command of the 21st Support Command when General Thompson left -- well General Bruen
13 came over to Europe of some unrelated mission and General Thompson always went back to
14 Washington to sit on some promotion boards, very smart. Whenever there was a promotion
15 board they wanted a general officer to sit on it, General Thompson would go back and sit on it,
16 so he got a couple of his favorite guys to general and he always ensured that his officers got care
17 -- got taken care of. He never passed up an opportunity to sit on a promotion board back at the
18 Pentagon. So he's away and Bruen's making supposedly a command tour. So Thompson had
19 this -- one of these airline "seat occupied" signs on his general's chairs and he taped it to the
20 chair, knowing General Bruen was going to use his office, it says, "Occupied," and General
21 Bruen actually came over there and tried to talk to General Thompson's staff officers to see if
22 they would take over -- if they would stay when General Bruen took over. Well we all knew

1 General Bruen, and none of the staff wanted to stay and work for him -- the change -- Tricia
2 stayed a little longer in Europe -- no. Well I went back early, but the day that the change of
3 command took place, I'm out of there and gone and then Tricia followed later on because nobody
4 wanted to work for General Bruen -- sure enough Bob Hancock, it was a disaster. Bob Hancock
5 got fired. He had a brilliant career in The JAG Corps. General Bruen was just atrocious to work
6 for..

7 Then the immunity concept. When I got to the 21st -- how are we doing on time?
8 When I got there ----

9 Q. Oh, we're good.

10 A. ---- I got there. The SJA and the criminal justice trial counsels all believed in
11 giving immunity to co accused to them to testify against another accused. My first blush with it
12 in Germany happened about a months after I was the SJA. A lieutenant who was walking down
13 the barracks and there was a guy shooting heroine up, heroine in the barracks, and the lieutenant
14 is walking through checking the rooms and so the lieutenant starts to walk into the room and
15 there's another soldier in the barracks who closes the room with such force it hits the lieutenant
16 and knocks him back across the corridor. So this case comes up for court-martial and they want
17 to give the guy who's shooting up heroin immunity to testify against the guy who has closed the
18 door and assaulted the lieutenant. So, you know, -- this is nuts. At Fort Hood we had a case, we
19 had a female soldier who was raped and two soldiers raped her. One held her down and one
20 raped her. We never knew who the second Soldier was, so the defense counsel come in on the
21 first guy and wanted to do some sort of a plea and immunity if they would tell -- if we -- if they
22 would tell us who the second guy was, and I said, "That's between the two of them. This guy is

1 going to Leavenworth, and the other guy hopefully will send him some care packages and send
2 him cookies every now and then because he's serving time for both of them. I don't care who the
3 second guy is. We got you and the fact that the other guy -- I'm not going to give this guy
4 immunity." Six weeks later, the victim is in the mess hall and this Soldier walks up to her and
5 says, "Ha, ha, ha, I was the second guy." I could not believe it. Needless to say, we did not
6 agree to give the guy shooting up on heroin immunity. I say my job in Europe to start cutting
7 down on the number of courts-martial. There was also the tendency in -- people got -- people got
8 interested in overcharging and so finally we had to tell some of these battalion commanders or
9 brigade commanders, we would say, "Look. You charge it as treason, send it on up to us as
10 treason or mutiny or whatever you want, and we'll cut it down to failure to repair or an AWOL or
11 whatever it really is and then everybody will be happy." Well, that was a joke, but they ----

12 Q. Uh-huh [**affirmative response**].

13 A. ---- got the point. And then I had -- and I lived in Kaiserslautern next door to a
14 brigade commander, an air defense artillery brigade commander, and I had a JAG captain,
15 Captain David Ralston, who was the best lawyer I ever met and he was the OIC in the Pirmasens
16 JA office. There was a LTC, air defense battalion commander also in Pirmasens, air defense
17 battalion commander, so I had this captain up there working the SPCM juris -- I mean this
18 special court-martial jurisdiction and this LTC always wanted to make an example of every case
19 that occurred in his battalion -- you know, so I had to deal with the full colonel, the BDE
20 commander who was the boss of the LTC in Pirmasens.. He was my next-door neighbor, and I
21 said, "Look. We will take a drug case -- we will make a point once, but we're not going to take
22 every AWOL or drug case to a general court-martial or anything else. If you want to make a

1 point on a drug case or something, we will take it to the hilt to make the point, but we're not
2 going to do every one of these," and so the battalion commander was beating up on my captain,
3 who was very good, and so every now and then the brigade commander who was next door,
4 we're both colonels, and he said -- he says, "Hey" -- he says, "How's your" -- I says, "Well, my
5 captain's holding his own." He says, "If it gets too tough, I'll call off our battalion commander."
6 I said, "No. Let the kids play. They're having a good time out there," and Dave Ralston just held
7 his own. He was just wonderful, and we finally turned this thing around for the whole command,
8 began to realize that the idea was to get on with the mission and not do 80 general courts-martial
9 a year in one jurisdiction.

10
11 Regarding Technology... then we got Lanier word processors over there, too, the same Lanier
12 sales person who got us word processors at Fort Hood was not the London Lanier Salesman, and
13 one of the things I tried to do at Fort Hood -- that we did succeed in Germany because I would
14 end up being the G-5 over there when we went to the field, which is the host nation interface. I
15 asked the guy who did word processing for us, I said, "Some" -- it was a Lanier word processing
16 machine for computers, and I said, "Somewhere in the world of Lanier, all over the world, there's
17 got to be a way to hook up signal corps tape." I don't know if you've ever seen signal tape.

18 **[No audible response.]**

19 A. In the old days it looked like stock market ticker tape. It was that wide and it was
20 little dots and things and so if you did a communications message, you typed the message up on
21 a typewriter or wrote it, took it over to the signal officer. The signal officer then types it a
22 second time -- or whoever types it a second time and turned it to be machine tape in little dots

1 and dashes, looks like Braille, and then they put a header on it and they fed this into the signal
2 machine. None of this is today. And so to get a division, the general says, "Send an order to do
3 X," it takes the G-3 probably an hour to get the order out, take it over to the signal battalion. It
4 takes them another half an hour to retype -- that's only if you only got one message -- takes them
5 another half an hour to take it to a signal tape. So I asked the Lanier guy, I said, "Is there a way
6 to go straight from the word processor to a signal tape?" He says, "What's signal tape?" I says,
7 "Well somewhere -- I'll bet somewhere in Lanier's technology thing" -- he found a machine in
8 Belgium that you could hook up to a word processor that would produce signal tape from the
9 same message straight on out, so we came up with an exercise and I've got the people working
10 the orders again and the signal battalion commander is there and I said, "Hey, look. Why don't
11 you try to type messages on a word processor and have it type the signal tape?" "Oh, we can't do
12 that." "Why not?" "Yes, sir; that's not the way they operate." Okay. Standing there at the same
13 time is a German lieutenant with the German Bundeswehr Territorial Command signal unit
14 because we were doing joint exercises. The lieutenant sits there, looks at this word processor,
15 and he's out there in a tent with his own signal operations going back to German Territorial
16 Command. He says, "Can one of my -- can one of my clerks use your word processor?" I said,
17 "Oh, sure," so he takes one of his clerks and they're typing out orders in German, attach it to the
18 signal interface that produces signal tape, it spits it on out, he runs it through some machine that
19 verifies that it's accurate, and the message is fine. From that point on, the Germans never
20 retyped a message. The U.S. guy wouldn't touch it. The Germans are putting out messages in
21 probably a fifth of the time that it took the U.S. to get a message and that was all, you know, ----

22 Q. Yeah.

1 A. ---- relay and all that stuff.

2 Q. Uh-huh [**affirmative response**].

3 A. So there we go.

4 When I left Europe I am assigned to the Depart of Defense as Inspector General for
5 intelligence. I come out of Europe and now everybody's got to be purple suited. The Goldwater-
6 Nichols Act has been -- so to get promoted to general officer or go any higher in the Army, you
7 have to have a joint service assignment. So there was -- a good friend, the same Fred K. Green,
8 SJA of 8th ID and a Fletcher School graduate, of ours was chairman -- legal advisor to the
9 Chairman of the Joint Chiefs of Staff. I thought that would be pretty neat, but that was already
10 taken, so they come up with, "You are going to be the IG for Intelligence Office, Secretary of
11 Defense." "Fine, but what is it?" "We really don't know, but it's rotated among the services and
12 it's got civilians and it's got one service member and then there is a Navy Captain there now and
13 they want an Army guy." They just put a levy down from Department of Defense on Army JAG
14 for a lawyer to go into this office and nobody knew what it was, okay. So I'm coming out of
15 Europe. I'm an international law guy. I need to get purple suited somewhere, although I went to
16 Armed Forces Staff College, so they slot me into this thing. As it turns out, General Thompson
17 when he left 21st Support Command, goes to be IG of the Army and he's -- we're down -- two
18 basements down in the Pentagon. He's about 400 feet beyond me in the basement, so he's the IG
19 of the Army and I'm in DoD IG for Intelligence Oversight, so we still keep running into each
20 other all over the place; and one time -- this is typical of General Thompson -- we're in the men's
21 room of the Pentagon and he's standing there at the urinal and he says, "You know, Charlie," he
22 says, "This is the only place in the Pentagon when I go in I know what I'm doing." [**Laughter**]

1 He was a three-star general. I mean that's the type of guy he was. He was -- he was just great.
2 He had no pretensions. He once said, "I am the highest paid truck driver in Europe." He would
3 get down in a grease pit with some guy changing oil in a deuce and a half (2 and ½ ton truck)
4 and they would start comparing the oil to see if there are any metal shavings in the oil. I mean
5 there's a three-star general gets down in the grease pit and starts checking the oil for metal
6 shavings to see if the oil -- you know, if the oil is doing what it's supposed to do ----

7 Q. Uh-huh [**affirmative response**].

8 A. ---- and that's the way he was. He was a great guy to work for. He would blow
9 up every now and then. I remember one time he came back and the chief of staff was going over
10 to see the general and I've got a big stack of court-martial stuff and the chief of staff stops me
11 and says "I need a favor." "What?" He says, "You and Pete Bradley are the only two people in
12 the headquarters -- who the general isn't mad at right now." He says, "When the general was
13 away, the DCSPER and I decided on a personnel action and the general has blown up and
14 changed it," and he says, "We got to get it reversed, and I -- we can't go back in there." He says,
15 "Can you slip it in and talk to him?" "Oh, okay." So I got all the court-martial stuff and I put it
16 in my -- I had boxes and boxes of court-martial -- so I go in there and there's actions to do, a
17 post-trial brief, something like that, and so I go through all the court-martial stuff, the general
18 signs this and makes comments and defense counsel some -- I've always had him initial
19 everything that a defense counsel wrote and then I get to the bottom and there's these two
20 actions. I put them back on the table. He says, "What's that? Where did you get that?" And
21 then he starts ranting and raving. "Those guys should never have" -- I said, "Stop, stop, stop.
22 You were away in the USA and the chief and the DCSPER made this decision. There's nothing

1 legally wrong with this decision. You would have made a different decision. I may have made
2 the same decision or another -- or recommended another decision." It wasn't anything the JAG
3 had to do with anyway. It wasn't something that we would even look at, but "there's nothing
4 wrong or illegal with their decision, it's a matter of judgment, and now they've sort of committed
5 and told people that the decision was that and you've just reversed them and they would like for
6 you to redo the decision." He sits there and glares and grabs the thing. He signs it and confirms
7 the previous. He says, "You tell the chief never to mention this to me again." So I go to the door
8 and the chief's office is across the hallway and he's peering around the corner **[laughter]** and so I
9 go in and I said, "Here it is, Bob," and don't ever bring it up to the general again. He says, "I
10 won't; I won't; I won't," but the -- General Thompson later made the chief of staff a brigadier
11 general and Bob Drudik last got a second star..

12 Q. Wow. And where was that job? Was that ----

13 A. That was in Kaiserslautern.

14 Learned something about getting facilities done. If you had -- we had seven
15 offices. They were all World War II barracks. They were -- we needed rehab and this is
16 probably true today and Colonel Dick Black worked it beautifully. The Army procurement
17 system was such that if you had a bunch of projects that cost money, the Army would allocate
18 \$40 million to the engineers to do whatever rehab or building they had to do in the command,
19 okay. The engineers would then prioritize the projects and list them in order of priority. So on a
20 \$40 million deal they probably got, first of all, is a \$15 million deal and a \$3 million deal and
21 you start going down. So I would go into the engineer and say, "I'd like to rehab the JAG office
22 in Heidelberg and the one in Mannheim and Permisans. It's going to cost about \$400,000, 300

1 and 200,000 to do this, and the engineer says, "We're going to execute 14 projects this year; your
2 priority is 354 down the list." No point in doing any engineering on the project as they are not
3 going to get funded. You're never going to get it executed. I said, "Would you do me a favor?
4 Would you give me \$5,000 to get the German engineers to go out and do the architectural
5 drawings and do the stuff?" "I'm not going to do that. You're never going to get it executed."
6 "Please just share with me. What's \$5,000 to you on a \$40,000 -- \$40 million project budget?" I
7 keep bugging him, so they say, "Okay." So we go out and they -- and we have German
8 architects go out and they do the survey and they do the drawings for the construction work that
9 if we're ever funded would be done, the modernization of the new court building and stuff like
10 that, and then the drawings go on the shelf and you just sit back and wait because come
11 September comes the end of the fiscal year, that \$13 million project didn't get through
12 architectural drawings; that was their number 7 priority but they didn't get it ready to execute the
13 contract before the funds evaporated, at which point the engineers are going bonkers. They're
14 looking on the shelf for anything they can execute so they don't lose the money. We've had that
15 happen three times and it -- you couldn't stop our projects from being executed at that point
16 because the engineers just pulled them off the shelf [**slapped hands together**], let the contract
17 because they were losing money, and we -- and the V Corps and VII Corps JA could not believe
18 how we got all of these courtrooms done. And I think it will work today. If you can get the
19 drawings done, which are fairly low cost even though you're a priority of nowhere, then if you
20 get that stage and -- I'll guarantee you it will be executed because something big is going to drop
21 out; it's just the law of averages.

22 Q. Uh-huh [**affirmative response**].

1 A. And Dick Black who was my deputy ended up being the SJA at Fort Lewis. At
2 the same time, our former chief of staff, Bob Drudik [**phonetic**], is now a one-star commanding
3 OTEA in Fort Hood, Texas, Office of Test and Evaluation, all civilians. He hated that. He was a
4 West Point guy and wanted troops to command and not civilians. Bob, in Vietnam had taken a
5 .50 caliber something right through his jaw. He looked like -- it was a terrible scar and he played
6 that role. He played The Hunchback of Notre Dame role, Quasimodo, and he loved it because he
7 wanted people to be afraid of him but he was a heart of gold and so -- and of course he wasn't
8 rated by us. We were all friends. And so Dick Black now becomes the SJA at Fort Lewis. Well
9 at the end of the fiscal year all the money starts rolling through the time zones, so if you don't
10 have any -- if you can't execute a contract at Fort Devens, MA by midnight on September 30th,
11 the money goes away, but if you're very good, you can transfer it to the engineer at Fort Belvoir,
12 somebody in another time zone. So now they got another hour. When you get to Fort Hood, the
13 last hour of the fiscal year they start letting -- they put all the gasoline -- diesel they can put in all
14 the tanks, they load up everything, and they start letting contracts to pave 1 mile of road and so --
15 until they can't let anymore contracts, then they send the money to Fort Lewis, Washington, and
16 the guy who finally gets the big basket of goodies is somebody in Hawaii who is in the final time
17 zone before the end of the fiscal year ends. So Dick Black wants the courtroom redone in Fort
18 Lewis, Washington, at \$200,000, and they don't have any money at Fort Lewis, Washington, so
19 he calls up General Drudig at Fort Hood, who's now his former chief of staff at the 21st
20 SUPCOM and he says, "I want you to send me some money." And Drudig goes into his
21 Quasimodo routine and he says, "Are you nuts? What is wrong with you, Colonel Black? What
22 do you think, I'm made of gold?" and starts reaming him a new one in which -- this is what Bob

1 Drudig wanted to do and so that's the end of that conversation. An hour later the engineer at Fort
2 Lewis calls up Dick Black and says, "We just got \$200,000 from Fort Hood. What's this about?"
3 So Dick Black got his courtroom redone at Fort Lewis because Bob Drudig didn't have anything
4 to spend it on at Fort Hood and he'd formally been the chief of staff, and that -- go back to the
5 rapport that the SJAs have with the commanders, okay, and you'll get stuff like that done. Okay.

6 Q. So you're a -- so you're actually a young O-6 relatively ----

7 A. Well as it turns out and I made full colonel at 17 1/2 years and I only had one
8 below the zone and that was to O-5. The rest of it was right on time. So I've now got 3 years in
9 grade and I now am in the Pentagon in IG for intelligence, which was interesting because when
10 we finally checked out of there I had 35 separated compartmented SCI clearances above Top
11 Secret because we had all of OSD. We had National Security Agency. We had -- we were
12 NRO, which was classified at the time -- the name was classified Secret but it was the National
13 Reconnaissance Office run jointly by DoD and the CIA there and controlled the satellites and so
14 we had all the Navy clearances; we had all the Air Force clearances; OSD, DIA clearances; and
15 Army clearances, et cetera, so the IG for intelligence, we worked -- my boss was an SES named
16 Werner Michel worked directly -- he was a lieutenant colonel retired, another one of these guys
17 who was a German Jew out of Europe and who. At age 11, with his family had gotten out but his
18 father stayed behind too long and got executed. Werner after WWII went back to Europe and
19 started policing up Nazi war criminals and then he became a lieutenant colonel in the Army in
20 military intelligence and then he retired and he got named to this civilian job, so he was the
21 Assistant to the Secretary of Defense for Intelligence Oversight -- Originally the office was DoD
22 IG for Intelligence and then Congress created the IG Act so they had to change the name, you

1 couldn't have two IGs, so they changed the office to the Assistant Secretary of Defense for
2 Intelligence Oversight. Werner explained to me that after all these years he still had an
3 immigrant mentality. He was always thinking he was going to be deported back to Germany that
4 he'd left when he was 11 years old because somebody -- something was wrong with his -- he
5 says, "Once you're -- once you're an immigrant you're always an immigrant -- you always look
6 over your shoulder because always you think something went wrong with your naturalization
7 and somebody is going to knock on the door someday and send you back to wherever you came
8 from." And so he wasn't very assertive but he was very good at his job and I learned a lot from
9 him. He was a good boss but a stickler for details. He knew where all the -- all the bodies were
10 buried. And so he worked directly for the Secretary of Defense, who was Casper Weinberger at
11 the time, and his XO was a brigadier or major general by the name of Colin Powell. I worked --
12 there were two civilians, myself -- two civilians and myself and the chief and I was the only
13 military guy in the office and our job was to, interestingly enough, at that time was to go around
14 to be sure that the United States Government was not spying on its own citizens. This gets back
15 to the discussion we had at the meeting of the American Bar Association, Committee on Law
16 and National Security, the other night about cyberspace and what's spying on citizens in cyber
17 war these days. If you're going in, you don't know where the thing came from, so what
18 inadvertently if you're trying to repel a cyber attack or Internet attack or something like that,
19 whatever else, so that's a big -- nobody knows the answer to that legally. That's -- that was one
20 of the topics they're going to discuss for the next year, "How do you sort that one out?" and the
21 old FISA Act and all that stuff. In our ASTDIO Office we would go over to National Security
22 Agency and that was always interesting because they had such great computers and great toys

1 and they could do all sorts of stuff but we were in a SCIF and we wrote reports and we went all
2 over the world, wherever we wanted to go, and we checked -- just go to the military attachés
3 which are all intelligence offices and we would find out what they were doing, what records they
4 were keeping, and we'd also find out what the CIA had asked them to do and they weren't going
5 to do anything about. You'd find interesting things like the military attaché in London was
6 running a plane along the East -- along the West German border on the East German. There was
7 a bunch of guys and some gadgets from the CIA running across the border of Germany down to
8 Italy and they were doing that every month and somebody -- and we said, "Well who told you to
9 do that?" "Well the guy I replaced told me that we were doing this as a favor." Well DoD didn't
10 care that we were running an aircraft in support of the Central Intelligence Agency but we
11 wanted to be reimbursed. I mean, "Sure, you can do it. Now let's send the bill to the CIA." So
12 one of the things that we looked at every time -- by the way, you know, it's one of these
13 Detective Colombo things, as you're leaving said, "Oh, one more question. Are you doing
14 anything with -- for the station chief here at the embassy?" "Oh, yeah, we're doing X, Y, Z or
15 something," and so then we'd go back and then DoD would process a bill and send it to the
16 Central Intelligence Agency. You know, [inaudible].

17 So -- so now -- I've now got 3 -- 17 1/2 years in. I've got 3 years in grade. I can
18 retire as an O-6 and what do I want to do? I don't like being in the basement of the Pentagon.
19 It's not out with a troop command. I wanted to do -- three things I want to do. I'd like to be chief
20 of litigation division, OTJAG, I'd like to be the commandant of The JAG School, and I'd like to
21 be head of Personnel. All three of those jobs had been filled and won't become vacant again for
22 another 2 years or so. I don't want to do another corps SJA slot. I've done a division. I certainly

1 don't want to go to a military post, so now if I stay in the JAG Corps and I'm not commandant of
2 The JAG School or chief of Litigation Division, all I'm doing is repeating experience but in a
3 different scenery, so that doesn't appeal to me. So meanwhile we're ramping up this leasing
4 business with my 21st Advance Class buddy and best friend in the Army, Colonel Charles A.
5 Murray who's a West Point graduate, he retired as a -- he was the legal advisor to Central
6 Command. He retires from MacDill so he convinces us that we should start a business because
7 he's already retired and he's starting a business and we can come do a leasing company and he
8 wants me to do it, and I said, "Well, I'll help you manage it," and since I was now back down to
9 about a 8-hour day as opposed to 14 or more, I got a lot of time on my hands so I'd come home
10 and I'd work in a home office and keep track of stuff for him and he promises to buy me a
11 computer, which he did. So now I've got a computer. Wow. And so eventually the business got
12 so much bigger and I am needed full time to run the admin part of the Leasing Business and he
13 says, "You've got to stop playing Soldier," and he says, "You got to make a decision." We now
14 got -- plussed up to 10 offices around the country. We got three on the payroll and seven on
15 commission and I'm still on active duty. And so the decision is we're going to devote full-time to
16 the business. Well at the time -- the first 3 months we're in business, we each drew \$14,000 each
17 out of the business and I'm making \$5,000 a month as a full colonel. I don't know what colonels
18 make now, probably a lot more than that, so it wasn't too difficult of a decision to make the
19 transition. It turned out to be -- if I had to do it again, I wouldn't do it again. I probably would
20 have retired but I wouldn't do that for other reasons, and so I -- well a promotion board is coming
21 -- I'm not even in the zone for general officer but I'm not stupid enough to put my retirement in 1
22 week before they're announcing the results of the promotion board. So the SJA of Military

1 District of Washington, Colonel Brooks LaGrua happens to be visiting in the Pentagon and he
2 drops by the office, so I pull out my retirement papers and I said, "I just -- let's speculate who's
3 going to be the next general officer." We go down everybody we know plus -- and so we think
4 who's coming out on the JAG generals list. We were totally wrong. John Fugh came out and he
5 was a procurement guy and we never thought that would happen, so I said, "Just to -- just to
6 cover me here so you know that Charlie White didn't quit because he didn't get picked up for
7 general, I'm not even in the zone. I've only been, you know, colonel, for 3 years, so I'm showing
8 you my retirement papers so when the general's list comes out, you will be the witness that I
9 retired because, you know, I didn't just got mad and quit, like the guy did when we got to the
10 War College, but I'm leaving anyway but I'm not stupid enough to do it -- I'm going to wait a
11 week to see what happens. Who knows what will happen or maybe one of the guys whose job
12 that I want will get picked up and then I can try to be commandant of The JAG School or
13 whatever," so that's how it went. So then I went on terminal leave in July 1984 and left active
14 duty so I ended up with 20 years, 10 months, and 28 days in the Army. And you say, "Why did
15 you do that?" And I'd have said, "Because I miscalculated." I didn't -- when you're on terminal
16 leave, you don't accrue leave, and I'd figured it out that since I was on leave I'm going to get 2
17 1/2 days more leave so as it turned out when you're on leave you don't accrue leave so that's how
18 I ended up with 28 day -- 28 days instead of 30.

19 Q. Got it.

20 A. So then Werner Michel put me in for a DoD Service Medal and they gave me a
21 bunch of, you know, another ribbon or medal or whatever, so that's that.

1 Q. So Soldier responsibilities and duties versus your lawyer responsibilities and
2 duties, conflicts and challenges between those duties and responsibilities over your career.

3 A. Well in the -- in the narrative, I think we have opted on the side of Soldiers first
4 and lawyer second -- the ultimate is to be a Soldier and you help out or work in or assist
5 wherever the Army need -- has that need right now, whether it's a legal issue or not a legal issue.
6 At Fort Hood and at the 21st I volunteered our staff to serve as the G-5 during field exercises.
7 The 1st Cav Division and the 21st Support Command did not have a peacetime G-5 on the staff.
8 So, since I had language qualified officers and top notch NCO's and a Masters Degree in
9 International Relations, we took parts of the SJA office to the field as the G-5 staff section. I had
10 a little bit of that problem because some of my captains, we would just create the G-5 shop when
11 we did -- went on exercises to [inaudible due to microphone noise] and so a lot of them didn't
12 see that as a role for JAGs because it wasn't labeled, even though they had language
13 qualifications, they had other things, but they all stayed in the Army. They made -- the
14 experience I think they had -- this -- I'm talking mainly about the Fort Hood people -- the
15 experience they had I think was a good one. They all -- most of them went -- only one of the
16 Mormons left because the church called him back for some reason and he ended up not having a
17 job and he almost starved but the Mormons takes care -- the Mormon Church takes care of it, but
18 the other Mormon officer stayed in and made a career. The others stayed in and made a career
19 and I think -- and of course the West Point graduates probably were always in that bet that it was
20 Army first, JAG second, so I think that the role for the JAG is to use whatever talents or special
21 skills they may happen to have individually, whether they've gone through the Armor Basic or

1 whether they happen to have a language qualification to volunteer and assist wherever it is
2 needed and can be utilized for the benefit of the unit.

3 Q. Looking back were there any break points in your career that you now see sort of
4 determined your future and particular assignment working for a particular boss?

5 A. Well, the best assignment was the 21st obviously because I had such a good boss,
6 but the thing about General Prugh keeping me in an O-6 position as an O-4 I think weighed very
7 heavily on getting promoted to lieutenant colonel below the zone. It's the only below the zone
8 promotion I've ever had; that was on the Army list too. It wasn't on the JAG -- we weren't on a
9 JAG list until full colonel; that's the only time we went on a JAG list.

10 Q. Uh-huh [**affirmative response**].

11 Q. Do you look at the War College as a turning point? Your ability ----

12 A. No. It was -- it was the capstone of what you'd done before that point, and that's
13 what General Smith tried to put across to everybody. Now the next commandant went in and did
14 something else really, you know. They -- who knows, but it was General Smith's philosophy:
15 By the time you get to the War College, you've made it. Now the question is where are you
16 going to be assigned at? There's nothing you can do at that point that's going to make a
17 difference. I mean I guess with a general -- I mean the general officer thing is where you are and
18 who you know. There are hundreds of people that should have been general officers. The --
19 Colonel John J. Douglass was one of the most brilliant thinkers The JAG Corps ever had. He
20 was the commandant of The JAG School. The guy was outside the box. He was absolutely
21 expanding the knowledge in the students and he did wonders for The JAG School. John J.
22 Douglass should have been a general officer, no doubt about it. He was not. He ended up being

1 at National College of District Attorneys but there are lots of people -- I mean I have a fraternity
2 brother who stayed in the Navy, he was a doctor, and he's embittered because he didn't make
3 admiral. Well, probably part of his attitude was he didn't make admiral but to think that you're
4 going to be a general officer because of your merit or you deserve it is a total mistake. It isn't --
5 that's not the way the world works. The people that make general officer are just -- I mean when
6 John Fugh made general officer, we sat there and went through all the JAs and everybody and we
7 didn't have a clue that all of a sudden procurement law was going to be the be all end all and
8 John Fugh ends up being The Judge Advocate General of the Army, and since he's ethnic
9 Chinese and speaks Chinese, he ended up working as -- when he retired, he ended up being
10 Northrup Grumman -- Chinese president of the Northrup Grumman in PRC. So who knows why
11 John Fugh got picked up as a procurement guy; that was not the mainstream for The JAG Corps.
12 You had to have been an SJA and primarily criminal law. There are not many international law
13 generals. Well, Prugh was, but here again, he was dead coming out of Vietnam and General
14 McCaw was trying to get him to retire and General McCaw finally left and there through a quirk
15 of fate Prugh happens to be on the spot when General Shull gets sacked.

16 Q. Yeah.

17 A. So anybody who thinks that they can plan any of this or get upset because it
18 doesn't go to a certain plan is -- doesn't know reality of life. I mean there are some very dumb
19 general officers in combat arms and there are probably some dumb general officers -- I mean
20 there's this guy that I told you that they got -- well, we had a -- General Hodson had a deputy
21 named MG Lawrence Fuller. The guy was theoretically a Chinese language expert. He never
22 said anything, and he was the general officer supervisor of, International Law Division. My

1 mentor and boss in the IL Division, Colonel Haughney, he would -- he gave us some advice but
2 you learn this very often. If you walk in with a paper, to get approval from General Fuller.
3 General Fuller just sits there and looks at you. Well you've explained it in the paper, so after
4 about 2 minutes go by, you feel compelled to explain the paper a second time. General Fuller
5 doesn't say anything. About the third time you're trying to explain the same staff paper, you're a
6 babbling idiot and so that works once to every action officer. Colonel Hockney says, "Go in
7 there, explain the paper, and shut up. You may sit there for 5 minutes." You look at General
8 Fuller or you look at the ground but you never say another word and just wait. Now how in the
9 world did General Fuller ever get to be a general officer is beyond me. He had the mystique that
10 he was very smart and said few words. There was a mystique that he was a Chinese language
11 expert. Who knows if he was a Chinese language -- who's going to find out? So you don't know
12 who gets picked up for general officer. You maybe can brownnose your way to a certain part of
13 it, but I mean General Thompson made a bunch of guys general officers, people who were loyal
14 to Thompson but they weren't general officer material, they really weren't, and especially some
15 of the logisticians and quartermaster people, they were just, you know, run of the mill colonels
16 but General Thompson looked after them.

17 What about the people who didn't get picked who should have been? Well, you
18 don't have an idea that you should have been. Nobody should have been and you get that out of
19 your system early. You have no right to be a flag officer. It's lightning strikes or it doesn't. You
20 can do some things to enhance it down the road, but it's going to be who's there and who is not,
21 where are you and who you work for, and that stuff.

1 Q. The classic question: Looking back over your career is there anything you would
2 have done differently knowing what you know today?

3 A. I think you'd have to ask Tricia that **[laughter]**. No. I -- there is nothing in any of
4 the assignments -- there's some things you made mistakes on the job or that, you know, but when
5 you talk about would I choose the Army again? Knowing what I know about the services now,
6 probably not, but the experience that we had the Army was very good. I loved the job. It was
7 always a challenge. When it stopped being a challenge, then it was time to leave and it was time
8 to leave. And every assignment was always different and every assignment was good. Even
9 Vietnam was good.

10 Q. The -- for most young JAG officers or JAG officers generally, their career in the
11 Corps is about all that they encompass. Now that you've been out for almost as long as you were
12 in, how would that change your perspective as a JAG officer going through it? I guess what I'm
13 saying is would you anticipate this second career, would there have been things you did as a JAG
14 officer to say that I'm not going to be in the JAG even if -- even if I make O-6 and I have this
15 very successful career, you are not always going to be able -- the Army is only one part of your
16 path in life, you're going to have sort of a second half, if you will, what would you have done
17 during that Army career to prepare you for the second half?

18 A. That was one of the lectures I gave to a JAG conference once. You're passing
19 through the Army, and I did it on behalf of the American Bar Association. You're passing
20 through the Army. At max you're going to be here 30 years. At some point you're going to have
21 a second career. What are you doing now to make yourself in a position to have that second
22 career? Are you going to isolate yourself in the Armed Forces? Are you going to be very

1 narrow within what you're doing or are you going out and be -- interface with the entire legal
2 community? And my suggestion to that is the American Bar Association. The friends that we
3 made when we were 25 years old in the Young Lawyers section of the ABA are still out there.
4 There were about 80 of us that once you become age 36, you have to leave the Young Lawyers
5 section and you have to go to some specialty, litigation or procurement or international law,
6 something. The Young Lawyers section is an age group; that group had such a good -- we were
7 enemies there, we were fighting with each other, we were friends, but once we passed 36, we
8 decided that we liked the camaraderie and even though we ran against each other in elections and
9 stuff we would stay together and we formed something called The Middle Age, Independent,
10 Feisty Attorneys (MAIFA) which are now approaching 70 and 80 years old. Now, out of that
11 group, we have a United States senator, Thad Cochran, Sr., the senator from Mississippi. We
12 have the former mayor of Detroit, Dennis Archer. We have the general counsel of Microsoft, he
13 just retired, Bill Newcomb, probably the 120th richest man in the United States, and we -- and I
14 can give you the name of a lawyer in probably every state of the Union and almost every city
15 that we have known for 30 or 40 years. They're all resources, they're all friends, and they all
16 know me and they have an opinion good or bad, so if I needed to call on someone or if I needed
17 a job, then I've got resources to go out and look for those jobs and people I know. And I -- when
18 I made that pitch to the JAG conference, I said that, "You're thinking you're going -- you're going
19 to have another life. I mean what are you going to do now?" One of the things is the fungibles
20 problem i.e all JAG Captains are fungible..all the same. What can a Captain do to distinguish
21 themselves above the other fungible O-3s. I did it via the ABA, Fran Gilligan did it via legal
22 writing other another way., But the other thing is think about it long range. You've got to get

1 out and be main -- if you're going to be a lawyer, you got to -- in a mainstream legal profession
2 which is not particularly in the armed forces, so you can -- you can practice in the armed forces
3 but you had better have your hands on what else is happening out there because at some time
4 you're going to leave, if it's 20 years or 25 years, at some point you're going to leave and then
5 what are you going to do? So the answer is the work experiences, the management experiences,
6 the lessons you learn very easily are -- are very readily transferred into business, and I'm not
7 practicing law. I'm doing business. If I need a lawyer, I'll hire one, and we do hire a lot for the
8 litigation that we do, but the management experience I picked up will work anywhere. The
9 human relations experience will work anywhere, but how are you going to -- if you're going to
10 practice law, how are you going to integrate back into the legal community, unless you're going
11 to live on your pension, which is going to be somewhat difficult.

12 Q. Okay, sir, I really appreciate it. I guess the -- we've covered a lot of ground. As a
13 final question, is there anything that we haven't asked you that you would like us to ask you ----

14 A. Well ----

15 Q. ---- or is there anything ----

16 A. Well, I've been carrying a book around for 25 years. It's called *The SJA Survival*
17 *Kit*, and I take the position that these are practical things, like that how to get -- I'm not going to
18 be an authority on the law and nobody's going to accuse me of being a brilliant legal scholar, but
19 I always wanted to do a lecture or do a book for The JAG School called *The SJA Survival Kit*,
20 and it's a question, How do you get the officers upgraded? How do you work the procurement
21 system? What do you do when the general's wife uses a military vehicle to take her antique
22 furniture and move it back and forth? What do you do when some captain takes his wife up in an

1 airplane, in a helicopter as a joyride over Fort Hood? And if it's your own commander who does
2 something stupid, what's the solution? We had one of those that occurred in Europe and we had
3 one of those that occurred at Fort Hood and the solution that I always give the commanders is
4 here's what you do. What's going to happen to that kid who drove that deuce and a half that
5 weekend to carry the antique from Point A to Point B, probably had a date that weekend and
6 didn't want to do it, so if you want that story on the *Army Times* or the front page of *The*
7 *Washington Post* just know that that could come out, so what are we going to do now to make
8 that thing right? The solution that I gave at the time at Fort Hood and the solution I gave in
9 Europe and then the V Corps commander had been a former commander called me when I was
10 the SJA of the 21st because his SJA didn't have an answer for him and the answer is, "You go
11 back to the Finance officer and you tell -- ask the Finance officer to compute the cost of that trip,
12 that private's wages, that gasoline, and the number of miles it cost the government for that to
13 happen; then you write a check called "Miscellaneous Receipts for the Treasury" for twice that
14 amount and it's going to hurt and then you call up your boss and you tell the boss what happened
15 and what you did about it and that's the best you can do." And so it's a bunch of things like that,
16 and then, you know, how do you handle unlawful command influence or perceived unlawful
17 command influence and I had two of those happen at Fort Hood and a lot of -- the thing that --
18 one of the reasons that MG Bill Suter didn't get confirmed, while he was the Acting TJAG there
19 was because of an incident that happened at XVIII Airborne Corps; that they did have an
20 unlawful command influence and the SJA didn't handle it correctly and so it reverberated back
21 up and got into Congress and some staffer decided that since Bill Suter didn't do anything to fire
22 the Colonel at Fort Bragg he should not be confirmed. The senators probably didn't even know

1 about it, so the staffers control what Congress does. It probably work out well for Bill Suter as
2 he is now the Clerk of the U.S. Supreme Court.

3 An incident happened at Fort Hood, General Becton, one time people were -- women were in the
4 military and there was a harassment problem in the military and General Becton was walking by
5 a barracks and a female -- a female Soldier was in front of him and there were hoots and calls out
6 of the barracks against this female. General Becton walks right up into the building and starts
7 cleaning house. Well the next officers' call, the next command call, he's up on stage and he starts
8 talking about respect for female Soldiers and he's getting wound up and wound up and wound up
9 and he's getting more and more excited and finally he looks out and he says, "Judge, am I going
10 too far?" I said, "Sir, I think you ought to quit about now." He says, "Well you guys know what
11 I mean. I want you to use your own judgment, but this is something we all should feel strongly
12 about, protecting our female soldiers."

13 The second time was with General Russell Todd. General Red Fuller the III Corps Commander
14 had been the IG of the Army. There was an Army wide problem of accountability for equipment
15 and materials-- and he started having something called "Proper Count" which later degenerated
16 into "Any Count". III Corps thought they were losing a million dollars' worth of property at Fort
17 Hood and they actually stood down the whole two divisions over the weekend and had
18 everybody inventory everything in two armored divisions and the post and actually they hadn't
19 lost that much stuff, they just didn't -- had mislabeled something. You know, you have a gun
20 tube and they had it as a M-48 tube. It was really M-60 tube or something like that. It was
21 essentially mistakes and there really wasn't that much property missing but they went bonkers
22 nevertheless. So we were at a staff meeting and I'm sitting there with General Todd and he's got

1 all his commanders and I had one of the defense counsel sitting there, because I always wanted
2 to bring the defense counsel in, and as the general starts winding up, he says, "If you can't keep
3 track of the property that you're signed for," he says, "I'm going to hang everybody in this thing,"
4 and he says, "I'm going to draw and quarter" and he's just wound up. He was a New England
5 guy and he is ranting and raving about people not keeping track of equipment that belonged --
6 the property of the United States Army. And then he turns to me -- I mean he is really wound up
7 by this time, and he turns to me and the commanders are taking all this in and the defense
8 counsel -- one of the chief defense counsel is sitting right there, and so he turns to me and he
9 says, "Well did I say anything improper?" I said to all, to paraphrase, "Well, what the general
10 just said was that as each of you in exercising your command, you are to use your own discretion
11 in determining the disposition of any conduct resulting for a lack of accountability by your
12 subordinates in equipment issues." -- I mean it was something so absurd and bland right after
13 what General Todd had said that they broke into laughter and the general says, "Point taken.
14 Let's take a break," and that was the closest we'd come to unlawful command influence -- and it
15 never came up ever, it was never brought up, and anybody who got an Article 15 or something
16 for misuse of property or court-martial or anything like that, it never came up. The 1st Cav chief
17 defense counsel who was in the room never brought it up at any time.

18 The other thing is I learned from General Prugh, this was the last thing, is always promote your
19 subordinates. General Prugh made a very good point whenever he went into a four-star
20 commander office, anytime he went into a higher command, he would always take some JAG
21 officer with him and he would say, "General Davidson, this is Major White. He's my chief of
22 International Affairs and this is a paper that his division created and we are briefing you on this

1 and we need a decision on this." And by always promoting your subordinates, I think indirectly
2 he give the impression that, God, if these guys are all good and you're their head, you must be
3 pretty good, too. So when I was a division SJA and when I was General Thompson, I practiced
4 the same policy. -- There are some division commanders that don't want to talk to anybody but a
5 lieutenant colonel, and so I would go into each of the general commanders and I would say,
6 "We're all here about training. You're training brigade commanders and they are training
7 battalion commanders. They're training company commanders. I'm training JAG officers. JAG
8 officers have got to learn -- got to learn to deal with general officers because probably in their
9 career they're going to be working for a general officer, so if you're all right with this, I would
10 like to send my chief of justice in to brief you on courts-martial every now and then, knowing
11 full well that I've approved what he's saying but I need to have a captain talk to a two star general
12 because they need to get that training,". Every general officer, General Becton, General Todd,
13 and General Williams understood that and bought into the idea and they would appreciate the
14 fact -- and they didn't resent that a JAG captain would go in and brief them on military justice or
15 something like that because they knew I was training JAGs the same way they were training line
16 officers. That policy elevated the esprit -- I mean these JAG captains were just -- it was -- it was
17 just unbelievable. And one day I walked into General Todd's office and he got out of his chair
18 and gave me an imitation of --Captain Dave Smith, who was my chief of justice. -- Captain Smith
19 was Colonel Mickey Marshall's defense counsel was a brilliant captain, but he walked a little bit
20 like a duck with feet apart [**demonstrated**] and he was a little roly-poly guy who was from
21 Alabama and he was about as nonmilitary as could be. His salute sort of went like a wave
22 instead of a salute [**demonstrated**] and I walked into -- I walked into General Todd's office and

1 the general got out of his chair and he -- he says, "Captain Smith came in here yesterday," and
2 the general got up and gave an imitation of Dave Smith in manner and quote Smith and says,
3 "Hi, General, how are you today?" and General Todd does an imitation of Captain Smith, what
4 he thought was so funny. Well, this was great. It wasn't in -- it wasn't in -- he wasn't being
5 malicious. It was just a -- he respected that this is my chief of justice. He's a little roly-poly guy
6 from Alabama and he wasn't very military but that was fine. He knew the law. He knew -- and I
7 said, "This is really amazing." A two-star general gets out and is giving me an imitation of
8 Captain Smith walking into his office. I said, "I will worked on the salute for Captain Smith,"
9 At Fort Hood we had assistant division commanders who think they can run the world any way
10 they want when the CG was away. I was at The JAG Conference in Charlottesville one time and
11 Ard Gates was the deputy and acting SJA. Army wide commanders were tossing soldiers in the
12 stockade just to get them out of the units. The Army instituted the "Military Magistrate
13 Program" to review all pretrial confinement. Fort Hood had that program with a JAGC Captain
14 from III Corps. If a commander locked up some Soldier who shouldn't be locked up, the JAGC
15 captain would order a release -- Our Asst Division Commander, a BG, at the request of a
16 Battalion Commander put this soldier in the stockade and the JAG captain, III Corps, orders the
17 command to releases him, and General Merritt says, "I'm not going to do it. No JAG captain is
18 going to tell me to take some out that I put in ----

19 Q. This is a great story.

20 A. ---- guy out of the stockade," and so Ard Gates goes over to see General Merritt,
21 who is the acting division commander, and Merritt says, "What's going to happen if I don't take
22 this guy out?" And he says, "Well, the under JAG procedures, the magistrates going to call the

1 next higher magistrate. The next higher magistrate is going to call The Judge Advocate General
2 of the Army or the Assistant TJAG and they're going to go to the Chief of Staff of the Army and
3 you're going to get a call from the Chief of Staff of the Army to take this kid out of the stockade.
4 That's the scenario. Would you like the guy to proceed?" And Brigadier General Merritt
5 grumbles, grumbles, you know, (later he became a four-star general) but – he orders the soldier
6 out of confinement. So Ard Gates calls me up in Charlottesville and he says, "I just got us fired."
7 "Oh, no." I said, "Well maybe you have but we'll see what happens." The next staff and
8 commanders meeting, General Merritt gets up and he says, "Let me tell you commanders
9 something like this." He says, "I thought I would play with the division when I was the
10 commander when General Todd was away." He says, "And I put a guy in the stockade and the
11 judge told me not to do it but I did it anyway," and he says, "You guys learn that lesson. You do
12 what the judge tells you to do from here on out and you will stay out of trouble" I go back to the
13 Soldier First and Lawyer Second. - I think you're a Soldier first and the commanders sense it
14 because that permits you to face those confrontations where you really do have to say no
15 sometimes and they either get mad or they take it as good advice to keep themselves out of
16 trouble or they get resentful and you're a mere JAG and what do you know.

17 Q. Okay, well thank you, sir. Thank you for your time.

18 A. Oh, gracious it was my pleasure

19 **[END OF AUDIO WS_30036/END OF INTERVIEW]**