

Notes

PART I From Genesis to Vietnam

CHAPTER 1 ORIGINS OF MILITARY LAW AND MARINE CORPS LAWYERS

1. Jack Shulimson and Maj Charles M. Johnson, *U.S. Marines in Vietnam: The Landing and the Buildup, 1965* (Washington: Hist&MusDiv, HQMC, 1978), pp. 6-15, hereafter Shulimson and Johnson, *Landing and Buildup, 1965*.
2. Edward J. Marolda and Oscar P. Fitzgerald, *From Military Assistance to Combat: The United States Navy and the Vietnam Conflict, Vol II* (Washington: Navy Historical Center, 1986), p. 526.
3. Col Peter N. Kress intvw, 5Dec86, Tape 6469 (Oral HistColl, MCHC), hereafter Kress intvw; and Col Kress ltr to author, dtd 25Nov86 (Kress folder, Marines and Military Law in Vietnam file, MCHC).
4. Col Hamilton M. Hoyler, "Legal Status of the Marine Corps," *Marine Corps Gazette*, Nov50, pp. 6-12. This article is a detailed examination of the legal basis of the Marine Corps and its relationship with the Navy, originally written for the Armed Services unification hearings that followed World War II.
5. Capt Edward M. Byrne, JAGC, USN, *Military Law* (Annapolis: Naval Institute Press, 3d ed., 1981), pp. 1-8.
6. Act of 2 March 1865 (13 Stat. 468), 22 June 1870 (16 Stat. 162), and Act of 19 June 1878 (20 Stat. 205).

Beginnings: Army Courts, Naval Boards

7. Act of 8 June 1880 (21 Stat. 164).
8. *Naval Courts and Boards* (Washington: Government Printing Office, 1917), hereafter *Naval Courts and Boards*; and, *A Manual For Courts-Martial, Courts of Inquiry, And of Other Procedure Under Military Law* (Washington: Government Printing Office, 1916).
9. William T. Generous, Jr., *Swords and Scales: The Development of the Uniform Code of Military Justice* (New York: Kennikat Press, 1973) pp. 12-13, hereafter Generous, *Swords and Scales*. This excellent volume provides a detailed history of the development of the UCMJ from World War I to the Military Justice Act of 1968.
10. *Ibid.*, p. 8.
11. Edmund M. Morgan, "The Background of the Uniform Code of Military Justice," 6 *Vanderbilt Law Review*, 1952-1953, p. 172.
12. 10 U.S.C., sec. 5148 (1950).
13. *Naval Courts and Boards*, Ch.IX, Pt.I., sec. 379, pp. 363, 364.

World War II and Beyond:
Military Justice is to Justice
as Military Music is to Music

14. RAdm Robert J. White, ChC, USN (Ret), "The Background and the Problem," 35 *St. John's Law Review*, 1961, p. 200.

15. Edward F. Sheman, *With Justice For Some: An Indictment of the Law by Young Advocates*, B. Wasserstein and M. J. Green, eds., (Boston: Beacon Press, 1970), pp. 69-70.
16. LtCol Frank O. Hough, Maj Verle E. Ludwig, and Henry I. Shaw, Jr., *History of Marine Corps Operations in World War II, Vol I: Pearl Harbor To Guadalcanal* (Washington: Historical Branch, G-3 Division, HQMC, 1958), p. 48; and Col Robert D. Heintz, Jr., *Soldiers of the Sea: The United States Marine Corps, 1775-1962* (Annapolis: U.S. Naval Institute, 1962), p. 508.
17. Table of Organization D-95: Special Staff Sections, Division Headquarters; Headquarters Company, Headquarters Battalion, Marine Division, approved Jul42 (MCHC).
18. BGen Duane L. Faw intvw, 8Oct86, Tape 6470 (Oral HistColl, MCHC), hereafter Faw intvw; and Col Olin W. Jones ltr to BGen Edwin H. Simmons, n.d. (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Jones ltr. Gen Faw recalls that the Marine Corps bulletin was in effect in 1943. Col Jones' recollection is that it was not in force until 1945.
19. Col Robert M. Lucy ltr to BGen Simmons, dtd 16Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
20. In Tokyo, Japan, after World War II an international military tribunal tried 28 Japanese officers for war crimes. Field Marshal Shunroku Hata was defended by Marine 1stLt Aristides G. Lazarus, a Marine Corps Reserve lawyer. (U.S. Department of State, *Trial of Japanese War Criminals*, Publication 2613, Far Eastern Series 12 [Washington, 1946], p. 45; and Aristides G. Lazarus ltr to author, dtd 1Sep87, [Lazarus folder, Marines and Military Law in Vietnam file, MCHC]).
21. Act of 17Jul1862 (Sec. 5, 12 Stat. 598).

The Uniform Code of Military Justice, 1950: Old Ills Redressed

Except where otherwise noted, this section is based on Generous, *Sword and Scales*, pp. 34-53.

22. A. C. Cole, A. Goldberg, S. A. Tucker, and R. A. Winnacker, eds., *The Department of Defense: Documents on Establishment and Organization, 1944-1978* (Washington: Office of the Secretary of Defense Historical Office, 1979), pp. 33, 87. Originally referred to in the National Security Act of 1947 as the "National Military Establishment," it was denominated the Department of Defense in a 1949 amendment to that act.
23. James V. Forrestal memorandum to UCMJ Committee, "Precept and Terms of Reference," quoted in Generous, *Sword and Scales*, p. 34.
24. Col Hamilton M. Hoyler, "Caveat: The Manual for Courts-Martial," *U.S. Naval Institute Proceedings*, Jan60, p. 59.
25. Uniform Code of Military Justice (Act of May 5, 1950), Article 98b, knowingly and intentionally failing to enforce or comply with the provisions of the Code; and nonpunitive Article 37, unlawfully influencing action of the court.
26. Gen William C. Westmoreland, USA, and MajGen George S.

Prugh, USA, "Judges in Command: The Judicialized Uniform Code of Military Justice in Combat," 3 *Harvard Journal of Law and Public Policy*, 1-94 (1980), at 12.

27. U.S. Court of Military Appeals, *Annual Report of the United States Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of the Treasury, For the Period January 1, 1960, to December 31, 1960* (Washington: Government Printing Office, 1961), p. 5.

28. PL 506, 81st Congress, c 169, sec. 1, 64 Stat. 108, 50 USC (chap.22) secs. 551-736.

29. Executive Order No. 10,214, 16 *Federal Register* 1,303 (1951).

30. *Manual for Courts-Martial, United States, 1951*, par. 6b; and Uniform Code of Military Justice (Act of 5 May 1950), Article 6.(a).

Continuing Tension: Justice Versus Discipline

31. Hearings on H.R. 2575, Committee on Armed Services, House of Representatives, 1947, p. 2161, quoting from the *Chicago Tribune*, 8Jun45.

32. Hearings on H.R. 2498, before a special subcommittee of the House Committee on Armed Services, 81st Cong., 1st Sess. 780 (1949).

33. Jones ltr.

34. F. Lee Bailey, with Harvey Aronson, *The Defense Never Rests* (New York: Stein and Day, 1971), p. 259.

The Death Penalty in the Armed Forces: Yes But No

35. James E. Valle, *Rocks & Shoals—Order and Discipline in the Old Navy, 1800-1861* (Annapolis: Naval Institute Press, 1980), pp. 8-9, 103-110. This excellent book provides a highly readable coverage of discipline in the Navy's age of sail.

36. LCDr Mark Dawson, JAGC, USN, "Is the Death Penalty in the Military Cruel and Unusual?," 31 *JAGJ* 53 (Summer, 1980), at 54; and *Navy Times*, 25Jul88, p. 10.

37. Col W. Hays Parks, USMCR, Chief, International Law Branch, International Affairs Division, Office of the JAG, Dept of the Army, memorandum for the record, Subj: Executions of U.S. Military Personnel in World Wars I and II, dtd 30Oct81 (Articles folder, Marines and Military Law in Vietnam file, MCHC); and *Navy Times*, 25Jul88, p. 10.

Marine Corps Lawyers:

From the Line to Discipline Branch

38. *Naval Courts and Boards*, sec. 266, p. 192.

39. Col Hamilton M. Hoyler ltr to author, dtd 30May88 (Hoyler folder, Marines and Military Law in Vietnam file, MCHC).

40. 1stLt St-Julien R. Marshall, for example, was selected to attend Harvard's School of Law in February 1931. LtCol Hamilton M. Hoyler, was another Harvard law graduate.

41. Col Marion G. Truesdale intvw, 7Oct86, Tape 6471 (Oral Hist-Coll, MCHC); BGen James F. Lawrence, Jr., transcript of intvw by Oral History Unit, Hist&MusDiv, HQMC, dtd 22Aug78, p. 80 (Oral HistColl, MCHC); Gen Earl E. Anderson ltr to author, dtd 22Feb89 (Anderson folder, Marines and Military Law in Vietnam file, MCHC); and Col Donald E. Holben intvw, 7Oct86, Tape 6472 (Oral Hist-Coll, MCHC).

42. Gen Anderson ltr to author, dtd 22Feb89 (Anderson folder, Marines and Military Law in Vietnam file, MCHC), hereafter Anderson ltr.

43. CMC Gen Randolph McC. Pate memo to Secretary of the Navy, Subj: Proposed administrative solution to the Marine Corps lawyer shortage, dtd 23Apr59. (4400 MOS folder, Marines and Military Law in Vietnam file, MCHC).

44. MCO 1120.10 dtd 1Oct59, Subj: Regulations for the Platoon Leaders Class (Law) Program. MCHC, Washington.

45. MCBul 1040 dtd 9Aug61, Subj: Marine Corps Lawyers, policy concerning; and MCO 1040.21 dtd 26Dec62, Subj: Marine Corps Lawyers, policy concerning. MCHC, Washington.

46. Navy Chief of Legislative Affairs, Office of Legislative Liaison, memo for Assistant Secretary of the Navy (P&RF), Subj: Proposed legislation to establish a Judge Advocate General's Corps in the Navy; request for resolution of differences concerning, dtd 30Sep59. (4400 MOS folder, Marines and Military Law in Vietnam file, MCHC), hereafter Navy Chief of Legislative Affairs memo.

47. U.S. Court of Military Appeals, Report of the JAG of the Navy, *Annual Report of the United States Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of the Treasury, For the Period January 1, 1967 to December 31, 1967* (Washington: Government Printing Office, 1968), p. 26.

In Support: Navy Lawyers

48. Col Daniel F. McConnell ltr to author, dtd 25Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).

49. Navy Chief of Legislative Affairs memo, pp. 10-11.

50. Col Matthew A. Clary, Jr., intvw, 14Apr87, Tape 6473 (Oral Hist-Coll, MCHC); Navy Chief of Legislative Affairs memo, p. 1; CMC memo to Chief of Legislative Affairs, DON, Subj: S. 2002-2015, S. 2017-2019, amendments to the UCMJ, dtd 22Aug63, encl.(15); and DepChief of Legislative Affairs memo to SecNav, Subj: S. 2016, a bill "To further insure due process in the administration of military justice in the Department of the Navy by establishing a Judge Advocate General's Corps in such department," dtd 23Oct63 (memos in 4400 MOS folder, Marines and Military Law in Vietnam file, MCHC).

51. AJAG for Military Justice memo to Navy JAG, Subj: Marine Corps objection to Navy JAG Corps, dtd 4Oct63 (4400 MOS folder, Marines and Military Law in Vietnam file, MCHC).

52. HQMC Staff Study: Marine Corps Legal Services Study Rpt, dtd 6Jun69, pp.15-16: summary of C/S Project 13-68 (Legal Services Study Report folder, Marines and Military Law in Vietnam file, MCHC), hereafter Marine Corps Legal Services Study.

In Support: Headquarters Marine Corps

Except where otherwise noted, the material in this section is from Marine Corps Legal Services Study, pp. 3-10.

53. Col Robert J. Chadwick, "Judge Advocates of the Marine Corps," *The Judge Advocate Journal*, 1964, pp. 50-51; biographical files (Ref-Sec, MCHC); Sevier intvw; and Truesdale intvw.

54. MCO 1040.24 dtd 10Dec64, Subj: Marine Corps Policies and Programs Relating to Officer Lawyers, pertaining to assignment of captains and lieutenants; and MCO 1040.21 dtd 26Dec62, Subj: Marine Corps Lawyers; policy concerning. The latter order remained in effect until 12Nov71 and pertained to assignments vis-a-vis MOS. (4400 MOS folder, Marines and Military Law in Vietnam file, MCHC).

55. Ibid.

56. Col W. Hays Parks ltr to author, dtd 22Dec88 (Parks folder, Marines and Military Law in Vietnam file, MCHC).
 57. Bernard C. Nalty and LtCol Ralph F. Moody, USMC, *A Brief History of U.S. Marine Corps Officer Procurement, 1775-1969* (Washington: HistDiv, HQMC, 1958, revised 1970), pp.20-21.

The Pentilateral Agreement: Diplomatic Riflemen

58. *Wilson v. Girard*, 354 US 524,529; 77 SCt 1409 (1957).
 59. MajGen George S. Prugh, USA, *Vietnam Studies, Law At War: Vietnam, 1964-1973*. (Washington: Dept of the Army, 1975), p. 118; hereafter Prugh, *Law At War*.
 60. *Ibid.*, pp. 88-90.

Military Law Comes to Vietnam

61. Capt Robert H. Whitlow, USMCR, *U.S. Marines in Vietnam, The Advisory & Combat Assistance Era, 1954-1964* (Washington: Hist&MusDiv, HQMC, 1977), pp. 15-16, hereafter Whitlow, *Advisory & Combat Assistance Era*.
 62. Prugh, *Law At War*, p. 118.
 63. Whitlow, *Advisory & Combat Assistance Era*, pp. 39, 60, 74-75, 175.
 64. Col Robert J. Blum ltr to Maj W. Hays Parks, dtd 24Jan77 (Blum folder, Marines and Military Law In Vietnam File, MCHC).
 65. Anderson ltr; and RefSec, MCHC.
 66. LtCol Brian B. Kent ltrs to author, dtd 29Apr87 and 28Feb89 (Kent folder, Marines and Military Law In Vietnam File, MCHC).
 67. Col Paul F. Henderson, Jr., ltr to author, dtd 14Oct86, (Henderson folder, Marines and Military Law In Vietnam File, MCHC).
 68. Jones ltr.
 69. RAdm Hugh D. Campbell, JAGC, USN, intvw, 26Nov86, Tape 6475 (Oral HistColl, MCHC).

CHAPTER 2

1965: 3D MARINE DIVISION AND 9TH MEB OPEN SHOP

1. Col Peter N. Kress ltr to author, dtd 24Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Kress letter.
 2. Donald W. Harris intvw, 23Jul87, Tape 6480 (Oral HistColl, MCHC), hereafter Harris intvw; and Harris ltr to author, dtd 12May87 (Harris folder, Marines and Military Law in Vietnam file, MCHC).
 3. 1st Lt Donald W. Harris Navy Achievement Medal citation, n.d. (Harris folder, Marines and Military Law in Vietnam file, MCHC).
 4. Col Peter N. Kress ltr to author, dtd 25Nov86 (Kress folder, Marines and Military Law in Vietnam file, MCHC).
 5. MajGen George S. Prugh, USA (Ret), ltr to BGen Edwin H. Simmons, dtd 29Dec88 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
 6. Col Charles B. Sevier intvw, 9Oct86, Tape 6474 (Oral HistColl, MCHC), hereafter Sevier intvw; and Kress ltr.
 7. Shulimson and Johnson, *Landing and Buildup, 1965*, pp. 24-49, 120, 228.
 8. SSgt Matthew C. McKeon court-martial notebooks, part 2 (Ref-Sec, MCHC).

9. BGen James P. King intvw, 5Nov86, Tape 6478 (Oral HistColl, MCHC), hereafter King intvw.
 10. Sevier intvw.
 11. Shulimson and Johnson, *Landing and Buildup, 1965*, p. 44.
 12. 3d Marine Division (Fwd) general court-martial appointing order Ser: 1-65 (i.e., 3d MarDiv [Fwd]'s first appointing order in 1965) directs that the court convene at 0900, 14 July 1965 at Da Nang (Harris folder, Marines and Military Law in Vietnam file, MCHC).
 13. Sevier intvw.
 14. LtCol Fred Grabowski questionnaire to Maj W. Hays Parks, n.d.; John E. Gillmor, Jr., ltr to author, dtd 23Jan87; and Col Robert A. Godwin, USMCR, ltr to author, dtd 9May87 (Grabowski, Gillmor, and Godwin folders, Marines and Military Law in Vietnam file, MCHC), hereafter Gillmor ltr and Godwin ltr.
 15. RAdm Hugh D. Campbell intvw, 26Nov86, Tape 6475 (Oral HistColl, MCHC), hereafter Campbell intvw.
 16. Campbell intvw; Gillmor ltr.
 17. Gillmor ltr.
 18. *Manual for Courts-Martial, United States, 1951*, par. 79.d.(1); and Uniform Code of Military Justice (Act of 5 May 1950), Article 20.
 19. Col Robert A. Godwin, USMCR, ltr to BGen Edwin H. Simmons, dtd 30Jan89 (Comment folder, Marines and Military Law in Vietnam file).
 20. Col Daniel F. McConnell ltr to author, dtd 25Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
 21. Uniform Code of Military Justice (Act of 5 May 1950), Article 26.(a).
 22. Campbell intvw; Gillmor ltr.
 23. Godwin ltr.

From a Lawyer's Case File: One Homicide, Two Victims

24. Throughout, the text cases are referred to as they are titled in the court-martial record of trial, a public record. The Navy court-martial (NCM) number, where available, is included.
 25. Record of trial, *United States v. PFC Kenneth W. Wheeler*, NCM 66 0376; and service record book of Kenneth W. Wheeler. Pertinent portions of the record of trial are in Godwin folder (Marines and Military Law in Vietnam file, MCHC).

Trying Cases

26. Col Harry S. Popper, Jr., ltr to Maj Charles W. Collier, dtd 5Oct65 (Popper folder, Marines and Military Law in Vietnam file, MCHC).
 27. *Ibid.*; Campbell intvw.
 28. LCDr John F. Erickson questionnaire to Maj W. Hays Parks, dtd 1Nov77 (Erickson folder, Marines and Military Law in Vietnam file, MCHC).
 29. Campbell intvw.
 30. Gillmor ltr. In 1965 Gillmor was the third-oldest second lieutenant in the Marine Corps, other than officers commissioned from the enlisted ranks.
 31. LtCol William B. Draper, Jr., questionnaire to Maj W. Hays Parks, dtd 12Dec76 (Draper folder, Marines and Military Law in Vietnam file, MCHC).
 32. Sevier intvw.
 33. *Ibid.*
 34. 3d MarDiv ComdC, Nov65, encl. (1), p. 27 (Unit Command Chronology File, MCHC).
 35. Godwin ltr.

III MAF: Headquarters Without Lawyers

36. Shulimson and Johnson, *Landing and Buildup*, 1965, p. 188; and 3d MarDiv ComdC, Nov65, encl. (1), p. 11 (Unit Command Chronology file, MCHC).
37. Col Harry S. Popper, Jr., ltr to Col Earl W. Johnson, dtd 26Oct65 (Popper folder, Marines and Military Law in Vietnam file, MCHC).
38. Sevier intvw.
39. Col Vernon A. Peltzer intvw, 7Oct86, Tape 6479 (Oral HistColl, MCHC), hereafter Peltzer intvw.
40. III MAF ComdC, Jul, Aug65 (Unit Command Chronology File, MCHC); and Jones ltr.
41. Biographical files (RefSec, MCHC); and Shulimson and Johnson, *Landing and Buildup*, 1965, pp. 47, 142-144.
42. Capt William T. Warren III intvw, n.d., Tape 18 (Oral HistColl, MCHC).
43. Maj Benjamin B. Ferrell Bronze Star Medal citation, n.d. (Ferrell folder, Marines and Military Law in Vietnam file, MCHC).

1st Marine Aircraft Wing: Touching Down

44. Shulimson and Johnson, *Landing and Buildup*, 1965, pp. 25, 229.
45. Col Harry S. Popper, Jr., ltr to author, dtd 15Sep86 (Popper folder, Marines and Military Law in Vietnam file, MCHC).
46. Col Popper ltr to RAdm Wilfred Hearn, dtd 28Oct65 (Popper folder, Marines and Military Law in Vietnam file, MCHC).

Legal Duty in a Combat Zone: Problems

47. Col Clyde B. Mann intvw, 8Aug68, Tape 2980 (Oral HistColl, MCHC).
48. Col Verne L. Oliver ltr to BGen Edwin H. Simmons, dtd 2Feb89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
49. MGySgt Gene E. White ltr to author, dtd 18Mar87 (White folder, Marines and Military Law in Vietnam file, MCHC).
50. Campbell intvw.
51. Record of trial, United States v. PFC Gary O. Harrison, NCM 65 2160.
52. Col Popper ltr to Col Robert B. Neville, dtd 14Oct65 (Popper folder, Marines and Military Law in Vietnam file, MCHC).
53. Campbell intvw.
54. Sevier intvw.
55. Ibid.
56. Peltzer intvw.
57. Prugh, *Law at War*, pp. 104-106.
58. Ibid., p. 103.
59. Robert W. Wachsmuth ltr to author, dtd 13Nov87 (Wachsmuth folder, Marines and Military Law in Vietnam file, MCHC).

From a Lawyer's Case File:

First Marine War Crime Conviction in Vietnam

60. Department of the Army, *The Law of Land Warfare*, FM 27-10 (Washington, 1956), p. 178.
61. HQ, USMACV Dir No. 20-4, dtd 10Jul70 (War Crimes folder, Marines and Military Law in Vietnam file, MCHC).
62. Prugh, *Law At War*, p.102.
63. Director, Judge Advocate Division ltr to Professor Guenter Lewy,

dtd 9Mar76 (War Crimes folder, Marines and Military Law in Vietnam file, MCHC).

64. Guenter Lewy, *America in Vietnam* (New York: Oxford University Press, 1978), p. 325.

65. Record of trial, United States v. LCpl Marion McGhee, NCM 66 0484 (1966); pet. den. 16 USCMA 663 (19,701).

66. Naval Clemency & Parole Board ltr to author, dtd 31Aug88 (War crimes folder, Marines and Military Law in Vietnam file, MCHC).

Perspective

67. U.S. Court of Military Appeals, Report of the JAG of the Navy, *Annual Report of the United States Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of the Treasury, For the Period January 1, 1966 to December 31, 1966* (Washington: Government Printing Office, 1967) p. 51. There are records that reflect the total number of courts-martial tried, but they do not reflect the places where they were tried.

68. CG FMFPac msg to CG III MAF, dtd 28Sep65 (POW folder, Marines and Military Law in Vietnam file, MCHC).

69. CG FMFPac msg to CG III MAF, dtd 6Nov65 (POW folder, Marines and Military Law in Vietnam file, MCHC).

70. LtCol John L. Zorack intvw, 14Sep87, Tape 6483 (Oral HistColl, MCHC).

71. Marine Corps Legal Services Study, p. 31.

72. Kenneth W. Condit, Maj John H. Johnstone, USMC, and Ella W. Nargele, *A Brief History of Headquarters Marine Corps Staff Organization* (Washington: HistDiv, HQMC, 1963, revised 1970), p. 34.

73. Bernard C. Nalty and LtCol Ralph F. Moody, *History of Marine Corps Officer Procurement* (Washington: HistDiv, HQMC, 1958, rev. 1970), p. 21.

74. BGen Raymond G. Davis, Personnel: G-1 Presentation, HQMC, General Officers Symposium, 1965, tab V.A.1., p. 5.

CHAPTER 3

1966: BUILDING ON SAND

1. Jack Shulimson, *U.S. Marines in Vietnam: An Expanding War, 1966* (Washington: Hist&Mus Div, 1982), pp. 3-6, 9-10, 75, hereafter Shulimson, *An Expanding War*.

Trying Cases: Using 'The Red Book'

2. Col John T. Fischbach, USMCR, questionnaire to author, n.d. (Fischbach folder, Marines and Military Law in Vietnam file, MCHC).

3. Gen Paul X. Kelley intvw, 30Sep87. Tape 6477 (Oral HistColl, MCHC).

4. Col Kenneth T. Taylor ltr to author, n.d. (K. T. Taylor folder, Marines and Military Law in Vietnam file, MCHC).

5. Maj Philip A. Seymour ltr to author, dtd 6Oct86; and Sgt Seymour Navy Commendation Medal citation, n.d. (Seymour folder, Marines and Military Law in Vietnam file, MCHC).

6. 1stLt Anthony P. Tokarz Silver Star citation, n.d. (Tokarz folder, Marines and Military Law in Vietnam file, MCHC).

7. Col James S. May ltr to author, dtd 29Mar87 (May folder, Marines and Military Law in Vietnam file MCHC).

8. The missions for which the award was made were classified and for years there was no notation of the award in Col Campbell's officer

qualification record. Fortunately, there was a photograph of the Commandant awarding the medal to then-Capt Campbell. For years that was his primary substantiation for the award he wore.

9. 1stMarDiv ComdC, Jul66 (Unit Command Chronology file, MCHC).

From a Lawyer's Case File: Pilot to Copilot to Brig

10. Record of trial, United States v. PFC Lucien J. Gonzales II, NCM 65 2090 (1965). Pertinent portions of the record of trial are in Harris folder (Marines and Military Justice in Vietnam file, MCHC).

The Other Prisoners: North Vietnamese POWs

11. United States Military Assistance Command, Vietnam, Command History, 1966 (MACV Cmd Histories folder, Marines and Military Law in Vietnam file, MCHC), pp. 689-693.

12. United States Military Assistance Command, Vietnam, Command History, 1970, Vol II (MACV Cmd Histories folder, Marines and Military Law in Vietnam file, MCHC), p. X-51.

13. MajGen George S. Prugh, USA, *Vietnam Studies, Law At War: Vietnam, 1964-1973* (Washington: Dept. of the Army, 1975), p. 67-72.

The 1st Marine Division Arrives: More Lawyers, More Cases

14. Col George P. Blackburn, Jr., questionnaire to author, dtd 4Dec86 (Blackburn folder, Marines and Military Law in Vietnam file, MCHC), hereafter Blackburn questionnaire.

15. Col Thomas P. Casey ltr to author, dtd 9Oct86 (Casey folder, Marines and Military Law in Vietnam file, MCHC).

16. Ibid.

17. Blackburn questionnaire.

18. 1st MarDiv ComdC, Sep66 (Unit Command Chronology file, MCHC).

19. USMC, 1stMarDiv SLO ltr to CO, 7th Marines, Subj: Recommendation for commendation for meritorious service; case of 2ndLt William S. Kirkpatrick, dtd 6Aug66 (Granger folder, Marines and Military Justice in Vietnam file, MCHC). Lt Kirkpatrick received the Navy Commendation Medal for his performance of duty, and received a second Navy Commendation Medal for a second tour of duty in Vietnam.

20. Capt William S. Kirkpatrick ltr to author dtd 10Aug87 (Kirkpatrick folder, Marines and Military Law in Vietnam file, MCHC).

21. LtCol Kenneth W. Jones ltr to BGen Edwin H. Simmons, dtd 29Dec88 (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Jones ltr.

22. Shulimson, *An Expanding War*, p. 223.

23. LtCol John L. Zorack ltr to author, dtd 9Feb89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).

Force Logistic Command: New Guy on the Block

24. MajGen Avery R. Kier, FMFPac Presentation, HQMC, General Officers Symposium, 1966, tab II.A, Statistics and Supplementary Data, p. 38, hereafter, MajGen Kier presentation.

25. Ibid., pp. 287-289.

26. Col Charles R. Larouche ltr to author, dtd 8Dec86 (Larouche

folder, Marines and Military Law in Vietnam file, MCHC), hereafter Larouche ltr.

27. Ibid.

28. FLC ComdC, Aug66 (Unit Command Chronology file, MCHC).

29. Col Charles A. Cushman intvw, 4Dec86. Tape 6481 (Oral Hist-Coll, MCHC), hereafter Cushman intvw.

30. III MAF Provost Marshal ltr to CG, FLC, Subj: CID Physical Security Survey of FLC, dtd 28Sep67 (Federal Records Center folder, Marines and Military Justice in Vietnam file, MCHC).

31. LtCol James R. Ziemann questionnaire to Maj W. Hays Parks, n.d. (Ziemann folder, Marines and Military Law in Vietnam file, MCHC), hereafter Ziemann questionnaire.

32. FLC ComdC, Sep, Oct 1966; Apr, Jun 1967 (Unit Command Chronology file, MCHC).

33. LtCol Fred Grabowsky questionnaire to author, dtd 2Sep86 (Grabowsky folder, Marines and Military Law in Vietnam file, MCHC).

34. Col Robert B. Neville ltr to Maj Parks, dtd 12Jun77, (Neville folder, Marines and Military Law in Vietnam, MCHC) p.8, hereafter Neville ltr.

35. Larouche ltr, p. 11.

Trying Cases

36. CG, FMFPac ltr to CGs, III MAF, 1st MarDiv, 1st MAW, 3d MAW, 3d MarDiv, Force Troops, and COs, 1st MarBrig, Camp Butler, Subj: Staff Legal Officers Conference, dtd 3Jan66 (Popper folder, Marines and Military Law in Vietnam file, MCHC).

37. LtCol William B. Draper, Jr., ltr to Maj Parks, dtd 5Jan77 (Draper folder, Marines and Military Law in Vietnam file, MCHC), hereafter Draper ltr.

38. Col Daniel F. McConnell ltr to author, dtd 25Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).

39. Larouche ltr, p. 9.

40. Lt John F. Erickson Navy Achievement Medal citation, n.d. (Erickson folder, Marines and Military Law in Vietnam file, MCHC).

41. Maj Truong Tan Thuc ltr to the people of Clay County, Kansas, U.S.A., dtd 4Apr67 (Erickson folder, Marines and Military Law in Vietnam file, MCHC).

42. LtCol William B. Draper, Jr., intvw, 13Oct86. Tape 6482 (Oral HistColl, MCHC), hereafter Draper intvw; and Draper ltr.

43. CG III MAF msg to CMC, 20Dec66 (Federal Records Center folder, Marines and Military Law in Vietnam file, MCHC).

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PART II

Build Up and Consolidation

CHAPTER 4

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PART III Winding Down

CHAPTER 6

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58. Col William M. Cummings ltr to Col Arthur R. Petersen, dtd 26Apr69 (Petersen folder, Marines and Military Law in Vietnam file, MCHC).
59. FLC ComdCs, Jan-Dec69 (Unit Command Chronology file, MCHC).
60. Col Arthur R. Petersen ltr to author, dtd 11Jul88 (Petersen folder, Marines and Military Law in Vietnam file, MCHC).
61. Col Arthur R. Petersen, affidavit, dtd 4Apr70 (Petersen folder, Marines and Military Law in Vietnam file, MCHC), hereafter Petersen affidavit.
62. Ibid.
63. BGen Charles A. Cushman ltr to author, dtd 17Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
64. Petersen affidavit.
65. Ibid.
66. LtCol Carl E. Buchmann intvw, 26Feb70, Tape 4751 (Oral HistColl, MCHC), hereafter Buchmann intvw.
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68. Ibid.

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69. Maj Richard A. Gabriel, USAR, "Professionalism Versus Managerialism in Vietnam," *Air University Review*, Jan-Feb81, pp. 77-85.
70. Capt Daniel H. LeGear ltr to author, dtd 6May87 (LeGear folder, Marines and Military Law in Vietnam file, MCHC), hereafter LeGear ltr.
71. McCollum intvw.
72. BGen John R. DeBarr intvw, 2Oct86, Tape 6491 (Oral HistColl, MCHC), hereafter DeBarr intvw II.
73. Col Henry Hoppe III ltr to author, dtd 27Mar87 (Hoppe folder,

Marines and Military Law in Vietnam file, MCHC), hereafter Hoppe ltr.

74. DeBarr intvw II.
75. U.S. Court of Military Appeals, *Annual Report of the United States Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of the Transportation, For the Period January 1, 1969, to December 31, 1969* (Washington: Government Printing Office, 1970), p. 28.
76. Gen William C. Westmoreland, USA, and MajGen George S. Prugh, USA, *Judges in Command: The Judicialized Uniform Code of Military Justice in Combat*, 3 *Harvard Journal of Law and Public Policy* 4 (1980), 1-93, at 60.
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78. Barnes ltr, with copies of 12 written statements.
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80. *Marines in Vietnam Anthology*, Simmons, "Marine Corps Operations in Vietnam, 1969-1972," p. 140; and LtGen Henry W. Buse, Jr., Pacific Operations Presentation, HQMC, General Officer's Symposium, 1969, tab M, p. 7.
81. 3d MarDiv ComdCs, Oct-Dec69 (Unit Command Chronology file, MCHC).
82. Col Benjamin B. Ferrell ltr to author, dtd 2Jan87 (Ferrell folder, Marines and Military Law in Vietnam file, MCHC).
83. LtCol Michael J. Levin ltr to author, dtd 17Mar89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
84. Ibid.
85. BGen Max G. Halliday intvw, 13Oct86, Tape 6490 (Oral HistColl, MCHC).
86. 1st Marine Aircraft Wing (Rear) History (Unit Command Chronology file, MCHC).
87. Brahms intvw.
88. Ibid.
89. *Marines in Vietnam Anthology*, Simmons, "Marine Corps Operations in Vietnam, 1969-1972," p. 142.

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91. BGen Duane L. Faw ltr to author, dtd 15Jun88 (Faw folder, Marines and Military Law in Vietnam file, MCHC).
92. BGen Faw ltr to Col Robert M. Lucy, dtd 22Sep69 (Lucy folder, Marines and Military Law in Vietnam file, MCHC).
93. Ibid.
94. *Combined Lineal List of Officers on Active Duty in the Marine Corps*, 1 January 1970.
95. Buchmann intvw.
96. DeBarr intvw I.
97. BGen Homer S. Hill, General Officers' Comments, p. 2, General Officers Symposium, 1969.
98. Legal Services Study Rpt, p. 1.
99. Ibid., at CMC Decision page, appended to final page of report.
100. *The Reserve Marine*, Nov69, p. 1.
101. Legal Services Study Rpt, p. 45.

102. Col James M. Granger ltr to author, dtd 1Jun88 (Granger folder, Marines and Military Law in Vietnam file, MCHC).
103. U.S. Senate, 12 December 1969, *Congressional Record* S16572.
104. Office of Navy JAG, Code 64.2 (Case Stats folder, Marines and Military Law in Vietnam file, MCHC).
105. Truesdale intvw.
106. Barnes questionnaire.

CHAPTER 8

1970-71 PREAMBLE: DISCIPLINE IN DISARRAY

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2. LtGen William K. Jones. Transcript of intvw by Oral History Unit, Hist&MusDiv, HQMC, dtd 13Apr73 (Oral HistColl, MCHC), p. 40, hereafter Jones intvw.
3. Graham A. Cosmas and LtCol Terrence P. Murray, USMC, *U.S. Marines in Vietnam: Vietnamization and Redeployment, 1970-1971* (Washington: Hist&MusDiv, 1986), pp. 352-353, hereafter Cosmas and Murray, *Vietnamization and Redeployment*.
4. Clark Smith, "Marine Doves and the Baffled Brass," *The Nation*, Sep70, p. 201.
5. Michael Satchell, "The Military's New Stars," *U.S. News and World Report*, 18Apr88, p. 34.
6. NHD, NavDept, *Dictionary of American Naval Fighting Ships*, vol VI (Washington, 1976), p. 95; and David Cortright, *Soldiers in Revolt* (New York: Anchor Press/Doubleday, 1975), p. 123, hereafter Cortright, *Soldiers in Revolt*.
7. Facts On File, Inc., *Facts On File Yearbook, 1971* (New York, 1972), p. 388; and Cortright, *Soldiers in Revolt*, p. 130.
8. Gen Paul X. Kelley intvw, 30Sep87, Tape 6477 (Oral HistColl, MCHC), hereafter Kelley intvw.

Civilians at Courts-Martial: Latney Reversed

9. *Latney v. Ignatius*, 416 F2d 821 (CA DC Cir, 1969).
10. Faw intvw.
11. Prugh, *Law At War*, p. 109, where Averette's first name is mistakenly noted as William.
12. *United States v. Averette*, 19 USCMA 363, 41 CMR 363 (1970).
13. *United States Military Assistance Command, Vietnam, Command History, 1970, Vol II* (MACV Cmd Histories folder, Marines and Military Law in Vietnam file, MCHC), p. XII-17.
14. Prugh, *Law At War*, p. 110-111.

Fragging: Killers in Our Midst

15. BGen Edwin H. Simmons, Vietnam service debriefing to CG FMFPac, dtd 24May71; and Command Information Notebook, 1st MarDiv, FMF, Republic of Vietnam, dtd 10Apr71 (Command Info Notebook folder, Marines and Military Law in Vietnam file, MCHC), p. 4 and p. 24, respectively; hereafter Simmons Vietnam Debriefing, and Command Information Notebook, respectively.
16. Command Information Notebook, p. 24. Twenty-nine of the 47 incidents occurred in or near the Da Nang/Division CP area; 18 occurred in forward areas. Nine of the 42 casualties were officers, nine were SNCOs, and 24 were sergeants or below, including 11 corporals and four PFCs. Those wounded were not always the intended victims.
17. Command Information Notebook, p. 6.

From a Lawyer's Case File: Criminal-Criminologist

18. Except where otherwise noted, all descriptions are from: CMC (JAM) first endorsement on NC&PB ltr 5800 NC&PB:401 of 23Oct86 to Exec Secretary, Naval Clemency and Parol Board, Subj: Progress Reports In Certain General Court-Martial Cases, dtd 6Nov86; Philip C. Tower questionnaire to author, dtd 18Nov86 (Tower folder, Marines and Military Law in Vietnam file, MCHC); and 1st MarDiv, BGen Edwin H. Simmons Orientation Talk, dtd 10Jan71 (Command Info Notebook folder, Marines and Military Law in Vietnam file, MCHC), p. 24-26, hereafter Simmons Orientation Talk; and Marine Corps Casualty Reports (RefSec, MCHC).
19. Kelley intvw.

Drugs: Marijuana and More

20. *New York Times*, 5Sep71, p. 36.
21. MajGen Alan J. Armstrong debriefing at FMFPac, 29Jun71, Tape 5010 (Oral HistColl, MCHC), cited in Cosmas and Murray, *Vietnamization and Redeployment*, p. 359, hereafter Armstrong debriefing.
22. Capt Jerry K. Taylor intvw, 29Mar71, Tape 4997 (Oral HistColl, MCHC).
23. LtGen William K. Jones, CG FMFPac Presentation, HQMC, General Officers Symposium, 1972, tab M, p. 23.
24. Cosmas and Murray, *Vietnamization and Redeployment*, p. 360.
25. MajGen Alan J. Armstrong. Transcript of intvw by Oral History Unit, Hist&MusDiv, HQMC, dtd 2Oct73 (Oral HistColl, MCHC), p. 48, hereafter Armstrong transcript.
26. United States Military Assistance Command, Vietnam, Command History, 1970, Vol II, p. XII-4.
27. CG III MAF msg to CG FMFPac, dtd 11Sep70 (Command Concerns folder, Marines and Military Law in Vietnam file, MCHC).
28. Simmons Orientation Talk, p. 14.
29. Prugh, *Law At War*, p. 108.
30. LtCol Carl E. Buchmann intvw, 26Feb70, Tape 4751 (Oral HistColl, MCHC).
31. Colonel Robert D. Heil, Jr., "The Collapse of the Armed Forces," *Armed Forces Journal*, 7Jun71, p. 34.
32. LtGen Leo J. Dulacki. Transcript of intvw by Oral History Unit, Hist&MusDiv, HQMC, dtd 24Oct74 (Oral HistColl, MCHC), p. 106.
33. Simmons Orientation Talk, p. 14.
34. Armstrong debriefing, p. 360; and Armstrong transcript, p. 46.
35. Cosmas and Murray, *Vietnamization and Redeployment*, pp. 360-361.
36. *Ibid.*, p. 361.
37. The DOD-wide amnesty program was not a successful approach, either. The Chief of Staff of XXIV Corps wrote to the Chief of Staff of USARV LBN RVN, "The amnesty program, or promise of immunity does not bring on a rush of volunteers While the response varies from unit to unit, it can be categorized as minimal." (MajGen W. E. Shedd, USA, msg to MajGen V. L. Bowers, USA, dtd 15Aug70 (Case Stats folder, Marines and Military Law in Vietnam file, MCHC), hereafter: Shedd to Bowers msg.
38. Capt George H. O'Kelley, Jr., ltr to author, dtd 12Sep86 (O'Kelley folder, Marines and Military Law in Vietnam file, MCHC).

Racial Conflict: High Tension

39. United States Military Assistance Command, Vietnam, Command History, 1971, Volume II, p. x-9.

40. MajGen Edwin B. Wheeler, Manpower, G-1 Presentation, HQMC, General Officers Symposium, 1971, tab E, p. 40, hereafter Wheeler, Manpower Presentation.
41. Capt George H. O'Kelley, Jr., ltr to author, dtd 16May88 (O'Kelley folder, Marines and Military Law in Vietnam file, MCHC).
42. Dept of Defense, "Race Relations in the U.S. Marine Corps," *Commanders Digest*, 30Nov72, p. 8; and Col Robert M. Lucy memo to 1st MarDiv chief of staff, dtd 6Nov69 (Lucy folder, Marines and Military Law in Vietnam file, MCHC). Note that court-martial statistics were not kept by race and the 50 percent figure was only Col Lucy's estimate.
43. CG FLC ltr 2/FRW/dwe 5500 of 8Oct69, referred to in Supply Bn Subversive Activities Report, dtd 16Aug70 (Command Concerns folder, Marines and Military Law in Vietnam file, MCHC).
44. Simmons Orientation Talk, p. 11.
45. *Ibid.*, pp. 11-12.
46. Jones intvw, p. 84-85.
47. Wheeler, Manpower Presentation, p. 40.
48. Command Information Notebook, p. 6.

Administrative Discharge: The Marines Clean House

49. SgtMaj Edgar R. Huff. Transcript of intvw by Oral History Unit, HistDiv, HQMC, dtd 27Jun72 (Oral HistColl, MCHC), pp. 176-177.
50. MajGen Wheeler, Manpower Presentation, p. 29.
51. *New York Times*, 5Sep71, p. 36.
52. United States Military Assistance Command, Vietnam, Command History, 1970, Vol II, pp. XII-2—XII-4.
53. Col Robert M. Lucy debriefing at FMFPac, 24Jun70, Tape 4814 (Oral HistColl, MCHC), hereafter Lucy debriefing.
54. Jones intvw, p. 42.
55. Gen Leonard F. Chapman, Jr., CMC's introductory remarks to HQMC, General Officers Symposium, 1970, p. 21.
56. U.S. Marine Corps, *Report on Marine Corps Manpower Quality and Force Structure*, dtd 31Dec75, pp. 18-19 (Report on Manpower folder, Marines and Military Law in Vietnam file, MCHC); and Cosmas and Murray, *Vietnamization and Redeployment*, p. 363.
57. Shedd to Bowers msg.
58. Simmons Vietnam Debriefing, p. 2.
59. Tiernan intvw.
60. BGen Tiernan ltr to author (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Tiernan ltr.
61. Tiernan intvw.
62. Tiernan ltr.
63. Col James M. Granger ltr to author, dtd 1Jun88 (Granger folder, Marines and Military Law in Vietnam file, MCHC), p. 5.
64. LtGen Victor H. Krulak. Transcript of intvw by Oral History Unit, HistDiv, HQMC, dtd 20Jun70 (Oral HistColl, MCHC), pp. 135-136.

From a Lawyer's Case File: Homicide on Patrol

65. CG 1st MarDiv msg to CG III MAF, dtd 20Feb70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC).
66. Lucy debriefing.
67. *Ibid.* (Col Lehnert made his remarks in introducing Col Lucy to the debriefing audience.)
68. Record of trial, United States v. Pvt Michael A. Schwarz, NCM 71 0028; 45 CMR 852 (NCFM, 1971). Since Krichten was granted immunity and Herrod and Boyd were found not guilty the only verbatim records of trial were those of Green and Schwarz. The Green

- record has been lost, checked out from the government repository in December 1976 and never returned. All exhibits from the Schwarz record of trial, including his critical initial written statements and the photos of the victims taken the morning after the events, are missing from his record of trial, as are the last 32 pages of the record itself. (Copies of the missing statements are included in the record of the Article 32 investigation.)
69. Jack Shulimson, *U.S. Marines in Vietnam: An Expanding War, 1966* (Washington: Hist&Mus Div, 1982), p. 283n.
70. LtGen Charles G. Cooper ltr to author, dtd 23Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Cooper Jan89 ltr.
71. Cooper Jan89 ltr.
72. *Ibid.*
73. LtGen Charles G. Cooper ltr to author, dtd 12Sep88 (Cooper folder, Marines and Military Law in Vietnam file, MCHC), hereafter Cooper Sep88 ltr.
74. LtCol Richard E. Theer ltr to author, dtd 24Feb89 (Theer folder, Marines and Military Law in Vietnam file, MCHC), p. 6, hereafter Theer ltr.
75. Record of trial, United States v. Pvt Michael A. Schwarz, NCM 71 0029, 45 CMR 852 (NMCR, 1971), pp. 370-371, hereafter U.S. v. Schwarz.
76. Cooper Sep88 ltr.
77. CG 1st MarDiv msg to CMC, dtd 1Mar70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC, Washington); and FMFPac Awards Alpha Roster, dtd 24Aug77, Book 2 of 4, n.p. (MCHC).
78. Cooper Sep88 ltr.
79. U.S. v. Schwarz, p. 348.
80. Verbatim record of joint Article 32 investigation, cases of Pvt R. D. Herrod, PFC T. R. Boyd, PFC S. G. Green, LCpl M. S. Krichten, and Pvt M. A. Schwarz; testimony of Sgt H. E. Meyers, pp. 549-550. A partial copy of the Article 32 record is included. (Blum folder, Marines and Military Law in Vietnam file, MCHC). Except where otherwise noted, all subsequent quotes, extracts from the record, and descriptions are from this document; hereafter Son Thang (4) Article 32.
81. *Ibid.*
82. United States v. PFC Samuel G. Green, Jr., NCM 70 3811; 21 USCMA 609 (24,527).
83. U.S. v. Schwarz, p. 287.
84. *Ibid.*, pp. 406-407.
85. *Ibid.*, p. 290.
86. *Ibid.*, pp. 408-409.
87. *Ibid.*, p. 294.
88. *Ibid.*, pp. 411-412.
89. *Ibid.*, p. 295.
90. Son Thang (4) Article 32, pp. 50, 60-61; and U.S. v. Schwarz, p. 50.
91. U.S. v. Schwarz, p. 185.
92. 1/7 ComdC, Feb70 (Unit Command Chronology file, MCHC).
93. Theer ltr, p. 6.
94. An account of a 1966 patrol led by then-Captain Theer is related in a *Readers Digest* feature book condensation by Andrew Jones, "Where Do We Get Such Men?," *Readers Digest*, Sep85, pp. 216-218.
95. Son Thang (4) Article 32, p. 216.
96. Theer ltr, p. 8.
97. Son Thang (4) Article 32, p. 190.
98. *Ibid.*, p. 190.
99. *Ibid.*, p. 232.

100. *Ibid.*, pp. 327-328.
101. *Ibid.*, statement of Pvt Schwarz, dtd 23Feb70, Investigation Exhibit 47.
102. CG 1st MarDiv msg to CMC, dtd 28Feb70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC).
103. Associated Press, in *Los Angeles Times*, 27Feb70; and *Washington Post*, 28Feb70.
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105. CG 1st MarDiv msg to CMC, dtd 6Mar70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC).
106. Col Max G. Halliday, Head, Military Law Branch, JAD, ltr to Mrs. Kenneth D. Coffin, dtd 19Mar70, cited in Cosmas and Murray, *Vietnamization and Redeployment*, p. 347.
107. CG 1st MarDiv msg to CMC, dtd 20May70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC).
108. CG 1st MarDiv msgs to CMC, dtd 31Mar70, 8Apr70, 19Apr70, and 15May70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC).
109. UPI in *Pacific Stars and Stripes*, 21May70, p. 6.
110. CG 1st MarDiv msg to CMC, dtd 26May70 (Son Thang [4] folder, Marines and Military Law in Vietnam file, MCHC).
111. Son Thang (4) Article 32, p. 142.
112. *Pacific Stars and Stripes*, 1Mar70, p. 6.
113. Col Robert J. Blum ltr to author, dtd 2Mar89 (Blum folder, Marines and Military Law in Vietnam file, MCHC).
114. *Pacific Stars and Stripes*, 2Mar70.
115. United States v. Pvt Michael A. Schwarz, 45 CMR 852 (NCFM, 1971).
116. *Ibid.*
117. *Los Angeles Times*, 22Jun70.
118. James H. Webb, "The Sad Conviction Of Sam Green: The Case for the Reasonable and Honest War Criminal," *Res Ipsa Loquitur; Georgetown Review of Law and Public Interest*, Vol. 26, No. 1, Winter, 1974, p. 11, hereafter Webb, "The Sad Conviction of Sam Green."
119. *Pacific Stars and Stripes*, 24Jun70.
120. United States v. PFC Samuel G. Green, Jr., NCM 70 3811, 21 USCMA 609 (#24,527).
121. Record of trial, United States v. Pvt Randell D. Herrod, NCM 70 2970.
122. Denzil D. Garrison ltr to author, dtd 22Aug88 (Garrison folder, Marines and Military Law in Vietnam file, MCHC), hereafter Garrison ltr.
123. Lewy, *America in Vietnam*, p. 356; and Webb, "The Sad Conviction of Sam Green," p. 12.
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126. Cooper Sep88 ltr.
127. Garrison ltr.
128. Theer ltr, p. 9.
129. Theer ltr, p. 12.
130. Ben Bradlee, Jr., *Guts and Glory: The Rise and Fall of Oliver North* (New York: Donald I. Fine, Inc., 1988), p. 92.
131. Quoted in Robert Timberg, "The Private War of Ollie and Jim," *Esquire*, Mar88, p. 144, at 152, hereafter Timberg, "The Private War of Ollie and Jim."

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133. Col Peter N. Kress ltr to author, dtd 24Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
134. *Washington Post*, 23Dec86, p. D1.
135. United States v. Pvt Michael A. Schwarz, 45 CMR 852 (NCFM, 1971).
136. United States v. PFC Samuel G. Green, Jr., unpublished NCFM opinion, decided 19May71; 21 USCMA 609 (#24,527).
137. Webb, "The Sad Conviction of Sam Green," p. 13.
138. Hon. James H. Webb, Jr., telephone conversation with author, 3Jan89 (Memorandum for the record, General Correspondence folder, Marines and Military Law in Vietnam file, MCHC).
139. Timberg, "The Private War of Ollie and Jim," p. 152.
140. *New York Times*, 25May71, p. 13.

CHAPTER 9

1970-71: REDEPLOYMENT

1. Cosmas and Murray, *Vietnamization and Redeployment*, pp. 15-20, 88.
2. III MAF and FLC ComdC, Jan-Mar70 (Unit Command Chronology File, MCHC).

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3. Col Arthur R. Petersen ltr to Col Robert C. Lehnert, SJA, FMFPac, dtd 3Jun70 (Petersen folder, Marines and Military Law in Vietnam file, MCHC), hereafter Petersen-Lehnert ltr.
4. W. Mark Wood intvw, 27Jul88, Tape 6496 (Oral HistColl, MCHC); hereafter Wood intvw.
5. Col Arthur R. Petersen affidavit, dtd 4Apr70 (Petersen folder, Marines and Military Law in Vietnam file, MCHC), hereafter Petersen affidavit. This unusual and revealing document was prepared to explain the circumstances prevailing in FLC upon Col Petersen's arrival as SJA. It appears to have been prompted by complaints of appellate counsel concerning delays in FLC's processing of cases. Such delays were legitimate grounds for appellate defense attack.
6. FLC ComdC, Sep69-Dec70 (Unit Command Chronology file, MCHC).
7. Wood intvw.
8. Petersen-Lehnert ltr.
9. *Ibid.*
10. *Ibid.*
11. Petersen affidavit.
12. Cosmas and Murray, *Vietnamization and Redeployment*, p. 192.
13. FLC ComdC, Jul70-Mar71 (Unit Command Chronology file, MCHC).
14. Col Daniel F. McConnell ltr to author, dtd 25Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).

From a Lawyer's Case File: The Defense Wins Four

15. *New York Times*, 8Feb70, p. 2, and 9Feb70, p. 12; *Pacific Stars and Stripes*, 25May70; and Capt George H. O'Kelley ltr to author, dtd 12Sep86 (O'Kelley folder, Marines and Military Law in Vietnam file, MCHC).
16. *New York Times*, 9Feb70, p. 12.
17. *Pacific Stars and Stripes*, 25May70.
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19. Ibid.
20. Joint Article 32; Capt George H. O'Kelley ltrs to author, dtd 12Sep86, 16May88, and 9Jun88 (O'Kelley folder, Marines and Military Law in Vietnam file, MCHC); and Wood intvw.
21. Record of trial, United States v. LCpl James B. Addison, NCM 70 2433.
22. Ibid., appellate exhibit 5.
23. Wood intvw.
24. Ibid.

1st Marine Aircraft Wing: Prepared For Takeoff

25. Cosmas and Murray, *Vietnamization and Redeployment*, pp. 11, 15, 95, 192.
26. Col Curtis W. Olson questionnaire to Maj W. Hays Parks, dtd Dec76 (Olson folder, Marines and Military Law in Vietnam file, MCHC).
27. Col Olson questionnaire to author, dtd 27Oct86 (Olson folder, Marines and Military Law in Vietnam file, MCHC).

1st Marine Division: New Broom

28. Cosmas and Murray, *Vietnamization and Redeployment*, p. 27.
29. Col Robert M. Lucy ltr to Col Robert C. Lehnert, dtd 23Dec69 (Lucy folder, Marines and Military Law in Vietnam file, MCHC).
30. BGen James P. King intvw, 5Nov86, Tape 6478 (Oral HistColl, MCHC).
31. Col Lucy ltr to Col John R. DeBarr, n.d. (Lucy folder, Marines and Military Law in Vietnam file, MCHC).
32. 1st MarDiv ComdC, Jun70 (Unit Command Chronology file, MCHC).
33. Col James M. Granger ltr to author, dtd 1Jun88 (Granger folder, Marines and Military Law in Vietnam file, MCHC), hereafter Granger ltr.
34. Ibid.
35. Col James M. Granger ltr to BGen Edwin H. Simmons, dtd 24Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC).
36. Gen William C. Westmoreland, USA, and MajGen George S. Prugh, USA, *Judges in Command: The Judicialized Uniform Code of Military Justice in Combat*, 3 *Harvard Journal of Law and Public Policy* 4 (1980), 1-93, at 60; hereafter Westmoreland and Prugh, *Judges in Command*.
37. FMFPac Awards Alpha Roster, dtd 24Aug77, Books 1, 2, and 3 of 4, n.p., MCHC.
38. Col Donald E. Holben intvw, 13Oct86, Tape 6472 (Oral HistColl, MCHC), hereafter Holben intvw.
39. Ibid.
40. Ibid.
41. Capt Mario A. Gomez intvw, 10Oct86, Tape 6488 (Oral HistColl, MCHC), hereafter Gomez intvw.
42. Holben intvw.
43. Ibid.; and Kress intvw.
44. Holben intvw.
45. Ibid.
46. Maj Stephen C. Berg questionnaire to Maj W. Hays Parks, dtd 5Jan77 (Berg folder, Marines and Military Law in Vietnam file, MCHC), hereafter Berg questionnaire.
47. Capt Keith D. Lawrence, JAGC, USN, ltr to author, dtd 16Feb89 (Lawrence folder, Marines and Military Law in Vietnam file, MCHC).
48. Tower ltr.

49. Ibid.
50. Holben intvw.
51. Cosmas and Murray, *Vietnamization and Redeployment*, pp. 108-109.
52. Granger ltr.
53. Col Donald E. Holben ltr to BGen Edwin H. Simmons, dtd 16Feb89 (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Holben ltr.
54. Col Peter N. Kress ltr to author, dtd 24Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Kress ltr.
55. Granger ltr.

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56. Ibid.
57. MajGen Jonas M. Platt, Manpower, G-1 Presentation, HQMC, General Officers Symposium, 1969, Tab E, p. 19.
58. Gen Leonard F. Chapman, Jr., opening remarks, HQMC, General Officers Symposium, 1970, p. 20.
59. LtCol Carl E. Buchmann intvw, 26Feb70, Tape 4751 (Oral HistColl, MCHC), hereafter Buchmann intvw.
60. Col Lucy ltr to BGen Duane L. Faw, dtd 22Nov69 (Lucy folder, Marines and Military Law in Vietnam file, MCHC).
61. U.S. Court of Military Appeals, *Annual Report of the United States Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of Transportation, For the Period January 1, to December 31, 1971*, and, (same title) . . . , *For the Period January 1, to December 31, 1972* (Washington: Government Printing Office, 1972 and 1973), pp. 27 and 29, respectively.
62. Buchmann intvw.
63. Col Petersen ltrs to BGen Faw, dtd 15 and 25Jun70 (Petersen folder, Marines and Military Law file, MCHC).
64. Col Lucy ltr to Capt B. R. Perkins, JAGC, USN, dtd 9Jun70 (Lucy folder, Marines and Military Law in Vietnam file, MCHC).
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66. Holben ltr.
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PART IV Aftermath and Echoes

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11. Brahms intvw.
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16. Gen Earl E. Anderson ltr to author, dtd 22Feb89 (Anderson folder, Marines and Military Law in Vietnam file, MCHC); hereafter Anderson ltr.
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White VC?: Robert R. Garwood

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CHAPTER 11 MOPPING UP

Drugs, Race, Dissent: Same Problems, New Venues

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21. Edwards 1989 ltr; and Vincent J. Bartolotta ltr to Col Michael Patrick Murray, dtd 2Feb87 (Comment folder and Bartolotta folder, both in Marines and Military Law in Vietnam file, MCHC); hereafter Bartolotta ltr.

22. HqFMFPac, Narrative Summary of Significant Activities: "Operations of U.S. Marine Forces in Southeast Asia, 1 July 1971 Thru 31 March 1973," n.d., p. 3-17; hereafter HqFMFPac Narrative Summary.

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29. Col Michael Patrick Murray ltr to author, dtd 10Feb87 (Murray folder, Marines and Military Law in Vietnam file, MCHC).

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31. HqFMFPac Narrative Summary, p. 2-22.

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Perspective

36. One notable rehearing, however, resulted in a second conviction and spanned five years from the offense (murder of a first lieutenant in Vietnam) to a second conviction at Quantico, Virginia, illustrating the Marine Corps' willingness to pursue a case about which it felt strongly. See *United States v. Cpl Charlie Eason, III*, NCM 70 2612, 45 CMR 109 (COMA, 1972); 49 CMR 845 (NMCMR, 1974).

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43. Col Joseph R. Motelewski intvw, 24Feb87, Tape 6489 (Oral HistColl, MCHC), hereafter Motelewski intvw.

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The Uniform Code of Military Justice: Did It Work in Vietnam?

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47. Col Robert M. Lucy ltr to BGen Edwin H. Simmons, dtd 16Jan89 (Comment folder, Marines and Military Law in Vietnam file, MCHC), hereafter Lucy ltr.

48. BGen Edwin H. Simmons, Vietnam service debriefing to CG FMFPac, dtd 24May71 (Command Info Notebook folder, Marines and Military Law in Vietnam file, MCHC), p. 10.

49. Col John R. DeBarr debriefing at FMFPac, 9Jun69, Tape 4254 (Oral HistColl, MCHC).

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57. Col Olson questionnaire to author, dtd 27Oct86 (Olson folder, Marines and Military Law in Vietnam file, MCHC).

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59. Holben intvw.

60. Motelewski intvw.

61. Tiernan intvw.

62. Col Archibald King, JAGC, USA (Ret), *Changes in the Uniform Code of Military Justice Necessary To Make It Workable In Time of War*, 22 *Fed. Bar J.* 49, 49-59 (Winter 1962).

63. MajGen George S. Prugh, USA, ltr to BGen Edwin H. Simmons, dtd 29Dec88 (Comment folder, Marines and Military Law in Vietnam file, MCHC).

64. Gen William C. Westmoreland and MajGen George S. Prugh, *Judges in Command: The Judicialized Uniform Code of Military Justice in Combat (A Draft Code Amendment)*, 4 *Harvard Journal of Law and Public Policy* 199. This is an addendum to their article of the same name, op. cit.

65. Mitchell intvw.

66. Ibid.

67. Neville ltr.

68. "Ein Menschenleben gilt fur nix" (A Human Life Is of No Account), *Der Spiegel*, 28Oct87 (Articles folder, Marines and Military Law in Vietnam file, MCHC), p.112. This brief article recounts how many of the 1.3 million German soldiers convicted by courts-

martial after December 1940 were assigned to *Strafbataillons* (punishment battalions), tasked with the most dangerous battlefield duties. Alternatively, they were assigned to *Disziplinieren und Kleinkriegen* (field punishment groups), to dig trenches, erect obstacles, and bury the dead, on a subsistence diet, subject to execution for failure or refusal to work.

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71. *Ibid.*, p. 6.

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74. *Ibid.*, pp. 13-17; App. F, pp. F-5—F-9.

75. *Ibid.*

76. Westmoreland and Prugh, *Judges in Command*, pp. 37 and 83.

77. *Ibid.*, App. D, p. D-19.

78. *Ibid.*, p. 37.

79. *Ibid.*, p. 51.

80. Lucy ltr.

81. DoD, *The Military Justice Act of 1983: Advisory Commission Report*, Vol I, Commission Recommendations and Position Papers; Transcript of Commission Hearings (Washington: 1984), pp. 54-67. A copy of the Mitchell-Byrne minority rpt is included. (Mitchell folder, Marines and Military Law in Vietnam file, MCHC).

82. Westmoreland and Prugh, *Judges in Command*, p. 55.

83. BGen Charles A. Cushman intvw, 4Dec86, Tape 6481 (Oral Hist-Coll, MCHC).

Summation

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Appendix A

Marine Corps Lawyers, Navy Law Specialists, and Naval Service Judge Advocates Who Served as Lawyers in Vietnam

No official record of those lawyers who served in Vietnam was kept, either by the officer assignment branch of Headquarters Marine Corps, or by the Judge Advocate Division. Later in the war some Vietnam units, such as Force Logistic Command, listed individual lawyers in their command chronology. Other units, such as the 3d Marine Division, never did so. The following listing was compiled by the author from command chronologies, convening orders, records of trial, telephone directories, photos, and letters. Regrettably, errors and a few omissions are inevitable.

1965

Col George P. Blackburn 1st MarDiv
 Col Olin W. Jones, Jr. III MAF
 Capt James E. Keys, USN* Law Officer, Yokosuka
 Col Vernon A. "Vap" Peltzer III MAF
 Col Harry S. Popper, Jr. 1st MAW
 Col Charles B. Sevier 3d MarDiv/III MAF

LtCol Frederick H. Campbell 1st MAW
 LtCol Fred Grabowski 3d MarDiv
 LtCol Verne L. "Bubs" Oliver Law Officer, Yokosuka
 LtCol Thomas B. Sparkman 3d MarDiv

Maj Robert J. Chadwick 3d MarDiv
 Maj John E. Crandall 1st MarDiv
 Maj Benjamin B. Ferrell III MAF (civil affairs)
 Maj Charles J. Kever III MAF/MACV, Saigon
 Maj James P. King 9th MEB/III MAF
 Maj Joseph A. Mallery 3d MarDiv
 Maj Paul A. A. St. Amour 1st MAW

Lt Edward A. Arianna, USN 1st MAW
 Capt Robert J. Blum 3d MarDiv
 Lt Hugh D. Campbell, USN 3d MarDiv/III MAF
 Capt Fred R. "Buck" Files, Jr. 3d MarDiv
 Capt Robert A. Godwin 3d MarDiv
 Capt Peter N. Kress 9th MEB/3d MarDiv
 Capt J. Kent Riegel 3d MarDiv
 Capt Philip D. Sharp, Jr. 1st MarDiv
 Capt James W. Spindler 3d MarDiv
 Lt Norman D. Wolff, USN III MAF

1stLt William J. Carroll 3d MarDiv
 1stLt John W. Clark 1st MAW

*The designation, "JAGC," did not follow Navy lawyers' names until their Judge Advocate General's Corps was formed on 8 December 1967.

1stLt Roger G. Darley 3d MarDiv
 1stLt Larry B. Funderburk 9th MEB/Chu Lai
 1stLt Donald W. Harris 9th MEB/3d MarDiv
 1stLt Theodore J. Hodan, Jr. 1st MAW
 1stLt Bruce A. Hoffman 1st MAW
 Lt (jg) Keith G. O'Brian, USN 3d MarDiv
 1stLt James K. Rader 3d MarDiv
 1stLt David M. Skeels 1st MAW
 1stLt William T. Warren III 3d MarDiv
 1stLt Frederick C. Woodruff 3d MarDiv

2dLt John E. Gillmor, Jr. 3d MarDiv
 2dLt Lonnie O. Grigsby 3d MarDiv
 2dLt William H. Hampton 3d MarDiv

1966

Col Charles H. Beale, Jr. 3d MarDiv
 Col Ralph K. Culver 1st MAW
 Capt Wyman N. Jackson, USN Law Officer, Yokosuka
 Col Earl W. Johnson TAD, FMFPac
 Col Robert B. Neville (and Asst CofS) III MAF

LtCol Thomas P. Casey 1st MarDiv
 Cdr William E. Clemmons, USN 1st MarDiv/Law Officer
 LtCol Donald E. Holben Law Officer, Da Nang
 LtCol Charles R. Larouche FLC
 LtCol Daniel F. McConnell 3d MarDiv
 LtCol Charles E. Spence, Jr. 1st MAW
 LtCol William W. Wander, Jr. Law Officer, Da Nang
 LtCol John L. Zorack 1st MarDiv (TF X-Ray)

Maj George L. Bailey 1st MarDiv
 Maj Frederick D. Clements 3d MarDiv
 Maj Charles W. Collier 1st MAW
 Maj William B. Draper, Jr. 1st MarDiv
 Maj Curtis W. Olson 1st MarDiv
 Maj Robert E. Switzer 1st MarDiv
 Maj Winn M. Thurman 1st MarDiv
 Maj James R. Ziemann FLC

Capt George B. Bancroft, Jr. 1st MarDiv
 Capt Ronald D. Bonnett 1st MarDiv
 Capt Francis T. Coleman 1st MarDiv (TF X-Ray)
 Capt Paul R. Constantino 1st MarDiv (TF X-Ray)
 Capt James R. DeMarco 3d MarDiv
 Lt John F. Erickson, USN FLC
 Capt Peter D. Fitzgerald 1st MarDiv
 Capt Edward F. Fogarty 3d MarDiv
 Capt Mark F. Geary 1st MarDiv
 Capt Franklin P. "Skip" Glenn FLC
 Capt Daniel M. Hanlon 1st MarDiv (TF X-Ray)
 Capt Harry R. Hull, Jr. 3d MarDiv

Lt Walter J. Landon, USN..... 1st MarDiv
 Capt Robert L. Luce..... 1st MarDiv

Capt Robert J. Madigan..... 1st MarDiv
 Capt Robert W. Mann..... 1st MAW
 Lt Brian P. Murphy, USN..... 3d MarDiv
 Capt Joseph C. Olson..... 1st MarDiv
 Capt Kurt M. Penn..... 3d MarDiv
 Capt Clifford E. Roberson..... 1st MAW
 Capt Harry D. Sabine..... 1st MarDiv
 Capt Allen R. Saxe..... 3d MarDiv
 Capt James P. Shannon..... 1st MarDiv
 Capt Sheldon K. Stock..... 3d MarDiv
 Lt John S. Szymanski, USN..... 1st MAW
 Capt Paul S. Zonderman..... 3d MarDiv

1stLt Bernie S. Allen..... 1st MarDiv
 1stLt James E. Barnett..... 1st MarDiv
 1stLt James Ehlers..... 1st MarDiv
 1stLt Michael J. Naughton..... Force Logistic Cmd
 Lt (jg) Larry D. Schlue, USN..... 3d MarDiv
 1stLt Richard N. Stuckey..... 3d MarDiv
 1stLt Donald E. Wittig..... 1st MarDiv

1967

Capt Benjamin H. Berry, USN..... Law Officer, Yokosuka
 Col Norris C. Broome..... 3d MarDiv
 Col Eugene B. "Doc" Fallon..... 3d MarDiv
 Col Duane L. Faw (and Asst CofS)..... III MAF
 Col Alexander M. "Sandy" Hearn..... Law Officer, Yokosuka
 Col Robert C. "Curly" Lehnert..... 1st MAW
 Col John L. Ostby..... 1st MarDiv

LtCol Paul F. Henderson..... 9th MEB/3d MarDiv
 LtCol Richard D. Humphreys..... 1st and 3d MarDivs
 LtCol William C. Jaeck..... TAD, FMFPac
 LtCol Clyde R. Mann..... 1st MarDiv
 LtCol William F. Morely..... Not specified
 LtCol Verne L. "Bubs" Oliver..... FLC
 LtCol William T. Westmoreland, Jr..... 1st MarDiv
 LtCol Richard E. Wray..... FLC

Maj Max C. Fischer..... 3d MarDiv
 Maj Ronald J. Kaye..... III MAF/3d MarDiv
 Maj Brian B. Kent..... III MAF
 Maj Michael Patrick Murray..... FLC
 Maj H. Terry Reiniche..... 9th MAB
 Maj William H. J. Tiernan..... 1st MAW

Capt Bernard A. Allen, Jr..... 1st MarDiv
 Capt G. Ward Beaudry..... III MAF
 Lt Jared O. Bauch, USN..... 1st MAW
 Capt Michal B. Cotten..... 1st MAW
 Capt Vincent J. Erichs, Jr..... 1st MAW
 Capt Harvey G. Gleason..... FLC
 Capt Mark L. Haiman..... 3d MarDiv
 Capt Victor J. Haydel..... FLC
 Capt Donald Higginbotham..... 1st MarDiv
 Capt Bruce R. Hoffman..... 1st MAW
 Capt Tristram T. Hyde..... 3d MarDiv

Capt James W. Jones..... 3d MarDiv
 Capt Charles J. Kall..... FLC
 Capt Philip S. Keith..... 3d MarDiv
 Capt David B. King..... 1st MAW
 Capt Richard D. Lane..... 9th MAB/3d MarDiv
 Lt Robert L. Locke, USN..... 3d MarDiv
 Capt Vincent P. Maroney..... FLC
 Lt John J. Martens, USN..... 1st MarDiv
 Capt Michael C. McCarey..... 1st MarDiv
 Capt Michael J. McHale..... 1st MAW
 Capt Larry J. Miner..... FLC
 Capt Charles H. Mitchell..... 1st MAW
 Capt H. Edward Moore, Jr..... FLC
 Capt Jerrold Oldani..... 1st MarDiv
 Capt Charles E. Patterson..... 3d MarDiv
 Capt William E. Peacock..... 1st MAW
 Capt John N. Post..... 1st MAW
 Capt Donald R. Pritchard..... 1st MAW
 Capt Jay D. Reynolds..... 1st MarDiv
 Capt Ross T. Roberts..... 1st MarDiv
 Capt John E. Russell..... 1st MarDiv
 Capt Gary A. Sargent..... 1st MarDiv
 Capt Mahlon C. Schneider..... 3d MarDiv
 Capt Harry L. Shorstein..... 3d MarDiv/9th MAB
 Capt Dennis H. Siems..... FLC
 Capt Eugene A. Steffen..... 1st MarDiv
 Capt Walter A. Stewart, Jr..... 1st MAW
 Capt George Tosi, Jr..... 3d MarDiv
 Capt Robert W. Wachsmuth..... FLC
 Capt William F. Whiting..... 1st MAW
 Capt John P. Williams..... 1/9, 3d MarDiv
 Capt Richard M. Williams..... 3d MarDiv
 Capt Peter B. Work..... 3d MarDiv
 Capt Rufus C. Young IV..... 1st MAW
 1stLt Morrill Dunn III..... 1st MarDiv
 1stLt Boyd L. George..... 3d MarDiv
 1stLt Robert M. Lee..... 3d MarDiv
 1stLt Jeffery W. Maurer..... 3d MarDiv
 1stLt Michael K. Phalin..... 3d MarDiv
 1stLt Michael I. Walling..... 1st MAW

2dLt Macauley Carter, Jr..... 1st MAW
 2dLt Jerry G. Cunningham..... FLC
 2dLt William E. Eaken..... 1st MarDiv
 2dLt James G. Ehlers..... 1st MarDiv
 2dLt Thomas M. Flournoy, Jr..... Not specified
 2dLt Edward F. Kelly..... 1st MarDiv

1968

Col Jack E. Hanthorn..... 1st MarDiv
 Col Joseph R. Motelewski (and CofS)..... 3d MarDiv
 Col Paul W. Seabaugh..... III MAF

LtCol Rollin Q. Blakeslee..... 3d MarDiv
 LtCol William M. "Ace" Cummings..... 1st MarDiv/FLC
 LtCol John R. DeBarr..... Law Officer, Da Nang
 LtCol William R. Eleazer..... 1st MarDiv
 LtCol Frederick M. Haden..... FLC
 LtCol Max G. Halliday..... 1st MAW

Maj Lawrence G. Bolin.....9th MAB/3d MarDiv
 Maj Richard G. Moore..... FLC

Capt W. Tommy Allison II.....3d MarDiv
 Capt Charles W. Babcock, Jr..... FLC
 Capt Robert B. Baker.....1st MAW
 Capt Clarke C. Barnes.....3d MarDiv
 Capt Steven H. Bowytz.....3d MarDiv
 Capt James B. Brookshire.....1st MarDiv
 Capt David J. Cassidy.....3d MarDiv
 Capt Charles W. Cherry..... FLC
 Capt Stanton M. Cole.....III MAF
 Capt Martin E. Conway, Jr.....3d MarDiv
 Capt William J. Cook.....1st MAW
 Lt William J. Cosgriff, JAGC, USN.....1st MarDiv
 Capt Chapman B. Cox.....9th MAB
 Capt Jerald D. Crow.....3d MarDiv
 Capt James H. Cummings.....1st MarDiv
 Capt Robert R. Davis, Jr.....1st MarDiv
 Capt Richard J. Dove.....1st MAW
 Capt Donald W. Doyle, Jr.....1st MarDiv
 Capt William L. Fly.....3d MarDiv
 Capt Clark A. Halderson.....3d MarDiv
 Capt Michael J. Hoblock, Jr.....1st MAW
 Capt Carey H. Johnson.....1st MAW
 Capt Edward F. Kelly (back-to-back tours).....1st MarDiv
 Capt Jerome R. Klukas.....3d MarDiv
 Capt Edward J. Lopata.....9th MAB
 Capt Peter J. Mastaglio..... FLC
 Capt Patrick H. Mathews.....1st MarDiv
 Capt William H. McAdam, Jr.....1st MarDiv
 Capt Martin G. McGuinn, Jr.....1st MarDiv
 Capt Sandy S. McMath.....3d MarDiv/FLC/9th MAB
 Capt Jack R. Mennis.....Not specified
 Capt John D. Moats.....1st MarDiv
 Capt David G. Moore.....3d MarDiv
 Capt Stephen P. Oggel.....1st MAW
 Capt W. Hays Parks.....1st MarDiv
 Capt William G. Proctor, Jr.....1st MAW
 Capt Jack C. Provine..... FLC
 Capt John C. Reynolds.....1st MarDiv
 Lt Lawrence R. Rowe, JAGC, USN.....1st MAW
 Lt Jerry D. Rucker, JAGC, USN.....TAD, NavBase, Subic Bay
 Capt Michael D. Schrunk.....3d MarDiv
 Capt Thomas A. Schwindt..... FLC
 Capt Robert L. Sikma.....1st MAW
 Capt Stanley L. Smith, Jr.....3d MarDiv
 Capt Arthur W. Tifford.....1st MarDiv
 Capt Ronald W. Williamson..... FLC
 Lt Robert D. Zsalman, JAGC, USN.....3d MarDiv

1stLt Thomas A. Bergstrom.....1st MarDiv
 1stLt Marshall W. Dooley.....1st MAW
 1stLt Donald W. Griffis..... FLC
 1stLt Robert A. Jones.....9th MAB
 1stLt Francis J. Kaveney.....1st MarDiv
 1stLt P. Keith Keller.....3d MarDiv
 1stLt Thomas A. King.....1st MarDiv
 1stLt Harry N. Lembeck.....9th MAB
 1stLt William G. Nash.....1st MarDiv
 1stLt Curtis K. Oberhansly.....1st MAW

1stLt John J. Reilly..... FLC

2dLt George G. Bashian, Jr.....1st MarDiv
 2dLt Barry M. Gallagher.....III MAF/1st MarDiv

1969

Col Nalton M. Bennett.....1st MAW
 Col Robert M. Lucy.....1st MarDiv
 Col Arthur R. Petersen..... FLC
 Col Marion G. Truesdale.....III MAF

LtCol Carl E. Buchmann..... FLC
 LtCol Benjamin B. Ferrell (2d tour).....3d MarDiv
 LtCol Fred Grabowski (2d tour)..... FLC
 LtCol Henry Hoppe III.....Mil Judge, Da Nang
 LtCol James P. King (2d tour).....1st MarDiv
 LtCol Rufino R. Saez.....3d MarDiv

Maj Steve R. Balash, Jr..... FLC
 Maj Robert J. Blum.....1st MarDiv
 Maj David M. Brahms.....1st MAW
 Maj Charles A. Cushman..... FLC
 Maj Leo K. O'Drudy.....3d MarDiv

Capt Steve A. Bamberger..... FLC
 Capt Emilic V. "Bob" Belluomini, Jr.....III MAF
 Capt John A. Bergen..... FLC
 Capt Terry A. Bond.....3d MarDiv
 Capt Raymond T. Bonner.....1st MarDiv
 Capt Martin D. Boudreau.....1st MarDiv
 Capt John A. Bracher.....3d MarDiv
 Capt Charles E. Brown.....1st MarDiv
 Capt David M. Brown.....1st MarDiv
 Capt Gary E. Bushell.....1st MarDiv
 Capt Reynold L. "Rip" Caleen, Jr..... FLC
 Capt G. David Carlock III.....1st MAW
 Capt Dallas C. Clark, Jr.....3d MarDiv
 Capt Robert W. Cook.....1st MAW
 Lt William T. Cranfill, Jr, JAGC, USN.....1st MarDiv
 Capt Thomas A. Crawford, Jr.....1st MarDiv
 Capt Stephen E. Davis..... FLC
 Capt Nathaniel F. Emmons.....1st MAW
 Capt Allen E. Falk.....1st MarDiv
 Capt Cecil R. Forster.....1st MarDiv
 Capt Fred L. Fox.....1st MarDiv
 Capt Richard L. Franks..... FLC
 Capt Thomas J. Glenn, Jr.....1st MAW
 Lt James C. Gries, JAGC, USN.....3d MarDiv
 Capt Mark L. Haiman (2d tour).....1st MarDiv
 Capt Clark A. Halderson.....3d MarDiv
 Capt Dennis L. Hanssen.....3d MarDiv
 Capt J. Michael Hardin.....3d MarDiv
 Capt John J. Hargrove.....1st MarDiv
 Capt Louis J. Helleman.....1st MAW
 Capt Jacob R. Henderson, Jr..... FLC
 Capt Douglas G. Hendricks.....1st MarDiv

Marine Corps and Navy judge advocates who served with Marine Wing Headquarters Squadron 1, 1st Marine Aircraft Wing, Bien Hoa, South Vietnam, and Nam Phong ("The Rose Garden"), Thailand.

June 1972—Sept 1973

LtCol Raymond W. Edwards (SJA) (2d tour)
LtCol Michael Patrick Murray (SJA) (2d tour)

Maj Anthony F. J. Mielczarski

Capt William J. Baker
Capt Vincent J. Bartolotta, Jr.
Capt William D. Blunk

Capt Stephen C. Eastham
Capt Van N. Eden
Capt John S. Edwards
Capt William T. Enslin
Capt Robert E. Hilton
Capt Franklin D. Holder
Capt John T. John
Capt Michael C. McDermott
Lt Jack C. Myers, JAGC, USN
Capt Charles R. Oleszycki
Capt Daniel Parker, Jr.
Capt Richard L. Prorise
Capt Keith E. Rounsaville
Capt Richard D. Sullivan
Capt Michael C. Vesey
Capt Michael C. Warlow

Appendix C

U.S. Medals Awarded Marine Corps Lawyers and Judge Advocates for Vietnam Service

No official awards roster exists. This listing is extracted from the untitled record of Headquarters, Fleet Marine Force, Pacific, considered by the Decorations and Medals Branch of Headquarters Marine Corps to be the most complete and accurate record available. Nevertheless, several omissions have been noted and corrected. Other unidentified omissions may have escaped notice. The Legion of Merit, Bronze Star Medal, Navy Commendation Medal, and Navy Achievement Medal may be awarded with or without Combat V. In all but a few instances those awards to lawyers and judge advocates were with Combat V. No distinction is made here between medals awarded with Combat V and those few awarded without.

Navy Cross

1stLt Michael I. Neil

Silver Star

1stLt James M. Schermerhorn

Legion of Merit

Col Nalton M. Bennett
Col Norris C. Broome
Col John R. DeBarr
Col Eugene B. Fallon
Col Duane L. Faw
LtCol Benjamin B. Ferrell
LtCol Frederick M. Haden
LtCol Max G. Halliday
Col Jack E. Hanthorn
Capt Donald Higginbotham
Col Donald E. Holben
LtCol Henry Hoppe, III
Maj Charles J. Keever
Col Robert C. Lehnert
Col Robert M. Lucy
Col Clyde R. Mann
Col Daniel F. McConnell
Col Joseph R. Motelewski
Col Robert B. Neville
Col Verne L. Oliver
Col John L. Ostby
Col Charles B. Sevier

Distinguished Flying Cross

Col Robert C. Lehnert

Bronze Star Medal

Capt W. Tommy Allison II
Col Charles H. Beale, Jr.
LtCol Rollin Q. Blakeslee
LtCol Robert J. Blum
Maj David M. Brahms
LtCol Carl E. Buchmann
LtCol Thomas P. Casey
Capt Martin E. Conway, Jr.
LtCol William M. Cummings
Maj William B. Draper, Jr.
LtCol William R. Eleazer
Maj Benjamin B. Ferrell
Capt Fred L. Fox (2 awards)
LtCol Fred Grabowski
1stLt Donald W. Griffis
LtCol Paul F. Henderson, Jr.
LtCol James P. King
Capt Jerome R. Klukas
LtCol Peter N. Kress
Capt E. Ray Lanier
Capt William H. McAdam, Jr.
Capt Michael G. McCollum
LtCol Daniel F. McConnell
1stLt David G. Moore
Maj Richard G. Moore
Maj Curtis W. Olson (2 awards)
Capt Charles E. Patterson
Col Vernon A. Peltzer
Capt Harry L. Shorstein
Maj Winn M. Thurman
Maj William H. J. Tiernan
Col Marion G. Truesdale
LtCol William W. Wander, Jr.
LtCol John L. Zorack

Air Medal

Col Robert C. Lehnert (7 awards)
Capt Michael G. McCollum (19 awards)
1stLt Michael I. Neil (6 awards)

Purple Heart Medal

Capt William L. Fly
1stLt Michael I. Neil

Navy Commendation Medal

Capt Bernard A. Allen, Jr.
 Maj George L. Bailey
 1stLt George G. Bashian
 Col George P. Blackburn
 Capt Raymond T. Bonner
 Capt Steven H. Bowytz (2 awards)
 Capt James B. Brookshire
 Capt Charles E. Brown
 Capt Gary E. Bushell
 Capt G. David Carlock III
 Capt Michael G. Carpenter
 Capt James W. Carroll
 1stLt William J. Carroll
 1stLt Macauley Carter, Jr.
 Capt David J. Cassidy
 Capt Dallas C. Clark, Jr.
 Capt Francis T. Coleman
 Capt Paul R. Constantino
 Col Charles W. Collier
 Capt Jerald D. Crow
 Col Ralph K. Culver
 Capt James H. Cummings
 1stLt Jerry G. Cunningham
 Maj Charles A. Cushman
 Col John R. DeBarr
 Capt Robert E. Dinardo
 1stLt Morrill Dunn III
 Col Raymond W. Edwards
 1stLt James G. Ehlers
 Capt Nathaniel F. Emmons
 Capt Vincent J. Erichs, Jr.
 Capt John L. Euler
 Capt William L. Fly
 Capt Cecil R. Forster
 Capt Mark F. Geary
 1stLt Boyd L. George
 Capt Harvey G. Gleason
 Maj James H. Granger
 Capt Tone N. Grant
 Capt Mark L. Haiman
 Capt Clark A. Halderson
 Capt Daniel M. Hanlon
 Capt John J. Hargrove
 Capt Victor J. Haydel
 Capt Louis J. Hellerman
 Capt Douglas G. Hendricks
 Capt Thomas D. Horne
 Col Richard D. Humphreys
 Capt Tristram T. Hyde
 Capt Roland K. Iverson, Jr.
 Capt Carey H. Johnson
 Capt Charles J. Kall
 1stLt Francis J. Kaveney (2 awards)
 Maj Ronald J. Kaye
 Capt Adrian R. King
 Capt Jerome R. Klukas
 Capt Richard D. Lane
 LtCol Charles R. Larouche

Capt Paul J. Laveroni
 Capt Daniel H. LeGear, Jr.
 1stLt Robert M. Lee
 Capt Joel Levine
 Capt Edward J. Lopata
 Capt John J. Lynch
 Capt Robert W. Mann
 1stLt Jeffery W. Maurer
 Capt William H. McAdam, Jr.
 Capt Michael G. McCollum
 Capt Robert M. MacConnell
 Capt Martin G. McGuinn, Jr.
 Capt Sandy S. McMath
 Capt John A. Milici
 Capt Charles H. Moses III
 Capt Richard A. Muench
 Maj Michael Patrick Murray
 Capt Donald B. Myers
 1stLt William G. Nash
 Maj Leo K. O'Drudy
 Capt Stephen P. Oggel
 Capt Jerrold Oldani
 Capt Theodore J. Padden
 Capt John S. Papa
 Capt W. Hays Parks
 1stLt Michael K. Phalin
 Col Harry S. Popper
 Capt Richard L. Prosis
 Capt Jack C. Provine
 Maj H. Terry Reiniche
 Capt Ross T. Roberts
 Capt Frank G. Roux, Jr.
 Capt Thomas A. Rulon
 Capt John E. Russell
 Capt Gary A. Sargent
 Capt Allen R. Saxe
 1stLt James M. Schermerhorn
 Capt Mahlon C. Schneider
 Capt Dennis H. Siems
 Capt David E. Skaggs
 Capt J. Len Skiles
 Capt Stanley L. Smith, Jr.
 LtCol Charles E. Spence, Jr.
 Capt Reginald K. Templeton
 Capt Arthur W. Tifford
 1stLt Philip C. Tower
 Capt Robert W. Wachsmuth
 LtCol William T. Westmoreland, Jr.
 Capt Richard M. Williams
 Capt Ronald W. Williamson
 Capt W. Mark Wood
 LtCol Richard E. Wray
 Capt Rufus C. Young IV

Navy Achievement Medal

Capt Steve A. Bamberger
 1stLt James B. Barnett
 1stLt Thomas A. Bergstrom
 Capt Allen J. Borne
 Major Robert J. Chadwick

Capt Otis F. Cochran, Jr.
 Capt Stanton M. Cole
 Capt Chapman B. Cox
 Capt John L. Euler
 Capt Fred R. Files, Jr.
 Capt Michael J. Hoblock
 Capt William E. Iorio
 Capt Franz P. Jevne
 Capt Rex L. Jones III
 Capt Scott Keep
 1stLt Edward F. Kelly
 Capt Robert Kirkman
 Capt Richard D. Lane
 Capt Thomas O. Lavoy
 Capt Michael J. Levin
 Capt Alfred W. Mackey
 Capt Patrick H. Mathews
 Capt Michael C. McCarey
 Capt Michael P. Merrill
 Capt Charles H. Mitchell
 Capt David G. Moore
 Capt William J. O'Byrne

Capt Frank J. O'Connor
 Capt Charles E. Patterson
 Capt John N. Post
 Capt J. Kent Riegel
 Capt John J. Reilly
 Capt E. Randall Ricketts
 Capt Clifford E. Roberson
 Capt Terrance B. Rodsky
 Capt Harry D. Sabine
 Capt Michael D. Schrunk
 Capt Lawrence W. Secrest
 Capt James P. Shannon
 Capt Philip D. Sharp, Jr.
 Capt Edwin A. Snyder
 Capt Bruce D. Strathearn
 Maj Robert E. Switzer
 Capt James L. Thompson
 1stLt Michael I. Walling
 Capt John L. Westney, Jr.
 Capt Robert S. Wiggins, Jr.
 1stLt Donald E. Wittig
 Maj James R. Ziemann

Appendix D

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Appendix E

Review of Confinement Adjudged in Cases of Marines Convicted of the Murder of Vietnamese Noncombatants, 1965-71

Individual	Sentence Adjudged (in years)	Sentence Approved (in years)		Action by USCMA ^c	Sentence Resulting from Parole (P) or Clemency (C) Action ^d (in years)
		By CA ^a	By NCMR ^b		
1	10	10	7	Appeal denied	C: 6 ¹ / ₁₂
2	Life	Life	25	Sentence affirmed	C: 6
3	5	5	5	Appeal denied	C: Denied
4	Life	Life	3	Appeal denied	
5	Life	25	5	Appeal denied	C: 2 ³ / ₄
6	4	4	4	Appeal denied	C: Denied
7	Life	Life	Life	Appeal denied	C: 12
8	50	35	10		C: 8
9	Life	35	5	Appeal denied	C: 2 ⁵ / ₁₂
10	30	30	Dismissed (insanity)		
11	10	5	5	No petition	C: 4
12	Life	30	30	Appeal denied	C: 3
13	Life	Life	Life	Appeal denied	C: 9
14	Life	20	20	Appeal denied	C: 7 ¹ / ₁₂
15	Life	20	20	Appeal denied	C: 7
16	2	2	2	Appeal denied	C: Denied
17	2	2	2		C: Denied
18	2	2	2	Appeal denied	
19	Life	Life	3	Appeal denied	
20	Life	30	3	Appeal denied	
21	4	1 ¹ / ₄	² / ₃	Did not petition	C: Denied
22	Life	30	15	10 years	P: 3
23	Life	40	15	Appeal denied	P: 3 ³ / ₄
24	5	1	1	Appeal denied	C: Denied
25	Life	1	1	Did not petition	C: Denied

Individual	Sentence Adjudged (in years)	Sentence Approved (in years)		Action by USCMA ^c	Sentence Resulting from Parole (P) or Clemency (C) Action ^d (in years)
		By CA ^a	By NCMR ^b		
26	20	20	Dismissed		
27	Life	25	25	Appeal dismissed	C: 19

SOURCES: Data provided by U.S. Marine Corps and Department of the Navy, Offices of the Judge Advocate General, and by Naval Clemency and Parole Board.

^aConvening authority.

^bNavy Court of Military Review.

^cU.S. Court of Military Appeals.

^dDoes not take into account time off earned for good behavior.

Excerpted with permission from: Guenter Lewy, *America in Vietnam* (New York: Oxford University Press, 1978), Table 10-5, p. 458.

Appendix F

Confinement Actually Served in Selected Cases of Marines Convicted of the Murder of Vietnamese Noncombatants, 1965-71

The numbers and adjacent names correspond to the numbers in Appendix E. Only those cases listed in Appendix E and mentioned in the text are included here.

	Trial Court's Sentence	Release Date	Confinement Actually Served
1. M. McGhee	10 yrs	14 Dec 1971	6 yrs, 1 month
6. J. H. Boyd	4 yrs	23 Jan 1970	3 yrs
7. J. D. Potter (1)	Life	16 Feb 1978	12 yrs, 1 month
8. R. L. Vogel	50 yrs	? 1975	9 yrs, plus
15. D. R. Allen (2)	Life	2 Aug 1971	2 yrs, 11 months
16. J. D. Belknap	2 yrs	5 Dec 1969	1 yr, 3 months
18. J. A. Maushart	2 yrs	1 May 1970	1 yr, 8 months
19. S. D. Crider (3)	Life	2 Mar 1973	3 yrs, 9 months
20. R. J. Reese (3)	Life	8 Dec 1971	2 yrs, 4 months

(1) Convicted of five specifications of premeditated murder, rape, and attempted rape

(2) Convicted of five specifications of unpremeditated murder

(3) Convicted of four specifications of premeditated murder

(Release dates provided by Navy Clemency & Parole Board)

Appendix G

Senior Marine Corps Lawyers, 1950 to 1966

Prior to 1941, legal matters, including courts-martial, were the province of Marine Corps personnel officers. In 1941, at Washington, D.C., the Courts and Boards Division was established within the Personnel Department of Headquarters Marine Corps. Thereafter legal affairs, other than the actual trials of courts-martial, were centralized in that division. Most active-duty lawyers were reservists, supervised by a few regular officers who alternated legal and nonlegal assignments. All lawyers were assigned either to Headquarters Marine Corps or to Headquarters, Fleet Marine Force Pacific, in Hawaii, or to Headquarters, Fleet Marine Force Atlantic, in Norfolk, Virginia.* There were no billets for attorneys in the fleet or at any post or station until 1942 when a billet for a captain-lawyer was included in each Fleet Marine Force division headquarters.

During World War II the Courts and Boards Division evolved into Discipline Section, then Discipline Division, and, finally, into Discipline Branch. Although partially staffed by lawyers, Discipline Branch was headed by a nonlawyer personnel officer.

In May 1950 the Uniform Code of Military Justice became law. At the same time a lawyer was appointed head of Discipline Branch for the first time. Colonel James C. Bigler, whose father had also been a Marine Corps officer and a lawyer on active duty from 1900 to 1925, was the first lawyer Discipline Branch head. Colonel Bigler, a 1932 graduate of the U.S. Naval Academy, had been an infantry officer until 1938, when he was ordered to George Washington University's law school. After his graduation in 1941 he alternated legal and infantry assignments until ordered to Discipline Branch in late 1949. He continued as Branch head until August 1952.

Subsequent Discipline Branch heads were: Colonel St. Julien R. Marshall, from August 1952 to July 1954; Colonel Paul D. Sherman, from July 1954 to June 1956; Colonel John S. Twitchell, from June 1956 to an undetermined month in 1958; and Colonel Hamilton M. Hoyler, branch head until July 1958. Colonel Robert A. Scherr filled the billet from July 1958 to July 1964. During his tenure there were 129 lawyer billets in the Marine Corps. Colonel Robert B. Neville headed Discipline Branch from July 1964 to July 1966. When Marine Corps units landed at Da Nang in March 1965 there were 168 lawyers on active duty.

Colonel Charles B. Sevier assumed the duties of branch head in July 1966. There were 223 lawyers on active duty then, increasing to 277 in 1967. On 17 April 1968 Discipline Branch was deactivated and, in a reorganization of the Headquarters Marine Corps staff, the Judge Advocate Division was established as a separate division. All of the 15 Headquarters Marine Corps lawyers, in addition to 10 enlisted clerks and 14 civilians, were assigned to the new division which was divided into four branches: military law; research and plans; general law; and legal assistance.

Colonel Sevier continued as the first Director, Judge Advocate Division, with the additional title of Staff Judge Advocate for the Commandant of the Marine Corps, from July 1966 until August 1968.

*FMFPac was formed in April 1944. Before that the lawyers were assigned to FMFPac's predecessor, Headquarters V Amphibious Corps. FMFLant was formed in December 1946. Before then the lawyers were assigned to FMFLant's precursor, the 1st Special Marine Brigade.

Appendix H

Heads of Discipline Branch and Directors of the Judge Advocate Division, 1950 to 1988



Col James C. Bigler
Head of Discipline Branch
May 1950 - September 1952



Col St. Julien R. Marshall
Head of Discipline Branch
September 1952 - July 1955



Col Paul D. Sherman
Head of Discipline Branch
July 1955 - June 1956



Col John S. Twitchell
Head of Discipline Branch
July 1956 - ? 1958



Col Hamilton M. Hoyer
Head of Discipline Branch
? 1958 - June 1958



Col Robert A. Scherr
Head of Discipline Branch
July 1958 - July 1964



Col Robert B. Neville
Head of Discipline Branch
July 1964 - July 1966



Col Charles B. Sevier
Director, Judge Advocate Division
July 1966 - July 1968



Col Marion G. Truesdale
Director, Judge Advocate Division
July 1968 - July 1969



BGen Duane L. Faw
 Director, Judge Advocate Division
 August 1969 - August 1971



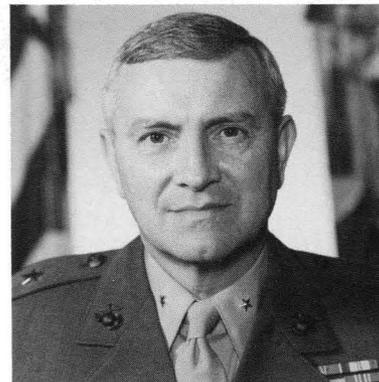
BGen Clyde R. Mann
 Director, Judge Advocate Division
 September 1971 - July 1973



BGen John R. DeBarr
 Director, Judge Advocate Division
 April 1973 - July 1973 (Acting)
 July 1973 - June 1976



BGen Robert J. Chadwick
 Director, Judge Advocate Division
 July 1976 - February 1978



BGen James P. King
 Director, Judge Advocate Division
 March 1978 - April 1980



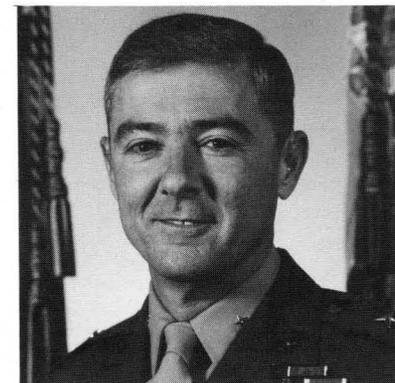
BGen William H. J. Tiernan
 Director, Judge Advocate Division
 May 1980 - June 1983



BGen Walter J. Donovan, Jr.
 Director, Judge Advocate Division
 June 1983 - September 1985



BGen David M. Brahms
 Director, Judge Advocate Division
 September 1985 - August 1988



BGen Michael E. Rich
 Director, Judge Advocate Division
 September 1988 - present

Appendix I

List of Reviewers

Marines

Hon. James H. Webb, Jr.,
Secretary of the Navy (Capt, Ret)
Gen Earl E. Anderson (Ret)
Gen Leonard F. Chapman, Jr. (Ret)
Gen Wallace M. Greene, Jr. (Ret)
Gen Louis H. Wilson, Jr. (Ret)

LtGen Charles G. Cooper (Ret)
LtGen William K. Jones (Ret)
LtGen Victor H. Krulak (Ret)

BGen Charles A. Cushman (Ret)
BGen John R. DeBarr (Ret)
BGen Walter J. Donovan (Ret)
BGen Raymond W. Edwards (Ret)
BGen Duane L. Faw (Ret)
BGen Max G. Halliday (Ret)
BGen James F. Lawrence, Jr. (Ret)
BGen Michael I. Neil
BGen Michael E. Rich
BGen William H. J. Tiernan (Ret)

Col Eileen M. Albertson
Col Clarke C. Barnes
Col Charles H. Beale, Jr. (Ret)
Col George P. Blackburn (Ret)
Col Robert J. Blum (Ret)
Col Norris C. Broome (Ret)
Col Carl E. Buchmann (Ret.)
Col Thomas P. Casey (Ret)
Col David J. Cassidy
Col James A. Cathcart
Col Ralph K. Culver (Ret)
Col William R. Eleazer (Ret)
Col Benjamin B. Ferrell (Ret)
Col Joseph J. N. Gambardella (Ret)
Col Robert A. Godwin
Col James H. Granger
Col Mark L. Haiman
Col Jack E. Hanthorn (Ret)
Col Paul F. Henderson, Jr. (Ret)
Col Donald Higginbotham
Col Donald E. Holben (Ret)

Col Henry Hoppe III (Ret)
Col Hamilton M. Hoyler (Ret)
Col Olin W. Jones (Ret)
Col Peter N. Kress (Ret)
Col Elliott R. Laine, Jr. (Ret)
Col Charles R. Larouche (Ret)
Col Robert C. Lehnert (Ret)
Col Robert M. Lucy (Ret)
Col Michael G. McCollum
Col Daniel F. McConnell (Ret)
Col Joseph R. Motelewski (Ret)
Col Michael Patrick Murray (Ret)
Col Verne L. Oliver (Ret)
Col Curtis W. Olson (Ret)
Col W. Hays Parks
Col Arthur R. Petersen (Ret)
Col Harry B. Popper (Ret)
Col Charles B. Sevier (Ret)
Col Marion G. Truesdale (Ret)

LtCol William T. Anderson
LtCol Stephen C. Berg
LtCol William B. Draper (Ret)
LtCol David C. Hague
LtCol Werner Hellmer
LtCol William C. Jaeck (Ret)
LtCol Kenneth W. Jones (Ret)
LtCol Paul J. Laveroni
LtCol Richard A. Muench
LtCol Ronald C. Rachow (Ret)
LtCol Richard E. Theer (Ret)
LtCol John L. Zorack (Ret)

Capt George H. O'Kelley

CWO 4 Len E. Pierce (Ret)

MGySgt Gene E. White

Others

VAdm James B. Stockdale, USN (Ret)
RAdm Hugh D. Campbell, JAGC, USN (Ret)
MajGen George S. Prugh, JAGC, USA (Ret)
Col Ted B. Borek, JAGC, USA

Capt Edward M. Byrne, JAGC, USN
Col Henry G. Green, USAF
Capt Keith B. Lawrence, JAGC, USN (Ret)
Cdr Jerry D. Rucker, JAGC, USN
Mr. Vincent J. Bartolotta, Jr.
Mr. Nathaniel F. Emmons
Mr. Denzil D. Garrison
Professor William T. Generous, Jr.
Mr. Tone N. Grant
Mr. Donald W. Harris
Mr. Victor J. Haydel
Judge Richard D. Lane

Mr. Daniel H. LeGear
Professor Guenter Lewy
Mr. Richard L. Prosis
Mr. Harry L. Shorstein
Mr. Robert W. Wachsmuth

Historical Office, Office of the Secretary of Defense
Historical Division, Joint Chiefs of Staff
Chief of Military History & the Center of Military
History, Department of the Army
Office of Air Force History

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Key: **boldface type** = illustrations; *n* = footnote

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