

26 November 1945

Dear Ones,

Well, some 14 letters came in today - one from Neil (his last before leaving for 123 Beacon Street) one from Judy and Hank, and the rest from home (the armistice day weekend.) I am beginning to think that I was too strong in writing to people that I thought I would be overseas for an endless period - it looks as though they decided that since that is the case there is little point in writing to me! The first thing I have done is to fill out the blank that Harvard sent - pretty soon that Counsellor for Veterans Office is going to have a full file on me... In a few minutes I am going to have to take off and dress for the court-martial. Incidentally, the other night in talking to the Colonel, I discovered that he was in command of Ft McKinley back in 1922 and that one of his sons was born in Portland.

Thank you for the complete coverage of the New Haven weekend, Mother; apparently everything went off in fine style and without hitch. (All of your letters arrived in sequence, I think; but there may be some letters missing, I am not sure, - yesterday Rosey told me that mail is probably as irregular going home as it is coming out here. It seems that just as there is only one plane a week bringing mail to the South Pacific so there is only one plane leaving; once in a while we do get mail out on a Navy planes that leave the Canal. If my mail is staggered in reaching you, it is because of stateside service - the chances are that all of my letters for one week will go to Frisco on the same plane from Noumea.) I just saw Jay Robinson and he gave me something for the pain in my head - he analysed it as neuralgia: it is not internal, it is an external tenderness. He gave me some pills and we will see what happens.

If this letter is a little confused it is because the radio is blaring out with an Abbott and Costello show that stinks to high heaven. I will remember to send Doris a note around the Xmas season - did you get my letter requesting a suggested list of names for New Years notes? I don't know how this ship's coming in is going to affect my letter writing - I'll squeeze it in somehow. Bob Howes is really down in the dumps today - he has 5 years of service and 73 points and so is eligible under the latest point reduction on two counts - yet the Colonel has told him that he will exercise his option of holding any eligible officer for 60 days; that means that instead of leaving before Xmas Bob may not be on his way until late January. Ah, yes, nothing but good cheer on Santo!! Bob is the only AG officer left, but as is the case with every other department, there is not enough to do and nothing important enough to be done to merit holding any man a day after he becomes eligible.

Well, it is now 330 and I have to work tonight - it is drizzling slightly. My detail consists of one colored boy to operate the lift and one white checker - a big crew as you can see! We start at 7 and theoretically quit at midnight - what usually happens is that the trucks hardly move and we will sit on our rear ends for the greater part of the long evening. I hope that this time I am wrong - but I will bring a book along with me just to be on the safe side. Well, after I left the office a couple of hours ago I got dressed and walked over to the old radio station where the court-martial was convened. I was the last one to show up!! The soldier, a colored pfc, was on trial under the 96th Article of War - that is the catch-all article: the specification was sleeping on post but since the post is a watchman post rather than a sentinel post he could not be charged under the 86th which covers sentinels. We went through all the rigamarole - the Trial Judge Advocate is the majordomo and he runs the procedure through his job as prosecutor. Most of the procedure is read right out of the manuals right down to the argument. The TJA was not too sharp. The story was that the soldier was on guard and was found asleep by the Officer of the Guard; he did not challenge the OG on his inspection tour and the OG was able to remove his carbine without the Guard's being aware of it - this happened at midnight. Well, there was the testimony of the officer and of the sergeant of the guard; there was some quibbling and some argument, some questions from the court, but it was obvious that the guard was either asleep or dead. Then the defense attorney decided to put the man himself on the stand - under military law, the accused can (1) not say anything - the court must not interpret his silence as indicating guilt (2) make an unsworn statement either oral or written, personally or through counsel - which the Court need not weigh too heavily since it is unsworn and cannot be questioned or (3) make a sworn statement, allow himself to be cross examined as any witness. In this case it was a mistake to

have the slow-witted and poorly coached colored boy make a sworn statement, for sure enough, the TJA trapped him into saying that he found his carbine missing when he woke up! However the TJA did not make it a strong point. (Few TJA's are after blood - they dislike the job intensely.) The aim of the defense was to do two things: first to show that the OG had not really made sure the guard was asleep - he could have been dead, in a coma, unconscious, or what have you; however this was extremely weak, and as I say, disproved by the guard's own slip. It was true that the OG was not as careful as he should have been, either in his handling of his discovery of the sleeping guard or in his testimony. Secondly, he tried to show that the guard had been on guard just four hours previous to the tour on which he was found asleep. In other words, instead of having four hours on duty and eight off, he went on with a short rest period. This extenuation was of course the defense's strongest point. We then closed the court and voted. We thrashed out the applicability of the 96th Article of war, and then voted; there was no question of the man's guilt. The questions arose when we voted on the penalty - the maximum I believe for the offense and under a Special Court is 4 months and 2/3rds pay for four months. The voting was split and after several ballots the compromise of "2 and 2" was agreed to by 5 of the 7 members and that was the necessary margin. I think that it was pretty light although I favored it - old man Moore was one of the court who held out for the maximum, I imagine. (Needless to say, all this is highly confidential; I am under oath that the details of the trial will not be divulged prior to publication by the command.) And today the orders came through appointing the General Court for the next trial - I am the defense counsel and my assistant is the officer who was the defense counsel today. It is really a bitch of a case ... it is pretty hard to hit upon the proper tack. For one thing, Moore is the president and law member of the Court; but he is the island QM and it is Quartermaster property that was stolen and about which the case revolves. So I think that we have a good challenge for cause since he is an interested officer. The law member cannot be challenged peremptorily. We shall see - we will need a sympathetic court, that is a cinch.

OK for now -

all my love,

Summer