

## Lore of the Corps

### From a Teenager in China to an Army Lawyer in America: The Remarkable Career of Judge Advocate General John L. Fugh (1934-2010)

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While many Army lawyers have rewarding careers, few match the achievements in uniform of John Liu Fugh. Born in Beijing, China in 1934, Fugh came to the United States as a teenager in 1949 and, after graduating from law school, joined the Judge Advocate General's Corps in 1960.<sup>1</sup> For the next thirty-two years, Fugh soldiered as a judge advocate, and made history in 1984 as the first American of Chinese ancestry to reach flag rank.<sup>2</sup> When Major General John Fugh retired from active duty in 1993, he was the top lawyer in the Army and one of only two Chinese-Americans to reach two-star rank. This is the story of his remarkable life and career.

John Liu Fugh was born Fu Liu-ren on September 12, 1934, in Peking, now Beijing, China.<sup>3</sup> The Fugh family was related to Chinese royalty by blood, which meant that the family had a higher status in Chinese society. But they also were third-generation Christians and this explains why his father, Philip, became the private secretary to Dr. John Leighton Stuart, a well-known Presbyterian missionary and educator. Stuart was American (his family were southerners from Alabama), but he had been born in China and was fluent in Chinese. He needed a Chinese assistant, especially after founding a Christian university, called Yenching University, in 1919. Philip Fu was the perfect choice, for he had attended Yenching, spoke English well, and was a Christian. After traveling with Dr. Stuart to the United States in the 1920s—and to make it easier to get along in English-speaking America—Philip Fu added “gh” to the spelling of the family name, so that it became “Fugh”.<sup>4</sup> Philip remained

with Stuart as Yenching grew into one of the top universities in China.

At the end of World War II, with the Communists and Nationalists in open conflict with each other after the surrender of the Japanese, General George C. Marshall, then serving as Secretary of State, was looking for a way to bring the two factions together. He recommended that Dr. Stuart be named the top diplomat in China and, when President Truman agreed, Philip Fugh became the private secretary to U.S. Ambassador Stuart. He accompanied Stuart to peace talks held in Nanjing (Nanking). These talks failed and, in the civil war that followed, the



Sixteen-year-old John Fugh's entry visa



Major General Fugh, the 33d Judge Advocate General

Communists triumphed and the Nationalists fled to Taiwan. As for the Fugh family, 14-year old John Fugh and his mother were trapped in Beijing. Life was unbearable. The Communists, who knew about father Philip's relationship with Ambassador Stuart, would routinely visit the Fugh home at three or four in the morning, take John Fugh's mother, Sarah, away, and then pepper them with questions: “Where is your father? How much money do you have? Where are your guns and ammunition? Where are your secret documents?”<sup>5</sup>

Before the People's Republic of China was formally established in October 1949, the Fughs decided that their lives were in danger and that they had to get out of Beijing. Sarah and John managed to receive an exit visa for Hong Kong and, once present in this British colony, applied to come to the United States. They could only gain entry as “temporary

<sup>1</sup> Memorandum from Lieutenant Colonel Richard Kuzma, for The Judge Advocate General, subject: Chinese-American Flag Officer (29 Dec. 1992).

<sup>2</sup> *Id.*

<sup>3</sup> Adam Bernstein, *General Served as Army's Top Lawyer in Gulf War's Wake*, WASH. POST, May 12, 2010, at B5.

<sup>4</sup> STEPHEN PATOIR & CHRISTIAN ROFRANO, AN ORAL HISTORY OF JOHN L. FUGH 2 (2001).

<sup>5</sup> *Id.* at 3, 11-12.

visitors,” however, since Congress had imposed severe restrictions on the number of Asians permitted to immigrate.<sup>6</sup>

Having received permission to come to the United States, the Fughs in 1950 sailed by ship to Japan and Hawaii, and then reached San Francisco. John Fugh, by then 16 years-old, spoke little English. But his parents were determined to make a new life for him and placed him in a private school in New Rochelle, New York. He boarded with a woman and her daughter who lived near the school; it was a very lonely existence. Meanwhile, Fugh’s father and mother had settled in Washington, D.C., where Philip Fugh remained as Ambassador Stuart’s private secretary.<sup>7</sup>

Having learned enough English, young Fugh now enrolled in Western High School in the Georgetown neighborhood of Washington, D.C., and, after graduating in 1953, entered Georgetown University’s School of Foreign Service. Fugh’s plan was to remain a Chinese citizen and then join the Chinese diplomatic service. When he graduated with a B.S. degree in international relations in May 1957, however, Fugh realized that this was going to be impossible: The Communists were not about to welcome the son of a prominent Nationalist into their fold, and the Fughs no longer had connections to the government in Taiwan. A career as a U.S. diplomat was not open to him either, since applicants at the time had to have been citizens for at least ten years before they could take the Foreign Service examination.<sup>8</sup>

This citizenship conundrum existed because of the manner in which the Fugh family had come to the United States. Initially, they had been in a temporary visitor status and had to renew their visas every six months. In June 1952, however, with the help of Ambassador Stuart, Congress passed a private bill that gave Philip, Sarah and John Fugh “permanent residence” status starting the five-year period after which the Fughs could apply for citizenship. John Fugh did, in fact, become a naturalized citizen in 1957.<sup>9</sup> But, not having being able to sit for the Foreign Service exam, and with no other practical skills, he decided to go to law school at George Washington University.<sup>10</sup>

Just before graduating in 1960, and with his student deferment years at an end, Fugh received an induction notice from the Selective Service; the peacetime draft was calling him to the profession of arms. After travelling to Fort Holabird, Md., for his pre-induction physical, 25-year-old John Fugh realized that he did not want to serve two years as an enlisted soldier when he could serve as a lawyer—and as a commissioned officer. In 1960, he accepted a commission as

a first lieutenant in the Army’s Judge Advocate General’s Corps. As Fugh put it in a 2001 oral history, he joined because he “had a sense of obligation. My family managed to come to this country, and I owed something for being here. Military service was a payback.”<sup>11</sup>

In 1961, First Lieutenant Fugh completed eight weeks of Infantry officer training at Fort Benning, Ga., and then reported to The Judge Advocate General’s School, Charlottesville, Virginia, for the basic course in military law.<sup>12</sup> He graduated in May 1961 and went to his first assignment with the Sixth Army at the Presidio in San Francisco, California. He did the usual legal work for a young JAG officer, defending soldiers at courts-martial, reviewing reports of survey and conducting line of duty investigations.<sup>13</sup>

As for the unusual, Fugh was the legal advisor to a board of senior officers appointed to inquire into the capture of two Army aviators by the North Koreans. In early 1964, those two pilots, Captains Ben Stutts and Carlton Voltz, had been on a mission over the

Demilitarized Zone and had mistakenly crossed into North Korea. After developing engine trouble, the two men decided to land their helicopter—not realizing they were on North Korean soil. They were taken prisoner and, after being interrogated, gave much more information than name, rank and service number: They admitted under pressure that they had been on a spy mission. After their release several months later, the board investigated whether the two officers had violated the Code of Conduct while prisoners and whether any such violation was a criminal offense. It concluded after two months of testimony that the men had committed no crimes under the Uniform Code of Military Justice and were blameless.<sup>14</sup>



*Fugh, left, with his three sisters in Beijing, 1944*

Although Fugh relished the camaraderie in the legal office and liked the military lifestyle, the pay was low and

<sup>6</sup> *Id.* at 4-5.

<sup>7</sup> *Id.* at 5-6.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> An Act for the Relief of Philip Fugh, Sarah Liu Fugh, and John Fugh, Priv. L. No. 82-745, 66 Stat. A112 (1952).

<sup>10</sup> Patoir & Rofrano, *supra* note 3, at 6-7.

<sup>11</sup> *Id.* at 7-8.

<sup>12</sup> U.S. Dep’t of Army, DA Form 640-2-1, Officer Record Brief, John L. Fugh (July 1993).

<sup>13</sup> Patoir & Rofrano, *supra* note 3, at 25-26.

<sup>14</sup> *Id.* at 31-34.

Fugh left active duty at the end of his three-year commitment to take a job as an attorney with the Atomic Energy Commission in the San Francisco area.<sup>15</sup>

In July, 1960, Fugh married his wife, June, and had an infant daughter Justina. Civilian life in Berkeley was good for Fugh, but he found he missed the Army's "culture" and "cohesiveness and togetherness."<sup>16</sup> After his old boss at Sixth Army encouraged him to return to the Army, Fugh did just



*Fugh as a Major in 1968*

—returning of the JAG Corps in November, 1964 after a six-month break in service. He came back on active duty with a Regular Army commission and a tour of duty at U.S. Army, Europe, in Heidelberg, Germany.<sup>17</sup>

For the next three years, Captain Fugh worked as the recorder for officer elimination boards, and did some work as an action officer reviewing administrative law matters. But his favorite assignment was as the Deputy Chief for Procurement Law, and his main job was to try cases before the USAREUR Board of Contract Appeals. The jurisdictional limit of the Board at the time was \$50,000, or more than \$380,000 in today's dollars—a significant amount of money in the 1960s. By the time Major Fugh left Heidelberg in 1967 (with toddler son Jarrett joining daughter Justina), he had become an expert in both fiscal law and contract law, which he enjoyed because "it gets down to the bottom line—which is money."<sup>18</sup>

Fugh also had his first taste of working "at the international level" when he was selected to be the legal advisor to the U.S. Representative on the North Atlantic Treaty Organization (NATO) Missile Firing Installation Users Committee. Hawk missiles were being deployed to Europe and the NATO countries were constructing a missile firing site on the island of Crete. There was a User Countries meeting every six weeks, in either Paris or Athens, and Captain Fugh was required to attend, prepare position papers for the U.S. representative and coordinate with high-powered legal advisors from other countries. The most contentious legal issue involved the Greek insistence that contracts for food and other supplies for the firing site go to local national

businesses while the United States and other European representatives wanted competitive bidding. For Fugh, the chief "take-away" from this experience was that an officer often had to think like a diplomat. As he put it: "You can't always say what you think . . . in handling a situation that may be thorny."<sup>19</sup>

The only down-side to his Germany experience was that Fugh tired of being thought of as Japanese. There were still Germans of a certain mind-set who remembered that the Third Reich had been allied with Japan in World War II and, thinking that Fugh was of Japanese ancestry, would believe he was a kindred spirit. Initially Major Fugh, having suffered through the Japanese occupation of China as a boy, would correct these Germans and inform them that he was Chinese. After a while, however, he stopped.<sup>20</sup>

In September, 1967, now Major Fugh returned to Charlottesville to attend the year-long Advanced Course for Army lawyers and, after graduating in May 1968, deployed to Vietnam. Assigned to U.S. Army, Vietnam (USARV), Fugh served as the Deputy Staff Judge Advocate and Chief, Civil Law Division. This latter position meant that he had overall responsibility for all legal matters at USARV except for military justice and foreign claims. Fugh advised on the Geneva Conventions, labor contracts, real estate and currency controls and personnel claims. The work tempo was fast; Fugh worked seven days a week, with only Sunday afternoons off.<sup>21</sup>

But Fugh understood that he had it easy compared with judge advocates in the field. On one occasion, he accompanied the USARV Staff Judge Advocate on a trip to the 101st Airborne Division, then located at Camp Eagle near the Demilitarized Zone. After the USARV lawyers arrived, they had difficulty finding their 101st counterparts, as there were no permanent structures at Camp Eagle apart from "a shack used as the PX."<sup>22</sup> Finally, Fugh found the SJA office, which "was a CONEX container half buried in the ground with a tent in front of it."<sup>23</sup> There was a small wooden sign at the tent entrance that read "SJA." When Fugh walked in; it was impossible to tell who was an officer or who was enlisted, because everyone was bare-chested in the intense tropical heat. As Fugh remembered it, he had brought a six-pack of Coke, and this "small gift" was very much appreciated. "It was a poignant visit. Here I was sitting in air-conditioned USARV offices while my colleagues worked under these severe conditions."<sup>24</sup> To get a better understanding of what troops in the field were experiencing, Fugh also volunteered to serve as part of the aircrew on helicopters flying combat support missions. He was awarded the Air Medal for

<sup>15</sup> *Id.* at 19, 37.

<sup>16</sup> *Id.* at 20, 37, 63.

<sup>17</sup> *Id.* at 20, 41-42.

<sup>18</sup> *Id.* at 44.

<sup>19</sup> *Id.* at 47-48.

<sup>20</sup> *Id.* at 45-46.

<sup>21</sup> *Id.* at 68-69.

<sup>22</sup> *Id.* at 69.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

“actively participating in twenty-five aerial missions over hostile territory” between January and May 1969.<sup>25</sup>

While his year in Vietnam was a positive experience, Fugh was bothered by “the way our troops viewed the Vietnamese.” Given his Chinese background, he did not like the term “gooks.” As he put it: “I understand we were fighting a war, but I think there was also a racial component.”<sup>26</sup> Fugh remembered one case where a soldier had killed a South Vietnamese civilian while driving recklessly—yet received only non-judicial punishment under the Uniform Code of Military Justice. In another case, soldiers on sentry duty saw an old Vietnamese man on a bicycle and decided “to take him out.” The men shot and wounded him; then they killed him. “They viewed the Vietnamese as though they were not even human. Being an Asian, that bothered me.”<sup>27</sup>

After Vietnam, John Fugh got his dream assignment: the Military Assistance Advisory Group (MAAG) to the Republic of China. While in Vietnam, Fugh had been to Taiwan on temporary duty and, after arriving at the airport in Taipei, was surprised that he could understand everything that was being said by the Taiwanese officials, who spoke Chinese rather than Taiwanese. As a result, Fugh asked for an assignment to the MAAG. Initially, this request was refused because, as his assignments officer told Fugh: “We don’t send Frenchmen to France.”<sup>28</sup> This seemed to be a foolish perspective and Major General Lawrence Fuller, the second-highest ranking lawyer in the Army, thought so too. Fuller approved Fugh’s assignment to Taipei as the MAAG staff judge advocate. This was a big deal: The incumbent was a full colonel and Fugh would be replacing him, yet he was still only a major.<sup>29</sup>

From the beginning, Fugh’s experience was quite remarkable. He not only understood the language, but the culture too. As for the Taiwanese, they were unsure about this American Army officer. At a cocktail party, for example, Fugh was talking with a Taiwanese woman in Mandarin. After some time, she said to him: “Tell me, are you with us or with them?” Fugh’s reply: “I’m with them.”<sup>30</sup> Later, when Fugh participated in negotiating sessions with the Taiwanese authorities, he realized that they were whispering among themselves because they were concerned that he might overhear their conversation.<sup>31</sup>

Although he was in Taipei to provide legal support, Major Fugh’s unique talents caused him to be heavily involved in negotiating a variety of agreements with the Ministry of National Defense. Fugh also often accompanied the MAAG commander, who was an Army major general,

when the latter would give a speech to ensure that the talk was translated accurately.<sup>32</sup>

After three years in Taiwan, Fugh attended the Command and General Staff College. After graduating in May 1973, newly promoted Lieutenant Colonel Fugh reported to be the



*Fugh serving with the First Cavalry at Camp Evans in 1968*

Staff Judge Advocate and Legal Counsel for the Ballistic Missile Defense Office in Arlington, Virginia. Until 1976, he worked on a variety of very high level procurement issues involving not only missiles, but also phased-array radar and supporting equipment, as well as installation facilities.<sup>33</sup>

In 1976, Fugh returned to Germany as the Staff Judge Advocate, 3d Armored Division. This was a plum assignment, but Fugh was apprehensive because his expertise was in procurement, administrative and civil law and the division was a “heavy-duty military justice” operation. Additionally, while Fugh had previously served as the top Army lawyer in Taiwan, that assignment had been in a small office. The 3d Armored Division job involved providing legal services to some 29,000 soldiers and supervising one major and 30 captains in six different offices. Fugh, however, quickly established a good rapport with Major General Charles J. Simmons, the 3d Armored Division commander. In Fugh’s view, part of his success was due to his insistence—which he communicated at regular meetings to the captains in his legal operation—that they “do what’s right” and adhere to the highest professional and ethical standards. At the end of his assignment, Simmons frequently (and publicly) identified Fugh and his Inspector General as the two officers he valued the most on his staff.<sup>34</sup>

<sup>25</sup> Headquarters, U.S. Dep’t of Army, Gen. Order No. 5641 (27 June 1970).

<sup>26</sup> Patoir & Rofrano, *supra* note 3, at 69-70.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 74.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 82.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 83.

<sup>33</sup> *Id.* at 89-91.

<sup>34</sup> *Id.* at 97, 103-04.

After his job at the 3d Armored Division ended, Fugh attended the Army War College. After graduation in 1979, the Fugh family moved to Washington, D.C., where Fugh assumed duties as Special Assistant for Legislative and Legal Policy Matters, Office of the Assistant Secretary of Defense. It was the first time that Fugh had served in the Pentagon, but he excelled in this high profile position and worked a number of politically-sensitive issues. Those included whether the American Federation of Government Employees would be permitted to unionize the military, the extent to which former (usually civilian) spouses of military personnel were entitled to a portion of their military retired pay, and whether the services should have a uniform policy on administrative separations for homosexual conduct.<sup>35</sup> At this high level, Fugh worked to find a middle ground that was acceptable to as many interests as possible. As he put it:

I'm not saying that you've got to be political in giving an answer. What I'm saying is that your answer must be legally correct, but more important is how you present it. You can guide your listener to the right decision without sounding confrontational or argumentative about it.<sup>36</sup>

In 1982, now Colonel Fugh became the Chief of the Army's Litigation Division. This was an immensely important job, and very challenging, as Fugh was representing the Secretary of the Army in federal court litigation. He had overall responsibility for ten divisions: contract law; civilian personnel law; litigation; procurement fraud (which he established); environmental law (which Fugh also stood up); contract appeals; defense appeals; trial defense service; regulatory law; and intellectual property.<sup>37</sup>

Success in this position certainly accounts for Fugh being promoted to brigadier general on August 1, 1984. This was a historical first in the U.S. Army—the first time in history that an American of Chinese ancestry had reached flag rank.<sup>38</sup> Just as today, there were very few Chinese-Americans in uniform in the 1980s. According to Fugh, this was the result of a bias against military service in Chinese culture. Those Chinese who desired a career with the government in imperial China, for example, looked for positions as civil servants. “Good iron is not used to make a nail, nor a good man to become a soldier” was an old Chinese proverb, and Fugh believed this explained why a ‘good man’ would seek to be a civilian official rather than a soldier. His military career, he readily admitted, was an anomaly.<sup>39</sup>

With one star on each shoulder, Fugh now assumed duties as the Assistant Judge Advocate General for Civil Law.

In this new job, he expanded the role of Army lawyers by helping establish a one-year fellowship program at the Department of Justice and arranging for experienced judge advocates to be appointed as Special Assistant U.S. Attorneys to prosecute felonies in U.S. District Courts near large Army posts, such as Fort Bragg, North Carolina.<sup>40</sup>



Retired Major General Robert Murray with Fugh in 2008

In July 1988, Brigadier General Fugh returned to China for the first time since he had fled with his mother in 1949. He accompanied General Max Thurman, who was then commander of Training and Doctrine Command, and who would later serve as Army Vice Chief of Staff. The purpose of the trip was to have greater military-to-military contact with the People's Liberation Army. Just as he had experienced when assigned to the MAAG in Taiwan, the Chinese questioned Fugh's allegiance. In Shanghai, a young woman asked Fugh in Chinese why he was wearing an American uniform. “Are you a counterfeit? Are you a fraud? If there's a war between China and the United States, which side will you be on?” Fugh stopped, looked at her and replied, “Which side do you think I'll be on?” That was the end of the conversation.<sup>41</sup>

In May 1989, Fugh was nominated to be a major general and to serve as The Assistant Judge Advocate General. Major General William K. Suter, then serving as The Assistant Judge Advocate General, was nominated to be The Judge Advocate General.<sup>42</sup>

In the two years that followed, however, there was considerable personnel turbulence in the JAG Corps. As a result, in mid-1991, Fugh was a major general; he had been confirmed as the number two lawyer in the Army in late 1990. Major General Suter, however, who had been pending

<sup>35</sup> *Id.* at 116-17.

<sup>36</sup> *Id.* at 142.

<sup>37</sup> *Id.* at 122-26.

<sup>38</sup> Kuzma, *supra* note 1.

<sup>39</sup> Patoir & Rofrano, *supra* note 3, at 227.

<sup>40</sup> *Id.* at 133-34.

<sup>41</sup> *Id.* at 146.

<sup>42</sup> *Id.* at 182.

confirmation to be The Judge Advocate General, had not been confirmed; he retired after the Senate declined to advance him to the top spot in the JAG Corps. (Although his military career was at an end, Suter soon began a very prestigious second career as the Clerk of the U.S. Supreme Court—the top judicial administration job in the country.)<sup>43</sup>

Personnel glitches at the brigadier general-level in the Corps also meant that when Fugh pinned on his second star, there were no more judge advocate one-stars. When Fugh had been nominated for a second star, this triggered the retirement of his fellow brigadier generals who had not been selected for promotion. But, as no colonels had had been selected and confirmed to be brigadier generals, Fugh was the lone active duty general officer in the Corps. Consequently, during operations Desert Shield and Desert Storm (which ran from August 1990 to February 1991), while officially acting as the number two lawyer in the Army, Fugh was wearing all the general officer ‘hats’ in the JAG Corps.<sup>44</sup>

In the high operational tempo of combat operations in Southwest Asia, Major General Fugh got a number of novel questions—and got them at all hours. Late one evening, for example, the Deputy Chief of Staff for Personnel asked Fugh if there would be an “environmental problem” if the Iraqis used chemical or biological weapons against U.S. troops, and if the remains of those killed by such weapons were transported to the United States for burial. When an Army UH-60 was shot down over Iraq and its crew taken prisoner and paraded on Baghdad television, the Defense Department’s top lawyer called Fugh on Sunday morning to get advice on the applicability of the Geneva Conventions to this event.<sup>45</sup>

Fugh was also asked about decisions made by judge advocates in the field. He received a telephone call in the middle of the night from a Marine brigadier general in Saudi Arabia. This officer was calling on behalf of General H. Norman Schwarzkopf, who was questioning legal advice provided by Colonel Raymond P. Ruppert, the top lawyer at U.S. Central Command. The issue was whether a statue of Saddam Hussein, located in a prominent park in Baghdad, could be targeted by U.S. Central Command aircraft. This was prior to the start of the ground war, but the air campaign was under way and there was a great desire on the part of “our pilots” to “take it out.”<sup>46</sup> Ruppert, however, advised against destroying the statue; he argued that it was not militarily necessary and would arguably constitute a violation of the law of armed conflict.<sup>47</sup> ‘Was this good legal advice?’ asked the Marine general. As Fugh remembered it, when he arrived in

the Pentagon a few hours later, he studied some aerial photographs of the statue in the park and the surrounding area. There was no question that Colonel Ruppert was correct. Fugh then made a telephone call to the Marine one-star to confirm both the legality and wisdom of Ruppert’s legal advice, but he made sure that this call was placed to Saudi Arabia in the middle of the night.<sup>48</sup>

The 100-hour war with Saddam Hussein ended in February 1991; Fugh was elevated to be The Judge Advocate General on April 2, 1991. He subsequently implemented a number of changes to the JAG Corps. One was a new policy on term limits: judge advocates serving as either The Judge Advocate General or The Assistant Judge Advocate General (today’s Deputy Judge Advocate General) were limited to four year terms. That is, the Assistant TJAG could not ‘flight up’ to become the TJAG. Additionally, any judge advocate one-star not selected for promotion was required to retire. In Fugh’s view, these reforms were necessary to ensure that deserving colonels had opportunities for promotion to flag rank—opportunities that were limited when one person could be the number two lawyer in the Army and then move up to the top spot.<sup>49</sup>

Fugh also decided that the time had come to better integrate Army Reserve lawyers into the active duty JAG Corps. There had been no overseas deployment of Army Reserve troops for many years (Reservists did not participate in the Vietnam conflict). Yet, of the more than 270 judge advocates who had deployed to the Persian Gulf region in 1990, one-third were from the Reserve. Recognizing the important contributions of these Reservists—and understanding that they would play an important role in future military operations—Major General Fugh directed that the Corps’ world-wide legal conference, previously restricted to active duty judge advocates, now include Army Reserve and National Guard lawyers.<sup>50</sup>

<sup>43</sup> Michael Kirkland, *Under the U.S. Supreme Court: Bill Suter Stepping Down after 22 Years*, UPI, <http://www.upi.com/Under-the-US-Supreme-Court-Bill-Suter-stepping-down-after-22-years/95101358075280/> (last visited June 27, 2016).

<sup>44</sup> Patoir & Rofrano, *supra* note 3, at 186.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 201.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 193.

<sup>50</sup> *Id.* at 137.

Finally, for the first time in JAG Corps history, Fugh spearheaded efforts to create a vision for the Corps. He wanted “a succinct statement that would inspire, be clear and challenging, be about excellence, stand the test of time ... be a beacon to guide us, and empower our people.”<sup>51</sup> As a result, in April 1991, Fugh approved the following vision for the Corps: “to be the most competent, ethical, respected, and client-supportive group of legal professionals in public service.”<sup>52</sup> While wording has changed over the years, the spirit of Major General Fugh’s vision for the delivery of legal services in the Army very much remains in place more than 25 years later.<sup>53</sup>

Fugh retired in 1993, after two years as The Judge Advocate General. He could have stayed in this position until 1995, but decided that “it was time to go because ... the JAG Corps needed new leadership.”<sup>54</sup>

Fugh initially joined a large law firm but, after less than a year, was hired by McDonnell Douglas to head up its operations in China. It was the perfect position for John Fugh, given his background and expertise. He and his wife, June, took up residence in Beijing in August 1995, and Fugh began working with the Chinese aviation community. Since McDonnell Douglas wanted to sell passenger aircraft to the Chinese airlines, this was Fugh’s chief focus in his work.<sup>55</sup>

After Boeing acquired McDonnell Douglas, Fugh left the aviation industry for a new job: Chairman of Enron-China. At the time, Enron was heavily involved in building natural gas pipelines and power stations in China. After returning to the United States in February 2000—after four and one half years in China—Fugh worked in Enron’s Washington, D.C. office, where he lobbied for trade legislation that would benefit the U.S. business community in China.<sup>56</sup>

After his retirement from Enron in 2001, Fugh “deepened his involvement with the Committee of 100, an elite Chinese-American advocacy organization,”<sup>57</sup> and ultimately served as the chairman of the group. During this time, Fugh also worked to fulfill a long-held desire to have Ambassador Stuart’s ashes buried on Chinese soil. Since it was Stuart who had made it possible for the Fughs to begin a new life in America, John Fugh believed that it was only fitting that he work to repatriate Stuart’s remains to China—which Stuart himself desired since he had been born in China in 1876.<sup>58</sup>

However, during Mao Zedong’s lifetime, such a repatriation was impossible. When Stuart died in 1962, the

Chinese insisted that no symbol of American imperialism could be buried on Chinese soil. But, working through the Committee of 100, John Fugh “won an audience with powerful Chinese Politburo members, who granted their approval” for the return of Stuart’s remains. “This is a promise that has been fulfilled after half a century,” John Fugh told the New York Times. “Now, Ambassador Stuart and my father can rest in peace.”<sup>59</sup>



*Fugh, left, with Ambassador Stuart and Fugh’s father in 1957*

John Fugh died at the National Naval Medical Center in Bethesda in May 2010, aged 75. Given his remarkable life—from teenager in China to the top uniformed lawyer in the Army—he is not likely to be forgotten. Major General Fugh will always be the first American of Chinese ancestry to reach the stars. He also will be remembered every other year at a two-day JAG Corps symposium named in his honor. At this gathering held at The Judge Advocate General’s Legal Center and School in Charlottesville, Virginia, scholars and practitioners from around the world come together to discuss current legal issues in military operations—a fitting acknowledgement of Fugh’s significant contributions to military law.<sup>60</sup>

*More historical information can be found at*

The Judge Advocate General’s Corps  
Regimental History Website  
<https://www.jagcnet.army.mil/8525736A005BE1BE>

*Dedicated to the brave men and women who have served  
our Corps with honor, dedication, and distinction.*

<sup>51</sup> *Id.* at 211.

<sup>52</sup> John L. Fugh, *Address to the JAG Regimental Workshop*, ARMY LAW., June 1991, at 3, 6.

<sup>53</sup> *JAGC Mission and Vision*, JAGCNET <https://www.jagcnet.army.mil/Sites/jagc.nsf/homeContent.xsp?open&documentId=DEE613DFEC84B73B852579BC006142CE> (last visited July 6, 2016).

<sup>54</sup> Patoir & Rofrano, *supra* note 3, at 212.

<sup>55</sup> *Id.* at 220-21.

<sup>56</sup> *Id.* at 59.

<sup>57</sup> Bernstein, *supra* note 2.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Jane Leung Larson, *Major General John L. Fugh Annual Symposium on Law and Military Operations*, COMMITTEE OF 100 (Aug. 2010), [http://committee100.typepad.com/committee\\_of\\_100\\_newslett/2010/08/major-general-john-l-fugh-annual-symposium-on-law-and-military-operations.html](http://committee100.typepad.com/committee_of_100_newslett/2010/08/major-general-john-l-fugh-annual-symposium-on-law-and-military-operations.html).