Civilian Lawyers Join the Department: The Story of the First Civilian Attorneys Given Direct Commissions in the Corps

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Today, it is not unusual to find judge advocates (JAs) who entered the Corps from civilian life, as directly commissioned officers. Nearly one hundred years ago, however, it was a radical idea to invite civilian attorneys, who had no military experience, to don uniforms and join the Judge Advocate General's Department (JAGD). This is the story of the first selection from civil life of twenty JAs in World War I—lawyers who were at the top of the American legal profession in the early 20th century and some of whom remain larger than life personalities in American law.

On 17 June 1917, just two months after Congress declared war and the Army prepared to draft 600,000 young Americans to fight in what would become the American Expeditionary Force (AEF), the War Department announced that it was also commissioning twenty civilian attorneys to be JAs. These attorneys were to "be assigned to a division of the Army and . . . all of them would be Majors (MAJ) on the staff of the Judge Advocate General in the field."[1] Just a year earlier, the authorized strength of the JAGD had been thirteen JAs. Consequently, adding twenty majors more than doubled the size of the Department—bringing the total number of men wearing the crossed pen-and-sword on their collars to thirty-two.[2]

The Army of this period did not have a formal education program for officers or enlisted personnel in any branch or field. Everything was "on the job" training, which meant that Brigadier General Enoch Crowder,[3] who had been serving as the Judge Advocate General (tJAG) since 1911, wanted to select the best possible lawyers for these new positions. After America's entry into World War I, there was no shortage of applicants; patriotism, and with it a desire to serve, swept the country.

According to the War Department, "a great many distinguished lawyers and legal professors, men of national standing," applied to be Army lawyers. There were so many "highly qualified" applicants, said the Army, that it was "hard . . . to select a few from so much good material."[4] That said, the Army's Committee on Public Information announced that the following had been selected to be directly commissioned as majors:

Henry L. Stimson, former Secretary of War;
Professor Eugene Wambaugh, Harvard Law School;
Professor Felix Frankfurter, Harvard Law School;
Dr. James Brown Scott, leading authority on international law;
Professor John H. Wigmore, Dean of Northwestern University;
Gaspar G. Bacon, son of Robert Bacon, former U.S. Ambassador to France;
Frederick Gilbert Bauer of Boston, Massachusetts;
George S. Wallace of Huntington, West Virginia;
Nathan W. MacChesney of Chicago, Illinois;
Lewis W. Call of Garrett, Maryland;
Burnett M. Chiperfield, former congressman from Chicago, Illinois;
Joseph Wheless of St. Louis, Missouri;
George P. Whitsett of Kansas City, Kansas;
Victor Eugene Ruehl of New York, New York;
Thomas R. Hamer of St. Anthony, Idaho;
Joshua Reuben Clark, Jr., of Washington, D.C.;
Charles B. Warren of Detroit, Michigan;
Edwin G. Davis of Boise, Idaho; and
Hugh Bayne of New York, New York.[5]

The Army insisted—and well may have intended—that these twenty new judge advocates would see action in France. As the Committee on Public Information explained:

> It would be well to disabuse the public mind of any superstition to the effect that the applicants under the legal branch of the army are looking for a "snap" or for a "silk stocking" position far in the rear of the actual fighting. The officers acting on the staff of the Judge Advocate General will be members of the actual fighting force, and, in the pursuit of duty, will be brought

[1] James Brown Scott, *Judge Advocates in the Army*, AM. J. INT'L L. 650 (1917).

[2] Congress authorized the twenty additional majors when it enacted legislation reorganizing the Judge Advocate General Department on 3 June 1916. That legislation provided that the Judge Advocate General was to be a brigadier general, and that his Department also would have four colonels and seven lieutenant colonels. JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL'S CORPS, 1775–1975, at 107 (1975).

[3] Crowder was promoted to major general in October, when Congress increased the top Army lawyer's rank and pay. For a biography of Crowder, see DAVID A. LOCKMILLER, ENOCH H. CROWDER: SOLDIER, LAWYER AND STATESMAN (1955). *See also* Fred L. Borch, *The Greatest Judge Advocate in History? The Extraordinary Life of Major General Enoch H. Crowder (1859–1932)*, ARMY LAW., May 2012, at 1–3.

[4] Scott, *supra* note 1, at 651.

[5] *Id.*

> into the danger zone just as often as other specialized commissioned men, medical officers, for instance. The large percentage of casualties among army doctors fighting in France will stand as a convincing argument that military surgeons are not spared when the general assault begins.[6]

Of the twenty attorneys identified in the War Department's press release, all but one—Gaspar G. Bacon[7]—ultimately accepted direct commissions as majors in the JAGD Reserve. Additionally, while the Army had insisted that these new lawyers in uniform would be part of the actual fighting force, only about half of the men chosen by the Department joined the AEF and deployed to Europe; the remainder did not leave U.S. soil. But their service in the JAGD was exemplary, and many went on to make even greater contributions in their lives after the Army.

Henry L. Stimson. After accepting a commission on 22 May 1917 in the Judge Advocate General's Reserve Corps, MAJ Stimson was assigned to the Army War College (then located at Fort McNair), where he served in the Intelligence Section. Three months later, however, Stimson transferred to the Field Artillery with the rank of lieutenant colonel (LTC). He deployed to France in December and remained in the AEF until August 1918. He left active duty as a colonel (COL). Stimson had previously served as Secretary of War (1911 to 1913) under President William H. Taft. He would later join President Herbert Hoover's cabinet as Secretary of State (1929 to 1933) and serve yet again as Secretary of War (1940 to 1945) in the Roosevelt and Truman administrations in World War II. Stimson was a remarkable lawyer and public servant; he is the only individual to have served in four presidents' cabinets.[8]

Eugene Wambaugh. Major Wambaugh, who accepted his commission on 8 November 1916, had been a Harvard professor since 1892. He had a national reputation as a constitutional law expert, which explains why tJAG Crowder appointed him to be the Chief of the Constitutional and International Law Division, Office of the Judge Advocate General. Wambaugh had previous government experience, having "worked on war problems while serving as the special counsel to the State Department in 1914," and having been "the American member of the Permanent International Commission under the treaty with Peru in 1915."[9] Major Wambaugh was promoted to LTC in February 1918 and pinned silver eagles on his uniform in July of that same year. Wambaugh was 62 years old when he was honorably discharged from active duty and returned to teaching law at Harvard's law school.

Felix Frankfurter. Major Frankfurter, who accepted his Reserve commission on 6 January 1917, spent his entire tour of duty in Washington, D.C., where he was assigned to Office of the Secretary of War. He worked a variety of issues, including the legal status of conscientious objectors, and wartime relations with labor and industry. He refused to wear a uniform while on active duty but, as Frankfurter was close friends with tJAG Crowder, he apparently was allowed to wear only civilian clothes. In his memoirs, Frankfurter explained why:

> The reason I didn't want to go into uniform was because I knew enough about doings in the War Department to know that every pipsqueak Colonel would feel he was more important than a Major . . . . As a civilian I would get into the presence of a General without saluting, clicking my heels, and having the Colonel outside say, 'You wait. He's got a Colonel in there.'"[10]

After leaving active duty, Frankfurter continued a stellar career. He declined to be Solicitor General in 1933 but accepted President Roosevelt's nomination to the U.S. Supreme Court in 1939. Frankfurter served as an associate justice until retiring in 1962.

James B. Scott. Canadian-born James Brown Scott was fifty years old when he accepted a commission as a Reserve Corps major on 8 November 1916. A graduate of Harvard University, he had been a law professor at Columbia University from 1903 to 1906 and lecturer in international law at Johns Hopkins University from 1909 to 1916. Despite the War Department's insistence that these directly commissioned officers would be in the field, Scott too remained in Washington after being called to active duty on 15 May 1917. His expertise, however, was critical after the fighting in Europe ended; MAJ Scott was the technical advisor to the American Commission to Negotiate Peace and technical delegate of the United States to the Paris Peace Conference from 1918 to 1919.

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[6] *Id.*

[7] While he could have served in the JAGD, Gaspar Griswold Bacon (1886–1947) decided instead to serve as a Field Artillery officer during World War I. He was a member of the 81st Division and left active duty as a major. During World War II, Bacon obtained a commission as a major in the Army Air Forces and took part in the D-Day landings in Normandy on 6 June 1944. He was honorably discharged as a colonel in 1945. Parkman Dexter Howe, *Gaspar Griswold Bacon*, PROCEEDINGS OF THE MASSACHUSETTS HISTORICAL SOCIETY (OCT. 1947–MAY 1950), 426–28 (1950).

[8] For more on Stimson, see HENRY L. STIMSON, ON ACTIVE SERVICE IN PEACE AND WAR (1947); RICHARD H. CURRENT, SECRETARY STIMSON (1954); ELTING E. MORRISON, TURMOIL AND TRADITION: A STUDY OF THE LIFE AND TIMES OF HENRY L. STIMSON (2003).

[9] THE ARMY LAWYER, *supra* note 2, at 118.

[10] *Id.*

John Henry Wigmore. When MAJ John Henry Wigmore was called to active duty in 1917, he "was at the peak of his career."[11] His widely acclaimed and authoritative text, *A Treatise on the System of Evidence in Trials at Common Law*, was in print, and he was the dean of Northwestern University Law School. He also was the president of the Association of American University Professors. When Wigmore arrived in Washington, tJAG Crowder, who was also serving as the Provost Marshal General, decided that Wigmore's skills could best be used in administering the Selective Service Act of 1917. Crowder, who had overall responsibility implementing the war-time draft that ultimately would induct three million men in to the armed forces, appointed MAJ Wigmore as the "Chief, Statistical Division, Office of The Provost Marshal General." In this position, Wigmore "originated and placed into execution the general plan of statistical tables" used to screen and classify over ten million men.[12] Major Wigmore also "did liaison work with nearly every government agency in Washington" and authored a chapter on evidence for the 1917 *Manual for Courts-Martial*. In recognition of his work, he was promoted to LTC in early 1918. He was later promoted to full COL that same year. Although COL Wigmore left active duty on 8 May 1918, he retained his status as a Reserve officer. He signed his last oath of office in 1940, when he was 77 years old.

Frederick Gilbert Bauer. Major Bauer, who was commissioned as a major in the Reserve Corps on 3 June 1916, received his A.B. in 1900 from Harvard *summa cum laude*, and his LL.B. in 1903 from Harvard *cum laude*. He had been in private practice in Boston prior to World War I and had been an officer in the Massachusetts National Guard since 1910. After being ordered to active duty in July 1917, Bauer served stateside as the Division Judge Advocate, 6th Division, until deploying to France. When he joined the AEF—only three weeks before the fighting in Europe ended—Bauer was put in charge of the General Law Section. He left active duty as a LTC.

George S. Wallace. A native of Albemarle County, Virginia, George Selden Wallace received his law degree from the University of West Virginia in 1897. He started his own law firm in Charleston, West Virginia, the same year and, after the outbreak of the Spanish American War in 1898, served as Divisional Quartermaster, 2d West Virginia Volunteer Infantry. At the time he accepted a commission as a Reserve major in November 1916, Wallace was the Judge Advocate General of the State of West Virginia and had achieved considerable fame in prosecuting labor radical Mary Harris "Mother" Jones after the Cabin Creek riots of 1912.[13] After a brief period of service in Washington, D.C., Wallace was promoted to LTC in June 1918 and sent to France as senior assistant of the Judge Advocate General for the AEF. Wallace left active duty in June 1919 and resumed an active legal, business, and political career in West Virginia.

Nathan William MacChesney. Nathan William MacChesney accepted his direct commission in November 1916. Prior to being ordered to active duty in June 1917, MacChesney had practiced law in Chicago, served as Illinois's special assistant attorney general from 1913 to 1918, and was the president of the Illinois State Bar Association. With prior service in the National Guard of California, Arizona, and Illinois, MAJ MacChesney had considerable military experience. He remained in the United States during the war, however, and did not deploy to France until after the fighting had ended. Ultimately, he served briefly in the Office of the Acting Judge Advocate General, AEF, where he "served as chief of the section which reviewed dishonorable discharge cases in France."[14] After the Armistice, MacChesney represented the Army before the Supreme Court in the case of *Stearns v. Wood*, which held that the Secretary of War had the power to control the military forces of a state by executive order. In 1932, President Herbert Hoover appointed MacChesney as Envoy Extraordinary and Minister Plenipotentiary (the chief of U.S. diplomatic mission) to Canada and, when MacChesney presented his credentials, he wore the full dress uniform of a COL, JAGD Reserve; however, the Senate never confirmed him.[15] MacChesney later also served as Counsel General to Thailand. He retired as a Reserve brigadier general in 1951.[16]

Lewis W. Call. Born in Ohio in 1858, Lewis W. Call was fifty-eight years old when he was ordered to active duty as a Reserve major in August 1917. An 1889 graduate of Columbian (now George Washington) University's law school, Call had extensive service as a civilian employee in the JAGD. He had been a law clerk, chief clerk, and solicitor in the Department from 1889 to 1914 and, at the time he accepted a commission, was serving as a law officer for Bureau of Insular Affairs. This extensive legal experience in tJAG's office probably explains not only why Call was offered a commission but also why he remained in Washington, D.C., for the entire war. His performance of duty must have been exemplary; Call was promoted to LTC in February 1918 and COL in July 1918.

[11] *Id.* at 119.

[12] *Id.*

[13] *See* Fred L. Borch, *The Trial by Military Commission of "Mother Jones,"* ARMY LAW., Feb. 2012, at 1–4.

[14] THE ARMY LAWYER, *supra* note 2, at 122.

[15] *NATHAM WILLIAM MACCHESNEY (1878-1954)*, U.S. DEP'T OF STATE OFFICE OF THE HISTORIAN, http://history.state.gov/departmenthistory.state.gov/departmenthistory/people/macchesney-nathan-william (last visited July 15, 2013).

[16] *Id.*

Burnett M. Chiperfield. Major Burnett M. Chiperfield was an Illinois attorney and only just retired as an Illinois National Guard COL before he applied for a Reserve commission as a judge advocate. Having been elected to the House of Representatives in March 1915, Chiperfield also was a member of Congress at the time he pinned JAGD insignia on his uniform collar in November 1916; his term in the House ended in March 1917. Called to active duty on 2 May 1917, MAJ Chiperfield assisted tJAG Crowder in implementing the Selective Service Act in the Office of the Provost Marshal General. He returned to Illinois to coordinate the work of various draft boards in the greater Chicago area before assuming duties as Judge Advocate, 33d (Illinois) Division, in August 1917. He accompanied the division to France and was subsequently cited by MG George Bell, Jr., the commanding general, for performing duty "of great responsibility beyond that required by his office." According to Bell, when Chiperfield was serving as a liaison officer with the 80th and 29th Divisions north of Verdun in October 1918, Chiperfield was "constantly under hostile artillery fire" and "voluntarily and frequently [went] to the front line for information." He was in the thick of the action since, "on several occasions," Chiperfield opened "serious and extensive traffic blocks under shell fire."[17] In March 1919, then-LTC Chiperfield was still on active duty in Europe, where he was with the Army of Occupation in Koblenz, and was serving as the Judge Advocate, III Army Corps, AEF. In this position, Chiperfield was in charge of all civil affairs for that part of Germany occupied by the Corps: which meant that not only did he operate a "Provost Court" to prosecute German civilian offenders, but he also supervised "all the cities, Burgermeistereis, and political units located within the Corps area."[18]

Joseph Wheless. Commissioned on 25 November 1916, Joseph Wheless was living in Chicago at the time he was called to active duty, and this probably explains why he was assigned as Assistant Judge Advocate, Central Department, Chicago, Illinois. Wheless was an international law expert and a specialist in South American law. He spoke Portuguese and Spanish and, while practicing law in Mexico City, wrote an officially authorized two-volume *Compendium of the Laws of Mexico*.[19] He also was the author of several legal texts on Tennessee law. Wheless never left American soil during his time as an Army lawyer and was honorably discharged on 15 December 1917—only a month after the fighting in France ended. In later life, Wheless's views on religion made him a controversial figure. A self-professed atheist, he insisted that the Bible was a fraud, no man named Jesus ever lived, and that Christianity as a religion "was based on and maintained by systematic persecution and murder."[20]

George P. Whitsett. Born in Missouri in 1871, George P. Whitsett received his law degree from the University of Michigan in 1892 and then practiced law until the outbreak of the Spanish-American War in 1898. He then joined the 5th Missouri Volunteer Infantry and deployed to the Philippines, where his legal skills resulted in his being first assigned as a Judge of the Inferior Provost Court and later as a Judge of the Superior Provost Court of Manila.[21] It seems likely that this prior lawyering in the Philippines made him an attractive applicant for a Reserve commission. Major Whitsett accepted his appointment in May 1917 and then sailed to France, where he served as the Judge Advocate for the AEF's 5th Army Corps. Whitsett was wounded in action during the Argonne offensive in October 1918. After the Armistice, then LTC Whitsett remained in Europe with the Army of Occupation. He returned to the United States in June 1919.

Victor Eugene Ruehl. Major Victor Eugene Ruehl, a graduate of the University of Indiana's law school, had both service as a Soldier and considerable experience as an attorney when he accepted his direct commission as a Reserve officer on 3 January 1917. Ruehl had served as a Soldier in the Army's Hospital Corps in the Philippine Islands from May 1899 to May 1904. After being honorably discharged, he completed law school and, after practicing for several years in Indiana, moved to New Jersey. From 1907 to 1917, Ruehl was the law editor of *Corpus Juris*, a legal encyclopedia,[22] and the editor-in-chief of *The New York Annotated Digest*, Volumes 5-18. After being called to active duty, Ruehl served in the Office of the Provost Marshal General, where he assisted with the implementation of the Selective Service Act. On New Year's Day 1918, MAJ Ruehl joined the 35th Division and deployed with it to France in May 1918.

Thomas Ray Hamer. Thomas Ray Hamer of St. Anthony, Idaho, also had a remarkable pedigree as a lawyer. Born in Vermont, Illinois, in May 1864, Hamer had moved to Idaho in 1893 and then served as county attorney and as a member of the Idaho legislature. When the Spanish-American War began, Hamer was a captain (CPT) in the 1st Idaho Volunteer Infantry and deployed to the Philippines with his regiment in June 1898. He subsequently served as a judge on the first Provost Court organized in the Philippines under military occupation. In February 1899, Hamer was

[17] Letter from Lieutenant Colonel Burnett M. Chiperfield, to Colonel William S. Weeks, Exec. Officer, JAGD (March 30, 1919) (on file with the National Archives and Records Administration, Record Group, 153, Records of the Office of the Judge Advocate General, Entry 45).

[18] *Id*.

[19] JOSEPH WHELESS, COMPENDIUM OF THE LAWS OF MEXICO (1910).

[20] JOSEPH WHELESS, FORGERY IN CHRISTIANITY 238 (1930).

[21] GEORGE B. DAVIS, HEADQUARTERS, DIVISION OF THE PHILIPPINES, REPORT ON THE MILITARY GOVERNMENT OF THE CITY OF MANILA, P.I., 1898 TO 1901, at 256 (1901).

[22] *Law Library of Congress*, LIBRARY OF CONGRESS, http://memory.loc.gov/ammem/awhhtml/awlaw3/legal.html (last visited July 16, 2013).

wounded at the Battle of Caloochan but the injury must have been slight since he was mustered out of his state regiment and commissioned as a LTC in the 37th U.S. Volunteer Infantry. Lieutenant Colonel Hamer then assumed duties as Military Governor and Commander, District of Cebu until the reorganization of the Supreme Court of the Philippine Islands, when he was appointed as one of the two Military Justices on that court. Honorably discharged in 1901, Hamer returned to Idaho and resumed his law practice. He served as Receiver of Public Monies, U.S. Land Office, Blackfoot, Idaho, and was elected to the U.S. House of Representatives in 1908. On active duty, MAJ Hamer served in the Office of the Judge Advocate, Western Department, before being reassigned to the Office of the Judge Advocate General in Washington, D.C. Hamer also served briefly as the Judge Advocate, Camp Gordon, Georgia, and Judge Advocate, Camp Sheridan, Alabama. He left active duty as a LTC and moved from Idaho to Portland, Oregon, where he practiced law until retiring in 1943.

J. Reuben Clark, Jr. Major Joshua Reuben Clark, Jr. already had a distinguished legal career before accepting a commission in February 1917. After graduating from the University of Utah (where he was valedictorian and student body president) and Columbia University, Clark served in a variety of important government positions, including: Assistant Solicitor and Solicitor, U.S. Department of State; Chairman, American Preparatory Committee for the Third Hague Conference; General Counsel of the United States, American-British Claims Arbitration; and Counsel for the Cuban government. After being called to active duty in June 1917, Clark was detailed as a special assistant to the U.S. Attorney General. He later assisted tJAG Crowder with the implementation of the Selective Service Act. His "zeal, great industry, and eminent legal attainments" in both assignments were rewarded with the Distinguished Service Medal. Clark's citation reads, in part:

> [F]rom June 1917 until September 1918 . . . he rendered conspicuous services in the compilation and publication of an extremely valuable and comprehensive edition of the laws and analogous legislation pertaining to the war powers of our Government since its beginning. From September 1918 to December 1918, as executive officer of the Provost Marshal General's Office, he again rendered services of an inestimable value in connection with the preparation and execution of complete regulations governing the classification and later the demobilization of several million registrants.[23]

After leaving active duty in December 1918, Clark resumed an active legal and political career. A prominent and active leader in the Church of Jesus Christ of Latter Day Saints, Clark nonetheless found time to serve as an Under Secretary of State in the Coolidge administration and as U.S. Ambassador to Mexico. The J. Reuben Clark Law School at Brigham Young University is named after him.[24]

Charles B. Warren. When Charles Beecher Warren accepted a commission as a Reserve major in July 1917, he already was well-known in government legal circles: he had represented the United States as an associate counsel in hearings before the Joint High Commission to adjudicate claims of British subjects arising out of the Bering Sea controversy of 1896–97 and had served as counsel for the United States before the Permanent Court in The Hague in the Canadian Fisheries Arbitration between the United States and Great Britain in 1910. After being called to active duty, Warren was assigned to the Provost Marshal General's Office, where he served as tJAG Crowder's chief of staff and "formulated and directed regulations administering the Selective Service Act."[25] In July 1918, then COL Warren (he had been promoted to LTC in February and COL in July) deployed to Europe, where he oversaw the classification (and exemption) of Americans living in France and England. For his "administration of the selective service law during the war . . . [and his] unselfish devotion, tireless energy, and extraordinary executive ability," Warren was decorated with the Distinguished Service Medal in 1920.[26] After World War I, Warren was active in the Republican Party and, during the administration of President Calvin Coolidge, served as U.S. Ambassador to Japan (1921-1922) and U.S. Ambassador to Mexico (1924). Warren made the cover of *Time* magazine in January 1925[27] and shortly thereafter, President Coolidge nominated him to be U.S. Attorney General. Warren, however, "was never confirmed due to political controversy between the Senate and President Coolidge."[28]

Edwin G. Davis. Edwin Griffith Davis accepted his appointment as a Reserve officer on 14 May 1917, at the age of forty-three. Born in Idaho, Davis graduated from the U.S. Military Academy in 1900 then served in the Philippines with the 5th Infantry. In 1903, he returned to West Point and was assigned as an instructor in Law and History. During

[23] U.S. War Dep't, Gen. Orders No. 49 (25 Nov. 1922).

[24] As an aside, Clark's son-in-law, U.S. Navy Captain Mervyn S. Bennion, was killed in action while commanding the U.S.S. *West Virginia* on 7 December 1941; Bennion was posthumously awarded the Medal of Honor. *World War II (Recipients A-F)*, US ARMY CENTER OF MILITARY HIST., http://www.history.army.mil/html/moh/wwII-a-f.html (last visited July 16, 2013).

[25] THE ARMY LAWYER, *supra* note 2, at 122.

[26] U.S. War Dep't, Gen. Orders No. 10 (2 Apr. 1920).

[27] *Charles B. Warren | Jan. 26, 1925*, TIME, http://www.time.com/time/covers/0,16641,19250126,00.html (last visited July 16, 1925).

[28] THE ARMY LAWYER, *supra* note 2, at 122.

that time, Davis studied law and, two years later, was admitted to the bar in the District of Columbia. In 1907, then-CPT Davis was reassigned to Fort Baker, California, where he served as District Adjutant, Artillery District of San Francisco. In 1910, "he retired due to a physical disability contracted in the line of duty."[29] Davis then practiced law in Boise, Idaho, and, after becoming involved in politics, served in the Idaho state legislature and as Assistant Attorney General of Idaho from 1913 to 1915. Called to active duty in May 1917, then MAJ Davis was the Chief of the Military Justice Division in Washington, D.C., and, upon promotion to LTC, was reassigned to be the JAGD representative on the War Department General Staff. Davis's greatest contribution during World War I, however, was his work with Professor John Henry Wigmore, one of the other Reserve direct commissionees. Together, the two officers wrote the Soldiers' and Sailors' Civil Relief Act of 1918, which provided significant legal protections for Americans serving in the Army, Navy, and Marine Corps during the war.[30] For his "exceptionally meritorious and distinguished service," COL Davis (he was promoted in July 1918) was awarded the Distinguished Service Medal. His citation lauds his work as "chief of the disciplinary division . . . [where] he contributed a most helpful means of avoiding serious errors in the administration of military justice during the war."[31] In October 1919, Davis returned to civilian life. From 1922 to 1925, he served as the U.S. Attorney for Idaho, but he resigned from this position to become a special assistant to the U.S. Attorney General to handle war fraud cases. He "settled and adjusted many questions growing out of war contracts" and, at the close of a month-long trial in New York City in 1926, "won the only conviction secured by the Department of Justice in a criminal case growing out of war frauds."[32] In 1929, Davis joined the legal department of the National Surety Company and, in 1934, was in U.S. District Court in Atlanta, Georgia, and "had just finished arguing a case" on behalf of the company "when he collapsed in the court room, and died before medical attention could be secured."[33] He was only sixty years old.

Hugh A. Bayne. The last of the twenty lawyers offered a Reserve commission in the JAGD was Hugh Aiken Bayne of New York. Born in New Orleans in 1870, Bayne graduated from Yale University in 1892 and then returned to Louisiana and obtained a law degree from Tulane University. He practiced law in New Orleans from 1894 to 1898 and in New York City from 1898 to 1917. After being commissioned as a Reserve officer in May 1917, MAJ Bayne joined General John J. Pershing's staff and sailed with him to Europe just nine days later. Bayne then served as the Judge Advocate, Services of Supply, Counsel for the U.S. Prisoners of War Commission, and as Judge Advocate, 80th Division. During the Meuse-Argonne Offensive from 1–11 November 1918, now-LTC Bayne was a liaison officer with attacking units of the division. At the end of World War I, LTC Bayne was honorably discharged. Some years later, he was awarded the Distinguished Service Medal for displaying "untiring zeal, rare professional ability, and intellectual qualities of a high order." According to the citation for this decoration, Bayne's "special knowledge of the French language and the laws of France enabled him to render . . . services of immeasurable value and contributed markedly to the successes of the American Expeditionary Force."[34] Bayne did not return to the United States after leaving active duty. Rather, he remained in Paris, France, where he served as a member of the Franco-American Liquidation Commission. In the 1920s, he also was an arbitrator on the Inter-Allied Reparations Commission established by the Paris Peace Conference. This commission determined the amount of reparations to be extracted from the Central Powers and paid to the Allies. Bayne participated in a number of significant cases, including a 1926 decision involving the commission's appropriation of twenty-one oil tankers owned by a German subsidiary of Standard Oil to pay for German reparations. Standard Oil fought the decision, but lost.[35]

It is hard to imagine a more impressive group of attorneys offered direct commissions. From law school professors and practicing attorneys to politicians and a future Supreme Court justice, these judge advocates provided great service to the JAGD and the Army during a time of war. They continued to serve the legal profession and their communities with great distinction long after taking off their uniforms—and are yet another example of our Regiment's rich and varied history.

More historical information can be found at

The Judge Advocate General's Corps
Regimental History Website

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

https://www.jagcnet.army.mil/History

[29] *Edwin G. Davis*, REGISTER OF GRADUATES AND FORMER CADETS 1–36 (2000).

[30] Today, this legislation is familiar to judge advocates as the Servicemembers Civil Relief Act. 50 U.S.C. §§501-597b (2011). The original legislation authored by Davis and Wigmore expired after World War I but was renewed in 1940 and has been in effect since that time.

[31] U.S. War Dep't, Gen. Orders No. 111 (2 Sept. 1919).

[32] *Edwin Griffith Davis*, ASS'N OF GRADUATES ANNUAL REPORT 216 (1936).

[33] *Id.*

[34] U.S. War Dep't, Gen. Orders No. 15 (5 Apr. 1923).

[35] For the decision of the Reparations Commission, see Deutsche Amerikanische Petroleum Gesellschaft Oil Tankers (U.S. v. Reparations Comm'n), 2 R.I.A.A. 777 (1926), *available at* http://untreaty.un.org/cod/riaa/cases/vol_II/777-795.pdf.