

Lore of the Corps

A Remarkable Judge Advocate By Any Measure: Colonel Hubert Miller (1918–2000)

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War hero, two-time Olympian, outstanding judge advocate (JA)—Colonel (COL) Hubert “Hube” Miller was all of these. He was decorated with the Distinguished Service Cross for extraordinary heroism in France in 1944, competed in the four-man bobsled event in the 1952 and 1956 Winter Olympics, and served twenty years as an Army lawyer in a variety of important positions.

Born at Saranac Lake, New York on 24 February 1918, Hube Miller graduated from high school in 1935. He was a superb athlete and, while attending St. Lawrence University from 1936 to 1938, was a member of the school’s skiing, wrestling, and football squads.

After completing his studies in 1938, Miller entered Albany Law School, from which he graduated in 1941 with an LL.B. He then worked in Boston, Massachusetts for the Liberty Mutual Insurance Company. After the Japanese attack on Pearl Harbor, Miller left civilian life and enlisted in the Army.

In February 1942, Private Miller reported for duty at Fort Benning, Georgia. After completing training as an infantryman, Miller applied for and was accepted into Officer Candidate School. On 8 October 1942, Miller pinned on the gold bars of a second lieutenant and, after more than a year at Fort Jackson, South Carolina, he sailed for Europe.

After arriving in England in April 1944, now First Lieutenant Miller joined the 358th Infantry Regiment, 90th Infantry Division. The “Tough ‘Ombres” landed in Normandy at Utah Beach on D-Day plus 2 and immediately saw hard fighting against the Germans.¹ Miller, who served first as a platoon leader and then as a company commander, excelled as a combat Soldier. Proof that Miller was the epitome of the young infantry officer came the following month, when Miller’s battalion was heavily engaged. As the citation for his Distinguished Service Cross explains:

On 12 July 1944, near La Valaisiere, France, while the 3rd Battalion, 358th Infantry was attacking through hedgerows, Lieutenant Miller, as Commanding Officer

of Company “I,” was severely and painfully wounded when the battalion was pinned down by intense enemy machine gun fire. Learning that all other officers of Companies “I,” “K,” and “L” had become casualties, Lieutenant Miller refused to be evacuated and took command of the reorganization of the three companies under heavy enemy fire. With disregard of his injuries and personal safety, he then moved forward in direct line of fire from the enemy and brought back to safety a severely wounded enlisted man. Lieutenant Miller remained in command of his troops until relieved by another officer some three hours later. The gallant example set by this officer inspired the troops which he commanded to strive more aggressively for success in all their combat missions.²

Miller’s wounds were so severe that he was evacuated to England on 13 July. He returned to the United States in January 1945 and then served as a training company commander and regimental operations officer until October, when now Captain (CPT) Miller was released from active duty.

Returning to the private practice of law in Saranac Lake, New York, Miller also was actively involved in New York State’s Division of Veteran Affairs as a Veterans’ Counselor. He also entered local politics and was elected to his county’s Board of Supervisors.

A year after the Korean War broke out, Miller was recalled to active duty as an infantry officer. But CPT Miller did not deploy to the Far East. On the contrary, the Army sent him to Fort Dix, New Jersey, to serve as an infantry training company commander. While in this assignment, Miller arranged some temporary duty at Lake Placid, New York, where he tried out for the U.S. Olympic four-man Bobsled Team. He made the team, and participated in the 1952 Winter Olympic Games in Oslo, Norway.

¹ The red “T-O” on the shoulder sleeve insignia of the 90th Division stood for “Texas-Oklahoma”—indicating its origins as a National Guard division. But the Soldiers of the 90th liked to believe that the letters on the patch stood for “Tough ‘Ombres.”

² Headquarters, Third U.S. Army, Gen. Order No. 89, para. 2 (12 Nov. 1944).

Shortly thereafter, CPT Miller was assigned to Garmisch, Germany, where he assumed duties as the post Recreational Services Officer. In this assignment, Miller was responsible for all recreational and entertainment programs and activities for the Army recreation center in Garmisch. He supervised about 300 military and civilian personnel and oversaw the operation of ski tours, ice shows, sports clinics, golf courses, bowling alleys, theaters, and dance bands. But Miller also continued to train. His hard work paid off: Miller was a member of the four-man U.S. bobsled team that won the World Championships in Garmisch in 1953.

After returning to the United States in early 1955, Miller decided it was time to put his legal training to good use. He was detailed to the Judge Advocate General's Corps in December and immediately assumed duties as Chief of Military Justice in the Office of the Staff Judge Advocate (SJA) at Fort Dix, New Jersey. Promoted to major in April 1955, Miller was selected to attend the Fourth Advanced Course and he began his classes at The Judge Advocate General's School (TJAGSA) in Charlottesville, Virginia in August.

Interestingly, Miller took a short break from his classes in January 1956, when he travelled to Cortina, Italy to once again join the U.S. Olympic Team in the four-man bobsled event. Miller is the only TJAGSA student in history to participate in the Olympic Games as a student. Unfortunately, Miller did not make history as the only Army JAG Corps officer to participate in the Olympic Games because he did not formally transfer to the Corps until March 1956 (shortly before he graduated from the Advanced Course).

As an Army lawyer, Miller served in a variety of assignments and locations, to include Staff and Faculty, TJAGSA; Deputy SJA, 101st Airborne Division; SJA, 1st Cavalry Division; SJA, Air Defense Command; and SJA, Army Air Defense Center.

But Miller made history while serving as the SJA, 1st Logistical Command, from June 1966 to June 1967. With over 60,000 personnel assigned to it, this was the largest single command in Vietnam. Now COL Miller was the principal legal advisor and he "and his legal staff of ten military attorneys handled criminal, procurement, real estate, international and maritime law."³

Ninety percent of the workload for the attorneys at the 1st Logistical Command involved general courts-martial. Few of these trials, however, were for military offenses. Rather, most were for murders, rapes and robberies. While this Soldier-related misconduct was bad, a bigger problem was the rise in civilian misconduct in areas falling under the

command's jurisdiction. Since the South Vietnamese were unwilling to prosecute American civilians for criminal offenses, Miller decided to prosecute a civilian offender at a summary court-martial.

After a civilian merchant seaman named Bruce was caught stealing from a ship in Cam Ranh Bay, Miller conferred with Major General (MG) Charles W. Eifler, the Commanding General, 1st Logistical Command. Miller prepared a memorandum, which Eifler signed on 8 December 1966, in which Eifler stated that "in view of the conditions now prevailing in Vietnam, I have determined that 'time of war' within the meaning of the UCMJ exists in this area of operations."⁴ First Logistical Command Special Orders were then published detailing JA CPT Bernard Radosh as summary court officer. Radosh travelled to Cam Ranh Bay, heard the evidence against Bruce, and convicted him. The punishment was a reprimand, a fine, and restriction to the ship. Miller reviewed the abbreviated record of the summary court and MG Eifler approved the findings and sentence.

In addition to prosecuting the first civilian in Vietnam, the 1st Logistical Command also processed the first enlisted resignation in lieu of court-martial. A sergeant (SGT) and some other men had stolen a jeep and radio, dug a hole, and buried them, planning to retrieve the property later. The SGT's misconduct was discovered, and charges were preferred against him for larceny of government property.

Prior to trial by general court-martial, Miller suggested to the accused's defense counsel that the Soldier consider submitting a resignation in lieu of trial under Army Regulation (AR) 635-200. This was a new provision, and the defense counsel had never heard of it. But the accused submitted the resignation, and Miller took it to MG Eifler. The latter also was unfamiliar with the new provision, but he took Miller's recommendation and approved the accused's request. The accused had a good record, and so Eifler gave him a break, approving a general discharge rather than the bad conduct or dishonorable discharge the accused likely would have been given at trial.

Interestingly, it was Miller who had first proposed creating an enlisted resignation in lieu of court-martial when he was working in the Pentagon at Office of the Judge Advocate General's Military Justice Branch from 1960 to 1963. Under then existing law, an officer could resign in lieu of court-martial, but enlisted Soldiers had no comparable mechanism to avoid trial. Believing that the enlisted ranks should have the same right as officers, then Lieutenant Colonel Miller sent his proposal forward for staffing, but no action was taken. During a later visit with then Brigadier General Kenneth Hodson, the Assistant Judge

³ FREDERIC L. BORCH, JUDGE ADVOCATES IN VIETNAM 68 (2003).

⁴ Memorandum from the Commanding General, 1st Logistical Command, for Commanding General, U.S. Army Support Command, Cam Ranh Bay, subject: Jurisdiction over Civilians (8 Dec. 1966)

Advocate General for Military Justice, Miller again suggested that creating this enlisted resignation mechanism was a good idea. Hodson agreed, picked up the telephone, and spoke personally with The Adjutant General, requesting speedy approval of Miller's proposal. The new provision appeared in the July 1966 revised version of AR 635-200.⁵

After retiring from active duty in 1975, Miller and his wife settled in Elberta, Alabama, where he lived until his death in 2000.

The Corps has not forgotten COL Hubert Miller. At Fort Bliss, Texas, where Miller had his final assignment as the Army Air Defense Center SJA, the command recently named their new courtroom in his honor.

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/8525736A005BE1BE>

⁵ BORCH, *supra* note 3, at 70.