

Lore of the Corps
The Remarkable—and Tempestuous—Career of a Judge Advocate General:
Eugene Mead Caffey (1895–1961)

Fred L. Borch
Regimental Historian and Archivist

Eugene M. Caffey, who served as The Judge Advocate General (TJAG) from 1954 to 1956, had a remarkable career as an Army lawyer. He apparently is the only judge advocate in history to transfer from his basic branch to the Judge Advocate General's Department (JAGD),¹ and then return to his basic branch before returning to the JAGD once again—to finish out his career as the Army's top lawyer. Caffey also is unique as the only World War II-era judge advocate to have been decorated with both the Distinguished Service Cross and Silver Star—awards for combat heroism that are outranked only by the Medal of Honor. Finally, Caffey is the only judge advocate in modern history to go from colonel to brigadier general to major general (and TJAG) in just six months. Yet despite his outstanding service as a judge advocate and combat commander, Major General Caffey's career was tempestuous because he was unable (or unwilling) to get along with his superiors and was unable (or unwilling) to keep his opinions to himself.



Major General Eugene M. Caffey's official portrait
April 1956

Born in Decatur, Georgia, on 21 December 1895, Eugene Mead Caffey entered the U.S. Military Academy in 1915.² His father had retired as an Infantry colonel and

young "Gene" Caffey, having spent his "boyhood on various Army posts in the West, the Philippines and China," likewise wanted a life as a Soldier.³

After the United States entered World War I, classes at West Point were accelerated, with the result that Caffey graduated on 12 June 1918 and was commissioned a second lieutenant and a first lieutenant (temporary)—on that same day.⁴ Two months later, he was promoted to captain, and when the fighting ended in Europe in November 1918, Captain (CPT) Caffey was a company commander in the 213th Engineer Regiment, Camp Lewis, Washington.⁵

Caffey subsequently served with the Panama Canal Department and with the Tacna-Arica Plebiscite Commission in Chile. After completing his tour of duty in Chile, First Lieutenant (1LT) Caffey (who had lost his captain's rank with the end of World War I) travelled to Managua, Nicaragua, in July 1928. There, he served as the assistant to the Secretary, American Electoral Mission in Nicaragua. Caffey also served as a member of a survey team, and assisted in exploring an alternative canal route in Nicaragua. This survey expedition was considered to be of great importance in the late 1920s because, despite the existence of the Panama Canal (completed in 1914), "dreams of a canal through Nicaragua persisted in the United States and elsewhere."⁶ When Caffey left South America, his boss lauded him as "an alert, energetic officer of pleasing personality with the ability to adapt himself to a wide range of duties and discharge them in an excellent manner."⁷

After returning to the United States, 1LT Caffey applied for detail with the Judge Advocate General's Department. He was accepted and moved with his family to Charlottesville, Virginia, as he had been admitted to the

¹ Before 24 June 1948, the JAG Corps was known as the JAG Department. JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, *THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL'S CORPS, 1775–1975*, at 198 (1975).

² At least one source (<http://www.20thengineers.com/ww2-caffey.html> (accessed April 21, 2014)) claims that Caffey entered West Point in 1914, but this is incorrect. His military records correctly reflect that Caffey matriculated in 1915. U.S. Dep't of Def., DD Form 214, Armed Forces of

the U.S. Report of Transfer or Discharge, Eugene Mead Caffey, block 32 (1 Nov. 1955).

³ *Eugene Mead Caffey*, ASSEMBLY 83 (Fall 1961).

⁴ U.S. Dep't of Army, DA Form 66, Eugene Mead Caffey, block 12 (1 Nov. 1954) (Appointments).

⁵ For details on Caffey's unusual involvement in a homicide prosecution, see Fred L. Borch, *The Shooting of Major Alexander P. Cronkhite: Accident? Suicide? Murder?*, ARMY LAW., Mar. 2014, at 81–83.

⁶ Michael J. Brodhead, "A West, Nasty Job": *Army Engineers and the Nicaragua Canal Survey of 1929–1931*, FED. HIST. J., Jan. 2013, at 15, 18.

⁷ War Department, Adjutant Gen.'s Office, AGO Form 67, Efficiency Report, First Lieutenant Eugene M. Caffey, block R (9 Mar. 1929) (covering 1 July 1928 to 20 Dec. 1928).

University of Virginia's law school. First Lieutenant Caffey was a brilliant student, and finished first in his class. He was elected to Phi Beta Kappa, the Raven Society, and the Order of the Coif.⁸

After being admitted to the Virginia bar, Caffey was promoted to captain on 1 July 1933. He then served his first tour as a judge advocate at Fort Bliss, Texas, where he was the "Assistant to the Division Judge Advocate."⁹ In June 1934, Caffey was reassigned to Washington, D.C., where he was placed on "detached service" with the Army's Bureau of Insular Affairs. For the next four years, Caffey defended the interests of the War Department in U.S. courts when those interests involved the Philippine government. In one particularly important piece of litigation—lasting two years—Caffey's skills resulted in the defeat of six suits filed in U.S. District Court for the Southern District of New York. Plaintiffs in these suits had sought to force The Chase National Bank of New York City to pay between six and eight million dollars of Philippine government funds, on deposit in the bank, to the plaintiffs.¹⁰ "The loss of such a sum would have shaken the financial position of the [Philippine] government, have seriously threatened the value of its currency, and introduced serious political and administrative problems into the relationship between the United States and the Commonwealth."¹¹ No wonder that Philippine government officials praised Caffey's skills as an Army attorney—and requested that a Distinguished Service Medal be awarded CPT Caffey in recognition of his fine work.¹²

But not everyone was happy with CPT Caffey's work. A letter written by Major General Allen W. Gullion, then serving as TJAG, and filed in Caffey's official military records in September 1938, indicates why. According to Gullion, Caffey had come to his office sometime between November 1937 and April 1938 and told Gullion that

[Captain Caffey] wanted to keep [Guillion] from getting in trouble, that the Secretary of War was becoming dissatisfied because [Captain Caffey] wasn't being allowed a free enough hand in Philippine matters. [Guillion] replied somewhat as follows: "I don't know

whether you are trying to bluff me, Captain Caffey, but if the Secretary of War is dissatisfied with me he will let me know and I don't think he will employ you as his medium."¹³

As if this were not bad enough, Gullion continued: the Army Chief of Staff had stated "that a Congressman had complained that Captain Caffey and another officer had been trying to induce Congressmen to support legislation to which the War Department was opposed." When confronted with this statement, Caffey "did not deny it, but minimized it and said he would desist from further activities along the lines complained of."¹⁴

Major General Gullion's unhappiness with Caffey resulted in Gullion *personally* writing Caffey's Efficiency Report. After checking "unsatisfactory" when it came to "cooperation," Gullion wrote that while Caffey was an "officer of strong intellectual ability," his "value to the service is lessened by reluctance to accept the decisions of superior authority when he thinks such decisions involve a diminution of his prestige." Major General Gullion concluded by stating that Caffey's "General Value to the Service" was "doubtful."¹⁵

Captain Caffey subsequently wrote a twelve-page rebuttal to this adverse Efficiency Report. Caffey went into considerable detail to explain his actions, and counter the adverse information that Major General Gullion had relied upon in writing the Efficiency Report. Perhaps Caffey was right in some respects, but this is hard to know. The Judge Advocate General, however, declined to change his views on Caffey. As Gullion put it, he "had no personal animosity in this case" and what he had written was "only intended to convey a fair estimate of this officer."¹⁶

So what was Caffey to do? An official history of The Judge Advocate General's Corps published in 1975 states that "by early 1941, it became obvious that war was imminent," and now Major (MAJ) Caffey "traded his JAGD brass for the engineer castle and 'Essayons' buttons." The clear suggestion is that Caffey returned to the Corps of Engineers because he was a "man of action" who wanted to be in the thick of any future fighting.¹⁷ But this is simply

⁸ ASSEMBLY, *supra* note 3, at 84.

⁹ War Dep't, Adjutant Gen.'s Office, AGO Form 67, Efficiency Report, Captain Eugene M. Caffey, blocks E (Duties), H (Performed) (8 June 1934) (covering 27 Aug. 1933 to 6 June 1934).

¹⁰ *Berger v. Chase Nat'l Bank*, 105 F. 2d 1001 (2d Cir. 1939). The plaintiffs were five liquidators of closed national banks.

¹¹ Letter, J. M. Elizalde, Resident Comm'r of the Philippines to the United States, to Major General Arthur W. Brown, The Judge Advocate Gen. (8 Apr. 1940).

¹² *Id.*

¹³ Letter, Major General Gullion, to The Adjutant Gen., 3d Wrapper Endorsement (12 Aug. 1938).

¹⁴ *Id.*

¹⁵ War Dep't, Adjutant Gen.'s Form 67, Efficiency Report, Captain Eugene M. Caffey (15 Aug. 1938) (covering period 1 Aug. 1937 to 14 November 1937).

¹⁶ Letter, Major General Gullion, to The Adjutant Gen., 7th Wrapper Endorsement para. 2 (7 Dec. 1938).

¹⁷ THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL'S CORPS, 1775–1975, at 220.

untrue; Caffey requested a transfer back to his basic branch because he believed his career as a judge advocate was at an end. Since Major General Gullion was so displeased with MAJ Caffey, and had reflected this unhappiness in writing, Caffey was probably correct. After all, if TJAG considered Caffey's "General Value to the Service" to be "doubtful," a transfer from the JAGD to the Corps of Engineers was the best course of action. Certainly Caffey must have thought that he stood a better chance to undo the damage to his career if returned to his basic branch.

On 14 February 1941, Caffey became an Engineer again. "Timing is everything," and this saying was certainly true for MAJ Caffey. Assigned to the 20th Engineer Combat Regiment as its executive officer, now Colonel (COL) Caffey deployed to North Africa with *Operation Torch*. After landing in French Morocco, he saw combat in Tunisia in early 1943 and was awarded the Silver Star for gallantry in action and the Purple Heart for wounds received when the jeep in which he was riding ran over a German landmine. In May 1943, COL Caffey took command of the 30,000-man 1st Engineer Special Brigade and participated in the Allied invasions of Sicily and mainland Italy. He was still in command of that unit when it took part in the American, British, and Canadian landings at Normandy in June 1944. Caffey was one of the first Soldiers to wade ashore onto Omaha Beach and, in the hours and days that followed, demonstrated his superlative abilities as combat commander. For his extraordinary heroism on D-Day 1944, Caffey was awarded the Distinguished Service Cross with the following citation:

Colonel Caffey landed with the first wave of the forces assaulting the enemy-held beaches. Finding that the landing had been made on other than the planned beaches, he selected appropriate landing beaches, redistributed the area assigned to shore parties of the 1st Engineer Special Brigade, and set them at work to establish routes inland through the sea wall and minefields to reinsure the rapid landing and passage inshore of the following waves. He frequently went on the beaches under heavy shell fire to force incoming troops to disperse and move promptly off the shore and away from the water sides to places of concealment and greater safety further back. His courage and his presence in the very front of the attack, coupled with his calm disregard of hostile fire, inspired the troops to heights of enthusiasm and self-sacrifice. Under his experienced and unfaltering leadership, the initial error in landing off-course was promptly overcome, confusion was prevented, and the forces necessary to a victorious assault were successfully and expeditiously landed and cleared from the

beaches with a minimum of casualties. He thus contributed, in a marked degree, to the seizing of the beachhead in France.¹⁸

This well-written and descriptive citation demonstrates that Caffey was a remarkable Soldier and, assuming that the film *Saving Private Ryan* accurately depicts the horrific events of 6 June 1944, COL Caffey's "presence in the very front of the attack, coupled with his calm disregard of hostile fire," must have truly inspired the Soldiers who saw him in action. In any event, Caffey remained in Normandy for the rest of the war and, when the fighting ceased in Europe in May 1945, was in command of the Normandy Base Section. Since that Base Section had from 70,000 to 150,000 troops during the last six months of the war, COL Caffey had significant command responsibility.¹⁹

When COL Caffey returned to the United States in early 1946, he was a respected and highly decorated officer—having also been awarded three Legions of Merit and a Bronze Star Medal. He almost certainly was destined for general officer rank in the Corps of Engineers and his official records show that he was being considered for promotion to brigadier general.²⁰ Despite this bright future in the Corps of Engineers, COL Caffey decided to request a transfer to the Judge Advocate General's Department. As he explained in his official request:

The reason underlying this request is that the [JAGD] is becoming increasingly short-handed. By reason of service in and with the [JAGD] for over ten years (September 1930 to March 1941), I am qualified for duty in it and am probably one of the very few older regular officers (not now a member of it) who is so qualified. The logic of the situation is that I should serve where, as I understand it, officers of my qualifications are needed and extremely hard to find.²¹

Interestingly, the Corps of Engineers initially resisted Caffey's request for a transfer. Correspondence in his records shows that the Engineers were considering Caffey for command of the 2d Engineer Special Brigade located at Fort Ord, California, and believed that "the importance of the duties" of the unit made it "imperative that a capable

¹⁸ Headquarters, European Theater of Operations, Gen. Orders No. 161 (4 May 1945).

¹⁹ Special Rating of General Officers, Colonel Eugene M. Caffey para. 7 (26 May 1945).

²⁰ Major General Edward F. Witsell, The Adjutant Gen., to Colonel Caffey, subj: General Officers' Eligible List (26 Mar. 1946).

²¹ Letter, Colonel Eugene M. Caffey, to The Adjutant Gen., Wash., D.C., subj: Transfer (27 Dec. 1946).

officer be in command.”²² But the Corps of Engineers relented when Caffey again insisted that he wanted to transfer to the JAGD and when Major General Thomas H. Green, who had recently assumed duties as TJAG, wrote that he had “previously recommended approval of Colonel Caffey’s transfer and would be pleased to have him as a member of [his] Department.”²³

As a result, Caffey pinned on the crossed-pen-and-sword insignia on 23 May 1947. When one considers that the JAGD was losing hundreds of officers (who were returning to civilian life) as the Army demobilized after World War II and recognizing that the creation of a new and independent Air Force meant that many experienced Army judge advocates would be exchanging Army green uniforms for Air Force blue suits, it seems likely that TJAG Green personally solicited COL Caffey to resume his career as a judge advocate. Additionally, as Caffey’s nemesis, Major General Gullion, was no longer on active duty, there was no reason for COL Caffey to think that his skills as an attorney would not be appreciated.

After returning to our Corps, COL Caffey served first as the Executive Officer and Chief, Administrative Division, Office of The Judge Advocate General. In August 1948, he assumed duties as the Staff Judge Advocate, Third Army, Fort McPherson, Georgia. Since Caffey had been born in nearby Decatur, he must have been pleased to return to familiar surroundings.

By May 1953, however, Caffey had had enough of active duty and requested that he be retired the following month, on 30 June 1953. As he wrote in his letter to The Adjutant General, he would “have completed over thirty-five years’ service as a commissioned officer in the Regular Army, including service in World War I prior to 12 November 1918.”²⁴ Caffey’s request for retirement, however, contains a lengthy explanation for his desire to leave active duty. In light of his earlier conflict with TJAG Gullion in the 1930s, and because Caffey’s words provide some insight into his temperament, what he wrote is worth setting forth in its entirety.

Throughout my service in the Army, the pay, allowances and perquisites of officers have undergone a steady decline: actually, in terms of purchasing power, and relatively, as compared with the emoluments of civilians of education and positions of responsibility. The net result of the decline, in my case, is that after

²² Memorandum from W.H. Biggerstaff, to The Adjutant Gen., subj: Transfer from Engineers to JAG, cmt. no. 10 (12 Mar. 1947).

²³ Disposition Form, subj: Transfer cmt. 4 (12 Feb. 1947).

²⁴ Letter, Colonel Eugene M. Caffey, to The Adjutant Gen., subj: Voluntary Retirement (7 May 1953).

spending my Army income and a good many thousands of dollars besides in order to sustain a moderate existence and educate my children, I approach the end of my useful life without resources sufficient to acquire even a simple house on the wrong side of the tracks in which to pass my remaining years. The prospect is not cheerful. On the other hand, at this time I have an attractive business opportunity of the sort which will not likely be open to me again. Such an opportunity, if I can take advantage of it, gives strong indication that it will clear away the dismal financial future which now confronts me.

Besides the financial side just discussed, the Army seems to have undergone numerous changes which to me are unacceptable and to which I do not and will not subscribe. These changes, so far as I am concerned, have rendered my status as an officer undesirable and have destroyed the attractiveness of the military service as a profession. My own self-respect will cause me faithfully to discharge my duty so long as I continue in the service but having reached the point where I feel but faint pride and slight satisfaction in being an officer of the Army, it seems to me that the interest of the service would be well served were I to pass from active service.

One would think that that language of this kind would not go down well in the Pentagon and that, having revealed that he felt but “faint pride and slight satisfaction in being an officer,” COL Caffey would quietly fade away.²⁵ But that did not happen because COL Caffey withdrew his request to retire from active duty; it was returned to him “without action” on 3 July 1953. Why? Because he must have received word from Washington, D.C. that retirement at this time was not in his best interest. Colonel Caffey did the right thing in deciding to remain on active duty as, on 23 July 1953, the Secretary of the Army announced that he was promoted to brigadier general.²⁶

²⁵ While this cannot be said with certainty, and Caffey does not identify the “numerous changes” that he found “unacceptable,” it seems likely that in light of Caffey’s speech to the Georgia Legislature in 1956, he was dissatisfied with certain policy changes in the Armed Forces, such as President Truman’s 1948 executive order directing desegregation. Since the Army had been racially segregated since 1866, there were more than a few white men and women in uniform who did not like Truman’s decision to end institutional racism: Caffey may have been one of them. *See infra* note 31 and accompanying text.

²⁶ Letter, The Adjutant Gen., to Colonel Eugene M. Caffey, subj: Promotion (23 July 1953).

Brigadier General Caffey returned to the Pentagon in August 1953, where he assumed duties as the Assistant Judge Advocate General for Civil Law.²⁷ Amazingly, he was in that position for less than six months as, on 22 January 1954, President Dwight D. Eisenhower nominated him to be TJAG with the rank of major general. When Caffey was confirmed by the Senate on 5 February 1954, he made history, as no judge advocate in the modern era has gone from colonel to major general in just six months. Given that Caffey had expressed such unhappiness with his lot as a Soldier in May 1953, it seems incredible that he now was the Army's top lawyer.



General Matthew Ridgway, Army Chief of Staff congratulating the new TJAG, Major General Caffey February 1954

Major General Caffey's rise to the top of the Corps was remarkable, and his outstanding record as an attorney and Soldier no doubt explain his rise. But one has to ask what judge advocates who had served in the JAGD during World War II thought of a colleague who had left the Corps prior to the outbreak of war, spent the entire conflict as an Engineer, and then returned in 1947—and was now TJAG. As Major General Caffey's contemporaries passed from the scene long ago, however, there is no way to know.

In late January 1956—after two years as TJAG—Caffey gave a speech on the floor of the Georgia Legislature. Just why he was in Atlanta, and why he was talking to the Georgia House (presumably by invitation), is not entirely clear. But Major General Caffey praised a speech given by U.S. Representative Jack Flynt (D-Ga.), in which Flynt defended racial segregation and “urged support” of those Southerners who wanted “to avoid desegregating public

²⁷ As the Assistant Judge Advocate General for Civil Law, Brigadier General Caffey supervised the Military Affairs (today called Administrative and Civil Law), Government Appellate Division, Defense Appellate Divisions, and Army Legal Assistance. U.S. Dep't of Army, DA Form 67-3, Officer Efficiency Report, Brigadier General Eugene M. Caffey (26 Jan. 1954) (covering the period of 5 Aug. 1953 to 26 Jan. 1954).

schools in line with the Supreme Court's ruling.”²⁸ Said Caffey to the Georgia lawmakers: “If I were going to make a speech I would hope to make one like that.” Some time later, Major General Caffey “told the Georgia Senate the speech contained ‘a lot of meat’ and added, ‘I, for one, admire it.’”²⁹

In the uproar that followed, the National Association for the Advancement of Colored People called for Caffey to “be dismissed or disciplined” for his comments. Representative Adam C. Powell (D-N.Y.) “demanded in a telegram to President Eisenhower that Caffey be dismissed.”³⁰ Caffey's response was that Representative Flynt “is a friend of mine. But nothing I said was an endorsement of anyone or anything. I simply paid tribute to Jack Flynt's ability to make a speech.”³¹

Was Major General Caffey being disingenuous? According to Major General Wilton B. Persons, who served as TJAG from 1975 to 1979, Secretary of the Army Wilbur M. Brucker thought that Caffey was and, according to Persons, told Caffey that it was time for him to retire. This explains why, despite having been appointed to a four-year term as TJAG, Caffey retired on 31 December 1956. As TJAG Persons remembers, Secretary Brucker “didn't like Caffey personally and after Caffey endorsed the segregationist speech, that was the last straw. [Brucker] called Caffey into his office and told him he was finished and was retiring. Caffey did not resist.”³² This explains why TJAG Caffey's last Officer Efficiency Report contains the following language from General W. Bruce Palmer, the Vice Chief of Staff of the Army: “An able, aggressive, outspoken man, who has amassed a fine record of achievement in his varied career. *His lack of tact sometimes tends to arouse needless controversy.*”³³

²⁸ *Army's Chief Legal Officer May Be Asked to Explain Integration Stand*, STAR-BANNER (Ocala, Fla.), Feb. 1, 1956, at 1. The Supreme Court's 1954 decision in *Brown v. Board of Education* was very unpopular with many white Southerners, and this would explain Representative Jack Flynt's speech.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Telephone Interview with Major General Wilton B. Persons (Apr. 8, 2014) [hereinafter Persons Telephone Interview] (on file with author).

³³ U.S. Dep't of Army, DA Form 67-3, Officer Efficiency Report, Major General Eugene M. Caffey, block 12 (3 July 1956) (emphasis added).



Colonel Ted Decker (left), Judge Walter M. Bastian (center)
TJAG Caffey (right), JAG Conference
Charlottesville, Virginia, September 1954

General Caffey and his wife Catherine moved to Las Cruces, New Mexico, where he grew a full beard “like a Civil War general”³⁴ and practiced law.³⁵ Unfortunately, this private practice was relatively short-lived, as Caffey died in Las Cruces on 1 May 1961, at the age of 65. One of his partners, Edwin L. Mechem, who would serve four terms as Governor of New Mexico, remembered Caffey as “one of the finest . . . men I have ever met [A] gentleman and a great patriot.” Another of his law partners said, “Eugene Mead Caffey desired a simple and uncomplicated life [F]ew among his closest friends in New Mexico had any idea until after his death of his spectacular career in the Army.”³⁶

There is no doubt that Major General Caffey had a truly remarkable career. He was a first-class lawyer in every respect. He was an outstanding combat commander. But Caffey’s inability to get along with TJAG Gullion in the 1930s, and with the Secretary of the Army in the 1950s, means that he also had a tempestuous career. Some of this conflict seems to have been caused by Major General Caffey’s unwillingness (or inability) to keep his opinions to himself. On at least one occasion (when he submitted his retirement request in 1953), his outspokenness had no adverse impact. His comments on the floor of the Georgia legislature in 1956, however, very much affected his military career.

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>

³⁴ Persons Telephone Interview, *supra* note 32.

³⁵ The Caffeys also had “five tall sons and four lovely daughters”: Eugene Mead, Catherine Howell, Lochlin Willis, Hester Washburn, Benjamin Franklin, Francis Gordon, Helen Mead, Mary Winn, and Thurlow Washburn. ASSEMBLY, *supra* note 2, at 84. One son, Lochlin Willis Caffey, attended West Point and graduated in 1945. Like his father, Lochlin was commissioned in the Corps of Engineers; he retired as a colonel. ASS’N OF GRADUATES, REGISTER OF GRADUATES (1992), Class of 1945, Lochlin Willis Caffey, No. 14438.

³⁶ ASSEMBLY, *supra* note 3, at 84.