

## Lore of the Corps

### For Heroism in Combat While Paying Claims: The Story of the Only Army Lawyer to be Decorated for Gallantry in Vietnam

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In May 1968, Major General (MG) John J. Tolson, the Commanding General, 1st Cavalry Division (Airmobile), awarded the Bronze Star Medal with “V” for valor device to his Staff Judge Advocate (SJA), then Lieutenant Colonel (LTC) Zane E. Finkelstein. Finkelstein is the only Army lawyer to be decorated for gallantry in action in Vietnam—and almost certainly will be the only judge advocate (JA) in history to be awarded a decoration for combat heroism while investigating and paying claims.

On 14 December 1967, Finkelstein travelled by helicopter to a Vietnamese village that had been mistakenly bombed by the U.S. Air Force in order to investigate and pay claims to civilians who had been injured or whose property had been damaged in the attack. While the JAG Corps had centralized claims processing in Saigon, Finkelstein decided he would have more flexibility in the field if he were able to pay foreign claims. As a result, he obtained an appointment as a one-man Foreign Claims Commission, and, since the bombed village was not too far from Finkelstein’s location near Camp Evans, South Vietnam, he decided to organize an expedition to investigate, adjudicate, and pay these foreign claims on his own.

Accompanying Finkelstein that day was a warrant officer from the Finance Corps. This individual was the Class B agent who would pay substantiated claims in Vietnamese piasters after Finkelstein investigated and approved them. A platoon of infantry also went with them—to provide security.

After dropping the Americans off at the village, the three UH-1H helicopters departed. The infantrymen then set up a defensive perimeter, and Finkelstein began investigating and processing claims from the Vietnamese civilians.<sup>1</sup>

The Americans believed there were no Viet Cong in the area but, unbeknownst to them, the guerillas were not only still in the village, but were, in fact, inside the perimeter. After the Viet Cong “popped out of the holes in the ground

in which they had been hiding,” a furious firefight erupted. Finkelstein stopped his legal work and, using both his .38 caliber revolver and M-16 rifle, joined the infantrymen in repelling the attack.<sup>2</sup> He also called in air support on the radio—but got artillery fire instead.

After a brief engagement, the Viet Cong fled and Finkelstein returned to his claims work. The helicopters arrived sometime later and the Americans departed for the trip back to Camp Evans—and relative safety. As the official citation for his Bronze Star Medal for Valor explains, Finkelstein was recognized for a “display of personal bravery and devotion to duty” in “continually exposing himself to enemy fire” and having “efficiently investigated, processed and paid 51 claims.”<sup>3</sup>

Born in Knoxville, Tennessee, on 24 June 1929, Finkelstein received both his A.B. (May 1950) and LL.B. (December 1952) from the University of Tennessee. He excelled in law school, where he served as Editor-in-Chief of the law review and was inducted into the Order of the Coif.

Finkelstein was drafted into the Army in April 1953 and completed basic training at Fort Jackson, South Carolina. After receiving word that he had passed the Tennessee bar examination, then Private Finkelstein transferred to the JAG Corps that same year. In addition to serving in Vietnam as the SJA, 1st Cavalry Division (1967–68), Finkelstein also served as the SJA, Eighth U.S. Army Korea (1975–77). He also saw overseas duty as an Army lawyer in Berlin, Federal Republic of Germany, (1954–57) and Taipei, Taiwan, (1961–63). Then-LTC Finkelstein also served as the Chief, Military Justice Division at The Judge Advocate General’s School, U.S. Army (the forerunner of today’s Criminal Law Division) (1968–71). Perhaps his most noteworthy assignment was as the first Army Legal Advisor and Legislative Assistant to the Chairman of the Joint Chiefs of Staff (1971–75). Finkelstein retired as a colonel in 1983 and lives today in Carlisle, Pennsylvania.

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<sup>1</sup> David S. Franke, Finkelstein Oral History, April 1989, 168–71 (on file with The Judge Advocate General’s Legal Center and School (TJAGLCS) Library).

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<sup>2</sup> Telephone Interview with Zane E. Finkelstein (Mar. 15, 2010) (on file with author).

<sup>3</sup> Headquarters, 1st Cavalry Division (Airmobile), Gen. Orders No. 2780 (3 May 1968).

While a number of Soldiers who later served as JAs were decorated for combat heroism in Vietnam—for example, both MG (Ret.) Michael Nardotti and Colonel (Ret.) John Bozeman were awarded Silver Stars—Finkelstein is the only JA to have been decorated for gallantry in action while serving as an Army lawyer in Vietnam.

*More historical information can be found at*

The Judge Advocate General's Corps  
Regimental History Website

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our Corps with honor, dedication, and distinction.*

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