

Lore of the Corps

Judge Advocates in the Empire of Haile Sellasie: Army Lawyers in Ethiopia in the Early 1970s

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While judge advocates currently serve in a variety of locations, from Afghanistan, Germany, and Honduras to Iraq, Italy, and Japan, few in our Corps today remember that Army lawyers also once served in Africa—in the Empire of Ethiopia.

In the early 1970s, Army lawyers served on the horn of Africa at the U.S. Army Security Agency Field Station in Asmara, Ethiopia.¹ Asmara's geographic location near the equator and its altitude (7600 feet above sea level) made it the ideal location for a Cold War era "listening station" to monitor Soviet-bloc radio traffic—which explains why there were roughly 3500 Americans in Asmara at "Kagnew Station" in the early 1970s.

The lawyers assigned to the "Judge Advocate Office" in Asmara, Ethiopia, from 1971 to 1972 were Major (MAJ) Raymond K. Wicker, Captain (CPT) Michael P. Miller, and CPT Nathaniel P. Wardwell.² Wicker was the "Judge Advocate" while Miller and Wardwell were "Assistant Judge Advocates." All three lawyers provided legal advice to "clients" located at the Army Security Agency (which ran Kagnew Station). In addition, these judge advocates advised American uniformed and civilian personnel assigned to the Navy and Air Force communications stations, State Department communications center, and the Air Force Post Office.

The volume of work and the variety of issues were considerable. Military justice advice to the special court-martial convening authority at Kagnew Station consisted chiefly of advice on Article 15 punishment, but there were also some summary courts-martial. The limited jurisdiction of the convening authority, however, caused some problems. For example, CPT Wardwell wrote at the time that a number of special courts-martial tried in Ethiopia during his tour of duty there "would probably be referred as general courts-martial elsewhere."³ In any event, the joint nature of

command resulted in some unusual, if not unique, military justice actions: one special court-martial "involved the trial of a Navy radioman, who was prosecuted and defended by Army attorneys, before an Army judge, and with a Navy court reporter."⁴ Not only was this an "interesting example of interservice cooperation," but since the court-martial occurred in Africa, it likely was a unique event in the history of the Uniform Code of Military Justice.

As far as local criminal and civil matters were concerned, an Ethiopian-U.S. executive agreement relating solely to Kagnew Station, signed in 1953, provided that members of the U.S. forces were "immune from the criminal jurisdiction of the Ethiopian courts and, in matters arising from the performance of their official duties, from the civil jurisdiction of the Ethiopian courts."⁵ While this might seem to have been a good situation, it was not necessarily so. For example, if the manager of the Kagnew Station post exchange embezzled funds, or if a military spouse killed her husband at Kagnew Station, no court would have had subject-matter jurisdiction over the offenses.

The same Ethiopian-U.S. agreement also triggered other international legal issues. The station's exemption from Ethiopian taxes was one such issue. After the Imperial Ethiopian Government (IEG) negotiated a loan from the Agency for International Development, the Ethiopians began to question the validity of exemptions that had been traditionally granted to Kagnew Station. As a result, MAJ Wicker and CPTs Miller and Wardwell spent considerable time visiting with Ethiopian government officials to explain and justify tax waiver provisions in the executive agreement. Additionally, these Army lawyers helped implement measures that aided the IEG tax officials. For example, a color dye was added to duty-free gasoline sold on post so that the Ethiopian police could more easily catch persons using duty-free gas who were not entitled to make duty-free purchases!⁶

The judge advocates in Ethiopia also oversaw a busy claims operation. First, a Foreign Claims Commission (created under the authority of Army Regulation 27-40, *Claims*) sitting at Kagnew Station had authority to pay claims up to \$5,000. Ethiopians who were injured or killed, or whose property was damaged, lost, or destroyed by

¹ Asmara today is located in Eritrea, which gained its independence from Ethiopia in 1993. While this "Lore of the Corps" column concerns judge advocates serving in Asmara in the early 1970s, Corps personnel had been assigned to Ethiopia for some years previously. The first "JAGC Personnel and Activity Directory" (today's JAG PUB 1-1) published in August 1963, shows that a judge advocate lieutenant colonel and captain were assigned to Asmara. This suggests that Army lawyers were serving in Ethiopia prior to 1963 (perhaps as early as the 1950s).

² OFFICE OF THE JUDGE ADVOCATE GENERAL, JAGC PERSONNEL AND ACTIVITY DIRECTORY 19 (Sept. 1972).

³ N. P. Wardwell, *SJA Spotlight—Military Legal Practice in Ethiopia*, ARMY LAW., Mar. 1972, at 12.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 13.

members of the U.S. Armed Forces could be compensated, and the Foreign Claims Commission paid about a hundred claims a year; the larger claims involved motor vehicle accidents. In the event of a fatality, a solatium payment also was made “according to local custom—a cow and two barrels of *sua*, the local beer.”⁷

Wicker, Miller, and Wardwell also provided legal advice in other areas, including the review of local contracts; advice to the post commander and commanders of tenant units; and advice to various clubs and non-appropriated fund instrumentalities.

Perhaps not surprisingly, the largest part of an Army lawyer’s time in Ethiopia was spent providing legal assistance. Apparently the isolated nature of the base meant that an “unusually large number of marriages ended in separations . . . so marriage counseling normally consumed several hours per week.” Additionally, as “many Americans wished to adopt Ethiopian children and marry Ethiopian wives,” there were complex immigration and family law matters to handle.⁸

Life for judge advocates in the empire of Haile Sellasie was challenging and apparently rewarding. But it ended abruptly: when post-Vietnam budget cuts caused the Army’s withdrawal from Asmara in 1973, the judge advocate presence went with it; MAJ Wicker, CPT Miller, and CPT Wardwell were the last Army lawyers to serve in Ethiopia.

As for Haile Selassie, who had ruled as emperor since 1930, his thirty-four-year imperial reign came to an end in 1974, when a Soviet-backed military coup, led by Mengistu Haile Mariam, ousted him and established the People’s Democratic Republic of Ethiopia.

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
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<https://www.jagcnet.army.mil/8525736A005BE1BE>

⁷ *Id.*

⁸ *Id.*