

Lore of the Corps

Legal Aid for the Soldier: The History of the Army Legal Assistance Program

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While Army lawyers have undoubtedly helped Soldiers and their families with their personal legal problems from the earliest days of the Republic, such assistance was both *ad hoc* and unofficial for many years. In fact, prior to World War II, Soldiers who had personal legal questions or who wanted to execute a will or obtain a power of attorney had to retain a civilian lawyer at their own expense. When, how, and why that changed—and how it resulted in the establishment of an Army Legal Assistance Program that continues to this day—is a history worth telling.

After the Japanese attack on Pearl Harbor and America's entry into World War II, millions of young men either enlisted or were drafted into the Armed Forces. Many of these citizen-Soldiers quickly deployed overseas for an extended period of time and, consequently, had little time to arrange their personal affairs. In 1940, Congress passed the Soldiers' and Sailors' Civil Relief Act (SSCRA),¹ which provided men and women in uniform with much needed legal protections. However, the Army soon realized that Soldiers needed access to legal help in order to protect their interests under the SSCRA and other laws.

At first, Army lawyers worked with the American Bar Association (ABA) to help Soldiers “resolve unsettled legal problems and unsatisfied legal needs” at the time of their induction.² Judge advocates (JAs) worked with state and local bar associations to assist Soldiers with subsequent legal problems by referring them to civilian lawyers in their local areas. This cooperative, and successful, arrangement continued until 16 March 1943, when the Army published War Department Circular No. 74, *Legal Advice and Assistance for Military Personnel*.³ This circular announced that, for the first time in history, the Army was creating “an official, uniform, and comprehensive system for making legal advice and assistance available to military personnel and their dependents in regard to their personal legal affairs.”⁴

¹ Soldiers' and Sailors' Civil Relief Act of 1940, 54 Stat. 1178, 50 U.S.C. app. 501.

² Colonel Alfred F. Arquilla, *The New Army Legal Assistance Regulation*, ARMY LAW., May 1993, at 4.

³ WAR DEP'T, CIRCULAR NO. 74, LEGAL ADVICE AND ASSISTANCE FOR MILITARY PERSONNEL (16 Mar. 1943).

⁴ MILTON J. BLAKE, LEGAL ASSISTANCE FOR SERVICEMEN: A REPORT OF THE SURVEY OF THE LEGAL PROFESSION 9 (1951).

On 22 March 1943, a “Legal Assistance Branch” was organized in the Office of The Judge Advocate General to supervise the newly instituted legal aid system throughout the Army.⁵ By the end of 1943, there were six hundred legal assistance offices in the Army, and by the end of World War II, that number had grown to sixteen hundred.⁶ Each office was issued a “basic legal assistance library” or “field kit” containing reference materials of various kinds, including pamphlets or “compendiums” on marriage *in absentia*, wills, and divorce.⁷

While the workload varied from office to office, legal assistance officers were busy; in the first year of the official program, JAs handled a total of 298,825 cases. Of these, 35% were taxation issues; 21% concerned powers of attorney; 20% dealt with wills; 5% involved domestic relations; and the remaining 19% concerned affidavits, citizenship, estates, insurance, real and personal property, and torts.⁸ By the end of World War II, Army legal assistance officers had handled five and a half million cases—a tremendous amount considering the program had not started until March 1943.

After World War II, Army legal assistance continued as a permanent program, but in the 1950s and early 1960s it was “little more than a referral program in which Army lawyers provided general legal counseling, but referred most of the actual legal work, including wills and powers of attorney, to civilian lawyers.”⁹

During the Vietnam era, many of the restrictions on providing legal assistance fell away, and JAs looked for new ways to help their Soldier-clients and their families. A wide range of legal services became the norm, from drafting and executing wills and powers of attorney, to preparing tax returns and negotiating with landlords and creditors. Army lawyers also did limited in-court representation—they appeared in civilian court on behalf of junior enlisted Soldiers on routine legal matters—and helped Soldiers who wished to proceed *pro se*.

⁵ OFFICE OF THE JUDGE ADVOCATE GENERAL, LEGAL WORK OF THE DEPARTMENT 1 JULY 1940 – 31 MARCH 1945, at 13 (1945).

⁶ *Id.* at 214.

⁷ *Id.* at 207.

⁸ *Id.* at 215–16.

⁹ Arquilla, *supra* note 2, at 5.

A major turning point in the evolution of the legal assistance program occurred on 12 December 1985 when a civilian airliner carrying 248 Soldiers crashed on takeoff in Gander, Newfoundland. All the Soldiers aboard, who were returning from a six-month deployment to the Sinai, were killed, and their tragic deaths became a catalyst for change. For the first time, Army JAs realized that there must be a model for mass casualty legal support. Additionally, legal assistance officers now understood that it was critical for them to ensure the legal preparedness of Soldiers; that it was harmful to elect the “by-law” designation on Servicemen’s Group Life Insurance forms; that Reserve Component JAs were critical in situations requiring a surge in legal assistance; and that legal assistance services must be available to the next-of-kin to resolve estate issues of deceased Soldiers.¹⁰

The Gander air crash tragedy also showed Army commanders that a robust legal assistance program was critical to the health and welfare of Soldiers—and good for the command. As a result, in 1986, Army Chief of Staff, General John Wickham, instituted the first Chief of Staff Award for Excellence in Legal Assistance. Its intent was to recognize those active Army legal assistance offices that consistently demonstrated excellence in providing legal

support. In 1996, a separate award category was created to recognize Reserve Component legal assistance offices.

The role of information technology in the Army Legal Assistance Program also has increased in importance over the last twenty-five years. In the 1980s, the Judge Advocate General’s Corps developed simple will preparation software, including the Minuteman and Patriot Will Programs. In 1999, the Army ceased developing its own software and began purchasing commercially prepared software for wills. In 2001, however, the Legal Assistance Policy Division in the Pentagon did create its own software for the preparation of powers of attorney, separation agreements, and SSCRA (now called the Servicemembers Civil Relief Act) letters. These in-house created software programs continue to be used.

Today’s Army Legal Assistance Program¹¹ provides top quality legal aid to Soldiers and their families for personal legal problems. While wills and estate planning remain the largest area of legal assistance practice (about 30%), in recent years, family law—marriage, legal separation and divorce, paternity, non-support, child custody and the like—has grown to almost the same level.

Addendum to “Tried for Treason: The Court-Martial of Private First Class Dale Maple” (The Army Lawyer, November 2010)

What happened to Dale Maple after his trial by court-martial?

According to an article by Allen Best in *Colorado Central Magazine* (February 2004), while incarcerated at Leavenworth, Maple taught classes in trigonometry, public speaking, and other subjects. He also worked in the prison bakery, trained a prizefighter, and led the church choir. Still fascinated by languages, Maple also researched Old Bulgarian before being paroled in February 1951 at age 30.

According to the Harvard University Archives, the 1996 reunion report for the Class of 1941 listed Maple as a resident of El Cajon, California (a suburb of San Diego). As Maple had grown up in southern California, his return to that geographic area after his release from prison makes sense. But what Maple did after his release from prison is still a mystery. The 2005 Harvard Alumni Directory indicates that Maple died in El Cajon on May 28, 2001.

More historical information can be found at

The Judge Advocate General’s Corps
Regimental History Website

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

¹⁰ Memorandum for The Judge Advocate General, subject: Gander After-Action Report, Legal Assistance (8 Apr. 1987) (on file with Legal Assistance Policy Division, Office of The Judge Advocate General).

¹¹ U.S. DEP’T OF ARMY, REG. 27-3, THE ARMY LEGAL ASSISTANCE PROGRAM (21 Feb. 1996).