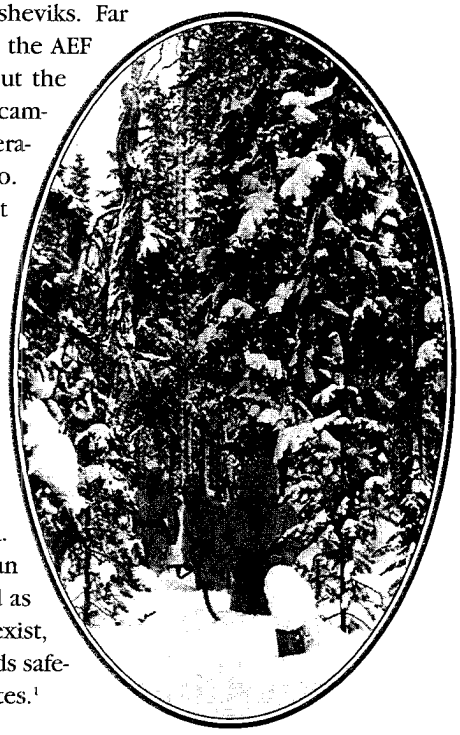
Bolsheviks, Polar Bears, and Military Law

The Experiences of Army Lawyers in North Russia and Siberia in World War I

By Fred L. Borch III

On November 11, 1918, the "War to End All Wars" ended for some two million American soldiers and marines in Gen. John J. Pershing's American Expeditionary Force (AEF). But, while the fighting in France was over and Americans and Europeans alike rejoiced, the war continued thousands of miles away in North Russia and Siberia. In the area around Murmansk and Archangel, some 5,500 American soldiers in the American North Russian Expeditionary Force faced hostile Bolsheviks. Far away, in Vladivostok, some 10,000 U.S. troops in the AEF Siberia also confronted Russian revolutionaries. But the fighting against Bolshevik forces was only part of campaigning; there were polar bears and frigid temperature of fifty degrees below zero to worry about, too.

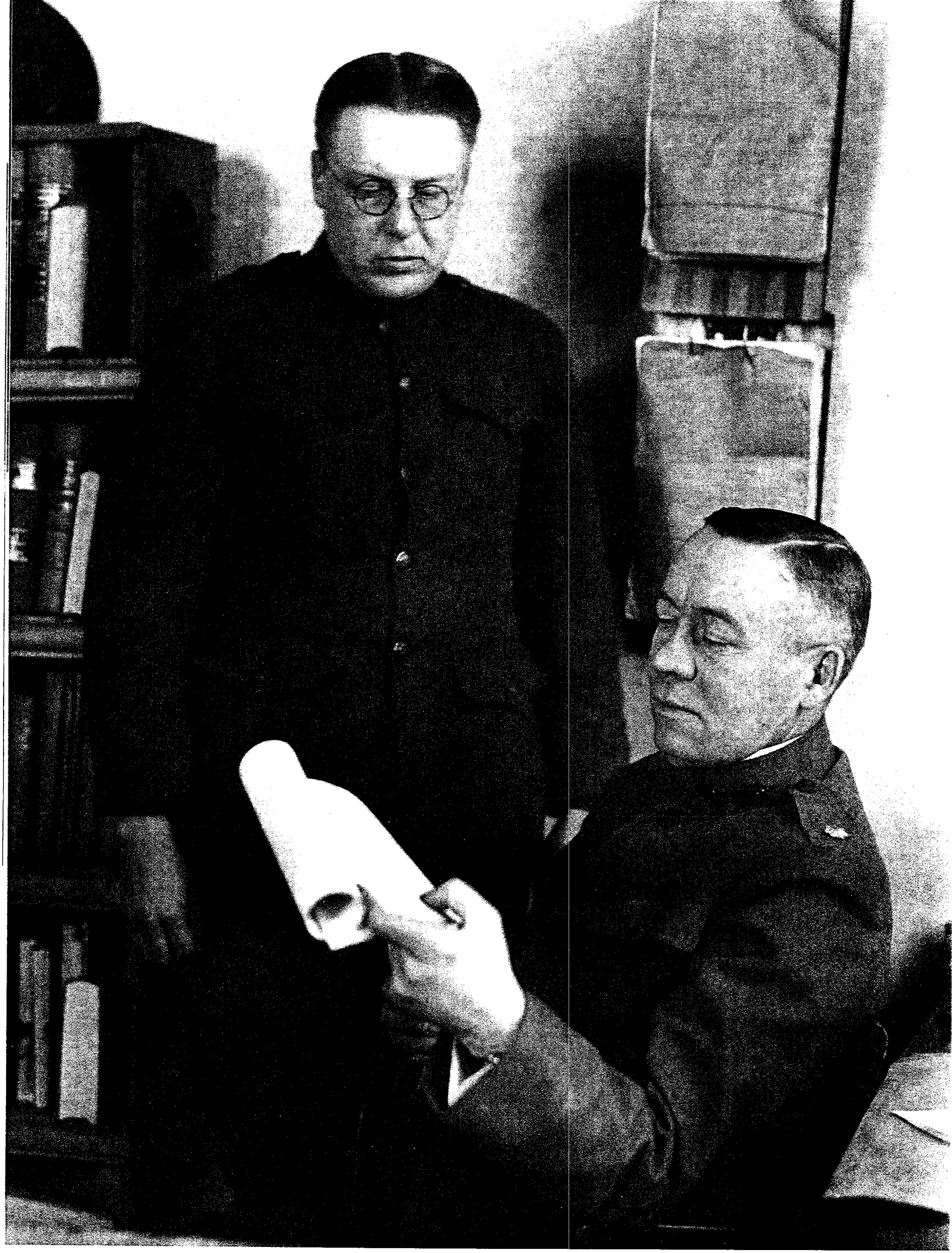


In any event, from 1918 to 1920, while most American fighting men went home to take up civilian life again, or else stayed as part of the 16,000-man occupation force in Germany, roughly 15,500 American troops continued the war in Russia. With these soldiers were three army lawyers, all members of the Judge Advocate General's Department. Lt. Col. Edward S. Thurston was the lone army judge advocate at the American headquarters in Murmansk. In Siberia, Maj. Albert J. Galen, and later his replacement, Maj. George R. McLean, were the only army lawyers at the American headquarters in Vladivostok. This is their story, and as army-maintained records on these men no longer exist, it is a story that would be lost were it not for records safeguarded at the National Archives of the United States.[1]

OPPOSITE: *While a judge advocate in Vladivostok, Maj. Albert J. Galen dealt with complex disciplinary matters, issues of international law, and served as a representative on the "Allied Commission of Prisoners of War."*
RIGHT: *Three soldiers of the Third Battalion, 339th Infantry, wear white capes during a patrol in deep snow along the Vologda Railway front in North Russia.*

The Role of Lawyers in the Army

In 1775, only a few days after assuming duties as commander-in-chief of the new army, Gen. George Washington insisted that the Continental Congress appoint a lawyer to help with the many courts-martial being conducted. Congress acceded, and a "judge advocate" joined General Washington's staff. By 1776, this army lawyer, known as the "Judge Advocate General," was person-

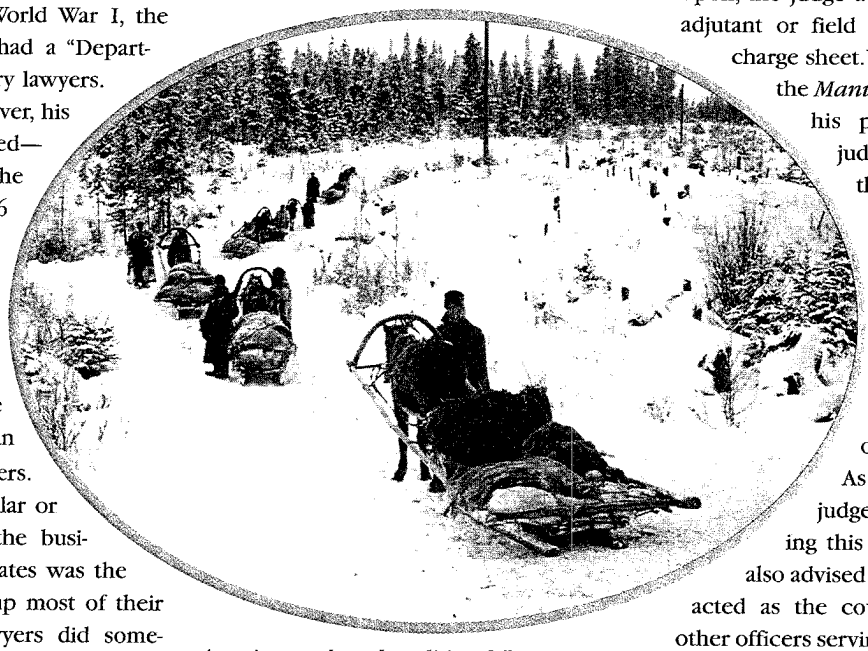


ally conducting trials before courts-martial and other military tribunals. He acted not only as prosecutor but also as legal adviser to the court and as "friend" of the accused.

By the beginning of World War I, the Judge Advocate General had a "Department" of seventeen military lawyers. By December 1918, however, his department had expanded—along with the rest of the American army—to 426 judge advocates. Many of these men were prominent civilian attorneys who had joined the Officers' Reserve Corps during the war and thus were "citizen-soldiers" rather than career "Regular Army" officers.

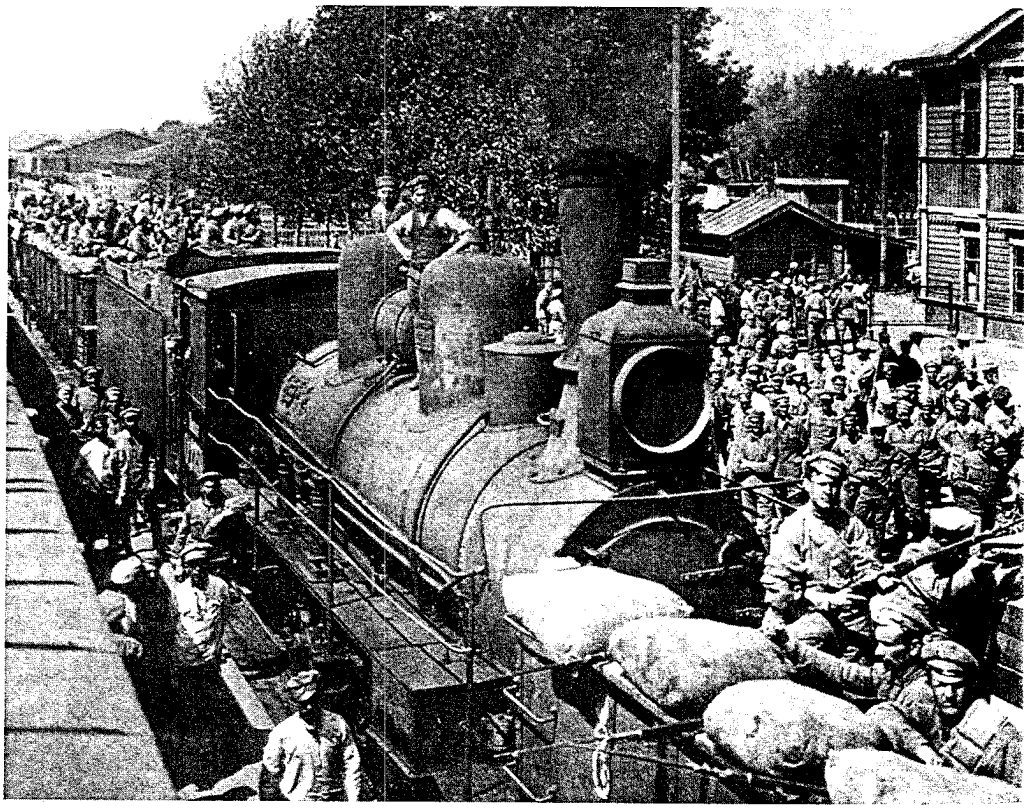
Regardless of their regular or reserve status, however, the business of these judge advocates was the same. Criminal law took up most of their energies. While army lawyers did sometimes serve as prosecutors and defense counsel in courts-martial, ordinarily they did not; nonlawyers prosecuted and defended most soldiers accused of criminal conduct. In the army of the era, the role of the judge advocate was more one of an administrator of the military justice system. After a report of a soldier's misconduct came to his commander's attention, the judge advocate advised this commander on the propriety of trying a soldier at a court-martial. If the offense was fairly minor in nature, the lawyer might advise trial by a summary or special court, both of which were limited in the maximum sentence that could be imposed. Thus, a soldier who got in a fistfight with a fellow soldier might be prosecuted at a summary court-martial and be punished with seven days in the regimental stockade, while a soldier found "drunk on duty" might be tried at a special court-martial and sentenced to a month's confinement.

On the other hand, a serious offense—like murder, rape, robbery, desertion, or mutiny—would be tried at a general court-martial. This court, which could be convened only by a general officer in command, could impose any lawful sentence. While the "inferior" summary or special court could not sentence a soldier to more than six months in jail, the five officers appointed to serve as jurors or "panel members" in a general court-martial could impose the death penalty.



Americans adopted traditional Russian transportation methods for their convoys through the rolling and twisting roads of northern Russian forests.

Once the level of court was decided upon, the judge advocate might assist the adjutant or field clerk with drafting the charge sheet. With the 1917 edition of the *Manual for Courts-Martial* as his primary reference, the judge advocate also advised the nonlawyer serving as prosecutor or defense counsel on his duties to call witnesses and present evidence at trial. Usually, this nonlawyer was a young infantry lieutenant or other junior line officer. As there was no military judge at a court-martial during this era, the judge advocate also advised the senior officer—who acted as the court president—and the other officers serving with him as members of the court panel. Again, depending on the court's experience, the army lawyer would explain the procedures to follow in con-



Some of the fifty thousand soldiers of the "Czech Legion" ride in sand-bagged railroad cars that they captured in their bitter struggle with Bolshevik forces.

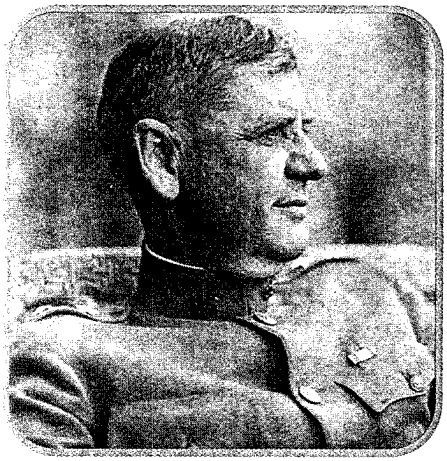
Vladivostok's extensive port facilities and Trans-Siberian Railroad terminus served as the base for Allied forces in Siberia, including the ten thousand American troops that served there until 1920.

ducting the trial, the proof necessary to convict a soldier of an offense, and the legality of considering certain testimony or evidence.

If a soldier were convicted at a court-martial, a judge advocate reviewed the proceedings to ensure that the rights of the accused soldier had not been violated. He recommended corrective action, if necessary. As no court-martial had legal effect until its judgment was approved by the commander who had convened the court, a judge advocate might suggest to this commander that part or all of the findings of guilty be disapproved, or that the sentence be modified in some manner. Consequently, a finding of guilty might be disapproved on the basis of legal error and a sentence reduced for reasons of clemency. Interestingly, the commander's authority to take such action basically was unlimited—except that he could not take any action increasing the punishment.

Soldiers were tried by courts-martial for violations of the Articles of War. Believing that the defense of the nation required an army of virtuous men who obeyed orders without question, Congress enacted articles giving commanders broad legal authority to maintain discipline in the army. The wide-range of misconduct subject to trial by courts-martial included "civilian" offenses like murder, rape, robbery, assault, and larceny and military offenses like mutiny, desertion, disobedience of orders, disrespect, and absence without leave. One article, applicable only to officers, made criminal any "conduct unbecoming an officer and gentleman." Finally, to ensure that nothing was left to chance, a catch-all article, applicable to all soldiers, made criminal any act "prejudicial to good order and discipline." Such offenses included "abusing a public animal"; wearing unauthorized insignia, medals, or decorations; "disloyal statements"; and drinking liquor with a prisoner.[2]

While a judge advocate spent the vast majority of his time administering the army's criminal legal system, his duties also required him to provide personal legal



Maj. Gen. William S. Graves commanded the American Expeditionary Forces in Siberia from 1918 through 1920.

Tomsk Bolshevik officials, after capture by the Czechs at Ekaterinburg, included (from left) the town secretary, chief justice, town commissaire, and stenographer. They were soon executed.

assistance to soldiers. An army lawyer prepared powers of attorney or wills for those needing them. He administered oaths or acted as a notary. Where the government was at fault, a judge advocate might also assist a soldier in filing a claim that would compensate him for damages to or loss of his property.

Reasons for the Allied Intervention

Just as the experiences of judge advocates in Russia are better appreciated if one understands the role of the judge advocate in the army of that day, the experiences of Colonel Thurston and Majors Galen and McLean must also be seen in the context of the reasons for Allied—and thus American—intervention in Russia at the end of the First World War.

In September 1918 U.S. troops of the American North Russian Expeditionary Force arrived in Archangel. That same month, soldiers of the Twenty-seventh and Thirty-first Infantry Regiments came ashore in Vladivostok in Siberia. While both groups were joining Allied troops originally sent to protect equipment and supplies, the soldiers eventually found themselves fighting the Bolshevik forces.

The material in Archangel and Murmansk had been shipped by the British to its Imperial Russian ally earlier in the war. Once the new revolutionary government started negotiating for peace with Germany, however, the Western Allies, worried about German soldiers being shifted from the eastern front to the western front, secured permission from Lenin to send troops to the Murmansk-Archangel area. These troops would protect the supplies from German or dissident Russian elements. The Allies also hoped that the soldiers' presence would stiffen Russian determination to continue fighting, or at least prevent the Germans from using the ice-free ports as U-boat bases.

In March 1918 some British naval detachments landed at Murmansk. No one was entirely sure what was happening in Russia, but as Germany and Russia had already signed a peace treaty, the most immediate problem was that fighting had stopped on the eastern front. Some believed that nothing could be done about this, but others advised that if more troops were sent to Murmansk, and if one of the counterrevolutionary movements were to overthrow the Bolsheviks, a new government might be persuaded by the presence of Allied soldiers to renew the war against the Germans.

In any event, more British and some French units were sent to Murmansk in the summer of 1918. In August they occupied Archangel, joined by the first of 5,500 American troops of the American North Russian Expeditionary Force. By mid-September, these U.S. soldiers had been rushed to the front as the spearhead of an anti-Bolshevik offensive launched by British Maj. Gen. Frederick C. Poole, the senior Allied commander in North Russia. Although the operation was poorly conceived and badly supplied, Poole did advance about four hundred miles on a front about one hundred miles wide before being stopped by the new Soviet Army, led by Leon Trotsky, and the approaching winter.

By the end of the winter of 1918–1919—and months of bitter cold, ice, and snow—the anti-Bolshevik position had weakened in Russia, and the revolutionaries were gaining firm control. Realizing that this meant that opening a new front was impossible, the Allies decided to withdraw. The Americans left Murmansk in June 1919; the British in October.[3]

Meanwhile, some five thousand miles away in Siberia, some ten thousand American troops had joined the small British and Japanese forces who had landed at Vladivostok in April 1918, ostensibly to take charge of military supplies there. What brought the Americans to Siberia, however, was a crisis caused by the revolt of approximately fifty thousand Czech soldiers known as the "Czech Legion." These former soldiers of the Austro-Hungarian army had been captured or had deserted to the Russians earlier in the war and, after being formed into the legion, then fought for the Russians. After the Bolshevik takeover, however, the Czech Legion found itself at odds with the new Communist, or "Red," government. As a result, the legion immediately proclaimed its allegiance to the Allied powers. Then, while traveling on Bolshevik-controlled trains to Vladivostok to be shipped out and join the Allies on the western front and fight for the liberation of their homeland, the Czechs learned that Leon Trotsky had declared that they would be disarmed and absorbed into the new Soviet Red Army. The Czechs rebelled, overpowered their Red Guard escorts, seized their weapons, and took control of the Trans- Siberian Railroad. Realizing that the Czechs were a force around which non-Communist, or "White," Russian political and military organizations might coalesce, the British, French, and Japanese decided to encourage such a development in the hope that providing support to the non-Communists would sweep the Bolsheviks from power and perhaps open a new eastern front.

While at first resisting Allied entreaties to send American soldiers to Siberia, President Woodrow Wilson relented in July 1918. Soldiers of the Twenty-seventh and Thirty-first Infantry Regiments arrived in Vladivostok the next month, having sailed to Siberia directly from their home posts in the Philippine Islands. These three thousand infantrymen, joined by another seven thousand soldiers from California, were the American Expeditionary Force, Siberia. Under the command of Maj. Gen. William S. Graves, the ten thousand Americans were charged, along with the Japanese, British, and French contingents, with guarding the Trans-Siberian Railroad; they also were to assist the Czechs to reach Vladivostok.

Although a counterrevolutionary group in central Siberia headed by Adm. Alexander Kolchak tried to get American support, General Graves avoided giving it as he followed President Wilson's directive to stay neutral in the Russian civil war. American troops firmly demonstrated their neutrality by fighting off a number of random attacks by White Russians as well as Bolshevik troops. In the end, however, the Allied deployment of some 160,000 troops to Siberia could not prevent the Red Army from crushing the counterrevolutionaries. By February 1920 the Communists had a secure hold on the Russian government and most of Siberia. That same month, by agreement with the Soviets, most of the Czechs had been evacuated from Vladivostok and transported back to their own newly independent country. American troops left Siberia in June 1920.[4]

Colonel Thurston in North Russia

Arriving by ship in Archangel on January 13, 1919, Lt. Col. Edward S. Thurston reported immediately for duty as "Judge Advocate of the American Troops in Northern Russia." A 1901 graduate of Harvard law school, and an experienced lawyer who had been a professor of law at Indiana University, George Washington University, and the Universities of Illinois and Minnesota, Thurston had spent some time as an infantry captain at the beginning of hostilities in 1917. Given his legal background, however, he requested a transfer to the Judge Advocate General's Department. This was approved, and Thurston was commissioned a major in November 1917.

Perhaps he hoped to serve in France, but this was not to be; Edward Thurston spent the war in Washington, D.C. Now, however, he found himself as the only army lawyer in the AEF-North Russia or, as it was also known, the "Expedition to the Murman Coast."[5]

Lt. Col. Edward S. Thurston served as army judge advocate in Murmansk. He reviewed more than 250 cases between August 1918 and April 1919.

Thurston brought with him "from Washington a library of about 100 volumes and from London typewriters and other office equipment." He also brought three legal clerks: Sgt. Major Harry H. Weigandt, Sgt. Emmett T. Corrigan, and Cpl. Charles E. Riordan. Colonel Thurston reported on April 9, 1919, "[t]hese men have proved to be competent and are performing their several duties faithfully and well."[6]

After arriving by ship from London, Thurston and his staff set up their living and working arrangements in Archangel. Normally a city of some 40,000, the influx of American and Allied troops and White Russian refugees had increased its population to some 100,000 inhabitants. The winter weather was horrendous: below zero temperatures and much ice and snow. Additionally, as the sun is rarely seen from December through February, most soldiers already were referring to North Russia as a "frozen hell." But the American soldiers also saw magnificent white bears and, impressed with these creatures, began calling their mission the "Polar Bear Expedition" and referring to themselves as the "Polar Bears." Additionally, many U.S. troops, particularly in the 339th Infantry, the regiment to which most men belonged, started wearing a dark blue shoulder patch picturing a polar bear on an iceberg.

But if winter was harsh, there was plenty to be done in the way of legal work. Colonel Thurston and his staff had their hands full, with courts-martial taking priority. The most serious case was that of Pvt. Henry P. Jones, a soldier in the 339th Infantry Regiment. On October 21, 1918, Jones shot a fellow soldier, Corporal Campbell, in the back and killed him. Jones claimed that he was trying to shoot himself, but that his suicide attempt had gone awry. The members of the court-martial looked to Colonel Thurston for guidance. He advised them that Jones had no excuse or justification, since "[t]he killing of another person resulting directly from an attempt to commit suicide is murder." Jones was found guilty and sentenced to "hard labor for life."[7]

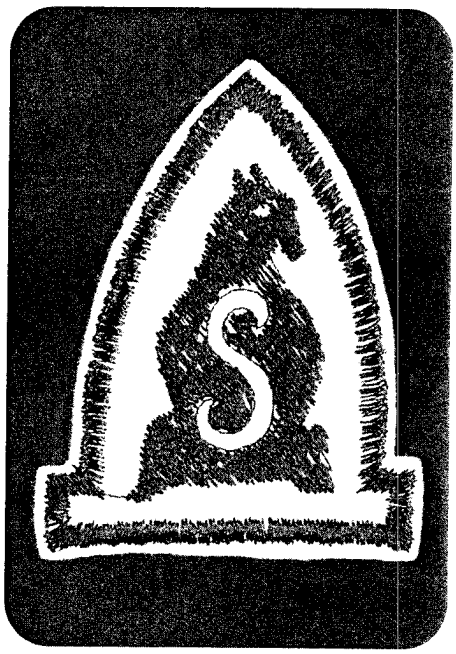
While this prosecution for murder was atypical, Colonel Thurston handled other courts-martials that were not routine. For example, the constant danger of attack from Bolshevik forces caused a number of soldiers to intentionally wound themselves for the purpose of evading service at the front; these men were court-martialed, as was a soldier guilty of "misconduct before the enemy." Apparently, self-inflicted gunshot wounds were not the only method used to avoid combat: Pvt. Charles F. Kingan was convicted of contracting "a venereal disease through neglect thereby unfitting himself for active military duty against the enemy." Some seventy men were convicted of this last offense; almost all received three months confinement at hard labor to discourage such behavior in the future.

Of the more than 250 cases prosecuted under Colonel Thurston's supervision between August 1918 and April 1919, the more typical court-martial involved absence without leave (35 cases) and drunkenness (23 cases). Criminal behavior, however, was not confined to enlisted men. Capt. Kenneth J. Boyd, an engineer officer, was court-martialed for being drunk in uniform. He was found not guilty. But Capt. Louis C. Coleman, an infantry officer, was found guilty of misappropriating and then selling six sacks of flour—840 pounds—and of "having a Russian woman occupying the same room with him for several days, to the scandal and disgrace of the military service." Coleman was sentenced "to be dismissed from the service." Colonel Thurston reviewed Coleman's case in February 1919

American officers of Co. F, 339th Infantry, visited the marketplace at Emetskoe, outside Archangel. The villagers offered clothing as well as food that included horsemeat (on wooden scale), carrots, and potatoes.

and advised that the findings and sentence contained no "prejudicial errors." Thurston recommended that the findings and sentence be approved as adjudged. But because only General Pershing, the commander in chief of the AEF, had the authority "to confirm" Captain Coleman's punitive discharge, Colonel Thurston further advised that the entire record of trial be forwarded to him in France.[8]

Americans were not the only ones court-martialed; there was at least one prosecution of a captured Bolshevik. In the heat of battle, a number of atrocities were committed—by both "Bolos" and the White Russians. Both sides would sometimes force captured prisoners to dig their own graves, then force them to sit in them while they shot them. Colonel Thurston reviewed the court-martial record of a captured "Bolo" who had been tried and sentenced to death for forcing a U.S. soldier to dig his own grave, although the American had not been killed. The death sentence—execution by firing squad—was never carried out. As the convicted man was being marched down a road to the place where he would be executed, a passing American soldier raised his rifle and shot the man dead. The records of the Judge Advocate General do not reflect why this soldier shot the condemned man—although vengeance seems a likely motive—nor what happened to the American.



Soldiers of the Thirty-first Infantry Regiment adopted a shoulder patch featuring a black bear with an "S" (for Siberia), to distinguish themselves from AEF units in North Russia.

In addition to his work with military criminal law, Colonel Thurston also gave legal opinions and advice on a variety of personal matters, including real estate, insurance and allotments, and domestic relations. He also prepared wills and powers of attorney for those AEF personnel who wanted them.

Majors Galen and McLean in Siberia

In Vladivostok, some five thousand miles distant from Colonel Thurston, Maj. Albert J.

Galen had set up the "Office of the Judge Advocate" for the Headquarters, AEF, Siberia. Born and raised in Montana, Galen was no stranger to cold weather but, while no doubt accustomed to ice and snow, Albert Galen could not have seen many polar bears. He was, however, ideally suited for duty as the lone judge advocate for a force of ten thousand soldiers. Major Galen was exceptionally well educated, having law degrees from both the University of Notre Dame and the University of Michigan, and had considerable experience, having served as the Attorney General of Montana from 1905 to 1913. After accepting a commission as a major in the Judge Advocate General's Reserve Corps in 1918, Galen served for a few months as the judge advocate for the Eighth Division at Camp Fremont, California. When General Graves, then commanding the Eighth Division, was selected to command the new AEF, Siberia, it was only natural for Major Galen also to be chosen to serve as the expedition judge advocate.

Consequently, on August 13, 1918, Major Galen was relieved from his duties at the division and "directed to proceed on first available transportation to Vladivostok, Siberia." Galen sailed from San Francisco aboard the U.S. Army Transport *Thomas* on August 14, 1918, and after arriving in Vladivostok, assumed duties as "Expeditionary Judge Advocate" on September 3, 1918.[9]

For the next nine months, until he left Vladivostok in May 1919, Galen and Regimental Sgt. Maj. Edmond G. Toomey, a legal clerk who had sailed with Galen on the *Thomas,* handled all legal matters for the American forces. Like Colonel Thurston in North Russia, they also experienced a harsh winter, with howling wind, bitter cold, and long winter nights.

Like the soldiers stationed in the Murmansk-Archangel area, the men of the Thirty-first Infantry Regiment also were enamored with polar bears and began calling themselves the "Polar Bears" and wore a shoulder patch with the bear's image. This bear, however, had an "S" (for "Siberia") emblazoned on it—no doubt to distinguish it from the polar bear worn by troops in North Russia.

Major Galen, working alongside the rest of the headquarters staff at No. 38, Svetlanskaya Street, Vladivostok, reviewed the records of trial in every general and special courts-martial. It was a considerable task. In the four-month period from September until December 1918, for example, more than 750 soldiers were prosecuted, including 207 for being absent without leave and 248 for disobedience of orders. And, as in North Russia, officers also were in trouble, with two being court-martialed for drunkenness "under such circumstances as to bring discredit upon the service."[10]

Like Thurston in North Russia, Galen advised on a number of very serious cases. In December 1918, for example, he advised General Graves in the court-martial case of Pvts. Karl A. Stromborn and Frank P. Alves, both soldiers in the Thirty-first Infantry. On December 7, 1918, these men were prosecuted for breaking into a Russian woman's home in Vladivostok and then "forcibly and feloniously" having carnal knowledge with her. The soldiers also were charged with stealing eighteen hundred roubles (about $225) from the woman. Stromborn and Alves were acquitted of all charges, and although General Graves probably was not too pleased with this result, Major Galen advised him to approve the "not guilty" verdicts.[11]

Galen also had some intriguing cases. On September 14, 1918, Pvt. Edward H. Grubbs, a soldier in the Twenty-seventh Infantry, was tried for defrauding a man of seventy-five dollars. The accused had "unlawfully pretended to Luka Koun, a Russian citizen, that a certain paper issued by the Confederate States of America was legal currency of the United States of America." Although knowing that this Confederate currency had no value, Grubbs had "fraudulently obtained the sum of five hundred roubles"—about seventy-five dollars. Private Grubbs was convicted and sentenced to hard labor for one year, with the sentence to be served at the military disciplinary barracks on Alcatraz Island, California. One has to wonder how worthless paper money from the Civil War came into Grubbs's possession—and how it got to Siberia.[12]

The Allied forces in Siberia were composed of British, French, American, Japanese, and Czech troops. Many of them hoped for a non-Communist victory in Russia.

Courts-martial for rape or for fraud using Confederate currency, however, were unusual. Most courts-martial were fairly routine, involving drunkenness, disrespect, disobedience, and assaults. In August 1918, for example, Cpl. Samuel J. Hazell was convicted of being "drunk and disorderly in Camp" and a number of offenses arising out of this intoxication. He had behaved in an "insubordinate, insulting, and disrespectful manner" toward a lieutenant by saying to

him, "I refuse to soldier, I wish there was a Commanding Officer here who would run this outfit. I don't give a damn for rank." Hazell disobeyed this officer's orders to stay out of a railroad station and, while drunk, had encouraged junior soldiers to visit a nearby town, even though he knew such visits were prohibited by written orders. Corporal Hazell was convicted and sentenced "to be reduced to the ranks, to be confined at hard labor for six months, and to forfeit two-thirds of his pay for six months." As he was an eighteen-year veteran with a good record, General Graves decided that leniency was warranted. Consequently, Hazell's sentence was reduced to three months in jail and three months of forfeitures. But Graves also wrote that

> [d]runkenness of a member of this command is a grave offense, meriting severe penalty. Under conditions incident to foreign service, drunkenness may endanger the life of members of these forces, and it will destroy the good repute of our Army in the eyes of our Allies, and thus constitute an impediment in the achievement of success by this command. It will not be tolerated.[13]

Despite the serious nature of most criminal cases, a review of judge advocate records for the Siberian expedition shows that at least a few prosecutions have an almost comical aspect. In January 1919 Pvt. Panfile Dandrea, while on duty as a cook at Ulysses Bay, Siberia, "feloniously" struck Wagoner Victor J. Lucier "on the head with a dipper." The record of trial shows that the men in the dining room were anxious to be fed, and that they were shouting at the overworked cook, Private Dandrea. As Dandrea, who had immigrated to the United States from Italy some five years earlier, explained in his court testimony:

> My tongue get twist [*sic*] . . . they just get me so sore holler [*sic*] at me trying to get my goat every day I went wild. I don't know what I said. I just take that dipper out. I didn't try to hit nobody with dipper. Accidently I get Jim [Lucier] in the head. That's as much as I remember. They all the time was hollering, "Let's go, Let's go" . . . like a bunch of wild men. I got disgusted and I got mad.

The court saw it slightly differently; hitting Lucier with a dipper earned Dandrea three months hard labor.[14]

QUESTIONNAIRE FOR THE JUDGE ADVOCATES RECORD OF THE WAR.

1. Rank, name, post office address:.
Major George R. McLean, Wilkes-Barre, Pennsylvania.

2. Place and date of birth:
Wilkes-Barre, Pennsylvania, January 24th, 1873.

3. General education:
(a) When and where obtained:
1891-1895, Lafayette College, Easton, Pennsylvania
(b) Mention any college degrees received, giving name of institution, dates, etc.
A.B., Lafayette College, 1895.

4. Professional education and preparation:
(a) When and where obtained:
1895-1896, under preceptorship of father, William L. McLean, L.L.D., Wilkes-Barre, Pa.
(b) Mention any college degrees received, giving name of institution, dates, etc.

5. Brief synopsis of professional career. Admitted to practice in all Courts of Luzerne County, Pa., 1896 and in the Supreme and Superior Courts of Pennsylvania and in the Federal Courts 1897 and 1898. Member of Board of Law Examiners, Luzerne County, Pa. 1898-1905. Member of Pennsylvania State Bar Association and Luzerne County, Pa., Bar Association. Engaged in general practice of the Law since admission.

6. State any special experience or practice in any particular branch or subject of the profession, and extent of such specialization.
Principally engaged as legal adviser and general counsel in corporation matters for the last ten years—

7. State any publice office held, how long. Member of Select Council, Wilkes-Barre, Pa., 1898-1901. Controller of Luzerne County, Pennsylvania, 1901-1905.

8. Mention all honorary degrees received from educational institutions, naming institutions and dates.
A.M., Lafayette College, 1898.

9. State any military service or training prior to entry into this department.
Cadet Chelteham Military Academy, Ogontz, Pennsylvania, 1888-1891.
National Guard of Pennsylvania, enlisted as private, retired as Captain, 1896-1907.
First Lieutenant 9th Pa. Vol. Infantry and Aide-de-Camp 3d Brig, 3d Div, 1st Army Corps } War with Spain 1898.

10. State full record, including dates of commissions, if any, in this department.
Commissioned Major, Judge Advocate General's Department, July 13, 1918. Served in the office of the Judge Advocate General until August 30, 1918. Ordered to Camp Whitby as Camp Judge Advocate August 30, 1918, ordered Oct. 26, 1918 and to Camp Dix as Camp Judge Advocate Nov. 21, 1918.

11. Mention briefly any exceptional event in your career not heretofore indicated.
Member of Copper River, Alaska, Expedition, 1905.
Contestant in the McLean vs Bowman Contest for membership in the 63rd Congress which terminated in the unseating of the Contestee.

12. Attach a photograph of yourself, in uniform.

13. If a copy of the book is desired, a draft for $5.00, payable to the order of "Col. W. S. Weeks, Executive Officer", should be enclosed.

14. If you have not a photograph, procure one at the earliest moment and let it follow.

Maj. George McLean's biographical questionnaire records both his extensive military and legal experiences. He succeeded Major Galen in May 1919.

Major Galen also was called upon "to give a large number of opinions, both oral and written, covering a great range and variety of subjects." In Galen's words:

> [My] attention has been directed to unusual questions of international Law and of conflict of jurisdictions between the Military and Local Authorities. In the absence of a recognized government, our position in dealing with the local authorities with respect to the application of local laws, has been somewhat unique, and much patience has been required.[15]

Galen also performed a variety of other legal duties. He served on the board of officers appointed to investigate and adjudicate claims made against the United States. This allowed local Russians whose property was damaged by AEF personnel to get compensation. Major Galen also served as General Graves's representative on the "Allied Commission of Prisoners of War." A large number of captured German and Austro-Hungarian soldiers had been shipped by the Russians to Siberia, and the commission, which met three times a week, determined their status under the *Hague Convention Respecting the Law and Customs on War on Land.* This international treaty, signed in 1907, required the Allies, as signatories, to determine the status of all captured enemy personnel and then required certain treatment for all those combatants and noncombatants determined to have prisoner-of-war status. Galen's participation on the commission ended when it was disbanded and the Japanese and Americans agreed to care for all prisoners of war located in Siberia.[16]

On May 31, 1919, Galen, recently promoted to lieutenant colonel, left Vladivostok for San Francisco. The day before, Maj. George R. McLean arrived in Vladivostok as his replacement. McLean, a forty-six-year-old Pennsylvania native, had some twenty years experience as a corporate attorney before being commissioned as a major in the Judge Advocate General's Department in July 1918. But this seasoned lawyer also had considerable military experience, having soldiered as an infantry officer in the Pennsylvania National Guard and served as an aide-de-camp during the Spanish-American War.

Major McLean's breadth of experience as a lawyer and soldier made him ideally suited to be Galen's replacement in Siberia, for the legal work was demanding. The number of commanders who could convene courts-martial had more than doubled—from five in December 1918 to thirteen by June 1919. According to McLean's report, this was the result of "the disintegration of the [AEF Siberia] command into relatively small units and detachments stationed at various points, widely apart, along the Trans-Siberian Railway in consequence of the undertaking of the United States military forces to guard certain sections thereof." For McLean as the expedition judge advocate, this meant advising thirteen different commanders on their rights and obligations in administering military justice. It also entailed reviewing a large number of criminal cases. In a six-month period between January 1 and June 30, 1919, for example, Major McLean and his staff of three enlisted men handled eighty-seven general courts-martial. Fortunately for McLean, Regimental Sgt. Maj. Toomey, who had arrived in Vladivostok with Galen the year before, agreed to stay in theater to assist McLean with legal operations. This ensured continuity in AEF legal operations.[17]

Like Galen, McLean had a large number of routine courts-martial. Many involved disrespectful language or deportment toward superior officers. John Speer, an infantry private in the Twenty-seventh Infantry, was prosecuted for "contemptuously throwing his rifle and bayonet" at the feet of his superior officer "and saying to him, 'I'll be damned if I can stand it any longer and you can give me six months or a year I don't give a damn which.'" He got six months in jail and lost two-thirds of his pay for six months, too.

HEADQUARTERS AMERICAN EXPEDITIONARY FORCES, SIBERIA.

GENERAL COURT-MARTIAL ORDERS No. 105 — Vladivostok, Siberia. August 21, 1919.

Before a general court-martial which convened at Verkhnie-Udinsk, Siberia, pursuant to paragraph 2, Special Orders No. 165, Headquarters American Expeditionary Forces, Siberia, July 21, 1919, was arraigned and tried:

Private, First Class, John Speer, (324251) Company "M," 27th Infantry.

Charge I: Violation of the 63rd Article of War.

Specification: In that Private, 1st Class, John Speer, (324251) Company "M," 27th Infantry, did, at Posolskaya, Siberia, on or about the 14th day of June, 1919, behave himself with disrespect toward Second Lieutenant Paul W. Kendall, 27th Infantry, his superior officer, by contemptuously throwing his rifle and bayonet at his (Lieutenant Kendall's) feet and saying to him, "I'll be damned if I can stand it any longer and you can give me six (6) months or a year I don't give a damn which," or words to that effect.

Pfc. John Speer's court-martial for disrespect toward his superior officer resulted in one month of hard labor.

As in North Russia, where relations between the American troops and local citizens became more friendly as the months passed, there were prosecutions for failing to take precautions against veneral disease. Requests for Major McLean's legal advice in the matter of social intercourse, however, soon went well beyond criminal law. For, as the AEF presence in Siberia lengthened in time, American soldiers were falling in love, and a large number were deciding that they wanted to marry their Russian girlfriends. In the U.S. Army of the day, a soldier had to obtain his commanding officer's permission to marry. Apparently this permission was freely given, and the resulting marriages meant a number of legal questions for the expedition judge advocate. Could an army chaplain lawfully marry a

soldier and his Russian girlfriend? Was a marriage ceremony performed by a Russian Orthodox priest valid under U.S. law? What rights did these new wives have to return with their husbands to the Philippine Islands? And when those husbands sailed home from the Philippines to the United States, what was the immigration status of these Russian-born wives?

After some research, George McLean advised that a marriage performed by a chaplain was lawful, as was a marriage done by the local clergy in conformity with local law. The former, however, no doubt was easier to accomplish. Consequently, after obtaining permission from their commanding officers, soldiers routinely were married by AEF chaplains. For example, on Thursday, July 17, 1919, 1st Lt. Z.T. Vincent, a chaplain, married Pvt. Guy Kelley and Miss Maria Kiselova in Vladivostok. The wedding ceremony was performed at the American consulate under the supervision of the vice-consul, who then issued a certificate recognizing the legality of the marriage under U.S. law.[18] Later, Mrs. Kelley and other Russian-born wives accompanied their husbands to the Philippines—and to the United States. But leaving Siberia with their husbands was not trouble-free; records show that military authorities in the Philippines complained that Russian women arriving on army transport ships often had not been deloused. In one case, this caused an outbreak of typhus fever and necessitated the fumigation of the entire transport ship.[19]

In his supplementary report on AEF legal operations, Major McLean wrote that he had been "called upon by officers and men for advice and help on questions affecting their rights of person and property." This meant preparing "Wills, Powers of Attorney, and Appearances in civil actions." McLean also acted as a commissioner in the taking of depositions and as a notary public. Much of his legal advice related to the newly enacted Soldiers' and Sailors' Civil Relief Act and the significant legal benefits it created for all AEF soldiers. Passed by Congress on March 8, 1918, the act gave all members of the armed forces the right to halt any civil proceedings against them. Thus, a soldier in Vladivostok could halt a civil suit filed against him in state or local court. While the length of such a court stay was not indefinite, as a practical matter an AEF soldier could delay the case for at least a year. The act specifically provided that no default judgment could be entered against a soldier while he was in military service, and if judgment were entered, it could later be reopened. The act also allowed any soldier in Siberia to delay payments on any life insurance policies, installment contracts, and taxes on real estate. These last three protections certainly would have applied to some officers stationed in Vladivostok, and Major McLean would have drafted the necessary court documents for them to take advantage of these rights.[20]

Finally, George McLean "rendered a considerable number of opinions, both oral and written" on international law, the conduct of army departments and offices, relations with the Russian and miltiary authorities, relations with Allied governments, and the administration of military law.

OPPOSITE: *Pvt. Joseph Chinzi of the 339th Infantry weds his Russian bride at Archangel. Judge advocates advised that marriage ceremonies conforming to local law were valid under American law.*

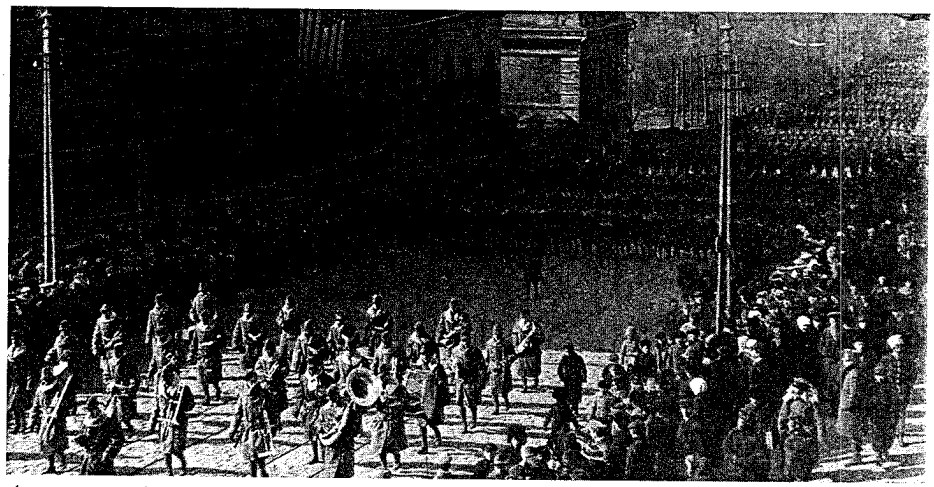
George McLean returned to the United States on October 6, 1919. The Judge Advocate General's Department, however, did not send an army lawyer as his replacement, probably because American military operations in Siberia were winding down. A nonlawyer performed as acting expeditionary judge advocate until June 1920, when the last American unit left Siberia.

Conclusion

Probably because the foundation of our nation is the Constitution and Bill of Rights, Americans have long attached an importance to law not seen in other countries or cultures. Viewed in this light, the decision to send judge advocates on the expeditions to North Russia and Siberia makes perfect sense—having had lawyers in uniform since 1775, the army attached the same importance to the law as did American society. It recognized that, regardless of how far-flung the military operation, judge advocates should accompany a commander to ensure good order and discipline.

The criminal law done by Colonel Thurston and Majors Galen and McLean, enhanced mission success by ensuring obedience to the law in North Russia and Siberia. But judge advocate advice to individual soldiers meant that the personal needs of Americans serving far from home also were met, and so the law supported the two military expeditions by contributing to the morale and welfare of all AEF personnel.

While the American intervention in Russia is an episode of history that today is nearly forgotten, the experiences of Thurston, Galen, and McLean will always be fascinating, if for no other reason than they illustrate how American law and lawyers have often ended up in the most unusual places. ✦



A peace parade in Vladivostok on November 15, 1918, included the American forces' Thirty-first Infantry band.

Notes

[1] The Records Reconstruction Branch, Military Personnel Records, National Personnel Records Center, St. Louis, MO, has no personnel records on Thurston, Galen, and McLean; any records that may have existed probably were destroyed in a 1973 fire at the center. The Judge Advocate General's Corps also has no information on these officers.

[2] In 1950 Congress replaced the Articles of War with the Uniform Code of Military Justice (UCMJ). Most of the punitive provisions of the Articles, however, were retained unchanged in the UCMJ.

[3] For a fuller treatment of the story behind the North Russian Expeditionary Force, see Dennis Gordon, *Quartered in Hell: The Story of the American North Russian Expeditionary Force, 1918–1919* (1982) and Leonid I. Strakhovsky, *The Origins of American Intervention in North Russia (1918)* (1972). See also Andrew J. Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1860–1941* (1998), pp. 208–218.

[4] For a similar treatment of U.S. forces in Siberia, see William S. Graves, *America's Siberian Adventure* (1931) and John A. White, *The Siberian Intervention* (1950). See also Birtle, *Counterinsurgency and Contingency Operations Doctrine,* note 3, pp. 218–226.

[5] In 1919 all officers and enlisted members of the Judge Advocate General's Department completed a biographical questionnaire. The information provided was to be the basis for a "Memorial Volume" that would record the details of all who had served in the department in World War I. The "Memorial Volume" was never published, but the questionnaires of Edward Sampson Thurston and his colleagues survive in entry 45, Records of the Judge Advocate General's Department, Record Group 153, National Archives and Records Administration, Washington, DC (hereinafter, records in the National Archives will be cited as RG ___, NARA).

[6] Report, from Judge Advocate, U.S. Troops, to Commanding Officer, U.S. Troops, "Murmansk Expedition," Archangel, Russia, Apr. 9, 1919, Other Related Expeditionary Forces, Records of the American Expeditionary Forces (World War I), RG 120, NARA.

[7] Ibid., p. 2.

[8] General Pershing approved Coleman's dismissal on May 2, 1919. General Court-Martial Orders No. 212, G.H.Q., American Expeditionary Forces, France, May 2, 1919, RG 120, Box 1, NARA.

[9] "Questionnaire for the Judge Advocates Record of the War," Albert J. Galen, RG 153, entry 45, NARA.

[10] Report, Office of the Judge Advocate, AEF, Siberia, for Commanding General, Hq, AEF, Siberia, Dec. 31, 1918, Exhibit J, p. 6, file 21-67.4, *Historical Files of the American Expeditionary Forces in Siberia, 1918–1920* (National Archives Microfilm Publication M917, roll 11), Records of U.S. Army Overseas Operations and Commands, 1898–1942, RG 395, NARA.

[11] General Court-Martial Orders No. 2, Hq, AEF, Siberia, Jan. 18, 1919, Vladivostok, Siberia, Hq, AEF, General Court-Martial Orders (1919–1920), RG 395, NARA.

[12] General Court-Martial Order No. 15, Hq, AEF, Siberia, Jan. 24, 1919, RG 395, NARA.

[13] General Court-Martial Order No. 3, Hq, AEF, Siberia, Oct. 7, 1918, RG 395, NARA.

[14] General Court-Martial of Pvt. Panfile Dandrea (2368225), Supply Company, Thirty-first Infantry, Hq, AEF, Siberia, Feb. 12, 1919, Office of the Judge Advocate General, General Courts-Martial 1812–1938, RG 153; General Court-Martial Order No. 27, Hq, AEF, Siberia, Feb. 12, 1919, RG 395, NARA.

[15] Report, Office of the Judge Advocate, AEF, Siberia, for Commanding General, Hq, AEF, Siberia, Dec. 31, 1918, Exhibit J, p. 6, file 21-67.4, M917, roll 11, RG 395, NARA.

[16] Ibid., p. 7.

[17] Supplementary Report of Operations Judge Advocate General's Department, AEF Siberia, January 1, 1919 to June 30, 1919, June 30, 1919, pp. 1, 3, file 21-67.4, M917, roll 11, RG 395, NARA.

[18] Chaplain Z. T. Vincent, to Hq, AEF, Siberia, Sept. 18, 1919, RG 395, NARA.

[19] Commanding General, Philippine Department, to Commanding General, AEF, Siberia, subject: Delousing of Russian wives of enlisted men, Mar. 6, 1920, RG 395, NARA.

[20] Supplementary Report of Operations, AEF Siberia, June 30, 1919, p. 5, file 21-67.4, M917, roll 11, RG 395, NARA.