

A Deserter in France from 1944 to 1958:

The Strange but True Case of Private Wayne E. Powers

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On 22 March 1958, French police discovered a man concealed under the stairs in a home in Mont d'Origny, France. The man was soon revealed to be Private (PVT) Wayne E. Powers, an American Soldier who had deserted from his unit in mid-December 1944. Since that time, Powers had been hiding out in France and, over the next thirteen years, had fathered five children with the French owner of the home in which he had been caught. What follows is the story of PVT Powers's 1958 trial by court-martial for desertion and its rather surprising aftermath.

Born in Chillicothe, Missouri, on 14 March 1921, Wayne Eldridge Powers had worked as a farmer prior to being drafted in May 1943. After completing basic training in El Paso, Texas, he spent a brief time at Army installations in California and New York before shipping out to England in early 1944. According to the sworn statement that Powers gave in French to an Army criminal investigator after his apprehension in March 1958, he remembered landing in Normandy on "9 or 10 June 1944." Powers explained that he had been a truck driver in France for "five or six months" when, while on his way to an Army depot in Cherbourg, he had picked up a hitchhiker wearing an American uniform. According to Powers, this hitchhiker later robbed him—at gunpoint—of both his truck and its contents. When Powers subsequently showed up without his truck, he was apprehended by agents belonging to the Army's Criminal Investigation Division (CID). According to Powers, these agents accused him of being a "German spy" and beat him during questioning over the next several weeks.¹

Powers claimed to have been released by CID investigators in mid-December 1944. Apparently unable to find his truck company to re-join it, he had started hitchhiking toward Mont d'Origny, a small town located about forty miles from the Belgian border. The previous month, Powers had met this "dark-haired French girl" named Yvette Bleuse in a bar in town and, although Powers spoke no French and Yvette spoke no English, "she gave him a woman's smile after months of murderous combat."² As a result, when Powers showed up at Bleuse's door in Mont d'Origny "approximately one week prior to Christmas in 1944, while the Battle of the Bulge was being fought," she

took him into her home. The two lived together for the next thirteen years.³

During this time period, Yvette Bleuse worked at a factory to support Powers and the five children they had together. As for Powers, he "remained in the house during the daytime" and only went out at night "for a walk and some fresh air." Occasionally, the French police would visit the Bleuse home, as there were rumors that an American deserter was living there. Powers would avoid these gendarmes by hiding in a secret compartment under the stairs in the home—which he also did whenever other strangers would come for a visit.⁴

After the French police turned Powers over to U.S. military authorities in March 1958, CID investigators asked him if he had intended to desert from the Army during the Battle of the Bulge. Powers denied that he had such an intent. When then asked why he did not return to military control when "U.S. forces came back to France" after the war, or notify the American embassy after 1945 that he was living in France, PVT Powers explained that he "was scared." He also said that if he had given himself up to the American authorities, this would have made his "companion" and "children whom I love very much . . . unhappy."⁵

Since Powers claimed to have lost the ability to speak English (he claimed only to be able to understand it), and since Powers had not written to his father or his wife⁶ in Missouri for some thirteen years, the Army naturally concluded that he intended to remain away permanently from his unit and charged him with desertion.

¹ U.S. Dep't of the Army, DA Form 19-24, Statement, 1 June 1954, Powers, Wayne, at 1-3 (26 Mar. 1958) [hereinafter Powers Statement].

² CHARLES GLASS, THE DESERTERS: A HIDDEN HISTORY OF WORLD WAR II, xv (2013).

³ United States v. Powers, CM 400435 (2 Aug. 1958) (Review of the Staff Judge Advocate (12 Aug 1958)) [hereinafter Review of Staff Judge Advocate].

⁴ Powers Statement, *supra* note 1, at 1-3.

⁵ *Id.* at 3.

⁶ Powers had been married when he entered the Army in 1943; his wife, Ruth Killian Powers, filed for divorce in November 1949 on the grounds that Powers had "absented himself for more than one year without just cause." Ruth Powers was granted a divorce in January 1950. She subsequently remarried and moved to Texas.; United States v. Powers, CM 400435, Exh. G (1 Aug. 1958) (providing a Telex message from Commanding Gen., Fort Leavenworth, Kan., to Commanding Gen., Army Commc'ns Zone, Advance Section, Verdun, France (1 May 1958)).

On 1 August 1958, Powers was tried by a general court-martial convened by Brigadier General Robert J. Fleming, Jr., Commanding General, U.S. Army Communications Zone, Advance Section (COMZ-ADSEC), Verdun, France. There was but a single charge: desertion terminated by apprehension in violation of the 58th Article of War.⁷

The proceedings held at the Maginot Caserne in Verdun were quite short, since Powers's defense counsel, judge advocate First Lieutenants (1LT) Leon S. Avakian, Jr. and James A. Stapleton, had advised Powers to enter into a pre-trial agreement with the convening authority. In return for Powers's plea of guilty to the charge and its specification, Brigadier General Fleming agreed that he would disapprove any sentence to confinement at hard labor exceeding six months. Any other lawful punishment imposed by the panel deciding the case, however, could be approved.⁸

At trial, the judge advocate trial counsel, 1LT James D. McKeithan, offered no evidence on the merits and PVT Powers offered no evidence on sentencing; the panel had only a stipulation of fact and argument from trial and defense counsel to consider. Based on the accused's plea and his military record (which included two previous convictions by courts-martial),⁹ the panel sentenced Powers to forfeit all pay and allowances, to be reduced to the lowest enlisted grade, to be confined for ten years, and to be dishonorably discharged.¹⁰ Colonel Edgar R. Minnich, the COMZ-ADSEC Staff Judge Advocate, reviewed the record of trial and recommended to Brigadier General Fleming that he adhere to the pre-trial agreement. As a result, Fleming approved the sentence as adjudged, except that he reduced the ten years in jail to six months in the local stockade.¹¹

From the Army's perspective, good order and discipline required that Powers be tried by a general court-martial. After all, nearly 50,000 Americans had deserted from the Army (and Army Air Force), Navy, Marine Corps, and

Coast Guard during World War II,¹² and many had been court-martialed and received lengthy prison sentences for intentionally leaving their units during wartime. But French public opinion—and even some Americans—did not see it that way, and the Powers case became a “cause célèbre” in both Europe and the United States. The public overwhelmingly viewed this case not as a crime, but as a love story with a fateful ending.

The American embassy in Paris received some 60,000 letters about the Powers case. Virtually all expressed support for the American deserter and pleaded for his immediate release.¹³ Newspapers in France and Germany, as well as in the United States, also covered the story. A number of letters and telegrams from foreign nationals and U.S. citizens arrived at the Pentagon, Congress, and the White House; a handful of these are contained in the allied papers of *United States v. Powers*.

Some of the correspondence asked for clemency for the accused so that he could return to Yvette Bleuse (whom he now desired to marry) and his five children. A high school classmate (Chillicothe High School Class of 1938) sent a telegram to President Dwight D. Eisenhower “urgently” requesting “commutation” of Powers's sentence. “Our class,” wrote Mr. Clark Summers, “had several immortal heroes who would not wish to see this boy persecuted for his very mortal sin.”¹⁴ Similarly, a telegram to the Secretary of the Army from Edward C. Dean of Rockville, Connecticut, “protested” the ten-year sentence given Powers.¹⁵

In a letter to The Judge Advocate General, C. L. King of La Habra, California, complained that it was “inconceivable” to him that the Army had any authority over Powers. King wrote that although he had “spent nearly 5 years in the [N]avy during World War II,” he “could not even agree to a six month sentence” for Powers. Powers's “capture was pure kidnapping” and the “army has done enough damage already . . . [and it should] wash its hands of the whole affair and not antagonize millions more Americans and French.” King closed his letter with these words: “All the drunken, arrogant, incompetent officers of this man's division are now out on pension or else getting fat somewhere on an army post. Are they any better than he?”¹⁶

⁷ Private (PVT) Powers could not be prosecuted under the Uniform Code of Military Justice because his crime had been committed prior to its enactment in 1950.

⁸ Although PVT Eddie Slovik had been executed by firing squad for deserting during the Battle of the Bulge, Brigadier General Fleming apparently never considered the death penalty as a punishment in referring Wayne Powers's case to trial. For more on Slovik, see Fred L. Borch, *Shot by Firing Squad: The Trial and Execution of Pvt. Eddie Slovik*, ARMY LAW., May 2010, at 3.

⁹ Powers had been convicted by a special court-martial for having absented himself without authority from his unit for eight days in January 1944; he also had a conviction by summary court-martial for being drunk and disorderly in uniform in a public place in April 1944. *United States v. Powers*, CM 400435 (1 Aug. 1958) (Review of the Staff Judge Advocate (12 Aug. 1958)).

¹⁰ *Id.*; Headquarters, U.S. Dep't of Army, U.S. Army Commc'ns Zone, Advance Section, Verdun, France, APO 122, Court-Martial Appointing Order No. 11 (1 July 1958).

¹¹ Review of the Staff Judge Advocate, *supra* note 2.

¹² GLASS, *supra* note 1, at xi.

¹³ E-mail from John Brebbia, to author (17 Oct. 2013, 11:13 A.M.) (on file with The Judge Advocate Gen.'s Legal Ctr. & Sch., Charlottesville, Va., Historian's files).

¹⁴ *United States v. Powers*, CM 400435 (1 Aug. 1958) (providing a copy of a telegram from Clark Summers, to The President (Eisenhower)).

¹⁵ *Id.* (providing a copy of a telegram from Edward C. Dean, to the Sec'y of the Army (1 Aug. 1958)).

¹⁶ *Id.* (Letter from C. L. King, to The Judge Advocate Gen. (11 Aug. 1958)).

The Army even received a letter from an attorney acting on behalf of a Hollywood screenwriter. As this lawyer explained, he wanted a copy of the record of trial in the case because his client thought that the Wayne Powers story might be of “possible value for motion picture adaptation and presentation.”¹⁷

On the other hand, some letters expressed a decidedly negative view of PVT Powers. Paul Lutz of Tyler, Texas, insisted that the “ten year sentence was far too light,” and he asked why the Army had made a “deal” with a “cowardly deserter.” Since Powers had deserted during the Battle of the Bulge, Lutz insisted that “some may have died because this man was not there. Yet we are to feel sorry for this man who deserted his comrades and country for a lover.”¹⁸

A letter written by Chester Missahl of Duluth, Minnesota, who had soldiered during World War II, described Powers as a “dirty, stinking coward and war-time deserter.” Missahl complained bitterly about Brigadier General Fleming’s decision to reduce Powers’s sentence to six months’ confinement. Wrote Missahl:

It would seem the original ten year sentence as pronounced by the court-martial was sufficiently light for a traitor whose deserved punishment is a bullet in the back; and such molly-coddling is difficult to believe. Certainly General Fleming should be cashiered at once for such brazen disregard for the rights of the millions who did not turn traitor.

If this be a fair sample of today’s Army, God help us in the next war.”¹⁹

Although Brigadier General Fleming had approved a six-month sentence of confinement, the Army apparently had had enough of Powers—and the adverse publicity surrounding his case. As a result, after the Board of Review (the forerunner of today’s Army Court of Criminal Appeals) approved the findings and sentence in *United States v. Powers*, and after Powers declined to petition the Court of Military Appeals (today’s Court of Appeals for the Armed Forces) for a grant of review, Brigadier General Fleming remitted the unexecuted portion of PVT Powers’s sentence on 2 October 1958.²⁰

The accused was immediately released from confinement in the Verdun Stockade and dishonorably discharged. Since the French government had consented to his remaining in France after his separation from active duty, thirty-seven-year-old Powers remained on French soil and returned to Mont d’Origny and Yvette Bleuse.²¹

So ended the court-martial of the Soldier who had deserted and hidden in France for more than thirteen years. But what happened to Wayne E. Powers? While the record of trial does not answer this question, he apparently did marry Yvette two years after being released from jail. The couple also had a sixth child together.²² It seems highly likely that Monsieur and Madame Powers lived out the remainder of their days together in Mont d’Origny, France.

More historical information can be found at

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¹⁷ *Id.* (Letter from Michael A. Wyatt, to the Office of the Judge Advocate Gen., Military Justice Div. (25 July 1961)).

¹⁸ *Id.* (Letter from Paul V. Lutz, to Neil McElroy, Sec’y of Def. (4 Aug. 1958)).

¹⁹ *Id.* (Letter from Chester Missahl, to Sec’y of Def. (6 Aug. 1958)).

²⁰ Headquarters, U.S. Army Commc’ns Zone, Advance Section, Verdun, France, APO 122, U.S. Forces, Gen. Court-Martial Order No. 22 (2 Oct. 1958).

²¹ Memorandum from Major General George W. Hickman, Jr., The Judge Advocate Gen., to Sec’y of the Army, subject: Report on Current Status of Private Wayne E. Powers (9 Sept. 1958).

²² GLASS, *supra* note 1, at xv.