

## Lore of the Corps

### A Battlefield Promotion and a “Jumping JAG” Too: The Amazing Story of Nicholas E. Allen in World War II (1924–1993)

Fred L. Borch III  
Regimental Historian & Archivist

While many judge advocates (JAs) have soldiered well in combat, few equal the achievements of Nicholas E. Allen, who entered the Judge Advocate General’s Department (JAGD) as a second lieutenant (2LT) in 1942 and, when the fighting in Europe ceased in May 1945, was a lieutenant colonel (LTC) and the Division Judge Advocate, 82d Airborne Division. This is not because Allen made rank so quickly, although progressing from gold bars to silver oak leaves in such a short time is noteworthy. Rather, Allen stands apart from all other JAs in history because his superlative performance in combat earned him a battlefield promotion from major to LTC in November 1944—making Allen the only JA in history to have received such a distinction. Additionally, then LTC Allen made history again in March 1945 when he became the first JA to complete basic airborne training and earn the Army parachutist badge.<sup>1</sup>

Born in Atlanta, Georgia on 24 July 1907, Nicholas Eugene “Nick” Allen graduated Phi Beta Kappa from Princeton University in 1929 and went straight to law school at Harvard. After passing the New Jersey bar in 1932, Allen went into private practice until 1936, when he took a job as an attorney in the Department of Labor in Washington, D.C.

After America’s entry into World War II, Allen applied for a commission in the JAGD and, on 1 April 1942, was sworn in as an Army Reserve 2LT. He then worked in the contracts division in The Judge Advocate General’s Office in Washington, D.C. His officer efficiency report from this period describes him as “a pleasant, likeable, quietly efficient officer; gentlemanly in bearing, conscientious, loyal, very willing and always ready to do any job that needs to be done.”<sup>2</sup>

After attending the Eleventh Officer’s Class at The Judge Advocate General’s School in Ann Arbor, Michigan, from April to July 1943, Allen accepted a Regular Army commission and was promoted to captain. He then served briefly in Texas before being promoted to major (MAJ) in

January 1944 and sailing for England. There, he worked in the Military Justice Division in the Branch Office of the Judge Advocate General, where he was the chief examiner of court-martial records of trial. His boss, Brigadier General E. C. McNeil, lauded Allen as “keen, alert, adaptable, loyal, cooperative, thorough . . . a top notch officer in every way.”<sup>3</sup>

With a little more than two years in uniform, Allen was then chosen to join the 82d Airborne Division as its one and only lawyer. Although MAJ Allen had superb legal skills, he had never served as a legal advisor to a division commander. He had no combat experience, much less time with paratroopers who had waded ashore in North Africa in May 1943 and subsequently experienced hard and bloody combat in Italy and France. Finally, at thirty-seven years of age, Allen was an old man in comparison to most of the officers and enlisted men in the division. One can only imagine that he knew that this job was going to be both a mental and physical challenge.

When Allen reported to the 82d Airborne in August, the division was only a month away from major combat operations as part of Operation *Market Garden*. This daring plan, which started on 17 September 1944, involved nearly 5000 aircraft and more than 2500 gliders. It called for a large American-British airborne force to parachute deep behind enemy lines and seize key bridges and roads in the Netherlands. Despite fierce German counterattacks, the 82d succeeded in capturing and holding the bridge over the Maas River at Grave. Three days later, in exceptionally brutal combat near Nijmegen, elements of the 82d captured a key bridge across the Waal River. Despite the division’s success, the defeat of other Allied units at Arnhem meant overall failure and, after fifty-six days of combat, the 82d was withdrawn to France.

During the early weeks of *Market Garden*, Allen was not in direct combat. On 7 October 1944, however, he joined the most forward elements of the 82d in Holland. Allen then coordinated and supervised investigations into claims for money made by Dutch civilians for damage or loss to their property caused by American paratroopers. Of course, the Army would not pay for property losses arising out of combat. But, when there was no fighting, and an American Soldier damaged a Dutchman’s home or

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<sup>1</sup> A longer version of Nicholas Allen’s storied career appeared in print in 2007. See Fred L. Borch, *The 82d Airborne’s ‘Jumping JAG’: The Incredible Wartime Career of Nicholas E. Allen*, PROLOGUE 18–25 (Summer 2007).

<sup>2</sup> War Dep’t Adjutant Gen.’s Office (AGO) Form 67, Efficiency Report, Nicholas E. Allen, 1 July 1942 to 31 December 1942 (Historian’s files, The Judge Advocate Gen.’s Legal Ctr. & Sch. (TJAGLCS)).

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<sup>3</sup> War Dep’t AGO Form 67, Efficiency Report, Nicholas E. Allen, 1 January 1944 to 30 June 1944 (Historian’s files, TJAGLCS).

requisitioned food or some other item of personal property, a claim could be paid.

When it became clear that the 82d Airborne would be in Holland longer than had been expected and, not wanting the administration of justice to be interrupted by combat, Allen arranged for paratroopers in Belgium awaiting trial by court-martial to be flown to the Netherlands so that they could be tried there.

Allen also took on the additional duty of ‘voting officer.’ The War Department, at the urging of President Roosevelt, wanted as many Soldiers as possible to be able to cast a vote in the November 1944 presidential election. This meant that Allen had to enter the ‘Combat Zone’ (as it was then called), deliver paper absentee ballots to paratroopers fighting on the front lines, and then collect these ballots and arrange for their return to the United States in time for the election.

Major General (MG) James “Jumping Jim” Gavin, the Division Commander, later wrote that Allen’s work “enabled the Division to extend the voting privilege to combat troops actually in the forward lines under conditions that subjected [him] to hazards ordinarily alien to the exercise of his duties as Judge Advocate General [sic].”<sup>4</sup>

While *Market Garden* ultimately failed, and the 82d Airborne was pulled out of the Netherlands, MG Gavin was so impressed with Allen’s performance during the heavy fighting that he did something that no other commander had ever done before, or has done since that time: on 13 November 1944, he recommended a “battlefield promotion” for Allen. According to the recommendation for promotion, MG Gavin thought Allen should be wearing silver oak leaves because his JA had enhanced mission success by arranging for Soldiers to vote, investigating claims, and ensuring that military discipline was enforced through the courts-martial process. In short, Allen had gone beyond what was ordinarily expected of a lawyer—even one who was in uniform.

Under Army Regulation 405-12, which governed officer promotions, MG Gavin could recommend a promotion for any officer who had “clearly demonstrated his fitness of promotion by his outstanding performance in actual combat.”<sup>5</sup> Such a recommendation for a battlefield promotion had to be for superlative duty performance in combat and there had to be a vacancy in the manpower organization of the division. As the 82d Airborne was short

one LTC, MG Gavin could have selected any one of a number of officers to be promoted. But he chose Nicholas Allen, and MG Matthew Ridgway, the XVIII Airborne Corps commander, approved the choice. Major Allen was promoted to LTC on 7 December 1944.

While the 82d Airborne enjoyed a brief period of rest and relaxation after its withdrawal from the Netherlands, it was back action again in December, when the German launched a surprise attack in the Ardennes forest of eastern Belgium. Thrown into battle, the paratroopers fought hard over the next month in what is now popularly known as the Battle of the Bulge.

During the bloody fighting and bitterly cold conditions, Allen proved that Gavin’s trust and confidence in him had not been misplaced. The citation for the Bronze Star Medal, awarded to Allen in June 1945, says it all:

In the Ardennes campaign, Lt. Col. Allen voluntarily went into the Combat Zone to expedite the work of his section, at time entering the forward CP [Command Post] of the Division. The devotion to duty, competence, and indifference to danger shown by Lt. Col. Allen in the prosecution of his activities reflects great credit upon him and is in the highest traditions of the military service.<sup>6</sup>

Other governments also recognized LTC Allen’s contributions to the Allied cause. For his service in the Netherlands, the Dutch Government awarded him the Military Order of William. The Belgian Government decorated Allen with their “Fourragere 1940” for his efforts in the Battle of the Bulge.<sup>7</sup>

After the Germans were defeated in the Ardennes, the 82d went back on the offensive. The division moved through the Hurtgen Forest, passed through the Siegfried Line, and was on the Roer River in February. At the end of April 1945, the 82d conducted an assault across the Elbe River near Blekede, Germany and, on 2 May 1945, MG Gavin accepted the surrender of 150,000 German troops. The following week, after six campaigns and 442 days in combat, the war ended for the paratroopers of the 82d Airborne Division.<sup>8</sup>

Allen had remained as the Division Judge Advocate (DJA) the entire time; he did not leave for a new assignment

<sup>4</sup> Memorandum from Major General James Gavin, to Commanding General, XVIII Airborne Corps, subject: Battlefield Promotion of Officer (13 Nov. 1944) (Historian’s files, TJAGLCS).

<sup>5</sup> Memorandum from Office of the Division Command, Headquarters, 82d Airborne Division (Forward), subject: Battlefield Promotion of Officer (13 Nov. 1944) (Historian’s files, TJAGLCS).

<sup>6</sup> Headquarters, 82d Airborne Division, Gen. Orders No. 84 (4 June 1945).

<sup>7</sup> War Dep’t AGO Form 53-98, Military Record and Report of Separation/Certificate of Service, Nicholas E. Allen para. 29 (21 Nov. 1946) (Historian’s files, TJAGLCS).

<sup>8</sup> For more on the 82d division in World War II, see FORREST W. DAWSON, *SAGA OF THE ALL AMERICAN* (1946). See also GERARD M. DEVLIN, *PARATROOPER!* (1979).

until June 30, 1945. His final officer efficiency report from MG Gavin contained the following words:

This officer is a hard-working and thoroughly informed Judge Advocate. His work has been outstanding. Coming into this Division after it had been overseas and through combat might have presented a serious problem to another officer, but he succeeded in quickly establishing a wholesome respect from the unit commanders and a feeling of confidence throughout the entire staff.<sup>9</sup>

Lieutenant Colonel Allen's officer efficiency report also indicated that he was now a "qualified parachutist" and he had, in fact, completed the Division's ten-day parachute school in March 1945. An April 1945 article published in *The Advocate* gives some of the details of this event, which had come from a dispatch from the public relations officer of the 82d Airborne. It seems that Allen had volunteered for jump training even though his job as DJA was "usually considered strictly 'chairborne.'" The article continues:

The jump school course included a grueling physical conditioning program, instruction in manipulation of parachute harness and control of the 'chute in the air, and the correct manner of leaving the door of a plane.

During the course, Col. Allen made five jumps, two of which were made clad in full combat equipment worn for jumping over enemy territory. He finished the course with a night jump into inky blackness, and later received his jump wings from Maj. Gen. James M. Gavin, division commander.<sup>10</sup>

On the last day of June 1945, LTC Allen left the 82d Airborne Division for a new job with the 78th Infantry Division. That unit was in Berlin as part of the occupation forces, and Allen assumed duties as Staff Judge Advocate, U.S. Headquarters, Berlin. Six months later, he became the executive officer at the Judge Advocate Division, U.S. Forces European Theater. Allen left Europe to return to the United States in June 1946 and was released from active duty at the end of the year.

What happened to Allen? He worked briefly in private practice before becoming a civilian attorney in the Office of the General Counsel, Department of the Air Force, in 1948. As the Air Force had only recently become an independent service, Allen was involved in formulating legal policy and handling issues for a brand-new military organization. He remained with the Air Force as an associate general counsel until 1951, when he moved to the Department of Commerce to accept an appointment as acting assistant secretary for international affairs. In 1953, Allen left the Government to enter private practice. He had clients in Maryland and the District of Columbia and continued to practice law until shortly before his death.

As for his military career, Allen remained in the Army Reserve after World War II but, in June 1949, requested a transfer to the Air Force Judge Advocate General's Department. His rationale was that as he was then working in the Air Force General Counsel's office, it made sense for him to be an Air Force Reserve JA should an emergency arise that would require Allen to be called to active duty. The Army and Air Force agreed, and Allen was appointed a colonel in the Air Force Reserve in 1949. Not surprisingly, he excelled as an Air Force lawyer and, in March 1961, Allen was promoted to brigadier general. He retired in August 1967, with more than twenty-five years total service in the Army and the Air Force.

Nicholas E. Allen died in Maryland in 1993.

*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 our Corps with honor, dedication, and distinction.*

<sup>9</sup> War Dep't AGO Form 67, Efficiency Report, Nicholas E. Allen, 1 July 1944 to 31 December 1944 (Historian's files, TJAGLCS).

<sup>10</sup> *First JAG Parachutist*, THE ADVOCATE (13 Apr. 1945).