

# 142 Soldiers Executed Since U.S. Entered War

## House Subcommittee Recommends Drastic Program To Correct Judicial Injustice

WASHINGTON, (UP)—A House Military Affairs subcommittee, recommending a drastic program to correct "injustices" in courts martial proceedings, disclosed today that 142 army men have been executed for rape, murder and desertion since Pearl Harbor.

An additional 33,741 have been imprisoned for lesser crimes, including two who were sentenced to life for going AWOL, the subcommittee said.

The subcommittee's 25,000-word report, based on six months of secret investigations, bristled with charges that the army too often uses the system to "enforce discipline" instead of providing impartial justice for the accused.

"Some of the most striking miscarriages of justice," it charged, "have taken place abroad" where the Army hoped to impress the local populations.

"There have been many excessive sentences. The most tragic, of course, are the death sentences not commuted and about which it is so difficult to obtain information."

Competent observers, the committee said, agree that in general Army courts "err on the side of severity."

"Most professional officers regard the system as a means of enforcing discipline," it said, and investigating officers, trial judge advocates and defense counsel possibly "feel the heavy hand of their commanding officer upon them."

To correct such injustices, the committee proposed:

1. Establishment of an independent, private tribunal with power to alter or void any decisions returned by the military tribunals.
2. A complete and autonomous judicial department within the Army staffed with qualified personnel to serve as both members of the courts and defense counsel.
3. Appointment by the President, with consent of the Senate, of a judge advocate general and his assistants who will serve in a civilian capacity.
4. Permitting defense counsel to secure witnesses "on an equal basis with the prosecution."
5. An end to closed door sessions with all proceedings open to the public.

6. A requirement that, at the request of an accused enlisted man, the court shall consist of one-third enlisted men chosen from some unit other than that commanded by the officer who brought the charge.

7. Punishment to apply to officers and enlisted men equally.

8. A penalty for rape no more severe than the maximum imposed by the civil law of the country in which the offense was committed.

Rep. Carl T. Durham, D., N. C., chairman of the subcommittee, disclosed that it began its investigation quietly six months ago following widespread complaints against both Army and Navy courts martial proceedings.

The Senate Judiciary Committee has approved a resolution for a similar inquiry but has not yet obtained the money necessary to conduct it.

The Army, to, is investigating. The Senate group, however, has made it clear that it will not be satisfied by any Army investigation into its own alleged shortcomings.

The House group's report is awaiting action of the full committee. Chairman Andrew J. May, D., Ky., said the complete text will be published after the House returns from its Easter recess, but other committeemen said it probably will be held up until War Department officials who have asked to testify have been heard.

Durham's group said that many soldiers convicted of rape probably were innocent but that their Army judges returned a guilty verdict for disciplinary reasons or to impress the local population.

"Bringing charges of rape against American soldiers became a sort of racket among some portions of the populace in the European Theater," the committee said.

"It is believed that numerous convictions of innocent soldiers took place because courts too amiably accepted dubious identifications in the interest of discipline in general or of maintaining the good name of the Army among liberated or conquered people."

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