

Forinash, Cecil L. Interview #2 10-23-91

[Speaker 2]

Dan Tinsley speaking. This is October 23, 1991. I'm speaking today to Colonel Furnish, Cecil Furnish, and this will be tape three.

Thank you. I'm not going to let it run too long without a check. I've got the heading in it by the way.

[Speaker 1]

I arrived in Yamanashikoku at what at least the prisoners there called the Auschwitz propaganda camp at Zentsuji, and it was right next to a Japanese army camp. There were prisoners from Wake, Guam, the Southwest Pacific, Dutch prisoners, British from Hong Kong, Singapore, and the Dutch East Indies and some Australians who had been captured in the islands. So it was sort of a joint officers camp.

It enlisted people from Wake and Guam, about 700 of international officers there, and I suppose there were 400 enlisted people from the Navy and the Marines who were out of Wake and Guam. When I arrived there, they had small loaves of bread. I estimate four to six ounces, which was our meal at noontime.

Of course, we had not seen anything like that on the event of prisoner war, and it was particularly good. They also had beans in the rice, which of course meant some protein for us, which we hadn't had. And this was very good for the Philippine prisoners who were coming out of the various other factories in Japan to Zentsuji.

When I arrived there, they brought officers from two other camps that had gone up on the same ship I had gone up on in 1942 into Zentsuji, and I recall the people who were there at Zentsuji from Wake and Guam were particularly distressed about our condition as we came in, and of course they did their best to try to rehabilitate us with the food that we were getting at that point in time, and it did help us quite a bit. Treatment there was good, comparatively speaking. I don't think in the two years I was there, I was hit more than two or three times by a Japanese soldier or a Japanese guard.

On one instance, they did put Bob Ray and myself in the little jail they had there, two small cells, and fortunately they put us both in the same jail. It was November, and it was cold, and they took all of our clothes and put us in, and the idea was because we had too much Japanese yen on us, they had started paying the officers at this propaganda camp 50 yen a month. They said that they were supposed to pay us what the officers in the Japanese army in the same grade would receive under the Geneva Convention, but they were going to pay us 50 yen a month and balance the investment in the Japanese money.

In any event, theoretically every month we were to let them know how many yen we had left, and we could always get up to 50 yen. Well, every month almost every officer put in for the full 50 yen, and obviously there was no place to spend the money, so we should have had the 50 yen from the paramount, but they kept giving us that 50 yen. And so, oh, we played bridge, and we played poker, and we played blackjack, and we had funny money.

On this particular night, we had been on leave, we were playing blackjack or something like that, and I was the biker, and I was paying off the last man at the table, Bob Ray, and of course we had a lot of yen, and of course he had too much over 50 yen and I had more than 50 yen, so they of course took us, the Japanese guard immediately took us down and confronted us with the officer of the day, and they took our clothes and put them in a little cell they had for prisoners, and it got very cold, and I thought they would let us out fairly quickly, because it was fairly obvious we couldn't stay out there too long because it was cold, and the Japanese officer of the day came in I guess around 8 o'clock, 8.30, and I told Bob Ray that's when he's going to let us out, and he came in and looked at us and laughed, and so then we thought we might be there for the entire night and didn't know whether we were going to make it or not, but about midnight or 1 o'clock, I don't know exactly the time, the officer of the day did come back and he had a sergeant with him and brought our clothes back, and he didn't say anything, just gave our clothes back and stomped into the back of the barracks, which we did.

One other incident I remember happened to me was, we called him club fist, I guess I was laying back sort of where I was supposed to sleep, and you weren't supposed to lay down any time during the day, and this club fist stopped me, I was laying down a bit, he grabbed me by the hair and pulled me up out of the thing and then swung at me, and I always fell down, I always told people, no standing up will be fine, all they want you to do is go down and that's it, I mean, I just fall down, they're the top dog and they've accomplished their purpose, so nobody's taking any more physical punishment.

Other interesting incidents that somebody might be interested in, if you could show the condition of the people even there, what we call a propaganda camp, one day, one evening, the rumor got out that they had to throw away a bunch of rice because they had found rat poison in the rice, and Lou Lazzarini who was in Pennsylvania, he was a chemical engineer, he says, hey, he said, I don't know what that would be, he said, I could identify it, he said, let's find out what they did with the rice, so we had empty Red Cross boxes and we found out they had covered the rice up, back on the camp someplace, we went back and uncovered it until the Red Cross box was out, and a lot of other people found out about it and they went and got some rice too, and anyway, we went ahead and let Lou examine the rice and decided it was all right, we went ahead and ate it, so we got no bad results out of it.

[Speaker 2]

Let me be sure this is working okay now. Okay.

[Speaker 1]

Since I was talking about the space there, it reminded me of a Japanese concern about space, you know, none of the prison camps did we ever have more than 30 inches of space from one side to the other, one prisoner to another, and the space was about 7 feet long and anywhere from 26 to 30 inches wide, and all the camps that I was in had a tatami, a little Japanese mat that you slept on, this was a little bit difficult, particularly if you got skinny, because you had to wear a sword on your bony hips, because you didn't have much meat over your hips at that point in time, but this was true throughout our imprisonment.

Another interesting aspect that came up while we were there, the Japanese army had a bakery just across the fence from where we were located, and they had a barbed wire fence

inside and then a wooden fence about 8 or 10 feet high, a solid wooden fence beyond the barbed wire, and of course we could smell the baking of bread and the bakery of some sweet items in that bakery almost every day, and so I learned that people were getting over to that bakery, and I could understand why, because I was on the second floor, and we could see the workers as they were leaving that bakery, and those women with the big old panel, they could have carried out two sacks of flour in a panel, and nobody had ever known it, we just thought they were stealing all that stuff from the bakery, so I said, well I guess we'll be part of that too, so Swede Wall, who was an Iowan, a Cedar Rapids Iowan, and I said, well we'll just go over there and get some of that ourselves, which we did. At one time, when we were going over there, we tried to spot the Japanese guard, and he dug out from under the fence, went under the pie fence, and went on over to the door of the bakery, you could pull the windows open, and you'd go in and get you some buns and some bread and sugar, and come back into camp with it.

But this night, Swede and I went out, and he had gone to go under the fence, and he didn't dig down deep enough, and got sort of caught in the bottom of the fence, and at that time, the Japanese guard walked around, and I was standing at the corner of the building, waiting for him to get under the fence, so I could follow him, and of course I gave him a signal, and he laid still, and I got back into the barracks, and went to see what was going to happen. Well, he laid still until the Japanese guard went on by, and decided he better come back.

Anyway, I don't know what was wrong with the Japanese guard, I don't know how he failed to see me, or failed to see Swede under the fence, but he was caught there. But this was a pretty good source, a little bit of additional food for us. And then, of course, the two years I was there, we were all very thankful to our Red Cross, although there was obviously a building full of Red Cross parcels, and they were not disturbing very fast, at least during the time I was there, I think each of us received about 11 complete Red Cross boxes while we were there, and frankly, it's probably what made the difference between getting home and not getting home. Zentsuji was a reasonably pleasant camp, and we did not have the deaths that we'd had in the other camps.

That indicates the numbers of people I believe were in the camp, and during that period of time I was there, we had seven people that died, and most of them were older, and I don't consider that out of proportion, probably, in terms of the population that we had in that prison camp. I recall one afternoon I was inside the barracks and I heard somebody yelling, Skyriders! Skyriders!

And I said, Gee, I haven't seen anything like that in Japan since I've been out here, so I went out to see what was going on, and I saw coming up from the south, I saw Vapor Stream, barely, barely unless you, I don't know how high it might have been, but it was at that time, and I said, Well, that's the first American plane I've seen since the Philippines, and I noticed he made a circle, and headed back, and the next morning the paper read, the bombs, Nakoda, gee, I forget the name of these places, I guess your memory slips you. Anyway, it's an ironworks in southern Honshu, so a plane was obviously up there running a reconnaissance, at least that was what we thought at that point in time.

It might be interesting to know that when I arrived at Jentsuji in June of 1943, they were getting the Osaka Manichi and the Tokyo Times, English versions of the newspapers, because

at that point in time, of course, the Japanese were doing quite well in the war situation, and when things started going against them, of course, they stopped bringing the English version of the newspapers into a camp, but fortunately we had a couple of Navy officers who could read the Japanese language, and we had a work detail, we enlisted people who went down to Takamatsu and worked on the docks, and they brought back Japanese newspapers, and the Japanese and the two Naval officers would translate them almost every evening, go into every room, brief everybody as to what was going on.

[Speaker 2]

Excuse me. Did the Japanese in there, and newspapers written in Japanese, were they pretty forthright with the Japanese citizens, or did they try to cover it up?

[Speaker 1]

Well, in our view, of course, it was obvious to us that they quit giving us the English version because they'd start losing it, and as time passed, we were getting the translations of these newspapers, they would start talking to certain other islands as they went along, and it wasn't long before we concluded that they were just preparing the people for the loss of those islands because it wouldn't be too long, a few months or two months later, after they talked about the threat, the island would be gone, the knowledge island would be taken. So as that situation developed, it developed that way all the way through. We continued to get these kinds of news reports out of the Japanese papers following Zentsuji up until the time we left in June of 1945, when it was obvious that they thought the threat was to Shikoku from our forces, and at that point in time, they separated us out and sent the American prisoners to Rokuroshi.

I'm not too sure where they sent the other international prisoners, but most of them were moved out too, and I don't know where they went. I could have found out because many of them had been at Zentsuji and meetings since that time we've had. We've had a number of them come to the United States and attend our reunions with the Zentsujians.

We were taken up to the island, back on the main island of Honshu, north of Fukui, I'd say probably 15 miles, and very typically, of course, I remember that trip, I was probably in better condition then than I was when I arrived in Japan off the boat, but it still wasn't, most of us weren't that healthy at that point in time, but they filled those little streetcars, just jammed us in as tight as they could get us, and they carried us up to Rokuroshi. Of course, the last few miles we had to walk. At that point, we had been getting 390 grams of rice at Zentsuji a day.

That's dry rice cooked, and that would give you a small jelly can of rice a few times a day, about so big, about that high, packed, which ultimately, you would not be sustained on that. Everybody was losing weight at that point in time, but we got up to Rokuroshi, and they reduced our ration to 290 grams of rice, and it became obvious, it was obvious to all of us that we would not make it through the winter at that rate. Fortunately, of course, by that time, up in that area, we could hear the American airplanes overhead, see that the cities were on fire, and the skyline would be ablaze, and hopefully the war would not last too long.

I don't know whether I mentioned before, but we had at Zentsuji, Captain Lazzarini and Lieutenant Smith and Sam Dillard. Smith was an artillery officer, Dillard was Air Corps. They were two lieutenants, and Lazzarini and I were two captains.

We had decided that if things got too tough, we were going to try to get away. We were going to try to get to the coast and get a boat and go to China. At Rokuroshi, of course, things got looking that bad, and so the two lieutenants came to Lazzarini and might say, Sal, it's time to go.

You're not going to make it here. Of course, the plan was basically to go to the Japanese warehouse and break in, try to get enough food to survive, and then travel at night, try to find a place to hide during the daytime and head for the coast. At that point in time, of course, the planes were up overhead almost every night, and Lou and I said, no, this war is about over.

It's coming to a close. The Japanese can't stand this. We don't think the war is over.

And they said, no, we're going. And Lou and I said, well, we're not going. We're going to stay here.

We think the war is about over. And that night, of course, they were going to take off. I didn't know at the time, but I was one of them.

They had an internal guard. You had to be an internal American guard, plus there were guards outside. I'm not too sure what we were supposed to do, but I know I was home from 12 at 2 o'clock in the morning, something like that.

And, of course, then the thought occurred to me, what are the Japanese going to do when they find out two people disappeared during the nighttime? And, of course, they saw the guards, the people who were supposed to be around there. And anyway, the next morning, it comes up.

Well, that night, Lou and Laszlo and I were sleeping side by side. I mean, one on top of the other, practically. And right after the count, or muster, or tinkels, they call it in Japan, if they turn the lights out, you guys go to bed.

And we laid down and said, well, here goes. Dogs start barking. And Lou and I, of course, laid there whispering to one another about what was probably going on out there.

We had agreed, basically, in plan of the forest we were going to take off that we'd go to the warehouse. If we couldn't get anything, couldn't get any food, we were going to go back into camp. Because we couldn't live off the land because we wouldn't be able to find anything at night.

And so the dogs barked over there for half an hour or so. And, of course, they wondered whether they got caught or what had happened. But anyway, the next morning, the Japanese come in, take the tinkel or muster and reports two men missing.

They couldn't believe their heads. Count us again. Two men missing.

Count us again. They finally got the idea that the two people were missing. So it was interesting what they did.

The immediate reaction was to take the men sleeping on either side of the two people who were missing and took them down to the office and tied them up out in the hot sun. It wasn't hot, but it was the sun. It was still warm that time.

And Chris didn't know how long that was going to last. And that afternoon, they had caught the two and they tied them up and brought them back to the camp. And apparently to show them how they'd escaped.

Well, there'd been no problem to escape. When in the camp I was in, you couldn't escape very easily if you had any place to go. So there was never any problem to escape.

It's just a question of you're a white man in a black community and you got to stick out like a sore thumb. Then, of course, August the 22nd. No, August the 17th it was.

They dropped the bomb on August 15th. It was August 17th, two days after they dropped the bomb. They put the officers on what was called the honey bucket detail.

Draining the toilets and putting it on the garden, on the field. And we protested. They'd never done that to the officers before.

And Colonel Agnew was there for us with our senior officer and he went down and protested. And they told him that we had no reason to protest, that our nation had used a new and illegal kind of weapon on them and they had protested to Geneva about it. And strange as it might seem, Captain Eugene Conrad said, by God, I bet they dropped an atomic bomb on them.

And later I said, you know, chairs, everything will fix them. Later I, well, recently I've seen Gene several times and I finally asked him, Gene, how did you ever get the idea they dropped an atomic bomb? He says, you know, before I went to the Philippines I read an article by Westbrook Pegler that indicated the possibilities of this kind of thing being developed.

He said, I just put the two together. That's what happened. So, we were only there a short period of time, June until, well, August 17th, August 22nd.

The Japanese captain, we got us all together and told us that the emperor brought peace to the world. And of course we knew what he meant. And of course we took over, got a radio and so forth to see what was going on.

And of course the General Carter's headquarters told us to stay where we were, that recovery units would be coming in. And so it didn't affect a number of camps, but a lot of them took off. We took them to different places.

We were an officer group. We stayed there until September the 8th. Well, September the 8th.

I'm getting ahead of myself. September the 2nd, the Air Force, or Corps, finally found us and came in, I remember, it was three B-29s. Came in first, right over the tent, buzzed the camp.

And first then they went back up and started searching. Well, that's just a part of the camps, which we had done. And started dropping these 55-gallon barrels, many of them welded together on parachutes.

And of course they were breaking loose from these parachutes, coming to the ground, going through the buildings and killed one Japanese guard. We cleared the camp because they were hitting the camp. But we didn't want to be there because most of them were breaking loose.

And of course we all recovered that, got that food together. We still stayed there until September the 8th when the troop of the 1st Cavalry Division came up and they moved us out on the 9th. And it's something you remember how you went up.

I mean, there wasn't room to move. There were cars that you were on. And going back, each person had a seat.

I mean, one seat to himself. So it was quite a contrast. We went back into Yokohama and General McCarthy was killed down.

And I say, you know, mine had tears in his eyes. And he said a few words. He told me precisely what he said.

But he felt he could see the condition we were in. And in any event, the first thing they did was take our clothes, run us through a shower, come out the other side, get new uniforms. So then they put us on a ship.

The Army people put us on a ship to go to Manila. And I went to Manila on a Navy ship. And, of course, whoever was in charge of the ship, captain of the ship, probably a lieutenant commander or something, the order was that the gallery would be open at all times.

And whenever we wanted to eat, we could eat. Which we did. And we got to Manila.

And they processed us there. And they gave us physical checkups and so forth to make sure we could get home all right. And I...

Of course, I preferred to fly home, but I said, I'm going to take the first transportation I can get out to get home. And it had to be a boat. And my good friend Galvez from Florida, he said, my God, he's going to wait there for an airplane.

He'd meet me in San Francisco. He did meet me in San Francisco. But from there, what they did was put us in Letterman General Hospital for a couple of days there to check us over again.

And then sent us to an Army hospital nearest to your home, which in my case was Shed General Hospital in Clinton, Iowa. And I was from Iowa. And they sent me there.

And I spent, I don't know how long there. They said I ought to go to Walter Reed. And they sent me up to Walter Reed.

And I had a little thing on my lip. And they were worried about it. So I went up to Walter Reed, and nobody had been around up there for a couple weeks.

Nobody was doing anything, even looking at me. So I finally said, hey, wait a minute. Something's got to get here.

I've been around here for a couple weeks. I've had a good time. But I can't even go as far as I wanted.

But somebody ought to be taking a look at this thing. And so the next morning, some Lieutenant Colonel came by and looked at me. He said, hey, that's not a carcinoma.

He said, take that off tomorrow morning. And I said, well, I've got something on my finger. I don't know what happened to it.

He said, take that off tomorrow morning. So I took it off the next morning, I guess. I don't know, another two or three days.

And I sent it back to shack. Ultimately, I go back to duty after a moment. Two weeks R&R in Miami Beach.

That's where I met my wife. She had come back to do the recreation program for the Japanese Prisoner's War down there. And I guess that's pretty much my story of World War II.

Any questions?

[Speaker 2]

Why this camp that you were sent to? I forgot the name of it. Why was it called Officer's Propaganda?

[Speaker 1]

Because the treatment was so much... I'd been in a camp where I was working. I mean, I was on the business end of a yo-yo pole and carrying coal into a furnace and carrying the ashes out.

And we were working. At least the officers there weren't working, except to say we participated, go out in the garden and do things like that. And obviously the treatment, I mean, wasn't as bad.

Well, we had 105 dying the first time I was there out of 400.

[Speaker 2]

Why don't we... You got out of the service and went back in, didn't you? No, I came out and went to law school and went back in.

But why don't... Don't go into detail of your civilian activities. Well, I'm not saying that right.

Why don't you just... Let's just continue the time, right on up. Well...

Through, you know, until you retire.

[Speaker 1]

After I went... While I was in the Philippines, before the war started, as I had indicated, I'm sure, before, I became an aerial observer for the Infantry Observer and was assigned with the Air Corps. And while I was riding with the Air Corps, I said, well, heck, how do I be flying this thing?

So I applied, got back to Randolph Field as a student officer for pilot training. And came back. It was approved at the end of your tour to the Philippines.

So when I came back, I took the Air Corps physical all over again. I passed it again. And went up to Randolph Field.

And I said, here I am. I was approved to attend pilot training school after my return from the Philippines. And I'm here.

That's what I want to do. And I said, sorry about that. But you're now over age.

And we're not giving you any waivers for age. So I didn't decide. Basically, I went up to San Marcos for a little while.

And they put me in the London Officers Club. And that's really nonsense. So I came back and went to the University of Tennessee Law School.

I'd always wanted to go to law school anyway. And I did that. And then I said, well, gee, after I've got so much time in the military, I guess I'll go back to the military.

Because I've got regular permission to go back to the Army JAG. And I served three tours in the Pentagon. I enjoyed being in Washington.

A lot of people did, but I did. I had a particularly good job. One I liked the best was in litigation, the general branch in the litigation division, where we had what we called the Extraordinary Legal Revenue cases, which involved primarily habeas corpus but other types of Extraordinary Legal Revenue, too.

And we were authorized by the Attorney General to do these pleadings and appearances in court. And at that point in time, of course, there were a number of World War II soldiers still in jail filing petitions for the habeas corpus, this kind of thing. One of the more interesting cases I had was the Dickinson case, the West Virginia soldier who was elected to stay with the Communists in Korea.

He filed a petition for the habeas corpus. And I represented the United States in the District Court of Appeals and the Appeals of the Supreme Court. I got there, but at that point in time, Solicitor General takes over.

I had another one of the more interesting cases with jurisdiction over civilians, military and civilians overseas. Dorothy K. Smith, daughter of General Kruger.

She was tried for murder of her husband in Japan and convicted and sentenced to spend the rest of his life, whatever years it was, up in West Virginia, in West Virginia, Charleston. And she filed a petition for the habeas corpus challenging the jurisdiction of the military in capital cases. And I had that case to carry that one across.

We won that in the District Court. And then the Air Force had one where the wife had murdered the husband in England, at Covert, in that case. And they lost theirs in the District Court.

So the two cases were consolidated, taken back to the Supreme Court. And I wrote the primary brief and the primary thing for the Supreme Court. And we won it.

Of course, Solicitor General represents the United States. My name was on the brief, but then I didn't know enough to become a member of the Supreme Court at that time. So my name was taken off when the final thing came out.

But we won it five to four going in. And Justice Harlan kicked the traces and voted for rehearing. And at that time we knew we were in trouble.

And we spent a lot of time and effort trying to maintain our jurisdiction over civilians overseas. And actually the Defense Department appointed three people to cooperate with the Solicitor General and Justice Department in representing the Federal Courts. And I was one from the Army and had one from the Navy and one from the Air Force to write the briefs.

I wrote the brief on the necessity. Everybody knew that that was the primary thing that we had to go on. Had to enlarge the jurisdiction of the necessary and proper customs.

The last clause of the first article says, Do those things that are necessary and proper for carrying out all the enumerated things that you can do. Congress may raise money and so forth, support the Army and Navy and Air Force, make regulations, do all that kind of thing. We said the necessary and proper clause was necessary for us to have jurisdiction for these people overseas because nobody else had it.

I had the detail of JAG officers actually that worked over in the archives for some period of time looking at all the constitutions of the original 13 states. The primary claim was we had no jurisdiction in time of peace. Then we also reviewed all the records, military records, we could find activities up to that time because it always authorized jurisdiction over people accompanying the Armed Forces or the Army.

And of course the theory was it was time of war. So we just located, found three or four cases where it was not time of war. We tried what they called settlers, the PX people who were selling merchandise but accompanying the Armed Forces in the field back in the time during the Indian Wars and so forth.

We showed no hostilities were in existence at that point in time, therefore it's time of peace. But the tilt instruments are harder and easier, so we lost the fight for it. One other case that I went straight for it on was Harmon and Abramowitz, cases involving people who had been separated from the service for being communists or communist sympathizers.

And Abramowitz, the evidence was clear that at least he never denied he was a member of the Communist Party and the evidence showed that he was. Harmon was a much closer case. We had won those cases.

We'd been challenged all over the various districts around the country, giving them bad conduct discharges, undesirable discharges. And we had won those cases all around the district courts before they had appeared in all the courts in the field in which they had appeared. They finally got the Supreme Court on it.

And the court granted certiorari and we went up there and we of course took the position basically that a person who disqualified himself at service in the armed forces by reason of his prior activities wasn't entitled to the same kind of discharge as a person who had not disqualified himself and should have done it during his service. And that was basically, I mean, we had a lot of rhetoric that that was what it all boiled down to. And I finally lost that one 5-4.

So they have to get those people. Well, in any event, I had several tours there. I had three tours in the Pentagon once.

One of them, I was in the Inspector General's office. We had two lawyers in the Inspector General's office. And that was a very interesting assignment in which you were representing the Secretary of the Army on investigations, which are Army significance.

I enjoyed that tour. As I used to tell the Army judge, when I was going to an Army post, I said, Judge Everett Dillard's Court, Officer, people could care less. And when I went out there, Judge Everett Dillard's Court for the Secretary of the Army's office, they wouldn't know what the hell I was doing out there and what was going on.

It was very interesting. The IG was very independent. The only thing you did was go in and tell the commanding general.

You wouldn't accept any amenities at all. You took your own car. You rented your own car.

You didn't do anything with it, except go and tell him whether his command was involved or was not involved. That's why you were there. That's it.

Then I had my last tour, which was one of my more interesting assignments. It was Staff Sergeant Everett's Seventh Corps in New York from 1966-69. What made it interesting, I've only been asked that reaction, but it was General Miller was commanding.

When I walked in to report to him, he said, Sit down. He said, I don't like judge advocates. They've been disloyal to me.

That includes the President, Judge Everett, General of the Army, and you start from there. So if you had been in the giant corps, as I was in the formative stages of the really giant corps, after they brought the lawyers into the service, you ran into this kind of thing all the way up. They didn't want lawyers.

Lawyers had no place in the military. They resented the idea, and you had to pull them into court-martials and so forth. But ultimately, and I first became involved as a defense counsel, the Colonel told me, No use trying to argue these cases to the court-martial.

They know what's happening. I said, Be aware of what's going on. You're going to see a complete difference in the court-martial setup.

That's what's going to happen. I'm not going to accept the idea that the prosecutor, the trial counsel, is the only actor in this case. When I'm defending, you're going to find another actor out there.

He's going to be defending this defendant as best as he knows how. It's not going to be a one-night play. The prosecutor is the only actor.

There's going to be another actor out there, and this thing's going to change. They were very resentful of that in the early years. This starts out in 49, 50, 51, 52.

It was tough on the jag officers back then, but you had to stand your ground. This was the last one I'd ever run into who still had this kind of an attitude, because over the years, you had seen that we'd reached the point where military court-martial sentences were less than the soldiers would be getting if they were tied into foreign courts or internal courts here in the States because they were being defended, and it was no longer a one-act play. You might say it's two-act play.

The commanding general who appointed the court and the trial counsel, the prosecutor, they're all supposed to be two people acting in the case. The deck was loaded. But it changed.

It changed over the years until a soldier gets a fair trial, just like he would get in the civilian community. In fact, it probably maybe changed too much. But anyway, go back to my general.

He was one of my favorite people, and I always say this. Give you an idea of how this thing worked. People might be interested in how it worked.

I told you what he told me to begin with. He would tell me to make recommendations and so forth. He'd get mad.

He'd say, command and law are incompatible. Several times he kept telling me this. And I'd say, General, you can't make me mad.

I said, when you touch your first commission, when you promote that, you ain't even going to swear you're going to uphold the Constitutional Law of the United States. Is that what I mean exactly what I said? And it reached the point where, I mean, the chief of staff called me in town.

He said, I don't know what to do. He said, I know by law you've got the right to deal directly with the grant in general. That's what the law says you do.

I forgot what the law says I do. I don't report to you or anybody else. The general's my boss here.

He says, you know, he said, when you come out of there, he comes out mad as hell and he takes it out on me. He says, would you have any objection if I just came in and sat down while you were in there? And he said, I won't say anything.

But if I just came in and sat down, maybe things would change. I said, General, you know, as long as he has the attitude that the commands and law are incompatible, there's no way he's going to get along. And it's going to be this way.

I said, I have no objection to you coming in, but I don't see how it's going to change anything unless he changes his attitude. So, well, I guess he told me he was going to relieve me about two or three times. Maybe more than that.

I said, General, you can relieve me anytime you want. All you've got to do is pick up that top one over there, call the Judge Advocate General, and he'll send you a new Staff Judge Advocate. I know that.

He said, you can do that. One time I told him. I said, General, you know, when I first came into Judge Advocate General's Corps, I had a colonel who told me, he said, now, Cecil, when you become the Staff Judge Advocate, you go in and deal with your commanding general like he's sitting there in his birthday suit.

His rank doesn't make any difference. You deal with him. I told him that, and he backed it up.

I told my deputy Staff Judge Advocate General, I said, now, look, I have no intention of backing you off. I'm going to tell him what the law is and make a recommendation. Whether he accepts it or not, that's up to him, but I'm not going to back off.

I said, if it ever appears to you that I'm in any way backing off of this man, let me know, because I have no intention of doing it. I don't care what he does, but as long as we're right, we'll just go right along with our head. I'll take full responsibility for what happens.

We wrestled there for six months. We didn't get along at all. Finally, he said to me, after about six months, he finally said to me, he said, Charles, have you noticed that I've been going along with your recommendation lately?

I said, yes, I have, General. I've noticed that, and I think we're doing it. He said, you're right.

We're going along. Then the sun rose and set on me, and I was called in on all kinds of things not related to the law. We were probably good friends.

Actually, I was the only one he mentioned when he left to get his four-star over in Vietnam. In fact, he suggested I might want to go with him. I told him, no, I hadn't left anything over there.

Anyway, it wasn't no more. Basically, that was my last tour. The tour before that, I had been in the IG in Washington, and I enjoyed that tour.

I'd been Staff Chief Advocate at Fort Carson, which is a 4th Infantry Division out there. Then I was Deputy Staff Chief Advocate over at H.I.R.M. in Korea. I didn't have many assignments.

I was at Fort Pratt twice, Pentagon three times, Fort Monmouth once, Korea once, and Seventh Harmony once. At Seventh Harmony, I was what you call Chief of Military Affairs back in 1951, 1954. That was in the early days.

I'd been asked to be Defense Counsel too often. That was a major. I guess it was a very promoted Lieutenant Colonel, but you had to have a system where your soldiers could ask for a person, individual counsel when you were a defense attorney.

I started getting too many requests for capital cases. I said, hey. As I said, I wouldn't defend a capital case for all the money in the world if I disappeared.

It's a big community, because I wouldn't do it. It's too hard. I'd take my share of these capital cases, but everybody else is going to have to take their share too, because I'm not sure I'm going to do it.

That will wear you down in a hurry. I never lost one. You're going to be executed, but I think I came close a few times.

I wouldn't represent a person in a capital case in the civilian community. That's a good way to lose all your hair. Have it turned white.

Since I retired from the Army, of course, I worked for the state. It's a job I enjoy. I went to Sessions Court, and I did what I thought was right.

Of course, they wanted to come over and prosecute me. I said, no, no, I think I'm doing much more good here for this city than anybody else can do over here. Of course, my wife would say, well, you're deciding policy for this office.

I said, Ron, you know what you can do. You appointed me. You can relieve me, but as long as I'm over there, I'm going to make the judgment that I think is right.

I enjoyed that. One of the unique things about that, what we said, the criminal bar, I had their support, their loyalty. The bar as a whole, and the police officers.

The police officers thought the sun rose and sat on what I did. I explained to them what we were going to do in the case. Whatever I thought was right, was right.

Written up twice, and they said, well, these are things that bug me, and people don't understand. First case, it was interesting. I believe his name was Schaefer.

Tackle, University of Iowa, University of Tennessee football team. Early on, many years ago, he'd been picked up for drunk driving. He came in, and Officer Doyle, who said the man was drunk, and Sergeant, what's your name?

Sergeant, anyway, who was with him, said he wasn't. Doyle charged him with being drunk. I just told Doyle, I said, look, I don't feel prosecuted a case like that.

No way I'm going in there with you saying one thing, and the sergeant saying something else. First, I'm going to lose it, and I'm not that kind of prosecutor. I know what the evidence is, and I just won't prosecute a case I don't think is warranted.

So we went in for the judge. I told him, I said, you can talk to the judge in there if you want, but I'll tell him what happened. You can speak up and say whatever you like.

So we went, and I explained to Brandon, who was the judge at that time, the session court cases, and I told him what had happened, and I said, of course, I recommend the case be reduced to reckless driving, and he declined and so forth. And Doyle, I said, Officer Doyle wants to talk to you about the case. He listened to what I had to say.

It's hard to be reduced to reckless driving, and I said, at all costs, I guess that's what I recommend. Doyle ran away to New Sentinel and complained that it's hard to be reduced because I like football players. It's true, I go to football games.

It's one of my favorite sports, but it had nothing to do with what I did in the case. And actually, New Sentinel called me and said Doyle was there, and he wanted to know if I had any reaction. I said, look, I don't try my cases in the newspaper.

If you want to know what happened, all you have to be, if you'd been there, you'd heard my position I took. And I said, I have no reason to talk to you about what I do in the courtroom. The courtroom's open.

If you want to know what I did, come over and listen. I didn't have to hide. And so they came out with a big story.

I like football players. It's hard to be reduced. Bradley was mad at me because I didn't tell him because he thought it was a reflection on him, too.

Well, even newspapers will fix you up. And then I had one other case with New Sentinel. It was this case fixed.

It involved another drunk driving case and also alleged bribery. And it involved a former assistant attorney general down here at Madisonville. I didn't know if it was Adam.

I didn't know who he was. But in any event, for some reason, he also came to me and talked to me the morning after the arrest. He told me what he charged him with.

And the attorney general charged him with bribery. I said, Bradley, that's no bribery charge. That's what I'm talking about.

And so the case had been set on Wimberley's docket for the first hearing. And the officer who made the arrest came to me while I was out in the court in the prosecuting and said, hey, I'm on the night shift. I said, yeah.

He said, I want to change that case. I said, well, what do you want to change it to? I said, I don't care what you change it to.

I said, just go in and tell the clerk that I told him to change that case to whenever he wanted to be on the day shift and tell him to call the bonding company who made the bond and tell them that the case had been changed. And the next thing I knew, the day that it was initially set, in walks this Zane Daniels. I saw Zane and this other attorney, former assistant attorney general.

And as he came down to the front of the court, I guess 3 o'clock in the afternoon, the chief doctor was about to hear him. I said, well, Zane, the case had been reset. I said, the clerk was supposed to notify your bonding company and so you wouldn't come in.

Maybe they didn't do that, but that was what the plan was. The officer's not here. And he said, I think there was no point in the court for everybody to hear what was said.

And Zane said, well, let me talk to Fornash and see if there's any way we can work this case out. And the judge said, well, we'll recess shortly and you can talk about it. So we went back and I talked to Zane and what had happened.

And I said, well, obviously there's no bribery case. He wouldn't even suggest there was a bribery case. And the drunk guy in the case would do just what he'd do in all the other cases that I have here.

Treat him just like he'd do anybody else. And Zane said, well, okay, that's okay. So we went back in and I told the judge, I said, there's no bribery case.

It's not even close. And he said, well, there's a drunk guy in the case and we've agreed on my normal recommendation for these cases. And so the news center comes out, it was this case fixed.

And frankly, I mean, they suggest, of course, Wembley thought they were talking about him. That he fixed the case. I thought they were talking about me.

And in any event, the bribery case was simply they'd taken this defendant and he said something about how much the bond was or something like that. And they said it was \$200. And he wrote out a check to the Knoxville Police Department and signed his name to it.

He says, hell, I could buy the whole Knoxville Police Department today. And some drunk guy said, some drunk back in jail said, well, that's bribery. And the officer thought he had a bribery case.

How are we dealing with a bribery case?

[Speaker 2]

Well, that brings us up to stuff. I've done it pretty well.