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### Bums, or a Bum Rap?

Thomas Haederle

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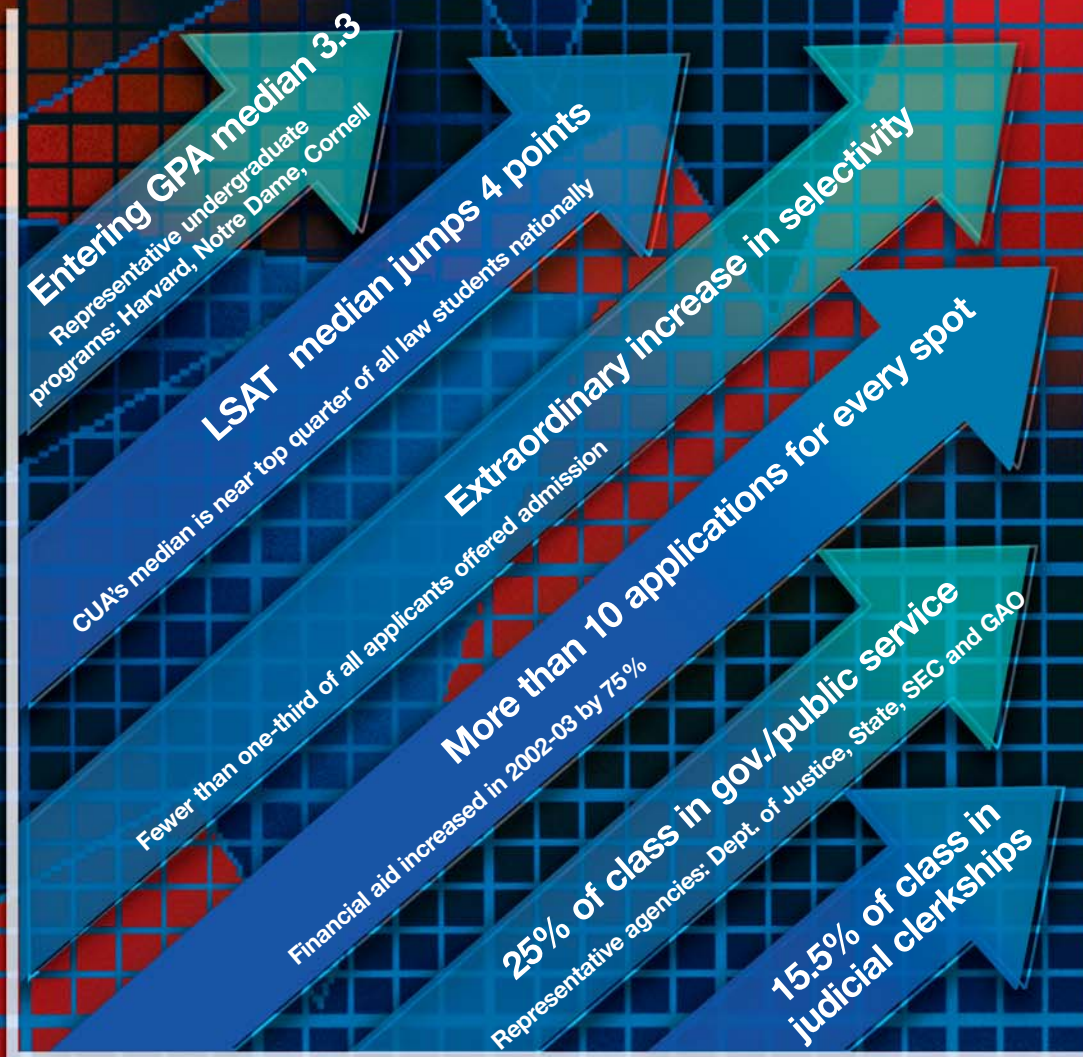
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The Catholic University Of America • Columbus School of Law

Winter 2003

## Breaking From The Pack



**Academic Competitiveness & Public Service Soars  
Above National Averages at CUA Law**

# Bums, or a Bum Rap?

**T**he gigantic scale of production, organization and logistics involved in the winning of World War Two has been well documented by historians. But an undertaking so massive produced innumerable other challenges, many of which will go forever unnoticed and unremarked upon. For example, how was the U.S. Navy to handle the inevitable rise in disciplinary proceedings as its ranks swelled nearly twenty-fold over the course of the war?

by Thomas Haederle



**First Commodore-Chaplain Rev. Robert J. White (right) on Nov. 12, 1945. He brought overdue change to the naval justice system.**

Archives of The Catholic University of America

During the late 1930s the peacetime Navy numbered about 200-thousand men. By war's end it had mushroomed to four million. As in any military force during any era, a small percentage of active duty personnel were handicapped by a certain character blemish – they were criminals. Some raped or robbed. Others were thieves. Still others went AWOL. Offenses ranged from serious to petty, from drunken brawling to wearing another's peacoat without permission. During the 45 months of the seminal struggle of the 20th century, more than 600-thousand such infractions resulted in court-martial. So many men in the brig prompted Navy brass to ask: was real justice being meted out? Did its court-martial system truly work?

In an instinctively bureaucratic response, they commissioned a report to find out. The report's author, however, was anything but ordinary.

**The Reverend Dr. Robert J. White** was Dean of The Catholic University of America School of Law for the decade from 1937 to 1947. He is remembered as “dynamic, lively and forceful,” by

former CUA student Edmond F. DeVine, now in his eighties. DeVine also recalls that Dean White discouraged “divorce work as a sad business” for lawyers, a recurrent theme during his many years of public life. The dean earned a rainbow of colors over his long career; foremost being the white of a cleric's collar, and later, the “fruit salad” of insignia that denoted his rank as a Navy commodore, the first chaplain ever to hold such a position. Born in 1915, Robert White was a Harvard graduate who left law school for naval service during World War I. He later finished his degree and spent several years as a prosecutor in Massachusetts. At the age of 27, however, he heard God's call and entered the priesthood. He went on to earn a doctorate in canon law and joined the CUA law faculty in 1931. Reverend White never lost his close ties to the military. At various times he served as national chaplain of the American Legion, and as president of the Chaplain's Association of the Army and Navy.

Navy Secretary James Forrestal considered White the ideal man to size up the workabili-

This undated picture shows Reverend White, former dean of the Catholic University of America School of Law, celebrating Mass aboard the historic frigate "Old Ironsides" at the Wahington Navy Yard.



Archives of The Catholic University of America

## The Reverend Dr. Robert J. White was Dean of The Catholic University of America School of Law from 1937 to 1947.

ty of Naval justice and asked him to take on the job in 1946. He agreed, and proceeded to spend the next few months hopscotching the country. Unannounced, he visited a half-dozen disciplinary barracks and personally interviewed more than 500 sailors who were serving time after a court-martial. His interrogations were thorough but ultimately boiled down to a single question: do you feel that you got a fair shake?

The answer came out upon his report's release in January of 1947. The Chaplain Reports on Prisoners' Opinions of Naval Justice found that 82 percent of the incarcerated seamen meekly admitted that the system was just. Eighteen percent, however, had serious complaints. Most of those were directed at the quality of counsel. The convicts criticized their Judge Advocate Generals – military lawyers – for bad preparation, sloppy advice, and poor

understanding of the process. Dean White could not help but agree. He repeatedly found "that many defenders were not trained in the law or the judicial process and that many more had a hearty dislike for this particular task."

White proposed a comprehensive set of overhauls and reforms for the court-martial process, the first major retooling since the system was created in 1798! The improvements were far-reaching. Most suggestions had to do with simplifying and streamlining a bureaucratically awkward model. The Navy liked the report and eventually adopted most of its recommendations.

One of its key observations, however, was regarding a situation that America's military establishment could do nothing about. Dean White's research turned up a pattern that comes as no surprise to any societal observer today. Disorderly sailors, he found, often

came from troubled homes. Thus, his work ended with a lecture. "The broad experience of this survey confirms the conclusion that a home marked by divorce, desertion, drunkenness or discord does not produce a self-disciplined youth," he wrote. "The Navy can work only with the youth given to it by American fathers and mothers."

Health problems eventually cut short his tenure as Dean of the law school. Reverend Robert J. White died in Maine in 1984 at the ripe old age of 91, having succeeded at a most difficult mission. He brought about lasting improvement to a vast bureaucracy, and more than a half-century later, unfortunate sailors who brush up against the Navy's judicial system can still thank him for getting a fair shake.