

Judge Advocate General had considered the legality of the proceedings, the Waac had served her sentence and been discharged.¹³ The Judge Advocate General decided that other stations, if they wished to take court-martial action against a Waac, must first get a legal decision as to whether the post was currently subject to attack, and that "military police would be liable for suit if restraint was found improper."¹⁴

At first there appeared to be little need for military discipline to hold Waacs in their jobs, but when recruiting quotas were raised standards fell somewhat and several WAAC "Awols" occurred. The military police occasionally apprehended a few and began to ask the correct procedure to follow in returning them. One service command inquired: Could the procedure in Army Regulations and the Articles of War be followed? Or were only members of the WAAC qualified to arrest a Waac? Was it legal to confine them until they could be returned?¹⁵

WAAC Headquarters at first replied that the regular procedure should be followed, except that the women should not be confined in the same guardhouses with men and should have WAAC escorts on the return trip. As WAAC Headquarters attempted to revise the regulations to this effect, it became evident that there was no legal way to provide for the return of a Waac to WAAC control; in the few cases shipped back so far, the expenditure of government funds had been illegal.¹⁶

Army staff members surmised that nothing could be done except to let the woman go and to mail her a blue discharge. To this the Judge Advocate General added that there was probably no legal foundation to the whole WAAC disciplinary system: any punishment meted

out by WAAC company commanders might be unconstitutional, since it was not done by court-martial and therefore deprived the individual of civil rights without due process of law. Only admonition or reprimand would be safe. Restriction to quarters would be legal if it was not considered "confinement." Summary (blue) discharge, said the Judge Advocate General in an informal conference, was also probably "legal" although "without due process of law." This so startled WAAC Headquarters that it hastily drew up a directive to the field forbidding any further company discipline until the matter was settled. After consideration, this was not sent out; the Corps had gone too far to retreat, and since the Office of the Judge Advocate General itself had written the WAAC disciplinary regulations only a few months before, it was believed that some legal basis must exist.¹⁷

Accordingly, steps were taken to set up an exact procedure for trying offenses, so as to protect the individual. Also, after considerable debate, the authority of the military police was extended to apply to Waacs. This was somewhat risky in view of representations previously made to Congress that the women would be under virtually no more restraint than civilian employees except when "in the field." Therefore, to ward off Congressional criti-

¹³ Folder, Discipline, files of Air WAC Div, Hq AAF, 1943.

¹⁴ Memo cited n. 12.

¹⁵ Memo, 7th SvC Internal Security Div for Gen Faith, 18 Dec 42, and Inds. SPWA 300.3 (4-29-42) sec 2.

¹⁶ WD Memo W635-6-43, 1 May 43, sub: Apprehension of WAAC Absentees.

¹⁷ (1) Memo, Maj James R. Gifford for Exec WAAC, 6 Jan 43. SPWA 300.3 (4-29-42) sec 2. (2) Memo, JAG for G-1, 7 Mar 42. JAG 354.01, in WA 300.3 (4-29-42) sec 1. (3) Two Memos, Stf for Dir, 15 Dec 42. SPWA 300.3 sec 1. (4) Weekly Rpt, WAAC Hq to CofAdm Serv, 14-19 Dec 42. SPWA 319.12.