

Lore of the Corps

From Private to Brigadier General to U.S. Court of Appeals Judge: Emory M. Sneed (1927-1987)

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Only one judge advocate in history has retired after an active duty career in the Corps and gone on to serve as an Article III federal appellate court judge: Brigadier General Emory M. Sneed.¹ This is his story.

Born in Wilmington, North Carolina, on May 30, 1927, Emory Marlin Sneed began his Army career in 1944 as a private in the 647th Parachute Field Artillery Battalion.² He served in the Pacific in World War II, and in 1946, he returned to civilian life.³ Emory then earned a Bachelor of Science degree from Wake Forest University in 1949.⁴

After graduation, Sneed began law school, but with the outbreak of the Korean War, he returned to active duty in January 1951.⁵ He first served at Fort Bragg with the 325th Infantry Regiment before deploying to the Korean peninsula where he earned the Korean Service Medal and the United Nations Service Medal.⁶ Captain Sneed left active duty after this combat tour and returned to Wake Forest University where he received his Bachelor of Laws degree in 1953.⁷ He was admitted to the South Carolina Bar that same year.⁸

Sneed transferred to The Judge Advocate General's Corps in 1955.⁹ In his early assignments, Sneed served in Japan and Korea where he was both a trial counsel and a defense counsel.¹⁰ He served on the faculty at The Judge Advocate General's School before being assigned to Germany as the Deputy Staff Judge Advocate for the Northern Area Command, then located in Frankfurt, Germany.¹¹ Major Sneed returned to the United States for duty as the Assistant Chief of the Career Management Division,¹² what is now referred to as the Personnel, Plans and Training Office.

In 1966, Lieutenant Colonel Sneed deployed to Vietnam where he assumed duties as the Staff Judge

Advocate, 1st Air Cavalry Division.¹³ He left in 1967 and returned to the United States for a year. Lieutenant Colonel Sneed then returned to Asia to become the Staff Judge Advocate, U.S. Army Japan.¹⁴



Brigadier General Emory M. Sneed, circa 1974

Advocate after this assignment, he attended the U.S. Army War College where he graduated in 1970.¹⁵ Then, he returned to the Pentagon to be the Chief of the Personnel, Plans and Training Office (PP&TO).¹⁶ This was an especially difficult

¹ U.S. CONST. art. III. Federal appellate judges exercise judicial power vested in the judicial branch by Article III of the U.S. Constitution. *See id.*

² U.S. Court of Military Appeals, In Memoriam Emory M. Sneed 9 (Oct. 14, 1987) (unpublished bulletin) (on file with author) [hereinafter In Memoriam Emory Sneed].

³ *Id.*

⁴ *Id.*

⁵ Nat'l Archives and Records Admin., NA Form 13164, Information Releasable Under the Freedom of Info. Act Regarding Emory M. Sneed (2015) (on file with author) [hereinafter FOIA Release].

⁶ *Id.*

⁷ In Memoriam Emory Sneed, *supra* note 2, at 6.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

assignment, because at that time, the Vietnam War was winding down and the personnel picture of the Army was very turbulent.¹⁷ After one year at PP&TO, Colonel Sneed served as the Executive Officer to The Judge Advocate General.¹⁸

In 1972, Emory Sneed was selected to be the Staff Judge Advocate, XVIII Airborne Corps.¹⁹ He was the top airborne lawyer until June 1974, when he was selected for promotion to flag rank.²⁰ In his last assignment on active duty, Brigadier General Emory Sneed was the Chief Judge of the U.S. Army Court of Military Review and Chief, U.S. Army Legal Services Agency.²¹ He retired from active duty on December 31, 1975.²²

Given his strong connections to South Carolina—and to Senator Strom Thurmond, the senior senator from that state—Sneed immediately took up a new job as Thurmond’s legislative and administrative assistant.²³ At Senator Thurmond’s direction, Sneed also served as Chief Minority Counsel on the Senate Judiciary Subcommittee on Antitrust and Monopoly.²⁴ By the time he left that job in 1976, Sneed was known “as one of the foremost authorities on antitrust law in the District of Columbia.”²⁵ The University of South Carolina certainly recognized this expertise, as Sneed lectured in antitrust law at its law school and served as associate dean from 1978-1982.²⁶

In 1977, Sneed moved to the Judiciary Committee as its Chief Minority Counsel and, after the Republicans took control of the Senate, he served as the Chief Counsel for the Committee.²⁷ In 1981, Brigadier General Sneed left public service to become “of counsel” to the Washington, D.C., law firm of Randall, Bangert and Thelen.²⁸ He was also a member of the Columbia, South Carolina law firm of McNair, Glenn, Konduros, Corley, Singletary, Porter and Dribble.²⁹

On August 1, 1984, Sneed was nominated by President Ronald Reagan to a newly-created seat on the U.S. Court of Appeals for the Fourth Circuit.³⁰ He was confirmed by the Senate less than ten weeks later, on October 4, 1984.³¹ This was the first and only time in military legal history that a retired Army lawyer joined an Article III appellate court. Sadly, ill health caused Judge Sneed to resign from the court on March 1, 1986.³² Honorable Emory M. Sneed died of cancer the following year, on September 24, 1987, in Durham, North Carolina.³³

Shortly after his untimely death at the age of 60 years, an associate familiar with Sneed’s “legacy of honest, important, fair and dedicated public service” observed that if Judge Sneed had not left the Circuit Court of Appeals when he did, he might have been nominated for the U.S. Supreme Court in 1987 instead of Judge Robert H. Bork.³⁴ Whether or not this is true is hard to know, but the observation indicates the incredibly high esteem in which Brigadier General Sneed was held by his fellow lawyers.

Brigadier General Sneed is also remembered by members of our Regiment who served with him: In May 1989, the Hanau (Germany) Legal Center, part of the 3rd Armored Division’s operational area, dedicated its courtroom to his memory.³⁵

More historical information can be found at

The Judge Advocate General’s Corps
Regimental History Website

<https://www.jagcnet.army.mil/8525736A005BE1BE>

*Dedicated to the brave men and women who have served our
Corps with honor, dedication, and distinction.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* (Sneed was a senior parachutist).

²¹ *Id.*

²² *Id.*; see FOIA Release, *supra* note 5.

²³ In Memoriam Emory Sneed, *supra* note 2, at 6.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Act of July 10, 1984, Pub. L. No. 98-353, § 201(a)(1), 98 Stat. 333, 346 (giving the President authority “to appoint, with advice and consent of Senate . . . one additional circuit judge for Fourth Circuit Court of Appeals”).

³¹ *Biographical Dictionary of Federal Judges*, FEDERAL JUDICIARY CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=2235&cid=999&ctype=na&instat=na> (last visited Apr. 1, 2016).

³² *Id.*

³³ *Id.*

³⁴ Charles A. White, *The Loss of a Friend*, NEWSLETTER (Friends of the Judge Advocate Gen.’s Sch. Comm.), Sept. 26, 1987. On July 1, 1987, President Reagan nominated Robert H. Bork to the U.S. Supreme Court. MARK GITENSTEIN, MATTERS OF PRINCIPLE: AN INSIDER’S ACCOUNT OF AMERICA’S REJECTION OF ROBERT BORK’S NOMINATION TO THE SUPREME COURT 53 (1992). After a hotly contested debate in the U.S. Senate, Bork was defeated by a vote of 58 to 42. *Id.* at 14. See also ROBERT H. BORK, THE TEMPTING OF AMERICA (1989).

³⁵ *Court Can Now Convene in Hanau*, HANAU HERALD (GERMANY), June 1, 1989, at 1.