

**SHOESHINE BOY TO MAJOR GENERAL: A SUMMARY AND ANALYSIS OF  
*An Oral History of Major General Hugh R. Overholt, United  
 States Army (Retired) (1957-1989)*<sup>1</sup>**

MAJOR GEORGE R. SMAWLEY<sup>2</sup>

*Don't be careless about yourselves—on the other hand not too  
 careful. Live well but do not flaunt it. Laugh a little and teach  
 your men to laugh—good humour under fire—war is a game  
 that's played with a smile. If you can't smile, grin. If you can't  
 grin, keep out of the way until you can.*

—Sir Winston S. Churchill.

---

1. Major Tania M. Antone and Major Randall J. Bagwell, *An Oral History of Major General Hugh R. Overholt, United States Army (Retired) (1957-1989)* (May 2000) [hereinafter *Oral History*] (unpublished manuscript, on file with The Judge Advocate General's School Library, United States Army, Charlottesville, Virginia). The manuscript was prepared as part of the Oral History Program of the Legal Research and Communications Department at The Judge Advocate General's School, Charlottesville, Virginia. The oral history of Major General Overholt is one of about two dozen personal histories on file with The Judge Advocate General's School Library. They are available for viewing through coordination with the School Librarian, Daniel Lavering, and offer a fascinating perspective on key leaders whose indelible influence continues to this day. This article also contains additional collateral facts provided by Major General Overholt, incorporated during the review and editing process. Interview with Major General Hugh R. Overholt, (Retired), in New Bern, North Carolina (27 Feb. 2003) [hereinafter *Overholt Interview*] (on file with author). The author would like to thank Colonel David Graham (Retired) and Lieutenant Colonel Alan Cook for their thoughts and comments.

2. Judge Advocate General's Corps, United States Army. Presently assigned to the Office of The Judge Advocate General, United States Army. LL.M., 2001, The Judge Advocate General's School, United States Army, Charlottesville, Virginia; J.D., 1991, The Beasley School of Law, Temple University; B.A., 1988, Dickinson College. Previous assignments include Legal Advisor, Chief, Administrative and Civil Law, and Chief, International Law, United States Army Special Operations Command, Fort Bragg, North Carolina, 1998-2000; Senior Trial Counsel, Special Assistant United States Attorney (Felony Prosecutor), Chief, Claims Division, Fort Benning, Georgia, 1995-1998; Trial Counsel, Special Assistant United States Attorney (Magistrate Court Prosecutor), Operational Law Attorney, Chief, Claims Branch, 6th Infantry Division (Light), Fort Wainwright, Alaska, 1992-1995. Member of the bars of Pennsylvania, the United States Court of Appeals for the Armed Forces, and the United States Supreme Court.

## I. Introduction

Humor, and the perseverance born of experience in rural Arkansas during the 1930s and 1940s, were hallmarks for Major General Hugh R. Overholt (Retired) during his life and education, from a roadless community in the depression-era South, to his rise in the United States military and service as the thirty-second The Judge Advocate General of the Army. It is a remarkable story, worthy, at times, of a Horatio Alger novel. Like an Alger protagonist, there is luck, pluck, altruism, honesty, and self-reliance that lead a young country lawyer to the pinnacle of military leadership in The Army Judge Advocate General's Corps.

It is also a story of the Army that existed between 1957 and 1989, during the period from the Korean War to the fall of the Iron Curtain, and Presidents Eisenhower to George H. W. Bush. Major General Overholt's military experience spans the Civil Rights struggles in Little Rock, through Eisenhower's reduction of the officer corps, the Cuban Missile crisis, and the institutional changes started during the Reagan administration. It was a far different Army than the modern, information-based, and technology driven organization currently in transition.

The changes in the Army were mirrored in The Judge Advocate General's Corps, which grew and developed with the needs of the Army. Major General Overholt served an extraordinary ten years as a general officer, eight of them as a major general, during which he increased the professionalism and role of the corps through organizational changes and the tireless pursuit of missions and responsibility for Army lawyers. He established the Masters in Military Law (LL.M.) program at The Judge Advocate General's School and dramatically expanded the school's facilities, automated the delivery of Army legal services, published a code of professional responsibility, modernized the U.S. Army Claims Service, and consolidated the U.S. Army Litigation Division with the U.S. Army Legal Services Agency. He moved Army legal services forward and demonstrated a leadership philosophy focused on morale, professionalism, and soldiering.

I had that much time, [ten years in the Pentagon], and I had that much authority, and nobody will ever have it again. It wasn't me, it was the circumstances with President Reagan, money for the military, and total confidence in the JAG Corps by the leadership of the Army and by the Secretary of the Army. So we were able to be the first to utilize computers, to establish the lit-

igation center, to get the LL.M. for the JAG School, to put the regimental system in place . . . .<sup>3</sup>

This article is a summary and analysis of interviews conducted in May 2000 with the former The Judge Advocate General of the Army, *An Oral History of Major General Hugh R. Overholt (Retired)*, on file with the library at The Judge Advocate General's School, United States Army, Charlottesville, Virginia. The purpose is to introduce Major General Overholt to the reader, his professional experience and accomplishments, while identifying the unique leadership qualities that contributed to his success. In particular, this article attempts to highlight his experience during a period of transformation in Army culture, and the leadership techniques he developed to manage a professional officer corps increasingly focused on institutional change.

## II. Arkansas: 1933-1957

"What you are now is what you were then."<sup>4</sup> These words capture a core perspective that help define Hugh Overholt, the man, and the leadership philosophy he developed during his life and military service. He never forgot who he was, or where he came from: born in Beebe, Arkansas; the grandson of a businessman, Presbyterian missionary, and a mule-trader; the son of a schoolteacher. When his father, Harold, graduated from the College of the Ozarks during the Great Depression, "there were no jobs and no money and no roads in Arkansas."<sup>5</sup> It was a faith-based, conservative environment enlightened by parents and family who treasured education and learning.

Like others of that generation, it was impossible for the Overholt family to escape the profound effects of the Great Depression. Relatives lost businesses and property; nothing was guaranteed. Life was never easy in rural Van Buren County, Arkansas; the Depression made it even harder. In the 1930s, the Overholts moved from Scotland to Higdon, Arkansas, where Harold Overholt secured a job as a high school principal and teacher. "Higdon was a little bitty town of about fifty people . . . . There were no school buses, so you either walked or rode a mule to get to school.

---

3. Oral History, *supra* note 1, at 131.

4. *Id.* at 1.

5. *Id.* "You can't imagine how remote that was at the time. No paved roads, no electricity, no running water." *Id.*

If you wanted to really go anywhere, like Little Rock, which nobody did, it was just unheard of.”<sup>6</sup>

Although modest, the school position and its \$12-15 a month stipend provided the family with a modicum of security.<sup>7</sup> It was an experience characteristic of the times. In the Overholt home, one could find an icebox filled with twenty pounds of ice per week and kerosene cook stoves. There were hog killings and squirrel hunts,<sup>8</sup> and other vestiges of rural American life.

Around 1938, the family packed up again from Higdon to Mount Pleasant, Arkansas, “out in the country, but a grade up.”<sup>9</sup> The Overholts moved whenever Harold was able to secure a better teaching position,<sup>10</sup> and gradually saw the close-knit family disperse in search of new and better opportunities elsewhere, “a kind of *Grapes of Wrath* type of deal, loading up and heading for better places like California, the Okies and Arkies.”<sup>11</sup> Harold eventually moved the family to Cove, Arkansas, where he was the superintendent of schools. For the first time, the family enjoyed running water and an electric light hanging from a single 25-watt bulb.

The relative comfort the Overholts experienced in Cove did not separate them from the plight of those still affected by dire conditions of the Great Depression.

[P]eople still looking for work . . . would come up and knock on the door and offer to work for food. Mother would have them go out and split wood or some make-do job that really didn't need doing just so they could keep their pride, and then she would give them two sandwiches. Some days as many as forty people would come by our house . . . . [W]e always found something to give them.<sup>12</sup>

---

6. *Id.* at 4.

7. *Id.* “I remember we lived on the high school stage. That’s where we lived. They put a curtain up and brought a cook stove in; we didn’t have electricity, we had lamps. We lived behind the curtain in the high school for free. We were very, very happy to have it.” *Id.* at 5.

8. *Id.* at 6-7.

9. *Id.* at 8. “There wasn’t much to Mount Pleasant. It was an old lumber town and by that time the Depression was really bad. It was sad to see some people unable to afford sugar or the staples of life.” *Id.* at 9.

10. *Id.* “[D]addy moved every time he could get a two-dollar raise.” *Id.* at 9.

11. *Id.* at 9.

12. *Id.* at 12-13.

It was a challenging time for Arkansans. The Overholts were avid readers, and they instilled this life-long passion in their son. From his earliest age, Hugh Overholt read everything he could get.<sup>13</sup> Radio, for him, was more for sports than regular entertainment. It was also for the news, including the memorable announcement in 1942 that the Japanese had attacked Pearl Harbor.<sup>14</sup>

Harold Overholt registered for the draft, but was deferred on account of a shortage of schoolteachers. In 1945 the family moved again, to Berryville, Arkansas, a county seat with hints of the modern age, including running water and paved roads.<sup>15</sup> A couple years later, after a falling out with the school board, the Overholts moved again to Huntsville, where Harold took a position with a state vocational school. The school was located in Madison County, the poorest county in the state, and was one of only two state-supported schools built by Arkansas because the counties were unable to support schools any other way.<sup>16</sup>

The position with the state brought financial security, but provided little excess. It was there that Hugh Overholt learned the virtue and value of work. “I started figuring out that you had to work if you were ever going to get anything yourself. So, I took a job down at the barbershop in Huntsville as the shoeshine boy. I shined shoes every day . . . for a quarter.”<sup>17</sup>

He used the money to buy a .22 rifle and a dozen steel traps, which he hoped would result in a “big bonanza” of fur-bearing wildlife. It didn’t. After a year, “I think I caught two rats . . . . I was totally inept at trapping. I never caught a fox, I never trapped a raccoon . . . . [F]rankly, I wouldn’t have known what to do with it if I had.”<sup>18</sup> That same work ethic and creativity carried over to sports<sup>19</sup> and other activities, including shining shoes,

---

13. *Id.* “One of the great purchases of my life was that I bought the first issue of the Superman comic book, action comics, when it came out for a dime at the general store.” *Id.* Years later it was lost during a military move. Overholt Interview, *supra* note 1.

14. Oral History, *supra* note 1, at 14.

15. *Id.* 16-17.

16. *Id.* at 20. “I mean if Huntsville wasn’t the end of the world, I don’t know where it was. No paved roads at all. Had a water system. Did not have a sewer system.” *Id.*

17. *Id.* at 22.

18. *Id.*

work as a drug store “soda jerk,” shooting pool,<sup>20</sup> and folding the newspapers for the Madison County Record.<sup>21</sup>

In 1948, the family moved again when Harold was hired to build a school in Westside, Arkansas, outside of Heber Springs, “in kind of the middle of some old cotton fields and scraggly low lands, backing up into the Ozarks.”<sup>22</sup> It was largely an agricultural community, with a school year that included summer sessions and long breaks to accommodate cotton picking and planting season.<sup>23</sup> There was little money. Indeed, during Overholt’s senior year the school ran out of money and graduated the fourteen seniors after only four months.<sup>24</sup>

Harold Overholt was concerned that his son was unprepared for college, so the next year he sent him to live with his grandmother’s brother, “Uncle Doc,” in Clinton, Arkansas, where Overholt enrolled as a senior in the local high school. Overholt assisted his uncle with his medical practice, driving him to house calls and assisting in the office. It was an

---

19. *Id.*

I also played basketball. I always was the last person cut from the team. I asked coach one year why I got cut and why I couldn’t go on the traveling squad. . . . [H]e said, “That’s all the uniforms we got, 10 uniforms.” So I said, “Well, if I make my own uniform, can I go?” He said, “Yeah.” So . . . my momma dyed, with Rit dye, my uniform. It was the most pitiful thing, seeing these guys with these nice uniforms, and I’d be playing with my little purple suit on. But, if we got really ahead in the game, they’d let me go in and play. That was the story of my life. But, I practiced, Lord knows I practiced.

*Id.* at 25.

20. *Id.* at 25.

I’d slip into the pool hall because the barbershop was right next to it. I’d get four or five dollars, I wasn’t very good to start with, but I played and I got to gambling playing a game called Kelly pool where you roll a bunch of dice, you get the numbers, you get the points, and I’d play nine ball. Then I started making money shooting pool, which was really great until somebody ratted on me to my parents and I was frozen out of it.

*Id.*

21. *Id.* at 28.

22. *Id.* at 30.

23. *Id.* at 33.

24. *Id.* at 34.

apprenticeship Overholt would never forget, and it convinced him that a career in medicine was not in the making.<sup>25</sup>

Following graduation, Overholt entered the College of the Ozarks in Clarksville, Arkansas, where he received a \$25 work scholarship cleaning the college chapel. The student body was notable for the high number of older students who were World War II and Korean War veterans attending under the GI bill.<sup>26</sup> By his third year, in 1954, his father decided he should transfer to the University of Arkansas. There, Overholt began thinking about exactly what it was he wanted to do, and, after a short interview with University Dean Joe Covington, he was admitted as one of sixty students in the school's law program.<sup>27</sup>

It was a rude awakening. "We had the meanest damn teachers that I ever [saw], you think *Paper Chase* is something. I mean, we had some

25. *Id.*

Lots of times we'd get a call to go up to Chocktaw Mountain. [There was a] mountain trail . . . [A] guy would pick you up . . . with a team of horses and a wagon, and take you up where the car couldn't go. We'd go up there. I learned how to be a doctor real quick. Penicillin had been invented, and that added twenty years to Uncle Doc's career. Because the first thing I did whenever anybody was sick was give them a shot of penicillin. I don't give a damn what it was. Gave everybody penicillin. He'd say, "Give 'em some of that penicillin stuff [to] make them feel better." [We] delivered babies. God almighty that was a deal. Pretty much put me off being a doctor. I sewed up people. [When there were car accidents, we would go to the scene of the wreck]. And that really got to me. We didn't have safety glass in automobiles back in those days, and nobody knew how to drive a damn car anyway. They'd run right into each other. I finally said enough.

*Id.* at 36.

26. *Id.* at 37.

27. *Id.*

Joe Covington was one of the great men of my life. He looked at things differently than a lot of law school deans do today, thank God. He said, "Why do you want to go to law school?" I said, "I don't have anything else to do." He said, "Well, why do you want to be a lawyer?" I said, "I think I can learn it if I get a chance." . . . He scared me sufficiently at that point. I got up to leave. [Then] he said, "Well, if you want to go to law school, you come on." That's all it took.

*Id.* at 43.

Yankee teachers that had come down just to practice on us.”<sup>28</sup> By the end of the first year, the original sixty had dropped to only twenty-two students, Overholt among them. But he ran out of money and announced to Dean Covington that he was finished. The Dean intervened, and he secured an assistant librarian’s job for Overholt that paid seventy-five cents an hour.<sup>29</sup>

The following year, Overholt was invited to write for the Law Review, was accepted, and later sat on the publication’s editorial board. But money continued to be a problem. Here again, Covington played a role:

[A]ll of a sudden I started getting scholarships. They’d call me in and say, “We’re going to award you the Dr. Pepper scholarship.” That was the money from the Dr. Pepper machine . . . [T]hat’d be about \$50 and was real money. The miserable case note that I wrote was voted the best case note of the year and it got a \$60 prize. I’m not sure I really believed it was the best case note, but I sure took the [money]. That was how Covington took care of me and the real poor kids.<sup>30</sup>

In his second summer in law school, Overholt sought employment wherever he could. He applied for a job as a mule train driver in Mount Lason National Park, California. “I’d never been particularly good around mules, but I knew mules and I figured somebody from Arkansas ought to be able to get a damn mule job. I got the job.”<sup>31</sup> The trip was eventful, including a speeding ticket, desertion by his travel companions, and plenty of hitchhiking. In the end he found employment at the Imperial Hotel in Cripple Creek, Colorado, peeling potatoes and washing dishes.<sup>32</sup> Later, through an odd confluence of events surrounding a large dinner party and an intoxicated chef, he was drafted to cook a meal and was subsequently

---

28. *Id.* at 44.

29. *Id.* at 49.

30. *Id.* at 50-51.

31. *Id.* at 54.

32. *Id.* at 57-58.



promoted to assistant chef at the rate of \$150 a month—a huge sum for the time.<sup>33</sup>

The environment at the University of Arkansas mirrored the rest of the segregationist South during Overholt's time there, and earlier.

In my area of the state, the mountains, the grade school and high school had no black people whatsoever. The schools were still segregated at that time. This was pre-*Brown v. Board of Education*.<sup>34</sup> It was rumored that there were black people living out on a mountain in Van Buren County, but I never saw them. There was no question that Arkansas was old South in that regard.<sup>35</sup>

There were no African Americans enrolled at the law school during this time, although one had graduated before Overholt's enrollment.<sup>36</sup> Nor was

---

33. *Id.*

The Holly Sugar Company . . . has rented the whole place out for all of their executives and their wives . . . . Well, the night before, the second chef gets Rocky Mountain spotted fever, and they have to medically evacuate [him]. All of sudden [the head chief] is stuck with having to either stay sober or cook. [The dinner] was fifty New York cut steaks. Now, . . . I had never in my life seen a New York cut steak. I had no idea what it was. The way we ate steak in Arkansas is you beat it with a hammer, put flour on it, and fried it. That was steak. [The head chief] gets drunk anyway. So I throw those steaks on, and the waiters are going, and everything is flying around. We put those steaks out, and I'm just guessing. I have no idea. Pretty soon a guy comes back and he says, "Here's a fifty-dollar tip for the guy that cooked the steaks." I am immediately promoted to second chef and get a raise to one hundred and fifty bucks a month.

*Id.* at 59-60.

34. 347 U.S. 483 (1954).

35. Oral History, *supra* note 1, at 62.

36. *Id.*

There had been one, and he had graduated before I got there, and that was to the credit of Dean Leffler. The story was that he was admitted to school but he couldn't sit with the other students. They had to build a phone booth kind of deal for him to sit in. Then the students themselves got upset by that thinking. . . . So, he was eventually integrated into the class, graduated, and by all accounts became a successful lawyer.

*Id.* at 62-63.

it the sort of thing average people did or aspired to do. “The chances for anybody getting the money together and getting to law school for anybody other than the scions of the established law firms . . . was very, very remote.”<sup>37</sup> He understood how fortunate he was for the opportunity.

### III. Entry onto Active Duty in The Judge Advocate General’s Corps, 1957-1964

As he prepared to graduate from law school, Overholt was peppered with offers by towns in need of a lawyer, including Huntsville. “I think this one [offer] said, ‘The only lawyer we’ve got is a drunk most of the time; we need another lawyer. We’ll give you an office and loan you \$200 a month, which you have to repay.’”<sup>38</sup> After that was the military.

People ask me how did you plan your JAG career, how’d you pick it? It was very damn simple. I was going to get drafted. I had no choice. I was going to come in the Army, and I decided I’d rather do it as an officer. . . . I had another big reason. For most of my time in Fayetteville, . . . I suffered with bad tonsils. . . [T]he doctor told me that it was imperative that I have my tonsils taken out. We couldn’t really afford to have my tonsils taken out. I said, “This will be a great deal. I’ll get in the Army, and they’ll take my tonsils out, and I’ll get this free medical care.” So, I was driven by both the draft and my tonsils to join the Army.<sup>39</sup>

There were other offers as well, including a respected Little Rock law firm. Dean Covington had also asked that Overholt return to the faculty of the University of Arkansas, but they would have to wait.

In 1957, Overholt entered The Judge Advocate General’s Corps at Fort Lee, Virginia, with about ninety other First Lieutenants; all of them white men. After three weeks, he and his peers traveled to Charlottesville, Virginia, for the ten-week Judge Advocate Officers Basic Course. The

---

37. *Id.* at 63.

38. *Id.* at 67.

39. *Id.*

town, small and rural, was still suffering from the character of its segregationist past:

[T]he schools, the restaurants, the whole bit was [segregated]. But the [*Brown* decision] had sunk in enough that there was tremendous pressure for that to change. You go back to look at the newspapers in those days, and the very progressive Charlottesville paper was arguing about how desegregation was wrong . . . . It was an eerie time, the same time Eisenhower called out the 101st Airborne Division to enforce desegregation in Arkansas.<sup>40</sup>

At the time, The Judge Advocate General's School was located in Clark Hall, near the University of Virginia football stadium. The current facility, located next to the University of Virginia School of Law, was still only a dream.<sup>41</sup> The course of instruction was much as it is now: a comprehensive academic program designed to prepare newly commissioned officers for military law practice. Although generally unimpressed by the vigor of the scholastic instruction,<sup>42</sup> Overholt genuinely enjoyed the people he met through intramural sports and other activities. With a few minor exceptions, he had a positive introduction to the Army.<sup>43</sup>

IV. Developmental Assignments: Fort Chaffee; Fort Rucker; 7th Army; 101st Airborne Division; 7th Infantry Division; The Judge Advocate General's School; and The Office of The Judge Advocate General, 1964-1975

In January 1958, Major General Overholt reported to his first assignment at Fort Chaffee, Arkansas. It was his first choice of many, and the decision to return to Arkansas delighted his family.<sup>44</sup> Notably, due to a shortage of Army lawyers, Overholt and several others were exempted from the Infantry or Armor Officer Basic Courses—something he dreaded.

And praise the lord, at the last minute they called down and said they were so short of lawyers in the field “[that] for this class we’re going to cancel your infantry basic training, and you are going to go directly to your assignments. We expect you . . . on your own to learn to do all the things we would expect you to

---

40. *Id.* at 79.

41. *Id.*

42. Major General Overholt finished in the top 10% of his class. *Id.* at 82.

43. *Id.* at 83. The exceptions involved a report of possession of alcohol in the BOQ, and a fistfight arising from a game of bridge. *Id.* at 81, 83.

know.” I think . . . the first watershed event of my career was missing infantry basic. I am still convinced had I gone, I would have gotten kicked out.<sup>45</sup>

Fort Chaffee was a basic training installation, mostly for the field artillery. Young First Lieutenant Overholt was earning his first regular paycheck, \$242 a month, and lived with a roommate in the basic officer quarters.<sup>46</sup> The legal office was small, headed by Lieutenant Colonel Bob “Red” Reynolds, with five officers, most of them junior. Overholt’s initial duties included claims, legal assistance, criminal defense, and report of survey officer.<sup>47</sup>

A critical mission of the Fort Chaffee legal office—of Captain Vick Harvey in particular—was the support they provided to General Walker, Commander of the 101st Airborne Division, sent by President Eisenhower to enforce integration of Central High School in Little Rock:

The riots, the suppression of the riots, the troops escorting the little children to school with bayonets, it sunk in big time. . . . General Walker had [received] a very unfavorable newspaper article about the brutality of his troops in the *Arkansas Gazette*, the main paper in Little Rock. He gave an order to one of his battalions to go seize the newspaper. Walker would have done it, I am sure, but [Captain] Harvey stepped in the door and said, “You can’t do that, you won’t do that, and if you do, I’ll report you.” That was pretty gutsy for a captain. . . . Walker was absolutely

---

44. *Id.* at 84.

When it came time for me to fill out my [assignment preference] list, I signed up for Fort Chaffee, Arkansas. . . . [N]obody else wanted it. Other guys were signing up for Paris. . . . We had a diversity of assignments. Heidelberg, all over the world. . . . I got what I wanted in Fort Chaffee. . . . [T]he real power in the JAG Corps as far as assignments went in that era was a lady named Eileen Burns, a civil servant. If Eileen liked you, you went A; if she didn’t like you, you went B; if she didn’t know you, you went C.

*Id.* at 82-83.

45. *Id.* at 84.

46. *Id.* at 86.

47. *Id.* at 87. At this time there was no established trial judiciary or a clear bifurcation of criminal defense and prosecution. The prosecutor, defense attorney, and law officer (judge) were co-located as peers in the same office.

crazy . . . , and that was proven true later in Germany when he was relieved.<sup>48</sup>

On several occasions Overholt filled in for Harvey as General Walker's legal advisor, traveling to Little Rock to provide assistance. It was an eye opening experience. "General Walker was absolutely in charge, it was practically a martial law environment. . . . [I]t was an ugly situation. The feelings ran so high in that part of the state. . . . [T]he hatred was phenomenal. I can't put a label on it."<sup>49</sup>

Another memorable and unfortunate experience for Overholt while at Fort Chaffee was witnessing the very real stories of officers separated or reduced under President Eisenhower's massive reduction in force (RIF) effort during the late 1950s. Fort Chaffee was a separation center as well as a basic training post, and they brought in officers for separation "by the bus load."<sup>50</sup> The RIF was another watershed event. As the Korean War cooled, the President decided to reduce the size and scope of the military, with particular emphasis upon its reserve officer corps—majors, lieutenant colonels, and colonels—many of whom had been serving on active duty since the Second World War, or earlier.

[They were either] mustered out with nothing, or if they had more than fifteen years service, and most of them did, they would be . . . mustered out as a colonel and reenlisted as a sergeant. They were given an opportunity to get their twenty years

---

48. *Id.* at 88

49. *Id.* at 110.

[It would have been] much better if the local law enforcement people would [have enforced the integration of the schools]. The Little Rock state patrol was very much behind the states rights people, the white supremacists. I think that was true later on in Alabama; as proven to be true, they just couldn't do it. So you had to have either troops or National Guard in the federal service to take care of it. We had no real guidance [on domestic operational law]. We were literally just flying by the seat of our pants, you know, is this right or is this wrong, rather than having any law book put together. . . . [The troopers] weren't the volunteer professionals that you have today. They were kind of "Jimmy looking at Billy" type situations. We had a few cases of soldiers refusing to do certain parts of the duty. They were immediately relieved; some were court-martialed.

*Id.* at 111-12.

50. *Id.* at 115.

to retire. They would retire at the highest grade held, [but serve out their remaining time at the lower grade]. . . . [I]t was so humiliating; I remember the Chief of Staff at Fort Chaffee was RIF'd. Here is the guy that is basically running the fort, and the next day he is a sergeant. That is a grateful government for you. [T]his was done without any conditioning, any counseling. There were hundreds and hundreds of officers treated that way. . . . I did a lot of handholding during that period of time, with these people and particularly the families. It caused a lot of divorces. It caused a lot of alcohol problems. It was, I thought, a tragedy . . . .<sup>51</sup>

The RIF was an experience that forever colored the way Overholt looked at personnel decisions, and influenced him toward the human aspect of promotions, separations, and assignments. "Quite frankly, it probably caused me to keep some people on far beyond when they should have been, because I thought that it was so cruel. To take someone that had soldiered as hard as they could, and then just put them on the street."<sup>52</sup> He held Eisenhower responsible, and felt that "unless [Eisenhower] was running it and with a uniform on, [Eisenhower] felt it was going to hell . . . and probably contributed a lot to it."<sup>53</sup>

The criminal defendants Major General Overholt was assigned to defend were generally housed in the local stockade, and often included a variety of young deserters from the Korean War who had been hiding in the hills of Arkansas and the Bad Lands of Oklahoma. "The FBI would probably bring a bus load of about fifteen in. The [agents] would go out and smoke them out. I mean the [FBI was] dogged about finding them.

---

51. *Id.* at 115-16.

52. *Id.* at 116.

53. *Id.*

The [FBI] would bring them in, and they would immediately go into the prison and were tried for desertion.”<sup>54</sup>

One defendant, in particular, merits comment not so much for the crime, robbing a gas station, as the family he came from. During the initial stockade interview, Overholt asked the defendant whether there was anything he should know. His client responded, “Well, would it help me any if I told you that my uncle is on the Supreme Court?” Overholt responded, “The Supreme Court of Oklahoma?” “No,” the young man said, “the Supreme Court of the United States.” “Who is it?” asked Overholt. “Well, its Uncle Tom, Uncle Tom Clark, my mama’s brother.”<sup>55</sup>

When asked if there were any other lawyers in the family who might be able to assist, the client responded that there was. The defendant’s cousin, Ramsey Clark, son of Supreme Court Justice Clark and future U.S. Attorney General,<sup>56</sup> answered the call, and drove directly from Dallas, Texas, to Fort Chaffee to help with the case.

[To make a] long story short, it was a general court-martial: the guy had been caught red handed holding up a filling station, . . . a terrible, heinous crime in those days. . . . Ramsey was a hell of a lawyer. He and I both made the closing arguments and we bonded right good. That took about a month. He stayed in Fort Smith a month. We ate together, ran around together, and investigated the case together. . . . Years later, when he was Attorney General of the United States, I ran into him again and he remembered every detail of that case.<sup>57</sup>

---

54. *Id.* at 91-92.

[W]e weren’t into the high-gear type of crime [at Fort Chaffee] that I later ran into at Fort Rucker, Alabama, and certainly Europe. That is where I grew up as a criminal prosecutor and defense counsel. I thought I was getting pretty good doing these [cases], but a manikin could have done these damned desertion cases.

*Id.* at 94.

55. *Id.* at 117 (referring to Justice Thomas Campbell Clark (1949-1967)).

56. Ramsey Clark was the U.S. Attorney General from 1967-1969.

57. Oral History, *supra* note 1, at 118.

Judge advocates handled general courts-martial, while traditional line officers administered special courts.<sup>58</sup> UCMJ Article 15 punishment was negligible:

Article 15s were given out like candy, but nobody paid attention to [them]. . . . We had more miscreant dentists and doctors and whatever. It had not yet gotten into the culture of the Army at that time that an Article 15 was all that bad—that it would be a career ender. We knew it wasn't good, but it wasn't something that shocked you.<sup>59</sup>

The social life for young officers at this time was something unrecognizable to today's Army. Officer clubs were a key focus of the culture, which actively encouraged the twenty-cent drinks and two for a quarter happy hours. Letters of reprimand for drunk driving rarely ended careers,<sup>60</sup> and a Staff Judge Advocate could encourage a social system based around the officers club.<sup>61</sup> The commanding general, General Bullock, required all his officers to belong.<sup>62</sup>

The general also required certain officers, Overholt among them, to date his twenty-one year-old stepdaughter. "They put together a list of eligible bachelors and there were four of us that made the final cut, unbeknown to us. We did not apply."<sup>63</sup> It was a type of duty roster. The general's aide would call, inform the officer that it was his turn to take out the general's daughter, and provide the details of the date. There were times when the general himself would go along for the ride. It was an admittedly bizarre situation that led Overholt to later wonder what the girl "must have felt having four ordered boyfriends."<sup>64</sup>

When Fort Chaffee closed in 1959, Major General Overholt was reassigned to Fort Rucker, Alabama, known then and now as the home to Army aviation. There he took a turn at learning how to fly a plane, and enjoyed

---

58. *Id.* at 93.

59. *Id.* at 95.

60. *Id.* at 100.

61. *Id.* at 99-100. "[Lieutenant Colonel] Red Reynolds would say every day about five o'clock, 'What is the will of the group?' The will of the group is to go to the club, and we would all go. . . . Half the officer population that wasn't on duty would be there." *Id.* at 100.

62. *Id.* at 104.

63. *Id.* at 104-05.

64. *Id.* at 105.



the enormous leeway pilots had with army aircraft.<sup>65</sup> He was also the driver in a car accident that nearly ended his career, involving The Judge Advocate General, Major General George Hickman.<sup>66</sup>

During this assignment he was promoted to captain, “the most respected grade in the Army at that time,”<sup>67</sup> and met and married his wife Ann.<sup>68</sup> Overholt met Ann on a blind date, arranged with the help of Ann’s

65. *Id.*

In those days a rated aviator could go out to [the] airfield where there was a line of L-19 aircraft, they were called Birddogs, little Piper Cub-type airplanes, very rudimentary, as far as you could see. So you could go pick your own airplane, fuel it up, sign for it, just on an honor signature, and fly anywhere you wanted to go. . . . The L-19 would fly up to the shirt factories in middle Alabama and land in pastures, and [everyone would] go in and buy shirts. We would fly to Birmingham and . . . to Montgomery. All the Air Force nurses were trained in Montgomery so we would fly up there a lot. . . . [I]t was a hell of a luxury having your own pilot and plane, and it didn’t cost a thing.

*Id.* at 124.

66. *Id.*

I am cursed with automobiles. . . . I am driving [the Staff Judge Advocate, Colonel Coward, and The Judge Advocate General, Major General George Hickman] back from the club. . . . I turn around to say something to General Hickman and run right into a ditch. I mean here he is bouncing around in that damn car, I swerve in and I swerve out. Colonel Coward says, “You idiot! . . . Your career is over. . . . You weren’t thinking about a career, were you?” I said, “I guess not.” . . . He then says, “You will probably get a letter asking you to resign.” The letter, which I anxiously awaited on, never came.

*Id.* at 123.

67. *Id.* at 114.

Making [captain] was a big deal. When we had our retirement ceremonies the last Friday of every month, . . . very seldom would you have a colonel or lieutenant colonel retiring. You would have twenty captains . . . very proud to have served twenty years . . . . They would be in their mid-forties, early fifties, [and] served all their careers as a captain. Most of them, if you go back and look, had [received] battlefield commissions or . . . OCS commissions later on, and had done their time, and made an enormous contribution.

*Id.* at 114-15.

68. *Id.* at 127.

sister, who was married to a highly decorated helicopter pilot. Overholt considers himself blessed by Ann and their children, who endured the many moves, separations, and challenges associated with military life. Ann, in particular, loved the sense of community she found on military posts, and from the date of their marriage onward, was actively committed to military families, her own as well as others.<sup>69</sup>

At this point Overholt was truly enjoying the Army and the people he encountered. The work was challenging, and it offered some of the security he sought after observing the events of the Great Depression and Eisenhower's reduction in force. Because of this, and the fine work he had done, he was recommended for and accepted a commission in the Regular Army in 1961.<sup>70</sup> Several months later, following his wedding, he received orders reassigning him to the Seventh Army Support Command, located in Mannheim, Germany.

So the Overholts headed to Europe. They resided with a kindly German family for the first fifteen months while they waited for permanent housing. The German family spoke little or no English, but it worked. The owners rented out rooms to Americans in part out of gratitude for the Marshall Plan, and welcomed the young couple warmly. The extended time living on the economy, rather than on post, gave the Overholts a chance to see and experience Germany in a way most never would. At this time they also welcomed the birth of their daughter, Sharon, whom their German hosts simply adored.<sup>71</sup>

The difference between the small southern posts Overholt had experienced since 1957 and cold-war Germany, however, was stark: "We had an enormous force over there. Three hundred thousand troops, and I say this respectfully, all believing that the Russians were going to come down the Fulda Gap within the week. It was a high tempo environment . . ."<sup>72</sup>

The Seventh Army Support Command judge advocate mission was, in large measure, to provide military justice support for far-flung units throughout Europe, including a few in Africa.<sup>73</sup> Overholt was assigned as

---

69. Overholt Interview, *supra* note 1.

70. Oral History, *supra* note 1, at 128-29.

71. *Id.* at 150.

72. *Id.* at 135.

73. *Id.* The operational chain of command started with the [European Combatant Commander in Chief] in Heidelberg, and went through the two corps, Fifth and Seventh Corps, to the combat units, including two armored and three infantry divisions. *Id.* at 145.

a trial defense attorney, just as the Army was fully integrating the military trial judiciary as the replacement to the earlier system of law officers. The new NATO Status of Forces Agreement also came into effect.<sup>74</sup>

The criminal trial work was intense; trial attorneys averaged more than fifty general courts-martial a year.<sup>75</sup> In one special court-martial, in which judge advocates still had little or no formal prosecutorial or judicial role, Overholt observed the trial and conviction of the *wrong defendant*. “I could see the end of the special court-martial system coming and the Military Justice Act of 1968 looming on the horizon from that point on.”<sup>76</sup> Notably, there were no “routine” drug cases at the time, and those drug cases that did occur met with comparatively harsh penalties. Overholt’s last case involved simple possession of marijuana, resulting in a dishonorable discharge and five years confinement.<sup>77</sup>

Overholt also observed his share of interesting characters, including Major General “Buffalo” Bill Harris, who traveled around unannounced at Thanksgiving with a turkey thermometer, testing mess hall turkeys. “If the turkey didn’t meet a certain standard, then he would relieve the battalion commander on the spot. . . . [I]f you can’t cook a turkey, you can’t win a war. That was his theory.”<sup>78</sup>

It was a different Army. A command-wide midnight curfew was imposed which Overholt and a fellow JAG, Bill Bell, missed at least once: “I remember one night when we were just irretrievably caught. There was no way. So we got in the trunk of the car, and [our wives] drove us back to post to get us [in the house] . . . .”<sup>79</sup> The social obligations were also different. The commanding general’s wife at the time preferred to be referred

---

74. *Id.*

Going along with doing the courts-martial, . . . [the] NATO Status of Forces Agreement came into effect. It had not been there before. So we also became the liaison for those cases where the Germans wanted to take jurisdiction. Our mission was to go to the German prosecutors and get them to waive [the cases] back to us . . . .

*Id.* at 143.

75. Overholt Interview, *supra* note 1.

76. Oral History, *supra* note 1, at 152.

77. *Id.* at 169.

78. *Id.* at 154.

79. *Id.* at 155.

to by her husband's rank: "Mrs. Major General. It was Major General Harris and Mrs. Major General Harris. That was how you addressed her."<sup>80</sup>

A social protocol among superior and subordinate officers was also present.

Ann got a message from Mrs. Davis, [the Staff Judge Advocate's wife], saying that she was disappointed that she and Colonel [Manly] Davis had not been properly entertained by us. I am looking at this as another career ender . . . . Ann sends a message back and says, "We acknowledge this. Please go to the officer's club and have dinner, and put it on our account."<sup>81</sup>

Such expectations would be unrecognizable in today's Army.

Germany was the first time Overholt became aware of the role of minority and female officers, something that had been sorely lacking at Fort Chaffee and Fort Rucker.

For the first time in my military career, the black officers became very much involved in the courts-martial system and in the leadership in Germany. We had a [significant] number of black majors, lieutenant colonels, and colonels that I had not seen at other posts . . . [sitting] on the general courts-martial panels we were convening.<sup>82</sup>

The presence of minorities and women did not, however, transfer to the JAG Corps. "We did not have any black judge advocates; we did not have any female judge advocates. There was one black judge advocate on active duty that I knew of. . . . There were two lady judge advocates, both lieutenant colonels, and there were no successors in line."<sup>83</sup> Overholt later addressed this shortcoming when he was the Chief of the Personnel, Plans & Training Office for The Judge Advocate General, a position that allowed

---

80. *Id.* at 152.

81. *Id.* at 158.

82. *Id.* at 160.

83. *Id.* at 161.

him to create an institutional focus on recruiting minority and female attorneys into the Army.

In 1964 his tour in Germany was over, and the Overholts, with a new baby on the way, decided to stick with the Army for another year and headed off to the Officer Advance Course in Charlottesville, Virginia.<sup>84</sup> Leaning toward making the army a career, Overholt worked hard; he cared for the family and their new son, Scott; and he mostly kept to himself in the University of Virginia School of Law library. There were still no women or minorities, either on the faculty or among the student body. The university campus, however, had changed since his first experience there seven years earlier: “There were women now in graduate school, . . . a lot of them. There were black students, which there had not been before. All the real rebellious [segregationist] restaurant owners had been run out and closed down so there weren’t any problems like that.”<sup>85</sup>

Overholt’s initial assignment out of the Advance Course was as the Staff Judge Advocate for Killeen Base, Texas, a nuclear weapons storage site, but the orders were subsequently amended for the 101st Airborne Infantry Division, Fort Campbell, Kentucky.<sup>86</sup> Still a captain, he was slated to be the Deputy Staff Judge Advocate.

Inherent in the assignment was the option to go to airborne school: to become a paratrooper. “[I was told] you ‘can either jump or not jump.’ Well, you don’t have to be a rocket scientist to figure out they are going to throw rocks at you if you don’t jump . . .”<sup>87</sup> So he got in shape, graduated from the Advance Course, and took his family to Kentucky. He later completed airborne school at Fort Benning, Georgia, bruised and sore, but otherwise fully qualified to join the airborne community.<sup>88</sup> Three weeks later, he was promoted to major.<sup>89</sup>

Early on, Overholt served as the supervising attorney and Acting Staff Judge Advocate for the division—a tremendous responsibility. For the first time in his career, he was no longer working in criminal litigation, and

---

84. *Id.* “I didn’t know a lot about the Advance Course. I had remembered that when I was in the basic course [that] there was an Advance Course in session, of very old people.” *Id.* at 175. Overholt was about to become one of them.

85. *Id.* at 182.

86. *Id.* at 183. “I don’t know what would have happened to me if I’d gone to Killeen, Texas. I [would have] probably slashed my wrists. But, I didn’t have any more sense to say otherwise. . . . [W]e just didn’t argue much in those days.” *Id.*

87. *Id.* at 183-84.

while he missed the excitement of the courtroom, he found considerable satisfaction in working with junior officers. After about three months on the job, the incoming Staff Judge Advocate, Lieutenant Colonel Victor DeFiori,<sup>90</sup> finally arrived. The new SJA got along well with his young deputy, although at times he seemed puzzled by Overholt's humor and office antics.<sup>91</sup>

The legal practice at Fort Campbell was a reflection of the division's high operational tempo. Key issues involved labor strikes, procurement law, and only the most significant criminal cases. The widely used forum of summary courts-martial continued under the old system of trial and adjudication by non-lawyers. Summary courts were a fast and easy way to resolve disciplinary cases, and were popular with commanders.<sup>92</sup>

In 1966-1967, the Vietnam War was an inescapable fact of life for the military, and was very much on the mind of Major General Overholt and his family. He was "apprehensive but excited" by the prospect.<sup>93</sup> Shortly before the division was scheduled to deploy, Overholt received a call from the Pentagon, reassigning him as the Staff Judge Advocate for the 7th Infantry Division, Korea.

Now that was the last thing on my mind. I mean it just never computed. I had just assumed that I'd go to Vietnam with the 101st. That was the only time I told them I did not want to go. I

---

88. *Id.* at 188-89.

We were flying these boxcars, C-117s, which were terrible airplanes. We start our incoming and it seems like I stand in the door for an hour just waiting to jump out. The soldier behind me said, "Look at him. Look how strong he stands there." Well, [what] they don't know is that I'm clinging on there. I do the jump, but somebody's forgotten to tell me some of the secrets, which really hacks me off. When I landed the first time I didn't do it the way you're supposed to. I just kind of crumple . . . Then we did another jump, and we did [an] equipment jump, and [then] a final jump, and they pinned the wings on and we're back to Fort Campbell.

*Id.* at 189.

89. *Id.* at 192.

90. General DeFiori was later promoted to brigadier general and served as the Assistant Judge Advocate General for Military Law and Operations.

91. Oral History, *supra* note 1, at 193.

92. *Id.* at 196.

93. *Id.* at 194.

wanted to go with the 101st even though they said, "It's kind of a promotion for you to be the Staff Judge Advocate of your own division." I told them I'd turn it down for now and go ahead with [the 101st]. They said, "You're not listening."<sup>94</sup>

In June 1967, Overholt moved Ann and the kids to Ozarks, Alabama,<sup>95</sup> and headed to Camp Casey, Korea. It was an eye opening experience.

This damn place is primitive . . . ; third world all the way. . . . There are no cars you can recognize. . . . [F]or the most part, people are either pulling or pushing carts or walking with A-frames with tremendous loads of goods on their backs. There is no sanitation . . . . [I] look out and in the first village we come to all the houses have the straw thatched roofs as though it was the 1500s. . . . Very much a subsistence economy.<sup>96</sup>

The daily life in Korea in 1967 was far different from the routine military personnel experience today. Officers were assigned their own personal houseboy, who provided valet and general services for about twelve dollars a month.<sup>97</sup> Heating fuel was rationed out for only six hours a day as decided by community vote.<sup>98</sup> The rest of the time people froze in the bitter Korean winter. Life revolved around the unit mess halls, which served all meals. Off-post restaurants were a limited option, if at all. Each mess had its own traditions and procedures, including the general officers' mess where Overholt dined.

You could have two drinks before dinner, if you so desired, then you lined up and marched to dinner. . . . You had a place at the table where you had to sit. There was a statue of an old Korean gentleman, and if it was in front of your place that meant you said grace that night. Each night the junior officer in the mess made the movie report. . . . [A]s soon as we had dinner, they broke the dining room down and showed the film on the wall. We were encouraged to stay for the film.<sup>99</sup>

---

94. *Id.*

95. At that time, service members lost their government quarters when they deployed or were assigned to without-dependent billets.

96. Oral History, *supra* note 1, at 199.

97. *Id.* at 203-04.

98. *Id.* at 210.

99. *Id.* at 201.

Wearing civilian clothes north of Uijongbu was prohibited, and officers were forbidden from staying in the local villages past five p.m. The exceptions were the Commanding General, his deputy, the Chief of Staff, the Chaplain, and the Staff Judge Advocate. Overholt and the chaplain were part of the morality patrol that monitored the situation in the local communities, and there was plenty to monitor.<sup>100</sup>

There was also the North Korean Army,

[a]nd we were very, very concerned about that. During my year there we were fighting a war on the 38th parallel. The 2d Infantry and the 7th Infantry Divisions, two active duty full strength divisions, were exchanging fire on a regular basis with the North Koreans. . . . That didn't get much press because the administration didn't want the American people to think that there was a second front opening in Korea; . . . one in Vietnam and one in Korea.<sup>101</sup>

The threat was real. During Overholt's tenure as the 7th Division Staff Judge Advocate, two key events thrust the Korean peninsula into the world spotlight, revealing the danger of the fragile standoff on the Korean peninsula. The first was the "Blue House Raid," in which thirty-two North Korean guerillas infiltrated Seoul in an unsuccessful assassination attempt on the South Korean President. The other was the Pueblo incident, when the North Koreans captured the *U.S.S. Pueblo* and imprisoned her crew.

---

100. *Id.* at 202.

Many, many of the enlisted soldiers—we'll divide this up and the Army may hate me for this, but it's a fact—had paid what were called rice bills. That is, they had a girl that they kept. In return for her pledge to only take care of that soldier, he would support her for the year that he was there. Hopefully, if he left, his replacement would inherit her and therefore she had kind of a revolving stream of care and income. Many of my enlisted soldiers had that arrangement, [and there] was nothing to prohibit it. Adultery was still a big offense so any of the married guys that were paying rice bills were very careful not to let you know about it; but the younger guys, the unmarried ones, . . . were all the time bragging about their girls. This was just the way it was. The [military] culture accepted it. . . . [T]he thought was, let the guys get out and do their things, but we'll be ready when the Communists come down from North Korea.

*Id.*

101. *Id.* at 203.



“We thought we were going to war over that. We were in a high state of alert and started getting bullets and things to go up and fight the [North] Koreans. I was absolutely sure that this time we were going to do it . . .”<sup>102</sup>

This was also when the Status of Forces Agreement with South Korea came into effect. As in Germany, the civilian authorities received primary criminal jurisdiction of American personnel accused of crimes committed in the civilian community. The first case, involving a soldier accused of murdering a Korean prostitute, made headlines in both Korea and the United States.<sup>103</sup> Overholt sent his deputy to be the trial observer.

[T]hat court system was just miserable. It was a civil court system. They just dumped the evidence on the floor and kind of pawed through it. They even had some of the body parts there. We knew that sending an American soldier to a Korean prison would not be accepted. . . . [T]here would be outrage in the United States. So we built a Korean prison to our standards and manned it. [It was] very expensive, about two million dollars, located in Seoul. It’s still there today. So, if you were sentenced to prison [by Korean authorities], [you went] to [an] American-type prison in Seoul run by us.<sup>104</sup>

By the late sixties, the military discipline was gradually slipping in Korea and elsewhere. “You could start to see the soldiers letting their hair grow a little longer. Marijuana use was becoming something to deal with. We had some drug cases. We had heroin for the first time.”<sup>105</sup> Overholt witnessed the change from the Army of the Korean conflict to the Army of the Vietnam War. The changes, while gradual, reflected the shift from one generation to another—from the “Greatest Generation” to the Baby Boom.

In the Spring of 1968, Overholt received word that he was one of four judge advocates selected for Command and General Staff College at Fort Leavenworth, Kansas. This would be his follow-on assignment after Korea, and a key milestone in his decision to make the Army a career. “I think that was the time I said, ‘Alright, let’s do twenty.’ . . . There wasn’t

---

102. *Id.* at 211.

103. *Id.* at 212.

104. *Id.* at 213 (subsequently changed by amendments to the SOFA).

105. *Id.* at 214.

anything wrong with retiring as a major. Many of my friends had retired as captains, so I was comfortable enough [with the idea].”<sup>106</sup>

As he left Korea and his first Staff Judge Advocate assignment, Major General Overholt began to consider the traits that would help shape his leadership philosophy for the future. “I learned to be tolerant of people. [To] recognize that you are going to make mistakes, and so are they. . . . I learned that morale is more important overseas, in a place like Korea or Vietnam, than it might be in Germany or the United States.” He came to understand the challenges of men and women separated from family and living in dangerous and austere conditions, and of how it can bring out both the worst and the best in people.<sup>107</sup>

Overholt, reunited with his wife and two young children, arrived in Fort Leavenworth in July 1968, where they were assigned on-post quarters. “The person we meet is our next door neighbor. As you look out our front door, their house was immediately on the left, and its Norm and Brenda Schwarzkopf, who was later a hero of the Gulf War.”<sup>108</sup> In addition to their developing personal friendship, Overholt was fortunate to be asked to join Schwarzkopf’s study group. “That is where we would pour over the maps and plot how to move divisions. We would go over to his house, and there were four other West Pointers in the group; I was the fifth. They took me on as a charity case.”<sup>109</sup> In later years, when they were both general

---

106. *Id.* at 215, 219.

107. *Id.* at 217-18.

Probably one of the most touching moments I’d ever had with a general officer was on Christmas Eve in Korea. A lot of the staff had gone back to the States to be with their famil[ies]. A lot of others had gone to bed. It ended up with just [Major General] Bill Enamark and me sitting at the bar. . . . [H]e was getting a little maudlin and I was getting a little maudlin and we were sitting there, not exactly feeling sorry for each other, but commiserating, and there came a knock on the door of the mess. This Korean with a kimono came in [bringing] the orphanage down to sing Christmas carols. Well, here comes . . . about twenty little boys and girls. Enamark and I start balling like babies. General Enamark says, “Hugh, how much money you got?” I said, “I don’t know but they can have all of it.” I think we gave them about three hundred dollars which is more than they’d ever gotten at one time in their life.

*Id.*

officers, Overholt and Schwarzkopf would regularly eat lunch together in the Secretary of the Army's Mess, located in the Pentagon.<sup>110</sup>

Overholt was promoted to lieutenant colonel in November 1968, and he graduated from Command and General Staff College the following May. His next assignment was at The Judge Advocate General's School, serving as the Chief of the Military Justice Department. It was an exciting time to be in the justice business, and he was at the center of it.

Remember, by now we have had the Military Justice Act of 1968, and it was just coming into force. We had to train military judges and associate military judges for special courts. We had added four hundred officers to the Corps for trial and defense counsel because you were now entitled to lawyers at special courts. It was the biggest plus-up the JAG Corps had ever had. . . . We [also] had started having all of these magazine articles written about military justice. You know, "Military justice is to justice as military music is to music." Front page of *Time* magazine and the front page of *Newsweek* about how atrocious military justice was. How unfair it was. Then we had the *O'Callahan v. Parker*<sup>111</sup> decision which was highly critical of

---

108. *Id.* at 220.

Ann and Brenda became very good friends. [Brenda] was flying for TWA as a stewardess. That's how Norm had met her. So, she still was flying when they were at Leavenworth. Because he was in school most of the time, Ann would take Brenda over to the Kansas City airport to work and sometimes would pick Brenda up and bring her back. The Schwarzkopfs, in turn, would look after our kids every now and then. Norm became particularly friendly with Scott, who was big enough now to run around, and taught him how to play bocchi. You could see they really loved children and, fortunately, within a few years they had three [of their own]. Norm had been to Vietnam. Well decorated over there. He was a major but below the zone promotion. . . . [W]e all looked up to him as being a guy that would really know this Command and General Staff stuff.

*Id.* at 221.

109. *Id.* at 222.

110. *Id.* at 376.

111. 395 U.S. 258 (1969). In *O'Callahan v. Parker*, the Court restricted the kinds of crimes that could be tried at court-martial to "service-connected" crimes, excluding from the military's jurisdiction criminal acts by service members that took place off of military grounds and involved neither military duties nor other service members. *See id.*

military justice. . . . There was doom and gloom [throughout] the military justice business . . . back channel criticisms by General Westmoreland . . . the My Lai cases. . . . A lot of that revolved around the instruction in criminal law at the JAG School. [It] took front and center.<sup>112</sup>

The Military Justice Department was filled with interesting and talented officers. There was Jan Horbaly, who later served as Chief Justice Berger's Chief of Staff and the Clerk of the Federal Circuit; Edward J. Imwinkelreid, who later became professor of law at University of California at Davis and one of the country's undisputed authors and authorities on the rules of evidence; Charley Rose, currently on faculty at Wake Forest University Law School; and Phil Suarez, author of the *Manual for Courts-Martial*.<sup>113</sup> They reformulated the curriculum to focus on practical learning and presented wit, humor, and hands on application. They would make it fun, academically and socially.

[W]ith each one of these courses, we had a mandatory reception when they arrived. It was an upstairs with liquor deal. [Colonel] Ken Crawford would keep the liquor locked up in one of the rooms [in the JAG School]. He would get Rupe Hall, who was the school secretary, to unlock it. We had good bottles but we would fill them with cheap liquor, . . . trying to stretch the money as far as we could go.<sup>114</sup>

An important part of what Overholt and his talented staff accomplished included systemic legal education programs for commanders. Foremost among them was the Senior Officer Legal Orientation Course (SOLO). The idea was to bring senior Army leaders at the battalion and brigade command level to the school for intense legal training. The course continues to this day, and is a showpiece for the JAG Corps and a key for Army leaders who need to understand their command authority and the valuable contributions that Army lawyers can make.

For the first time, they learned what lawyers did. They learned what lawyers can do. They learned about command influence. They learned about their responsibilities as convening authorities and all the pitfalls with investigations and things like that.

---

112. Oral History, *supra* note 1, at 227.

113. *Id.* at 228, 230.

114. *Id.* at 232.

The Army had never done that before. . . We used real live cases. The time-honored Fort Lee Army Airfield case. The Anti-Deficiency Act. Things that still happen today with senior officers if they don't watch it. That started, more than anything else, I think, to turn that military justice crisis, or perceived crisis, around.<sup>115</sup>

Perhaps one of the greatest challenges for the JAG School faculty during the early 1970s was the vociferous anti-military environment at the University of Virginia. The conservative coat-and-tie culture of the 1950s and mid-1960s had given way to a student body that "had turned radical."<sup>116</sup> Military members were the subject of vile and hostile gestures by university students, and despite consistent support by the administration, the feelings of unease were inescapable.<sup>117</sup>

Jerry Ruben and Kunstler came to the University to give an anti-war rally. It was attended by thousands. They burned the ROTC building. They came to the JAG school convinced we made germ warfare . . . and stole the cannons off the front of the building and dumped them over a mile away. It was really an unhealthy environment. We did not feel loved.<sup>118</sup>

This rising sense of distance from popular culture and the confrontational nature of the anti-war movement took its toll. The media carried the news of protests, and was an influential force in the way Americans perceived the war effort and the military. Casualty reports were a part of the daily news, and had a profound effect on soldiers and civilians alike. "The reports we got back from the field—universally—were that morale in the Army was extremely low and getting worse."<sup>119</sup> Yet at certain levels it seemed the Army leadership either failed to recognize the declining morale or was at a loss to address it. "[T]he Army machinery would grind out that it was the best Army we'd ever had, the best soldiers we ever had, highest

---

115. *Id.* at 234.

116. *Id.* at 240.

117. *Id.* at 241. Overholt gives great credit to Colonel John Jay Douglass for leading many of these efforts. Overholt Interview, *supra* note 1.

118. Oral History, *supra* note 1, at 241. The cannons were recovered and currently reside at the entrance to the JAG School.

119. *Id.*

morale we'd ever had. [It] seemed to me like the Army staff was in denial; . . . totally out of touch."<sup>120</sup>

In June 1973, Overholt left The Judge Advocate General's School for a Pentagon assignment as the Chief, Personnel, Plans & Training Office (PP&TO), Office of The Judge Advocate General. His primary responsibility was the management of personnel and policy for the Army JAG Corps, with particular emphasis on recruiting and retaining the military lawyers needed to support the Army's mission in Vietnam and elsewhere.<sup>121</sup> Other responsibilities included officer assignments and traveling with The Judge Advocate General, Major General George Prugh.

Two noteworthy personnel policy initiatives came out of PP&TO and the JAG leadership during this time. The first concerned professional pay for Army lawyers, akin to the special pay doctors and certain other hard to fill billets were receiving—and continue to receive. The idea was to put judge advocates on par with those other professions, and to assist with retention and recruiting. While the idea had supporters, including Senator Strom Thurmond (South Carolina), it never made it through Congress.

---

120. *Id.* at 241-42.

121. *Id.* at 243. A few officers, however, did not merit retention, and Overholt developed a unique method for discharging them.

I remember one basic course student that came in. . . . He came to see me, and he walked in the office and he said, "I can't stand it." . . . I said, "Well, what's the matter?" He said, "Since I've gotten in the JAG Corp, I cut myself shaving all the time. . . . I'm going to bleed to death." I said, "And I take it you want out of the JAG Corps." He said, "Desperately." I was so mad that I picked up a tablet and I said, "What's your name?" He gave it to me. . . . I wrote, "Lieutenant Jones, you are discharged from the Judge Advocate General's Corps under my authority, this date, collect your pay and leave." I signed it as Chief, Personnel, Plans and Training. I said, "You take that over to the Hoffman Building and give it to the first personnel guy there and they'll give you a discharge." He went to his car, drove off, and ran down a personnel guy. [The personnel guy had] never seen anything like it. I put my phone number down there, and the guy called me up, and I said, "He's gone. He will never be in the JAG Corps. I don't give a damn what you do with him." [The personnel guy] said, "But you can't do this." I said, "It's done. He will not be back." . . . So they sent him . . . to Walter Reed, got him a physical, and the next day gave him a discharge. That became a pretty good trick. We used it three or four times. It [became known as] an Overholt discharge.

*Id.* at 243-44.

“We nearly got it but it was killed at the last moment by Senator Harry Byrd (Virginia).”<sup>122</sup>

The second initiative was the Funded Legal Education Program (FLEP). Under this program, the government pays the law school tuition of a select group of active duty officers in exchange for an additional six-year commitment in the JAG Corps. Officers continue to collect their regular military pay and benefits while in law school. The authorizing statute<sup>123</sup> permits up to twenty-five officers per year to participate in the program, a response to a difficult recruiting and retention environment.

We decided that we really had to have this because I couldn’t recruit enough people to come in the Army, and we figured that would happen forever, and we were getting the wrong kind of person, unmotivated people that cut themselves shaving and wanted out. There was a great litany of those.<sup>124</sup>

The story of the legislation is an interesting study in policy development.

The [Secretary of the Majority of the Senate] was a man named [J. Stanley Kimmitt], a very powerful man. . . . Stan had two sons who were West Point graduates and line officers, . . . both of whom wanted to go to law school. Once the bill was introduced, Mr. Kimmitt ran the bill right through. It is easy to get something authorized, but he was going to make sure it was funded. . . . [Bob Berry, the Army General Counsel], called me up as the Chief, PP&TO, and said, “Your FLEP bill is resting over there right now and it can either pass or fail.” I said, “Obviously there is something I can help to do to make it pass.” He said, “There is a Major Kimmitt who will be applying for this program and need I say more.” I said, “Nope, you need not say

---

122. *Id.* at 243. A similar effort failed several years earlier, in 1969, with legislation calling for \$50-\$200 a month professional pay for judge advocates. *See* 91 CONG. REC. H 439 (1969); 91 CONG. REC. S 8369, 8522 (1969); *see also* H.R. 4296, 91st Cong. (1969); S. 2674, 91st Cong. (1969); S. 2698, 91st Cong. (1969). Notably, the Navy opposed specific initiatives to establish a professional pay benefit for judge advocates. Memorandum from the Deputy Chief, Office of Legislative Affairs, Department of the Navy, to General Counsel, Department of Defense (21 Apr. 1969) (on file with Plans Branch, Personnel, Plans & Training Office, Office the The Judge Advocate General).

123. 10 U.S.C. § 2004 (2000).

124. Oral History, *supra* note 1, at 289.

more.” He said, “Can I tell Mr. Kimmitt that?” I said, “You can take it to the bank.” The bill passed.<sup>125</sup>

But Overholt and his deputy had a plan. They would relinquish and delegate the selection process to an independent board, which would evaluate the applicants and make recommendations to the PP&TO and The Judge Advocate General.

We were going to do it straight up, and if Kimmitt doesn’t make it then Kimmitt doesn’t make it. . . . [T]hat’s the deal, I’m sorry and I will have broken my word to Mr. Kimmitt, but I will take the consequences which I am sure will be grim. . . . I did not sit on the board, but fortunately for Kimmitt, he had two wonderful sons who were brilliant. Bob Kimmitt’s file came out as the best, number one. . . . He was sent off to law school.<sup>126</sup>

---

125. *Id.* at 290.

Kimitt graduated from law school, . . . passed the bar, and then was selected to be a special assistant to the Secretary of Defense. I sent him a note and said, “When are you going to be able to get your branch transfer to the [Judge Advocate] basic course?” Then we would get a note back from whoever the Secretary of Defense’s [Executive Officer which said]: “We ask you to defer Major Kimitt.” Then, “Defer Lieutenant Colonel Kimitt;” you know, it went on and on. He never branch transferred. He never went to the basic course. Eventually, his last assignments as an Army officer were with the National Security bunch in the White House and he worked for Jim Baker, the Chief of Staff at the White House, and was very close to Baker and Reagan. Kimitt followed Baker when he went to become Secretary of the Treasury and resigned his commission as an Artillery officer. . . . He went from being General Counsel of the Treasury Department to being Ambassador to West Germany.

*Id.* at 292-93.

126. *Id.*



Overholt's deputy at PP&TO was Lieutenant Colonel William Suter,<sup>127</sup> whose primary responsibility was the maintenance and creation of judge advocate authorizations.

Some people had been a little timid about asking for lawyers, but Bill was a genius at walking up the hall [at the Pentagon] and working the system to add two billets here and four billets there. That's where I got the idea later on as The Judge Advocate General . . . to add a lot of people to places where we'd never used lawyers before, like the special prosecutors in the federal court system . . . .<sup>128</sup>

Part of their work was planning for the day the Vietnam War ended, and the impact the ensuing reduction in force would have on the JAG Corps. "[Y]ou didn't have to be very smart to figure out that once Vietnam was over, . . . there would be one of the biggest draw downs in the history of the United States Army."<sup>129</sup> The Army stood at about 1.5 million people at the time, and Overholt was preparing for a drop to 900,000 or less. There were over 2100 Army judge advocates on active duty during the war, and Overholt and Suter were committed to preserving as many authorizations as possible.<sup>130</sup>

Overholt was also determined not to repeat what he witnessed at Fort Chafee, "where guys came in as colonels and left as privates. I didn't want any part of that so we kind of put a glide path together."<sup>131</sup> This was part of his continuing focus on the treatment of people, and included regular efforts to treat "people right on assignments. Make them believe the promotion system was fair, and that all selections were fair."<sup>132</sup> He tried to be an easy touch with officers when it came to assignments, "even when I was

---

127. Suter was later promoted to Major General and served as Acting The Judge Advocate General of the Army, 1989-1992. He is currently the Clerk of the Supreme Court of the United States.

128. Oral History, *supra* note 1, at 245.

129. *Id.*

130. Overholt Interview, *supra* note 1. The changes in military justice arising from the 1968 Military Justice Act facilitated hundreds of judge advocate authorizations, including at least 400 to support the new procedures for conducting special courts-martial. *Id.*

131. Oral History, *supra* note 1, at 246.

132. *Id.* at 255.

being conned” by officers angling for desk jobs in Washington or elsewhere.<sup>133</sup>

Overholt was also active in expanding the role of women in the JAG Corps, and actively recruited them for service. “For one, we needed the lawyers. I believed that that was going to be our future. We were at five percent women at the time. I was trying to push that up to around ten percent.”<sup>134</sup> He also worked to ensure a strong balance of non-commissioned officers and adequate court-reporting personnel and equipment.<sup>135</sup>

Also evident during the early 1970s was the creation of what is often referred to as the *Army of the Potomac*—military personnel homesteading in the Washington area.

At one time it was a badge of honor to avoid service in the Pentagon.<sup>136</sup> [T]hen you could see [spouses] starting to work as teachers . . . and getting jobs. Roots going down that had not been there before because most of us had never been able to afford houses before. It was the first start of the “I don’t want to leave Washington” syndrome. . . . We had more and more people that wanted to stay in the Washington area. . . . That worked for a while, but then careerism set in and the belief that you needed a tour in the Pentagon to excel. . . . So they started clambering to come to the Pentagon, . . . and they meant the Pentagon, not the legal services agency over at the Nassif building. That’s where people eventually went who didn’t want to leave Washington. It was like a holding pen over there.<sup>137</sup>

In August 1975, Overholt’s tour at the Pentagon came to an end. He was ready to go.<sup>138</sup> After two busy years of assignments, policy, and travel, he was able to rest and settle down for a year at the Industrial College of the Armed Forces (ICAF) at Fort McNair in downtown Washington.

[ICAF] primarily dealt with going out and learning about the business base of the United States and the international business

---

133. Overholt Interview, *supra* note 1.

134. Oral History, *supra* note 1, at 250.

135. *Id.* at 253.

136. Overholt Interview, *supra* note 1.

137. Oral History, *supra* note 1, at 255.

138. *Id.* at 257. “I was ready. Two years at PP&TO is enough for anybody.” *Id.*

base, and how they interacted with the defense issues. . . . [T]he real worth of ICAF was the numbers and the quality of speakers . . . . [W]e had first call on just an enormous number of talented people. The Secretary of State. The Secretary of Defense, certainly. The Vice President. . . . Various and sundry experts in various matters, [including] petroleum, food, and the economy.<sup>139</sup>

Overholt was promoted to colonel in early 1976, and was once again looking for a follow-up assignment. By this time he had seen the Army and the JAG Corps from nearly every important perspective: small training installations, Germany, large divisions, Korea, the JAG School, the Pentagon, and the macrovision offered by ICAF. He was ready and eager for a large installation or corps Staff Judge Advocate position. He would get his wish. I

#### V. Staff Judge Advocate, XVIII Airborne Corps and Fort Bragg, 1976-1978

In June 1976, Overholt assumed responsibility as the Staff Judge Advocate for the XVIII Airborne Corps and Fort Bragg, North Carolina—one of the largest combat organizations in the Army, if not the world. Fort Bragg was home to nearly 40,000 soldiers, the corps, the 82d Airborne Division, and Army special operations units, among others. It remains one of the most challenging and diverse judge advocate leadership assignments, and demands enormous things from the men and women who provide legal services.

As elsewhere in the Army, criminal justice and the challenges of downsizing following the withdrawal from Vietnam were in the forefront.

What we were dealing with was the aftermath of the Vietnam War. . . . We had semi-volunteer soldiers. We still had an enormous amount of criminal law problems, drug problems, a weakness in the NCO ranks, in my opinion, and probably in the middle officer ranks also. . . . My philosophy at the time was that they give you a package of people and you do the best you can

---

139. *Id.* at 258-59.

with them. You try to get the best out of them, and you do that by motivation, not threats.<sup>140</sup>

Overholt believed deeply in the need to take care of the soldiers and their families, and in the professional and morale equities that come from soldier-centric programs. With the Corps Commanding General's support, he established far-reaching consumer education campaigns designed to protect military personnel from predatory salesmen, and directed soldiers to the Staff Judge Advocate Legal Assistance Office.<sup>141</sup> Overholt was one of the first SJAs to take on the challenge of providing income tax assistance to all service members, and was the first to field-test electronic filing of returns. He also worked to provide transportation options for junior enlisted families living off post to give single-car families access to the commissary and Post Exchange.

I was a big fan . . . of legal assistance, and I felt we could always do more with those programs if they were proactive and we had imagination and did it. . . . We set up with the Attorney General of North Carolina . . . a kind of legal assistance to service personnel committee at the Attorney General's Office. . . . If a bunch of people came through that were ripping off the soldiers, the [Attorney General] would have the state bureau of investigation down into the area and have them scarfed up in a week and prosecuted.<sup>142</sup>

Another key initiative was the development of what has become the Special Assistant United States Attorney Program, begun in response to unmanageable traffic offense enforcement and prosecution.

I had decided that we had so many vehicles on base and so many soldiers running red lights or stop signs or speeding and an occasional DWI, that the diversity of the various commanders in handling the cases either under Article 15, written reprimands, or oral reprimands, that there was no consistency in the way those offenses were being handled.<sup>143</sup>

---

140. *Id.* at 264.

141. *Id.* at 298.

142. *Id.* at 302-03.

143. *Id.* at 268.

Overholt's idea was to remove jurisdiction over traffic offenses from commanders and cede it to the local civilian authorities. When the local U.S. Magistrate refused to take jurisdiction, Overholt took his case directly to the Honorable Frank Larkin, the federal judge for the Eastern District of North Carolina. He did so with the help of Malcolm "Mack" Howard, a Greenville lawyer and former judge advocate who had served with Overholt at the Judge Advocate General's School. Howard knew Judge Larkin. Overholt enlisted an Army plane, flew to Greenville to pick up Howard, and from there traveled to Trenton where Judge Larkin had chambers.<sup>144</sup>

We went to Larkin's office. I'll never forget it. I guess we got there about one o'clock, and he said, "Gentlemen, the bar is open." He opened up a cabinet and brought out a bottle of Jack Daniels, and we talked and visited and drank until about three, three thirty, and then he said, "What you say makes sense. I don't see why [the Magistrate] doesn't try those cases." He called him up and said, "Stuart, you got any objections to trying those cases on Fort Bragg?" Stuart said, "Oh, no Sir, I've got none whatsoever." I promised that we'd do all the administration for cases. So, we brought in a bunch of special duty folks and I got one of our really great captains, Bill McGowan, to start that program, administer it, and actually try the cases if you had to. So, from that day on all our traffic offenses went to federal court.<sup>145</sup>

Other issues included the high publicity discharge of soldiers trying to start a soldiers' union. "I'd rather have people on the outside suing to get back in than on the inside suing to get out."<sup>146</sup> Over the objection of the JAG Corps leadership, the Army General Counsel, Robert Barry, later opined that it was a violation of protected freedom of speech rights to prevent the union organizers from making their case. So they were permitted to set up a booth in the parking lot of the Fort Bragg Post Exchange to enlist members in their soldiers' union. "Well, it was pretty much the end of unionization because nobody showed up, . . . so they dispersed and went

---

144. Overholt Interview, *supra* note 1. Malcolm Howard is now a federal district judge for the Eastern District of North Carolina.

145. Oral History, *supra* note 1, at 268-69.

146. *Id.* at 272.

home. About that time Senator Strom Thurmond introduced and passed legislation to bar unions from the military.”<sup>147</sup>

At Fort Bragg, Overholt also became increasingly aware of the generational change in the character of the Army culture. Of course, this had been going on throughout the sixties and early seventies, and was as much a product of changes in the Army as a reflection of America. The volunteer army had, by necessity, increased pay and broadened many basic liberties. Soldiers were marrying in greater numbers than ever before, in many cases to spouses who worked. Increased income meant increased opportunities for quality of life—for cars, off-post housing, and entertainment—outside the older close-knit military community.

Economics also played a role. Development and growth had moved military posts closer to the civilian community, and all that was available there. Media and marketing had reached military personnel and their families in the same ways it reached other Americans, and contributed to an awareness and desire for services and products unavailable on military installations. The ties that used to bind military personnel to the fabric of the on-post military community began to fray. This was a huge shift in the way officers and soldiers lived and interacted.

[T]he Army I had joined and participated in, kind of a closed society, the club systems, where we all lived together on basically the same income, we spent our time inside the gates, was rapidly changing. We had a lot of officers who bought homes in Fayetteville and lived off-post. . . . You didn't see much of that at all [at Rucker, Chaffee, or Campbell]. You just waited around or rented until you got on base and then you didn't go off post much. You congregated at least every Friday for happy hour after you were married. Had a big social event, stayed there for dinner, and then came home. That was changing.<sup>148</sup>

By this time in his career, Overholt had begun to formulate the leadership tenets and management principles he employed at the XVIII Airborne Corps and emphasized in the professional development of his officers. Taken in sum, and with due credit to his own mentors, including Colonel John Jay Douglass and Major General Larry Williams, they dem-

---

147. *Id.* at 280-81.

148. *Id.* at 281.

onstrate a realistic and pragmatic approach to personnel leadership and the practice of military law.

1. *Be professionally competent in whatever you are doing.* “Fifteen minutes of research is worth an hour conversation.”<sup>149</sup>
2. *“Delegate at every level, and train and be responsible for what you are doing.”*<sup>150</sup>
3. *“Nobody is indispensable, so push the work down, supervise it, give good guidance.”*<sup>151</sup>
4. *“Once you make a decision, don’t worry about it. It is done and the lumber is cut, so go on.”*<sup>152</sup>
5. *“Put everything into perspective whenever you get problems.* John Miller’s great phrase was, “Don’t worry about ants and fleas while elephants are running lose.”<sup>153</sup>
6. *Look like a soldier.* “You get haircuts, you shine your shoes; . . . don’t look like you’ve slept in your uniform.”<sup>154</sup>
7. *“Don’t have rigid work habits.* Be flexible with your people. Eight to five at the desk every minute doesn’t mean you are productive all the time.”<sup>155</sup>

---

149. *Id.* at 295.

150. *Id.*

151. *Id.*

152. *Id.* at 303. “That has served me personally in great stead. I am blessed that I can make a decision. I am very concerned before I make [them], and I look at everything, I hope, and I hope I do right, but you just got to move on.” *Id.*

153. *Id.* “Many of us tend to worry about little things when there are more important things of impact. How does having a flat tire compare to lung cancer? I mean, whenever you put things into perspective, it makes a lot of difference.” *Id.*

154. *Id.* at 295.

I would often send people to get haircuts. I remember one of the bad captains I had at XVIII Airborne Corps. I sent him four times in one day to get a haircut. He was pushing me, you know. Then he told me he was out of money, and I gave him five dollars and sent him back again.

*Id.*

155. *Id.* at 296.

8. “*Don’t do busy work.* If there is nothing to do, don’t try to make something up.”<sup>156</sup>
9. “*Don’t ever keep bad news from your boss. . . .* Bad news is bad news and it doesn’t get better with time.”<sup>157</sup>
10. *Learn to prioritize.* Murder cases come before preparation of the constitution for the Commanding General’s wife’s poodle club.<sup>158</sup>
11. “*Do what is right, look at the big picture.*”<sup>159</sup> Because something is legal doesn’t mean it is right. “Integrity is the hallmark of everything we do.”<sup>160</sup>
12. *Don’t worry about what your peers are doing.* “Saw the wood in front of you. Do your own work and it will work out for the best. Don’t worry about someone else.”<sup>161</sup>
13. “*Do the best you can with the hand you are dealt.* You can’t change things beyond your control, and sitting around bitching about it isn’t going to change anything.”<sup>162</sup>
14. “*Don’t hesitate to go forward with your ideas.*”<sup>163</sup>
15. “*Never forget your loyalty; never forget your roots.*”<sup>164</sup>
16. “*Treat people right.*”<sup>165</sup>

In June 1978, Major General Overholt’s tour at XVIII Airborne Corps and Fort Bragg was unexpectedly cut short by word of a new Pentagon assignment, this time as the Special Assistant for Legal and Selected Policy Matters, Office of the Deputy Assistant Secretary of Defense (Military

---

156. *Id.*

157. *Id.* “I didn’t mind bad news. I didn’t welcome it, but I did mind bad news delayed, which meant it was harder and harder to cure.” *Id.*

158. *Id.* at 297.

159. *Id.*

160. *Id.* at 295.

161. *Id.* at 304.

162. *Id.* at 305.

163. *Id.* at 306.

164. *Id.* at 314.

165. *Id.* at 305.



Personnel Policy), in the Office of The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). Overholt was in a joint services office, working for an Air Force Lieutenant General.

Overholt was responsible for aspects of personnel policy related to Department of Defense POW/MIA issues, drug policy, the commissary and Post Exchange systems, and other defense personnel policies.<sup>166</sup> In this capacity he had a very close relationship with the Department of Defense General Counsel's Office.<sup>167</sup> Specific projects included settlement of a major federal lawsuit arising from the administrative procedures of discharge review boards,<sup>168</sup> and dealing with the congressional committees and subcommittees providing oversight and funding for the commissary and exchange systems.<sup>169</sup> The exposure to the workings of the Department of Defense was a valuable learning experience.

Number one, I learned a lot about power, which I had not known before. I learned about how DOD operated. I got to know the Department of Defense General Counsel and all the deputy general counsels who . . . were a lot of help to me and to the Army at a later time. . . . I found out the value of information and being able to go out and use that to help the Army.<sup>170</sup>

These were lessons Overholt would put to good use. In the spring of 1979, there were hints that he would be moving on. He was recommended for the job of a retiring Department of the Army deputy legal counsel, but was discouraged from taking the job by Major General Larry Williams, the Assistant Judge Advocate General. "It would have been a big pay raise; . . . a life sentence to the Pentagon, but in a fair, interesting position."<sup>171</sup>

---

166. *Id.* at 308.

167. *Id.* at 309.

168. *Id.* (referring to *Urban Law Institute of Antioch College v. Sec'y of Defense*, No. 76-530 (D.D.C. Jan. 31, 1977)).

169. *Id.* at 312-13. Major General Overholt kept regular contact with the Army JAG leadership during this time, and provided routine briefings to The Assistant Judge Advocate General on issues affecting the Army. *Id.*

170. *Id.* at 315.

171. *Id.* at 317.

Shortly thereafter, Overholt learned he had been recommended for promotion to brigadier general.<sup>172</sup>

VI. The Assistant to The Judge Advocate General for Military Law, 1979-1981

Overholt was promoted to brigadier general on 1 June 1979, and selected to serve as the Assistant to The Judge Advocate General (ATJAG) for Military Law.<sup>173</sup> The other brigadier generals at the time were located at the Army litigation center in Arlington, Virginia, and in Heidelberg, Germany. His responsibilities included oversight of various divisions within the Office of The Judge Advocate General, among them the Criminal Law Division, Administrative Law Division, Legal Assistance Division, and Labor Law Division. His initiation as a general officer included the generals' "charm course" that introduced all the new brigadiers to their new status, and each other.

[W]hat was great was that you got to meet a lot of other people that were now in your year group, one of which was Colin Powell. He was promoted to brigadier general the same time I was. Bill Suter had worked with him at Fort Campbell and knew him well when he was a brigade commander out there. So I paired up with Colin, and Ann got to know Alma well that two weeks.<sup>174</sup>

During his short two years as the ATJAG for Military Law, Overholt took it upon himself to develop and expand upon the personal relationships between the JAG Corps and the Army General Counsel's Office. The Gen-

---

172. *Id.* at 319.

173. *Id.* at 321. Brigadier General William Persons helped promote Overholt, and before [Persons] retired, he ceded his general officer dress mess uniforms to the new brigadier general.

I inherited all of it. Those were my uniforms, and I wore them until the day I retired. . . . I had to buy a regular green uniform every now and then, but the dress uniforms I have now are General Persons' that he gave to me. They fit perfectly. He was a small man. I couldn't get in them now without cutting the back out of them, but if they bury me in them, I understand they can do that.

*Id.*

174. *Id.* at 322.

eral Counsel at the time was Jill Vollmer. While “other JAGs had always kind of kept their distance from the General Counsel,”<sup>175</sup> Overholt recognized the intrinsic value of the liaison and its importance to the JAG Corps.

As the personal legal advisor to the Secretary of the Army, the General Counsel is uniquely positioned to provide, and potentially expand, civilian legal services within the Army.

That is how the major acquisition policy advice was taken from The Judge Advocate General, . . . viewed as just a horrible event by General Prugh and the start of the denigration and disintegration of the Judge Advocate General’s Corps. And all of us viewed it with similar fear that pretty soon it would be military justice, and then it would be administrative law, and [eventually] there would be [nothing] other than the statutory position of The Judge Advocate General.<sup>176</sup>

Major General Overholt readily admits that his short tenure as a brigadier general may have been too short to develop some of the perspective one might expect; but, he had an interesting edge in his neighborhood car pool that included Major General Al Harvey, The Judge Advocate General. They drove to work together every day.<sup>177</sup> In the small things that people talk about in casual conversation, in the bits of wisdom and anecdotal lessons, Overholt fine-tuned his earlier experiences in preparation for greater leadership. That opportunity came in early 1981 when he was selected for promotion to major general and appointment as The Assistant Judge Advocate General.

#### VII. The Assistant Judge Advocate General of the Army (TAJAG), 1981-1985

One of Major General Overholt’s first responsibilities as TAJAG was to serve as the designated liaison with the new Army General Counsel. Jill Vollmer’s replacement, Sara Lister, did not have the warmest relationship with the new TJAG, Major General Hugh Clausen.<sup>178</sup> Overholt’s job was to run interference on behalf of the JAG Corps, and to facilitate policy

---

175. *Id.* at 326.

176. *Id.* at 317.

177. *Id.* at 328.

178. *Id.* at 334.

solutions between the Army General Counsel and the Office of The Judge Advocate General.<sup>179</sup>

General Overholt had many friends there, among them the Honorable Tom Taylor, a former judge advocate with experience in the Administrative Law Division, who currently serves as the Senior Deputy General Counsel in the Army General Counsel's Office. "Tom went up there and has proved over the years to save many very critical situations and to be a real good friend of the Corps and a personal friend to me."<sup>180</sup>

The JAG Corps' relationship with the Army General Counsel became increasingly important. In 1979-1980, the Cuban boat lift imposed tremendous challenges on the government as it struggled to process and administer countless waves of Cuban refugees washing up on the Florida coast.

And boy did they come, by the thousands. Under President Carter's policy, we were going to open our arms and be the haven for all of these freedom-seeking people. Well, it didn't take long to figure out these weren't the freedom seekers. These were the psychopaths, the murderers, . . . the criminally insane. . . . Literally, Castro cleaned his prisons out, one after the other, put them on a boat, [and] brought them to [Florida] . . . . [W]e had to find a place to put them. So it was determined that the Army would re-open Fort Chaffee, Arkansas, in order to accommodate twelve thousand Cubans . . . .<sup>181</sup>

[T]he Army got the mission to run it. . . . We got all the Cubans out there, and in about two weeks they rioted and invaded Fort Smith, or tried to. We had to call out two battalions of MPs. . . . [T]here was a firefight, and [the MPs] ran [the Cubans] back on the base and put more concertina wire up. President Clinton, Governor Clinton at the time, is calling Carter up, saying, "What in the hell have you done to me here. I have accepted these people, and they are all criminals." It came down to [President Carter telling] the Secretary of the Army, "You straighten this out." As if he could.<sup>182</sup>

---

179. *Id.* "I became kind of the designated guy to deal with the General Counsel. I spent a lot of time up there." *Id.*

180. *Id.* at 335.

181. *Id.* at 336.

182. *Id.*

Major General Overholt, Sara Lister, and Tom Taylor were dispatched to Arkansas to “straighten out” what they could. They were in good company. Other government agencies involved in the effort included the Immigration and Naturalization Service to sort personnel; the border patrol for additional security; and the FBI and CIA looking for spies. “In general, I would have to say it was a mess.”<sup>183</sup> Together they developed a report for the Secretary of the Army regarding the conditions they observed, with recommendations for how to deal with the many complicated legal issues associated with the influx of refugees.

The trouble with the Cuban refugees was only one of several problems haunting the Army and the country in the waning years of the Carter Administration. Years of double-digit inflation had critically eroded military pay, making it extraordinarily difficult for personnel to live on the local economy, especially the high-cost Washington area. “We really tried to stop [assigning captains to the capitol region] and tried to freeze those assignments as best we could. Housing loans were running fourteen to sixteen percent for a thirty-year loan. Our pay was in no way catching up with inflation.”<sup>184</sup>

[President Carter’s] famous television talk where he came on and wore his sweater and told everyone that the White House thermostat had been turned down to sixty degrees in order to conserve energy was probably the low point of the whole deal. . . . He had the Pentagon . . . turn off two out of every three light bulbs to save energy. We had to turn the hot water off so there was no hot water in the restrooms, only cold water. All of that didn’t amount to a bucket of spit at the end of the day. We had had free parking at the Pentagon since time immemorial. He thought that it was time that everybody paid for parking [to encourage car pooling]. So we set up this terrible bureaucracy where you had to go down and buy a parking pass. . . . It was just horrible. . . . [T]here was a big sigh of relief [when Reagan was elected] because he had run on a ticket of building the military back up.<sup>185</sup>

President Reagan’s election meant money for the Army, “just tons of it that we had never had before,”<sup>186</sup> and new leadership. Sara Lister, a

---

183. *Id.* at 337.

184. *Id.* at 340.

185. *Id.* at 339-41.

Carter appointee, was replaced by Dale Spurlock. “A lot of the real liberal policies that had hit the Army during the Carter Administration were immediately terminated by Reagan.”<sup>187</sup> The military’s operational tempo increased dramatically in response to the new President’s focus on fighting communism and his willingness to engage America in places like Nicaragua, Grenada, El Salvador, and elsewhere. “Our overt way of doing that was just by building more planes and bombs and building our forces up and to make the Russians go bankrupt trying to keep up, and it was spectacularly successful.”<sup>188</sup>

Army special operations were maturing in this active operational environment, a community that, until now, had minimal judge advocate visibility. Conventional legal issues relating to misconduct, acquisitions, ethics, and federal law were often challenged by the necessities of unconventional missions and mission units.

There is always the ying and yang; are you willing to tolerate a certain amount of misconduct in order to keep an operation covert if it is doing the thing it is supposed to do for the country? I will tell you the answer in my mind is absolutely yes. You can do far more damage to the country by blowing one of those operations than you ever can by finding other ways to handle misconduct. Now, I would never do that with a murder or a rape or something like that, though I thought a time or two the murder part was going to get tested. It never was.<sup>189</sup>

The result was a vastly increased oversight role for the Army General Counsel and the JAG Corps. The Department of Defense General Counsel wanted Major General Overholt and Tom Taylor read into every Army program. “So we got to hear some of the most fantastic things I have ever heard in my life.”<sup>190</sup> Much of what special operations did came under review, with particular emphasis on fiscal law and budget review, and a

---

186. *Id.* at 341.

187. *Id.* at 339.

188. *Id.* at 343.

189. *Id.* at 345.

190. *Id.* at 348.

specially trained judge advocate was assigned to provide counsel for special operations mission units.<sup>191</sup>

About this time, in the early 1980s, computers and information technology were beginning to evolve into commercially viable management tools. Major General Overholt recognized the potential in the new technology, particularly as it might improve the massive undertaking of administering the Army claims system. This was possible, in large part, because of the flow of money available from the Reagan Administration and its eagerness to modernize the Army system.<sup>192</sup> Automation of the JAG Corps would require a change in thinking on the part of Army lawyers, and plenty of education.

I went up to the second floor of the Claims Service in Mannheim and there was this mainframe IBM computer that was as big as a dumpster. And it was clear to me that there was nobody in the JAG Corps and nobody in the Department of the Army who had one clue as to what this could do and how to use it. I went over [to the Chief of Claims] and said, "What the hell is this thing? Give me my briefing." He said, "Well, we're not sure yet but it's our computer." Then I walked all the way around it, and it became very clear to me that it wasn't plugged in. . . . That computer was never plugged in. It was bought obsolete and dumped. I don't know how it got into the system. I don't know how we bought it. I don't know how we got rid of it. . . . We went back and started our computer office. I got a West Point FLEP officer named Bernie Carpenter who had a real interest in computers. I told him, "Bernie, find out how you get money to buy computers, find out what they can do for us, and then write a program, a plan. . . . I don't want big computers, just little ones, and lots of them."<sup>193</sup>

The Chief of Staff for the Army at the time was General Edward Myer, who also had distinct ideas about modernizing the Army and moving it forward into a thoroughly current fighting force. He was a "visionary

---

191. *Id.* at 348-49.

192. *Id.* at 349.

193. *Id.* at 349-50.

and had really rock hard integrity,” and was clear in what he saw as the state of the Army, and how it should evolve.<sup>194</sup>

Normally the Chiefs and the Chairman of the Joint Chiefs of Staff go over [to Congress] and say, “It’s the best military force we have ever had and we can make do with the money we’ve got. We are just in super shape and we love you all.” . . . [General Myer], to his credit, said, “We have a hollow Army. We have no Army. It is plagued with bad soldiers, drug issues, poor leadership, and I wouldn’t want to fight a war with them.” Everybody dropped their teeth. But he stuck to his guns. He said, “Here is what you can do to fix it.” That started the Army on the road of recovery from the loose discipline. . . . He wanted to develop the image of the Army [into] the old sharp fighting outfit it had been . . . .<sup>195</sup>

Flush with the resources the Reagan Administration was providing the military, the JAG leadership looked for opportunities to institutionalize long-term investments in the training and fielding of Army lawyers. One of the first places they looked was The Judge Advocate General’s School. “We had moved into the new JAG School some years before, but with the Reagan deal in, with a lot of money around, [I took the recommendation of] Bill Suter . . . and I said, ‘Let’s add an auditorium and another bunch of rooms and build a big bar at the JAG School . . . .’”<sup>196</sup> The Judge Advocate General agreed.

[T]he guru for military construction was a congressman from California, who everybody thought hated the Army, but when he found out it was going to be for lawyers who defended soldiers, he thought it was an excellent idea and took it on as his cause, and the budget flew right through.<sup>197</sup>

By the mid-1980s the JAG Corps was confidently evolving as a fully vested member of the revitalized Army. Automation was ongoing, the expansion of the JAG School was funded, and military personnel were

---

194. *Id.* at 351.

195. *Id.*

196. *Id.* at 354.

197. *Id.* The facility at The Judge Advocate General’s School was funded and built by the University of Virginia. The Army leases the property for the JAG Corps.



benefiting from the increased pay and benefits implemented by the Reagan Administration:

Now we are really starting to cook and recover from the Vietnam War. We are getting more favorable press. The military justice system isn't under attack. We are finding a lot of roles and missions for lawyers we haven't had before . . . . [T]o get ahead in environmental law, we establish the Environmental Law Division and a team of environmental litigators. . . . We're doing a lot of very sophisticated litigation. The Justice Department attorneys, [who] had been very disdainful of judge advocates, are embracing us because we have infiltrated so many judge advocates into the Justice Department. . . . [We also did this] in the White House. . . . Anytime we get an opportunity, I want an officer there, one of our officers, and I want them to be top notch.<sup>198</sup>

With his background in personnel policy, Major General Overholt understood the value and mechanics of expanding the judge advocate role in other government agencies. He helped identify missions and manpower authorizations for judge advocates in the Department of Justice, Department of Defense,<sup>199</sup> Army hospitals,<sup>200</sup> and the Special Assistant U.S. Attorney program.<sup>201</sup> Overholt believed deeply in the idea of leveraging the JAG Corps by integrating officers into a variety of billets where they would experience a diverse practice, bring value to the organization, and represent the Army's interests. Imbedding judge advocates in other organizations also makes it more difficult to cut the positions once they are cre-

---

198. *Id.* at 356.

199. *Id.* at 357.

200. *Id.* at 359.

Medical malpractice all of a sudden became a really, really big issue. It had always been there, but not with the ferociousness that happened in the late '70s and early '80s, . . . and we had to really put a lot of time and effort into establishing a health care practice. That's when we put the risk management lawyers into hospitals . . . .

*Id.*

201. *Id.*

ated. It is a credit to the general success of these initiatives that most remain part of the mission and character of the JAG Corps today.

#### VIII. The Judge Advocate General of the Army, 1985-1989

In July 1985, Major General Overholt was sworn in as the thirty-second The Judge Advocate General of the Army. His former deputy at PP&TO, Brigadier General William Suter, was promoted to major general and sworn in as The Assistant Judge Advocate General. They realized their time would be short—only four years—and were determined to continue to move the JAG Corps forward in the manner in which it prepared Army lawyers and delivered legal services to the Army.

One of their first projects involved the accreditation of the Officer Graduate Course for the grant of Masters of Military Law degree (LL.M.). This would recognize the difficulty of the program, broaden its curriculum, and draw resources from the Army and military attorneys from the other services. Accreditation would raise the profile of the school and the Army legal education program, making it the Defense Department's premier center for legal training. "I thought the time was ripe, and the way to do it was to get Congress to mandate it . . . ."<sup>202</sup>

Lieutenant Colonel David Graham, serving as the Chief of the International Law Division at The Judge Advocate General's School, was tasked with putting together and staffing the proposal, then finding a sympathetic sponsor in the House of Representatives. This sponsor was Representative Patricia Schroeder, chairperson of one of the subcommittees in the House Armed Services Committee. The Judge Advocate General's School had previously been accredited by the American Bar Association for purposes of certain continuing legal education. The new legislation specifically authorized the school to grant Masters of Military Law degrees, not unlike similar legislation authorizing the Navy Post-Graduate School at Monterey, California, to issue advanced management degrees.<sup>203</sup>

A second initiative concerned professional ethics for Army lawyers. "We were getting very heavy into ethics at this time, and one of the things we decided to do was write a Code of Professional Responsibility for The Army Judge Advocate General's Corps."<sup>204</sup> The Air Force and Navy

---

202. *Id.* at 362.

203. *Id.* at 365.

Judge Advocates General opposed the idea, in part because they understood that if the Army had one, they would be forced to have one as well.<sup>205</sup> Overholt sold General Wickham, the Chief of Staff, on the idea, and so it was done. A similar effort was underway to rewrite and update the *Manual for Courts-Martial*.

Until then, Army litigation services were dispersed in a decentralized organization spread across more than one office. There was a genuine desire to bring all the pieces together in a single location to create a common case management system. “They were in the Pentagon. They were in the Nassif Building. . . . We put them all together, and they were the first to move out to Ballston, Virginia, . . . and I think they’ve been pleased to be there.”<sup>206</sup>

At the same time, Major General Suter was busy working the case of creating and maintaining judge advocate authorizations throughout the Army, including a general officer billet for Europe.

Bill Suter is doing a wonderful job because he is so good at fighting the battle of [Army authorizations] . . . . [W]e are not only maintaining our strength, but we’re adding to it through these various programs, and he’s getting the billets squeezed out of them. . . . He was able, when we were at PP&TO together, to go down and find the [mid-grade civilian employee] who had the ability, the authority, to change the [personnel authorizations] to make a general officer billet. That guy’s car had been wrecked on the auto-train going to Disney World, Florida, and Bill agreed to settle the claim for [him] in exchange for the general officer billet, and many, many JAG brigadiers should be thankful . . . .<sup>207</sup>

A related initiative was the care and feeding of the Center for Law and Military Operations (CLAMO), located at The Judge Advocate General’s School. The Center has expanded substantially and continues to provide battle focused legal support to judge advocates around the world. This was in part a response to the high operational tempo that followed the military

---

204. *Id.* at 366.

205. *Id.*

206. *Id.*

207. *Id.* at 368.

intervention in Grenada. The Center was designed to support and supplement the JAG Corps' newly developed concept of operational law.

[Secretary of the Army] Jack Marsh had directed the creation of the Center. . . . I thought [operational law] was a neat idea, and I was looking at it as an opportunity, too, to get more JAG [authorizations]. We would give them a special designator as an operational lawyer. The Marines loved it when it was briefed. They were going to pile in on it. The Navy and Air Force were a little bit more, you know, "What the hell are y'all trying to do again . . . ." <sup>208</sup>

On the lighter side, the JAG Corps was fully engaged in the new Army regimental system approved in 1986. Major General Overholt authorized a contest for the new Judge Advocate regimental crest, which is now worn by all judge advocates, and received approval for it by the Institute of Heraldry.<sup>209</sup> There was also the new regimental march, regimental balladeer, pizza, chorus, fish, and cloak.<sup>210</sup>

It was a good time for the JAG Corps because we had money, and we had a lot of respect. We had access to the Secretary of the Army . . . [and] to the Chief of Staff, and we had [The Vice Chief of Staff for the Army, General Max Thurmond,] looking after us.<sup>211</sup>

The appearance and make-up of the officer corps was also changing. Overholt and Suter, both PP&TO alumni, were keenly aware of the challenges of attracting and retaining women and minorities in the JAG Corps. It was as difficult as it was important, but the signs of success were everywhere. By the late 1980s women had entered the legal profession in large numbers, and were entering military service in ever growing numbers. "So we're getting a lot of super sharp women in the JAG Corps, and they're going all over the world, Europe, Japan, Korea. They're serving up on the DMZ. They're in all the divisions. They're everywhere, and they're form-

---

208. *Id.* at 377.

209. *Id.* at 369.

210. *Id.* at 369-70.

211. *Id.* at 370.

ing a good part of the Corps.”<sup>212</sup> The trouble was they rarely stayed long enough to achieve real leadership status.

We had some ladies identified that were just burning up the world and would have been great, and then would break your heart and come in and say, “We’ve decided to get out,” at the grade of lieutenant colonel . . . . [O]ur biggest role model was [Colonel] Joyce Peters, . . . but right immediately behind her we didn’t have anybody. . . . I can name others, . . . but we just needed more of them.<sup>213</sup>

Minority recruiting had its own challenges. “We very actively recruited them, but they had a lot of other opportunities, too; you have to realize that. We tried to get them in the FLEP program, . . . and [we] had some modest success there.”<sup>214</sup> The JAG Corps did succeed in recruiting more minority officers than ever before, and did a good job of accessing minority lawyers in numbers greater than their overall percentage in the legal profession. There were a number of highly successful minority colonels during this time, including Kenneth Gray, who would later become The Assistant Judge Advocate General.<sup>215</sup>

Looking back, Major General Overholt accomplished much of what he set out to do. Had there been more time, he freely admits he would have breathed more life into the Army legal assistance program, where “we were not nearly as aggressive in helping soldiers and their families as we should have been.”<sup>216</sup> He would also have done more to integrate the Army National Guard and Army Reserve with the active duty army, and focused more on special professional skills development programs like the acquisition law program.<sup>217</sup>

General Overholt has candidly stated that his tenure as The Judge Advocate General, while immensely rewarding, was also not without its difficult moments.<sup>218</sup> For example, he expressed his continuing disappointment over the outcome of a number of events related to several highly

---

212. *Id.*

213. *Id.* at 373.

214. *Id.* at 371.

215. *Id.*

216. Overholt Interview, *supra* note 1.

217. *Id.*

218. Oral History, *supra* note 1, at 371. “There were some grim things, there were some great things, a lot of things were done, a lot of mistakes were made.” *Id.*

publicized “command influence” cases that occurred during his time in office—and reaffirmed his view that incorrect decisions were made concerning several of the individuals caught up in the controversy surrounding these cases.<sup>219</sup> In the final analysis, however, at the end of his tour as The Judge Advocate General, he was able to look back on his tenure with measurable and justifiable pride.

#### IX. Private Citizen, 1989-Present

Major General Overholt returned to civilian life in June 1989. Following his departure from active duty, Overholt was offered a position with a prominent North Carolina law firm with a Washington, D.C. office, a judicial seat on the Court of Veterans Appeals, and an appointment as the chief of staff for Senator Strom Thurmond.

Senator Thurmond, the South Carolina senator, called me and told me that I was going to be his new chief of staff, and that he needed me over there by next Wednesday. . . . I told him I wasn’t interested due to the Dual Compensation Law [offsetting military retirement income and government pay]. . . . He said, “Don’t worry, I’ll change it.” And he most certainly would have.<sup>220</sup>

He finally accepted a position as a partner with Maupen, Taylor, Ellis & Adams, a fairly prominent communications lobbying firm based in Raleigh, North Carolina, with an office in Washington.<sup>221</sup> The Overholts built their dream home in Mount Vernon, Virginia, and settled into what they believed would be their retirement years. But after three years, which included a promotion to managing partner, Overholt had tired of “the business of practicing law”<sup>222</sup> and of the hectic life in Washington.

After several false starts, in 1995 Major General Overholt joined two former associates at the firm of Ward & Smith, in New Bern, North Carolina. Leveraging his keen negotiation skills, his primary practice area now

---

219. See *United States v. Thomas*, 22 M.J. 388 (1986); *United States v. Treakle*, 18 M.J. 646 (1984); see also S. REP. NO. 102-1, REPORT ON THE INVESTIGATION OF ISSUES CONCERNING NOMINATIONS FOR GENERAL OFFICER POSITIONS IN THE JUDGE ADVOCATE GENERAL’S CORPS (1991).

220. Oral History, *supra* note 1, at 397.

221. *Id.* at 398.

222. *Id.* at 401.

involves lobbying, including on behalf of the State of North Carolina on military issues, and for an assortment of various commercial interests.<sup>223</sup>

Ward & Smith,<sup>224</sup> a large firm by North Carolina standards, promotes and retains a collegial professional environment emphasizing excellence rather than the business of practicing law. Their focus is the client. Attorneys don't compete against one another. No one keeps track of who has the most billable hours. "The [closed compensation] model is totally different from any I know that exists. . . . We don't know how much money we collect. We don't know how much we bill. We don't compare . . . . [E]very case that comes is a firm case."<sup>225</sup>

As for the bright lights of Washington, Overholt doesn't miss them.

Not at all. Not one bit. . . . I never thought much of people who stayed in Washington and continued to hang around the Pentagon and go to the CG's mess. . . . I thought they aged too fast. I think you ought to always stay busy. I will work until I die in some capacity; I'm convinced of that.<sup>226</sup>

At the end of the day, the shoeshine boy from Arkansas had finally returned to the country, his remarkable military career behind him. The lessons of that experience, and of the evolution of Army culture from 1957-1989, are important for individuals interested in appreciating the Army of today, as they also look to the transformed Army of tomorrow.

---

223. *Id.* at 403.

224. For information on Ward & Smith, see their Web site, [http:// www.wardand-smith.com](http://www.wardand-smith.com).

225. Oral History, *supra* note 1, at 406.

226. *Id.* at 405.