ADVICE OF STAFF JUDGE ADVOCATE

Staff Judge Advocate, Headquarters Fifteenth Air Force, March Air Force Base, California

19 June 1957

TO: Commander, Fifteenth Air Force, March Air Force Base, California

1. The attached charges and accompanying papers, including the report of the investigation made in compliance with Article 32, UCMJ, referred to me for consideration and advice under the provisions of Article 34, UCMJ, and paragraph 35b of the Manual for Courts-Martial, 1951, have been carefully examined and considered. I submit herewith my report and recommendations.

2. PERSONAL DATA concerning the accused, as shown by the records:

ADAMS,	GEORGE F.	A0257543	Lt/Col	6th Tactical Hospital
(Last name)	(First name and middle initial)	(AFSN)	(Grade)	(Organization)

Age (nearest birthday): 50 AFQT or AQE scores N/A

Length of service: Prior svc: 25 yrs 4 mos 10 days
Current svc: 3 yrs 18 days total and good time

Efficiency rating: N/A Race: Caucasian

Character rating: N/A

Previous convictions: None

3. An examination of the charge(s) and specification(s), and of the allied papers, discloses a substantial compliance with paragraph 34, MCM 1951, and Article 32, UCMJ.

4. SUMMARY OF THE CHARGES: Each specification alleges, in correct form, an offense under the Article of the UCMJ alleged to have been violated.

Violation of
Article 134,125,133
UCMJ

Gist of Offenses

Ch I (Art.134) Specs 1 and 2: Wrongfully have sexual intercourse with 1st Lt Goodnough, a woman not his wife, on 16 and 17 Dec 55, respectively. Specs 3 and 4: Wrongfully, dishonorably and falsely register at the La Fonda Motel with a woman not his wife on 19 and 27 Apr 56, respectively, as Doctor and Mrs. George F. Adams.

Ch II (Art.125) Specs 1, 2, and 3: Commit sodomy during Jan 56, on 19 Apr 56 and 27 Apr 56, respectively.

Ch III (Art.133) Specs 1 and 2: Wrongfully have sexual intercourse with 1st Lt Goodnough, a woman not his wife, on 16 and 17 Dec 55, respectively. Specs 3 and 4: Wrongfully, dishonorably and falsely register at the La Fonda Motel with a woman not his wife on 19 and 27 Apr 56, respectively, as Doctor and Mrs. George F. Adams.

5. The evidence in the file establishes a prima facie case as to the charges and specifications thereunder. Specification 5 of Charge I and Specification 5 of Charge III have been deleted due to lack of sufficient evidence.

6. There is no evidence to indicate that the accused is now or was at the time of the commission of the offenses mentally incompetent.

7. The investigating officer made three recommendations: (a) Punishment under Article 15, UCMJ, and retention in the service pending AFR 36-2 action; (b) Punishment under Article 15, UCMJ, separation from the service, and initiation of AFR 36-2 action by ConAC; (c) Trial by general court-martial. The Hospital Commander and the officer exercising special court-martial jurisdiction recommend trial by general court-martial. Because of the serious nature of the offenses, trial by general court-martial is recommended.

Staff Judge Advocate, Headquarters Fifteenth Air Force, March Air Force Base, California, 19 June 1957 (Advice of Staff Judge Advocate, U.S. v Lt Col George F. Adams, A0257543)

8. The trial counsel is being advised as to the appropriate procedure to be followed in the trial of this case.

JOSEPH L. WARD
Lt Colonel, USAF
Acting Staff Judge Advocate

APPROVED:

ARCHIE J. OLD, JR.
Major General, USAF
Commander

REQUEST FOR DELAY

Walker Air Force Base
New Mexico
28 June 1957

I hereby request delay in the case of the United States against Lieutenant Colonel George F. Adams until on or about 1 August 1957, due to previous commitments as Law Officer.

David E. Ellis

DAVID E. ELIS
Capt, USAF
Defense Counsel

VERBATIM

RECORD OF TRIAL

(Proper)

of

ADAMS, GEORGE F. — A0257543 — Lieutenant Colonel
(Last name, first name, middle initial) (Service number) (Rank or grade)

6th Tactical Hospital
6th Bombardment Wing, Heavy, U.S. Air Force — Walker Air Force Base, New Mexico
(Organization and armed force) (Station or ship)

By

GENERAL **COURT-MARTIAL**

Appointed by THE COMMANDER
(Title of convening authority)

FIFTEENTH AIR FORCE (SAC)
(Command of convening authority)

Tried at

Walker Air Force Base, New Mexico on 13-14-15 August 19 57
(Place or places of trial) (Date or dates of trial)

INDEX	RECORD
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Challenges	R– 4-5-6
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Motions	R– 9-119
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TESTIMONY

NAME OF WITNESS	Direct and Redirect	Cross and Recross	Court
PROSECUTION	42-49-54-106	48-92-106	49-104
1st Lt Charleen Goodnough			
Sp Agent William H. Pittson (OST)	109-116	116	-
Mrs. Ethel T. Reavis	128	-	-
Mrs. M. J. Sutter	129	-	-
S/Sgt Gerald R. LaRue	130	-	-
Mrs. Gerald R. LaRue	131	-	-
DEFENSE	13-33-39-40	19-36-40-41	36-39
Maj Charles R. Rosewall (MC)			
Capt Idabelle Miller	123	-	-
Capt Rosemary J. Brown	125	-	-
COURT			
None	-	-	-

EXHIBITS ADMITTED IN EVIDENCE

Number or Letter	Description	Page Where— Offered	Admitted
1	Stipulation as to Jurisdiction	10	11
2	Stipulation as to Fact	10	11
3	Stipulation as to Fact	10	11
4	Stip as to Expected Testimony (Richards)	10	11
5	Registration Card (Apr 19)	10-11	11
6	Registration Card (Apr 27)	10-11	11
7	Stipulation as to Fact	10	11
8	Stipulation as to Fact	11	11
9	Ltr written by Accused (25 Dec)	112	118
10	Ltr written by Accused (9 Jan 56)	113	118

(Cont'd on Attached Sheet)

COPIES OF RECORD [1]

...1..... copy of record furnished the accused as per attached certificate or receipt.

...3..... copy(ies) of record forwarded herewith.

RECEIPT FOR COPY OF RECORD [2]

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at Walker AFB, NMEX this 11 day of September, 19 57

George F. Adams
(Signature of accused)

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at ..... this ..... day of ....., 19.....

.....
(Signature of accused)

CERTIFICATE IN LIEU OF RECEIPT

....., ... 19.....
(Place) (Date)

I certify that on this date delivery of a copy of the above-described record of trial, including all exhibits admitted in evidence or descriptions thereof, was made to the accused,

....., at .....,
(Name of accused) (Place of delivery)

by ....., and that the
(Means of effecting delivery, i. e., mail, messenger, etc.)

receipt of the accused had not been received on the date this record was forwarded to the convening authority. The receipt of the accused will be forwarded as soon as it is received.

.....
(Signature of trial counsel)

---

[1] For instructions as to preparation of copies of record, see back cover or appendix 9*f*, MCM, 1951.

[2] If copy of record prepared for accused contains matters requiring security protection, see paragraph 82*g*, MCM, 1951.

EXHIBITS ADMITTED IN EVIDENCE (CONT'D)

NUMBER OR LETTER	DESCRIPTION	PAGE WHERE - OFFERED	ADMITTED
11	Ltr written by Accused (15 Jan 56) w/Incl	114	118
12	Ltr written by Accused (undated)	114	118
13	Ltr written by Accused (undated)	115	118
14	Ltr written by Accused (26 Jan) w/Incl	115	118
15	Ltr written by Accused (21 Dec)	115	118
16-16A	Photographs	91	92
17	Out-of-court Statement of Accused	115	118
A	Series of newspaper clippings	150	151
B	Series of newspaper clippings	150	151
C	Letter of Appreciation	150	151
D	Letter of Appreciation	150	151
E	Letter of Appreciation	150	151
App 1	Brief of DC on Motion No. 1	App Ex 5	3
App 2	Material Presented by TC (Excerpts of cases)	App Ex 5	3
App 3	Brief of DC on Motion No. 2	App Ex 5	3
App 4	Brief of DC on Motion No. 3	App Ex 5	4
App 5	Transcript of Out-of-Court Session 13 Aug 57 (0821-0847)		R 9
App 6	Transcript of Out-of-Court Session 13 Aug 57 (1605-1616) cont'd 14 Aug 57 (0800-0815)	App Ex 6	4
App 7	Transcript of Out-of-Court Session 14 Aug 57 (1110-1140) & Briefs by Counsel		R 118
App 8	Transcript of Out-of-Court Session 14 Aug 57 (1455-1543)	App Ex 8	9
App 8A	Briefs of TC	App Ex 8	9
App 8B	Defense Requested Instruction No. 1	App Ex 8	9
App 9	Findings format		R 146
App 10	Findings worksheet		R 148
App 11	Sentence format		R 151
App 12	Sentence worksheet		R 153

HEADQUARTERS
FIFTEENTH AIR FORCE (S.C)
March Air Force Base
California

SPECIAL ORDERS)
NUMBER 171)

31 July 1957

E X T R A C T

9. A/2C JOHN B GUERRERO, AF10814943 (CON AFSC 29230) ASSIGNMENT: REL from ASG and DY, 33d COMMRONAF, 15AF (SAC), this STA; ASG 2353d PERPRON (CONAC), Parks AFB, CALIF, for TRANS to DESTN; REL therefrom and ASG HQ, 3d AirDIV,SAC,APO 334,SanFrancisco,CALIF. SHIPMT identifier: SAC/3AD/1015-7116.
REPORTING DATA: 5 days DALVT. LV Address: 4803 Fidler Avenue, Long Beach 11, CALIF. REPT upon ARR to COMDR, 2353d PERPRON, Parks AFB, CALIF, NET 0730 HR and NLT 1300 HR 15 OCT 57. EDCSA to Port: 15 OCT 57; to Hq, 3d AirDIV: 1 NOV 57.
GENERAL INSTRUCTIONS: AFM 35-6 W/B complied with. All REC will ACMP AMN to final DESTN. AMN is presently on OJT-C 29250. All mail W/B addressed to show GR, name, AFSN, Headquarters 3d Air Division, APO 334, San Francisco, California. AUTH: AFM 35-11; LTR DPAMA, HEDSAC, 13 JUL 57; Cite PROJ 7116. Concurrent TVL of DEPN is prohibited.
TRANSPORTATION: WP. PCS. TDN. 5783500 048-132 P531.9-02-03 S99-999. TPA with 2 days TVL time is AUTH. If POV is not used, TVL time W/B the time of the common CARR used. BAG W/B shipped IAW AFR 75-33.

10. 1STLT DOMINICK V DRIANO, AO3033524, USAF, HQ 812th ADGRU, Walker AFB, NMEX, CERT LAW ART 27b, UCMJ (PARA 2, SEC II, GO 11, DAF, 4 MAR 57), is APT ASST TRIAL COUNSEL of the GCM convened by PARA 1, SO 134, HED15AF (SAC), 19 JUN 57, as AMND by PARA 10, SO 170, HED15AF(SAC), this STA, 30 JUL 57, vice 1STLT RICHARD C BAUERLE, AO3017846, USAF, HQ 812th ADGRU, Walker AFB, NMEX, REL.

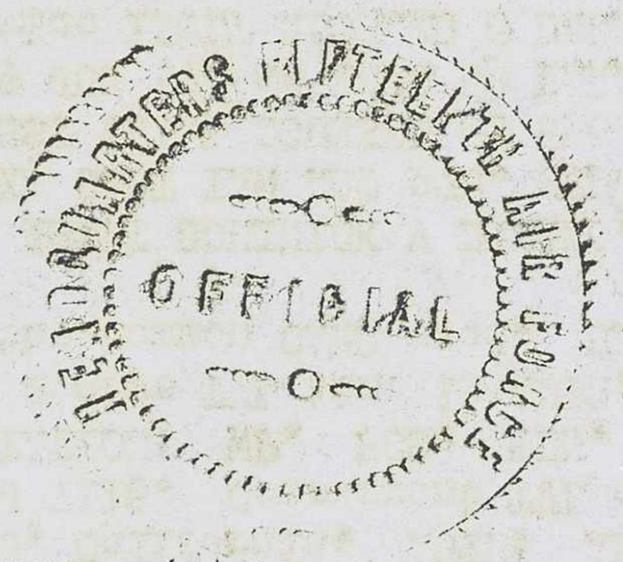
11. A/2C RHEINHART J KAMPLIN, AF16452349(W)(YOB 1934)(PRIMAFSC 23250) is REL from ASG 15th RECON Technical SQ, 15AF (SAC), this STA, and from AD EFF 15 AUG 57. HOR: 4726 South Rockwell Street, Chicago, Illinois. Future Mail Address: 265 Buckingham Way, APT 405, San Francisco,California. AMN is TRF to AFRES in GR of A/2C with DR: 1 DEC 55, and ASG HQ CONAC (IRS), AirRESRECEN, 3800 York Street, Denver, COLO, for COMPL of RESVCOBIG under UNIVMILTNG and SVC Act IAW AFR 39-63; EFF 16 AUG 57. DOE: 16 OCT 53. PCS. TDN. 5783500 048-242 P514-01 S99-999. AUTH: (SDN 413) PARA 3j, AFR 39-14 and 2d IND, HED 15AF, to LTR, 18 JUN 57, SUBJ: REQ for Early Release.

12. 1STLT ROBERT B MOTE, AO2204519, 15th RECON Technical SQ, 15AF, (SAC), this STA, is APT Summary Court Officer to receive any debts and to pay outstanding creditors for the estate of the late MSGT MELVIN H CAIN, AF6709434, 15th RECON Technical SQ, 15AF (SAC), this STA.

13. DP, 1STLT ROBERT B HOTE, AO2204519 (W)(YCB 1930)(Non-Rated) PRIMAFSC 3034), WP his HOR — 3828 Mount Washington, Dallas, TEX - to ARR on 31 AUG 57, on which date he is REL from ASG 15th RECON Technical SQ, 15AF (SAC), this STA, and from EAD; ASG to HEDCONAC (IRS), Air RESRECEN, 3800 York ST, Denver, COLO, EFF 1 SEP 57, IAW SEC 514 (b), ROPA of 1954, TEMP GR as 1STLT will remain in EFF until Officer is PROM to equivalent PERM RES GR, unless sooner TERM. PERM RES GR: 2NDLT. TPA. If POV is not used, TVL time W/B the time of the common CARR used. PCS TDN 5783500 048-141 P531.11-02-03 S99-999. 5783500 048-142 P511-01 S99-999. AUTH: (SDN 500) SEC I, AFR 36-22, 22 SEP 54.

14. CFM VOC 29 JUL 57. A/1C HERBERT G WEIMAR, AF19535473, 15th RECON Technical SQ, 15AF, this STA, is AUTH to RAT SEP and reside off base, EFF 0001 HR, 30 JUL 57. AUTH: AFM 173-20; AFR 35-54.

FOR THE COMMANDER:



URBAN J. ZIELINSKI
Lieutenant Colonel, USAF
Acting Adjutant

DISTRIBUTION: 60 - PARA 9
34 - PARA 10
10 - PARA 11, 13
2 - PARA 12, 14

HEADQUARTERS
FIFTEENTH AIR FORCE (SAC)
March Air Force Base
California

SPECIAL ORDERS)
NUMBER 170)

30 July 1957

E X T R A C T

9. CAPT MELVILLE HIRSCHI, A0766526, USAF, HQ 819th ABGRU, Dyess AFB, Abilene, TEX, CERT IAW ART 26a, UCMJ (PARA 1, SEC II, GO 54, DAF, 5 SEP 56) is APT Law Officer of the GCM convened by PARA 1, SO 105, this HQ, 15 MAY 57, vice MAJ WARREN H JOLLY, 25604A, USAF,(formerly ASG to HQ 810th ABGRU, Biggs AFB, TEX), REL.

10. The FCL MBRs are APT to the GCM convened by PARA 1, SO 134,this HQ, 19 JUN 57:

COL DANIEL V MACDONALD,4627A, USAF, HQ 6th BOMWG, Walker AFB,NMEX
COL WILLIAM H TRACHSEL,4118A,USAF,HQ 47th AirDIV, Walker AFB,NMEX
LTCOL LEWIS R RILEY,7537A,USAF,24th BOMRON, Walker AFB, NMEX
LTCOL WAYNE M BUNDY,A0562649,USAF,HQ 509th BOMWG,Walker AFB, NMEX

11. Technical SGT LUTHER L MASON, AF16235230 (CON AFSC 29375)
ASSIGNMENT: REL from ASG 33d COMMRONAF, 15AF (SAC), this STA; ASG 1501st Air Terminal SQ, MATS, Travis AFB, CALIF for TRANS to DESTN; REL therefrom and ASG to 49th ABGRU, FEAF, APO 919, San Francisco, CALIF. PROJECT SEPTEMBER-FEAF-JAPAN.
REPORTING DATA: 30 days DALVP. LV Address: 1155 Perrisito Avenue, Perris, CALIF. REPT to 1501st Air Terminal SQ, Travis PAE, CALIF NET 24 HR and NLT 2 HR prior to DEPT of FLT P231/264, DEPT 21 SEP 57, for TRANS thereon. EDCSA to 1501st Air Terminal SQ: 21 SEP 57; to 49th ABGRU: 10 OCT 57.
GENERAL INSTRUCTIONS: AFM 35-6, as AMND, W/B COMPL with. All mail will be addressed to show grade, name, AFSN, 49th Air Base Group, APO 919, San Francisco, California. AUTH: AFM 35-11; LTR HEDUSAF, AFPMP-2F, 3 JUN 57, SUBJ: W/D of WO and AMN for SEP 57 PERS Processing ARR. Concurrent TVL of DEPN is prohibited. DEPN will remain at Perris, California. All REC will ACMP AMN to final DESTN.
TRANSPORTATION: WP. PCS. TDN. 5783500 048-132 P531.9-01-02-03 S99-999. TPA with 2 days TVL time is AUTH. If POV is not used, TVL time W/B the time of the common CARR used. AMD: US-34-3D-8513-AF9. Hold BAG W/B shipped IAW AFR 75-33. SHIPMT of POV AUTH IAW AFM 75-1.

12. 1STLT(1324E) CHARLES F KENNARD, A03024543(FSSD MAY 55, LPCS JUN 55(Pilot on FLY Status, DOS INDEF)
ASSIGNMENT: REL from ASG 4124th SUPPRON(SAC), Larson AFB, WASH; ASG 92ND ABGRU, 92 BOMWG,(SAC), Fairchild AFB, WASH, with PERM DY STA, Larson AFB, WASH.
REPORTING DATA: Officer will REPT to COMDR, 62d Troop CARR WG,(H),(MATS), Larson AFB, WASH NLT 1 AUG 57. EDCSA: 1 AUG 57.
GENERAL INSTRUCTIONS: Officer W/B ATCH to the 62d Troop CARRWG, (H),(MATS) Larson AFB, WASH pending outcome of AFR 36-2 Action. AUTH: AFM 35-11.
TRANSPORTATION. PCA. NTI.

13. MAJ (0061A)(FSSD OCT51,LPCS APR 55, Senior Pilot on FLY Status, DOS INDEF)WILLIAM O COTTINGHAM JR, A0802020
ASSIGNMENT: REL from ASG, 4124th SUPPRON(SAC), Larson AFB, WASH; ASG to the 62d Troop CARRWG(H)(MATS), Larson AFB, pending RSG by HEDUSAF.
REPORTING DATA: Officer will REPT to COMDR, 62nd Troop CARRWG (H)(MATS), NLT 1 AUG 57. EDCSA: 1 AUG 57.
GENERAL INSTRUCTIONS: AUTH: AFM 35-11.
TRANSPORTATION: PCA. NTI.

14. SMOP 1, SO 121, 71 Strategic RECON Fighter WG, 29 JUN 57, as PERT to RSG of 1STLT JOHN D STEED, A03056996, 4124th SUPPRON(SAC), Larson AFB, WASH, to 2353d PERPRON, Parks AFB, CALIF, for TRANS to DESTN, and further ASG to 2720th MAINT GRU, APO 74, against line 38, AMP AUG 57 Requisition, REPT 14 AUG 57, is AMND to read: "RSG to 1501st Air Terminal SQ, Travis AFB, CALIF, REPT 5 SEP 57, for further ASG to 314th AirDIV, APO 970, against FEAF NOV 57 Requisition. EDCSA to 1501st Air Terminal SQ: 1 AUG 57; to 314th AirDIV, APO 970: 1 SEP 57. LV Address: APT 4, 723 Indiana Court, El Segundo, CALIF.(Telephone Eastgate 20168).(Officer W/B contacted by 1501st Air Terminal Squadron as to extension of LV, firm REPT date, and Air Movement Designator.) AUTH: MSG HEDSAC (DPOAA 6821), 25 JUL 57."

FOR THE COMMANDER:

URBAN J. ZIELINSKI
Lieutenant Colonel, USAF
Acting Adjutant

DISTRIBUTION: PARA 9 - 34
Para 10 - 38
PARA 11 - 60
PARA 12 - 35
PARA 13 - 35
PARA 14 - 60

Headquarters
FIFTEENTH AIR FORCE (SAC)
March Air Force Base
California

SPECIAL ORDERS)
NUMBER 134)

19 June 1957

E X T R A C T

1. A GCM is hereby ordered to convene at Walker AFB, NMEX at 0800 HR, 19 JUN 57, or as soon thereafter as practicable, for the trial of LTCOL GEORGE F ADAMS, A0257543, USAF, 6th TACHOSP, 6th BOMWG (H), only. The court will be constituted as follows:

LAW OFFICER

LTCOL WILLIAM TATUM, 7009A, USAF, HED15AF, March AFB, CALIF, CERT IAW ART 26a, UCMJ (PARA 1, SEC II, GO 11, DAF, 4 MAR 57)

MEMBERS

COL JAMES V REARDON, 1701A, USAF, HQ 47th AirDIV, Walker AFB, NMEX
COL ROBERT B TEMPLEMAN, 5087A, USAF, HQ 509th BOMWG, Walker AFB, NMEX
COL JAMES M CAMPBELL, 8817A, USAF, HQ 47th AirDIV, Walker AFB, NMEX
LTCOL THEODORE C HOFFMAN, 7542A, USAF, 686th AC&WRON, Walker AFB, NMEX
LTCOL RAYMOND L SCHLANT, A0902233, USAF, HQ 47th AirDIV, Walker AFB, NMEX
LTCOL ALLAN E SHEPARD, A0335361, USAF, 812th SUPRON, Walker AFB, NMEX
LTCOL JOHN T BUTTERWICK, A0560729, USAF, HQ 6th BOMWG, Walker AFB, NMEX
LTCOL JOHN N ANDERSON, 8903A, USAF, 830th BOMRON, Walker AFB, NMEX
LTCOL JACK D CRANE, A0906443, USAF, HQ 47th AirDIV, Walker AFB, NMEX
LTCOL CLARKE W HENKIE, A0323344, USAF, HQ 6th BOMWG, Walker AFB, NMEX
LTCOL WILLIAM M MCGUIRE, A0777747, USAF, 830th BOMRON, Walker AFB, NMEX
LTCOL JULIUS A STOERMER, A0664350, USAF, HQ 6th BOMWG, Walker AFB, NMEX

COUNSEL

CAPT MORRIS B FOX, A01852023, USAF, HQ 407th ABGRU, Malmstrom AFB, MONT, TRIAL COUNSEL, CERT IAW ART 27b, UCMJ (PARA 1, SEC II, GO 11, DAF, 4 MAR 57).
1STLT RICHARD C BAUERLE, A03017846, USAF, HQ 812th ABGRU, Walker AFB, NMEX, ASST TRIAL COUNSEL, CERT IAW ART 27b, UCMJ (PARA 2, SEC II, GO 11, DAF, 4 MAR 57).

CAPT DAVID E ELLS, A02000281, USAF, HQ 96th ABGRU, Altus AFB, OKLA, DEFENSE COUNSEL, CERT IAW ART 27b, UCMJ (PARA 1, SEC II, GO 11, DAF, 4MAR57).
1STLT LANGFORD KEITH, JR, A02204398, USAF, HQ 812th ABGRU, Walker AFB, NMEX, ASST DEFENSE COUNSEL, CERT IAW ART 27b, UCMJ (PARA 2, SEC II, GO 11, DAF, 4 MAR 57)

2. CFM VOC 12 JUN 57. AUTH granted A/3C ROBERT J HARNOIS, AF26966480, 15th RECON Technical SQ, 15AF, (SAC), this STA, to RAT SEP and reside off base is TERM, EFF 0001 HR, 13 JUN 57.

3. DP, FNO are PROM to the PERM GR of 1STLT, RESAF, EFF the date of this order. Those officers not currently holding TEMP USAF APT are APT in the USAF in the GR in which currently serving on AD and ASG same date of rank as currently held and are deemed to have ACPT such TEMP USAF APT this date. Those officers TEMP APT under this order, as well as those already serving in a TEMP USAF APT, will continue to serve in such TEMP APT and will not PERF DY in the RESAF GR to which APT nor will they be entitled to pay and ALW in the RESAF GR until ordered to AD in such GR by competent AUTH. AUTH: SEC 509, ROPA of 1954, and DAF GO 16, dated 1 APR 57.

2NDLT to 1STLT

WALTER E BARNES, III, A02209233
SOL L KARDON, A02209256
JAMES A MITCHELL, A02209261
LAWRENCE J MORENO, A03031127
TORSTEN C I MUHR, A02209263
EVERETT R PATTERSON, A02209267

4. DP, announcement is made of the TEMP PROM of 1STLT WILLIAM A KUEBKER, A03043807 (DC), to the GR of CAPT USAF, under the PROV of SEC 8442, Title 10, US Code, with rank from 19 JUN 57. AUTH: AFR 36-30.

5. A/1C GREGORY N O'DONOGHUE, AF14529381, this HQ, is AWD the GCMDL for his DMST of HON, EFFCY and fidelity during the PD 10 JUN 54 to 9 JUN 57. AUTH: AFR 35-50

6. CFM VOC 15 JUN 57. FNA, 15th RECON Technical SQ, 15AF (SAC), this STA, are AUTH to RAT SEP and reside off base EFF 0001 HR, 17 JUN 57. AUTH: AFM 173-20; AFR 35-54.

Technical SGT THOMAS F ORR, AF32432590
A/3C JAMES L SMITH, AF14628052

BY ORDER OF THE COMMANDER:

URBAN J ZIELINSKI
Lieutenant Colonel, USAF
Acting Adjutant

DISTRIBUTION: 75 - PARA 1
2 - PARA 2, 5,6
40 - PARA 3 & 4

PROCEEDINGS OF A GENERAL COURT-MARTIAL

which met (at) ~~(on board)~~ Walker Air Force Base, New Mexico, at 0800 hours,

13 August 19 57, pursuant to the following orders: [1]

Pres: Court will come to order.

Asst TC: The court is convened by paragraph 1, Special Orders 134, Headquarters Fifteenth Air Force (SAC), March Air Force Base, California, dated 19 June 1957, amended by paragraph 10, Special Orders 170, same headquarters, dated 30 July 1957, and further amended by paragraph 10, Special Orders Number 171, same headquarters, dated 31 July 1957, a copy of which has been furnished to the law officer, each member of the court, counsel, the accused and to the reporter for insertion at this point in the record.

[1] Here insert a literal copy of the orders appointing the court and copies of any amending orders. Any request of an enlisted accused for enlisted court members will be inserted immediately following the appointing orders, together with any declaration of the nonavailability of such enlisted persons.

PERSONS PRESENT [1]

Lt Col William Tatum - Law Officer
Col James V. Reardon - Member
Col Daniel V. Macdonald - Member
Col William H. Trachsel - Member
Col James M. Campbell - Member
Lt Col Theodore C. Hoffman - Member
Lt Col Allan E. Shepard - Member
Lt Col John T. Butterwick - Member
Lt Col John N. Anderson - Member
Lt Col Jack D. Crane - Member
Lt Col Clarke W. Henkle - Member
Lt Col Lewis R. Riley - Member
Lt Col Wayne M. Bundy - Member
Capt Morris B. Fox - Trial Counsel
1st Lt Dominick V. Driano - Assistant Trial Counsel
Capt David E. Ells - Defense Counsel
1st Lt Langford Keith, Jr. - Assistant Defense Counsel

PERSONS ABSENT [2]

Col Robert B. Templeton - Member
Lt Col Raymond L. Schlant - Member
Lt Col William M. McGuire - Member
Lt Col Julius A. Stoermer - Member

The following named accused (was) ~~(were)~~ present:

Lieutenant Colonel George F. Adams.

The appointed reporter, Mrs. June S. Blair, was sworn.

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[1] List LO, if any, and all members of the court, prosecution, and defense as present or absent, as announced by the trial counsel. Only rank or grade and name will be shown unless service number is necessary to distinguish between two persons.

[2] Reasons for absence before arraignment will not be shown (par. 41*d*, MCM, 1951).

Asst TC: The prosecution is ready to proceed with the trial in the case of the United States versus Lieutenant Colonel George F. Adams, 6th Tac Hospital, 6th Bombardment Wing, United States Air Force, who is present in court.

LO: Will the assistant trial counsel state for the record the person who was in command at the date of the orders?

Asst TC: For the record, let the record reflect that the Commander, Fifteenth Air Force, is Major General Archie Old.

Asst TC: The legal qualifications of all members of the prosecution are correctly stated in the appointing orders.

Asst TC: No member of the prosecution named in the appointing orders has acted as investigating officer, law officer, court member, or as a member of the defense in this case or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter. Let the record reflect that also Lieutenant Richard C. Bauerle, originally named in the appointing orders, 134, has not aided in any way in the preparation of this case for trial.

Asst TC: By whom will the accused be defended?

DC: The accused is to be defended by the regularly appointed defense counsel and assistant defense counsel.

Asst TC: Will counsel representing the accused state whether the legal qualifications of the appointed members of the defense are other than as stated in the appointing orders?

DC: The legal qualifications of all members of the defense are correctly stated in the appointing orders.

Asst TC: Has any member of the defense acted as accuser, member ofthe prosecution, investigating officer, law officer, or member of the court in this case?

DC: No counsel for the defense has so acted.

LO: It appears that counsel for both sides have the requisite qualifications.

LO: Proceed to convene the court.

Asst TC: The court will be sworn.

TC: I'd like to state the fact that enlisted men...

LO: There's no requirement for it in this case that I know of.

The members of the court, the law officer, and the personnel of the prosecution and defense were sworn.

LO: Gentlemen, the court is now convened.

Asst TC: The general nature of the charges in this case is violation of Article 134 of the Uniform Code of Military Justice, 1951, alleging four

specifications of violation of that article; Charge II is a violation of the Uniform Code of Military Justice, Article 125, alleging a violation... three violations of that article; Charge III, violation of the Uniform Code of Military Justice, Article 133, alleging three violations of that specification.

LO: Four.

Asst TC: Correction; that should be four violations of that Article.

Asst TC: Charges were preferred by Colonel Lee F. Ferrell, forwarded with recommendations as to disposition by the same, excuse me, by Colonel George W. Porter, and investigated by Colonel Walker of this base, 509th Bombardment Wing; neither the law officer nor any member of the court will be a witness for the prosecution.

Asst TC: The records of this case disclose no grounds for challenge. I will now ask if any member of the court or the law officer has acted as counsel or investigating officer in a pretrial investigation.

(There was no response from the court.)

LO: Apparently no member of the court has; I have not.

Asst TC: Let the record reflect there was no response by the court.

Asst TC: If any member of the court or the law officer are aware of any facts which they believe may be a ground for challenge by either side against him, he should now state such facts.

Lt Col Clarke W. Henkle (court member): I am aware of facts involved in this case.

TC: (To LO) Do you want to question him or do you want me to?

LO: You.

TC: Colonel, you say you are aware of facts concerning this case; now these facts that you are aware of, would they affect your opinion as to the guilt or innocence of the accused? Without stating your opinion here in court...

Col Henkle: They would.

TC: Defense desire to examine the witness?

(DC shakes head in the negative.)

LO: Colonel Henkle, have you formed or expressed an opinion as to the guilt or innocence of the accused, based upon these facts?

Col Henkle: No, sir.

Asst TC: I have one question, sir. Colonel Henkle, do you feel with this knowledge you stated you have that you could impartially try the accused now before this court?

Col Henkle: No, sir.

LO: Any further questions by either counsel?

TC: I have just one other thing. You just stated, sir, that you don't feel that you could sit throughout this trial and be completely impartial, is that correct?

Col Henkle: That is correct, sir.

TC: Then you have formed your opinion as to the guilt or innocence of the accused? Without stating that opinion to the court...

Col Henkle: I have, sir.

LO: Subject to objection by any member of the court, Colonel Henkle will be excused from this trial.

LO: Gentlemen, normally we submit the challenge of the members to the court to vote; in this case it is obvious that the result would result in a challenge of this member from your court, due to the opinion that he has formed as to the guilt or innocence of the accused. I see no need in making a useless gesture of having the court vote upon this matter. I am excusing him myself.

(Lieutenant Colonel Clarke W. Henkle reported to the court, was excused and thereupon withdrew from the courtroom.)

Asst TC: With the permission of... Let the record reflect Colonel Henkle was excused and withdrew from the courtroom at approximately 0812.

LO: I'll ask the court to remain seated until after all the challenges are completed because there's no need to go through the shuffle of trying to get the dates of rank established...

Asst TC: Yes, sir.

Asst TC: The prosecution has no challenges for cause. The prosecution has no peremptory challenge.

Asst TC: Does the accused desire to challenge any member of the court or the law officer for cause?

DC: Before determining whether I will exercise the challenge for cause in this matter, if it please the court, I would like to ask a couple of questions of the court as a panel, rather than individually.

LO: You may proceed.

DC: Gentlemen, are any of you aware of any facts in this case or any facts about the accused which would render your judgment in this case partial?

(There was no response from the court.)

DC: I will take your silence to mean that you would not. Gentlemen, I don't know how many general courts you've sat on, this is the first time I've been at this base; but I would like to ask you whether or not you are aware that you are to take your law in this case from the law officer and from the law officer only. Are you aware of that?

Pres: We are aware of that.

DC: Defense has no challenges for cause.

Asst TC: Does the accused wish to exercise his right to one peremptory challenge against any member?

DC: At this time the accused challenges, peremptorily, Lieutenant Colonel Wayne M. Bundy.

(Lieutenant Colonel Wayne M. Bundy reported to the court, was excused and thereupon withdrew from the courtroom.)

LO: The assistant trial counsel has failed to announce for the record as to the name and rank of the officer in command on the date of the referral of these charges for trial.

(Asst TC goes over to the LO and confers with LO out of hearing of the court. Asst TC presents to the members of the court and LO copies of the charges and specifications on which the accused is to be arraigned.)

Asst TC: Let the record reflect that Lieutenant Colonel Wayne M. Bundy was excused and withdrew from the courtroom at approximately 0815.

Asst TC: With the consent of the accused, I shall omit the reading of the charges, a copy of which is before each member of the court, law officer, and the accused. Charges were signed by Colonel Lee Ferrell, a person subject to the code as accuser, were properly sworn to before an officer of the armed forces authorized to administer oaths, and were properly referred to this court for trial by the convening authority, Major General Archie Old, who is the convening authority today, the date of trial. The charges and specifications, the name and description of the accuser, his affidavit and the reference for trial will be copied verbatim into the record.

DC: The accused consents.

LO: The reading of the charges may be omitted.

LO: Will the reporter state for the record that the court had reseated itself in accordance with rank.

Pres: That is correct.

Charge I: Violation of the Uniform Code of Military Justice, Article 134

Specification 1: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did at Vicksburg, Mississippi, on or about 16 December 1955, wrongfully have sexual intercourse with First Lieutenant Charleen Goodnough, a woman not his wife.

Specification 2: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at Dallas, Texas, on or about 17 December 1955, wrongfully have sexual intercourse with First Lieutenant Charleen Goodnough, a woman not his wife.

Specification 3: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at El Paso, Texas,

on or about 19 April 1956, wrongfully, dishonorably, and falsely register at the La Fonda Motel with First Lieutenant Charleen Goodnough, a woman not his wife, as Doctor and Mrs. George F. Adams.

Specification 4: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at El Paso, Texas, on or about 27 April 1956, wrongfully, dishonorably, and falsely register at the La Fonda Motel with First Lieutenant Charleen Goodnough, a woman not his wife, as Doctor and Mrs. George F. Adams.

Charge II: Violation of the Uniform Code of Military Justice, Article 125

Specification 1: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, did, at Walker Air Force Base, New Mexico, during the month of January 1956, commit sodomy with First Lieutenant Charleen Goodnough.

Specification 2: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, did, at El Paso, Texas, on or about 19 April 1956, commit sodomy with First Lieutenant Charleen Goodnough.

Specification 3: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, did, at El Paso, Texas, on or about 27 April 1956, commit sodomy with First Lieutenant Charleen Goodnough.

Charge III: Violation of the Uniform Code of Military Justice, Article 133

Specification 1: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at Vicksburg, Mississippi, on or about 16 December 1955, wrongfully have sexual intercourse with First Lieutenant Charleen Goodnough, a woman not his wife.

Specification 2: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at Dallas, Texas, on or about 17 December 1955, wrongfully have sexual intercourse with First Lieutenant Charleen Goodnough, a woman not his wife.

Specification 3: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at El Paso, Texas, on or about 19 April 1956, wrongfully, dishonorably, and falsely register at the La Fonda Motel with First Lieutenant Charleen Goodnough, a woman not his wife, as Doctor and Mrs. George F. Adams.

Specification 4: In that Lieutenant Colonel George F. Adams, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, a married man, did, at El Paso, Texas, on or about 27 April 1956, wrongfully, dishonorably, and falsely register at the La Fonda Motel with First Lieutenant Charleen Goodnough, a woman not his wife, as Doctor and Mrs. George F. Adams.

TYPED SIGNATURE OF ACCUSER	RANK	ORGANIZATION
/s/ Lee F. Ferrell	/t/ LEE F. FERRELL Colonel, USAF (MC)	6th Tactical Hospital 6th Bombardment Wing, Heavy

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 2nd day of May, 1957, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

/s/ Earl Weiss
/t/ EARL WEISS
(Typed signature)

Major, USAF
6th Tactical Hospital
6th Bombardment Wing, Heavy
(Rank and organization of officer administering oath)

Officer administering oath must be a commissioned officer.

Adjutant
(Official character, as Adjutant, Summary Court, etc. See paragraph 29*e*, MCM, 1951, and articles 30*a* and 136.)

1st INDORSEMENT

Headquarters Fifteenth Air Force, March Air Force Base, California, 19 June 1957
(Designation of command of convening authority) (Place) (Date)

Referred for trial to the general court-martial appointed by paragraph 1, Special Orders 134, Headquarters Fifteenth Air Force (SAC), March Air Force Base, California, 19 June 19 57, subject to the following instructions: None.

By ORDER of THE COMMANDER
(Command or order)

(Stamp)

/s/ B D Rubien
B. D. RUBIEN
Captain, USAF
ASTADJ
(Typed signature, rank, and official capacity of officer signing)

This page will follow the charges and specifications which are to be copied verbatim into the record at the point indicated in the sidenote "Arraignment" at page 507, MCM, 1951.

Asst TC: Charges were served on the accused by Captain Morris Fox, trial counsel, on the 24th day of June 1957.

Asst TC: Colonel Adams, how do you plead? Before receiving your pleas, I advise you that any motions to dismiss any charge or to grant other relief should be made at this time.

DC: The defense has several motions to be made at this time and for that purpose requests an out-of-court hearing with the law officer.

LO: How many motions do you have?

DC: Four.

LO: Do you anticipate about how long this will take for the presentation of your motions and the argument...in time?

DC: I would say approximately 45 to 50 minutes, sir.

LO: Do you have anything in rebuttal, Captain Fox?

TC: Yes, sir. Depends on what motions he raises; I think we have law in rebuttal. I figure about a half-hour.

LO: You think in view of the fact that he (nods towards DC) anticipates 45 minutes and you have rebuttal, that we had better make it an hour?

Pres: May we stand by at the half-hour mark?

LO: Yes, sir. If you wish, sir, you can be present in the building and we'll send out...

Pres: We'll be present then, standing by, in about 30 minutes.

LO: Right; after 30 minutes; there will certainly be no need before the 30 minutes is up.

LO: Gentlemen, the court will be excused. An out-of-court hearing will be held.

The court recessed at 0820 hours, 13 August 1957.

The court reconvened at 0906 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are again present.

LO: Also let the record reflect that an out-of-court hearing was held and the court members were excused, and the spectators were excused, and the counsel for each side, the accused, the law officer, and the reporter were present. The results of that out-of-court hearing will be appended to the record as Appellate Exhibit 5 and the reporter has been directed to append those exhibits and discussions to the record.

DC: At this time the accused pleads:

To all Specifications and Charges: Not Guilty.

Asst TC: The prosecution has no legal authorities to present to the court. Does the defense desire to present legal authorities at this time?

DC: The defense does not.

Asst TC: The prosecution has no opening statement.

Asst TC: Request the reporter mark these as Prosecution Exhibits 1 through 8.

(The reporter marked the documents Prosecution Exhibits 1 through 8 for Identification.)

Asst TC: At this time the prosecution will offer Prosecution Exhibit 1 for Identification into evidence which is a stipulation by and between the trial counsel, defense counsel, and with the consent of the accused.

(Asst TC hands document to LO.)

LO: Do you intend to present all eight stipulations?

Asst TC: Yes, sir.

LO: Rather than quiz the accused as to joining into each of these eight stipulations, I'll wait until you present them all and ask him if he has read and understood them.

Asst TC: Yes, sir. At this time the prosecution will offer Prosecution Exhibit 2 for Identification which is a stipulation by and between the trial counsel and defense counsel with the consent of the accused.

(Asst TC hands document to LO.)

Asst TC: At this time the prosecution will offer Prosecution Exhibit 3 for Identification, which is a stipulation by and between the trial counsel and defense counsel and with the consent of the accused.

(Asst TC hands document to LO.)

LO: Will you hold it while I read this, please?

Asst TC: Yes, sir.

Asst TC: Prosecution Exhibit 3 for Identification is a stipulation entered into by the trial counsel, the defense counsel, and with the consent of the accused. Prosecution Exhibit 4 for Identification is a stipulation entered into by and between the trial counsel and defense counsel, with the consent of the accused; it is offered into evidence as Prosecution Exhibit 4.

Asst TC: At this time the prosecution will offer its 7th Exhibit which is a stipulation by and between the trial counsel, defense counsel, with the consent of the accused.

(Asst TC hands documents to LO.)

Asst TC: At this time the prosecution offers Prosecution Exhibit 5 for Identification and Prosecution Exhibit 6 for Identification. Prosecution Exhibit

5 is a registration card in the name of Doctor and Mrs. George F. Adams, dated 4...April 19th; Prosecution Exhibit 6 is a motel registration card in the name of Doctor and Mrs. George F. Adams, dated April 27th. At this time the prosecution requests that the court be instructed to read Prosecution Exhibits 4 and 7 in connection with Prosecution Exhibits 5 and 6.

(Asst TC hands documents to LO.)

LO: Does the trial counsel intend to read these documents to the court?

Asst TC: With the permission of the law officer, yes.

LO: Do you intend to present any evidence as to the source and authenticity of Prosecution Exhibits 5 and 6?

TC: If it please the law officer, the stipulations will cover it.

Asst TC: Prosecution Exhibits (motions towards documents already on LO table), stipulations, will cover it.

LO: Has the defense had the opportunity to examine the exhibits?

DC: The defense has.

Asst TC: At this time prosecution offers Prosecution Exhibit 8 for Identification which is a stipulation by and between the trial counsel, the defense counsel, and with the consent of the accused. (Hands document to LO) At this time the prosecution offers...respectively offers exhibits marked 1 through 8 for identification in evidence as Prosecution Exhibits 1 through 8.

LO: Colonel Adams, Prosecution Exhibits 1, 2, 3, 4, 7 and 8 are stipulations, some of them as to fact and some of them as to the testimony of an expected witness, if that witness were present in court. Have you had the opportunity to examine these stipulations?

Accused: Yes, sir, I have.

LO: Have you read them?

Accused: Yes, sir.

LO: Do you understand the meaning and effect of the stipulations?

Accused: I do.

LO: Do you expressly join in these stipulations?

Accused: I do.

LO: Prosecution Exhibits 1, 2, 3, 4, 7 and 8 are admitted in evidence and may be read to the court by the trial counsel if he so desires. As to Prosecution Exhibits 5 and 6, does the defense counsel further waive any further...

DC: I have no objection to their being offered.

LO: Prosecution Exhibits 5 and 6 are admitted to the court as those exhibits, respectively, and may be read or shown to the court as the trial counsel may desire.

Asst TC: Prosecution Exhibit 1 is a stipulation in the case of the United States versus Lieutenant Colonel George F. Adams:

(The Asst TC read Prosecution Exhibit 1 to the court.)

Asst TC: Prosecution Exhibit 2 is a stipulation by and between the trial and defense counsel with the consent of the accused:

(The Asst TC read Prosecution Exhibit 2 to the court.)

Asst TC: Prosecution Exhibit 3, a stipulation in the case of the United States versus Lieutenant Colonel George F. Adams, and reads in pertinent parts:

(The Asst TC read Prosecution Exhibit 3 to the court.)

Asst TC: Prosecution Exhibit 4 is a stipulation as to the expected testimony of a witness for the prosecution, Mrs. Glena Richards, 5301 Alameda, Box 26, El Paso, Texas, and if this witness were present in court today, she would testify under oath substantially as follows:

(The Asst TC read Prosecution Exhibit 4 to the court.)

Asst TC: Prosecution Exhibit 7 is a stipulation by and between trial and defense counsel and with the consent of the accused and reads in pertinent parts as follows:

(The Asst TC read Prosecution Exhibit 7 to the court.)

Asst TC: Prosecution Exhibit 5 is a registration card in the name of Doctor and Mrs. George F. Adams...

TC: I don't think it's necessary to read those exhibits.

LO: Just show them to the court.

Asst TC: Prosecution Exhibit 8 is a stipulation by and between the trial and defense counsel and with the consent of the accused, reads as follows:

(The Asst TC read Prosecution Exhibit 8 to the court.)

The assistant trial counsel presented all the stipulations which he had just read as well as Prosecution Exhibits 5 and 6 to the president of the court.

Asst TC: At this time the prosecution calls as a witness, First Lieutenant Charleen Goodnough.

DC: The defense objects to the calling of Lieutenant Goodnough at this time on the basis of paragraph 148c of the Manual for Courts-Martial, 1951. The defense contends that the witness is an incompetent witness because she does not have the mental capacity to observe, recollect, and describe correctly the facts under investigation. For that purpose the defense at this time would like to call Major Charles R. Rosewall.

LO: Gentlemen, the defense counsel has raised an objection as to the calling of First Lieutenant Charleen Goodnough as a witness. Due to the fact that he intends to present evidence that she is incompetent to act as a witness before this court, the competency of a witness before a court is a matter of law and the ruling upon her competency will be determined by the law officer. You may proceed with your witness.

DC: Defense calls Doctor Charles R. Rosewall.

Major Charles R. Rosewall, USAF(MC), Sheppard Air Force Base, Texas, a witness for the defense, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (TC):
Q. Doctor, would you state your full name, rank, organization and armed force?
A. Charles R. Rosewall, Major, U. S. Air Force (MC), serial number 24133A, Chief Neuropsychiatric Branch of the 3750th USAF Hospital, Sheppard Air Force Base, Texas.

Q. Do you know the accused in this case?
A. (No answer; nods head.)

Q. If he is in the courtroom, would you point him out? Do you know the accused in this case?
A. Yes, I just met him.

Q. Would you point him out and state his name if you know it?
A. Lieutenant Colonel Adams (the witness pointed to the accused in the courtroom).

TC: Let the record reflect that the witness pointed to the...to Lieutenant Colonel Adams. Your witness.

Questions by the defense (DC):
Q. Major Rosewall, would you please state what schools you have attended; that is, university-type schools?
A. My medical training was at the University of Washington School of Medicine, Seattle...

DC: Would you pardon me, Doctor, please speak up so that all the members of the court can hear.

A. ...the University of Washington School of Medicine, Seattle, Washington, followed by general medical internship, Letterman Army Hospital, San Francisco; immediately followed by three years postgraduate training in psychiatry at a so-called "approved residency," also at Letterman Army Hospital.

Q. And where did you practice? Where have you practiced since you left Letterman?
A. I have been in the Air Force on active duty ever since.

Q. Would you repeat that again, sir.
A. I have been on active duty as a medical officer in the Air Force since completing resident training.

Q. What have your duties been as a medical officer?
A. For the past two years, I have been Assistant Chief of the "NP" - Psychiatric Branch at 3750th Hospital which is one of the Air Force's psychiatric specialty centers, and about two months ago I became Chief of that center.

Q. Now, Doctor Rosewall, have you had occasion within the last two weeks to examine First Lieutenant Charleen Goodnough?
A. I have (nods head in the affirmative).

Q. What was the nature of that examination?
A. It was a standard psychiatric evaluation...sent as a medical referral to a medical specialty.

Q. As a result of that examination, have you formed an opinion as to the ability of Lieutenant Goodnough to observe, remember, and narrate facts that have happened in her life?
A. Yes, I have an opinion of her ability to...

Q. What is your opinion, sir?
A. This is a...(witness hesitates and scratches head in meditation).

Q. I may make that more specific.
A. That's what I need.

Q. What is your opinion with regard to those factors...that is, her ability to remember, to observe, and to narrate facts concerning her sexual life?
A. I think this ability can be...<u>may</u> be considerably impaired.

Q. Would you say that she can correctly re...observe events that occur during her sexual life?
A. She can, or could, but my...the essential outcome of my evaluation was that equally it could be very greatly impaired. I don't know if I made that clear. It's not an all or none proposition; in other words, let's say some persons...it's assumed that they are capable of reporting or interpreting events around them. In other persons, one...you can't unequivocally say that they are not reporting something accurately, but there is considerable question whether you can assume that they are being objective or realistic; the latter is the situation I'm talking about.

Q. Would you tell the court, Doctor Rosewall, what your opinion is of her ability to narrate past events in her sexual life at the present time?
A. Can I be a little tangential? I think I'm answering your question.

Q. I'm asking for your opinion, sir.
A. Yeah (nods head in the affirmative); my evaluation led, inescapably, to the fact that this young woman is considerably disturbed; specifically and particularly in the sexual area. It's for this reason that there is considerable...I'll say doubt, about her ability to understand, or remember, or report incidents that relate to her sexual...personal sexual activities.

Q. Would you say that because of her condition that she might be prone to conjure up things in her sexual life which have never happened?
A. (Witness hesitates.) Well...I'm not trying to quibble, but the "conjure up" sort of implies a voluntary or conscious process and I'd like to...it to be awfully clear that I do not think this girl has, in the past when I was seeing her, or presently could be, consciously lying or distorting something. I am talking about a pretty disturbed young woman who is quite mixed up about some things. She may very well be telling what at the moment appears to be to her the truth - the reality of the situation. She might not even tell it the same time twice, but both times she means what she says. The essential problem here is a kind of mental disorder in which the boundery line between fact and fancy is a mighty precarious, tenuous, ever-shifting, one; and where she stands concerning this boundary line in any given instance (witness shrugs shoulders) may seem to an outside observer almost arbitrary; that is, it probably is not stable. But she's dealing with...or I should say, what I

feel she may be very well dealing with, from my evaluation of her, is her fears, her confusions, and (witness shrugs) it's...it's just, as I say, a vague boundary line between the fact and fancy that's really at issue. In that sense she does not conjure up consciously anything...I do not think.

Q. In other words, that is, she unconsciously does not realize the boundary between fantasy and reality, is that correct?
A. That's essentially correct and I'd like to add, however, a sort of limiting comment - that it's in this area of her personal sexual life - thoughts, feelings, activities - that this is so much more likely to occur.

Q. Then I gather, Doctor Rosewall, that if she were testifying concerning neutral, objective, evidence that you would not consider her in the same manner as you would if she were a witness to facts concerning her sexual life?
A. Yes, I'd have considerable more confidence in that. In other words she is not from a psychiatric point of view...ah...well, in a layman's term, crazy. She is suffering from a mental disturbance, a mental illness, but not of such severe proportion as to be called, in such a layman's term, that. For this reason, I think that one could assume that she could report emotionally neutral happenings in evidence reliably.

Q. But not activities concerning her sexual...
A. (No response; witness nods head in the affirmative.)

Q. But these emensely personal, emotional, experiences then it would be open to doubt?
A. Much doubt.

Q. Doctor Rosewall, would you state the basis upon which you have that opinion regarding her difficulty in determining, consciously, the difference between fantasy and reality - where it concerns her sexual emotions?
A. My evaluation was based upon a combination of...of medical...approaches - I can tell you chronologically. I was the first to see her in my department. I spent, I imagine, about an hour and a half with her the first day, which I believe was 1 August; the following morning I had her seen by my Staff Neurologist for a pretty thorough kind of a "ruling-out" sort of examination in terms of central nervous system organic diseases; following this she was given a... what we would tend to call, a standard battery of psychological tests by my Chief Psychologist, who incidentally is a highly trained, experienced PHD, Clinical Psychologist, and concluding this, after I had gotten a kind of a preliminary report from my Psychologist about his findings, I then interviewed her a second time, following which she was released and...got lost (witness smiles); that was the extent of our evaluation.

Q. In other words, it included personal interview with you at two separate periods of time, a battery of psychological tests, and a neurological examination?
A. That's right.

Further direct examination continued by assistant defense counsel:
Q. Doctor, I'm interested in this area of her ability to distinguish between fantasy and reality and the possibility that she might create fanciful situations without actually intending to. I believe that was the substance of your previous testimony?
A. Uh-huh, that's right.

Q. What, in your opinion, would lead her to create these fanciful situations?
A. I'm going to get really technical. This is a difficult question; not for me to answer, but to answer so that you...so that I don't sound like a double-talking, obscure, sort of person. This young woman...this particular young woman suffers from a specific kind of a mental disorder. The actual ideology or cause of which isn't too well understood even by us; but descriptively, seems essentially to involve several related elements. For example, one which is quite apparent in this young lady, an inability to form a deep kind of personal relationship with other humans, as though she were living in kind of a shallowness, emotionally; a marked propensity for what we call an introverted introspective...let's say a day-dreaming type of person who lives inside herself to such a degree that she probably always is dealing with her own fantasies and wishes and thoughts. This, which incidentally is fairly normal in adolescence, most persons outgrow - either try to make some of their day dreams work or abandon them. Some people who can't adjust to the world too well continue this and it progresses to the point at which there's really a severe difficulty in literally pulling themselves back into this world, and particularly under stress they will tend to, instead of face reality, will kind of lapse into their own...what they find to be their own inner resources, instead of facing the outside world; try to deal with themselves. This leads to a rather marked distortion of the reality situation in many occasions and particularly when they're under some kind of emotional stress. I'm getting pretty long winded in answering one question, I think.

Q. Could you say, Doctor, that...ah...ah...she might day dream or wish that certain things had happened to her and occasionally, at least, lose sight of the difference between a day dream and what actually did happen; or is that too much or over simplification?
A. Well, it is an over-simplification, but perhaps it's not too much because it does have essentially an important element of what I'm trying to say.

Q. Getting back to her knowledge of what actually did happen to her, or rather, what is your opinion of the thought processes, if any, which she goes through when she is confronted with, or placed in, a situation where her sexual emotions are brought to the forefront?
A. That's a pretty difficult question. I don't really know; I know in general terms - but sex, as such, must be a tremendously confusing thing to her. I think it's probably rather frightening to her in a sense; of course, she probably isn't aware of it and (witness shrugs) beyond that, I can't say whether she becomes panicked or whether she literally does as she told me, for example on one occasion that she just falls asleep, which is a rather striking and very, incidentally severe, hysterical kind of mechanism. Now, I'm not using the word hysterical the way most of you think of it. I guess the popular sense of the word "hysterical" is someone that goes down the street screaming, but hysterical to us is a kind of a mechanism for denying the reality of something. Well, a classical case you run into in the military would be a man who sees his buddy's head shot off and he becomes blind; he can't stand the thing that he has seen, so he becomes, on an emotional basis, unable to see any more. This is what we mean by hysterical. Apparently she can do this, which is a pretty sick kind of a thing, too. At least, she tells me she just goes to sleep which implies she's pretty upset.

Q. Is this tendency of her's to become hysterical when confronted with any sort of, I'll say sexual situation, what you base your opinion on that she cannot...
A. No, no, correctly, it's just a part of it. Now maybe I'm anticipating; I don't know if you were about to say...

Q. Well, are you talking about...hysteria is the illness that I'm referring to.
A. No, I'm talking about the more severe illness than what we would mean by hysteria; but it's an illness that may incorporate a number of lesser kinds of pathology, one of them being this hysterical tendency.

Q. But does this hysterical tendency have, is it the...is it one of the basis for your saying that she may be not be able to remember what happens to her?
A. Yes; this is a part of it, in a sexual situation.

Q. You said a moment ago that she was of a shallow character; what is your opinion upon her susceptibility, for instance to suggestibility, or to suggestion, rather?
A. Again, I might sound like I'm picking at trivial points, but I didn't say that she was a shallow character. I said that her emotionality was shallow, an inability to feel things deeply. Now the rest of your question. She is unusually susceptible to suggestion. Both my interview and my psychologist's testing, even more striking in his study possibly, was very powerful evidence, multiple evidences, of an extremely passive, compliant, dependent kind of personality structure and an enormous need to be pleasing to other persons; to be liked by them; to be considered amiable and, well, easy to get along with. They want to do things so that people will feel that they are - I use this word deliberately because it has an element of a small child talking, which she is emotionally - being a nice person.

Q. Would you say that this extreme suggestibility would reflect upon her ability to...her ability or her willingness to narrate past events?
A. Let me say it this way - that I have, in my work, dealt with many suggestible persons and it is striking to what degree their stories are related to the way in which they're questioned.

Q. In other words, would you say that if this person were skilfully questioned, you could get her to say almost anything?
A. I won't say that. I mean, that's kind of an exaggeration of what I said. I think it's exaggerated too much, but we're talking about the same area; you just went further than I did.

Q. In psychiatric terms, how would you describe the thinking disorder which Lieutenant Goodnough possesses?
A. May I ask what may sound like an irrelevant question? Is Lieutenant Goodnough going to ever be able to see the transcript of this trial, as a witness? This...I think everyone here knows that this situation is almost without precedent in the sense of a psychiatric evaluation of a witness, and I'm quite concerned about the welfare of this witness, who as far as I'm concerned is my patient and not a witness, and I'm a little worried about talking technically about - particularly a nurse who's going to - if she starts reading my own testimony...

LO: I don't know; I know of no reason or a basis of law that the witness would be permitted to read or examine the testimony that you've given here today, Doctor.

Witness: There is a kind of mental illness; I'm sure you all know the name; it's in every magazine including this month's "Harper." Everyone seems to be knowing a little about it; it's called schizophrenia. It's the most common mental disorder in the world. I think something like one-third of all

the hospital beds in the United States are filled by persons suffering from this illness; it's a severe illness. It's a severe illness "per se" - in itself, by itself by definition; however, within such a category obviously there are going to be individual cases that vary from the most mild to the most severe, and you can also break them down in terms of, kind of a chronological thing, that is, whether they have progressed a certain degree in time. The young lady we're discussing suffers from a relatively mild form of a schizophrenic reaction, probably quite chronic; perhaps she's probably been - slowly and quietly been - developing this for quite some time. By "quite some time" I mean years. At the present stage, it's still mild enough and lacking in what we would consider overt, out-in-the-open kind of symptoms, to the degree that we don't even call her...I would call her psychotic in a technical sense. What we use, and I did in my consultation, a limiting term - latent schizophrenic reaction; this, this, we're not really hedging, we mean what we say. By this we're saying essentially that all the elements of the disordered thinking and disturbed emotional reactions are there, but they're sort of under the surface; they're there if someone with the necessary experience knows how to talk to her, and the special technical tests, such as psychological tests which essentially are designed for getting beneath conscious thinking processes and finding what unconscious stuff is going on beneath. This kind of a thing has led us unequivocally to the diagnosis of a latent schizophrenic illness. Now when we say schizophrenia we're talking about a kind of a complex of difficulties; it's frequently called a thinking disorder because the most predominant part about it generally is eccentric or odd thinking, a tendency to see things, interpret things differently than most of us do. Beneath this thinking disorder, however, is probably the motive, force for this disturbing thing, that is a disturbed emotional pattern, an inability to really, figuratively reach out and touch other human beings in an emotional sense; a striking inability to feel what the other guy feels; what we mean by empathy, an inability <u>really</u> to understand how other people feel and think about other things. In this sense, they are kind of isolated; find them so often being drifters, people who live alone, who want to live alone, who pick up odd jobs and wander from town to town; the classic mild schizophrenic may be a hobo type. I'm not saying this in the derogatory sense of his economic position, but I'm talking about his lack of personal emotional connections with anyone else; when he does establish a connection emotionally, it's a pretty shallow one and that's why I used this word a while ago. This young lady to anyone who - doesn't have to be a psychiatrist - anyone who talks to this young lady would be struck by, what I would call, an inappropriately serene quality to her - as though she's floating. She doesn't go up and down in an emotional sense; most of us have a labile, moving emotionality that reacts to the situation at the moment; hers does not. She's incapable of this kind of normal emotional metabolism. Now, my trouble here is that I can keep going on, but I get a little more obscure.

Q. I've just got one or two more short questions. When you first interviewed this woman, did her initial demeanor and manner of speaking, together with the things she said indicate to you any such deep-rooted mental disorder as your tests, I'll say, later indicate?

A. Well, I don't mean to sound impulsive, as though I make snap judgments, but I couldn't escape certain, you might say...well, like all of us do in any kind of a scientific endeavor, he throws up a tentative hypothesis as he goes along testing. I was quite struck by this young woman when I first met her because, as a commissioned officer in the Nursing Corps, I felt that she was, what shall we say...using grossly poor and even strange judgment in walking into my office looking as though she hadn't groomed her hair in a week, her blouse was pulled completely out of her skirt; she actually looked

disreputable. When I went out - left my office - to meet her in my waiting room, which is a large waiting room and I have about four doctors in my clinic and it's a pretty active clinic, and found her in this group waiting room sort of necking with her husband, I was already impressed - before I'd even begun talking with her - that this young woman was rather strange. She was not adhereing to what we consider the normal pattern of social standards - as though she actually wasn't aware of them. This notion, of course, became quite well confirmed as we went along and it became clear that she was more than just eccentric.

Q. Can you...I've just one last question, Doctor, if she were to tell you a story which involved her sexual relations, would you be inclined to accept that story literally?
A. Hm-m...I'm afraid a psychiatrist, rather early in his experience, learns not to do that with hardly anybody. No, I would...I would have to temper my acceptance of any sexual story by this young woman.

Q. You would be reluctant to accept it?
A. I said, but I guess I didn't make it very clear...(hesitates) I wish I could find the exact words I want here because it's obvious that it's not either black or white here. It's a question of saying that with this young woman, particularly in the sphere of her sexual activities, I cannot assume that she's telling me what actually happened; on the other hand, I, as a psychiatrist, am not about to tell anyone that I know when she's telling me the truth or a falsehood. I haven't at any time, and I'm not going to in the future, get involved in weighing evidence - as you all know. So about all I can say is that I think anything she says in this area must be open to a great deal of skepticism; though I am not prepared to say that she is stating a falsehood at any given time.

DC: I have nothing further.

LO: I know the prosecution intends to examine at this time, but it has been quite long for the reporter to take down this; I think it would be wise to give her a short rest, about ten minutes, is that satisfactory?

Pres: Ten minute recess?

LO: Right.

Pres: Court will recess for ten minutes.

The court recessed at 1011 hours, 13 August 1957.

The court reconvened at 1024 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect that all parties present when the court adjourned are again present.

CROSS-EXAMINATION

Questions by the prosecution (TC):
Q. Now, Doctor, did you have sufficient time to perform your examination?
A. I did.

Q. Did you determine that your examination of Lieutenant Goodnough was adequate?
A. Adequate for what purpose? Purpose of the court?

Q. For your own purpose, to come to your own conclusions.
A. It was adequate for the purpose, as long as we know what the purpose was, so may I digress just an instant? This question always arises in this kind of a situation and I want to be very specific about this. In a typical or, let's say, a hypothetical case, it may take a qualified psychiatrist only a few minutes to know what is going on, to know what is wrong with a person whom he's evaluating. It may take him weeks to find out where this difficulty came from, where it possibly may be going, and in what way he can best treat the problem. My purpose in this evaluation was not the latter; if she were to be sent as a patient under different circumstances, then in terms of long range planning and helping her, certainly we would be doing more evaluating; but for the purpose for which she was sent to me, I did have sufficient time to learn what her difficulty was, what the nature of her illness was. .

Q. Now, Doctor, you will admit that this is very new to you to examine a witness for a court-martial, is that correct?
A. It is not.

Q. Now when you examine an accused you usually know of what has taken place before the offense, during the offense, and after the offense; is that right? You're supposed to get that information, is that correct?
A. Would you repeat that, please?

Q. When you examine an accused, in a psychiatric examination, you are required to have what took place prior to the offense, during the offense, and after the offense, as a general rule; is that correct?
A. All right.

Q. Now, when you examined Lieutenant Goodnough, you only had three statements in front of you; is that correct? Three statements concerning the offenses of which the accused is charged now; is that correct?
A. That's correct.

Q. Now, will you concede this to be a true statement - that a complete and impartial psychiatric examination cannot be made of an individual until a psychiatrist has all the available facts. In other words, you must have the whole story; would you concede that to be true?
A. No, I will not.

Q. You don't think you have to have the whole story in order to make a psychiatric evaluation?
A. A psychiatric evaluation of what - the person or the event?

Q. A knowledge of the affair or the investigation.
A. I'm not evaluating the affair; I'm evaluating a person and I didn't even need those three statements as far as evaluating whether or not and in what way this young woman was sick.

Q. Did you have a copy of the Article 32 Investigation at the time of your evaluation? The complete investigation?
A. No.

Q. Did you have a copy of the charge sheet upon which this accused is being charged?
A. No.

Q. What offenses did you know he was being charged with?
A. Well, I knew that; but what I'm saying is that I didn't need to.

Q. You didn't need to. Now, the base surgeon of Walker Air Force Base was at Sheppard Air Force Base at the time that you conducted your examination; did you contact the base surgeon concerning Lieutenant Goodnough under whom Lieutenant Goodnough was...
A. Would you say that again now?

Q. The base surgeon of Walker was...
A. Was?

Q. ...was at Sheppard Air Force Base at the time you conducted your examination of Lieutenant Goodnough. Did you contact the base surgeon, Colonel Ferrell, concerning Lieutenant Goodnough?
A. Oh! No, I did not. I did not know he was there, as a matter of fact.

Q. Did you know the condition of Lieutenant Goodnough, or any other alleged individual was in, at the time of the alleged offenses; whether drunk or so forth or so on; did you know anything about the condition of Lieutenant Goodnough at the time of the alleged offenses?
A. I knew what she told me about them.

Q. Now Lieutenant Goodnough's husband was with her, is that correct?
A. He was.

Q. Did you talk to Lieutenant Goodnough's husband about her problems or her sexual life or anything?
A. I did not.

Q. And yet, you tell this court today that in the sex area that that is one of the important things that she would have some conflict with; is that correct?
A. Correct.

Q. Now don't you think it's important to talk to a woman's husband concerning her sexual role?
A. I shall, if and when I have her as a patient.

Q. Do you know if...whether Lieutenant Goodnough has a child?
A. She told me that she did.

Q. Did you make inquiries concerning her illegitimate child?
A. Inquiries...(frowns) of whom?

Q. Of Lieutenant Goodnough.
A. No, she brought it up herself.

Q. Don't you think it was important for you to check into the background of that, to determine what - as a sexual part of her life - was affected as a result of this?
A. From other kinds of...from other parts of my evaluation of the young woman, it was my impression that the illegitimate child was a result, not a cause, of her difficulty.

Q. But it could've caused her alleged sexual condition that you're talking about, right?
A. It's possible.

Q. Now I will give you a hypothetical question, now, Doctor. A hypothetical question that the prosecution intends to prove, by facts, through Lieutenant Goodnough, and with the permission of the law officer, we are in a position where we can prove these facts and we need to present them as part of a hypothetical question. Now, Doctor, if I stated to you that during the week that you had examined Lieutenant Goodnough, that she was in a hospital - a civilian hospital - Monday and Tuesday with alleged abdominal pains and that when they ...Wednesday and Tuesday, the same week...Lieutenant Goodnough was under sedation and was in sleep most of the period of time and that during these two, three days, Monday, Tuesday and Wednesday, that Lieutenant Goodnough had very little to eat and that on Thursday morning the chief nurse...or rather I'll say they sent an ambulance down town to pick her up in the city of Roswell, and this ambulance brought back Lieutenant Goodnough. The chief nurse was yelling at Lieutenant Goodnough and told her to put on any type of uniform; she was rushed again by an ambulance to an airplane and pushed on to that airplane and told to go on this airplane and, as a sick woman, she had a parachute on her back and she arrived at Sheppard Air Force Base and within a half-hour after arriving she went into your office for an interview. Now do you think a woman like that, in that condition who was sick, could properly answer your questions at your interview?
A. I don't know that she was sick...

DC: I object to the question as stated. I don't think it is within the power of the trial counsel to prove the facts stated in that question.

TC: We will prove it through our witness that these facts are true; and the law is that based upon a hypothetical question, as long as you are prepared to prove during the trial a fact like that, it is permitted and if I cannot prove it, I request that my question be withdrawn.

LO: Obviously the trial counsel must be prepared to prove this background material; if...and if the defense so requires, we can stop the proceedings at this time and have this proof.

DC: That is my desire, sir.

LO: (To TC) Are these witnesses here?

TC: I have only my witness, Lieutenant Goodnough, to prove these facts.

LO: Well, in that First Lieutenant Goodnough is not before the court and her competency as a witness before this court is now being determined, are there any other witnesses that could be made available to prove these facts?

TC: I can...we can...we are prepared to call other witnesses if it has to be delayed.

LO: Is that the desire of the defense counsel?

DC: If it please the law officer, the defense requests a short recess at this time, say for a period of five minutes.

LO: You had better make it ten minutes because the trial counsel may want to check into the availability of other witnesses. Recess will be declared, for the purpose of the counsel making certain determinations, for a period of ten minutes.

The court recessed at 1034 hours, 13 August 1957.

The court reconvened at 1044 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties to the trial present when the court recessed are once again present.

TC: Doctor, let me remind you that you are still under oath.

TC: Trial counsel will withdraw his question.

LO: I wish to instruct the court at this time that the court will not make or draw any inferences from the factual material which was presented by the trial counsel as part of his hypothetical question. The question was not answered and has been withdrawn by the trial counsel, therefore the objection of the defense counsel is removed at this time. I wish to impress upon the witness and the members of the court that we are in no hurry, gentlemen, to make any hasty conclusions or any statement. If any members of the counsel for either side desire any witnesses to be presented before this court or if the court desires any such witnesses at any time, we will adjourn this court and secure those witnesses and bring them before the court.

Pres: May I state the same thing - which I brought up with the law officer during the recess? We're not in any hurry, let's take our time.

Cross-examination of the witness, Doctor Rosewall, continued by the trial counsel as follows:

Q. Now, Doctor, when you talked to Lieutenant Goodnough did you ask her if she had eaten dinner after coming from a plane flight?
A. I did not.

Q. Do you know if Lieutenant Goodnough smokes?
A. I don't believe she did during my interview, but I won't...(witness shakes head in the negative).

Q. Do you usually ask your patients if they smoke? You know, to more or less put them at ease?
A. The fact may strike you as odd, but a psychiatrist does not deliberately put a patient at ease.

Q. Now you say you saw Lieutenant Goodnough in a very disheveled uniform and her hair was disheveled. Look, did you ask her any reason why she was in this uniform when she's a First Lieutenant in the United States Air Force and a nurse - and she had no insignia and bars?
A. I did not.

Q. Can you recall what type of uniform she had on when she came to see you?
A. Blue.

Q. Blue?
A. (No response; witness nods head in the affirmative.)

Q. Can you recall saying to Lieutenant Goodnough when she first came in to you, and I quote, "Can you tell me what the hell this is all about?" Do you recall saying that to Lieutenant Goodnough when she first came in?

A. I asked her...I asked her what it was all about, but I'm not sure I... said that.

Q. Did you tell Lieutenant Goodnough that you were a psychiatrist when you first started talking to her?
A. Yeah, I made it clear to her that it was a psychiatric evaluation.

Q. You know if she was a...scared of you while she was being examined by you?
A. (Witness hesitates)...One of the more striking features of this young woman's demeanor during the interview was a rather, what I consider inappropriate, ah...lack of apprehension.

Q. Now, Doctor, isn't it true that during...first of all, how long did you interview her on the Friday, when you first, or when she came in to you Thursday; approximately how long?
A. About an hour and a half.

Q. About an hour and a half; and during most of this time you discussed the alleged offenses of which the accused is charged with now, is that correct?
A. Well, as you said a moment ago, I asked her what this was all about; I wanted...I knew what it was all about - that's not the point; I wanted her to tell me what she thought things were all about, and she told me.

Q. Was this just to satisfy your curiosity since it involved a sex case or were you going into it for the purpose of the psychiatric examination?
A. (Witness chuckles) I'm afraid that I was only interested in knowing how she felt and how she was able to tell me about her recent past - part of which concerned this alleged incident, or series of incidents.

Q. Now you stated, Doctor, that she's very suggestible; if someone talked to her...and a highly skilled person questioned her. Now supposing an individual questioned her and she didn't put her...give her answers orally, but put her answers in writing; would you say she was as suggestible because she gave her answers in writing rather than orally?
A. Well, I don't know the circumstances under which she wrote something.

Q. Well, what I'm trying to find out - you state that she's highly suggestible to skilled examining?
A. Uh-huh.

Q. Now if someone said, "Write down the facts of what you seen outside," and she wrote those down, would you say she'd be highly suggestible?
A. (No response; witness hesitates.)

Q. Now this is a hypothetical question.
A. Perhaps...certainly not as suggestible.

Q. Now, getting back to another point; you stated that you felt she had a hysterical personality, is that correct?
A. No, that's a clinical diagnosis and it's not hers. I said, I meant to say at any rate, that in her personality structure are very marked hysterical tendencies - by which we mean she uses hysterical mechanisms.

Q. Now isn't it true that for hysteria there is usually an antecedent psychiatric history - if you see what I'm driving at - in other words, it don't come at one time; there's a long history of hysteria over a period of years, is that correct?
A. Not necessarily, no.

Q. Now did you have any medical records of Lieutenant Goodnough's besides her military medical records?
A. No, I did not.

Q. Now all you had were her in-patient records?
A. (No response; witness nods head in the affirmative.)

Q. Did you have her out-patient records?
A. Yeah, I had her out-patient folder.

Q. Now isn't it true, Doctor, when you examine a person you want to know about their background? Did you ask Lieutenant Goodnough about her parents and early life?
A. Not much.

Q. But that is very important to a psychiatrist isn't it?
A. In a total evaluation.

Q. Did you ask her about how she got along with her father and mother and brothers and sisters and so forth?
A. We didn't discuss it...

Q. Did you ask her if there was any conflict in her youth or anything that may have caused this alleged condition that you're talking about?
A. There was a little said...discussion in that area.

Q. Did you ask her if her father or mother or any of her brothers were ever in a mental institution or received psychiatric treatment?
A. No, I don't believe I did.

Q. Did you ascertain whether Lieutenant Goodnough had ever been in a mental institution or had ever received psychiatric treatment before?
A. No, she did not.

Q. Did you ascertain whether Lieutenant Goodnough had ever suffered from amnesia or lapse of memory?
A. Prior to what?

Q. Prior to these alleged offenses?
A. Now you say, "Did I ascertain..."

Q. Did you ask her?
A. Yeah, I asked her and got a negative answer to almost all of these questions, but I didn't ascertain other than questioning her.

Q. Doctor, in your review of her records, is there any evidence that prior to December 1956 that Lieutenant Goodnough was ever in a hospital for any type of mental or psychiatric treatment - December of 1956 I'm talkin' about, any evidence prior to that date that she was ever in a mental hospital or had a mental condition, from her records - that you could determine?
A. There was no specific reference (witness shakes head in the negative).

Q. Did you question Lieutenant Goodnough concerning any prior sexual experiences she may have had prior to December 1955?
A. Some.

Q. Did you ask her about her sexual relations with her husband in reaching your conclusion on this subject?
A. Yes.

Q. Doctor, I just want to ask you a question; don't you think that many women would be shocked if they went through an alleged unnatural sex experience?
A. Shocked...in what respect?

Q. Would it affect their emotional condition?
A. Well, I've got to get a more specific question because I don't know what they're shocked about. You see, a woman can undergo a thing like that and be primarily shocked to find that she submitted to a thing like that; she can also be shocked because she was forcibly coerced into something; but you're talking about a very intangible thing.

Q. Well, I'll ask it in a different way, Doctor; isn't it very probable that if a woman went through a natural, unnatural sex act that it would be very probable that an extreme emotional condition could be brought on by these acts alone?
A. It's too complex a question to answer with a "yes, it's probable" sort of thing, because you're dealing with a little more than that. If somebody did indulge repetitively in a certain kind of activity, the question arises - why they get themselves in the position repetitively.

Q. I'll try to bring it out through another illustration...
A. You may have to...when you ask me...what they're shocked about...

Q. Let's assume the table in front of me (TC gestures to TC table in front of him) is a tub of water. As you know a tub of water is constituted by hydrogen and oxygen; now, in this tub of water we place (TC gestures with hands together as though to place something in) a chemical dye and that colors up the water, see? Now to draw an analogy to my case; there's no medical history or anything concerning Lieutenant Goodnough that you know of to affect her prior to these alleged offenses. Now, <u>is</u> it possible, or probable, that these alleged offenses are the chemical dye that colored up (TC makes circular motions with hand over TC table as though to mix) the water and caused her to have this condition? In other words, what I'm trying to bring out...
A. Did you say probable?

Q. Probable.
A. Couldn't say it's probable; it may be possible.

Q. It could happen, Major, couldn't it - as a result of this...from these alleged offenses?
A. Well, it can; I'm only saying you're talking about a lot of factors - how many times the person is going to be led into the tub of water, the dye, is one factor...

Q. All that shows, Doctor, is that you didn't have all the available information to know what offenses the accused was allegedly charged with and what she had allegedly done, is that true...to make your evaluation?
A. I had three lengthy statements, three independent lengthy statements by the young woman and then got her own story verbally. Now I don't know what you mean by not having the necessary information.

Q. Doctor, you stated earlier that you didn't need those statements to make your determination, is that correct?

A. (Witness nods head in the affirmative.) But you see where our, one of our areas of difficulty is "determination of what." You see I'm not...maybe I sound like I'm not being, so to speak, geared to the process here; but I am not, I cannot be, primarily concerned with an investigation of what happened. This is for the court and I shouldn't even be involved. What I'm concerned with is learning what sort of person I'm dealing with. I did not need, I repeat, I did not need all of that evidence in order to evaluate what kind of a young woman I was seeing.

Q. You would be familiar with Freud's theory on psychiatry, I'm sure, and I don't intend to argue with you on that; but, according to Freud, there is in the mind - see if I'm correct and you correct me - the conscious or subconscious yen...
A. Well, how important is that because I don't want to get involved...

Q. Okay, we'll withdraw the question. I'd like to ask you this question again. Assuming a woman has natural, or unnatural, intercourse and has remorse over her conduct, over the alleged acts that took place, is it not very probable that this might bring on an emotional condition?
A. It is possible.

Q. Now your examination disclosed that there was no overt pathology of thought, is that correct?
A. Which unequivocally could be called delusional.

Q. Now it appears to me that if you say that she had no delusional thoughts yet you say she did have fantasy...
A. Well, now whoa...hold; I was talking about the interview situation. I meant at that time she was not offering me, and when I say "overt" I'm referring to - that's a word we've kind of made a special meaning for, I guess - just out and out clear delusional thinking like anyone would recognize, the belief that there was a Communist spy ring in operation in her home and they were all watching her - that kind of thing is what I mean by overt delusions - gross delusions.

Q. Oh, I see, and you also say she is not a paranoia, is that correct?
A. She hasn't paranoidism; again she was not...

Q. Which means?
A. No pathological suspicions...

Q. No pathological suspicions or grandiosity?
A. Yes, in the interview situation.

Q. Now, Doctor, if I gave you five statements to read concerning...I withdraw my question. Is the mere fact that someone has made inconsistent statements, does that mean that the individual has indulged in fantasy?
A. It could mean a number of things; you've got to talk about the person that's doing it; it could be somebody lying, of course.

Q. But it doesn't mean that the individual can't tell the truth, is that correct, and be a competent witness?
A. Now wait a minute now...

Q. Well, I'll withdraw my point and rephrase my question. You have stated that Lieutenant Goodnough would only be a competent witness on neutral objective evidence. Now I'm going to submit a hypothetical question to you. An

unmarried woman, A, goes allegedly with a married man in the...in an automobile to St Louis, Missouri. A and B, the married man and the unmarried man, then allegedly have sexual intercourse - allegedly. My question is this. At what point will you say that there is neutral objective evidence? Can the girl testify, allegedly testify, up to the bedroom or where does the neutral objective evidence come in? How far can she be neutral?
A. Until she gets emotionally involved.

Q. Suppose they were kissing on the way, that would be emotionally involved?
A. That's a good beginning.

Q. Well at what point can you say that neutral objective evidence becomes involved...did it stop in the car, on the way, at the bedroom door...
A. Perhaps her objectivity started to fail there, I don't know.

Q. Well, see what I'm trying to get at, I'm trying to show where this neutral objective evidence takes place. You will concede, Doctor, will you not, that as a general proposition and in your opinion that Lieutenant Goodnough is competent in a general area, is that correct - as a witness?
A. I'm not saying that she is concretely; I'm saying that her illness is not severe enough that we would, for example from a point of view in a formal sanity hearing, be prepared to say that she was not.

Q. Now I'd like to ask you just another question, now. Is her condition such that a court could not believe her alleged story?
A. Say that again now.

Q. Is her condition such that a court could not possibly believe her story?
A. (Witness hesitates) Well, I'm not trying to be frivolous when I say which one. You see, she didn't give me a reliable or consistent story and I...just don't know.

Q. You don't know, so you can't say whether she's competent or incompetent, is that correct, Doctor?
A. I'm saying I don't know what story she's going to give the court.

Q. As a doctor, do you believe that sodomy between a woman and a doc...man and a woman is a criminal offense?
A. Most states, most probably most of you know, are trying to alter these radically; as a psychiatrist I certainly could not say that this is a crime, but as a psychiatrist I'm in no position to say what a crime is.

Q. You will admit that she is not psychotic, right? She's not insane?
A. She's not insane - that's a legal word, I'll go with that.

Q. And that she was not insane at the time of the alleged offenses, is that correct, Doctor?
A. That's correct, as far as I know.

Q. Could she be a competent witness concerning subjective evidence which her emotions are not involved in and it does not involve sexual matters?
A. Subjective meaning personal experiences?

Q. Personal experiences; let's say not emotionally charged.
A. Well, I would not be as skeptical of it by a long shot as I am of the other.

Q. But you don't know where this neutral objective evidence begins and where it ends, is that correct? You can't give any statement of where it begins and ends?

A. To know what is emotionally disturbing to her in a specific instance, you would almost have to question her specifically on each individual instance.

Q. Your conclusions today, Doctor, are based on a few standard tests; now these tests are strictly intelligence tests, is that correct?
A. No.

Q. What are they?
A. The only test in the whole battery of about six or seven of them that would be called an intelligence test was Rorschach's adult intelligence scale.

Q. Even a lunatic can testify, is that correct - if he understands what the situation is about?
A. You tell me - that's not a psychiatric question.

Q. Now, Doctor, isn't this very common in your practice, aren't there many women who are confused as to their sexual role - women that are considered average women?
A. That's a pretty relative word "confused" - we can stretch it out with all degrees of intensity. I'll say yes, lots of women are confused; lots of men are confused in their sexual roles; but we're talking about a degree of confusion.

Q. Assuming that Lieutenant Goodnough has confusion about her sexual role, what would prevent her from testifying as to certain alleged sexual offenses? Testifying truthfully.
A. What would prevent her? Well, I don't want to be repetitious; in a general sense, her emotional and thinking disorder as I've described.

Q. Which in your terms is not insanity, correct?
A. Not legal insanity.

Q. Nor is it a psychosis.
A. Well this again deals with the way psychiatrists use the word and I think it bears a statement that the word, the diagnostic, if you will, label, schizophrenia, is a psychotic classification - but we tend to...say if a person has a mild degree of it well you'll hear a psychiatrist say, "He's not overtly psychiotic." By this we mean that - and again we use our own kind of double talk - you often hear us refer to an ambulatory kind of mental illness, that is, they are not so sick that they cannot handle their little every day affairs; but on the other hand they still are suffering from an illness that falls within this descriptive category which generally is a psychosis.

Q. Doctor, don't the victim of a rape act get emotionally upset and does it not have a lasting effect on the individual's mind, and yet that individual can testify even though she's been involved sexually, is that correct?
A. Uh-huh (witness nods head in the affirmative)...I don't know now...what am I saying "yes" to? The first or the last part?

Q. To the one that I just asked you.
A. Well, you asked me two.

Q. Okay, I'll ask you the question again.
A. In a way you said, "Would she get very upset?" and would she be able to testify.

Q. Yeah.
A. She would get upset but not necessarily in the way that we're talking about that this young woman is upset and she might be able to testify.

Q. Now, Doctor, on these tests, you personally didn't give the tests but your staff gave them, is that correct?
A. That's right.

Q. And you just obtained the results of the tests and looked it over, is that correct?
A. Well, it's more than that. I spent a couple of hours going over the results with them.

Q. Now on Thursday and Friday and the time you interviewed Lieutenant Goodnough, what was the approximate total time that you interviewed her?
A. Well, as I say, I think about an hour and a half when I saw her the first time and my neurologist and psychologist saw her; I imagine the neurologist spent an hour and the psychologist probably about three to four hours...three and a half, maybe. Then I saw her for a relatively short period; I imagine about 30 minutes.

Q. So altogether you only talked to her approximately, at the most, two hours, is that correct?
A. That's correct.

Q. And she was on out-patient status is that correct?
A. That's correct.

Q. You thought her condition was so bad when she went in your office, her dress and her hair, yet on Friday you dismissed her as an out-patient, is that correct?
A. Well, I don't admit people to the hospital because they aren't dressed correctly. I didn't mean to sound short, but this is a different kind of criteria we're talking about. I brought it up as a...one of several evidences of a kind of inability to recognize a social situation...not illness.

Q. Isn't it true that your conclusions came from tests given by others and three written statements you had in your possession, rather than by your own personal observation, except for these two hours?
A. No. (Witness shakes head in the negative.) No, perhaps I should clarify the role of a clinical psychologist. He is essentially what you might call an expert's expert. Psychologists, clinical psychologists such as the one I have with a PHD Degree with a great deal of experience, is a very highly skilled, highly trained professional man whose sole function is to carry out his work in response to requests from another special specialist, that is, a psychiatrist. This is such a strongly felt...ah...evaluation in the psychiatric profession that I don't even let other doctors request psychological testing by my psychologist. In other words, it takes a lot of extra training to even interpret and make use of and evaluate a clinical psychologists' findings. I'll go a step further, a clinical psychologist - even a good one and experienced one like mine, the man in discussion here - is not able to make the diagnosis; this is the psychiatrist's job; he is my specialist; he did not do my work; he did something for me; he sat down and told me about the whole situation; I made the final decision. The two...the three and a half hours he spent with the patient and the two hours I spent with my psychologist were five and a half very important hours in evaluating that patient, and they should not be pushed aside and look at this two hours I spent with her as an isolated thing...it all integrates.

Q. Did you give her any tests on memory?
A. Yeah, there were memory sub-tests in the Rorschach intelligence scale.

Q. Were there anything apparently wrong with her brain from your examination?
A. There was not.

Q. Was there anything neurologically wrong with her system?
A. There was not, no.

Q. So physically she's in good condition and she's not insane, is that correct - at the time of the alleged offenses and now?
A. (Witness smiles) That's correct...or I should say neurologically.

Q. Was there any damage organically to the memory centers of her brain that you could ascertain?
A. No, there was no evidence.

Q. No evidence; no damage to the nerve centers of the brain, is that correct?
A. No evidence. I might mention that this area - to strengthen that statement - because previous consultations had brought up the question of neurological disease, I felt it imperative to do a neurological examination because it was...because the additional question had been raised concerning her intelligence level and the various neurological things in a sense of brain, rather than peripheral nerves and so forth. Not only was a neurological involved in ruling this out, but we also included in the psychological tests, ah...one and part of another psychological test that is designed rather specifically for eliciting what we know to be the early, mild, subtle symptoms of organic brain damage. These were not found.

Q. Did you take any notes during this examination of her?
A. No, I did not.

Q. And you state you did not check on her prior schooling, jobs, civilian background, or any of her background history, is that correct?
A. We talked a little about it, but I didn't go in for a detailed--what we call a social dissertation.

Q. Do I conclude from your examination that you are not saying that she is a person that cannot be believed when she testifies as to the alleged offenses... during the period of the alleged offenses? I'll say it again, that she is not a person that cannot be believed?
A. Let me make a complete statement so I'm sure I'm not tripped by those double negatives. My evaluation...the result of my evaluation has been that some emotionally charged areas may be open to doubt, but I did <u>not</u> find sufficient evidence of a sufficiently severe mental disorder, to say unequivocally that you can't count on anything she says; I have not made that statement at any time - that we cannot believe her just across the board (witness makes forward, horizontal motion with hand).

Q. In other words, she can tell the truth?
A. I guess she can; it's just that I didn't know when she was.

Q. Does Lieutenant Goodnough have the mental capacity at the time of this trial, if she came and testified, to understand the nature of the proceedings that will take place in this court?

A. She can understand them; intellectually, she can.

Q. Can she intelligently conduct herself and cooperate as a witness today on the stand?
A. Well, I think this ability may...may very possible be impaired by what I've described before.

Q. I see; Doctor, do you know a Colonel Hornisher?
A. I've never met him, no.

Q. Have you heard of him?
A. Yeah, he's a high-ranking Army Medical Officer.

Q. Is he considered an expert in psychology in your opinion?
A. I've never had any dealing with him; I know he, as I say, is a high-ranking neuro-psychiatrist in the Army Medical Crops.

Q. But if you saw a diagnosis that he made you would consider it as highly expert, is that correct?
A. A diagnosis that he made?

Q. Concerning a patient.
A. Well as much as any other record.

Q. And he is considered a competent psychiatrist?
A. I believe so.

Q. Now do you recall a diagnosis that he made of Lieutenant Goodnough and he stated that his diagnosis was immaturity with...

Asst DC: I'm going to object to this line of questioning; I think it's...the trial counsel is attempting to introduce heresay into the record.

LO: We have permitted much heresay testimony regarding the statements made by Lieutenant Goodnough to the Doctor during these interviews; obviously those statements only go to the competency of this witness and not as to the guilt or innocence of the accused as to the alleged offenses. I'm going to have to sustain the objection of the defense counsel as to this introduction of the statement of Doctor "Hartisher", I believe it was.

TC: I would submit in argument that to determine whether the witness is competent that the entire picture is probably necessary, but we withdraw...

LO: I do wish to remind the court again that the determination as to whether this witness will be competent to testify before this court is the determination of the law officer and the court has heard this testimony only because certain portions of the testimony of this doctor will go towards the weight and credibility of the testimony given by Charleen Goodnough when she comes to the stand if she is sworn as a witness. We have permitted the court to hear that testimony so they can evaluate the credibility of the testimony that she would give and also the weight to be accorded to her testimony, but the court has no decision to make as to whether or not she is competent to testify.

TC: Thank you, Doctor, I have no further questions.

Pres: This is not for the record; off the record...

LO: No, sir, everything is on the record.

Pres: Is it technically true or untrue that you...when you ruled on this last objection, is it subject to the concurrence or non-concurrence of the court?

LO: No, it is not, sir.

Pres: Thank you.

LO: No rulings of law at any time are subject to the concurrence of the court; there are very limited things that the court has...

Pres: I understand that; I was questioning in connection with the objection by the defense counsel to the question of the trial counsel and I was questioning as to whether it was a legal matter or some other matter.

LO: All these matters are legal matters.

Pres: Thank you.

REDIRECT EXAMINATION

Questions by the defense (DC):
Q. Defense counsel has gone into considerable detail as to just what you considered in making your evaluation of this girl; do you feel that it is necessary to complete a background check on her, including her school life, her family life, and everything else in making a determination of what is wrong with her rather than what you should do to treat that condition?
A. No, it's not necessary, it...

Q. But you'd consider that information necessary were you to accept her on an in-patient basis for treatment purposes?
A. Yes.

Q. But not for evaluation purposes as to what is wrong with her?
A. That is correct.

Q. I believe you testified that the illness which she has is generally an illness which progresses over a period of years, is that correct?
A. (Witness nods head in the affirmative.) Generally.

Q. Would you say in this particular case that illness had progressed in that manner or that it had suddenly occurred about a year or year and a half ago?
A. The results of our evaluation indicate pretty strongly that this was a chronic, mild, and probably quite slowly progressive kind of a disorder. I won't go into the technical aspects, but it's a different kind of a picture entirely...something that is exploded acutely, so to speak, under a specific stress.

Q. Now with regards to the particular types of tests which were given to her; would you describe those for the court?

jur LK. TC: I'm going to object to those tests unless the Doctor personally administered the tests; since the defense objected to my...

DC: The def...the trial counsel in this case, on cross-examination, brought out...

TC: I brought out no tests...

DC: ...as to what tests were given her and I feel that this is within the proper scope of direct examination as being rebuttal material to the cross-examination.

LO: Do you intend to go into exactly what these tests contained or are you trying to get a generalization?

DC: No, sir, my purpose in asking the question is for the court to obtain information as to what tests were given and what their purpose was; not what the individual results were in each test.

TC: All right, your purpose then is just to show that she was given a given test and what the purpose is - I have no objection to that.

LO: The objection has been withdrawn by the trial counsel.

Redirect examination continued as follows:

Q. Would you please explain those to the court, Doctor?
A. As I told the other counsel, only one of the tests were what we call intelligence test - that is measuring intellectual capacity as apposed to qualities of thinking, qualities of feeling, interpretation of the world about them; the remainder of the tests were in - you could almost list them in a kind of order as progression, what we call projective tests - mainly tests which are designed deliberately in a non-specific way so that they have nothing to do with ah...identifiable things in the world, that give free rein to very much a personal internal, largely unconscious, thought content of the individual. For example to begin with this would be a very simple kind of a test which we administer that...a sentence completion where a partial sentence is given and then a blank, with the instructions to finish it, without mulling it over just go on and finish the sentence which has a curious ability to elicit the frame of reference a person has. Just such a word... such a phrase as "mother is blank" has a remarkable capacity to show us much about their attitudes about a whole area of their life. Going further into those would be - and the same kind of a thing - a word association, an association to a word given; again, a stimulous of their own personal kind of response. Further along the line is a...for example, asking the patient to sit down and write a little story about what kind of a person they are. Another test is... amounts to asking the patient to simply draw a figure of a human being. Though may it stretch your gaggery, whole books have been written about the interpretation of such little sketches. In her case it was...

DC: Ah...Doctor, you're reminded - not the results of the tests.

Witness: The last test which covers the most and by all odds the most important is one which you all hear about, the Rorschach Test - frequently called ink blot test, which is a very elaborate and extremely well documented, closely studied, analyzed series of cards which...to which the patient responds with his or her reactions to what he sees. I believe...(hesitates)...that I've named all of the tests that we give them.

Q. So altogether, Doctor, you would say she had about six tests?

A. One other, just for completeness; we gave her a test which is called the Bender-Gestalt Test which is an important test for testing organic brain damage.

Q. She underwent a total of about six psychological tests?
A. Um-m...I think about six.

Q. In addition to your interview with her and your discussion of the results of those tests with the psychologist?
A. Right (nods head in the affirmative).

Q. So on the whole picture, she underwent a rather thorough examination, did she not...
A. Yes.

Q. ...in your opinion.
A. Yes, it was pretty thorough.

Q. And so as far as you're concerned, if she were to be sent there today for another month you would not learn any more about the nature of her illness although you might learn something about the method in which you would treat the matter?
A. Well, I'm sure I'd learn more about the nature of it but I don't need any more of the nature of it for the purposes here.

Q. Doctor, would the ordinary person in observing Lieutenant Goodnough on the stand be able to observe any particular demeanor of hers which would lead him to believe that something was wrong with her?
A. I believe that she...(hesitates)...I'm trying to think of myself as not a psychiatrist, for the moment; I think I would feel that she was kind of a strange little girl; she's not a highly emotional sort of person in the sense that she has ups and downs...

Q. That is if there was anything strange it would be her utter calmness or placidity?
A. (Nods head in the affirmative) That's correct.

Q. Do you think that would be the same if she were to take the stand in this trial, with the number of people who are present?
A. My impression when I evaluated her...from my impression I couldn't predict anything with certainty, but I believe she would probably give the outward appearance of not being too concerned about the whole thing. I could be very wrong because it's hard to determine in advance what particular part of the situation might be disturbing to her...a person.

Q. But ordinarily under a situation which is charged with emotion she would not show any particular emotion?
A. This is what holds her together; this is why she isn't a very sick girl - the fact that she has developed this desparate defense, a capacity to turn away from things without getting emotionally involved; if she ever lets herself get involved she will be, by doing that, showing signs of getting sicker. This is what's holding this kind of a person together essentially - is not participating in emotional...in her relation.

Q. I take it from your testimony also that it would be almost impossible to separate what actually occurred from what her imagination may have led her to believe had occurred.
A. Well, all I can say is that I had a terrible time, and I don't know yet and I have no way of knowing.

Q. Any ordinary person you would take them for what they say, unless you had good concrete evidence to the contrary?
A. Yeah.

Q. I mean in an ordinary situation, if someone tells you something you believe them?
A. Yes.

Q. Where with this girl you wouldn't; ordinarily you would be very skeptical of anything she said - especially about her emotional situations?
A. (Nods head in the affirmative) That's correct.

DC: The defense has no further questions.

RECROSS-EXAMINATION

Questions by the prosecution (TC):
Q. Just three short questions "Doc"; don't psychiatrists differ completely in theories and definitions in psychiatry?
A. In what...

Q. What one may call a character and behavior disorder another calls a psychosis, is that correct, in analyzing a patient?
A. I don't think the difference is as great as it may appear to you; we argue a lot among ourselves but we ultimately resolve the situation.

Q. Have you ever heard Lieutenant Goodnough under oath?
A. No.

Q. How do you know how she would testify today?
A. I don't - I said that.

Q. So that you could be terribly wrong as to what your opinion is of her, is that correct?
A. In what my opinion of her is or what my opinion of what she's going to say?

Q. Well aren't you basing your opinion primarily on three statements which you read and the tests and your interview? I'll withdraw that.

TC: No further questions.

DC: I have no further questions.

EXAMINATION BY THE COURT

Questions by the law officer:
Q. Doctor, how long after you talked to Lieutenant Goodnough were you able to make this determination; you said that you could tell right away that you had a...different girl on your hands to deal with; how long after you started talking to her were you able to say "well, I can't believe what this girl's telling me"?
A. Let me answer it this way; my initial impression - the very first minute I felt that I had a rather strange young woman in my office; I became, in just a very few minutes, very much aware of the...ah...well, if emotionality can be rated in...as an electrical system...you'd call it a very low voltage,

kind of a dejected emotional existence. Just talking with her - again in those same first few minutes - about what we call neutral material, not talking about her sexual problems or anything like that; I had the feeling of a kind of vagueness or evasive - I used the word a moment ago - floating quality, like I couldn't get close to her; like she and I weren't getting through to each other. Now with the development of these kinds of impressions in my mind a...an experienced psychologist who has worked with, well literally hundreds of persons with various kinds of illnesses - you see I have something else going on in my mind, not just what I think about this young woman but also how markedly this young woman is starting to show this, this, and this - accumulation of little cues - that make me strongly and increasingly suspect what I'm going to hear from her next. And in this sense in a relatively few minutes I was very much aware of the...let's say the great possibility, not certainty, that I was going to find other evidences of this kind of mental disorder which had already been suggested. I don't know if I'm answering adequately.

Q. At the time you made this first impression, you were not aware of the background that you were exploring?
A. Yes, I knew about it; they had...

Q. You had been briefed I take it?
A. Actually the counsel asked me if I knew the CO of the hospital here... what happened was my receptionist said that a Colonel Ferrell had flown the patient in, she was in my waiting room and I think he had personally dropped off the papers; at that time I thought he was probably a command pilot who was getting in some time; it didn't even occur to me that he was a doctor and I didn't know anything about him, but what I knew about the case was from reading these relatively brief statements by Lieutenant Goodnough - whatever time it took, 20 minutes or something I sat and read them and then I began my interview.

Q. And it was soon thereafter that you made this impression?
A. Yes, quite soon. I want to emphasize the fact that my impression - impression I'm talking about - at that time was that something's wrong with this young lady and I hadn't made a diagnosis or talked with myself in terms of reliability of her story and so forth.

LO: Does counsel have any further questions?

TC: I have nothing further.

DC: I have nothing further.

LO: I'm going to ask the court at this time if they have any questions of the witness in view of the fact that the Doctor's duties require...we're going to permit him to return to his place of duty at Sheppard Air Force Base as soon as he's excused from this court so obviously we'd like to have any questions that the court may have at this time asked at this time...any questions that you have that would go as to the weight to be attached to the testimony of Lieutenant Goodnough and to the credibility of that witness when she appears. Obviously we have put you in a difficult position because she has not appeared before the court. The trial counsel has informed me that he intends to bring Lieutenant Goodnough to the stand next in order to question her, not upon the merits of the case but upon her competency. I suggest that we do this: we withhold any questions until after we've heard Lieutenant Goodnough on the stand for the purpose of examining her competency and then, if anyone wishes to recall the Doctor, that should be soon after lunch, we could do that.

Witness: It's near lunch time right now.

LO: Right; when do you intend to return, Doctor, tonight?

Witness: Whenever I'm finished.

TC: No objection.

LO: I realize the position of the court in not being able to ascertain...to ask any questions at this stage of the game because they haven't heard Lieutenant Goodnough as a witness before the court to even...whether she has any credibility or just what weight is to be attached to her testimony; I separate from that the competency of Lieutenant Goodnough which I've already explained is the determination of the law officer. I suggest that we recess for lunch at this time.

Pres: Would it be possible to ask one question?

LO: Yes, sir.

Pres: Doctor, this ability that you had to discern something different about this young lady, is that peculiar to your medical training or would it be an ability that we here might also enjoy...by her behavior?

Witness: I suspect that you would have felt something but I undoubtedly carried it further because I had a more awareness of the implications.

Pres: No further questions.

LO: I suggest we recess until after lunch and...will Lieutenant Goodnough then be available?

TC: She will be available whenever the president decides that we should return from lunch.

LO: When would you like to recess?

Pres: Is she going to be available after lunch?

TC: Yes, sir, she will.

Pres: One o'clock; court will recess.

The court recessed at 1145 hours, 13 August 1957.

The court reconvened at 1312 hours, 13 August 1957.

Pres: Court's in session.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

LO: The president of the court has indicated that a member of the court would like to ask a question of the witness and he was excused prior to this witness propounding his question; will you please call Doctor Rosewall back in?

(Major Charles R. Rosewall (MC), a witness for the defense, was recalled as a witness.

Asst TC: Doctor Rosewall, are you the same Doctor Rosewall who testified earlier in this hearing?

Witness: I am.

Asst TC: May I remind you, sir, that you are still under oath.

LO: You may proceed with the questioning from the court members.

Pres: I believe one of the court members wanted to ask you a question, Doctor.

EXAMINATION BY THE COURT

Questions by a court member (Lt Col John T. Butterwick):
Q. Doctor Rosewall, as I understood your testimony this morning, one manifestation of hysteria on the part of Lieutenant Goodnough was that she fell asleep and I assume from what you said that it was in connection with the sexual act when this happened. It seems that it's to remain pertinent to the question of competency of Lieutenant Goodnough as a witness, as long as sleep, or stages of sleep, affect memory to a great degree, when this happens that she falls asleep as a defense mechanism; whether it's in the early stages of the act, or after it's begun, or after the act is completed, and I thought maybe if you could elucidate on that point it would be helpful.
A. Primarily I would like to say that was her phrase "fall asleep;" I do not think that she fell asleep; I think it was a kind of - I'll use this word again - hysterical blotting out of consciousness to avoid something that she couldn't handle emotionally - which is a very common mechanism which we see quite frequently both in psychiatry and in law of peope who, under stress it's easier unconsciously to just...this is what amnesia usually is; it's a hysterical way of avoiding the unpleasantness of the situation, to literally remember that it didn't happen or not remember whether it ever existed.

Q. When does this process begin to take effect - this blotting out?
A. She described it in a...chronologically in terms of...well, the progressive abnormality of the activity which hasn't been discussed yet.

LO: I'd rather not get into that; any further questions?

DC: If it please the court I just have one question I'd like to ask the Doctor.

REDIRECT EXAMINATION

Questions by the defense (DC):
Q. Doctor, do you think Lieutenant Goodnough can be relied upon to observe, remember, and narrate correctly in a situation where her sexual emotions are involved?
A. I'll answer maybe kind of tangentially that I did not feel that I could rely upon her information to me in the setting of the psychiatric interview when it got into this disturbing area, disturbing for her, area. I can't predict concretely other than that.

Q. But you felt at the time you talked to her that you could not rely upon her in that area?
A. That's right.

DC: I have no further questions. JLR JR

RECROSS-EXAMINATION

Questions by the prosecution (TC):
Q. Doctor, isn't it true also that you have testified today that she can be believed; you have never said that she cannot be believed at all.
A. No; we keep going back and forth in here. A person is unreliable if at a given instant you're not sure whether it's true or not - that's what I mean by unreliable; it may be truthful some of the time but if you don't know what part of it is truthful...

Q. But she can be believed though?
A. When though, that's the question.

Q. Now just going back to one more point; during your examination concerning these alleged offenses, isn't it true that these alleged offenses had taken place a year and a half or two years ago and that would normally affect anyone's memory?
A. It would, but I think most persons would say they didn't remember rather than supply another story.

Q. But you have stated that she is generally competent as a witness, is that correct?
A. I've stated that she <u>can</u> be.

TC: No further questions.

REDIRECT EXAMINATION

Questions by the defense (DC):
Q. When you say "can be" in response to the last question, Doctor, you're referring to a situation where, other than where her sexual emotions are involved?
A. I wish I could put this in words once and for all. I realize it's a very confusing kind of a sliding scale. If we're talking about a so-called normal person, it's pretty much assumed that what they say is true, unless it's a... well, say that we can assume that it's true. What I'm talking about is a mental condition in which there is doubt upon it; I'm not saying and I never have said that on the basis of my evaluation of this girl that anything she says is untrue - that's not at all what I'm saying; it's just because of this unreliability I can never say safely that at a given time that I can count upon what she's saying. I think it's much more likely that if you ask her what day it is you're going to get a reliable answer - that's what I meant by objective, material that is not emotionally tinged; on the other hand, and again it's relative, if she's talking about something that has a deep emotional impact upon her and in this particular area where she's so disturbed, then I'm more skeptical and I'm still not saying that I don't believe anything she says in that area; I'm just saying that in terms of reliability. After all if you're reliable 9/10 of the time, you're not reliable; by definition the word reliable means it can <u>always</u> be; that's why I think we're going around and around this one question.

Q. Well, let me put it this way then; that in that area where she cannot be relied upon it is because of a mental illness or mental incapacity rather than what she might say that would lead you to believe it was unreliable?
A. Oh, yes...yes.

RECROSS-EXAMINATION

Questions by the prosecution (TC):
Q. But, Doctor, she was not insane at the time of the alleged offenses, is that correct? She had no mental defect, disease, or derangement which you could call insanity at the time of the alleged offenses and yet you have used the word "mental illness."
A. Well now, perhaps we can get together, at least closer; do you mean when you say insanity - would you say, for example, use that term for a person who had a genuine amnestic period and admit something when they were not aware of it?

Q. Well, now I don't know.
A. Not a psychosis but...

Q. Did she have a psychosis at the time of the alleged offenses?
A. She has for a long time suffered from a chronic, mild psychotic kind of illness.

Q. This morning you said she had no psychosis; now which is it? Does she or don't she?
A. Now I tried very carefully to explain how...our use of the word overt psychosis and a mild form of the disease which is in the classification of psychotic illnesses. When I said that she doesn't suffer from an overt psychosis I meant she wasn't grossly delusional; she knew where she...she knows where she is; she's not confused about <u>that</u> sort of thing; she's ill but she's not insane in your legal sense of the word.

Q. But according to you just a moment ago, Doctor, you could say that almost 90 per cent of the time even a...that she could be relied upon, is that correct?
A. Well, you're making that percentage awfully concrete; I was just trying to say simply in general terms that...what I meant by the word "reliability."

TC: I have no further questions.

LO: Any member of the court have any questions as a result of the further interrogation of the witness? I do not want to open it up to general interrogation of the witness at this time until after we've had Lieutenant Goodnough, but if there are any questions in particular in determining the credibility I'll ask you to ask them at this time.

Pres: Apparently not.

LO: You are excused, Major; if you'll stand by we may have to recall you after the...Lieutenant Goodnough has taken the stand.

The witness thereupon withdrew from the courtroom.

(Lieutenant Charleen Goodnough entered the courtroom and was seated in the witness chair by TC.)

TC: Would you be seated here, please? Now Lieutenant Goodnough I'm going to ask you a few questions and I'd like you to answer them, please.

First Lieutenant Charleen Goodnough, a witness for the prosecution, gave unsworn testimony as follows:

DIRECT EXAMINATION

Questions by the prosecution (TC):
Q. What is your name, rank, and organization?
A. Charleen Wernet, First Lieutenant...

Q. You say Charleene Wernet, have you been married recently?
A. Yes, sir, in March 1957.

Q. What was your name prior to that?
A. Charleen Goodnough, sir.

Q. Do you mind if throughout this trial I call you Lieutenant Goodnough?
A. No, sir, I don't.

TC: I think we ought to cut the cooler off, her voice is a little low and I'd like for the court to hear her.

(A spectator left the courtroom and turned the air conditioner off.)

Unsworn testimony of the witness continued as follows:

Q. Lieutenant Goodnough, where were you born?
A. Simpsonville, South Carolina.

Q. When were you born?
A. 7 December...

Q. Do you have a mother and father?
A. Yes, sir, I do.

Q. Are they alive?
A. They are, sir.

Q. Do you have any brothers?
A. Three, sir.

Q. Now where are your brothers at the present time?
A. One is home; one in the Air Force; one in the Navy.

Q. Now did you go to public school?
A. Yes, sir.

Q. How far did you progress in public school?

LO: Would you slow down just a little bit, Captain Fox? I think the questions are just a little too rapid for the court to hear the answers; I know I'm not hearing them back here.

TC: Okay, I'll slow down.

Questions by the prosecution continued:
Q. Did you go to public school?
A. Yes, sir, I did.

Q. Did you complete public school?
A. I did, sir

Q. How far did you go?
A. The seventh grade.

Q. Did you belong to any clubs or societies while you were in public schools?
A. I did, sir.

Q. Sports...how were your grades in public school - average?
A. Average, yes.

Q. Upon completion of public school did you have any further scholastic training?
A. After completion of public school I stayed home a year and I worked as a clerk and after that I went in nurse's training, sir.

Q. Did you attend high school?
A. Yes, sir, I did.

Q. Did you complete high school?
A. I did, sir.

Q. Did you receive a diploma?
A. Yes.

Q. After completing high school where did you go?
A. I stayed home a year; I worked as a clerk in the store; during the winter I sayed home - didn't work at all.

Q. Did you attend nurse's school?
A. I did, sir, in Spartanburg, South Carolina.

Q. What was the name of this school?
A. Mary Black Memorial Hospital.

Q. Did you graduate from this school?
A. I did, sir.

Q. Is this nursing school you're talking about?
A. It is, sir.

Q. Did you receive a diploma?
A. Yes, sir, I did.

Q. How old were you approximately when you graduated from nursing school?
A. Twenty-four.

Q. Twenty four...now after completion of nursing school, what did you do?
A. After that I went to Columbia to work, waiting to take registration.

Q. Take your what?
A. My registration.

Q. Did you receive this registration?
A. I did, sir.

Q. And after that where did you go?
A. After that I came to Greenville, South Carolina; I went to work in the St Francis Hospital - general duty - and after...

Q. What type of work did you do at St Francis?
A. Male medical and surgical ward...

Q. How long did you work there?
A. One year.

Q. One year...after completing your work at that hospital where did you go?
A. After that I went to work in Simpsonville, South Carolina, for Doctor Lynch.

Q. How long did you work for him?
A. A year.

Q. After that where did you go?
A. After that I went back to St Francis; I worked in the emergency room, out-patient department for a year.

Q. And after you completed this where did you go?
A. After that I joined the Air Force and I went to Guenther Air Force Base in Montgomery, Alabama, in November 1955.

Q. November of 1955 you went to Guenther Air Force Base, is that correct?
A. That's true.

Q. Now did you attend any school at this Air Force Base?
A. I did, sir, indoctrina....

Q. What was the school?
A. Indoctrination.

Q. Did you graduate from this school?
A. I did, sir.

Q. Now did your mother and father mistreat you while you were young?
A. No, sir, they didn't.

Q. Did you get along with your mother and father?
A. Yes, sir.

Q. ...when you were young?
A. Yes, sir, very good.

Q. How did you get along with your brothers?
A. Very good, sir.

Q. When you started going to nurse's school, how did you get along with young men?
A. Very good.

Q. Did you dislike young men or like young men?
A. I liked them.

Q. Has your father or mother ever been in a mental institution?
A. No, sir, they haven't.

Q. Have your brothers ever been in a mental institution?
A. No, sir.

Q. Has your father and mother or brothers ever received psychiatric treatment of any type?
A. No, sir, they haven't.

Q. Have your grandparents ever had any form of amnesia or lapses of memory?
A. No, sir.

Q. Has your father and mother or brothers or yourself ever had amnesia?
A. No, sir.

Q. ...prior to December 1956?
A. No, sir, they haven't (shakes head in the negative).

Q. Have you ever been...or undergone psychiatric treatment prior to December 1956?
A. No, sir.

Q. Have you ever been in a mental institution?
A. No, sir.

Q. Now I'm going to ask you something, Charleen, and I'd listen close and just take your time; I'm going to ask you now to just raise your right hand, to see if you understand what I'm saying, I'm going to ask you at this time if I ask you to say this I want you to tell me what it means, right?
A. Yes, sir (witness raises right hand).

Q. Do you swear that the evidence you shall give in the hearing of this case shall be the truth and nothing but the truth, so help me God - put your hand down.
A. I do, sir.

Q. Could you tell me what I mean when I say that?
A. Yes, sir, I'm taking an oath before God and before this court and if I lie I'm obligated to God first and then to the court and I would be punished there...

Q. If you lied to this court today, Lieutenant Goodnough, do you know what would happen to you?
A. Yes, sir, I would be punished.

Q. What?
A. I would be punished, sir.

Q. I forgot to ask you, do you know the accused in this case and if he's in the courtroom...
A. Yes, sir, I do.

Q. Would you point him out?
A. Lieutenant Colonel George F. Adams (the witness pointed to the accused in the courtroom).

TC: Let the record reflect the witness pointed to Lieutenant Colonel Adams.

Questions continued by the prosecution (TC):
Q. Lieutenant Goodnough, would you make up a story concerning Colonel Adams and your relationship with him?
A. I would not, sir.

Q. Would you fabricate a story concerning yourself and your relationships with Colonel Adams?
A. I would not, sir.

Q. And do you understand that it is your moral responsibility to tell the truth?
A. I absolutely do, sir.

Q. Will you tell the truth to the court today?
A. Yes, sir.

Q. Now you have heard of the Ten Commandments, is that correct?
A. I have, sir.

Q. How much religious training have you had?
A. I was brought up in the church.

Q. You were brought up in a church?
A. (No response; nods head in the affirmative.)

Q. Now how about your father and mother?
A. My father was on the Board of Deacons ever since I can remember; my mother was active in Sunday School.

Q. When you were younger...
A. Yes, sir.

Q. ...did you attend church?
A. All my life.

Q. And you presently attend church?
A. I do, sir.

Q. Do you go to Sunday School?
A. I do.

Q. Now in the Ten Commandments there is a Commandment concerning the truth; do you know what that Commandment is?
A. Yes, sir.

Q. What is it?
A. Thou shalt not lie.

Q. Would you lie to this court today?
A. No, sir, I wouldn't.

Q. Are you testifying right now of your own free will?
A. I am, sir.

Q. Do you understand that if you have nothin' to say that if it isn't the truth that you're not to say?
A. I do.

Q. And do you feel that you are bound by your oath?
A. I'm bound by my oath, yes, sir.

Q. Now I want you to tell me in your own words who these men are in front of me (TC gestures to members of the court); who these people are (TC gestures

to people at DC table); who these people are (TC gestures to LO); the individual behind me (TC gestures to Asst TC); and these people (TC gestures to spectators in the rear of the courtroom); could you tell me in your own words?
A. These are the court members (witness gestures to the members of the court); you are the trial counsel and your assistant (witness motions to Asst TC); this is the defense counsel, the accused, and the assistant defense counsel (witness motions to DC, accused, and Asst DC, respectively); and this is the law officer (witness nods towards LO).

Q. And who are these people over here (TC motions to spectators)?
A. They are the spectators.

Q. Were you on active duty from 1 December 1956 through June 1956?
A. Yes, I was.

Q. Were you hospitalized during any of that period of time in the hospital?
A. I was, sir.

Q. Military hospital - for what?
A. Fractured knee.

Q. Fractured what?
A. Knee.

Q. Were you ever hospitalized during this period of time for any mental disease or psychiatric treatment?
A. No, sir.

Q. Do you have a security clearance, Lieutenant?
A. I do.

Q. What is that security clearance?
A. Secret, sir.

Q. Has your security clearance ever been revoked to the best of your knowledge?
A. No, sir, it hasn't.

Q. Now I notice, Lieutenant Goodnough, you have a bit of a speech defect; does anyone else in your family have a speech defect?
A. Yes, sir, my mother does.

Q. Your mother?
A. Yes.

Q. Now even your mother with a speech defect, was she ever declared insane?
A. No, sir.

Q. Was she ever in a mental institution?
A. No, sir.

Q. Was she ever under any psychiatric treatment?
A. No, sir.

Q. Was she suffering from any diseases that you know of - mental diseases?
A. No, sir.

Q. To the best of your knowledge, do you know if your memory has ever been impaired...
A. No, sir.

Q. ...very bad?
A. No, sir.

Q. Have you ever suffered from amnesia to the best of your knowledge...
A. No, sir, I haven't.

Q. ...prior to December 1956?
A. (No response.)

Q. Now do you bear any malice towards the accused?
A. I do not, sir.

Q. You hate him?
A. No, sir, I don't.

Q. You like him?
A. I like him; he's a very good doctor.

TC: No further questions.

DC: If it please the law officer, the defense requests a ten-minute recess.

LO: Ten-minute recess for the defense is granted.

The court recessed at 1336 hours, 13 August 1957.

The court reconvened at 1345 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

LO: Including Lieutenant Goodnough who has not been sworn as a witness before this court.

Asst TC: Yes.

CROSS-EXAMINATION

Questions by the defense (DC):
Q. Lieutenant Goodnough, I just have a few questions here. Have you ever been in this courtroom before today?
A. Yes, sir, I have.

Q. Were you with anyone?
A. Yes, sir.

Q. Who was that?
A. Captain Fox and Lieutenant Driano.

Q. What did you do while you were here?
A. We discussed the trial and he instructed me if I had anything to say to let it be the truth and, if not, not to come in here, not to say anything.

Q. While you were in the courtroom with Captain Fox, did he point out to you various positions of the members that would be at the trial?
A. He did, sir.

Q. I believe you said you had been in the hospital once since you entered the Air Force, prior to 31 December 1956, is that correct?
A. That's true, sir.

Q. Have you ever been in the hospital at Carswell Air Force Base?
A. I was, sir; yes, sir.

Q. And you were admitted to the hospital here, is that correct?
A. That's true.

Q. Then you have been in the hospital twice, is that correct?
A. That's true.

DC: I have no further questions.

REDIRECT EXAMINATION

Questions by the prosecution (TC):
Q. Lieutenant Goodnough, every time that I've talked to you in this courtroom, would you tell the court what I told you to say?
A. The truth and nothing more.

Q. What else?
A. The truth and nothing more.

TC: No further questions.

DC: I have no further questions of the witness.

LO: That concludes examination by the counsel?

TC: Yes, sir.

DC: (Nods head in the affirmative.)

LO: Does any member of the court wish to ask Lieutenant Goodnough any questions at this time, remembering the fact that she has not been sworn as a witness before this court?

(There was no response from any member of the court.)

Pres: No.

EXAMINATION BY THE COURT

Questions by the law officer:
Q. Lieutenant Goodnough, you said you had been in this hospital here and at Carswell, when was that?
A. It was in February...December 1956, sir.

Q. December 1956; and when was the other time you were in the hospital?
A. It was February 1956.

Q. February '56; both at Carswell Air Force Base?
A. Once at Carswell; once here, sir.

Q. How long did you stay in the hospital on these two occasions?
A. In Carswell ten days, and at Walker I stayed ten to twelve days.

LO: I have no further questions. Lieutenant Goodnough will be excused at this time and be recalled as a witness if matters determine.

The witness was excused and thereupon withdrew from the courtroom.

LO: Is there any further evidence of evidence or testimony to be presented by either side as to the competency of Lieutenant Goodnough as a witness before this court?

DC: I have no further evidence.

TC: I have no further evidence.

DC: I would like...and with the permission of the law officer, I would like to make argument on the point.

LO: In view of the fact that the defense first made the objection to the witness being brought before the court, the defense counsel may open the argument...present the matters they may have on this.

DC: If it please the court, the Manual for Courts-Martial, 1951, specifies that in order to be a competent witness, that is to be able to testify in court, the witness must have the mental capacity to observe, remember, and narrate correctly, the facts under investigation. That is the only law we have on the subject to my knowledge. That is the statement in the Manual for Courts-Martial; it is the law. What that law means is what we are now undertaking to define. The defense has called a fully qualified psychiatrist who has testified that on the basis of an extensive examination which included not only his personal interview with the girl but extensive psychological tests and neurological examination, that in his opinion she was a victim of a mental disease called schizophrenia in it's...in a mild form, but that disease caused her to be unable to distinguish between fantasy and reality in the area of her sexual emotions. We are not contesting her competency of neutral objective evidence; we're contesting it on the grounds that she is not a competent witness in the area of her sexual emotions <u>because</u>: according to the testimony of the psychiatrist, based upon his examination, she cannot distinguish between fantasy and reality in that area. She cannot be relied upon; he would not rely upon her in that area. We are not saying that Lieutenant Goodnough would deliberately lie about anything; what we are saying <u>is</u>: that she doesn't <u>know</u> when she is lying or when she is telling the truth - that what she is saying on the witness stand is, in her opinion, the truth; we don't deny that. We're not saying that she knows the difference...or that is what we <u>are</u> saying, that she doesn't know the difference about truth and fantasy; she is not aware, because of her mental illness, of whether or not she is telling the truth, and <u>that</u> is upon what we are basing our objection to her competency.

I have no doubt but what she understands the nature of the oath; I had no doubt even before she took the stand and when Captain Fox asked her to tell him what those words were...tell him what those words were, she gave a very good definition. I have no doubt but what she understands the nature

of the oath and that, again, is not the grounds upon which we are challenging her. But in order to be a competent witness in a court-martial, she must not only understand the nature of that oath, but she must have the mental capacity to observe, remember, and narrate correctly the facts under investigation. We maintain that on the basis of the testimony of the psychiatrist, and nothing this girl has said on the stand rebuts it, that she does not... is not able, does not have the mental capacity to observe, remember, and narrate accurately.

TC: I just have a very brief statement. The law officer...I think the truth is that any witness...first of all, it's presumed that any witness over 14 years of age is competent; therefore, this presumption must be rebutted by the defense. They have attempted to rebut the presumption by bringing in a psychiatrist. Now, an individual such as Lieutenant Goodnough who can understand the obligation of an oath and,from her testimony here, she is able to correctly: first, see an object and as a result of seeing an object, she makes an observation in her mind, recalls or recollects, and as a result of that, she can narrate. Her testimony here, although it's not under oath, indicates that she can reflect, observe, and narrate.

Now even if we assume that Lieutenant Goodnough has a mental infirmity, the law is that even a witness with her mental infirmity, as long as they can observe, recollect, and narrate, can be a competent witness. There is not one iota of evidence been produced to show that our witness is either deaf, dumb, blind, or her senses have been impaired in any way at all. The examination that was given to this witness bears no evidence about her background, not one bit of evidence, to show lack of memory, amnesia or anything so that would hurt her capacity to observe, remember, and to narrate. It is our contention that our witness is competent and can testify and knows or has the moral responsibility and realizes that what she may say under oath must be the truth and nothing but the truth and after all, what is the best test than a witness who knows from his own conscience and by <u>God</u> that he must tell the truth to the court and it is therefore our contention that this witness is competent to testify.

LO: Does the defense wish to close?

DC: Just a few moments, sir. (DC consults briefly with Asst DC) Again, the defense would like to reiterate that they are not contesting the ability of the witness to understand the moral importance of the oath. We are merely saying that she does not possess the other qualities that is required of a competent witness; that is, the mental capacity to observe, recollect, and describe correctly the facts under investigation. We have introduced competent evidence by a recognized psychiatrist to the effect that he would not rely upon her...that he would not rely upon her...

TC: I object to that; he did not say he wouldn't rely upon her and that is not in the testimony.

DC: He said he would not rely upon her...

LO: Would you like to recall the witness?

TC: I would like to recall the witness. He has never stated he would not rely upon her; he said that he didn't know one way or the other.

LO: I'll permit him to recall the witness.

DC: If you wish, sir, we could have that testimony read back by the reporter.

Reporter: It was from the last time he came in - since lunch?

LO: Will the reporter be able to find that without too much trouble; otherwise we can call the witness back.

Asst DC: I think he's right outside.

TC: What was your original statement, now, he would not rely upon her? Completely or what?

DC: That isn't (shakes head in the negative)...no, no. I didn't get to finish my statement; I was saying that the psychiatrist testified that he would not rely upon her to remember...

TC: Oh...I'll withdraw my objection.

LO: Continue.

DC: ...to remember, to observe, or to narrate facts under investigation where they involved her sexual emotions. We are not contending that she wouldn't be a competent witness if she were a witness to an accident. We are only saying that in the area under...which we are investigating in this case, she is not a competent witness because she cannot, as I have said, observe, recollect and narrate the facts correctly. I have no further argument.

LO: Did the reporter get the withdrawal of the objection by trial counsel?

(Reporter nods head in the affirmative.)

TC: I do have this one point now that I think of it, and that is, that the psychiatrist's testimony at the most is very conflicting and therefore, since he don't know whether she can or cannot, I think it is a question...an open question, and we've had lots of examination in and out, and it is our opinion that he never came right out and said that Lieutenant Goodnough was incompetent as a witness and that is our contention: that she does have the mental competency and the mental capacity to testify as a witness. That's all.

DC: I have nothing further.

LO: That concludes the presentation of testimony on the competency of Lieutenant Goodnough and the arguments of counsel. I believe the original objection of the defense counsel was to the calling of Lieutenant Goodnough as a witness - correct me. If I'm right...

DC: That is correct.

LO: I am correct in my restatement of the objection?

(DC nods head in the affirmative.)

LO: The objection of the defense counsel is overruled. Lieutenant Goodnough will be called as a witness and will be sworn as a witness before this court.

TC: I'd like to have, if it please the court, a five-minute recess before calling the witness.

LO: Do you have something further?

DC: I have nothing; I have no objection to a recess before you call the witness.

TC: I'd like a short recess, if it please the court; she'll be ready in five minutes.

LO: (To Pres) If you wish, sir, we can just remain in place.

The court recessed at 1400 hours, 13 August 1957.

The court reconvened at 1406 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties to the trial when the court recessed are once again present.

TC: The prosecution is ready to call Lieutenant Charleen Goodnough as a witness.

LO: Before we call Lieutenant Goodnough as a witness, I indicated earlier that I would give the court an opportunity to recall Major Rosewall and ask him any questions after we had listened to the unsworn testimony of Lieutenant Goodnough. Does the court have any questions of Major Rosewall at this time? If not we're going to excuse him permanently so that he may return to Sheppard Air Force Base.

(There was no response by any member of the court.)

Pres: Negative.

LO: Apparently not.

LO: In regard to the testimony of Lieutenant Goodnough which was given immediately prior to the closing, that was unsworn testimony and at the conclusion of that testimony I made a ruling that I had in effect declared her competent to act as a witness before this court. My ruling is final only on the question of the competency of the testimony of Lieutenant Goodnough after she is sworn as a witness before this court, and the fact that the preliminary material presented by the prosecution and the defense as to the competency was instrumental in my making that ruling. As I indicated to the court earlier, that ruling was mine to make and was not subject to any objection by the court or anything like that. However, I do wish to stress to the court that you as the members of the court are the persons who make the sole determination as to the weight and credibility to be attached to the testimony of any witnesses before this court, be that Lieutenant Goodnough, Major Rosewall or any other witnesses and I wish to stress that at this time that you have the final determination as to the weight and credibility to be attached to the testimony that is given before the court. If there's nothing else, you may call Lieutenant Goodnough.

(Lieutenant Goodnough reported to the president of the court.)

TC: Would you come over to my table, please? Would you raise your right hand?

First Lieutenant Charleen Goodnough, 509th Tactical Hospital, 509th Bombardment Wing, Walker Air Force Base, New Mexico, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (TC):
Q. Would you please state your full name, your rank, organization, and armed force?
A. Charleen Wernet, First Lieutenant, AN2243350, 509th Tac Hospital, Walker Air Force Base, New Mexico.

Q. Do you know the accused in this case?
A. I do, sir.

Q. If the accused is in the courtroom, would you point him out and state his name, please?
A. (The witness pointed to the accused in the courtroom.) Lieutenant Colonel George F. Adams.

TC: Let the record reflect that the witness pointed to the accused.

Questions continued by the prosecution (TC):
Q. Now, you say your name at present is Lieutenant Wernet?
A. Yes, sir.

Q. Are you presently married?
A. I am, sir.

Q. When did you get married?
A. March 16, 1957.

Q. What was your name prior to your marriage?
A. Charleen Goodnough.

Q. Were you a First Lieutenant then?
A. I was, sir.

Q. For the purposes of this trial I will call you Lieutenant Goodnough.
A. Yes, sir.

Q. I draw your attention...

LO: Is there any possibility that we could stop that lawnmower?

(A member of the court went to an opened window in the courtroom, called to a party outside, and the noise from the lawnmower ceased.)

LO: It's all right to proceed now.

Questions continued by the prosecution (TC):
Q. I draw your attention to on or about 5 December 1955; did you have the occasion to see the accused?
A. Yes, sir.

Q. Would you tell the court in your own words under what circumstances and where?
A. On Friday afternoon, Captain Roberts who was the instructor at the school told me that Colonel Adams from my base had asked if any nurses were going back to this base; if so, he would like to meet them and he would be glad to bring them back and he also told me that he would get in touch with me - which on Saturday morning he did. He called several times; I wasn't in. When I came home I had several notes telling me that he had called and would be back to see me later. And that afternoon, he came over with a friend and introduced himself; asked me to go to the club - which we went for about 30 minutes or so and after that he asked me to dinner - which I accepted - at the club. And we just stayed at the club that evening and returned to my apartment around 11:00 - 11:30 and said good night.

Q. During the following week, following 5 December 1956 did you have the occasion to see the accused again?
A. I did, sir.

Q. Would you tell me where and under what circumstances?
A. He would come by in the morning, take me to class; come by after class and pick me up, take me to lunch; pick me up after class, make an appointment for dinner. That happened all week.

Q. All that week, is that correct?
A. That's true, sir.

Q. Now when you went out with him during this week who paid for the bills?
A. He did.

Q. Did you desire to pay for your own bills?
A. I did, sir.

Q. I draw your attention to on or about the 12th of December 1956, a Saturday; did you have an occasion to see the accused?
A. I did, sir.

Q. Would you tell the court - in your own words?
A. We had a dinner date to go to the Elks Club and (hesitates) we went to this club and after dinner we were drinking, sitting JVR BK there and talking about different subjects - medical field, the Air Force - talking about love, emotions, just...

Q. Did he tell you how he felt about you?
A. He told me that he was very fond of me and he was afraid he was falling in love with me.

Q. Told you he was falling in love with you?
A. (No response; nods head in the affirmative.)

Q. Now, that night, did he discuss any further matters with you?
A. We had a general discussion of love and what he thought of it and what I thought of it. He told me about his family; I told him about my little girl.

Q. Did he give you anything that night?
A. After we went home he gave me some pictures.

Q. Would you explain that?
A. He...on the subject of love, he asked me what I thought of it and he told me what he thought, and he asked me if I would object to him showing me some pictures - that I could take them in my apartment and look at them by myself and to be sure to lock them up because they were a friend's of his.

Q. Now prior to saying good night to Colonel Adams on this Saturday, did he express his physical reactions to you in any way?
A. Yes, sir, he kissed me.

Q. Now you say you obtained some pictures. What did you do with them?
A. I took them in - they were in a brown, sealed folder - took them in and put them in my footlocker, locked them up for the night.

Q. Can you tell me what occurred after that?
A. The next morning when I got up I thought about him and looked at them and there was six, I believe and (hesitates) they were...vulgar pictures.

Q. You say vulgar, now would you tell me what you mean?
A. Well, it was different scenes of men and women...just expressing their love.

Q. In what way were they expressing their love?
A. One woman, she was nude, showing her anatomy; and one, a man and a woman, she had his penis in her mouth; and the third one was vice versa.

Q. Would you tell me what you mean by vice versa?
A. By vice versa I mean he had his mouth on her vagina - apparently.

Q. Did you see these pictures yourself?
A. Yes, sir, I did.

Q. Now was this one picture or several pictures, to the best of your knowledge?
A. It was several, six.

Q. Now would you continue?
A. I just glanced at them, stuck them back in the folder. I had a luncheon engagement with him so it was about time, he came over and I told him to take them back, that I couldn't be caught with those things in my apartment or anything, so he took them back at that time.

Q. Did you have a discussion with Colonel Adams concerning these pictures?
A. I did.

Q. Would you tell me what that discussion was?
A. I told him that I just couldn't see the point of anything like that and he just said, "Well different people...have their own ideas of...expressing their emotions and love," and that the French people especially - the pictures were made in France.

Q. What was...I'm sorry; did you go out with him the following day, Sunday?
A. Yes, sir, we went riding in the afternoon and had dinner with him that evening.

Q. Did you see him that night?
A. Yes.

Q. Did he tell you how he felt about you?
A. He told me he loved me and kissed me good night and that was...(witness shakes head).

Q. Now, I draw your attention to Monday of the following week; did you have the occasion to see the accused again?
A. I did, sir.

Q. Would you tell me under what circumstances?
A. At lunch, and he gave me an outline of the discussion that he'd mentioned before of what he thought of love, the fundamentals...

TC: Would you hold it?

(Witness pauses while airplane passes overhead.)

TC: Okay; would you try to speak a little louder, if you can please?

Witness: I'm sorry.

LO: Would you repeat that last statement if you can, please, and try to speak loudly. Proceed.

Response continued by the witness:
A. He gave me an outline of the discussion we'd had previously on love and emotion and he'd told me that he'd written...that I could read it over whenever I had time, which I did; and it was about passion, love, emotions, sexual intercourse...a...were six or seven, and his idea was as long as you had a portion of all that he'd listed that it was true love. And my idea...according to my own thoughts...that God had to be entered in...had to be married and it was a sin otherwise.

JURZK

Q. I draw your attention to about 16 December 1955; were you at Gunter Air Force Base?
A. I was, sir.

Q. Did you attend school there?
A. I did, sir.

Q. Did you graduate from any school?
A. I did, sir.

Q. Did you attend graduation exercises?
A. No, sir, I didn't.

Q. Will you explain why you didn't?
A. I was excused to leave.

Q. Who had you excused?
A. Colonel Adams.

Q. Did you receive a diploma from Gunter Air Force Base?
A. I did, sir.

Q. Now, after leaving this school, did you have the occasion to see the accused again?
A. I did, sir.

Q. I draw your attention to on or about 17 December 1955; did you leave Gunter Air Force Base at approximately that time?
A. I left on the 16th.

Q. Would you tell us where you went - approximately 16 December?
A. We left around 3:30 in the afternoon and we went to the club for about 30 minutes and then we started enroute to Walker Air Force Base. We drove that afternoon and part of the evening and we stopped at a motel in Vicksburg, Mississippi.

Q. In a motel.
A. Yes, sir.

Q. I want you to think now; did you register at the motel?
A. I register in my own...

Q. Do you know if the accused registered at the motel?
A. Yes, sir.

Q. Do you know how you registered?
A. I registered in my own name.

Q. And the accused?
A. Yes.

Q. In other words, you had separate rooms, is that correct?
A. Adjoining rooms.

Q. Adjoining rooms; now did you and the accused have a discussion about obtaining rooms prior to the time you arrived at Vicksburg?
A. We did.

Q. What...what was the conversation?
A. I told him I was going to register and get a room and he said that it'd cost too much, it was senseless to pay out that much money and...but I told him anyway I was feeling bad about making the trip - whether it was wrong or right.

Q. Now, when you got to your room, approximately what time was it when you got to your room?
A. Around 9:30 or quarter of ten.

Q. Will you tell me what you did when you got to your room?
A. I went in my room, sat down fully dressed, and didn't move; he went to his room, took a shower...

TC: Would you try to speak up, please? Can you hear her, the last member at the end?

(Last court member at end nods head in the affirmative.)

TC: Proceed.

Response continued by the witness:
A. And he came in with his pajamas on; I was still fully dressed at the time and...after that we started talking and he laid down across the bed and I was sitting on the chair and...I was telling him to go back to his room, that I didn't feel good and...didn't feel like talking or anything, so he said why not have a drink to make me feel better, to cheer me up - which we did; started drinking bourbon.

Q. How much bourbon did you have?
A. Over a period of two hours, I would say five to six drinks...

TC: You're going to have to speak up if you can, please.

LO: Hold it and let the airplane go on.

(Airplane passes overhead.)

TC: Would it be all right if we'd push her closer up here? (TC pushes witness stand a few inches closer to members of the court and reporter's table.) Can you hear her?

(Reporter nods head in the affirmative.)

TC: Try to speak up if you can.

Questions continued by the prosecution (TC):
Q. You say the accused came in your room, right?
A. Yes (nods head in the affirmative).

Q. Now, how were you dressed when he came into your room?
A. I was fully dressed.

Q. How much did you have to drink that night?
A. Over a period of two hours time, five to six drinks; no more.

Q. Now, what condition would you say you were in that night?
A. I was fairly high.

Q. Fairly what?
A. Fairly high.

Q. Fairly high?
A. Yes.

Q. What condition was the accused in that night?
A. He was the same.

Q. Did you see him drink any liquor?
A. I did.

Q. Now while you were in...on...while he was on the bed and you in the chair, did anything take place?
A. He was kissing me...

Q. Kissing you...
A. Occasionally.

Q. Where?
A. On the mouth.

Q. What do you mean by kiss?
A. Kissing...putting his lips on my lips, putting his tongue in my mouth.

Q. Now, when you went to bed that night, how were you dressed?
A. I was dressed in pajamas.

Q. Pajamas?
A. Yes.

Q. Do you know if anyone else went to bed with you that night on 16 December 1955 in Vicksburg, Mississippi?
A. When I went to sleep, I was under the covers; he was lying on top of the covers.

Q. Who's he?
A. Colonel Adams was lying on top of the covers.

Q. How was he dressed?
A. In pajamas, sir.

Q. He was dressed in pajamas?
A. Yes.

Q. Now, could you tell me, did anything take place while you were that way?
A. Not to my knowledge.

Q. How long a period of time were you kissing?
A. A Period of two hours.

Q. Kissing for two hours?
A. Just occasionally, not all the time.

Q. During this period of kissing, were you doing anything else?
A. No, sir.

Q. Were you drinking?
A. Drinking, yes, sir.

Q. Did he tell you how he felt about you during this period?
A. Yes, sir, he did.

Q. What did he tell you?
A. Ah...very fond of me, that he loved me.

Q. I draw your attention to 17 December 1955 when you woke up; how were you dressed?
A. I was nude, sir.

Q. Nude?
A. Yes, sir.

Q. Was there anyone else in the bed with you when you woke up on 17 December?
A. Yes, sir, Colonel Adams was.

Q. Now, how was Colonel Adams dressed?
A. He was nude.

Q. Was nude?
A. Yes.

Q. Now, to the best of your knowledge I want you to tell me how you went to bed dressed, the underclothes that you had on; do you recall to the best of your knowledge?

A. Yes, sir; when I went to sleep I had my pajamas on, my pants and my bra.

Q. Now, did you remove your pajama tops during the night?
A. Not to my knowledge, I didn't.

Q. Did you remove your "brar" during the night?
A. No, sir.

Q. Now, the type of panties you talk about, could you tell me the type of material they were made out of?
A. They were a rayon with elastic legs and waist.

Q. Do you know if you could've kicked them off during the night?
A. No, sir, couldn't possibly.

Q. How about the pajama tops...bottoms, do you know what they were made of?
A. Cotton, elastic band.

Q. Could you have kicked them off during the night?
A. No, sir, I couldn't.

Q. Did you take any of your underclothes off during the night, to the best of your knowledge?
A. To the best of my knowledge, no.

Q. You did not take them off?
A. No, sir.

Q. When you woke up, where did you find your underclothes?
A. They were under the covers.

Q. Under the covers?
A. Yes.

Q. What position was Colonel Adams in when you woke up?
A. He was on his left side with his arm across my abdomen...laying across me; I was lying on my back.

Q. When you went to bed you say you saw Colonel Adams in the bed, right?
A. He was on top of the covers.

Q. When you woke up you also found him in the bed?
A. Under the covers, yes, sir.

Q. In your own mind, do you know, to the best of your knowledge, whether sexual intercourse took place on or about 16 December 1957 in Vicksburg?
A. To the best of my knowledge I don't know; in my own mind, I'm sure it did.

Q. Did you have the occasion to see the accused's room the next morning?
A. Yes, sir, I did.

Q. Could you tell me under what circumstances?
A. The bed was made and his suitcase was lying on top.

Q. Do you know if the bed had been slept in?
A. I do not; it was fully made.

Q. Fully made?
A. Yes.

(TC consults briefly with Asst TC.)

Questions continued by the prosecution (TC):
Q. When you sleep, do you usually take off your clothes during the night?
A. No, sir, I never have.

Q. And you say the panties and pajama bottoms that you had couldn't be kicked off?
A. They could not, sir.

Q. Now, this was December 16th, 1955; what was the weather outside, approximately?
A. It was cold out.

Q. Cold, so you wore pajama tops, right?
A. I did.

Q. Now, do you recall if there was one bed or two beds in this room, do you recall?
A. To the best of my knowledge, one sir.

Q. How do you recall this motel, or rather in Vicksburg?
A. I remember we had adjoining room.

Q. The next morning when you woke up, what did you do when you saw yourself naked in bed with Colonel Adams?
A. When I woke up I was very disgusted with myself and with him, too, and I got up and went to the bath....

TC: Hold it, hold it. (Airplane passes overhead) Okay, go ahead.

Response continued by the witness:
A. I was disgusted with myself and him, too; I got up, went to the bathroom and put on my clothes.

Q. Did you have a discussion with him concerning the fact that he was in bed?
A. Afterwards, yes, sir.

Q. Could you tell me what that discussion was?
A. I told him that...I was just purely disgusted with him and myself - I was as much to blame as he, I'm sure - and it wasn't right any way you put it.

Q. Did he...what was his reply?
A. His reply was that nobody would know; nobody knew us.

Q. Did he say anything else?
A. And I was worried over the idea of getting pregnant again and I discussed it with him many times and he told me not to worry about it, that after all he was a doctor and that he would do a dilatation or currettement if anything should happen.

Q. Now what does that mean - for the court.
A. A dilatation or currettement of the cervix is an abortion.

Q. Who said this to you?
A. Colonel Adams.

Q. And when you speak of Colonel Adams, who do you mean?
A. The accused.

Q. The accused?
A. (No response; nods head in the affirmative.)

(TC consults briefly with Asst TC.)

Questions continued by the prosecution (TC):
Q. Now, I draw your attention to on or about 17 December 1955; after leaving Vicksburg, where did you go to?
A. After leaving Vicksburg we started out the next morning and drove to Dallas, Texas.

Q. Could you tell me what took place in Dallas? What if anything?
A. After that we registered at a motel in Dallas.

Q. Who's we?
A. Colonel Adams and I.

Q. Proceed.
A. We had a single bed...a single room with double beds - two beds in a room.

Q. Two beds in the room?
A. Yes.

Q. And a single room?
A. Yes.

Q. Continue.
A. And I was sick at the time, was nauseated and upset and nervous and... I'd been vomiting during the day so I went in and I laid down on the bed and he gave me some dramamine to settle my stomach, and around 11:00 I called my mother - felt better.

Q. Now you say you were sick that night; now, did you need a doctor...
A. No...

Q. ...all that night?
A. No, sir, I didn't.

Q. Did you need a doctor at all?
A. No, sir.

Q. Is it common to give dramamine for a person who's just ill?
A. For nausea, yes.

Q. Isn't it common to give dramamine <u>before</u> the person gets nauseated?
A. N-n-n...usually.

Q. Now, can you tell me what took place in Dallas? You say you were sick and he...he had...you had some dramamine, is that correct?
A. That's true.

Q. Who was in the room with you that night?
A. Colonel Adams was.

Q. Did you go to sleep in the room that night?
A. I did.

Q. Who did you go to sleep with, if anybody?
A. We were drinking after that; he told me since I had my stomach settled I should have a drink or so, would make me feel better and over a period of about an hour I had two or three drinks and my stomach was empty and it made me pretty high, in fact sleepy, and I went to sleep.

Q. Did he tell you on this occasion how he felt about you?
A. He told me he loved me.

Q. Did he express his physical reactions to you?
A. He kissed me.

Q. How long were you kissing?
A. Occasionally, over a period of an hour or so.

Q. Now, you say he kissed you; I want you to explain to me how he kissed you.
A. He put his lips on my lips and put his tongue in my mouth.

Q. How were you dressed when you went to bed?
A. I was dressed in pajamas with my pants and my bra.

Q. Do you know how Colonel Adams was dressed when he went to bed?
A. Pajamas.

Q. Whose bed did he go into?
A. My bed.

Q. Did anything take place between you and him prior to going to sleep?
A. Not that I remember; no more than kissing.

Q. Now, were any of your clothes removed prior to going to sleep?
A. Prior to going to sleep, he kept telling me my bra was too tight, that I shouldn't sleep in it anyway.

Q. So what took...what happened to your "brar"?
A. So I took my pajama top off; he unsnapped it.

Q. Who unsnapped it?
A. Colonel Adams.

Q. What did he unsnap?
A. My bra.

Q. Do you know what took place after that?
A. After that, no, I went to sleep.

Q. You say he kissed you on the lips; where was he kissing you on the lips? While you were in bed or before you went to bed?
A. While I was in bed.

Q. Did anything else take place?
A. Just removing my pajama top and bra.

Q. What took place after he removed your "brar"?
A. After that I went to sleep and he did too, I guess.

Q. You say he kissed you, how did he kiss you?
A. He kissed me with his lips and his tongue...placed his tongue in my mouth.

Q. What was his purpose of taking off your "brar"?
A. It was too tight he said.

Q. Did anything take place after he took off your "brar"?
A. After that he kissed me.

Q. Kissed you where, what parts?
A. On the lips.

Q. Kiss you any other place?
A. (Witness shakes head in the negative.) Not to my knowledge.

Q. When you woke up in the morning, how were you dressed?
A. I was nude, sir.

Q. You were nude?
A. Yes.

Q. Did you remove your clothes during the night?
A. Nothing more than my pajama top.

Q. How was Colonel Adams dressed when you went to bed?
A. When I went to sleep, he had his pajamas on.

Q. How was Colonel Adams dressed when he woke up?
A. The next morning he was nude, too.

Q. Now the pajama tops that you had on in Dallas, could you remove them? Did you remove them?
A. I did; my pajama top, yes, sir.

Q. How about your pajama bottoms?
A. I did not, sir.

Q. How about your...did you have anything underneath your pajama bottoms?
A. I had my pants on, yes sir.

Q. Your panties...did you remove your panties that night?
A. Not to my knowledge, no, sir.

Q. Were they the type of panties that could be kicked off?
A. No, sir, they weren't.

Q. Did you have pajamas on that could be kicked off that night?
A. No, sir, I didn't.

Q. To the best of your knowledge, you don't know whether you removed them or not? ZK JVK
A. I did not.

Q. Now, when you woke up, where'd you find your clothes?
A. Under the covers.

Q. Who was in bed with you when you woke up?
A. Colonel Adams.

Q. Do you know what position he was in when he woke up?
A. He was on his side; I was on my back.

Q. Do you know if he was holding you or not?
A. Just his right arm across my stomach.

Q. How was he dressed?
A. He was nude, sir.

Q. Where was his clothes, to the best of your knowledge?
A. I didn't see them.

Q. In your own mind, do you know if sexual intercourse took place on 17 December 1955 in Dallas?
A. In my own mind, I'm sure it did, but in fairness to Colonel Adams, I don't remember if it did or not.

Q. Do you bear any malice towards Colonel Adams for this incident?
A. I do not, sir.

Q. Do you bear any malice toward Colonel Adams for the other incident in Vicksburg?
A. No, sir, I don't.

Q. Do you dislike Colonel Adams?
A. No, sir.

Q. Do you desire to get revenge on Colonel Adams?
A. No, sir, I don't.

Q. Have you been promised any immunity in the event you testified here today?
A. No, sir, I have not.

Q. Have you been offered any clemency to testify here today?
A. No, sir.

Q. Are you testifying of your own free will?
A. I am, sir.

Q. Would you make up a story about Colonel Adams?
A. No, sir, I wouldn't.

Q. Do you recall how you registered...ah, do you know how you registered at the motel that night in Dallas?
A. As man and wife, sir.

Q. How do you know that?
A. During the evening he called for room service - for ice - and he told the guy that answered, said, "Would you please send some ice, my wife...this is Doctor Adams, would you please send some ice? My wife is ill."

Q. Do you recall, to the best of your knowledge, prior to going to bed at Dallas, after your "brar" was removed, what took place between you and Colonel Adams?
A. He was kissing my lips, sir.

Q. That's the only place he kissed you?
A. Yes, sir.

Q. After you went to bed did anything take place?
A. No, sir.

Q. Before you went to bed?
A. Just the kissing, and removing my bra and pajama top.

LO: The reporter would like to have a recess; she's getting quite tired with this lengthy examination - let's make it a ten minute recess.

TC: I'd like to have a ten minute recess.

The court recessed at 1440 hours, 13 August 1957.

The court reconvened at 1450 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect that all parties present when the court adjourned are again present.

TC: May I remind you Lieutenant Goodnough that you are still under oath.

Questions continued by the prosecution (TC):
Q. I draw your attention back to Dallas and December 17th, 1955. You state that your "brar" was taken off in Dallas, is that correct?
A. That's true, sir.

DC: If it please the law officer, the defense counsel objects to the repetitious questioning of the witness. He has questioned her about three times on this particular subject and I think it's about time that he be restricted to questioning her once.

LO: What is the purpose of this?

TC: I want to bring out certain things which I can't mention unless the witness testifies.

LO: Proceed.

Questions continued by the prosecution (TC):
Q. You stated that your "brar" was taken off by Colonel Adams, is that correct?
A. That's true, sir.

Q. You stated that Colonel Adams kissed you?
A. He did, sir.

Q. How long were you kissing?
A. Over a period of an hour, sir.

Q. Would you tell me how you kissed?
A. He was kissing my lips...

DC: Again, sir, I must object. He has brought that out at least three times already.

LO: Do you have some purpose in leading up...

TC: Yes, sir.

LO: ...to this questioning again?

TC: Yes, sir, I do.

LO: Proceed; I will withhold ruling until trial counsel ties in his case.

Questions continued by the prosecution (TC):
Q. Would you tell me how he kissed you?
A. He was kissing my lips, with his tongue in my mouth and he was kissing my shoulders, my breasts and my abdomen, my arms; and in the meantime licking them with his tongue, too, sir.

Q. Kissed all these parts?
A. Yes, sir.

Q. And then after this...and you had had some drinks, is that correct?
A. That's true, sir.

Q. And then after this you both went to bed?
A. That's true.

Q. In your own opinion, what took place that night, do you recall? Do you recall if sexual intercourse took place?
A. I do not recall it, sir.

Q. Do you know what reason Colonel Adams talked to you about, in the event anything took place that he.would do something to you?
A. Well, I was worried about him and I was upset.

Q. I draw your attention to on or about 18 December 1955. Were you at Walker Air Force Base?
A. Yes, sir, I was...

Q. Would you tell me what took place there?
A. I reported in on a Sunday, the 18th of December, and the next day I processed on the base, went to work as a nurse - general duty - at the base hospital.

Q. Now, on...or after the 18th of December did you have the occasion to see the accused?
A. Yes, sir, I did.

Q. What position did the accused...Where does the accused work, do you know?
A. Yes, sir, he's Deputy Commander of the Base Hospital.

Q. Base Hospital - now, what is his duties there?
A. He's a specialist in gynecology.

Q. Do you recall, to the best of your knowledge, prior to going to bed at Dallas, after your "brar" was removed, what took place between you and Colonel Adams?
A. He was kissing my lips, sir.

Q. That's the only place he kissed you?
A. Yes, sir.

Q. After you went to bed did anything take place?
A. No, sir.

Q. Before you went to bed?
A. Just the kissing, and removing my bra and pajama top.

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Q. Kissed all these parts?
A. Yes, sir.

Q. And then after this...and you had had some drinks, is that correct?
A. That's true, sir.

Q. And then after this you both went to bed?
A. That's true.

Q. In your own opinion, what took place that night, do you recall? Do you recall if sexual intercourse took place?
A. I do not recall it, sir.

Q. Do you know what reason Colonel Adams talked to you about, in the event anything took place that he would do something to you?
A. Well, I was worried about him and I was upset.

Q. I draw your attention to on or about 18 December 1955. Were you at Walker Air Force Base?
A. Yes, sir, I was...

Q. Would you tell me what took place there?
A. I reported in on a Sunday, the 18th of December, and the next day I processed on the base, went to work as a nurse - general duty - at the base hospital.

Q. Now, on...or after the 18th of December did you have the occasion to see the accused?
A. Yes, sir, I did.

Q. What position did the accused...Where does the accused work, do you know?
A. Yes, sir, he's Deputy Commander of the Base Hospital.

Q. Base Hospital - now, what is his duties there?
A. He's a specialist in gynecology.

Q. Now, did you have the occasion to see the accused after the 18th?
A. Yes, sir, I did.

Q. Would you tell me under what circumstances?
A. Professionally and socially.

Q. Would you tell me how you saw him socially?
A. I saw him in the evenings for dinner most every night.

Q. Would you tell me what took place, if anything?
A. Usually we'd just go down town or to the club and talk, come home and kiss me good night, tell me he loved me and go home.

Q. Was this every night?
A. Yes.

Q. I draw your attention to on or about the 25th of December 1955; do you know where the accused was approximately Christmas Day?
A. He was on leave in San Francisco.

Q. Did you hear from him while he was on leave?
A. I did, sir.

Q. In what way?
A. I got a wire from him, three telephone calls, and several letters, a Christmas gift - a fountain pen.

Q. Where did you hear from him then? You say you had a telephone call; from where?
A. I was on duty at the hospital; he was in San Francisco.

Q. And did you recognize his voice?
A. I did, sir; I've talked to him many times before on the phone.

Q. You've talked to him many times before on the phone?
A. Yes.

Q. Now after on or about the 1st of January 1956, did you see the accused?
A. I did, sir.

Q. Would you explain to me under what circumstances?
A. I saw him on-duty and off-duty, too; I dated him constantly.

Q. Would you explain how you saw him on duty - the circumstances?
A. He would come on the ward to make rounds and he would ask me to come in one of the rooms - he had something to discuss with me; he told me he loved me, how fond he was of me.

Q. How many times did he tell you he loved you?
A. Every time he would come on the ward - three and four times a day.

Q. And what would you do at night?
A. We'd go to the club for dinner, usually just talk and he'd bring me home and kiss me good night.

Q. Who paid for the bill?
A. He did, Colonel Adams.

Q. Did you desire to pay for your own bill?
A. I didn't mention it, no.

Q. Just one question just off the point. Back to Vicksburg, did you invite Colonel Adams into your room in Vicksburg, Mississippi, on 16 December 1955?
A. No, sir, I did not (shakes head).

Q. What is gynecology; do you know what this is?
A. It's...diseases of the female.

Q. Did you have any discussion with Colonel Adams concerning his coming on the ward with you?
A. Yes, I did.

Q. What was the discussion?
A. I asked him not to come on so much, that people were noticing, probably talking about it, and it was embarrassing to me.

Q. What'd he say?
A. He would answer, well, he'd stop it - that nobody was paying any attention anyway.

Q. Were you lonely during this period of time - January 1956?
A. Very much.

Q. Did you like Colonel Adams?
A. Yes.

Q. Did you love him?
A. No, sir.

Q. What were your feelings toward him?
A. He was very good to me and he was about the only friend I had made since I came to the base.

Q. In January of 1956 were you ever in Colonel Adams' quarters?
A. I was, sir.

Q. At Walker Air Force Base?
A. Yes, sir.

Q. About how many times?
A. Not over once or twice a week; usually just go in before going out.

Q. Did you go there of your own free will?
A. No, sir, I went there by invitation.

Q. Invitation?
A. Yes, sir.

Q. I draw your attention to January 1956, do you recall an occasion where you were invited to Colonel Adams' quarters?
A. Yes, sir, I do.

Q. Would you tell me the incident, please?

A. He asked me over for the evening to watch television, which I accepted and we watched television, talked for about an hour. I was lying on the couch; he was sitting across the room in a chair and at 9:00, when the nine o'clock news came on he came over and he was very upset because he told me I'd hurt him in some way - I don't remember now. And he was sitting on the couch beside me and talking and he kissed me occasionally and he asked me if I remembered the pictures that he'd shown me at Gunter, which I did vaguely. (Witness coughs) Excuse me.

Q. Proceed.
A. And he explained them, the ones that he had shown me because I didn't remember exactly what the pictures were and he asked me my idea of what I thought about the whole subject - how they were expressing their emotions and love - and I...well, according to my standings I didn't care for it, that I thought it was wrong and we talked on then and asked me if I objected to him showing me his, the way he made his love and his type of making love. And I was stunned by it - I didn't know what he meant. He was kissing my lips the whole time here and then in the meantime he was "pepping" me up and I was on my feet and I was standing myself and he had his arms around me (witness coughs twice).

TC: Take your time.

Response continued by the witness:
A. And, the bedroom is next to the living room. We had lamps on in the living room; no other lights in the house, and then we went in the bedroom. He told me how I would have to...that I would have to undress and...but he was taking my blouse off all the time and...I wasn't...wasn't thinking about it. I was stunned in a way, too, and he told me the position I would have to lie on the bed - just lie flat on the bed - which I did and I was...was nude then; I had my clothes off. He told me that...to...just to bend my legs up; my knees apart, which they were and he started kissing me; the same way as before, my lips, my shoulders, my breasts, my abdomen, and all over my thighs. He was very passionate, breathing very hard, just animal-like instincts. I wasn't thinking at all, I...at the time I seemed to be in shock or something. And he put his...after that he had his mouth on my vagina and he was still breathing very hard and put his tongue in my vagina. I could feel it, it was wet, feel his breathing and his beard against my legs and his moustache and all and I...in the meantime I was very passionate. After about ten or fifteen minutes I did reach a climax and then it dawned on me what was going on and after that he still had his mouth on my vagina and his tongue was in my vagina, and I told him to let me up. I was real disgusted with him and myself too. And then I dressed; he took me home.

Q. You said you had a discussion...(TC has coughing seizure)...you said you had a discussion concerning some pictures, who did you have it with?

A. Colonel Adams.

Q. Would you tell me what that discussion was about?
A. It was a discussion on what I thought of the pictures and what he thought of them and he asked me if I objected to him showing me how to make love, his way of making love.

Q. Did he state anything about these pictures to you?
A. He explained them to me; I didn't remember the exact pictures.

Q. Would you tell me what he explained to you?
A. He explained the one picture, I remember was the female and she had the man's penis in her mouth.

Q. Do you recall any other pictures?
A. Only one - was a man, he had his mouth on her vagina.

Q. You say that Colonel Adams had you over to the room that night, is that right?
A. Yes, sir.

Q. I want you to think carefully now; how do you know that it was not a finger in your vagina instead of a tongue in your vagina?
A. I know, sir, because I could feel his tongue, it was wet; I could feel his beard and his moustache and his breathing all at the same time.

Q. Now, where...where was Colonel Adams' head at the time that your knees were bent?
A. It was between my legs.

Q. Now how long was his allegedly tongue in your vagina?
A. Ten - fifteen minutes.

Q. What was he doing during this period of time?
A. He wasn't saying anything, he was breathing real hard and panting and just going all over my private parts (witness shakes head).

Q. Now when you speak of Colonel Adams, who do you mean on this incident?
A. I mean the accused, sir.

Q. Now would you make up a story about Colonel Adams concerning this incident?
A. I would not, sir, most certainly.

Q. Do you know whether you're telling the truth to the court today concerning this incident of January 1956?
A. I do, sir; I couldn't forget it.

Q. You can't forget it.
A. Most disgusting thing...

Q. Why can't you forget?
A. It's the most disgusting thing that ever happened to me.

Q. Do you bear any malice towards Colonel Adams for this?
A. No, sir, I don't.

Q. And you reached a climax, is that correct?
A. That's true.

Q. What was Colonel Adams doing during that period of time?
A. He still had his head between my legs and his tongue in my vagina.

Q. Do you recall the clothes you were wearing that night, to the best of your knowledge?
A. To the best of my knowledge, just a skirt and blouse.

Q. When you woke up or after this incident took place, did you notice the television?
A. It was still on, yes, sir.

Q. Now, you say you had some drinks; what condition were you in that night?
A. I was very sober.

Q. What condition was Colonel Adams in that night?
A. He was sober.

Q. Did you know that this was wrong in January of 1956?
A. I did, sir.

Q. Huh?
A. I did.

Q. Why were you so reluctant to disclose this matter so long?
A. It was something I was very ashamed of; I wanted to forget it and tried to forget it.

Q. Who undressed you that night in January 1956?
A. Colonel Adams, sir.

Q. Who put you in position?
A. Colonel Adams.

Q. And you said that you were naked?
A. I was, sir.

Q. Do you know if the lights were on in the room?
A. No, sir, they weren't, only in the living room.

Q. Do you know how much Colonel Adams had to drink, approximately, that night?
A. Approximately two or three drinks.

Q. Do you think he knew what he was doing that night?
A. I think he did, I'm sure I did.

Q. You state that you have no malice towards him for this?
A. No, sir, I don't.

Q. After you got up what took place?
A. After I got up, he took me home.

Q. Took you home, where?
A. Back to the BOQ Quarters where I lived at the time.

Q. During this alleged incident, where was Colonel Adams' hands, do you recall?
A. As I recall, they were on the bed, just lying on the bed.

Q. What position was he in?
A. He was on his knees and his hands were under his chest - knee chest...

Q. Now after this incident, did you see Colonel Adams again?
A. I saw him on duty and occasionally off duty.

Q. What took place at that time, do you recall?
A. At that time just went to dinner and talked, nothing more.

Q. In the early part of February or sometime in February 1956, do you know where Colonel Adams was?
A. Yes, he was TDY in England.

Q. Did you have any...correspond with him?
A. Yes, sir, I received a radiogram when he got there and I received many letters - one or two every day.

Q. From who?
A. Colonel Adams.

Q. How do you know they were from Colonel Adams?
A. I knew his writing; I'd seen it professionally and off duty.

Q. How many times have you seen Colonel Adams' writing?
A. Approximately, five hundred or more.

Q. So you would recognize his handwriting?
A. I would, sir.

Q. I draw your attention to January 1956, did you receive any letters from Colonel Adams?
A. Yes, sir.

Q. Approximately how many?
A. Approximately 18 or 20, if not more.

Q. Now at the beginning of April 1956, I draw your attention, did you see Colonel Adams again?
A. Would you repeat that, sir.

Q. At the beginning of April 1956 did you see Colonel Adams again?
A. I did, after his return to Walker Air Force Base.

Q. What type of relationship did you have after that period?
A. Just friends, I dated him occasionally - about once a week or every ten days.

Q. Did he tell you how he felt about you?
A. He told me he still loved me and was still very fond of me.

Q. What did you tell him?
A. I told him that I had met other boys and I wanted to date them; I didn't want to go steady; I still wanted to be friends.

Q. And these letters he wrote you, how did he tell you he felt about you?
A. He told me he loved me very much.

(TC consults briefly with Asst TC.)

Questions continued by the prosecution (TC):
Q. I draw your attention to on or about 19 April 1956; do you recall seeing the accused at Walker? On or about? The middle of April? Did you go anywhere in the middle of April from Walker Air Force Base?
A. Yes, sir, I went to El Paso.

Q. El Paso?
A. Yes, sir.

Q. Who did you go with?
A. With Colonel Adams.

Q. Colonel Adams?
A. (No response; witness nods head in the affirmative.)

Q. In whose car?
A. In his car, sir.

Q. Where did you go to?
A. We registered at a motel in El Paso...

TC: Hold it.

(Airplane passes overhead.)

Questions continued by the prosecution (TC):
Q. Where did you go in El Paso?
A. We registered at the La Fonda Motel.

Q. After registering...how did you register at the motel?
A. We registered as man and wife.

Q. How do you know you registered as man and wife?
A. Because I saw the registration slip and he told me when I asked him.

Q. Who told you?
A. Colonel Adams.

Q. Now, after you got to the motel, what did you do?
A. After that we went to Juarez shopping and we went around to the different places, came home around 12:00 or 12:30, I don't remember, and we were fairly high. We had been drinking most of the evening and he kissed me occasionally and we went to bed...told me he loved me, was very fond of me and at first he was just kissing my lips and after that he took my pajama top off and my bra and he was kissing my shoulders and my breasts and abdomen at the same time, and after that we went to sleep.

Q. Do you recall how you went to bed that night?
A. I had my pajama bottoms on.

Q. Pajama bottoms; how about underneath the pajamas, did you have anything?
A. My pants on, yes, sir.

Q. Do you know if you could have kicked off your panties or pajama bottoms?
A. I don't think so, sir.

Q. Who did you...did you go to bed that night?
A. I did.

Q. Was anyone in bed with you?
A. Yes, sir, Colonel Adams.

Q. Who?
A. Colonel Adams.

Q. How was he dressed when he went to bed?
A. He was in pajamas.

Q. How was he dressed when you woke up?
A. He was nude and I was nude.

Q. Do you recall taking off your clothes that night?
A. No, sir, I don't.

Q. Now you state he was kissing you - what do you mean by kiss?
A. He was kissing me, he was licking me at the same time.

Q. Licking you?
A. With his tongue, yes.

Q. Was this on the various parts of the body that you have testified to?
A. Yes, sir.

Q. How long did this take place?
A. Approximately...not over an hour.

Q. Not over an hour?
A. No, sir.

Q. Was this in the bed or outside the bed?
A. In the bed, sir.

Q. In the bed?
A. Yes.

Q. Did you return his embraces?
A. I kissed him, returned his kisses.

Q. That's all you recall that took place, is that correct?
A. Yes, sir.

Q. Now, you say he was kissing you now for this one hours time, was he kissing you for so many minutes one place or another or was it a combination of places?
A. A combination.

Q. Did you complain to him about it?
A. At the time I didn't, no, sir.

Q. Who took your "brar" off that night? Did you take it off?
A. No, sir.

Q. Who took it off?
A. Colonel Adams.

Q. Why?
A. Why I don't know.

Q. Did you have a pajama top on that night?
A. No, sir.

Q. How did you go to bed?
A. I went to bed with my pajama pants and panties on.

Q. When you woke up?
A. When I woke up, they were off.

Q. Did you take them off that night?
A. No, not to my knowledge I didn't.

Q. Now, I draw your attention to about the 20th, how many nights did you stay there?
A. Two nights.

Q. Two nights?
A. Yes, sir.

Q. At what hotel?
A. La Fonda Motel.

Q. What city is that in?
A. El Paso, Texas.

Q. Who was with you the second night?
A. The accused, Colonel Adams.

Q. Did you go to bed alone the second night?
A. No, sir, I didn't.

Q. Who'd you go to bed with?
A. With Colonel Adams.

Q. How did you go to bed? Do you recall how you were dressed?
A. I went to bed in my pajama bottoms...the same way.

Q. Do you recall what took place?
A. Um...I recall the same...he was kissing me as before.

Q. Where was he kissing you?
A. My lips and my shoulders, by breasts and my abdomen...all he ever kissed.

Q. What happened...how did you wake up in the morning? How were you dressed?
A. I was nude.

Q. How was Colonel Adams?
A. He was nude too.

Q. Did you remove your clothes that night?
A. Not to my knowledge - I did not.

Q. Do you recall how much you drank the first night you were in El Paso - what condition you were in?
A. We were fairly high, yes, sir - not drunk.

Q. Do you know what condition the accused was in?
A. He wasn't drunk; he was high.

Q. Do you recall the second night, how much you drank?
A. Not nearly so much.

Q. Do you recall what condition you were in?
A. We weren't drunk, we weren't high...not...average high, not anywhere around drunk.

Q. In your opinion, you recall...do you recall, to the best of your knowledge, what do you think took place while you were in El Paso - Dallas, rather in El Paso?
A. To the best of my knowledge...

DC: The defense counsel objects. If she knows what happened, she can say it - not to the best of her knowledge; she must be aware of what happened or what didn't happen.

TC: (To witness) Are you aware of what happened in El Paso, Texas, on or about April 17th, 1955?

Witness: I am.

TC: ..."6" rather. Will you tell the court, please?

Witness: To the best of my knowledge I don't remember if sexual intercourse took place. In my own mind I'm sure it did.

DC: If it please the court, I request that the court be instructed to disregard the testimony of the witness in regards to what happened. She says she doesn't know; she says she thinks, or in her own mind, she is aware that something took place, but she doesn't know and if she doesn't know, she can't testify.

LO: Right, the court will disregard the testimony of the witness in regard to "in her own mind." She either knows or she does not know what took place. The court will completely disregard that testimony.

Questions continued by the prosecution
Q. I draw your attention to on or about 27 April 1956, did you have the occasion to see the accused?
A. Yes, I did.

Q. Would you tell me where and under what circumstances?
A. We took a trip to El Paso, Texas.

Q. In whose...and what way did you travel?
A. We went in Colonel Adams' car, sir.

Q. Who did you go with?
A. Colonel Adams.

Q. And where did you go to?
A. El Paso, Texas.

Q. Would you tell me where you went to and so forth?
A. We stayed at the La Fonda Motel.

Q. La Fonda Motel?
A. Yes.

Q. How many nights did you stay there?
A. Two nights, sir.

Q. Who did you stay with?
A. Colonel Adams.

Q. Do you know how he registered?
A. As man and wife, yes, sir.

Q. How do you know?
A. I saw the registration slip and I asked him, too.

Q. Did he tell you that?
A. He told me.

Q. The first night you were there, do you recall what took place?
A. Yes, sir; we went to Juarez, we drank pretty heavily and we came back and he was kissing me, took my bra...my pajama top off and was kissing certain parts of my body, licking them with his tongue, my shoulders, my breasts, my abdomen...that I do remember, no more.

Q. Do you recall what took place the second night?
A. Approximately the same thing; we went to Juarez again, were drinking...

Q. Did you go to bed alone the first night?
A. No, sir, I didn't.

Q. Who was in bed with you?
A. Colonel Adams.

Q. And when you woke up in the morning, how were you dressed?
A. I was nude, sir.

Q. How was Colonel Adams?
A. He was nude.

Q. When you woke up the second morning, how were you dressed?
A. I was nude.

Q. How was Colonel Adams?
A. He was nude.

Q. Do you recall how much you were drinking - this second occasion of 27 April 1956?
A. We didn't drink near as much as we did the first night, but we drank for about three hours in Juarez.

Q. This second...on 27 April 1956, will you describe to me the parts of the body he was kissing?
A. Yes, sir; he was kissing my lips, my shoulders, my breasts, my abdomen.

Q. How long did this take place?
A. Took place over a period of an hour or so.

Q. What do you mean by the word "kiss"?
A. He was kissing with his lips and also licking.

Q. Do you recall if anything else took place?
A. No, sir, I don't.

Q. Do you recall if you were drinking heavy on or about 27 April - on the second occasion?
A. On the second occasion, not near so much

Q. Do you recall this incident?
A. I do, very well.

Q. How many nights did you stay in El Paso the second time?
A. Two, sir.

Q. How many nights did you stay the first time?
A. Two, sir.

Q. Who paid the bill?
A. Colonel Adams, sir.

Q. Do you bear any malice towards Colonel Adams for this affair in El Paso on April 17th, 1956?
A. No, sir, I do not.

Q. Do you bear any malice towards Colonel Adams for this affair on 27 April 1956?
A. No, sir, I don't.

Q. Has Colonel Adams given you gifts?
A. Yes, sir, many.

Q. Would you tell me the gifts he's given you?
A. When I came on the base he bought all my cooking wear and dishes, gave me pot plants, brought me a sweater from England, and gave me a fountain pen.

Q. After this incident in April, did you have a discussion with Colonel Adams concerning your relationship with him?
A. I told him I thought it was better if we'd break off...for my good.

Q. Did you tell him or did he tell you?
A. I told him.

Q. And what occurred after that?
A. After that I saw him occasionally.

Q. Now I draw your attention to on or about October 1956, were you the subject of an OSI Investigation for narcotics?
A. I was, sir.

Q. Would you explain the circumstances to me?
A. I was called in because there'd been quite a few missing tablets...

Pres: I'm sorry, I cannot hear that.

TC: Will you speak up, please? Take your time and let the court hear what you have to say - face the court.

Response continued by the witness:
A. I was called in because there had been quite a few missing tablets on the ward that couldn't be accounted for. I...during that time I had been, to make up for them, to keep everything quiet, I, as well as some of the others, had been putting down names of patients that had been getting them - maybe they did and maybe they didn't - and I falsified the names.

Q. You admit in open court today that you falsified medical records?
A. I do.

Q. These alleged shortages, did you use them - any of that portion of the narcotics?
A. I did not, sir.

Q. When were you married?
A. March 16th, 1957.

Q. Have you ever been married to Colonel Adams, the accused?
A. I have not, sir.

Q. Were you married to Colonel Adams between the period of 1 December 1955 to the present?
A. No, sir, I wasn't.

Q. Did he ever ask you to marry him?
A. He did, sir.

Q. Would you tell me approximately when and under what circumstances?
A. He asked me around January 1956 after he had explained about his wife and he also me when he could be free from his present obligation to his wife.

Q. What was your reply?
A. My reply was that I couldn't marry him and he shouldn't even think about it.

Q. Why?
A. Because he had a wife.

Q. Has he ever proposed marriage to you?
A. Yes, sir.

Q. How many times?
A. I would estimate two or three.

Q. Did he ever talk to your father and mother? Are they living?
A. They are, sir.

Q. Where at?
A. Simpsonville, South Carolina.

Q. Was there any discussion about visiting your folks?
A. There was, sir.

Q. Would you explain that, please?
A. He was getting fed up with the Air Force; he said he didn't know where he'd like to open a practice and we talked many times about my hometown - the shortage of doctors in it - and we talked about it and made him think about going back there and maybe opening an office.

Q. Have you received any reprimands from your hospital Commander?
A. I have, sir.

Q. Would you explain them to me?
A. I had two checks bounce which I made good.

Q. Have you made those checks good?
A. I have, sir.

Q. Do you know if the accused had a car in 1956?
A. He did, sir.

Q. Did you use that car?
A. I did.

Q. Do you recall the occasion of using it?
A. I kept his car while he was TDY in England.

Q. Now I draw your attention to December in 1956, were you in any hospital?
A. December 1956...(hesitates, thinking)

Q. Were you hospitalized anywhere?
A. I was at Carswell Air Force Base...

Q. Do you recall what you were hospitalized for?
A. I was going on emergency leave...

Q. Do you have trouble with your...any part of your body?
A. No, I was hospitalized because I was tired and upset and sick; I'd been taking amphetamine to keep awake and...

Q. Do you have trouble with your liver?
A. I do, sir.

Q. Now, I draw your attention to December 1956, again; did you have a conversation with the accused concerning the investigation?
A. I did, sir, on duty.

Q. Will you tell the court where this conversation took place?
A. On Ward 6 at the Base Hospital.

Q. Is that at Walker Air Force Base?
A. Yes, sir.

Q. Okay, would you tell me what that conversation was about?
A. He had just come in from talking to the OSI and he came over to the Ward...

Q. Talk up a little.
A. I'm sorry; he wanted to know what I'd told them, said they called him in; he was real upset and I told him that I had been sworn to secrecy; I couldn't tell him anything; he'd have to ask Mr. Pittson and he discussed with me what they'd told him and he said they hadn't sworn him to anything at the time and then the next day I met him in the hall and he asked me why I didn't go to Major Weiss and resign and call Mr. Pittson and tell him that I wanted to withdraw my statement...that he'd been in a long time and he had a lot at stake; that I hadn't been in long - didn't have nothing to lose.

Q. Did he say anything to you about what you should do?
A. Go to Major Weiss and resign.

Q. During the period of time that you knew Colonel Adams were you afraid of him?
A. I was, sir.

Q. Would you tell me why, please, and the court?
A. Because of his emotions - the way he'd acted in the past, he'd get very upset and in my apartment he kicked the furniture and he'd yell at me and everything; I was frightened of him most of the time.

Q. Why didn't you leave him?
A. I was stationed here at the base; I couldn't leave.

Q. Now from December 1955 to the present, do you recall Colonel Adams' duties at the hospital?
A. He was Deputy Hospital Commander; he's a specialist in gynecology.

Q. Was he your superior in the hospital?
A. Yes, sir.

Q. Now when you took nurse's training, did you know the meaning of the word "unnatural" relations?
A. In my own mind I did; we weren't really...they didn't drill on it much at all.

Q. Now, I notice...
A. Natural relations, sir, they did; but unnatural, no.

Q. I notice that you have some marks on your arms and feet?
A. Yes, sir.

(The marks referred to by TC had the appearance of infected mosquito bites; such marks were visible on the face, arms and legs of the witness.)

Q. Would you tell the court - and they're visible - would you tell the court what they are?
A. It's an allergy, sir.

Q. Would you explain that to the best of your knowledge?
A. I've been going to Doctor English downtown; I'm allergic to different pollens, dust, food - some foods.

TC: We have further examination, but she's been on the stand 45 minute; we'd like to take a break.

LO: How much more examination...

TC: I think I can be finished by four o'clock with the balance that we have.

LO: All right; we'll have a ten minute recess then, if it's all right with the president.

Pres: (Nods head in the affirmative.)

The court recessed at 1530 hours, 13 August 1957.

The court reconvened at 1541 hours, 13 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties to the trial present when the court adjourned are again present.

TC: May I remind you, Lieutenant Goodnough, you are still under oath.

TC: Will you mark this Prosecution Exhibit 9 for Identification?

(The reporter marked the document Prosecution Exhibit 9 for Identification.)

TC: Would you mark this Prosecution Exhibit 10 for Identification?

(The reporter marked the document Prosecution Exhibit 10 for Identification.)

TC: Prosecution Exhibit 11 for Identification purposes...

(The reporter marked the document Prosecution Exhibit 11 for Identification.)

TC: Prosecution Exhibit 12 for Identification.

(The reporter marked the document Prosecution Exhibit 12 for Identification.)

TC: Thirteen.

(The reporter marked the document Prosecution Exhibit 13 for Identification.)

TC: Fourteen.

(The reporter marked the document Prosecution Exhibit 14 for Identification.)

TC: And this will be 15.

(The reporter marked the document Prosecution Exhibit 15 for Identification.)

Questions continued by the prosecution (TC):
Q. Lieutenant Goodnough, at this time I show you Prosecution Exhibit 9 for Identification; I want you to look at it and tell me what it is. Do you know what it is? (TC hands document to witness.) What is it first, do you know?
A. It's a letter Colonel Adams sent me Christmas 1955 - while he was on leave.

Q. How do you recognize it?
A. I recognize his handwriting, sir.

Q. Did you actually receive that letter?
A. Yes, sir.

Q. How did you receive it?
A. I received it by mail.

Q. At this time I show you Prosecution Exhibit 10 for Identification; do you know what it is? (TC shows document to witness.)
A. I received this...

Q. What is it first, would you tell me?
A. A letter I received from Colonel Adams after a misunderstanding we had.

Q. Did you actually receive this letter?
A. I did, sir.

Q. Do you know who wrote this letter?
A. Colonel Adams.

Q. How do you know?
A. I recognize the handwriting.

Q. At this time I show you Prosecution Exhibit 11 for Identification (TC shows document to witness); do you know what this is?
A. This is a letter he wrote my mother.

Q. How do you know that's the letter?
A. I recognize the handwriting and I received one in duplicate.

Q. How did you receive it? From whom?
A. Colonel Adams, sir.

Q. Did he deliver it to you?
A. It was brought to my apartment when I wasn't home.

Q. At this time I show you Prosecution Exhibit 12 (TC shows document to witness), do you know what this is?
A. It's when I was in the hospital with a fractured knee...

Q. Speak up, please; do you know what it is, first?
A. It's a letter I received from Colonel Adams when I was in the hospital in February 1956.

Q. How do you know it's Colonel Adams' letter?
A. I recognize his handwriting on it.

Q. Did you actually receive this letter?
A. I did; it was brought to my room in the hospital by one of the...

Q. Who brought it?
A. One of the nurses.

Q. I show you Prosecution Exhibit 13 for Identification (TC shows document to witness), do you know what that says, I mean, what it is, first.
A. It's a letter received from Colonel Adams.

Q. Do you know approximately when?
A. I was in the hospital - at the same time.

Q. How'd you receive it?
A. Also by a nurse.

Q. Do you know whose handwriting it is?
A. I do; it's Colonel Adams'.

Q. I show you Prosecution Exhibit 14 for Identification (TC shows document to witness), do you know what that is?
A. It's also a letter my mother received from Colonel Adams, this is a duplicate or the one he gave me of the one he wrote her at the same time.

Q. Did he personally give it to you?
A. He left it at my apartment, yes.

Q. Approximately what month and year and under what circumstances?
A. It was after a misunderstanding we'd had, just what I don't remember.

Q. Do you know who wrote that letter?
A. Yes, sir, Colonel Adams' handwriting.

Q. How do you recognize the handwriting?
A. I recognize it.

Q. I show you Prosecution Exhibit 16 for Identification (TC shows document which had been marked Prosecution Exhibit 15 for Identification to witness); do you know what this is?
A. He wrote this when he was going on emergency leave.

Q. Who wrote it?
A. Colonel Adams; he was on his way to Albuquerque to catch a plane.

Q. How did you receive this letter?
A. At my apartment; it was slipped under the door next morning.

Q. Who left it there?
A. Colonel Adams did - it was in his handwriting.

Q. Lieutenant Goodnough, going back to January 1956 to this incident; are you sure you're telling the court the truth today?
A. I'm positive, sir.

DC: I object again, sir; he's gone over that incident several times and I think it's just purely repetitious.

TC: I withdraw the question.

LO: Do you withdraw the question?

TC: Yes, sir, I withdraw the question.

Pres: May I repeat that there is no rush to break up at four o'clock if he wants to continue.

LO: I think it would be wiser under the circumstances to let the prosecution present their direct testimony today and then we can close.

Pres: Time is ample, say until they finish - it's immaterial.

Questions continued by the prosecution (TC):
Q. Lieutenant Goodnough, in your own words I'd like for you to tell the court how you went to Sheppard Air Force Base Hospital - the circumstances. Would you tell the court in your own words, on or about the 1st or 2nd of August 1956.
A. On or about the 28th, 29th of July I was on leave and I was called and told to report in from leave Sunday night, to report in at 0700 Monday morning so...

TC: Talk up if you would, please; I appreciate that you...it is difficult, but I would appreciate it if you could please talk up...please.

Response continued by the witness:
A. I was told to report in from leave at 0700 Monday morning for a physical examination; I didn't...I wasn't told about a TDY or anything and I came out Monday morning, received orders and it was TPA which...I left then and went home to make arrangements to leave and about ten o'clock my husband came home

and we were out in the yard, started into the house, and I started having terrible pains; so he kept encouraging me to come to the hospital - which I wouldn't and the pains lasted about an hour and we started out to the base...

TC: Hold it.

(Airplane passes overhead.)

Response continued by the witness:
A. ...started out to the base to see Lieutenant Bauerle about the TPA because we only have the one car and I couldn't go and take the car and I...we were on South Penn and I started having pains again and Doctor Malone's was on Tilden and we went there and he checked me...around 1:00, 1:30 in the afternoon he did a hematology urinology, gave me a hypodermic, and suggested I be in a hospital - he said St Mary's or the Medical Center. Around four o'clock I was admitted to the Medical Center and I received a hypodermic after that on admission; I went to sleep that afternoon, all that night...

Q. Where was...what was this hypodermic, was it a sedative?
A. I don't know.

Q. You don't know...
A. No.

Q. Proceed.
A. And I slept all afternoon and all that night and the next day and around seven o'clock in the afternoon, on Wednesday, I started having pains again and they gave me another hypodermic and I slept all that night and the next day - which I don't remember anything about - my husband stayed the whole time and he fed me, I was on liquids and he couldn't get me awake and the nurse would say I was all upset too and the next morning, Thursday morning, Major Smith came in and told me I...to get dress; they had a plane waiting...

Q. Was this while you were in the hospital?
A. At the Medical Center, yes, sir.

Q. Proceed.
A. To get ready they had a plane waiting, leaving going to Sheppard, I was to be "air evaced" and I got upset and I asked her if she'd call my husband and she said no, that they didn't have time, said that we'd stop by the house and then call. We stopped by my house on East Bland and I called him and he was upset too because...he told her, "You just can't take her out of the hospital and put her on a plane and take her..." and which she told me that I was being admitted to Sheppard and he got leave right quick and met me at the plane. The ambulance took me to the plane, Major Smith was with me at the same time, and when I got there...I dressed at home; I wore my blue skirt...

Q. Would you explain your uniform and the condition of your hair on Thursday of that day.
A. Well, I'd been lying in bed for about three days and I just pulled it back - the way it was and when I went home I had the same dress on that I'd worn to the hospital and she got real upset with me...

Q. Who got real upset?
A. Major Smith.

Q. Yeah?
A. She told me to hurry up - she didn't care how I looked, just so she got me there and I wore my blue uniform skirt and...couldn't find my military blouse

so I wore a civilian blouse out to her house - she gave me a blouse, I didn't have any rank or anything...

Q. She put you on the plane without any rank or anything, is that correct?
A. Yes.

Q. Proceed.
A. We got there; there were quite a few officers there - Lieutenant Keith and Colonel Ferrell I remember - and the pilot told my husband to show me how to use the parachute...which he put on me...the shoulder and the waist band...

Q. How did you feel with this parachute?
A. Felt...it was weighting me down; I couldn't hold it up.

Q. How did you feel when you went into the plane, after getting out of a sick-bed?
A. I was more or less stunned by the whole thing; it happened so fast.

Q. Proceed.
A. And we got on the plane, my husband got on and Colonel Ferrell and a reviewing party that was going to a base in Oklahoma and we left...I was real hungry at the time because I hadn't had anything to eat at breakfast except half a slice of toast and on the plane we had coffee...and that's all...and I was a little nauseated along the way and...we left here about 10:30; we got there around 3:30, Texas time.

Q. Did you have anything to eat that day besides the toast and coffee, that you can remember?
A. I did not, sir.

Q. And when you arrived at Sheppard, what took place?
A. There was an ambulance waiting, took me right on to the hospital where Doctor Rosewall was waiting for me.

Q. How soon after were you interviewed by Doctor Rosewall?
A. Five minutes later.

Q. And did you have this uniform on without the insignia and your hair was rumpled when you walked in?
A. I did, sir.

Q. Did you have an opportunity to get dressed before you got on the plane?
A. No, sir.

Q. What kind of uniform was this, again?
A. I had this skirt to my winter uniform and blouse.

Q. Did you have any stockings on that day.
A. I had my...these shoes (plain black high-heeled pump) and stockings, yes.

Q. Were they your own stockings?
A. They were Major Smith's.

Q. What condition were you in before you left for the plane - when you were at home?
A. I was terribly upset; I was crying the whole time - cried over the phone, my husband couldn't understand me.

Q. Why did this take place?
A. Because I was upset - her taking me out of the hospital and sending me off to Sheppard, me not knowing anything about it.

Q. Did you have any money on you?
A. I did not.

Q. Did you receive a check before you left?
A. I did, sir.

Q. Would you tell the court what you did with this check?
A. It was for $44.00 and I was to give it to Major Weiss, but not having any money I had to use it to go...

Q. What did you do the second day when you went to see the psychiatrist - concerning your dress?
A. I wore a civilian dress.

Q. Why did you buy a civilian dress?
A. I had to buy clothes; I didn't have anything with me.

Q. Would you explain why you had to buy clothes?
A. Well, she said just to come on the way I was and carry what I had at the hospital which was pajamas.

Q. Were you ashamed the way you looked?
A. I was.

Q. By the way, did you have any make-up with you?
A. I did not, sir.

Q. When you went into the doctor's office, did you have a chance to make yourself up or anything?
A. I did not, sir.

TC: I have no further questions.

LO: In view of the fact...

DC: At this time, if it please the law officer, the defense has something they would like to take up with the law officer in closed session.

LO: Right; and you don't intend to cross-examine this afternoon?

DC: No, sir; I feel that my cross-examination will probably take over an hour and I don't think it would be fair either to the witness or...

LO: In that case, we will have an out-of-court session after the court is excused, and what time would you...does the president wish to start in the morning?

Pres: What time do you suggest - eight o'clock?

LO: Eight o'clock - as we did this morning - that would give the counsel time to take care of any preliminaries.

Pres: We can start earlier if you'd like.

DC: No, sir, eight o'clock will be fine.

LO: The court will adjourn; however, there will be an out-of-court session.

TC: Do you require the witness for this out-of-court session...the witness?

DC: Nope.

(The witness starts to rise from chair.)

TC: (Motioning to witness to remain seated) Lieutenant...would the law officer read the...

LO: Lieutenant Goodnough, you are instructed not to discuss your testimony in this case with anyone except the counsel or the accused. You will not allow any witness in this case to talk to you about the testimony he has given or which he intends to give. If anyone, other than counsel or the accused, attempts to talk to you about your testimony in this case, you should make the circumstances known to the counsel for the side originally calling you as a witness - which in this case would be Captain Fox, the prosecution. Do you understand that?

Witness: Yes, sir.

LO: In other words, you're not to discuss your testimony here today outside of this courtroom. You are excused until eight o'clock tomorrow morning.

Witness: Thank you.

The witness reported to the court and thereupon withdrew from the court-room.

Pres: This stuff (motions to various documents on court members' counter) be all right here?

TC: Yes, sir, I believe it will; we'll arrange to have it locked up.

LO: We will adjourn the court until eight o'clock tomorrow morning, and we'll have an out-of-court session after adjournment.

The court adjourned at 1602 hours, 13 August 1957.

The court reconvened at 0821 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

First Lieutenant Charleen Goodnough reported to the court and took the witness stand.

Asst TC: Lieutenant Goodnough, are you the same Lieuterant Goodnough that testified before this court yesterday?

Witness: I am, sir.

Asst TC: May I remind you that you are still under oath.

TC: I would like to ask a few questions before cross-examination.

LO: Do you want the air conditioner turned off to assist in the voice?

TC: Yes.

(Air conditioner is turned off.)

TC: I have no further questions at this time - at the moment.

TC: Will you mark this as the next prosecution exhibit?

(The reporter marked the document Prosecution Exhibit 16 for Identification.)

Lieutenant Charleen Goodnough, a witness for the prosecution, having been reminded she was still under oath testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (TC):
Q. At this time I show you Prosecution Exhibit 16, would you look at it?

LO: I believe it's 17.

TC: Hold it just a moment.

LO: Will you make a determination? I thought we went through 16 on the letters last night that you had.

(TC checks prosecution exhibits and numbers with the reporter.)

TC: I think that's about right.

Questions continued by the prosecution (TC):
Q. Would you look at Prosecution Exhibit 16 for Identification and tell me if you recognize that?
A. I do, sir. (Witness looks at exhibit.)

Q. Do you know what Prosecution Exhibit 16 for Identification is?
A. It's the same pictures Colonel Adams showed me at Gunter Air Force Base, Alabama.

Q. Do you recall whether in January 1956 these same pictures were discussed between you and Colonel Adams?
A. They were, sir.

Q. Are you sure you recognize those pictures?
A. I'm positive, sir.

Q. You're what?
A. I'm positive, yes.

TC: At this time the prosecution offers into evidence Prosecution Exhibit 16 for Identification. (TC takes exhibit from witness and hands it to LO.)

LO: Does counsel wish to see the pictures?

DC: Counsel has seen the pictures.

Asst DC: I'd like to see them.

(TC takes exhibit from LO and hands it to Asst DC who examines it and returns it to LO.)

LO: I prefer that the envelope not be submitted in view of the fact that it is not evidence.

TC: Yes, sir.

LO: I 'll return it to the trial counsel; however, I do believe that we should, if this document is admitted in evidence, put it in a new envelope and mark it "Obscene."

TC: Yes, sir.

LO: Is there any objection?

DC: No objection.

LO: Prosecution Exhibit 16 for Identification, consisting of two parts of a photograph are admitted in evidence. These may be shown to the court at this time or at a later time, if you wish. I'd better mark this...in view of the fact that the picture had been torn in two, let's make it 16 and 16A.

(TC hands document to Pres.)

Pres: We had some other exhibits...

LO: They may or may not be admitted; that's something I can't tell you.

Pres: That's the other exhibits? I have eight here; this is 16 and 16A?

TC: Yes, we had other...

LO: Exhibits 9 through 15 have not been offered to the court.

(President nods head in the affirmative.)

TC: Lieutenant,...I have no further questions.

CROSS-EXAMINATION

Questions by the defense (DC):
Q. Lieutenant Goodnough, when did you first meet Colonel Adams?
A. On or about 5 December 1955.

Q. Do you ever remember making a sworn statement to Colonel William G. Walker on or about the 13th of May?
A. I did, sir.

Q. Do you remember saying in that statement that you first met him on the 22nd of November?
A. I do not remember that statement, sir. (Witness shakes head in the negative.)

Q. Could you have said it?
A. I could have, yes, sir.

Q. After you first met Colonel Adams, when did you have your first date with him?
A. I had my first date the same day I met him.

Q. Same day?
A. Same night of the day I met him.

TC: Lieutenant Goodnough, take your time, please try to speak up so the court can hear you.

Questions continued by the defense (DC):
Q. Did you have any more dates with him before leaving Gunter?
A. I did, sir.

Q. And during the course of these dates, at one time or another, he showed you certain pictures; is that correct?
A. He did.

Q. You remember making a sworn statement to Special Agent William Pittson of the OSI on or about 10 October 1956?
A. I do.

Q. Do you remember stating in that statement that after meeting him on or about 5 December and having a date with him that night that nothing more happened during the time you were at Gunter?
A. Would you please explain what you mean, sir? I meant nothing more...just friends...

Q. In the statement you said you met him on or about 3 December 1955, that you had a dinner date with him that night and that nothing more happened during the remainder of the time you were at Gunter, is that correct?
A. Nothing more significant, sir.

Q. Nothing more of significance.
A. No, sir.

Q. These pictures weren't significant in your mind?
A. In my mind...I didn't think that much about them.

Q. You didn't think that any further dates were significant, is that right?
A. No, just good friends.

Q. Would you think your memory is fresher now than it was in October 1956 - ten months ago?
A. No, I wouldn't.

Q. You seem to remember more.
A. I do remember more because at the time I was embarrassed; I was upset.

Q. You're not embarrassed anymore?
A. At this time, I am, sir.

Q. When you left Gunter, where did you go the first night?
A. We drove to Vicksburg, Mississippi.

Q. You said that you remembered making a sworn statement to Mr. Pittson of the OSI on or about 10 October '56?
A. I do, sir.

Q. You remember stating in that statement that you spent the first night in Shreveport, Louisiana?
A. I do, sir. At the time it was to the best of my knowledge, it was in the same vicinity - which I explained to him - I wasn't sure.

LO: Can you hear her? (To reporter)

Reporter: Hardly.

LC: Will you please speak up, Lieutenant Goodnough, it's very difficult for the members of the court to hear.

Questions continued by the defense (DC):
Q. Now, when was the first time you went to El Paso?
A. In April 1956.

Q. In that same statement to Mr. Pittson, did you say in there that you had gone to El Paso with Colonel Adams in January?
A. At the time I made the statement, sir, I explained - I told Mr. Pittson I wasn't sure. He explained to me, as I remember - just to the best of my knowledge to put it down; but as to the exact dates, I wasn't sure at that time.

Q. You now say that the first time you went to El Paso was in April?
A. That's true, I did.

Q. What motel did you stay at?
A. The La Fonda Motel, sir.

Q. Both times?
A. Yes.

Q. In that same statement to Mr. Pittson, did you say in your own handwriting that you stayed at the Flamingo Motel with Colonel Adams?
A. In that statement I said, "I believed it to be..."

Q. Have you ever stayed at the Flamingo Motel with Colonel Adams?
A. No, sir, I haven't.

Q. This statement you made to Mr. Pittson was under oath?
A. It was to the best of my knowledge.

Q. You made a subsequent statement to Colonel Walker on the 13th of May 1956?
A. Yes.

Q. You remember saying in that statement that when you went to El Paso with Col Adams, you stayed at the Del Camino Motel?
A. I did because I have stayed there previously.

Q. So, in October you're staying at the Flamingo; in May you're staying at the Del Camino; and in August you're staying at the La Fonda. All of these statements that you've made previously, both to Colonel Walker and Mr. Pittson, were under oath?
A. They were, sir.

Q. Did you understand the meaning of the oath at the time?
A. Yes, I did, sir.

Q. Are you married now?
A. I am, sir.

Q. To whom?
A. To Sergeant Wernet.

Q. When were you married?
A. March 16, 1957.

Q. Where were you married?
A. Artesia, New Mexico.

(Airplane passes overhead.)

Q. And where were you married?
A. Artesia, New Mexico.

Court member: I can't hear her; I wonder if she'd speak a little louder.

(Witness nods head in the affirmative.)

Questions continued by the defense (DC):
Q. In your statement to Colonel Walker on 13 May 1957, did you say that you were not married?
A. I did, sir.

Q. You were married at that time though?
A. I was, sir. At the time it didn't seem material to the case and...

Q. It didn't seem material so you lied?
A. It was my...

TC: I want you to give the witness an opportunity to give her responses to the questions that the defense counsel asks her...the witness should be given that opportunity.

LO: She should be given the opportunity to explain the reasons and the objection of the trial counsel is sustained. Will you please permit the witness to explain her reasons and if...then if she admits that the statement is inconsistent then, of course, you have no further cause for examining.

TC: I'd like to have her give her last explanation. She was in the midst of giving an explanation.

LO: Please, will you repeat the explanation, Miss Goodnough?

Response continued by witness:
A. At the time I was in the service, I was married to a Sergeant - which as a rule isn't done. He's Catholic; I'm Protestant...I am in the process of taking instructions...and I'm near separation and we thought we'd keep it quiet until I got out and we could be married in the church.

Q. Did you, at that time, realize the sanctity of the oath?
A. I did, sir.

Q. You stated on...well, sometime during January 1956 you visited Colonel Adams' quarters, is that correct?
A. Yes, sir, that's correct.

Q. You spent the evening there?
A. I did, sir.

Q. Will you please explain the events of that evening again?
A. I was invited over to watch television and I went there around seven in the evening and watched television for a couple of hours.

Q. Were you drinking during that time?
A. I was, sir.

Q. How many drinks did you have?
A. During the whole evening, no more than three.

Q. Continue.
A. And when the nine o'clock news came on...in the meantime I was lying on the couch and he was sitting across from me in a chair...and the nine o'clock news came on and he came over to the couch and was talking to me and he sat down on the floor and started kissing me - kissed me occasionally - and in the meantime he asked me if I recalled the pictures he'd shown me at Gunter, which I did - casually. And the exact photographs, at the time, I hadn't thought about and didn't remember the pictures, so he explained and the one he explained was an obscene picture of a woman and a man; she had his penis in her mouth and vice versa and he had his mouth in her vagina and another was a nude woman showing her anatomy. Then he asked if I would object to him expressing his love in the way that...(witness shrugs)...in one of the ways and....

Q. And what did you reply?
A. I replied that I didn't know...

Q. You didn't know.
A. That it was wrong, but I was shocked and didn't know what to say really. I was just...(witness shakes head and hesitates)...dumbfounded and in the meantime, he put his arms under my shoulders and was lifting me up.

Q. Did you struggle at all?
A. I did not.

Q. Why didn't you?
A. Well, I didn't know what was taking place really.

Q. You didn't know what was taking place?
A. No.

Q. You had seen these pictures approximately a month before this incident took place?
A. I had, sir.

Q. You didn't know what he was talking about?
A. I knew, but not...definitely.

LO: The court indicates they cannot hear.

TC: Would you try to speak up, Lieutenant Goodnough?

DC: Would you talk to the court; I can hear if you're talking that way and I think the court will be better able to hear you.

Testimony of the witness continued as follows:
A. I was on my own feet and he had his arm around me and the bedroom was next door; there was no lights on except in the living room - the lamps were on - and we went to the bedroom; he told me what I was to do, to undress and what position...

Q. Just one moment please. At any time did you say you wouldn't do it?
A. No, I didn't.

Q. Did you make any struggle to leave the room?
A. No, I didn't.

Q. Did he hold you there by force?
A. No.

Q. If this so shocked you, why didn't you leave?
A. I didn't know what was going to take place.

Q. And you had seen the pictures a month before and you didn't know what was going to take place?
A. No.

Q. You have never seen those pictures before, have you?
A. I have, sir, at Gunter Air Force Base.

Q. When did you first decide that you had seen them at Gunter Air Force Base?
A. I knew I'd seen them.

Q. When did you first <u>tell</u> anyone you had seen them?
A. In January, 1956.

Q. Who did you tell?
A. Beg pardon?

Q. Who did you tell?
A. I told Colonel Adams, told Mr. Pittson, told Colonel Walker.

Q. You didn't tell Mr. Pittson, did you?
A. I did, sir.

Q. Did you put that in your statement?
A. I don't recall, sir, if I did or not.

Q. You didn't think it was important enough?
A. Not to me it wasn't.

Q. You looked at those pictures when Colonel Adams showed them to you?
A. I did.

Q. And yet, a month later, you didn't know what it was all about?
A. I did not look that close, sir, at the time; they were just vulgar and I didn't care to have any part of them.

Q. Now, I believe you testified that after this incident on 16, or sometime during January of 1956, that you were real disgusted, is that true?
A. I was.

Q. Did Colonel Adams depart shortly thereafter for overseas, TDY?
A. He did, sir, in February.

Q. How long was he gone?
A. Approximately a month and a half.

Q. When he came back, did you continue to date him?
A. I did, sir; not steady.

Q. Well, you have testified that you were so shocked at this thing that you wanted to break off relations. He spent a month and a half away from the base and when he came back, you continued to date him, is that correct?
A. I did, sir; not steady; I saw him on occasion.

Q. You went to El Paso with him on two different week-ends?
A. I did, sir.

Q. Is that true?
A. That's true.

Q. You weren't very shocked, then, were you?
A. I was, sir.

Q. Was your marriage on 16 March 1957 to Sergeant Wernet your first marriage?
A. It was, sir.

Q. Do you have a child?
A. I do, sir.

Q. How old is that child?
A. Four years old, sir.

DC: Excuse me just one moment, sir. (DC consults briefly with Asst DC and examines various documents at DC table.)

Questions by the defense (DC) continued:
Q. Lieutenant Goodnough, the first statement that you made in connection with this case was made on 10 October 1956 wasn't it?
A. On or about, yes, sir.

Q. Why had you not made a statement previously?
A. I hadn't been asked to, sir.

Q. You hadn't been asked?
A. No.

Q. Who asked you to on 10 October 1956?
A. Mr. Pittson.

Q. What were his reasons, did he tell you?
A. No, sir, he didn't.

Q. Did you say in your statement to Colonel Walker that Mr. Pittson had told you that the Base Commander ordered you to make the statement?
A. His personal reasons - he didn't tell me at the time; later he did - said that I was to tell anything that I knew; that he was looking into the case.

LO: Lieutenant Goodnough, I don't think the members of the court heard that last answer. Would you have her repeat that, please?

DC: Would you repeat that answer?

Testimony of the witness continued as follows:
A. At the time he didn't tell me his reasons, and I was called in the next day and he told me that the Base Commander had ordered him to continue the case and I was to submit my statement.

DC: Sir, with the permission of the law officer, I request permission for the assistant defense counsel to continue the cross-examination.

LO: You may.

Questions continued by the defense (Asst DC):
Q. Lieutenant Goodnough, I'm a little curious about the circumstances surrounding your making this initial statement to Mr. Pittson of the OSI. Did you just go in and volunteer this information to Mr. Pittson?
A. I did not, sir.

Q. Ah...how did you happen to be in his office at all?
A. I was called in about another matter.

Q. Were you, in fact, the subject of a narcotics investigation?
A. I was, sir.

Q. Were you a suspect of having taken these narcotics?
A. I was, sir.

TC: I'm going to object to any further examination on this subject. The trial counsel brought out yesterday that...the witness admitted that she had falsified records concerning narcotics - it goes to a collateral matter and the defense is bound by the answers.

Asst DC: The defense is attempting at this time to show why she made these disclosures concerning Colonel Adams. We are not interested...

LO: If you don't go into the matter...

Asst DC: ...in whether or not Lieutenant Goodnough falsified hospital records nor whether or not she took narcotics.

LO: If you don't go into...if you can restrict your questioning so the answers are germane to that particular problem, I'll permit you to continue. Is that satisfactory with the trial counsel?

TC: If it is limited to that examination, yes, sir.

LO: I don't believe that whether or not Lieutenant Goodnough has committed offenses is of any concern at this moment; she has admitted certain commissions.

Asst DC: That is not our purpose other than for background.

LO: You are trying to show how the procedure took place which brought out the statement, is that correct?

Asst DC: Right.

TC: I have no objection.

LO: Continue.

Questions by the defense (Asst DC) continued:
Q. I wonder if you would explain to me, Lieutenant, how it is that ah... or how it came to be that as the subject of a narcotics investigation, you were compelled to make these statements concerning Colonel Adams and accusing him of these offenses.
A. I will, sir. On that occasion, after he talked to me about the matter I went in for, he casually asked me if I'd been going with Colonel Adams, how long had I known him - minor questions at the time. And he said - after he finished - he said that would be all and,"If necessary, I'll call you in again," - which he did.

Q. Did you take that opportunity to drag a red herring across the trail of your narcotics investigation?
A. I did not, sir.

Q. Lieutenant Goodnough, I believe you testified yesterday afternoon - generally, at least - that you had no opportunity to prepare yourself for your trip to Sheppard Air Force Base, is that correct?
A. I did, sir.

Q. I believe you further testified that you received a dose of some form of narcotic, certainly a hypodermic, on Wednesday evening prior to your trip to Sheppard...

TC: I object to the use of the word "narcotic;" she never testified to anything concerning narcotics and I request that the court be instructed of such.

LO: The court is instructed that the word "narcotic" as used in the question of the assistant trial...defense counsel will be disregarded. My recollection of the testimony is that she said she received a hypodermic; I don't recall any mention of the word "narcotic."

Asst DC: If she didn't, then I apologize to the court. I'll rephrase the question. I believe you testified that on Wednesday morning, or rather evening,you received a hypodermic?

Testimony of the witness continued as follows:
A. I received a hypodermic on Monday afternoon, Tuesday night.

Q. You did not testify that you received one on Wednesday?
A. If I did, I'm sorry; it was Tuesday.

Q. It was Tuesday?
A. Yes, sir.

Q. How long did you sleep?
A. Monday afternoon, after I was admitted; Monday night and Tuesday.

Q. When did you receive this hypodermic on Tuesday?
A. Seven in the afternoon.

Q. Seven o'clock in the evening?
A. Yes.

Q. How was it that you happened to go to the Medical Center rather than to the Base Hospital?
A. At the time, a week or so before, I'd been downtown about my pregnancy and...to Doctor Latimer, and Major Smith told my husband, "If she's admitted in town, bring me a statement out from the doctor or the hospital to that effect," and when Doctor Malone mentioned the fact that I go to a hospital, my preference was in town to the Medical Center.

Q. Did you make any attempt to notify the base of your whereabouts?
A. I did not; my husband did.

Q. When?
A. The same afternoon, I believe; I'm not sure.

Q. Do you know whether or not he did?
A. He informed me later that he did.

Q. You mentioned just now that you had been consulting a Doctor Latimer in town concerning your pregnancy?
A. Yes.

Q. Are you now pregnant?
A. I'm not sure; they haven't decided yet.

Q. Did...
A. I'm not sure on the pregnancy; they haven't determined it definitely.

LO: Would you repeat that, I don't believe that the court could hear with the noise outside.

TC: Better hold it.

LO: Just hold it until after the noise subsides.

(Airplane passes overhead.)

Questions continued by the defense (Asst DC):
Q. Concerning this pregnancy of which you speak, did you...were you admitted to the base hospital within the last month or two?
A. Yes, I was.

Q. Did you at that time tell the personnel of the base hospital that you were pregnant?
A. I told them I thought I was.

Q. Did you also tell them that you were undergoing pain?
A. I was, sir.

Q. And that you needed a hypodermic?
A. I did <u>not</u> tell them I needed one...

Q. But you did tell...
A. It was ordered...

Q. ...them you were undergoing pain?

Asst TC: I'll object to this line of questioning. I think counsel is trying to ascertain what he couldn't get in earlier and that is this business about the use of narcotics; it is irrelevant, immaterial, and not within the complete scope of direct examination.

Asst DC: I disagree, of course, with the assistant trial counsel. I believe that the subject matter is clearly relevant for impeachment purposes.

LO: Well, I will agree with you to this extent: I told you to limit your questions to the immediate period preceding the trip to Maxwell and whether or not she had told the hospital about the use of...that she needed narcotics at an earlier date prior to this immediate trip to Maxwell, I don't believe is germane to our problem here today.

Asst DC: I think that I can tie it in, if the law officer please. There's a common scheme of, ah...alleging abdominal pains and reporting to the hospital.

LO: I can't see the requirement for this at this time in view of the instructions that I gave you...to the assistant defense counsel, regarding the limitation on his query at this time. I believe that the problem which you are trying to expound before the court was her immediate condition prior to the trip to Maxwell; we limited the questioning to that particular period. Now you're going back in time to some other time and I don't believe I can interpret...

Court Member (Col Macdonald): You mean Sheppard, don't you?

LO: Yes, Sheppard.

Asst DC: Have you ruled on this?

LO: I have ruled.

Asst DC: In other words...

LO: In essence I have instructed you to confine your questions to the immediate problem of the trip to Sheppard.

Questions continued by the defense (Asst DC):
Q. You received a hypodermic on...at seven o'clock on Tuesday evening, is that correct?
A. On or about that time, yes.

Q. And what time did you depart the Medical Center?
A. I departed on Thursday morning on or about 8:30 or quarter of 9:00.

Q. What time did you board the aircraft at Walker?
A. The exact time, I'm not sure - around 10:30 or quarter of 11:00.

Q. Could it have been as late as 11:00 or 11:15?
A. No, I don't think so.

Q. Where did you go upon leaving the Medical Center?
A. I went to my house on East Bland Street.

Q. Did you...who accompanied you to your home on East Bland Street?
A. Major Smith and the ambulance driver.

Q. Did Major Smith attempt to secure sufficient clothing for you?
A. She told me I was going by military aircraft; I would have to put on a military uniform. At the time my summer uniform was in the cleaners - which I told her - and she said, "Well, what do you have that's military?" I didn't have a flight suit - I don't own one - and the only thing I had was my winter uniform.

Q. Did Major Smith check the cleaners to see...
A. She did.

Q. Did they have the uniform?
A. They did not.

Q. They didn't know where it was?
A. She asked me where it was; I told her the Esquire, I believed, because we always send our cleaning there, but my husband put it in and it wasn't.

Q. Did she deny you the opportunity to pack or take any clothes with you that you wanted?
A. She told me to hurry up and get anything I wanted to. I was crying at the time and I couldn't find anything; I told her if she wanted to get something to feel free, that she could probably find it better than I.

Q. But you had at least two and a half hours to go by your home and pack and come to the airplane, is that correct?
A. I was at my home no more than 20 minutes at the most.

Q. Pardon me?
A. I was at my home no more than 20 minutes.

Q. Well, where else did you go from the time you left the hospital at 8:30 in the morning until the time you boarded the aircraft at approximately a quarter of eleven?
A. I went by her house, I went by the hospital, and then to the airplane.

Q. What did you do at her house?

LO: Would you hold it please, Lieutenant Keith? I'm afraid the outside noises are too much.

(Power mower in operation outside courtroom window.)

Questions continued by the defense (Asst DC):
Q. What did you do at her house?
A. I put on her blouse; I put on hose.

Q. She loaned you clothes, did she?
A. Yes, the hose and a blouse.

Q. Did she offer you anything that you might need?
A. (Witness shakes head in the negative.) Not to my knowledge; no more than...

Q. Pardon me?
A. Not to my knowledge; no more than what I had mentioned - the blouse and hose.

Q. Did you ask her for anything else?
A. I did not.

Q. What would you have done if you had had more time to board the aircraft?

TC: I object to such a question - "What would she have done?" That's pure speculation.

LO: Sustained.

LO: Does the reporter...it's been almost an hour since we started; would a ten minute recess be agreeable?

Asst DC: That's agreeable.

LO: We'll have a ten minute recess.

The court recessed at 0907 hours, 14 August 1957.

The court reconvened at 0920 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

DC: The defense has no further questions of this witness.

TC: I have no further questions.

LO: I'm going to permit the court to examine the witness at this time, if you have any questions. I'm going to instruct the witness not to answer the question until such time as I have considered the question and determined that it is a question that the court may ask. In other words, if you will just pause between the asking of the question and the answering and I'll signify to the court member and to the witness whether that question may be answered. Do you understand, Miss Goodnough?

Witness: I do.

LO: Does the court have any questions at this time?

EXAMINATION BY THE COURT

Questions by a court member (Lt Col Crane):
Q. You have stated that you were shocked and embarrassed by the alleged actions of the defendant; yet you repeatedly went out with him. I wonder if you could explain why you did so if you were shocked and embarrassed?
LO: I'm going to permit her to try to answer that question.
A. Well, during that time, he was the type of person that he would come around and more or less force himself and to keep down embarrassment and not cause a scene, I did.

LO: Any further questions?

Questions by a court member (Col Reardon):
Q. I have one; I'm not sure you'd consider it as germane, I'm not sure it is myself. Yesterday during the trial counsel's questioning, Lieutenant Goodnough stated she took ephedrine or something like that to stay awake; I'm wondering what that is?
LO: As a nurse, Lieutenant Goodnough, can you indicate what ephedrine is?
Q. I didn't get the name, in other words, of that...
A. Amphetamine, sir...Amphetamine - it's a stimulus that stimulates the nervous system and mind and when traveling or when you're up for a long period of time it does keep you awake.

Q. May I ask one more question? It is my understanding in giving that answer that you stated, I think, that it was during the Spring of '56 or perhaps a little bit later; I'd like to clarify this in terms of how long a period of time you were taking this stimulus.
A. During the whole period I was...associated with Colonel Adams.

Q. During the entire period?
A. Yes.

Col Reardon: Thank you.

Questions by a court member (Lt Col Butterwick):
Q. Lieutenant Goodnough, stated that she lived in fear of Colonel Adams. I wonder if she would elaborate on that?
LO: Yes, I believe she can elaborate on what she means by fear.
A. There is more than one thing. One thing - he knew about my little girl which I didn't want it to be known around the base; he had never threatened that he would tell it, but he kept bringing it...her up and telling me that nobody knew it on the base and not to worry. It was just his expression and everything, made me think that if I didn't go along with certain things that he would let it be known. And all my friends - I felt sure that if they found out (witness shakes head) they'd feel hard; and the previous scenes that he had caused in public and both my apartment...

LO: I didn't get the last part.

Witness: And both in my apartment.

Questions continued by Lt Col Butterwick:
Q. Was this just a suspicion or was there anything to...foundation for this fear...
A. There was no foundation...

Q. ...that he would expose the fact that you had an illegitimate child?
A. He didn't tell me, no. He just kept bringing it up in a manner that I suspicioned. He didn't tell me in direct words that he would tell it.

Pres: Anybody else have any other questions?

(There was no response by the court.)

TC: Just one brief question here to clarify the answer by one of the court members here.

REDIRECT EXAMINATION

Questions by the prosecution (TC):
Q. Lieutenant Goodnough, after January 1956 - after this incident - did you try to break off with Colonel Adams?
A. I did.

Q. How mahy times did you try to break off with him?
A. The approximate amount, I don't know exactly, but I kept telling him over a period of time I was sure that people were talking and I felt bad about it and I'm sure he must; which they were talking.

Q. Did you discuss breaking off with him?
A. I did.

Q. This amphetamine that you're talking about, who gave it to you?
A. He did.

Q. Who did?
A. Colonel Adams.

TC: No further questions.

DC: If it please the court, I would like to ask a few questions relative to the questions brought out on examination by the court.

RECROSS-EXAMINATION

Questions by the defense (DC):
Q. You were admitted to the hospital at Carswell Air Force Base in December of 1956 weren't you?
A. I was, sir.

Q. Was one of the reasons for your admission there the fact that you were undergoing alcoholism?
A. It was.

Q. How long had you been using alcohol to excess?
A. Approximately a year, sir.

Q. Weren't you diagnosed there as having cirrhosis of the liver?
A. Not to my knowledge; I was informed it was hepatitis.

Q. Which is a disease of the liver also, is it not?
A. It is, but it's difference from cirrhosis.

Q. When you were discharged from the hospital were you given any advice as to...regards to your use of alcohol?
A. To excessive alcohol, yes.

Q. Did you follow that advice?
A. I have.

Q. Now, in regards to this business of breaking off with Colonel Adams; you tried to break off with him after the alleged incident in January, is that correct?
A. I did.

Q. And yet it was four months later when you went down to El Paso with him on two different week-ends?
A. It was, sir.

Q. Why did you go?
A. Because I had promised him previously that I would go. He came to my apartment and made it so obvious - I was living with another nurse at the time - he talked to her about it, too, and I felt sure that everything would be all right.

Q. When did you make this promise to go to El Paso with him?
A. About three months previous...made the promise.

Q. You made a promise to go to El Paso with him on <u>two</u> different week-ends? Three months before?
A. I didn't say two, no.

Q. Then why did you go the second time?
A. The second time I went shopping.

Q. That was your only purpose in going?
A. That was the only purpose in going with him.

DC: We have no further questions.

TC: No further questions.

LO: The court have any further questions?

(There was no response by the court.)

LO: You are temporarily excused, Miss Goodnough. I'd like to repeat to you again that you're not to discuss your testimony outside of the courtroom with anyone except you may talk to the counsel for either side, of course. That's all at this time.

(The witness starts to leave the courtroom.)

TC: Request...our next witness is not available at the moment and I request a...(aside to witness: salute the court.)

(Witness returns to salute the court.)

LO: I want to give the court short instructions as soon as the witness leaves.

(Withness thereupon withdrew from the courtroom.)

LO: Gentlemen, we've had some discussion here of prior statements made by Miss Goodnough. I'm sure you recognize the tactics of the defense counsel to try to present them. He especially indicated when those statements were made; I did not keep track of the number of prior statements that he attempted to put before the court; I believe there were several. However, I'm going to give you a general instruction as to these prior statements. The prior statements made by Lieutenant Goodnough are admissible in evidence for the limited purpose of impeaching her credibility. The court is therefore instructed that this prior...these prior statements may be considered by the

court only in determining the credibility of Lieutenant Goodnough before this court. The court may not consider these prior statements or any part of them for the purpose of establishing the truth of the matters asserted therein. They are solely for the purpose of determining credibility.

Court member (Col Macdonald): You are referring to the written statements, not the statements on the chair?

LO: That's right. Any statement made by the witness on the stand is something the court is permitted to make a full, complete, determination as to the weight and credibility to be attached thereto; however, there were references to statements that she had made, say on 10 October and I believe some other dates were mentioned - to Mr. Pittson and to...who was it, Colonel Walker? Those are the statements I'm referring to; those are only for the limited purpose of impeaching credibility.

Pres: May I ask a question?

LO: Yes, sir.

Pres: Yesterday, in connection with a phrasing used by Lieutenant Goodnough - the phrasing ran along the lines "in my own mind - she had said that several times, both when examined by the trial counsel and the defense counsel. We were instructed then to disregard that statement; does that go for all of those?

LO: No, it only went for the particular one where there was an objection.

Pres: Fine.

LO: I believe that she used that statement several times.

Pres: Yes, under both...under both questioners.

LO: Yes; it only went to the time when she used it...

Pres: That one time.

LO: ...and there was specific objection as to that statement.

Pres: Right, fine.

TC: At this time, I'm going to request that we have...our next witness is an OSI Agent, and we have to get "ahold" of him and bring him down and I would like a five minute rest...recess to get "ahold" of him.

Pres: You think it would be five minutes or longer?

TC: Make it ten.

LO: Right; ten-minute recess.

The court recessed at 0931 hours, 14 August 1957.

The court reconvened at 0945 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties to the trial present when the court recessed are once again present.

TC: The prosecution's next and last witness is Mr. Pittson of the OSI.

Special Agent William H. Pittson, Office of Special Investigations, Detachment 1706, Walker Air Force Base, New Mexico, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (TC):
Q. Would you please state your full name, organization, armed force, and station?
A. William H. Pittson, Special Agent, OSI, United States Air Force, assigned to Detachment 1706, Walker Air Force Base, New Mexico.

Court member (Col Macdonald): Could we have the air conditioning off, please?

TC: Yes, sir.

(Asst TC turns off air conditioner.)

Questions continued by the prosecution (TC):
Q. Do you know the accused in this case?
A. Yes, I do.

Q. If he's in the courtroom, would you point him out and state his name?
A. Colonel George F. Adams (the witness points to the accused in the courtroom).

Q. I draw your attention to on or about the 28th of November 1956, did you have the occasion to see the accused, Colonel Adams?
A. Yes, I did.

Q. Could you tell me where and at what place you seen him?
A. At the OSI Office.

Q. At what station?
A. Walker Air Force Base, New Mexico.

Q. Did you interview Colonel Adams on 26 November 1956?
A. Yes, I did.

Q. Prior to interviewing Colonel Adams, did you advise him of any rights?
A. Yes, I did.

Q. Would you inform me of what those rights were?
A. He was advised of his rights in accordance with the 31st Article of the Uniform Code of Military Justice.

Q. Do you know if the accused was aware of his right to remain silent?
A. Yes, he was.

Q. Do you know if the accused was aware of the fact that in the event he made a statement, it could be used as evidence against him in a court-martial?
A. He was.

Q. In your opinion, do you think the accused understood his rights under Article 31?
A. He stated that he did.

Q. How long did this interview take place?
A. I'd say approximately one hour.

Q. One hour; now during this period of time do you know if the accused smoked or anything?
A. Yes, he did.

Q. Do you know if he had to go to the latrine? Did you permit him?
A. Well, (hesitates) if he had to go, he was permitted to do so.

Q. Was coffee available to him?
A. It was.

Q. Now, would you tell me how you conducted the interview - without going into what was said?
A. The interview was conducted in question and answer type statement.

Q. Did you tell him what to state in his answers?
A. No, I did not.

Q. Now, you stated a question and he answered it, is that correct?
A. That's correct.

Q. Now, how was this recorded?
A. It was dictated.

Q. To whom?
A. To the OSI stenographer, Mrs. Gladys Worthington.

Q. Now, couldn't the accused put his statement - alleged statement - in his own handwriting?
A. He could have, yes.

Q. At this time, I show you...(to reporter) Would you mark this as Prosecution Exhibit...that would be, I think, 17.

(The reporter marked the document Prosecution Exhibit 17 for Identification.)

Q. Now, during this interview, did you offer him any promise?
A. No, I did not.

Q. Did you offer him any benefit?
A. No, I did not.

Q. Did you offer to give him any immunity in case he made a statement?
A. I did not.

Q. Did you threaten him with confinement in the event he didn't make a statement?
A. I did not.

Q. Did you employ any form of coercion?
A. None whatsoever.

Q. In your opinion was this, Prosecution Exhibit 17, given of his own free will?
A. It was.

Q. At this time I show you Prosecution Exhibit 17 for Identification. (TC shows document to witness.) Do you know what it is?

(Telephone rings in courtroom and Asst TC goes to answer it.)

A. Yes, this is a statement executed by Colonel Adams, dated 27 November 1956; bears his signature, that of my own as administering the oath, and was witnessed by Special Agent Edward A. Brown.

Q. Did you tell him he had to sign this statement?
A. I did not.

Q. How many pages does this statement consist of?
A. (Witness thumbs through exhibit.) The statement consists of ten pages.

Q. Whose initials appear on the ten pages?
A. Colonel Adams'.

Q. Did you...what initials are on there?
A. G. F. A.

Q. Did you witness those initials?
A. I did.

Q. Now, at this time I show you Prosecution Exhibit 17 for Identification. Now these, the questions and answers, are to the best...excuse me...

Asst TC: We have a long-distance telephone call for a Captain Stoneburger, I think.

(One of the spectators rises and goes to the phone.)

DC: May we have a recess, sir?

TC: Request a five minute recess.

LO: Right.

The court recessed at 0951 hours, 14 August 1957.

The court reconvened at 0954 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect that all parties present when the court recessed are again present.

Questions continued by the prosecution (TC):
Q. Back to our question again, Mr. Pittson; the questions and answers reflected in Prosecution Exhibit 17 for Identification, to the best of your knowledge, are these the same questions and answers that were given on or about 26 November 1956 at the OSI Office?
A. (Witness examines the exhibit.) Yes.

Q. Was anyone present when the accused...whose signature, again, appears on the last page?
A. Colonel Adams', that of myself, and was witnessed by Special Agent Edward A. Brown.

Q. When you speak of Colonel Adams, who do you mean?
A. George F. Adams.

Q. Is he in the courtroom here?
A. Yes, he is.

Q. Did you witness his signature?
A. I did.

Q. Now, did you inform him at the time of questioning him as to the nature of the offenses that you were investigating?
A. Yes, I did.

Q. Would you tell me the offenses that you told him you were investigating?
A. Yes; sodomy, adultery and falsification of registration.

Q. When you first talked to Colonel Adams, did you advise him who you were?
A. Yes, I did.

Q. What way did you advise him?
A. I advised him that I was Special Agent William H. Pittson of the OSI - which he knew previous to this.

Q. Now you state you offered him no benefit or promises, is that correct, when you obtained this?
A. That's correct.

Q. At this time, I show you Prosecution Exhibit 9 for Identification. Do you know what that is, to the best of your knowledge? (TC hands exhibit to witness.)
A. (Witness examines document.) Yes, this is a letter that was obtained from Lieutenant Goodnough's quarters.

TC: Try to speak up if you can, please.

Witness: This letter was obtained from Lieutenant Goodnough's quarters and was written to her by Colonel Adams.

Q. You have your...are there any other initials on these...
A. Yes, there are.

Q. ...on this Prosecution Exhibit for Identification?
A. Yes.

Q. Whose initials appear thereon?
A. Bears my initials, "W.H.P."

Q. And how many pages are there?
A. There are two pages.

Q. Did you confront the accused with this letter at the time of your investigation?
A. I'm sorry, there are three pages; Yes, I did.

Q. Did you ask the accused who had written this letter?
A. I did.

Q. What was the accused's reply?
A. He replied that he'd wrote the letter.

TC: At this time, the prosecution offers into evidence Prosecution Exhibit 9 for Identification. (TC shows document to DC.)

DC: At this time, sir, the defense objects to the admission into evidence of Prosecution Exhibit 9 for Identification and for the purpose of argument on the objection, we would like to have a closed hearing with the law officer, counsel for the prosecution and the reporter.

LO: Is this argument going to be to all of these exhibits - 9 through 15?

DC: The same argument will apply to all.

LO: Perhaps we had better wait until the trial counsel has offered all of these so we can take care of all of them in one closed session rather than a series of closed sessions.

DC: Right.

TC: But I have made the offer into evidence of Exhibit 9.

LO: Right, 9 has been offered.

TC: Yes, sir.

Questions continued by the prosecution (TC):
Q. At this time I show you Prosecution Exhibit 10 for Identification. Do you know what this is? (TC hands document to witness.)
A. (Witness examines document.) Yes, this is also a letter received from Lieutenant Goodnough's quarters.

Q. Are...how can you identify this letter?
A. This letter, on each...back of each page of this letter bears my signature, my initials, "W.H.P."

Q. And they represent your initials?
A. Yes (witness nods head in the affirmative).

Q. Did you talk to the accused about this letter?
A. I did.

Q. Was that on or about the 26th of November 1956?
A. It was.

Q. What did the accused say to you about the letter?
A. He stated that he wrote the letter. (Witness hands document back to TC.)

TC: Thank you; at this time the prosecution offers into evidence Prosecution Exhibit 10 for Identification.

LO: I'll entertain the objection to the letters in sequence; I assume your objection goes to all of them.

DC: We object to that letter also.

Questions continued by the prosecution (TC):
Q. At this time I show you Prosecution Exhibit 11 for Identification; do you know what this is? (TC hands document to witness.)
A. (Witness examines document.) Yes, this is a letter that was obtained from Lieutenant Goodnough's quarters which has my initials, "W.H.P.", on the back.

Q. And your initials are on all the pages?
A. (Witness examines document further.) Yes, they are.

Q. Did you confront the accused with this Prosecution Exhibit on or about the 26th of November 1956?
A. Yes, I did.

Q. What did the accused state concerning this exhibit?
A. He stated that he wrote the letter. (Witness hands document back to TC.)

TC: Right; at this time the prosecution offers into evidence Prosecution Exhibit 11 for Identification.

DC: We object again, sir.

Questions continued by the prosecution (TC):
Q. At this time, I show you Prosecution Exhibit 12 for Identification; do you know what this is? (TC hands document to witness.)
A. (Witness examines document.) Yes, this is also a letter received from Lieutenant Goodnough's quarters which has my initials, "W.H.P.", on the back of each page.

Q. Did you confront the accused with this letter on 26 November 1956?
A. I did.

Q. Did the accused state to you anything concerning this letter?
A. Yes, he stated that he wrote the letter. (Witness hands document back to TC.)

TC: Thank you. Prosecution offers into evidence at this time Prosecution Exhibit 12 for Identification.

DC: We object again, sir.

Questions continued by the prosecution (TC):
Q. At this time I show you Prosecution Exhibit 13 for Identification; do you know what this is? (TC hands document to witness.)
A. (Witness examines document.) Yes, this is a letter received from Lieutenant Goodnough's quarters which bears my initials on the back of each page.

Q. On or about the 26th of November 1956, did you have the occasion to talk to the accused about this letter?
A. I did.

Q. What did the accused tell you? GVR
A. He stated that he wrote the letters personally. LK

TC: Prosecution offers into evidence Prosecution Exhibit 13 for Identification.

DC: We object again, sir.

Questions continued by the prosecution (TC):
Q. Just on another matter, Mr. Pittson. The defense has brought out certain matters that I'd like to bring out with you. When you first interviewed Lieutenant Goodnough - I want you to think very carefully - did you order Lieutenant Goodnough to make a statement to you on or about 10 October 1956?
A. No, I did not.

Q. Did you tell her that she had received an order to make a statement?
A. I did not.

Q. Now, did you tell her what to put in her statement on or about 10 October 1956?
A. No, I did not.

Q. Did she write out her own statement?
A. She did.

Q. You didn't tell her that the Base Commander had ordered her to make this statement?
A. No, I did not.

TC: The prosecution offers into evidence at this time Prosecution Exhibit 17, a purported statement allegedly made by the accused.

DC: At this time, sir, until a decision has been made on the admissibility of the letters, the defense also objects to the introduction into evidence of Prosecution Exhibit 17 for Identification.

LO: On what grounds?

DC: It contains material which the defense believes is irrelevant, has nothing to do with this case and until such material has been established as being relevant or material by the law officer, we are going to object to it.

TC: Are you attacking it on the grounds...well, we can discuss that in closed session.

DC: I'd like to make clear at this time...at this time the defense counsel would like to specifically state that the defense is not objecting to the introduction of Prosecution Exhibit 17 on the grounds that it was involuntary.

TC: Prosecution offers into evidence Prosecution Exhibit 14 for Identification. (TC shows document to DC.)

LO: I'll withhold ruling on all of these until we have the out-of-court hearing.

TC: Prosecution offers into evidence Prosecution Exhibit 15 for Identification. (TC shows document to DC.)

DC: We object to 14 and 15.

TC: I have no further questions.

LO: Would you bring the documents forward, please, so that I can see about how much we have to cover?

(TC takes all exhibits just offered to the LO.)

DC: Sir, may I inquire if you will ascertain whether the prosecution is finished with this witness?

TC: Yes, sir, I'm finished.

CROSS-EXAMINATION

Questions by the defense (DC):
Q. Mr. Pittson, if Lieutenant Goodnough were to say that you told her that the Base Commander had ordered her to make a statement, would you believe it?
A. Would I believe her?

Q. Yes, sir.
A. No, I would not.

DC: No further questions.

REDIRECT EXAMINATION

Questions by the prosecution (TC):
Q. On 10 October 1956 you did not tell Lieutenant Goodnough what to put in her statement, is that correct?
A. That's correct.

Q. In other words, you didn't suggest anything concerning the alleged offenses you talked to her about?
A. I did not.

TC: That's all I wanted to get clear, thank you.

DC: The defense has no further questions.

Redirect examination continued by the prosecution (Asst TC):
Q. Mr. Pittson, I have one question. Will you describe for the court, if you will please, the sequence of events which took place? That is, as I understand it, did you call the witness in around the 1st of October?
A. Yes, I did.

Q. Did you ever talk to that witness subsequent to...first of all, who was that witness?
A. Lieutenant Charleen Goodnough.

Q. Did you ever talk to that witness subsequently?
A. Yes, I did.

Q. Was this second occasion the 10th of October?
A. Yes, it was.

Q. Is this the time that Lieutenant Goodnough made this statement which you just responded to in the trial counsel's questioning?
A. That's right.

Q. Was there any discussion at this time concerning an order?
A. An order? No, there was not.

DC: Sir, we're going to object to that on the grounds that he has answered that question twice already and there's no point in further repetition.

Asst TC: Now I think...may it please the law officer, I think this can be explained; in this particular statement there is an area of more or less inconsistency but I feel that it can be explained through this witness. I'd like to be permitted to continue my examination.

LO: I'm going to permit the repetition of this testimony because there seems to be some doubt on the part of both counsel as to exactly what the two... witnesses have said. I'll overrule your objection.

Questions continued by the prosecution (TC):
Q. I'd like to ask this one question; I think it could clarify it; do you recall to the best of your knowledge, whether you said to Lieutenant Goodnough or intimated to her that the Base Commander stated he wanted this matter investigated?
A. Yes, that statement was made...

Q. That statement was made.
A. ...that the Base Commander wanted this...

TC: That's it - that's all.

LO: I believe that...

Asst TC: That's sufficient for our purposes.

LO: I believe that is responsive...your response to the question clarifies her answer to the question.

TC: I have no further questions and I request that the witness be permanently excused.

DC: I have nothing further.

LO: You may be excused, Mr. Pittson, and I won't instruct him because he won't be back.

TC: (To witness) Thank you very much.

The witness was excused and thereupon withdrew from the courtroom.

LO: Gentlemen, the defense counsel has requested an out-of-court hearing on the introduction of Exhibits 9 through 15 and Exhibit 17. I have just totaled them - there are some 40 pages of material here. I'm going to have to read this material and also there'll be a discussion of it in closed session. I suggest that in view of the scope of the material that we recess until 1:00, and that will give us time to have the out-of-court hearing and also make our decisions and then have lunch and return.

Pres: Fine.

LO: I feel that it will be 11:30 before we are through with this material and there would be no sense in starting for 30 minutes; is that satisfactory with the counsel?

DC: No objection.

TC: Yes, sir.

LO: If that is satisfactory with the court, we will return at one o'clock.

Pres: One o'clock.

The court recessed at 1012 hours, 14 August 1957.

The court reconvened at 1300 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court adjourned are once again present...court recessed, pardon me.

LO: Let the record also reflect an out-of-court hearing was held during the recess. The record of that out-of-court hearing and the documents which were introduced by counsel during that period will be appended to the record as Appellate Exhibit 7.

We had before us, gentlemen, at the close of the session an objection by the defense counsel as to the introduction of Prosecution Exhibits 9 through 15, inclusive. Prosecution Exhibits 9 through 15, inclusive, will be admitted and the objection of the defense counsel is overruled as to those respective exhibits. I will not overrule each one individually because they were all included in 9 through 15, inclusive. These may be read to the court if you desire or they may be left with the court for their perusal in closed session.

DC: At this time, if the law officer please, the objection to...the objection of the defense counsel to the introduction of Prosecution Exhibit 17 for Identification is withdrawn.

(TC hands Prosecution Exhibits 9 through 15, inclusive, to the court.)

LO: Prosecution Exhibit 17, purported to be a statement by the accused, is admitted into evidence as Prosecution Exhibit 17 and may be read to the court at this time, if the prosecution so desires.

(TC hands Prosecution Exhibit 17 to the court.)

LO: Gentlemen, you will notice that on Prosecution Exhibit 17 there are certain portions of the document which have been masked out by the counsel. The court will not attempt to unmask the document to reflect that which is contained below and will take the document as it is admitted before the court.

I also wish to give an instruction as to Prosecution Exhibits 9 through 15, inclusive. You will find nothing in those documents, gentlemen, which pertains to the offense of adultery or to the offense of sodomy. You are permitted to utilize those documents for the purpose of showing the continuing relationship of the accused and Miss...or Lieutenant Charleen Goodnough and also they are admitted for the purpose of permitting the court to judge the credibility to be attached to the testimony of Lieutenant Charleen Goodnough and the weight to be attached thereto. Are there any further requests for instructions by the counsel as to the admission of these documents?

TC: Prosecution has none, sir.

DC: I have none, sir.

TC: The prosecution at this time rests its case.

DC: At this time the defense moves for a finding of Not Guilty on Specifications 1 and 2 of Charge I; of Specifications 2 and 3 of Charge II; and of Specifications 1 and 2 of Charge III.

As you will notice, that motion is directed to the offenses of adultery, both offenses - both the one at Vicksburg and Dallas; and to the offenses of sodomy in El Paso, both times. My motion is predicated upon the failure of the prosecution to introduce <u>any</u> proof that these acts occurred. There is <u>not</u> in the record one iota of proof that the accused had sexual intercourse with Charleen Goodnough in Vicksburg, that he had sexual intercourse with her in Dallas, or that he committed sodomy at either time with her in El Paso. There is not one iota of proof. There is evidence in the record that she was at those places; there is evidence in the record that he was at Vicksburg and Dallas; that is the only evidence that an offense was committed. You cannot infer from her testimony that they both woke up unclad, that sexual intercourse occurred; you don't know what happened. You couldn't say with any degree of certainty that anything happened. You don't know and as long as you don't know and as long as there is no substantial evidence in the record proving that those offenses were committed, then the motion for a finding of not guilty should be upheld.

Now the law officer in this case will make the preliminary determination on that motion; he will make it subject to objection by any member of the court. I would like to say this - that unless you feel there is substantial evidence in the record from which it can be said that those acts occurred, then the motion should be granted. If you feel there is <u>not</u> substantial evidence in the record, then you will grant the motion; that is the law. You do not have to believe that those acts were committed beyond a reasonable doubt, but there must be substantial evidence in the record that those acts were committed. The prosecution has <u>utterly</u> failed to introduce <u>any</u> evidence that any particular act was committed. You don't know what happened, whether there was a fondling, or whether there was anything really. The girl testified under oath that she fell asleep, period. She doesn't know what happened and if she doesn't know what happened, gentlemen, how can you? It's that simple. I have nothing further.

TC: Gentlemen of the court, my reply to you will be very brief. We have to look at all of the facts in this case. Initially, what do we have? We have a young lieutenant - a nurse - coming into the United States Air Force. On the other side of the scale, we have a lieutenant colonel whose age has not been in evidence, but by the looks of him he is approximately 35 or over. In addition, this lieutenant colonel is the Deputy Commander of the hospital that this young nurse is going to work in. So he gets to know her; the evidence, which has been uncontroverted, establishes that they were in love. This has not been controverted by one scintilla of evidence before this court. So there we have two people, allegedly fostering...the colonel was in love; he told her he was in love and so forth; but what does this lieutenant colonel do to whet the sexual appetite of this young lieutenant? He shows her these obscene pictures - that's the beginning - and after he shows her the pictures, and as Lieutenant Goodnough has testified, he showers her with gifts. Then what occurs? They then go, and there has been no testimony to

the contrary and the evidence will point this out, they then go to a motel, a motel in Vicksburg. Here is a married man with an unmarried woman; allegedly, from the testimony of Lieutenant Goodnough, she went in one room and he went in another, but he came into Lieutenant Goodnough's room in his pajamas and what happened? Here's a man who went to bed with a woman and slept all night with a woman in bed who was not his wife and they both woke up naked and they both had clothes on and she did not remove the clothes during the night. Now, gentlemen, unless they were talking about the birds and the bees - and if you believe that to be so or the law officer believes that they were talking about the birds and the bees while they were in Vicksburg sleeping in bed all night - gentlemen, I say that the motion for the finding of not guilty should be granted. But, gentlemen, you are men of common sense; you're all colonels; you're men who have been around in life. What does a married man go to bed with an unmarried woman and sleeps with her all night in bed? There was the opportunity, the inclination, the desire upon his part, the love upon his part. And then the second night in Dallas, the testimony of the kissing taking place over a period of time, kissing over various parts of the body and then they wake up naked once again. Now, gentlemen, would a man - a married man - who is in normal health go to bed with a woman who is not his wife and kiss her for several hours and...(pause)...gentlemen, I ask you, what did they do?

If you feel that they did not have sexual intercourse, and we must only establish a prima facie case at this point and not a case beyond a reasonable doubt, then I state that this motion for a finding of not guilty should be granted. There is one thing that strikes me about this entire testimony, gentlemen, and this is this - why would a lieutenant colonel the second day talk to a nurse about the fact if sexual intercourse...that in case sexual intercourse took place, and there has been no testimony to controvert this, that if sexual intercourse took place he would dialate her cervix or private parts so that nothing would happen in the case of sexual intercourse? Now it's true that it's not too clear in the girl's mind. It's also true that these statements were made concerning the sexual intercourse and we maintain, as the prosecution, that there is sufficient evidence for an inference from their conduct and what took place during the night to show that illicit intercourse took place during that night. Now, you will note that from the testimony that we have used as part of the prosecution's case, that we show how she went to bed - she remembered the details - it is true that she also testified that she got hard during the night, but that still would not preclude the act of sexual intercourse during the night of a man sleeping in bed all night with that woman.

I would like further to state this one further point - what two people are brazen enough to commit the act of sexual intercourse in public view? Sexual intercourse in this case would include an accused, such as in this case, and Lieutenant Goodnough. Sexual intercourse is done in privacy, in seclusion; it's done, as an act, stealthily and surreptitiously; it's done in the privacy of a room. We can't produce a photographer! In what case can you produce a photographer to show sexual intercourse? In your own lives, your own participation, you know that this act itself can never be proved generally by direct evidence, but only by circumstantial evidence - from all the circumstances in the case. I say to you, gentlemen, this clandestine act that took place, in both the Vicksburg and in the Dallas motels, were acts that no one could see for the reason that they were in complete seclusion and; therefore, we must consider all the circumstances in this case when you consider whether the motion for a finding of not guilty should be granted on this offense. I have nothing further.

DC: I have only a couple of comments on the trial counsel's argument. It's true that in many cases adultery can only be proved by circumstantial evidence; but I have yet to hear of a case where adultery is charged and the other party to the adultery is a government witness and she can't say whether it happened, then have a finding of guilty. They had direct evidence, such as it was, but the other party can't even say whether intercourse took place; you have the direct evidence of the witness; she doesn't know and I repeat, gentlemen, if she doesn't know, how could anyone else? That's all I have.

TC: I have nothing further.

LO: Do either counsel desire to present any legal authorities to the law officer regarding these specifications?

(TC and DC both shake head in the negative.)

LO: Gentlemen, I hate to have the court return from lunch so quickly and then have to excuse you for a short period of time; however, this is a decision which the law officer must make preliminarily prior to the court making a final decision as is their right, and I'm going to recess the court for approximately 30 minutes. At that time I will have my preliminary decision ready for the court.

Pres: So you think about a quarter of two?

LO: Quarter to two (nods head in the affirmative).

TC: I would like to make one statement, if I can, sir; if it please the law officer, I do think that the court should have time to consider this and consider the evidence before them before they make their determination.

LO: Yes, I intend to do that at the proper time, Captain Fox. At that time, if...also I have instructions for the court if they are needed.

The court recessed at 1317 hours, 14 August 1957.

The court reconvened at 1353 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are again present.

LO: Prior to the recess and at the close of the prosecution's case, the defense counsel has entered a motion for a finding of Not Guilty as to certain specifications of the charges. The motion was made in three parts; it was directed towards a finding of not guilty as to Specifications 1 and 2 of Charge I, which allege acts of adultery laid under Article 134 of the Uniform Code of Military Justice. Subject to objection by any member of the court, the motion for a finding of Not Guilty as to Specifications 1 and 2 of Charge I is granted. I'd rather wait until after I've made all the rulings before we hear any objections from the court, if there are any.

The next phase of the objection, or rather the motions, of the defense counsel was to Specifications 2 and 3 of Charge II, alleging acts of sodomy on 19 April 1956 and 27 April 1956, respectively. Again, subject to objection by any member of the court, the motion for a finding of Not Guilty as to Specifications 2 and 3 of Charge II is granted.

LO: The next motion was directed towards Specifications 1 and 2 of Charge III, alleging acts of wrongful sexual intercourse and laid under Article 133. Again, subject to objection by any member of the court, the motion for a finding of Not Guilty as to Specifications 1 and 2 of Charge III is granted.

I wish to state at this time, gentlemen, that if there are any objections by any members of the court, I will give the court proper instructions so that they may close and make their determination. You do not have to state the grounds for your objection; all you have to do is state that there is some member of the court that objects.

Pres: Does any member of the court want to read more in this...these exhibits? Anybody want to read more in these exhibits?

(There was no response from the court.)

Pres: Anybody have any objection to the law officer's findings on motion one?

(There was no response from the court.)

Pres: Motion two?

(There was no response from the court.)

Pres: Motion three?

(There was no response from the court.)

Pres: No objections.

LO: There are no objections; the motions stand as read.

DC: At this time the prosecution wishes to enter, or the defense rather, wishes to enter into an oral stipulation with the trial counsel, with the consent of the accused, that if Major Charles R. Rosewall were recalled as a witness, he would testify under oath that knowing the testimony of Lieutenant Goodnough concerning the circumstances surrounding her departure from Walker Air Force Base for Sheppard Air Force Base, he would still be of the opinion that his examination of Lieutenant Goodnough was adequate. He would further state that his diagnosis was not based on her appearance at the initial interview, but rather on the results of his interviews with her together with the results of the psychological tests and neurological examination. Is the trial counsel willing to so stipulate?

TC: The trial counsel so stipulates.

LO: Colonel Adams, do you understand the meaning and effect of this oral stipulation?

Accused: Yes, sir, I do.

LO: Do you join in the stipulation?

Accused: I do.

LO: The stipulation will be accepted as an oral stipulation and will be entered in the record as read.

Pres: Is it important that we understand that...the beginning of it? I didn't quite catch the beginning of it.

LO: Would you please re-read it?

DC: I will re-read it for the benefit of the court, if they wish. It is stipulated with the trial counsel and the...between the trial counsel, defense counsel, and with the consent of the accused, that if Major Charles R. Rosewall were recalled as a witness, he would testify under oath that knowing the testimony that Lieutenant Goodnough...of Lieutenant Goodnough concerning the circumstances surrounding her departure from Walker Air Force Base, he would still be of the opinion that his examination of Lieutenant Goodnough was adequate. He would further state that his diagnosis was not based on her appearance but rather on the results of his interviews with her together with the results of the psychological tests and neurological examination.

Pres: I understand it.

DC: At this time the defense calls Captain Miller as a witness. (DC confers briefly with Asst DC.) If it please the law officer and with the court's indulgence, our witness apparently has not arrived yet. They were called during the closed session and it should be a very short time. I suggest that we just stand by and sit in place...

LO: We'll recess for five minutes.

The court recessed at 1400 hours, 14 August 1957.

The court reconvened at 1405 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect that all parties present when the court recessed are once again present.

Asst DC: Captain Miller now being present, the defense would like to call her as a witness.

Captain Idabelle Miller, 6th Tactical Hospital, Walker Air Force Base, New Mexico, a witness for the defense, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (Asst TC):
Q. State your full name.
A. Idabelle Miller.

Q. Grade?
A. Captain.

Q. Organization?
A. 6th "Tac" Hospital.

Q. Station?
A. Walker.

Q. Your armed force?
A. Sir?

Q. Are you a member of the Air Force?
A. Oh (nervous laugh), yes, sir.

Q. Do you know the accused in this case?
A. Yes, sir.

Q. If you see him in the room, would you point him out, please, and call him by name?
A. (Nods towards accused in the courtroom) Colonel Adams.

Asst TC: Let the record reflect that the witness pointed to the accused, Doctor Adams.

Questions by the defense (Asst DC):
Q. Captain Miller, what is your job assignment in the 6th "Tac" Hospital?
A. I am the nurse anesthetist.

Q. Pardon me?
A. Nurse anesthetist.

Q. What capacity are you presently acting in?
A. Acting Chief Nurse.

Q. Acting Chief Nurse?
A. Yes, sir.

Q. Are you normally second in command of the nurses, so to speak?
A. No, sir, not at all times; Captain Evans does sometimes and sometimes I do.

Q. And sometimes you do?
A. That's right.

Q. How long have you been stationed at Walker?
A. A year and six months, approximately.

Q. How long have you been a nurse?
A. Fourteen years.

Q. Fourteen years?
A. (No response; witness nods head in the affirmative.)

Q. Do you know Lieutenant Charleen Goodnough?
A. Yes, sir.

Q. How long have you known Lieutenant Goodnough?
A. Well, I met her when I first came on the base.

Q. And that was about a year and a half ago?
A. Approximately a year and a half ago.

Q. Have you worked in this hospital for this entire year-and-a-half period?
A. Yes.

Q. And has Lieutenant Goodnough also worked in the hospital?
A. She's been on duty there, yes, sir.

Q. For the entire time?
A. Yes, sir.

Q. Could you tell the court what Lieutenant Goodnough's reputation, around the hospital, is for truth and veracity?
A. Well, it's my opinion that it is not good.

Q. Do you feel that the members of the hospital community, so to speak, share that opinion?

TC: I'm going to object to that; let the witness testify as to her knowledge, her general reputation in the community are her own opinion.

Asst DC: I'm asking the witness for the...her knowledge of the community's opinion of Lieutenant Goodnough.

LO: I think you should distinguish between her opinion of Lieutenant Goodnough's reputation for truth and veracity in the community and the large scope of your question which indicates that she should give an opinion as to the broad reputation.

Asst DC: I'll rephrase my question.

Questions continued by the defense (Asst DC):
Q. Captain Miller, I'll ask you one more question. If you were a member of the court, would you believe Lieutenant Goodnough were she testifying under oath?

TC: I'm going to object to the nature of the question because by the nature of the question, the defense counsel is trying to invade upon the province of the court as to credibility and so forth. It's her own opinion as to whether she would believe the individual under oath.

LO: The objection is sustained.

Questions continued by the defense (Asst DC):
Q. I'll rephrase the question; would you believe Lieutenant Goodnough under oath?
A. I don't think I would.

Asst DC: I have nothing further.

TC: No examination of the witness.

LO: Thank you, Captain Miller, that'll be all.

(The witness started to leave the courtroom.)

DC: Captain Miller...Captain Miller, you haven't been properly excused.

(The witness returned, saluted the court, was excused and thereupon withdrew from the courtroom.)

Asst DC: The defense calls as its next witness Captain Brown from the hospital.

Captain Rosemary J. Brown, 509th Tactical Hospital, Walker Air Force Base, New Mexico, a witness for the defense, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (Asst TC):
Q. Will you state to the court, and for the record, your full name?
A. Rosemary J. Brown.

Q. Your rank?
A. Captain.

Q. Organization?
A. 509th "Tac" Hospital.

Q. Station?
A. Walker Air Force Base.

Q. And armed force?
A. Air Force.

Q. Do you know the accused in this case?
A. Yes, I do.

Q. If you see him in court, would you point him out and call him by name?
A. Colonel Adams (nods towards accused in the courtroom).

Asst TC: Let the record reflect that the witness pointed to the accused, Doctor Adams.

Questions by the defense (Asst DC):
Q. Captain Brown, how long have you been assigned to the 509th "Tac" Hospital?
A. Since March of '55.

Q. Have you been stationed...have you worked in this hospital ever since March of '55?
A. Yes, I have.

Q. Do you know a Lieutenant Charleen Goodnough?
A. Yes, I do.

Q. What is Lieutenant Goodnough's job on this base? ...if she is on this base.
A. Nurse, general duty.

Q. In this hospital?
A. That's right.

Q. How long have you known Lieutenant Goodnough?
A. Since she reported.

Q. Since she reported in?
A. Uh-huh (nods head in the affirmative).

Q. How long have you been a nurse, Captain Brown?
A. Twenty years.

Q. How long?
A. Twenty years.

Q. Twenty years. Have you had occasion to associate on duty with Lieutenant Goodnough?
A. Yes.

Q. Pardon me?
A. Yes.

Q. Could you tell the court what your opinion of Lieutenant...of Lieutenant Goodnough's reputation within the hospital for truth and veracity?
A. How do you mean that?

Q. Well, just tell the court what her general reputation for truth and veracity is, what you think it is.
A. Well, I don't think it's good.

Q. You don't think it's good?
A. No.

Q. Would you believe Lieutenant Goodnough if she were under oath?
A. I wouldn't.

Q. You would not?
A. No.

Asst DC: I have nothing further.

TC: No questions.

LO: The witness is excused.

(Upon being excused, the witness withdrew from the courtroom.)

DC: If it please the court, the defense would like to enter into another oral stipulation with the trial counsel as follows: It is hereby stipulated between trial counsel, defense counsel, and with the consent of the accused, that if Lieutenant Julie Ouellette were present in court, she would testify under oath that she was present at a time in late April when a conversation was held between First Lieutenant Charleen Goodnough and Lieutenant Colonel George F. Adams; that during this conversation Lieutenant Goodnough invited the accused to accompany her to El Paso; that the reputation of Lieutenant Goodnough for truth and veracity is bad; and that she would not believe Lieutenant Goodnough under oath. Is the trial counsel willing to so stipulate?

TC: I'd like to see the defense for a minute.

(TC and DC confer briefly out of hearing of the court.)

DC: Defense wishes to amend the stipulation by saying that the reputation of Lieutenant Goodnough for truth and veracity is not good, rather than the word that was used.

LO: Colonel Adams, do you understand the meaning and effect of the stipulation?

Accused: I do, sir.

LO: Do you join in the stipulation?

Accused: I do.

LO: The stipulation as so amended is accepted by the court. Did the court understand the stipulation or would you like it re-read?

Pres: No, we understand it.

DC: Sir, if I may request a five-minute recess at this time before proceeding, to confer with the assistant defense counsel?

LO: Do you have any further witnesses?

DC: That is something...

LO: Oh, I see.

DC: ...we are trying to make that determination.

LO: Five-minute recess granted for that purpose.

The court recessed at 1417 hours, 14 August 1957.

The court reconvened at 1424 hours, 14 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

DC: The accused has been advised of his rights; the defense rests.

TC: The prosecution at this time would like to call some rebuttal witnesses.

Asst TC: At this time the prosecution calls as a witness Mrs. Reavis, a civilian.

Mrs. Ethel T. Reavis, Roswell, New Mexico, a rebuttal witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (TC):
Q. Mrs. Reavis, if you would please, try to talk up - take your time.
A. Okay.

Questions continued by the prosecution (Asst TC):
Q. Would you state your name and occupation for the lady here, please?
A. My name is Ethel T. Reavis and I'm working at the Air Base Hospital; I am just a nurse's aide.

Q. Mrs. Reavis, do you know Lieutenant Charleen Goodnough?
A. I sure do.

Q. How long have you known Miss Goodnough?
A. Well, somewheres about two years.

Q. Can you tell the court, if you will please, how you happen to know Lieutenant Goodnough?
A. Well, I have been working with her; I have worked with her almost all of that time.

Q. During these two years?
A. Yes, sir.

Q. Now, Mrs. Reavis, I'll ask you, are you aware of Lieutenant Goodnough's reputation in this community for truth and veracity?
A. As far as I know she is truthful.

Q. She is truthful.
A. (Witness nods head in the affirmative.)

Q. Now, Mrs. Reavis, if Lieutenant Goodnough were here and under oath and said something, would you believe her under oath?
A. I sure would.

Questions continued by the prosecution (TC):
Q. Just one question to clarify the record; do you recognize the accused in this case if he is in the courtroom?
A. Do I recognize the accused? No, I don't.

TC: No further questions.

DC: I have no questions.

LO: Mrs. Reavis, you are excused; thank you.

(The witness withdrew from the courtroom.)

Asst TC: Prosecution calls as a witness Mrs. Sutter.

Mrs. W. J. Sutter, 6 East Byrne, Walker Air Force Base, New Mexico, a rebuttal witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution (Asst TC):
Q. Mrs. Sutter, I'll ask you to speak up so that all these gentlemen might hear what you have to say. Now, will you tell us please, your name and your occupation if you have one?
A. I'm Mrs. Sutter and I'm a housewife and a baby sitter.

Q. Mrs. Sutter, I'll ask you, are you acquainted with...

TC: Would you get her address?

Questions continued by the prosecution (Asst TC):
Q. Would you repeat your address?
A. Number 6 East Byrne, Walker.

Q. Do you know the accused in this case, the defendant?
A. No.

Q. Are you acquainted, Mrs. Sutter, with Lieutenant Charleen Goodnough?
A. Yes (nods head in the affirmative).

Q. Would you tell the court, please, how you happen to know Lieutenant Goodnough?
A. I met her in October when I was in the hospital as a patient.

Q. October of what year?
A. This year.

Q. Of this year? '57 or '56?
A. '56.

Q. Have you had any contact, socially or otherwise, with Lieutenant Goodnough?

TC: Well, we'll just stop there, Lieutenant.

Witness: Yes.

(TC and Asst TC confer briefly.)

Asst TC: I'll withdraw that question.

Questions continued by the prosecution (Asst TC):
Q. Are you aware of Lieutenant Goodnough's reputation in the community for truth and veracity?
A. Yes.

Q. And will you tell the court what your opinion of that reputation is?
A. Well, she seems to be all right to me, I mean, she's never told me any...

Q. Well, can you say if it's good, bad, very good, or classify it in some term such as that?
A. I would say it's very good.

Q. Now, Mrs. Sutter, if Lieutenant Goodnough were under oath, would you believe her?
A. Yes.

Asst TC: I have no further questions.

LO: Any questions by the defense?

DC: I have no questions.

TC: Nothing further.

LO: You're excused, Mrs. Sutter.

(The witness, upon being excused, withdrew from the courtroom.)

Asst TC: The prosecution calls as a witness Staff Sergeant La Rue.

Staff Sergeant Gerald R. La Rue, 6th Armament and Electronics Maintenance Squadron, 6th Bombardment Wing, Heavy, Walker Air Force Base, New Mexico, a rebuttal witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

TC: Just sit down and relax, Sergeant; speak so we can hear what you have to say.

Questions by the prosecution (Asst TC):
Q. State your full name...
A. Gerald R. La Rue.

Q. ...and your organization?
A. 6th "A&E" Squadron.

Q. Your rank?
A. Staff Sergeant.

Q. Your station?
A. Walker Air Force Base, New Mexico.

Q. And a member of what armed force?
A. United States Air Force.

Q. Do you know the accused in this case?
A. No, I don't.

Q. Sergeant, I'll ask you, are you acquainted with Lieutenant Charleen Goodnough?
A. Yes, I am.

Q. Will you tell the court how long you have been acquainted with Lieutenant Goodnough?
A. Approximately 13 months.

Q. I see. Would you tell the court, if you are aware of Lieutenant Goodnough's reputation for truth and veracity?
A. Yes.

Q. And will you also tell the court what that reputation is?
A. It's a good reputation.

Q. Now, Sergeant, if Lieutenant Goodnough were here in this court and under oath and testified, would you believe anything she said under oath?
A. Yes, I would.

Asst TC: I have no further questions.

DC: I have no examination.

TC: No questions; you're excused.

(The witness, upon being excused, withdrew from the courtroom.)

Mrs. Gerald R. La Rue, Walker Air Force Base, New Mexico, a rebuttal witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

TC: Try to speak loudly and take your time.

Questions by the prosecution (Asst TC):
Q. Mrs. La Rue, would you state your name and occupation, please?
A. Mary La Rue; I work at the credit bureau.

Q. And do you know the accused in this case?
A. No.

Q. Mrs. La Rue, are you acquainted with Lieutenant Charleen Goodnough?
A. Yes.

Q. And how long have you been acquainted with Lieutenant Goodnough?
A. Approximately 13 months.

Q. And during the course of this acquaintanceship, have you become aware of Lieutenant Goodnough's reputation in the community for truth and veracity?
A. Yes.

Q. Would you tell the court in loud and clear terms what that reputation is?
A. I think it's very good.

Q. Now one final question, Mrs. La Rue, if Lieutenant Goodnough were in this court and under oath, perhaps sitting in the same chair you're sitting in, would you believe her - anything she might say under that oath?
A. Yes.

Asst TC: Thank you; I have no further questions.

DC: No questions.

TC: You're excused; would you please come down? (Witness steps down from the witness stand.) Thank you very much.

Witness: Your welcome.

(The witness withdrew from the courtroom.)

TC: The prosecution rests, once again.

LO: Does the defense have anything further to offer at this time?

DC: The defense does not.

LO: Has the prosecution anything further to offer?

TC: No, sir, the prosecution has nothing further to offer.

LO: Does the court wish to have any witnesses called or recalled?

(There was no response by any member of the court.)

Pres: No.

LO: Apparently not. Does counsel desire to make argument at this time?

DC: If the law officer please, before making argument, I think it would be appropriate for the counsel and the law officer to confer out of hearing of the court for the purpose of determining what instructions are to be given in this case so that when the argument is made, the argument will be made based on those instructions.

LO: How long do you think the arguments will last?

TC: The arguments, sir, I don't think it will be too long-winded, but I think I'll have something to say.

DC: I have...it's difficult to say, sir. I'll say this, that if it takes anything over 20 or 30 minutes for the out-of-court hearing, that it would run past four o'clock.

LO: I would prefer that we do it this way, gentlemen. That we permit the arguments and then after the arguments have our out-of-court hearing on the instructions. That way we can excuse the court and come back tomorrow morning and start afresh. Now, if you have any objection to that...

TC: I have no objection.

DC: I do, sir, because what you give in the way of instructions is going to determine in great...to a great extent what my argument will be.

TC: So as not to create any error and to be sure, I'll join in with the defense and we'll go by that procedure since we've gone two days so far.

LO: The law officer will not be prepared to give instructions until tomorrow morning because of the length of them. I suggest that we recess this court until eight o'clock tomorrow morning at which time we can start with the arguments and also the instructions will be complete and we can proceed to...

TC: You understand I am ready to go with argument; Ells, are you ready?

DC: I am, except I prefer to know what the law officer's going to instruct the court.

TC: Okay.

LO: Therefore, we'll excuse the court at this time and we'll have an out-of-court session until such time as we complete our arguments in the out-of-court session on the instructions. The court will be excused until 0800 tomorrow morning, at which time we will have the arguments and the instructions to the court and then the court will be closed for its findings. If that is satisfactory to the president, I think that would be the best solution to this problem.

Pres: Is there any reason why we couldn't start at 0700?

LO: Would you be prepared at 0700?

TC: I'm prepared to go now if we have to.

DC: The defense counsel will be prepared.

Pres: There's no rush on this; I'd like to make it clear to you, but since we have all this time, I think it might be wise to take it off an hour earlier.

LO: The reason why I do this, sir, is that I know that the arguments themselves, I anticipate, at least an hour; that would run us past four o'clock and then the instructions alone will require considerable working before I present them, in view of the findings that we have had heretofore on the motion for a finding of Not Guilty. My complete instructions will have to be prepared anew as a result of that decision.

Pres: Will 0700 hours allow you enough time?

LO: That will give me enough time - 0700 tomorrow morning.

DC: Perfect by me.

LO: We'll have an out-of-court hearing after the spectators and the court are excused.

LO: Court is adjourned.

The court adjourned at 1436 hours, 14 August 1957.

The court re-opened at 0700 hours, 15 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

LO: Correct that to adjourned.

Asst TC: Adjourned...pardon me.

TC: The prosecution waives opening argument.

DC: Gentlemen of the court, before beginning my closing argument I would like to thank you for the attention which you have paid in this case. You've been very considerate and it's been a long, hard trial.

I'd like to start by saying that you will be instructed by the law officer with regard to the offense charged in Charge I, Specifications 3 and 4, that is, false registration at a motel, that you must not only find that those offenses were committed but you must also find that they were committed in such a manner that they 1) were prejudicial to good order and military discipline, or 2) were of a nature to bring discredit upon the armed services. Now let's examine the prosecution's evidence to determine whether either of those factors is present. The defense contends that it certainly was not prejudice to good order and military discipline - it was not an "on-duty type" of offense; it was an "off-duty type" offense, and, if anything, I think the prosecution has to rely upon the fact that it was conduct of a nature to bring discredit upon the armed services. Now let's examine the facts in this regard. The prosecution evidence clearly shows that it was a clandestine act; it was not open to public scrutiny; no one knew at the time or even later that such an act occurred - that is anyone of the general public; there was no notorious open cohabitation there; there was no flouting of the uniform; and I don't think you can say on the basis of the evidence that the prosecution has introduced in this case that it was conduct of a nature to bring discredit upon the armed services. Because, unless you find that in some way the general public, because of that act, looked upon the armed services as having been dishonored by that act, then it was not discrediting to the armed services.

The same offenses are alleged in Charge III as a violation of Article 133, that is, conduct of a nature unbecoming an officer and a gentleman. Now whether it was that type of conduct, it's up to the prosecution to prove. Again, you must not only find that the offenses were committed but, that if they were committed, they were of a nature so as to unbecome an officer and a gentleman. Again, there was no open flouting; he was not disgraced as a gentleman by doing so; I don't think you can say either one of them. Those types of acts go on all the time and, unless there is some general flouting in the public view where he is disgraced as an individual before the public or before some of the public, then he has not committed an offense of conduct unbecoming an officer and a gentleman. Essentially it means this - was that conduct of a nature for which he should be discharged? I don't think you can say that it was; assuming in the first place that you find the acts alleged in the specification were committed.

With regard to the remaining Charge, or Specification in Charge II, alleging sodomy, the prosecution has attempted to prove through the use of one witness that an act of sodomy was committed here on the base sometime during January of 1956. You have had ample opportunity to observe that witness. The defense in this case, before that witness took the stand, adduced

testimony from an expert witness, a psychiatrist, that Lieutenant Goodnough suffered from a mental illness which impaired her ability to distinguish between fantasy and reality. He testified that one of the most noticeable aspects of that type of illness, as found in the symptons which she exhibited, was a complete, bland, amiable, vagueness. You observed her on the stand; she was on that stand testifying to acts which in an ordinary person would produce a great deal of emotion; she testified on that stand in a manner like she was talking about what time of day it was. She didn't tremble; she didn't exhibit any emotion whatsoever; in other words, gentlemen, her conduct on that stand was described by the psychiatrist before she ever took the stand - right down to a tee. Lieutenant Goodnough testified as to a certain act here at Walker Air Force Base and she was very specific about it - even down to the nine o'clock news. That act occurred approximately 19 months ago; she has an accurate memory to say the least if she can remember in as much detail as she says she does what happened that night. She also testified that a discussion was had concerning certain pictures. I believe, gentlemen, from the testimony of the psychiatrist and from the way the witness acted on the stand, you could very well feel that the act which she described was purely in her own imagination as a result of talking about certain pictures. She was talking about certain pictures, then she imagined that she had actually engaged in an act as exhibited by those pictures. If you will remember, this particular incident was the only one on which she was specific. We are not accusing Lieutenant Goodnough of deliberately lying; I don't think she was. But I do say this, gentlemen, that according to the psychiatrist and according to her demeanor on the stand, you can very well find that she was lying - not intentionally - but because she didn't know the difference between what actually happened and what she imagined happened in her own fantasy.

The prosecution has relied wholly upon the testimony of Lieutenant Goodnough in this case as to the act. There is not one little bit - not one iota - of evidence outside of her own testimony. The prosecution has introduced a statement made by Colonel Adams in which he absolutely denied under oath that that act occurred.

Can you believe Lieutenant Goodnough? Besides the testimony of the psychiatrist in that regard, the defense introduced the evidence of three nurses who have worked with her over the period of the last year and a half when she was assigned to Walker Air Force Base. If anyone should know what the reputation of Lieutenant Goodnough is towards truth and veracity, it would be her co-workers who are working with her day in and day out. They all testified that her reputation for truth and veracity was not good. They also testified, gentlemen, that they - not one of them - would believe her under oath; they would not believe her under oath.

So you have a witness who is discredited from the beginning by the testimony of the psychiatrist that she is suffering from a mental illness which prevents her from distinguishing between fantasy and reality, and the testimony of her co-workers who say that they would not believe her under oath. Again, whether they would believe that she had intentionally...would lie is beside the point. The question is, gentlemen, can you hinge your verdict on the testimony of a single witness who has been discredited to that extent?

The prosecution in this case attempted to rebutt the testimony of the three nurses, and they called several witnesses in that regard who said that they would believe the witness under oath. I think you can evaluate that testimony and it is your duty to do so.

Now as a matter of law, gentlemen, you will be instructed by the law officer that if you believe that Lieutenant Goodnough's testimony is improbable, uncertain, or incredible, you must find corroborating evidence before you can find Colonel Adams guilty. In other words, gentlemen, if you believe that her story on the stand here was improbable, then you must find other evidence that the accused committed the acts charged. There is no other evidence, gentlemen; none.

Was the testimony of Lieutenant Goodnough improbable? I think you can say that it was very easily. She testified, as you recall, that she was stunned by Colonel Adams' suggestion that she undergo an act of sodomy, or that she commit an act of sodomy, or be an accomplice to an act of sodomy. If you will recall also, however, there was no objection on her part to it; she never once said "no"; she never once tried to leave the room; and in fact, gentlemen, after being so shocked and so stunned at the act, three months later, she testified, she accompanied the accused to El Paso for a weekend. Do you believe that a person who has undergone the sort of experience she underwent and who has experienced the emotion of shock and disgust that she said she underwent would then accompany the person who made her feel that way three months later on a weekend to another city? I think that alone, gentlemen, is enough to say that the testimony of Lieutenant Goodnough in this case is, to say the least, improbable. And once you reach that point, and since she is an accomplice in this case and you will be so instructed by the law officer, you must find from other evidence that the prosecution has introduced that that act was committed, and, gentlemen, there is no other evidence. You have the sole testimony of Lieutenant Goodnough on the act charged under Article 125, Charge II. That is the only evidence that that act was committed.

So what do we have, gentlemen? We have a witness, who not only is discredited from the beginning by the testimony of the psychiatrist, who gets on the stand and makes statements which are highly improbable. But she is also discredited by her own co-workers who say they would not believe her under oath. Are you going to convict on that type of evidence? Are you going to convict a man of an offense as serious as sodomy based upon the testimony of that poor little girl?

Now the prosecution tried to show that Lieutenant Goodnough was young, that she didn't know what was going on; but I think you can see, gentlemen, from the testimony in this case - and I'm sure you will remember - that Lieutenant Goodnough is a nurse; she's been through nurse's training; she's had several years of experience in the field; she also has had an illegitimate child; she's not a virginal young woman by any stretch of the imagination. I don't know how experienced she was; but I'll say this, that she had access by virtue of her training to know just exactly what was going on. I don't think, gentlemen, that you can believe that girl under oath and, unless you believe her with firm conviction, you must acquit. If you don't believe her, and I don't think you can, then you must acquit. That is it, gentlemen; it's that girl on the stand. Are you going to believe her, or are you not? Are you going to base a conviction for a serious offense upon the type of testimony that she has given, in view of the testimony about her mental illness and her reputation for truth and veracity in the community?

I trust, gentlemen, that you will follow the instructions of the law officer. You will not have your Manuals before you in closed session; you will be fully instructed on the law by the law officer and, if you follow it, you can reach only one verdict - Not Guilty. Thank you.

TC: Gentlemen of the court, I wish to express the same sentiment that Captain Ells has expressed. I usually sit in the same capacity as Captain Ells does and Col Tatum does as law officer, and it's very unusual for us to be in the present positions that both of us are in. As lawyers, we appreciate the fact that you have given consideration to the accused and to all the different phases of the case and it really reflects that we're reaching a point where we are achieving justice. The defense has done a fine and commendable job on this case which has been a very difficult case; however, I cannot agree with many of the versions of the evidence that he has given.

In my opinion, if a man and woman go to El Paso and register as man and wife...go around to Juarez, in Mexico. A man is required to be an officer 24 hours a day and not eight hours a day. If you say that it is not an offense for an unmarried man...for a married man and an unmarried woman to register at a hotel, gentlemen, we would have a City of Sodom in the City of Roswell and every other city of the United States where we have military population. Isn't it obvious that when the registration cards were brought forward that the public got to know what took place at this motel? Now two wrongs don't make a right; whether somebody else has done this or not, that isn't the point. The point is that this thing in and of itself is a wrong. Now you must remember, gentlemen, when you arrive at your findings that the law officer, as a matter of law, and I repeat again, as a matter of law, has declared Lieutenant Goodnough to be a competent witness, as a matter of law.

Now I will review the evidence with you without Lieutenant Goodnough's testimony. Now the first offense, the registration on April 19th, 1956, what do we have? We have a registration card signed, "Doctor and Mrs. George F. Adams, Walker Air Force Base." Gentlemen, you ought to know whether we have civilian doctors on the base here or not. It reflects two persons; it reflects Colonel Adams' car; it's undisputed testimony that Lieutenant Goodnough was in the motel and that the accused was assigned BOQ quarters. Now there hasn't been one bit of evidence to shake Lieutenant Goodnough on this registration offense; in fact, the defense, through a stipulation, brought out the fact that there was a conversation concerning El Paso with the accused. The defense brought that out; not the prosecution. Now the second offense on April 27th, 1956, registering in a motel. The accused signed his name as "Lt Col," and mind you, gentlemen, the stipulation says that both these registration cards are in the handwriting of Colonel Adams - all those words that were put in there. Now he had Lieutenant Goodnough's car license on the registration - on the second registration. How did he get Lieutenant...the car license of Lieutenant Goodnough if he did not have her car and if he was not with her? Now on page 3 of the accused's statement, Colonel Adams' statement, this is what he says, "I broke off all relations, other than professional, with Lieutenant Goodnough when I departed for England in February 1956." If he departed or broke off all relations, gentlemen, how can you explain how he had Lieutenant Goodnough's car and Lieutenant Goodnough's car was registered on that registration card? You cannot refute that evidence. The evidence is there.

In this same statement he says, "I indicated to her mother," meaning Lieutenant Goodnough's mother, "that I do not intend to associate with Lieutenant Goodnough socially." The question is, how then did he register with a car bearing Lieutenant Goodnough's license plate if he only kept it...kept her on a professional basis?

Now Exhibit 4, this indicates that Lieutenant Goodnough and Colonel Adams were seen at the La Fonda Motel in the early Spring of 1956. The owner

was shown pictures of Lieutenant Goodnough and the other and, true she did not see them together, but she did see them there. Exhibit 8 is a stipulation that both registration cards, Exhibits 5 and 6, are in the handwriting of the accused.

Now, gentlemen, isn't it obvious that if a man compromises his conduct as an individual outside as a gentleman by falsely registering as man and wife with a young woman, unmarried woman, that in turn and by logic and reason and by inference he must thereby affect his conduct as an officer of the United States Air Force? True, if you argue that nobody seen 'em do it, then an act of adultery would be no offense. It's after the thing is brought to light that it brings this repute, injures the reputation of the United States Air Force under Article 134 and then under Article 133 his conduct is unbecoming as an officer and a gentleman. First, it affects him as a gentleman and in turn, by inference, it affects him as an officer.

Now we feel that we have sustained, more than sustained, the burden and there has not been one iota of evidence to show that this offense has not taken place. And, gentlemen, as officers of the United States Air Force you cannot condone this type of offense for the reason that if this type of offense is condoned, then as I stated before, we would have a complete City of Sodom in our military establishments outside where people can register with women who are not their wives and you would have...bring disrepute and disgrace upon the armed forces. There's no doubt that the Air Force reputation has been diminished when this was brought to light.

Now the defense has brought out certain inconsistencies during the trial - very minor inconsistencies. This is not uncommon; after all this offense took place a year and a half ago. Now I, at this time, will attempt to show...the defense has tried to make our girl out as a pretty simple girl. Now, gentlemen, the accused didn't think so and I'll quote from some letters that the accused wrote to the accused...to Lieutenant Goodnough and this will prove to you, gentlemen, that Lieutenant Goodnough tried to break up all the time with Colonel Adams and even after this alleged act or the actual act in January, she testified - and there was no testimony to refute that she did not try to break up with Colonel Adams. It is our contention that Colonel Adams as the Hospital Comma...Deputy Hospital Commander and as her senior officer led this girl on and she couldn't get away from him. I quote from a letter of 25 December 1955 which the accused wrote to Lieutenant Goodnough, quote: "I love you so much and missed you so much the past four days." I quote again, "Will you please forgive me for the terrible way I acted and be my friend again?" I quote from a letter of 9 January 1956 that he wrote to the accused (sic) - this is in January - "I have tried to do everything to... I can to help you and be kind and loving to you." If you didn't love her, why'd you come back for more? In this same letter he states, "I worshiped the ground you walked upon and all I got from you was a bad time except for the two times you pretended to love me. I believed in you." Now this is the letter that he wrote to her mother which she received a copy: "I was in dead earnest and it is because I sincerely love Charleen very deeply that I have a confession to make. I have no legal or moral right to love Charleen. I love Charleen. Charleen is pure gold and I believe in her honesty and truthfulness. I had not, until the present time, fallen in love with anyone. Charleen has made every effort to avoid seeing me and to drive me away, even to the point of hurting my feelings and making me angry. I have called her on the phone, gone to see her, and forced my attentions on her. Because I love her so much I have thought of myself too much and have

been unfair to her. I am willing to..." ah, skip that part. "I have made an emotional and unhappy girl out of her and often she sleeps and eats poorly. Charleen is a confused and unhappy..." and he admits the responsibility and he admits that he was the aggressor. He further writes to her mother, "I would rather cut off my right arm than to hurt her. Charleen is a wonderful girl and much too good for me. I can understand why you love her so much and I love her for the same reasons. Please do not blame Charleen for any of this. I am entirely to blame for everything."

Now, gentlemen, this is just an indication of the accused's frame of mind that he had in January of 1956 towards Lieutenant Goodnough. Now if it's true, can you understand why now that the defense says...Sure she was disgusted after this act, but she couldn't get out of the clutches of the accused. The accused was her hospital command...deputy hospital commander, as she stated he had a way of talking to her, convincing her, and even if we assume and use the vernacular, and I will use the vernacular in this case - assume that she is a "dumb bunny", to use the vernacular - why did this colonel go out with a girl of this type? And assume the doctor's testimony that you would notice her right away, why did the doctor - a doctor of so many years - go out with a girl like that? Don't you think it would be easy for him to convince her to do an act such as was accomplished in January of 1956?

Now, I'll get right to the act of sodomy. We have independent testimony - now this girl didn't dream up these pictures; you have the pictures before you; she stated she recognized and she saw those pictures. She stated that the accused - without going into the details of the pictures - that the accused discussed the pictures with her, the scenes in the pictures. This was to get her ripe for the actual occasion. This was to whet her sexual appetite. He was doing this all along. Now was this unreasonable - her testimony that this took place? Now mind you, I had her on direct examination for three hours; the defense had her for one hour and she never shook once; her testimony is as strong as the Rock of Gibralter. I did not lead her once at the time she was on the stand and testified and said that this accused put his tongue into her private parts on 16 January 1956. She did not hesitate once and told her complete story and then the defense went ahead and cross-examined her and she told the same exact story and the defense want no further. You know why? Because she would have told the exact, the same story and the defense could not attack any bit of her credibility nor could the defense show that any part of her testimony in January of 1956 had been shaken in one iota. Furthermore, I brought the OSI Agent in to show that her statement was made of her own free will when she talked to the OSI. Did the defense bring out that her statement to the OSI on the sodomy act was in any way, ever inconsistent? The defense, did he ever bring out that in any way was her statement to Colonel Walker inconsistent on the sodomy act? On the third alleged statement to Colonel Walker, or the actual statement, did the defense ever bring out that any act or any statement that she made concerning this act of 1956 was inconsistent, improbable or uncertain? Not once has there been one iota of testimony before you, gentlemen, to show that her testimony concerning this act of sodomy with Colonel Adams was inconsistent...inconsistent, improbable or uncertain. And gentlemen, the test is, how an individual testified in court. You watch their demeanor and so forth, true; but she was subject to cross-examination, subject to everything. How would a woman remember the nine o'clock news unless she did remember? How would a woman remember that a man's mustache was rubbing against her pubic hairs? Now the nine o'clock news - how would a woman remember something like that? You know what her answer was. Gentlemen, her answer was, "I will never forget this!" And gentlemen, when you reach your findings, I hope you don't forget it!

I have just a few more points that the defense (sic) would like to bring out at this time. I would like to bring out that there is corroboration of the fact that she was in Colonel Adams' quarters. Now, if you will read at page 4 of Colonel Adams' statement, you will see that Colonel Adams admits that Lieutenant Goodnough was in his quarters on several occasions. Now, page 3 of Colonel Adams' statement, Colonel Adams admits having Lieutenant Goodnough in his quarters on two occasions. Now just...the defense had the girl on the stand and they have never proved once that she had any motive, dislike, revenge or anything. I would like to go into that for just a moment. Now, as far as this thing under oath; you gentlemen are here to hear the testimony. The defense never brought out that these girls ever heard her under oath; there's a big difference when you're facing gentlemen like you - men of mature years, and you're under oath - and you're talking to somebody you're working with. And also we brought in witnesses; they stated...true there's no evidence...they're under oath. So actually the testimony doesn't carry too much weight; it's what the girl said now.

Now you have to consider her conduct, her appearance and so forth. Now, let's examine Goodnough. What has Lieutenant Goodnough got to gain? Gentlemen, her course is chartered. This event in January of 1956 will remain sculptured in her memory for the rest of her life. It will not go into oblivion. There's no doubt in my mind that she's going to be fit for the next "rif" list; there's no question about it; she has no place in the Air Force; but that has nothing to do with her testimony of January of 1956. She readily admitted on the stand anything that I asked her. If she had lied, gentlemen, I'd say acquit this accused; but she has never lied on the stand during the entire two days. Now what has she got to gain from this? One, she's received no immunity; she's received no clemency. Assume that she don't even get court-martialed - if she don't - she's "gonna" be thrown out; that's as obvious and as plain as we are here. She has no motive of revenge. On each incident she told that she had no malice toward the accused - nobody. There's no doubt that this event will leave a scar upon her for life. She has nothing to gain at all so why shouldn't her testimony be believed? Why should she make up the things? She even said she likes the accused. Now, ordinarily an accomplice...the reason why we have accomplices is for the purpose - or rather to have their testimony - is for the reason to show that they have a motive for revenge or they're getting some immunity, clemency and so forth; we don't have that in this case.

Now, the defense has made out that our girl, Lieutenant Goodnough, and I must say that we, as the prosecution, as representing the sovereignty of the United States and not the convening authority, do not necessarily have the most sterling witnesses or sterling characters as our witnesses. We can see that; I would be blind to the facts if we did not. However, unless you gentlemen are conviced in your own minds that this girl was not telling the truth, then you must convict regardless of what you may think. Now the psychiatrist's testimony was that you could believe a girl like this. He said he didn't know, he'd have to listen to her. You, gentlemen, have listened to her.

I want to bring out one last point probably before I stop. The president of the court brought out a question to the witness about the witness using amphetamine at that time. The prosecution brought out that Lieutenant Goodnough had this amphetamine given to her by the accused. There has been no evidence adduced that this was not given to this witness by the accused. There has been no evidence adduced that in January of 1956 that this act was

not committed and I would like to end by stating that the accused had a conversation, as my girl testified to, in December of 1956. He wanted her to resign and drop the charges. He said it would be for the best of us or for the good of the two of us if she did.

Gentlemen, before you reach your findings and go away, just remember that this mental Goliath, here, (gestures to accused) hurled a sexual stone, an unforgettable sexual stone, upon this mental dwarf that we have had on the stand here for two days. And you must remember, too, that Adams had his Eve with Charleen, an unforgettable Eve, on 16 Janu...or on January 1956 and, gentlemen, there is not a bit of inconsistent, uncertain or improbable testimony about her acts in January of 1956.

Gentlemen, I wish to thank you for the time you have given us.

LO: Does either counsel have anything further to offer at this time?

DC: Defense does not.

TC: Prosecution has nothing further, sir.

LO: Prior to giving the instructions to the court, I suggest that we give the court reporter a rest for about ten minutes. She will have another session of recording after that.

Pres: Eight o'clock?

LC: That'll be fine.

The court recessed at 0743 hours, 15 August 1957.

The court reconvened at 0800 hours, 15 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court recessed are once again present.

LO: Before we proceed with the instructions, I'll ask the counsel if either one of them have anything further?

DC: Defense has nothing further, sir.

TC: Sir, the prosecution has nothing further.

LO: Gentlemen of the court: when this court closes to vote on its findings, each of you must resolve the ultimate issue of the guilt or innocence of the accused in accordance with the law and regulations provided for trials by court-martial, the evidence which has been received for your consideration and your conscience. It is my duty as law officer of this court to instruct you as to the law of the case. It is your duty, as members of the court, to determine the facts of the case and, applying the law given you to these facts, determine the guilt or innocence of the accused.

At this time I wish to inform you, members of the court, that you will not be permitted to have with you in closed session copies of the Manual for

Courts-Martial, 1951. At this time I ask the assistant trial counsel to collect all of the Manuals for Courts-Martial used by the members of the court during this case and remove them from the courtroom. The counsel will remove their own Manuals from the court when we depart at the closed session period.

(Asst TC takes up Manuals from the court members.)

Asst TC: (Stacks Manuals on TC table) With your permission, we will take them out with us when we leave.

LO: (Nods head in the affirmative) The assistant trial counsel has removed them from the members of the court and will remove them from the courtroom prior to departure of the counsel and the legal member of this court.

In other words, gentlemen, the law in this case must and will come from the law officer. You will have with you in closed session only a copy of the charges and specifications upon which the accused was arraigned which are still before the court for determination and the documentary evidence which has been admitted before this court. All other legal books and legal references will be removed from the courtroom prior to your closed session. I intend to instruct the court thoroughly on the law of this case and the elements of the offenses and the procedural requirements which will permit you to make your determination. I will now instruct the court as required by Article 51c of the Uniform Code of Military Justice.

As to Specifications 1 and 2 of Charge I, there has been a finding of Not Guilty on motion of the defense counsel. No further reference will be made to those specifications, during this trial.

Specifications 3 and 4 of Charge I allege offenses under Article 134. The elements applicable to Specifications 3 and 4 are:

(a) That, at the time and place alleged, the accused, did, wrongfully, dishonorably, and falsely register at a motel, as alleged, as man and wife, with First Lieutenant Charleen Goodnough;

(b) That, the accused and the said First Lieutenant Charleen Goodnough were not married to each other;

(c) That, at the time, the accused was married to another and so knew it;

(d) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

I wish to call the attention of the court to the fact that Specifications 3 and 4 differ as to the place and the date of the offenses alleged and the court should apply the elements as I have given them to the specifications, keeping in mind those differences.

Charge II is a violation of the Uniform Code of Military Justice, Article 125, and only one specification remains within that charge - that is Specification 1. The elements of Specification 1 of Charge II are:

That, at the time and place alleged, the accused engaged in unnatural carnal copulation with a certain other person, as alleged.

The court is further advised that it is unnatural carnal copulation for a person to take into his mouth the sexual organ of another person or to have carnal copulation in any opening of the body, except the sexual parts, with another person. I wish to point out, additionally, that some penetration is necessary, but any penetration, however slight, is sufficient to complete the offense.

Charge III consists of two remaining specifications alleging violations of the Uniform Code of Military Justice, Article 133. Specifications 1 and 2 of the Charge have been decided finally on motion of the defense counsel. Specifications 3 and 4 which remain allege conduct occurring at a different time and place, but otherwise the allegations are the same; therefore, the elements of Specifications 3 and 4 are:

(a) That, at the time and place alleged, the accused did wrongfully, dishonorably, and falsely register at a motel, as alleged, as man and wife, with First Lieutenant Charleen Goodnough;

(b) That the accused and the said First Lieutenant Charleen Goodnough were not married to each other;

(c) That at the time, the accused was married to another and so knew it; and

(d) That under the circumstances, the accused's conduct was unbecoming an officer and a gentleman.

The court is further advised that "conduct unbecoming an officer and a gentleman" means action or behavior in an official capacity which, in dishonoring or disgracing the individual as an officer, seriously compromises his character as a gentleman, or action or behavior in an unofficial or private capacity which, in dishonoring or disgracing the individual personally, seriously compromises his standing as an officer.

The court is advised that during the trial the parties entered into stipulations as to the expected testimony of various witnesses and stipulations of fact as to certain matters and happenings. You are instructed that a stipulation as to fact or a stipulation as to expected testimony does not admit the truth of the indicated testimony, nor does it add anything to the weight or the evidentiary nature of the testimony. Such stipulated testimony may be attacked, contradicted or explained in the same way as testimony actually given by a witness in person and other evidence before the court may convince the court that the stipulated fact is not true.

The court is further advised:

First, that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

Second, that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in favor of the accused and he shall be acquitted;

Third, that if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

Fourth, that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the Government.

In addition to such instructions as I have given you, the court will observe the following rules when it is making its findings:

Only matters properly before the court as a whole may be considered. A member should not, for instance, be influenced by any knowledge of the acts, character, or service of the accused not based on the evidence or other matter before this court; by any opinions not properly in evidence; or by motives of partiality, favor, or affection.

In weighing the evidence a member is expected to utilize his common sense and his knowledge of human nature and of the ways of the world. In the light of all the circumstances of the case he should consider the inherent probability or improbability of the evidence, and, with this in mind, he may properly believe one witness and disbelieve several witnesses whose testimony is in conflict with that of the one.

In order to convict the accused of these offenses, the court must be satisfied beyond a reasonable doubt that the accused is guilty thereof. The "reasonable doubt" intended here is not fanciful or ingenious doubt or conjecture, but substantial, honest, conscientious doubt suggested by the material evidence, or the lack of it, in the case. It is an honest substantial misgiving, generated by insufficiency of proof of guilt. It is not a captious doubt, nor a doubt suggested by the ingenuity of counsel or court and unwarranted by the testimony; nor a doubt born of a merciful inclination to permit the accused to escape conviction; nor a doubt prompted by sympathy for him or those connected with him. The meaning of the rule is that the proof must be such as to exclude not every hypothesis or possibility of innocence but any fair and rational hypothesis except that of guilt. What is required is not an absolute or mathematical certainty but a moral certainty. A court-martial which acquits because, upon the evidence, the accused may possibly be innocent, falls as far short of appreciating the proper amount of proof required in a criminal trial as does a court which convicts on a mere possibility that the accused is guilty. The rule as to reasonable doubt extends to every element of the offense.

You have heard the testimony of Major Charles R. Rosewall on the matter of the competency of First Lieutenant Charleen Goodnough. He is known in the law as an expert witness because he is more qualified in the field of psychiatry than ordinary men. I have previously indicated to you that the determination as to the competency of First Lieutenant Charleen Goodnough to testify before this court is a matter for the law officer to determine. I have made that determination and have permitted Lieutenant Goodnough to testify before this court. However, much of Major Rosewall's testimony also pertained to the credibility of Lieutenant Goodnough and therefore, as a result, the credibility and the weight to be attached by the court to the testimony that she has given is within your purview. The final determination as to the weight of the evidence and the credibility of the witnesses in this case rests solely upon you members of the court.

The credibility of a witness is his worthiness of belief, and may be determined by the acuteness of his powers of observation, the accuracy and retentiveness of his memory, his general manner in giving evidence, his relation to the matter in issue, his appearance and deportment, his friendships

and prejudices, and his character as to truth and veracity, by comparison of his testimony with other statements made by him and with the testimony of other, and by other evidence bearing upon his veracity.

I wish to make it clear to you members of the court that you alone can make a determination as to the credibility of the witnesses and the weight to be attached to their testimony. Thus, as to the testimony of Major Rosewall, which touched upon the credibility of Lieutenant Goodnough and the weight to be attached to her testimony, you are advised that there is no rule of law requiring you to attach controlling significance to his testimony merely because of his position as an expert witness. You should, however, consider with due regard for his qualifications, the testimony of this witness and attach such weight thereto as in your fair judgment it reasonably deserves in the light of all the circumstances, including your own common knowledge and observations.

I advised the court that a conviction cannot be based upon the uncorroborated testimony of an accomplice in a trial for a sexual offense, if such testimony is self-contradictory, uncertain or improbable. Also, the uncorroborated testimony of an accomplice, even though apparently credible, is of doubtful integrity and is to be considered with great caution. Further, as a matter of law, Lieutenant Charleen Goodnough would be considered an accomplice in this case. I express no opinion as to whether the testimony of Lieutenant Goodnough was self-contradictory, uncertain or improbable. That is the question which you members of the court must decide.

I ask the court at this time if they understand the meaning of the word "corroberation"..."corroborate", or the two words together, either one of them?

Pres: May we have your definition, please?

LO: I read to you from the Fourth Edition of Black's Law Dictionary, the legal definition of the word "corroborate," page 414: "to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence." "Corroborating evidence" is defined as"evidence supplementary to that already given and tending to strengthen or confirm it; additional evidence of a different character to the same point."

LO: Does the court fully understand the meaning and effect of the instruction that I have just given?

Pres: Yes.

Court Member (Col Macdonald): Would you mind going over that last again on corroborative evidence? Not the definition, your...

Pres: Pertaining to...

LO: Not the definition?

Court Member (Col Macdonald): No.

LO: In view of the fact that I have given you the definition as per your request, I feel that I will go over the entire thing so that you can get it in the proper perspective.

LO: I advised the court that a conviction cannot be based upon the uncorroborated testimony of an accomplice in a trial for a sexual offense, if such testimony is self-contradictory, uncertain or improbable. Also, the uncorroborated testimony of an accomplice, even though apparently credible, is of doubtful integrity and is to be considered with great caution. Further, as a matter of law, Lieutenant Charleen Goodnough would be considered an accomplice in this case. I express no opinion as to whether the testimony of Lieutenant Goodnough was self-contradictory, uncertain or improbable. That is the question which you members of the court must decide.

LO: Does that satisfy the court?

Pres: Yes.

LO: You must disregard any comment or statement made by me during the course of the trial which may seem to indicate my opinion as to the guilt or innocence of the accused, for you alone have the independent responsibility of deciding this issue. Each of you must impartially resolve the ultimate issue as to the guilt or innocence of the accused in accordance with the law, the evidence admitted in court, and your own conscience.

If, during your closed session to vote on the findings, you desire additional instructions concerning any matter of law, or you desire further advice concerning any matter, or for any reason desire additional evidence, or the call or recall of any witness, you should open the court and make such request. However, when the court has reached its findings, you may, if you desire, call upon the law officer to assist you in putting those findings in proper form prior to opening the court to announce them publicly. In the event you desire such assistance, the court reporter will appear with the law officer to record verbatim the communications between the president of the court and the law officer. After the law officer and the reporter enter, the president will state verbally the findings of the court to the law officer, who will put them into proper form to be announced in open court. You <u>will not</u> at that time request any additional instructions or advice, or engage in any other conversation with either the law officer or the reporter. If I do not assist you in putting the findings into proper form, you will, after the court is opened and before the president announces the findings, present them to me in written form so that I can examine them for possible defect in form. The findings of the court should be announced in one of the forms which I will now hand to the president of the court. (LO hands document to Pres) A copy of this form which is extracted from the Manual for Courts-Martial will be attached to the record as an Appellate Exhibit.

LO: That concludes the instructions of the law officer. I ask the trial counsel and the defense counsel at this time, respectively, if they have any objections or any request for further instructions?

TC: Trial counsel has no additional instructions, sir, nor does the trial counsel have any objection to the instructions.

DC: Defense has no objections, sir, except those which have already been made.

LO: The objections of the defense counsel which were noted in closed session will not be brought before the court.

LO: Does the court desire further instructions, definitions, explanations, or advice as to procedure before we close?

Pres: No.

LO: Gentlemen, the court is closed.

The court closed at 0825 hours, 15 August 1957

At 1000 hours, 15 August 1957, the court requested the law officer and the court reporter to appear before the court in closed session.

LO: If you don't mind, sir, I'll just sit down so we can...

Pres: I think we're all set if you want to check this format.

LO: Has the court reached its decision?

Pres: Yes, it has. (Pres hands sheet of paper to LO.)

LO: Let the record reflect that the president handed the decision of the court to the law officer and...I'll just read it...(LO reads over document silently, to himself) Right; as I understand your findings, you have found the accused Guilty of Specifications 3 and 4 of Charge I and Specifications 3 and 4 of Charge III.

Pres: That is correct.

LO: And you have found the accused Not Guilty of Specification 1 of Charge II.

Pres: That is correct.

LO: Obviously, you've found him Not Guilty of the Charge as well.

Pres: Have I so indicated?

LO: Right. I only have one correction, sir. I feel that you should correct or mark out these words here of "all" because...in other words, you might possibly read this... (LO hands document back to Pres.)

Pres: Right; so really it's just a change of the format which you've given me?

LO: Right; that's right.

Pres: May I destroy these ballots?

LO: They should be collected by the junior member and burned or destroyed...

Pres: Burned...I didn't want them to fall into the hands of...

LO: Right; he should take care of it anyway that you wish.

Pres: (Hands ballots to a court member) Would you burn them right now before we convene court? (Court member places ballots in an ash tray and burns them.)

Pres: Now I don't want this (indicates App Ex 9), if I can help it, to be a matter for the record either - I'll take this off (indicates to LO) if it's going to be.

LO: Yes, that should be removed from the back. I would suggest, sir, that you write these out (LO indicates App Ex 9) in the final form - it'll only take a short time - and then you can destroy that because it has on the back of it certain information that you should not reveal to the body as a whole. When you've completed with writing that out, sir, you can announce...

Pres: I would like to say...you gentlemen want a recess? This other is liable to take a little time, isn't it?

LO: We'll have a recess, sir, but you should open the court first to announce this before any recess.

Pres: Right; it'll only be about five minutes?

LO: Right.

Pres: For the record, the form we had for the findings was correct?

LO: The form is correct with the exception of that correction which I said to delete the word "all" because you might possibly read it.

Pres: Yes, sir; I had not intended to; thank you.

At 1005 hours, 15 August 1957, the law officer and the reporter were dismissed from the closed session of the court and withdrew from the court-room.

The court opened at 1010 hours, 15 August 1957.

Pres: The court will come to order.

Asst TC: Let the record reflect that all parties to the trial who were present when the court closed are once again present.

Pres: Lieutenant Colonel George F. Adams, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds you:

Of Specifications 3 and 4, Charge I: Guilty.
Of Charge I: Guilty.
Of Specification 1, Charge II: Not guilty, and
Of Charge II: Not guilty.
Of Specifications 3 and 4, Charge III: Guilty, and
Of Charge III: Guilty.

LO: Will the president please give the material that he just read from to the reporter for inclusion in the record as Appellate Exhibit 10? (Pres hands document to court reporter.) Does the court desire to proceed at this time or recess?

Pres: What is the time that will be involved in this next session?

LO: I have no way of knowing, sir.

Pres: Shall we take a ten-minute recess and we'll reconvene at 25 after?

The court recessed at 1013 hours, 15 August 1957.

The court reconvened at 1025 hours, 15 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect that all parties present when the court closed are once again present.

LO: The court will now hear the personal data concerning the accused as shown on the charge sheet and will receive evidence of previous convictions if any.

Asst TC: The first page of the charge sheet shows the following data concerning the accused:

Place: Walker Air Force Base, New Mexico.

Accused: Adams, George F.; Service Number: AO257543; Grade: Lieutenant Colonel; Organization and Armed Force: 6th Tactical Hospital, 6th Bombardment Wing, Heavy, United States Air Force;

Date of Birth: 2 February 1907;

Pay Per Month: Basic: $670.80; Sea or Foreign Duty: None; Total: $670.80; Contribution to Family or Quarters Allowance: None;

Record of Service: Initial Date of Current Service: 1 June 1954; Term of Current Service: Three Years; Prior Service: 21 January 1929 to 9 October 1940, U.S. Army Reserve; 10 October 1940 to 9 December 1945, U.S. Army; 10 December 1945 to 31 July 1950, United States Air Force Reserve; 1 August 1950 to 29 February 1952, United States Air Force; 1 March 1952 to 31 May 1954, United States Air Force Reserve;

Data as to Restraint: None.

Asst TC: Are these data correct?

DC: They are correct.

Asst TC: I have evidence of no previous convictions of offenses committed during the current enlistment.

LO: I believe you should correct that; current enlistment is not applicable in this case.

Asst TC: I have no evidence of previous convictions. Let the record reflect that correction.

LO: Colonel Adams, will you please rise?

(Accused rises.)

LO: Colonel Adams, you are advised that you may now present evidence in extenuation or mitigation of the offenses of which you stand convicted. You may,

if you wish, testify under oath as to such matters or you may remain silent, in which case the court will not draw any inferences from your silence. In addition, you may if you wish, make an unsworn statement in mitigation or extenuation of the offenses of which you stand convicted. This unsworn statement is not evidence and you cannot be cross-examined upon it, but the prosecution may offer evidence to rebut anything contained in the statement. The statement may be oral, or in writing, or both. You may make it yourself, or it may be made by your counsel, or by both of you. Consult with your counsel and advise the court what you desire to do.

DC: If it please the court, this has been a rather long trial and I'll make this just as short as I may. The defense intends to introduce several documents for the benefit of the court and I intend to make a very short statement concerning the extenuation and mitigation in this case. Now, will the reporter mark these Defense Exhibits A through E for Identification?

Pres: Is it proper to state for the record that, I repeat, we're in no great hurry?

(The reporter marked the documents Defense Exhibits A through E for Identification. DC shows documents to TC.)

DC: At this time the defense offers in evidence Defense Exhibit A for Identification, a series of newspaper clippings which have been marked for identification as Defense Exhibit A.

TC: Prosecution has no objection.

LO: Is prosecution waiving source and authenticity of these documents?

TC: Yes, I am.

LO: You want to offer them all?

DC: Defense offers into evidence as Defense Exhibit B another series of newspaper clippings which have been marked for identification as Defense Exhibit B.

TC: Prosecution has no objection to Defense Exhibit B for Identification.

DC: Defense offers into evidence as Defense Exhibit C a letter which purports to be a letter of appreciation which has been marked for identification as Defense Exhibit C.

TC: Prosecution has no objection to that exhibit.

DC: Defense offers into evidence as Defense Exhibit D another letter of appreciation which has been marked for identification as Defense Exhibit D.

TC: No objection.

DC: Defense offers into evidence as Defense Exhibit E another letter of appreciation which has been marked for identification as Defense Exhibit E.

TC: No objection.

(DC hands all the documents to LO.)

LO: Defense Exhibits A through E, inclusive, are admitted into evidence as Defense Exhibits A through E, inclusive. They may be withdrawn at the conclusion of the trial and photostated copies or true copies submitted thereof.

DC: Thank you, sir. If it please the court, I will leave these documents with the court and they may use them during their closed session, if they wish.

(DC takes documents from LO and hands to Pres.)

DC: Gentlemen, you have heard the assistant trial counsel read from the charge sheet the previous service of the accused which began almost 28 years ago. He first entered on active duty shortly before the war and, as you will notice from some of the clippings I believe, he was on his way to the Philippines when the Japanese bombed Pearl Harbor. He was then diverted to Java and on Java, as a medical officer, he won the Silver Star. I think you will agree that that is rather unusual. He spent some of the war in New Guinea, in New Zealand, and was separated after the war and went back into private practice. And again, as you will notice from the clippings, he voluntarily entered active duty almost immediately after the beginning of the Korean War. During that time he has been...spent all of his time in the Zone of Interior; he was not overseas during that period. As you will notice from the letters, he has been highly thought of by other medical officers with considerable rank. He has several letters of appreciation from those officers.

You have convicted him of an offense which, I think you will feel as I do, is a rather minor offense. I think you will agree that had that been the only offense charged in this case it would have never gone to a General Court-Martial. You have before you a man of 28 years' service in the Army and Air Force. You have a man who has an outstanding combat record, especially for a medical officer. You have before you a man who has given a lot of years of his life to the service. You have a man before you who stands before you as Deputy Commander of the local Base Hospital; he has never been relieved of those duties. I think when you take all those facts into consideration, you will adjudge a just sentence in this case; thank you.

DC: I might add one thing, gentlemen, that although Doctor Adams is presently and has been for some time the Deputy Commander of the Base Hospital, and as such it was not required as a part of his duties to participate actively in the practice of medicine, he has, because of the shortage of doctors on the base, at various times, actively participated in several of the activities of the Base Hospital such as gynecology and surgery. That was not required and he has done that on his own. In addition, I might mention that on his own he instituted a series of articles in the local newspaper - base paper - on "Medi-Care". That was on his own initiative and I think you will find throughout his career, from reading those articles, that Doctor Adams has been an outstanding hospital man. I thank you.

DC: The defense has nothing further.

TC: The prosecution has nothing further.

LO: Gentlemen, when we close for you to make your decision on the sentence... I will give to the president at this time a form copied from the Manual for Courts-Martial in which form the sentence should be announced and also I will give one copy of this form to the reporter to be included in the record as an Appellate Exhibit. It is my prerogative to instruct the court as to

the maximum punishment which is permissible in this case, as a guide line for the court in determining the maximum that may be adjudged by this court. I do not mean to imply that the maximum is required but I want to impress upon the members of the court that, to the contrary, they have the full prerogative of making any determination as to the sentence they so desire.

LO: The maximum punishment in this case, gentlemen, is: Dismissal, confinement at hard labor for eight months, and total forfeitures of all pay and allowances. It is your determination to make as to what the sentence will be. I do wish to impress upon the president of the court and the members of the court that I may not and I repeat, I may not, come into the courtroom to assist you in putting your sentence in proper form. That's why I've given the president this form at this time and instructed the court as to the maximum that may be adjudged in this case for your guidance. Neither, may I receive the court's...from the court a copy of the sentence prior to it being read by the president. In other words, gentlemen, we will close the court and the next event will be the opening of the court and reading of the sentence by the court. Does the court desire any further instructions at this time?

Pres: There are several questions, I believe, before we close.

Court Member (Col Macdonald): By dismissal you mean dishonorable discharge?

LO: Dismissal is the appropriate term used in the case of an officer. We do not...dishonorable discharge or bad conduct are reserved for airmen, sir. An officer is dismissed from the service.

Court Member (Col Macdonald): But as far as rights and privileges - the term - it's comparable?

LO: They are equated to the same, sir.

Pres: If I'm not mistaken, anything over...six months or over makes dismissal mandatory, is that correct?

LO: Yes, sir. I'll give the court further information on that.

Pres: I would appreciate it if you would elaborate wherever you think it's significant for these questions.

LO: In other words, gentlemen, a court shall not by a single sentence which does not include dishonorable or bad conduct discharge, and I indicated that we equated dismissal to a dishonorable or a bad conduct discharge, adjudge against an accused a forfeiture of pay in an amount greater than two-thirds of his pay per month, forfeiture of pay in an amount greater than two-thirds of his pay for six months, confinement at hard labor for a period greater than six months. Does that answer your question, sir?

Pres: I'd like a repeat on that, please.

LO: The court shall not by a single sentence which does not include dishonorable or bad conduct discharge - and I've told you that we equate a dismissal to those types of discharges - adjudge against an accused forfeiture of pay at a rate greater than two-thirds of his pay per month, forfeiture of pay in an amount greater than two-thirds of his pay for six months, confinement at hard labor for a period greater than six months.

Pres: You gentlemen clear?

(No response from any member of the court.)

DC: Sir...

LO: Do you have something that you wish to offer?

DC: I think it is the rule of law that you will not give confinement in the case of an officer unless you also order a dismissal.

LO: I will instruct upon that. A sentence to confinement will not be adjudged in the case of an officer unless the officer is also sentenced to dismissal.

Pres: I believe we're aware of that but I appreciate the reminder.

LO: You may not adjudge confinement unless it is accompanied by a dismissal.

Pres: Is everybody clear? (No response from any member of the court.) No further questions.

LO: No further questions; the court is closed.

The court closed at 1042 hours, 15 August 1957.

The court opened at 1146 hours, 15 August 1957.

Pres: Court will come to order.

Asst TC: Let the record reflect all parties present when the court closed are once again present.

Pres: Lieutenant Colonel George F. Adams, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring, sentences you:

To forfeiture of $445.00 per month for a period of six months.

LO: $445.00?

Pres: (Nods head in the affirmative) - per month.

TC: Before we adjourn, I'd like the law officer to withdraw Prosecution Exhibits 5 and 6 because I have to return those to the motel.

LO: Permission is granted for the trial counsel to withdraw Prosecution Exhibits 5 and 6 and substitute photostatic copies therefor. I don't believe there were any other exhibits that need to be withdrawn...

TC: No, sir.

LO: Would you give a copy of that to the...of your sentence, sir, to the reporter; it will be attached to the record as Appellate Exhibit 12.

(Pres hands document to court reporter.)

LO: Does either counsel have anything further at this time?

DC: No, sir, the defense has nothing, sir.

LO: Are there any further cases to be tried at this time?

TC: No, sir.

LO: You may adjourn the court.

Pres: Court is adjourned.

The court adjourned at 1147 hours, 15 August 1957.

AUTHENTICATION OF RECORD OF TRIAL

in the case of

ADAMS, GEORGE F., Lieutenant Colonel, A0257543, 6th Tactical Hospital,
6th Bombardment Wing, Heavy, U.S. Air Force, Walker Air Force Base, New Mexico.

James V Reardon
JAMES V REARDON, Colonel, USAF, 1701A
HQ 47th AirDIV
Walker AFB, NMEX
President

WILLIAM TATUM, Lt Col, USAF, 7009A
HED 15AF
March AFB, CALIF
(Law Officer) (Trial Counsel)[1]

I have examined the record of trial in the foregoing case.

Langford Keith, Jr
LANGFORD KEITH, JR, 1st Lt, USAF, A02204398
HQ 812th ABGRU
Walker AFB, NMEX
Assistant Defense Counsel

[1] Delete inapplicable term. Trial counsel may not authenticate a general court-martial record.

HEADQUARTERS
FIFTEENTH AIR FORCE (SAC)
March Air Force Base, California

18 OCT 1957

In the foregoing case of LIEUTENANT COLONEL GEORGE F. ADAMS, A0257543, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, the sentence is approved and will be duly executed.

The record of trial is forwarded to The Judge Advocate General, United States Air Force, for examination under Article 69.

Archie J. Old Jr

ARCHIE J. OLD, JR.
Major General, United States Air Force
Commander

Walker Air Force Base
New Mexico
AUG 13 1957

S_T_I_P_U_L_A_T_I_O_N

In the case of the United States v. Lieutenant Colonel George F. Adams, it is hereby stipulated by and between the trial and defense counsel, and with the consent of the accused, that the accused, Lieutenant Colonel George F. Adams, was at the time of the alleged commission of the offenses charged, a member of the United States Air Force, has been a member of the United States Air Force since those dates, and is now a member of the United States Air Force, assigned to the 6th Tactical Hospital, 6th Bombardment Wing, Heavy, located at Walker Air Force Base, New Mexico.

Morris B. Fox

MORRIS B. FOX
Captain, USAF
Trial Counsel

David E. Ells

DAVID E. ELLS
Captain, USAF
Defense Counsel

I hereby acknowledge I understand the contents of and join in the above stipulation.

George F. Adams

GEORGE F. ADAMS
Lieutenant Colonel, USAF
Accused

PROSECUTION EXHIBIT 1 ~~FOR ID.~~

Walker Air Force Base
New Mexico
AUG 13 1957

S_T_I_P_U_L_A_T_I_O_N

In the case of the United States v. Lieutenant Colonel George F. Adams, A0257543, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, it is hereby stipulated and agreed among the trial counsel, the defense counsel, and the accused, that:

The accused, Lieutenant Colonel George F. Adams, A0257543, United States Air Force, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, was married to Veotta M. (maiden name Mc Kinley) Adams on 24 December 1929 by a Justice of the Peace at Santa Ana, California. It is further stipulated that the accused has never been divorced from his wife, Veotta M. Adams, nor has the marriage to his wife, Veotta M. Adams, ever been dissolved.

Morris B. Fox

MORRIS B. FOX
Captain, USAF
Trial Counsel

David E. Ells

DAVID E. ELLS
Captain, USAF
Defense Counsel

I hereby acknowledge I understand the contents of and join in the above stipulation.

George F. Adams

GEORGE F. ADAMS
Lieutenant Colonel, USAF
Accused

PROSECUTION EXHIBIT 2 ~~FOR ID.~~

Walker Air Force Base
New Mexico
AUG 13 1957

S_T_I_P_U_L_A_T_I_O_N

In the case of the United States v. Lieutenant Colonel George F. Adams, A0257543, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, it is hereby stipulated and agreed among the trial counsel, the defense counsel, and the accused, that:

The accused, Lieutenant Colonel George F. Adams, has been assigned quarters located at 847 Gunnison Circle, Walker Air Force Base, New Mexico, since shortly after his arrival at Walker Air Force Base. These quarters have been designated by competent authority as BOQ quarters.

Morris B. Fox
MORRIS B. FOX
Captain, USAF
Trial Counsel

David E. Ells
DAVID E. ELLS
Captain, USAF
Defense Counsel

I hereby acknowledge I understand the contents of and join in the above stipulation.

George F. Adams
GEORGE F. ADAMS
Lieutenant Colonel, USAF
Accused

PROSECUTION EXHIBIT 3 ~~FOR ID.~~

Walker Air Force Base
New Mexico
AUG 13 1957

S_T_I_P_U_L_A_T_I_O_N

In the case of the United States v. Lieutenant Colonel George F. Adams, A0257543, 6th Tactical Hospital, 6th Bombardment Wing, Heavy, it is hereby stipulated and agreed among the trial counsel, the defense counsel, and the accused, that if Mrs. Glena Richards, 5301 Alameda, Box 26, El Paso, Texas, a witness for the prosecution, were present in court, she would testify under oath substantially as follows:

I am the resident manager of the La Fonda Motel which is located at 5301 Alameda, Box 26, El Paso, Texas.

If a person comes to the La Fonda Motel and desires to rent rooms at the motel, he is required by me to fill out a registration card in his own handwriting. He is required to supply the information on the registration card and to put that information on the registration card in his own handwriting. These registration cards are records which are required to be kept in the regular course of the business of the La Fonda Motel. The entries made on these business registration cards are entries required to be made in the regular course of our business. I am the custodian of the records of the La Fonda Motel and, specifically, of the registration cards which are maintained at the La Fonda Motel.

I recognize Prosecution Exhibit 5 for Identification which is a registration card, which registration card was a record kept by the La Fonda Motel in the regular course of its business. Prosecution Exhibit 5 for Identification, a registration card, was kept with the regular records of the La Fonda Motel until it was turned over to the military authorities.

I recognize Prosecution Exhibit 6 for Identification which is a registration card, which registration card was a record kept by the La Fonda Motel in the regular course of its business. Prosecution Exhibit 6 for Identification, a registration card, was kept with the regular records of the La Fonda Motel until it was turned over to the military authorities.

I have been shown a picture of the accused, Lieutenant Colonel George F. Adams, Walker Air Force Base, New Mexico, and I do recall seeing him at the La Fonda Motel, El Paso, Texas, in the Spring of 1956. I have been shown a photograph of First Lieutenant Charleen Goodnough, Walker Air Force Base, New Mexico, and I recognize seeing her at the La Fonda Motel, El Paso, Texas, in the Spring of 1956. I do not recall whether I saw both individuals at the La Fonda Motel, El Paso, Texas, at the same time.

I would like further to state that the information on Prosecution Exhibits 5 and 6 for Identification, which are registration cards, is required to be filled in by the individual who requests occupancy of a room in the motel. The room indicated on Prosecution Exhibit 5 for Identification was rented to a Doctor and Mrs. George F. Adams, Walker Air Force Base, New Mexico, on the 19th and 20th of April 1956. Room No. 12 was given to the individual who signed the registration card, Prosecution Exhibit 5 for Identification, as Doctor and Mrs. George F. Adams. Room No. 12 in the La Fonda Motel, El Paso, Texas, is a single

unit; there are two beds in this room. It is considered as a single unit. There are two double beds in this room. The individual who rented room No. 12 at the La Fonda Motel, El Paso, Texas, on the 19th and 20th of April 1956 signed out on 21 April 1956. The rate for the room was Seven Dollars ($7.00) per day.

The individual who signed the registration card, Prosecution Exhibit 6 for Identification, rented room No. 44 during the period of 27 and 28 April 1956. This individual signed out on 29 April 1956. He paid the rate of Seven Dollars ($7.00) per day for his room. The room that was occupied was room No. 44. This was a single unit and there was only one bed in the room which was a double bed.

The entries on registration cards, Prosecution Exhibits 5 and 6 for Identification, are entries which are required to be made in the regular course of business and the registration cards are records which are kept in the regular course of business of the La Fonda Motel at El Paso, Texas.

Morris B. Fox

MORRIS B. FOX
Captain, USAF
Trial Counsel

David E. Ells

DAVID E. ELLS
Captain, USAF
Defense Counsel

I hereby acknowledge I understand the contents of and join in the above stipulation.

George F. Adams

GEORGE F. ADAMS
Lieutenant Colonel, USAF
Accused

PROSECUTION EXHIBIT 4 ~~FOR ID~~