Richard Millard

*Richard Millard: Judge Advocate for the Presidio 27*

Presidio Trust Oral History Project
The Presidio 27

Interview conducted by
Barbara Berglund Sokolov
in 2018

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Abstract

Richard Millard was born April 24, 1941, in Los Angeles. He joined ROTC while he was attending college at the University of California, Los Angeles (UCLA). He earned a law degree in the 1960s from UCLA and worked as a public defender after graduating. He started his military service in 1967 and served in Vietnam with the 1st Air Cavalry Division. He later became a judge advocate and worked on the Presidio 27 case. In this interview, Millard discusses his early life and education, time in the service, and legal proceedings for the Presidio 27.
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Presidio Trust Oral History Project History

The Presidio of San Francisco is a new kind of national park. It is home to the spectacular vistas, nature, and programs that visitors would expect, as well as a community of residents and organizations who bring renewed vitality and purpose to this former military post. The Presidio Trust is an innovative federal agency created to save the Presidio and share it with the public.

The Presidio Trust Oral History Project captures new layers of the history of the Presidio. The project complements ongoing archaeological research and fulfills historic preservation obligations through interviews with people associated with the Presidio of San Francisco, for example: former soldiers, nurses, doctors, civilian workers, military families, descendants of Californios and Native Californians; environmental groups; and Presidio Trust and National Park Service employees. The interviews capture a range of experiences, including the legacies of colonialism, stories of service and sacrifice, the role of the Presidio in a range of global conflicts, everyday life on the post, and of how this post became a park. The Presidio Trust and the Oral History Center have embarked on a multiyear collaboration to produce these oral histories.

The goals of the Presidio Trust Oral History Project/Presidio are twofold. First, to create new knowledge about life on the post during peacetime, as well as during global conflicts, that illuminates the diversity of experiences and the multiplicity of voices that is the essence of Presidio history. And second, to share this knowledge with the public in ways that leverage the power of first-person narratives to allow people to see themselves reflected in the Presidio’s past so they feel connected to its present. The kinds of questions we seek to answer include: “How can the Presidio’s military legacy inform our national intentions?” and “How can examining the cultural mosaic of people living in and around the Presidio shape our understanding of the nation?”

The Presidio 27

On October 14, 1968, 27 prisoners in the Presidio Stockade broke ranks during roll call formation, sat down in a circle in the grassy yard, joined arms, sang We Shall Overcome, and asked to present a list of demands to the stockade commander that addressed the treatment of fellow prisoners and the conditions inside. Just days before a guard had shot and killed a prisoner, and GIs had taken to the streets of San Francisco in massive demonstrations against the war that came right up to the Presidio’s gates — the first anti-war marches organized by GIs and veterans in the nation. For staging this peaceful protest, amidst the heightened tensions of a country increasingly divided over the Vietnam War, the Army tried the 27 for mutiny, the most serious military offense. The actions of the 27 and their subsequent trials made headlines, shocked the Army and the nation, brought the GI movement onto the national stage, inspired the anti-war movement, catalyzed improvements in US military prisons around the world, and ultimately helped to end the Vietnam War.

In 1968, as more and more soldiers began questioning the Vietnam War, going AWOL (absent without leave) and deserting the military, many flocked to San Francisco’s counterculture. Those who turned themselves in or were picked up by authorities were brought to the Presidio, the nearest Army post, and held in the stockade. As its population swelled to nearly twice what it was designed to hold, stockade conditions became increasingly chaotic and overcrowded, a
ticking time bomb. The average age of the Presidio 27 was nineteen and all were AWOLs. Most were from working-class backgrounds, some came from career military families, and only five had finished high school. Their convictions for mutiny came with sentences ranging from six months to sixteen years. Years later — and only after great personal hardship and sacrifice on the part of the Presidio 27, including years spent in federal prison — the military overturned their convictions on appeal and reduced their sentences. In the end, the appeals judge found that rather than intending to usurp or override lawful military authority, requirements for the charge of mutiny, the Presidio 27, in reading their demands to their commanding officers, were actually invoking and imploring the very military authority they had been charged with seeking to override.
Interview 1: December 7, 2018

Berglund Sokolov: Okay, this is Barbara Berglund Sokolov interviewing Richard Millard in San Francisco, California, on December 7, 2018. We are interviewing Richard to learn about his role as the Article 32 investigator in the Presidio 27 case. So Richard, let’s start with a little bit of information about your early life. Can you tell us when and where you were born?

Millard: I was born in Los Angeles, April 24, 1941.

Berglund Sokolov: And a little bit about your early life in LA?

Millard: Well, I grew up in Los Angeles until I started the kindergarten, and when I was halfway through the kindergarten, we moved to San Francisco. My father had just come back from service, and we moved to San Francisco. I went to grade school in San Francisco through the fifth grade and then in the sixth grade, we moved back to Los Angeles. We moved to the San Fernando Valley.

Berglund Sokolov: What neighborhood did you live in in San Francisco?

Millard: I can’t hear you.

Berglund Sokolov: What neighborhood did you live in in San Francisco?

Millard: We lived in Miraloma Park.

Berglund Sokolov: Great.

Millard: I went to Miraloma Elementary School. It only went to the fourth grade, so I went to the West Portal for the fifth grade.

Berglund Sokolov: Okay, and tell us a little bit about your family, the names of your parents, and a little bit about—if you have siblings.

Millard: Maurice Millard was my father, and Lillian was my mother. They were married very young. I think my dad was nineteen, and my mother was sixteen. They had to keep it a secret, because she wasn’t out of high school at the time. I have an older brother, Mark, who happens to be a judge in
Orange County, California. We grew up together. I felt that we were a middle, upper-middle-class-income-status family.

Berglund Sokolov: What did your father do for a living?

Millard: He was a businessman and had small businesses. He went from being a truck driver, to working in a dime store and working in a dairy, and then became involved with a small market and a seat-cover business when we moved to San Francisco. When we moved back to Los Angeles, he was higher up—he was, I guess, more of an executive at that point and had his own businesses, till he finally retired.

Berglund Sokolov: How about your high school years when you were in Southern California? Where did you go to high school?

Millard: I went to North Hollywood High School. I went to North Hollywood Junior High as well. In California then, you went to six years of elementary school, three years of junior high, and three years of high school.

Berglund Sokolov: Okay, and then you graduated from high school and you enrolled at UCLA?

Millard: Correct.

Berglund Sokolov: Is there any story about you choosing to go to UCLA or getting accepted at UCLA?

Millard: I was accepted. [laughter]

Berglund Sokolov: Yeah. [laughter]

Millard: I was accepted, and at that time UCLA, I believe, cost about $70 a semester. So the price was right, and it was a good school—and I was a sports fan. I was always a Cal fan when we were up in San Francisco, and when we moved back to Los Angeles, I was a UCLA fan.

Berglund Sokolov: What year did you start?

Millard: I started actually in February of 1959. I graduated high school on a Thursday, and started UCLA on Monday morning.
Berglund Sokolov: That’s interesting. That’s different than these days, with the long summer breaks.

Millard: Yeah. No, we had mid-year graduations, so that’s how it worked out.

Berglund Sokolov: When you were in college at UCLA, you had to take ROTC, correct?

Millard: Yes. All male students had to take ROTC for two years, not only at UCLA, but all land-grant colleges throughout the United States, so all your state colleges and universities, all male students had to take ROTC in those days for two years.

Berglund Sokolov: What was that like for you?

Millard: You know, it was a year and a semester. It was just a nuisance I had to put up with. [laughing]

Berglund Sokolov: What kind of things did you do in ROTC? Was it a study type of experience, or did you drill and train, or a combination?

Millard: It’s almost hard to remember. It was a classroom where you learned about the military and military history. At the end of two years you had your choice if you wanted to go upper division, meaning your junior and senior years you could go on for ROTC for two more years, and upon graduation you’re commissioned as an officer in the military. That was one alternative. In those days, almost all males, young men, had to serve in the military in some way. My roommate dropped out of school for a semester and went into the army reserve. Yeah. Other friends of mine went into other types of reserve units. Half of them went through ROTC; half of them dropped out to go into various reserve units and get rid of their military obligation that way. That seemed to change about the time that I graduated.

Berglund Sokolov: Yeah, I mean, these are kind of key dates, right? In 1963, not much was going on, right? There are no ground troops in Vietnam yet; that happens in 1965, two years later.

Millard: But just before I graduated, what was going on at that time were the problems—the United States vis-à-vis Russia.

Berglund Sokolov: Yes.
Millard: And the missiles of October were October of 1962. That’s the Cuban Missile Crisis.

Berglund Sokolov: Right.

Millard: And the Berlin Wall had gone up. Right at the time of the Cuban Missile Crisis, which was about two months before I was graduating college, a lot of people in ROTC were going to drop out because they were changing all of the orders. Instead of being able to graduate and go in six months as an officer, and then go on with your life, they were changing everybody’s orders to two years. A lot of people were going to drop out of ROTC because they didn’t want to go into the service for two years. They made it known that if you attempted to drop out of ROTC, they’d notify the draft board.

Berglund Sokolov: A little bit of a catch-22, right?

Millard: I went on and I became an officer upon graduation, in January of ’63. But I didn’t want to go into the military directly at that point because I had been accepted to law school.

Berglund Sokolov: But that was ’66 when you graduated?

Millard: I graduated undergraduate in January of ’63, and that’s when I was commissioned as an officer in the military. But I would have had to go directly then, into the army, for two years. But I had been accepted to law school—

Berglund Sokolov: Got it, got it.

Millard: —and wanted to go to law school while I was accepted. [laughing] I applied for and obtained a stay, so I didn’t have to go into the military, and I got a continuance, in effect, for three years, to go to law school.

Berglund Sokolov: Where did you go to law school?

Millard: I went to UCLA Law School.
Berglund Sokolov: Okay. Just so I get the dates correct, you graduated from UCLA undergrad in 1963, and you graduated from law school in June of 1966?

Millard: That’s correct.

Berglund Sokolov: Okay, excellent. So you asked for your delay to attend law school, and that was granted. There was also the issue with your eyes not being twenty-twenty, right?

Millard: Correct. When I graduated law school, I received orders to go into the military right away. I graduated in June; the bar exam was in August. Generally, one wants to take the bar exam as soon as possible.

Berglund Sokolov: Right.

Millard: I didn’t want to go away for two years and then have to come back and start picking up the practice of law to take the bar exam.

Berglund Sokolov: And kind of relearn everything that you had just studied, yeah.

Millard: I asked for another stay at least past August, so I could take the bar exam, and that was granted, and they continued my entry into the service until April of ’67.

Berglund Sokolov: And then you took the bar, right?

Millard: Correct.

Berglund Sokolov: Passed the bar?

Millard: I passed the bar.

Berglund Sokolov: And then, for a while, you worked in the public defender’s office, in between starting your military service?

Millard: Correct. After I passed the bar exam, I had another three or four months until I had to start my military service, and I was looking for somewhere to work
as a lawyer. The public defender was accepting applications, so I applied and they took me.

Berglund Sokolov: At this point, what was your attitude towards military service or the events that you were being called to serve in, whether it was the anticommunism of the Cuban Missile Crisis and cold war with Russia, or what was starting to heat up in Indochina? Did you have feelings about that, or—?

Millard: I wasn’t antimilitary or anti-military service. I felt it was an obligation. I wasn’t anxious to go. That’s different than my feelings about the Vietnam War. I didn’t believe the Vietnam War was really justified, but I didn’t feel that—I wasn’t a conscientious objector. It wasn’t part of my religious background.

Berglund Sokolov: Right.

Millard: I just felt that that was my political feelings, and if you didn’t like the way the law was, work to change it. [laughter]

Berglund Sokolov: Right, which is kind of what you were doing, right? Right. But you really saw it as your civic duty, as something that a citizen—a male citizen kept?

Millard: Well, I wasn’t about to run to Canada or just refuse to go into the military. Keep in mind, I was a military officer while I was going to law school. I was commissioned in 1963. When I was given my actual orders as to when to report, I had been on a delayed status to active duty, but I was a military officer for three years. I couldn’t just refuse to report. It’s not like refusing induction. Then I guess I would have been AWOL.

Berglund Sokolov: Right, right. So for a while, when you worked for the public defender’s office, you also worked in the psychiatric court. Did that have a particular impact on you?

Millard: Well, I mean it was fascinating. [laughing] I was, obviously, learning a lot. I was just starting to practice law, and it was a unique situation. The psychiatric court was where people were having hearings to determine whether or not they would be sent involuntarily to a psychiatric institution—some for a very long time.

Berglund Sokolov: It might be interesting to return to this when we talk about the Presidio 27, just because of the psychiatric evaluations they all underwent.
Millard: Yes.

Berglund Sokolov: And that type of strategy that was used.

Millard: It made me sensitive to the issues that I might not have otherwise have been.

Berglund Sokolov: Yes. Yeah, so let’s move into basic training, or officers’ training, where you went to Fort Lee, Virginia.

Millard: Okay. I was sent to Fort Lee, Virginia, where their quartermaster school is. Initially, I was scheduled to be an artillery officer, and I was given orders to go to Fort Bliss, Texas and then to go to Vietnam. The artillery is one of the combat branches. My eyes were such that I wasn’t qualified. I don’t wear glasses now, but I did then. At this age we have cataract surgeries to take care of those problems.

Berglund Sokolov: Yeah, right! [laughter]

Millard: But my eyes were not good enough for a combat branch. I informed the military, and they transferred me to the quartermaster. They gave me orders to go to quartermaster school, and then to a special class on PX management—and then to go to Vietnam. So I went through that. The classes were about three months at Fort Lee.

Berglund Sokolov: Can you tell us, just for the uninitiated, what a quartermaster is, and what quartermaster school is like?

Millard: Quartermaster are the supply services, handle all levels of supply from clothing, food, ammunition, weapons, vehicles—all types of supply. That’s handled by the quartermaster.

Berglund Sokolov: Some people might not realize how essential quartermasters are, because if there are troops on a front somewhere, they need things—they need to get things, right? They need armaments and food and clothing, and all of those things, right?

Millard: In the movie Patton, there’s a great example of what the military is and what the importance of supplies and the quartermaster are to the military. There’s a time when the troops are going over the mountains in Sicily, and Patton
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stops and looks back, and the roads ahead and behind—as far as the eye can see—are military vehicles and supplies moving from one place to another.

01-00:16:02
Berglund Sokolov: Yeah, just snaking through.

01-00:16:04
Millard: Right. And George C. Scott—Patton mentions, compared to other human endeavors, nothing is as large as the military.

01-00:16:16
Berglund Sokolov: Yeah, right. Moving people and goods, right?

01-00:16:19
Millard: Right.

01-00:16:20
Berglund Sokolov: It’s an important role to play, as quartermastering. What was it like when you got to Vietnam?

01-00:16:31
Millard: Well, when I first got to Vietnam, I was supposed to go to the headquarters of the military exchange service in Saigon. I thought it was going to be somewhat of an office-type job. I had been a business administration student at UCLA, and I majored and specialized in finance—and then I went to law school. And I wasn’t going into the JAG [Judge Advocate General’s Corps], because they wanted you for five years. They were willing to take me for four, because I went to a good school and got good grades, but I didn’t want to go for four years, so I went for two years. When I got to Saigon, I was actually there overnight, and then I was sent back to what they call a replacement battalion. When people come and go to Vietnam, they go through this replacement area—they call it a repo depot—and your orders are confirmed for where you’re supposed to go. I was waiting to go back to Saigon in a day or two, and they woke me in the middle of the night and informed me my orders had been changed. I was going to the 1st Air Cavalry Division in the Central Highlands of Vietnam, not to downtown Saigon.

They put me on a plane with several other soldiers, and the plane landed on a metal airstrip in a valley in the middle of Vietnam somewhere, in the middle of the night. The back went down, and I got off with eight or nine other men. The back went back up and the plane took off, and we were standing in the middle of nowhere. [laughing] And that was welcome to Vietnam. We were on the outskirts of the headquarters of the 1st Air Cavalry Division in the Central Highlands.

01-00:18:36
Berglund Sokolov: Who were the men who were with you on that airstrip?

01-00:18:38
Millard: They were enlisted men, and I was the only officer there.
Berglund Sokolov: Is that when you had your Samsonite suitcase?

Millard: Yes. I had my Samsonite suitcase. [laughter] I was a lieutenant at the time, and these men looked at me and said, “Well, Lieutenant, what are we supposed to do?” About that time, there was somebody sitting in a foxhole with a lantern at the side of the airstrip, who motioned us to come over there. He said, “Come over here, and sit here. We’re outside the camp. Just sit down here, and when the sun comes up they’ll send transportation out to pick you up.” And then they did, and we went inside the camp.

Berglund Sokolov: What was that like?

Millard: Going inside the camp?

Berglund Sokolov: Yeah.

Millard: Well, I went directly to the Supply and Service Battalion. That’s the unit in the military that takes care of supplies, Supply and Service. The battalion was the organization that was assigned to handle the supplies for the whole division, and I was assigned to that battalion and met the commanding officer. He told me what my assignment was going to be. I don’t even remember what I was in charge of at first, but I was working with other supply officers and trying to organize and facilitate getting supplies that were being sent to us in the Central Highlands, to get them to the men. In the military, you supply forward. You have to rely on some higher organization bringing the supplies to you, and your job is to take them forward to wherever the troops are. Of course, in the 1st Air Cavalry Division, we had 435 helicopters, and the men were all over Vietnam, so we had to take the supplies, arrange for the supplies to be transported to wherever the men were.

Berglund Sokolov: So about what year is this, that we’re in at this point?

Millard: I got to Vietnam August 28, 1967, and I spent a year there—leap year—366 days. [laughter]

Berglund Sokolov: One extra.

Millard: But who’s counting? [laughter]
Millard: But we all had charts, they call it a FIGMO, and you fill in a little color—it’s like a picture with numbered, fill-in-the-print, and at the end of 365 days, you’d have a picture. So everybody had their FIGMO. [laughing]

Berglund Sokolov: What does the picture make?

Millard: Well—most of them were obscene.

Berglund Sokolov: Okay. [laughter] It is the military after all, right?

Millard: Right. I guess it was the dreams of going back home.

Berglund Sokolov: You had shared that you have a letter that you wrote during this time.

Millard: Right.

Berglund Sokolov: Would you like to read that now?

Millard: Sure. This was a letter to a classmate in law school, to he and his wife who recently had a child, and I was communicating with them while I was in the army. [reading letter aloud] “Dear Art and Pam, Congratulations—” this is June 7, 1968.

Millard: “I can just imagine how happy you are. I suppose Art is already placing Doug in front of the TV and explaining the finer points of sports.

I’m writing this letter from Phu Bai, a camp southwest of Hue. Last night I heard that Bobby Kennedy died, and frankly I’m quite disgusted and angered. I suppose you know that I’m bitterly opposed to this war, but I had hope and faith that the American public would be able to change this ridiculous policy through the elective process. Well, it looks as though that’s all out the window now. I look around me here and all I see are tents and weapons and wilderness, and I think of all the problems back home and the government we’re supporting here, and I come to the conclusion somebody’s crazy. What the hell are we doing here? Today, about a dozen
men in my battalion are going to receive purple hearts—for what? You think about RFK getting shot and lying in a hospital, hanging on for life, and then multiply that hundreds of times, and you know what the hospitals here look like. I suppose we’ll pour more and more men and money into Vietnam and continue to ignore the problems at home, and then lash out at lawlessness and disorder when the inevitable riots come about this summer. There will be more bond issues for police buildings, while [Governor Ronald] Reagan keeps slashing away at education and welfare programs, and talks about the great menace of communism in Asia.

If just being here wasn’t bad enough, the conduct of the war is even worse. I’m not talking about the large-scale tactics now, but the way individual unit commanders conduct themselves and their units. The typical battalion commander has a large bunker built underground for himself, furnishes it like a Hollywood apartment, has men wait on him hand and foot, and does absolutely nothing about the problems of conducting the war, except stifle the initiative of good, young officers. The officers here in Vietnam are outspoken and disgruntled about the war as are people at home. What is surprising to me is that many high-ranking officers have such doubts about what we’re doing here. These are men who’ve been in the army all their lives. They benefit by war because promotions are rapid, but no one wants to come back a second time. What they want, I believe, is another war somewhere else to get them out of this one, without a major rift in officers’ ranks.

Well, that’s enough complaining for today. Pardon me for ranting and raving to you, but it’s been building up inside me for a long time, and Kennedy’s death has so sickened me that I can’t keep it inside any longer. Working for incompetents day in and day out, dealing with people who can’t make decisions, is very frustrating. People talk about the bravery of the men over here. Physically, yes, but mentally and morally they’re all midgets. The man who says what he believes to anyone higher ranking, when it’s a disagreement, is the exception. It’s hard to believe that this is where half our annual budget’s going.

In a few minutes, we’re going to have a change-of-command ceremony. The old battalion commander will receive the Legion of Merit, a very high award, for his outstanding leadership. What a farce. He traded two electric typewriters for someone in the administration unit of the division to write him a good report. The men in the battalion work their tails off, while our great leader went on leave and R&R and turned down everyone else’s request for leave because they couldn’t be spared. He forced half the officers in the battalion to extend their tours here, at least a few weeks, and then arranged a fifteen-day drop, a shortening of tour, for himself. Well, I’m off to the great occasion. Things aren’t all that bad here. I manage to deal rather effectively with all these corrupt people.
I’ll be going to Bangkok on the eleventh, and when I return to Qui Nhon on the eighteenth I’ll only have two months left to go. I’m looking forward to August 22nd and the trip back home. Also, I’m elated over my next assignment—the Presidio of San Francisco. See you in seventy-five days. Rich.”

Berglund Sokolov: That’s a powerful letter. Do you recognize yourself in that letter?

Millard: Yes, I do. [pause to think] It’s awkward, because I think it portrays me as some kind of an antiwar radical, and I don’t believe that I was. I had a duty to do, and I believed that it was my job and duty to do the best job that I could. I thought I was a very effective officer, and I was very adept at getting through the machinations of supply and finding supplies and making sure that they went to the men that needed them. I’ve always believed that a military officer’s chief role is taking care of his men.

Berglund Sokolov: Yeah.

Millard: And that’s what I was trained—the officer took care of the men; the men took care of the mission.

Berglund Sokolov: Yeah, and I think that a person can be comfortable with military service, believe fully in doing their civic duty by serving their country, and still be opposed or ambivalent about, to or about particular conflicts that the government is involved in. I think there was a lot of that happening at this time, around the conflict, the war in Vietnam.

Millard: There was, even before I went in the military, while I was in law school. We were debating all the time about the pros and cons of our involvement in Vietnam. It was a continuation of that in the military. We had the same debates as young officers while we were over there.

Berglund Sokolov: I think it’s interesting that you told me, if you don’t mind me sharing this, that your friend considered sending your letter to the LA Times.

Millard: Right. Yeah, my friend considered sending it to the LA Times, but he decided not to because he was worried he might get me in trouble.

Berglund Sokolov: Yeah.
Millard: I’m glad that he didn’t. [laughter]

Berglund Sokolov: Let’s talk a little bit about how you got to the Presidio, and your arrival there.

Millard: Well, I flew back from Vietnam on August 28, 1968. I landed at Travis Air Force Base in the middle of the night, and took transportation—took a bus to San Francisco Airport, where I obtained a plane ride down to Los Angeles, where I arrived around four o’clock in the morning.

Berglund Sokolov: What was your welcome like when you came back?

Millard: My welcome was actually a shock. When I came out of the building at Travis, going through customs, there was a cab driver leaning against a taxi. It was a hot summer night, in the middle of the night, and I knew there was a bus that—for taking people to San Francisco Airport. I asked the cab driver—he asked me, he said, “Do you want a taxi?” I was a captain at that time. I said, “No thanks. Can you tell me where the bus is?” He said, “Fuck you. Find it yourself.” That was the first person I saw out of the military.

Berglund Sokolov: Civilian contact, yeah.

Millard: Yeah, it was—welcome home. And then, when I went to the airport, I remember sitting just waiting for the plane, and I could see people pointing and looking at me and whispering. I don’t know if I could actually hear them say, “There’s one of those baby killers,” or something like that, but that’s the impression—that’s the way I felt.

Berglund Sokolov: How did it make you feel?

Millard: Yeah, I felt terrible. I thought I had done my duty, done an excellent job. I was awarded a Bronze Star, and I was very fortunate to come home physically not injured. I didn’t think that the soldiers should suffer from the policies of the government that people were against.

Berglund Sokolov: Right. The soldiers were doing their duty.

Millard: Right.
Berglund Sokolov: They were doing what the country was asking them to do.

Millard: I had no more say in what our country was doing than the people that were angry with the military.

Berglund Sokolov: Right, right. So you get to the Presidio. What was the Presidio like in 1968?

Millard: Well, it was mixed in a time of turmoil. I think what sets it, in my mind is—when I got up the morning after I got home, I turned on the TV set and people were being beaten up in the streets of Chicago outside the Democratic Convention. It was a week or so later that I reported to the Presidio, and where I was assigned to the post judge advocate, because even though I hadn’t been trained as a military lawyer, I was a lawyer, and they decided to use me in the law office there which was understaffed, rather than some other position. But I think getting towards the Presidio, the demonstration at the stockade, I think that the perspective of what was going on in the country is important.

Berglund Sokolov: That things were so tense, divided.

Millard: Yes. It was a time of demonstrations. People were demonstrating against the war. We had had Kent State, where students were killed. There were demonstrations in Berkeley. I don’t remember exactly the time that—well, I do. It was shortly before Nixon was elected. Johnson was president at that time. He had already announced he was not going to be a candidate for a second term. At that Democratic convention is when Humphrey, Hubert Humphrey was named as the nominee, and he was going to run against Richard Nixon. George McGovern was speaking about ending the war, and that’s sort of the background of what was happening politically at the time of the Presidio Mutiny trials.

Berglund Sokolov: What did you think about all of that unrest? How did that make you feel, or how did it make you feel about the state of your country?

Millard: Well, I wasn’t in favor of violence, but as far as people speaking out and demonstrating against the war, I thought they were justified.
Millard: I thought it was the best part of our democratic society, that people can speak what they feel and demonstrate peacefully, and try and change things through the electoral process, and that’s what was going on at the time. We were having a political campaign where the major issue in the campaign was the United States’ position in fighting a war in Vietnam.

Berglund Sokolov: Yeah. So you got to the Presidio in September 1968, and you go to work in the judge advocate office?

Millard: Correct.

Berglund Sokolov: What was that work like?

Millard: Well, the work itself was, for the most part, civilian legal work. The judge advocate office, the legal office for the military, has lawyers that aid soldiers in all the legal problems that they may have, not just in prosecuting or defending people accused of violations. But—somebody may have a problem with their will or someone dying, something happened to their pay, or they were in an accident—all the problems that non-military people have where they may need a lawyer. And part of the military lawyers’ [work] was to aid soldiers with their military problems.

Berglund Sokolov: And so that—right.

Millard: Pardon me, not military problems.

Berglund Sokolov: With their legal problems?

Millard: Their legal problems.

Berglund Sokolov: So that was the work that you were doing. Where did you live on the post, or did you live on the post?

Millard: I did not live on the post. The post was overcrowded. They did not have enough bachelor officers’ quarters, so they gave me a stipend, and I went and got an apartment in San Francisco.

Berglund Sokolov: Where did you live?
Millard: I lived at the corner of Vallejo and Laguna, in an apartment, and it was a nice area.

Berglund Sokolov: Sounds, yes, very nice. There is a lot of lore around what was going on in San Francisco in 1967 and 1968, in the civilian population. The whole Summer of Love, et cetera, et cetera. What was it like for you as a young military officer, right, recently having served in Vietnam, to be an officer living in beautiful San Francisco, [Millard laughs] and going from civilian population to the Presidio and back again? Any thoughts or things you want to share about that?

Millard: Well, as a military officer, it was great duty! I mean, for me, in my position, I was anxious to get back to civilian life. I was looking forward to finishing off my last six months in the army. I was scheduled to be discharged in April of ’69, and I was. I was looking forward to going back into civilian life and becoming a lawyer—a civilian lawyer.

Berglund Sokolov: Yeah, right—and kind of starting your life.

Millard: Right.

Berglund Sokolov: Yeah.

Millard: As far as living in San Francisco, it was a great place to be stationed. If you’re in the military and you have to be stationed somewhere, I mean, I actually picked San Francisco. That’s what I requested and was able to obtain for my last six months in the military. I didn’t want to be too close to home. I didn’t want to be on a military base in Los Angeles, when all my friends are going to their law offices—and I’m going to the local post. But San Francisco was close enough, and far enough, that it was fine.

Berglund Sokolov: And you’d lived there for a little while as a child.

Millard: So I was familiar with the city, and the military life, for me, at that point was like a job where I got up in the morning and put on my uniform and went to
the office. I would get in my Volkswagen and drive to the post, Monday through Friday, and I had my evenings and the weekends like anybody else.

Berglund Sokolov: Before you got to the Presidio, are there things you had heard about it in advance of your arrival that created expectations about it being great duty for you?

Millard: Well, it was more or less an office job. I mean compared to Vietnam.

Berglund Sokolov: I mean, it was an administrative hub, right, at that point.

Millard: Well, yes, yes. I just knew I was going to be working in a law office for six months, even though it was a military law office. I was happy to be transitioning back to normal life, for me.

Berglund Sokolov: One thing I’m curious about: I had heard, in doing research and talking to people, that the Presidio, in these years, was chaotic. Did you feel any of that when you were there?

Millard: No, and I hadn’t any premonitions that it was chaotic. I hadn’t heard about that.

Berglund Sokolov: Okay.

Millard: I just knew the location and the fact that—

Berglund Sokolov: It’s a beautiful spot. Yeah. [laughing]

Millard: Yeah, it’s a great place to be, and I hadn’t heard about any chaos at the Presidio itself. Nobody would have been discussing that in Vietnam.

Berglund Sokolov: Right.

Millard: I was involved in more pressing matters.

Berglund Sokolov: Yeah.

Millard: I was just looking forward to finishing off my last six months in the army.
Berglund Sokolov: Yeah. So there you are, at the Presidio, working in the judge advocate office, thinking okay, I’m going to be doing this kind of basic legal work. And then there’s a series of events that happen around October 13-14, 1968, that change your trajectory a little bit, of how your work unfolds. Do you want to tell that story?

Millard: Certainly. Prior to the demonstration or the prisoners in the stockade, I had no premonition, had heard nothing about it. I was not involved with the men in the stockade, the demonstrations, the other problems. I learned about the problems of the stockade after I was assigned to look into it.

Berglund Sokolov: And the large number of AWOLs and that type of thing.

Millard: Right.

Berglund Sokolov: Yeah.

Millard: But I had only been at the Presidio a few weeks.

Berglund Sokolov: Right.

Millard: Just feeling my way around and working in this office during the day and going about my business in the evenings and the weekends. One day I was given the assignment to investigate this demonstration, that was labeled a mutiny, in the stockade. I had to start looking into it, and it’s thereafter that I learned all about it. As far as any knowledge of any problems up until the moment I was given the assignment, I knew nothing.

Berglund Sokolov: Did you know about the murder of Richard Bunch?

Millard: No.

Berglund Sokolov: Hmm.

Millard: That happened—keep in mind—that happened, I believe, on a Friday.
Millard: The men were charged of mutiny—well, the demonstration was the following Monday, and within a day or two thereafter that they were charged with mutiny. It was a few days after that that I was assigned to investigate, and I have the papers with me—the actual assignment order to investigate this alleged crime.

Berglund Sokolov: It’s an interesting confluence of events, right? Richard Bunch is killed by a guard, a mentally unstable AWOL prisoner. There’s an already planned peace march that comes up to the gates of the Presidio that deposits Randy Rowland into the Stockade, who is kind of there to see if he can agitate, help them express their grievances. And then there is the sit-down strike—or a sit-down demonstration rather, on the side of the stockade, on the fourteenth of October, so it is kind of an interesting confluence of dramatic events. Do you have any memory of the demonstration that came up to the gates, the Lombard Gates of the Presidio?

Millard: There were a lot of demonstrations, so I’m not sure exactly which one you’re talking about. If you’re talking about a demonstration the day or two before the prisoners demonstrated, no. I have no recollection of that.

Berglund Sokolov: Yeah. Okay.

Millard: At that time, looking backwards but looking backwards days and weeks, not fifty years, I did know then, very promptly, that I believe Eugene McCarthy was speaking in San Francisco, and I had heard some scuttlebutt about that. Normally, the men assigned to the Presidio, the enlisted men, they did not have to be involved in work details and formations on weekends. They had a pretty nice duty as well. The Presidio is an open fort, people could come and go. They had their weekends and their time when they weren’t doing their duties—off, to do what they wanted.

The officers at the Presidio didn’t like the fact that there were going to be demonstrations about the war and about Eugene McCarthy speaking in San Francisco, and they didn’t want military men going to demonstrations against the war. So they organized, or ordered, a formation at the Presidio on the parade grounds—it’s a big parking lot actually, in front of the Officers’ Club. They ordered a formation to be held—I believe around eleven o’clock in the morning on a Saturday—or Sunday. I can’t remember which. It was a direct time conflict with the demonstrations, so that military men couldn’t be going to speak or demonstrate because they’d have to be in a formation.

I learned afterwards that some of the men that were actually in the stockade thereafter were put there because they didn’t go to the formation. They left
for a few hours, and when they came back they were thrown in the stockade as punishment.

01-00:47:03
Berglund Sokolov: They were considered AWOL.

01-00:47:06
Millard: They were considered AWOL.

01-00:47:06
Berglund Sokolov: Yeah.

01-00:47:08
Millard: And so there were a lot of those people, as well, in the stockade.

01-00:47:14
Berglund Sokolov: One of the Presidio 27, Richard Gentile, he, if my memory is correct, he was also one of the few combat veterans. He had refused that formation, and he had gone either to the speech or the demonstration and thought oh, it’s not going to be that big of a deal for me to disobey this. I’m going to be gone for a couple hours. And he came back, and the next thing he knew, he was in the stockade.

01-00:47:45
Millard: Right. The men that didn’t show up at the formation, I believe, thought that it was an infraction, and would be treated as an infraction, not a major felony.

01-00:47:54
Berglund Sokolov: Yeah, so let’s talk a little bit about—I think through talking about the Article 32 investigation we can talk about what exactly these twenty-seven guys did outside the stockade. But what is an Article 32 investigation?

01-00:48:11
Millard: When someone in the military is accused of committing a crime—and it can be any level of crime—it could be some infraction, from spitting on the sidewalk to a murder, and anything in between. When a crime apparently has been committed, and a soldier’s involved, and the command is not sure what the degree of gravity of the offense is, they assign an officer to investigate, make findings and recommendations to the commander as to how to handle it, what this is. That’s handled by Article 32 of the military code of justice. Article 32 sets forward all the rules and regulations, and what must be done to determine the degree of the offense. The officer that’s assigned to investigate not only has to investigate the facts and the details of the alleged offense, [but] has to make findings as to whether or not there is an offense, what degree of an offense it is, and also has to make recommendations to the commander as to what to do with this person that’s accused, keeping in mind all the facts and background of the accused person as well.
Berglund Sokolov: So you’re given this assignment.

Millard: Right.

Berglund Sokolov: It comes across your desk. [Millard laughs] What was the nature of the assignment, as it was written up and described?

Millard: The assignment—and I have the actual papers—it assigns me to be the Article 32 investigator of the offense committed by—and there’s about a page and a half of names of all of these people who were being accused of mutiny. [laughter] Along with the assignment papers came statements of several witnesses, who were basically the personnel in charge of the stockade, as well as the military police officers that accompanied the men back inside, and any other witnesses who were all basically military personnel. I’m not sure I remember your question. [laughing] What was my assignment?

Berglund Sokolov: Yeah.

Millard: My assignment was to investigate it. Normally—let me backtrack. Normally, an Article 32 investigation is very informal. As lawyers, we’re aware of technical rules regarding evidence and presenting information for someone to make a determination, and we’re aware of the reason behind those rules, which is basically fairness. But it’s not conducted in a manner of a strict courtroom, where people are getting up and objecting hearsay and things like that. The normal Article 32 investigation is where one individual is accused of committing some offense, and the first thing the Article 32 officer, the investigator must do, is contact the individual and make sure he has counsel. If he doesn’t have counsel, you can help him obtain counsel. In the military, at that time, counsel did not mean an attorney. It could be an attorney, but in most cases an Article 32 officer was just some officer—it could be a lieutenant or a captain that had no legal background at all, but had some military training, that was assigned to be this person’s counsel. But in a more formal sense, it could be a lawyer, and at the Presidio Mutiny investigation, all the counsels were lawyers.

Berglund Sokolov: Okay.

Millard: They weren’t all JAG officers. Some, like Brendan [V.] Sullivan, who was assigned—
Berglund Sokolov: He was in transportation, right?

Millard: He was a transportation officer, but he was an excellent lawyer—one of the best in the United States.

Berglund Sokolov: Yeah.

Millard: But basically, the Article 32 investigator makes sure that the accused has counsel and does a perfunctory investigation merely to determine that there are witnesses that should be called to tell what happened.

Berglund Sokolov: So you're basically, in an Article 32 investigation, setting up any kind of legal proceedings that will follow?

Millard: Correct.

Berglund Sokolov: You're making recommendations, you're getting the players in order, you're living up evidentiary tracks—that kind of thing.

Millard: Right, and while you're looking into it, keep in mind, in the military you have a command structure, from the commander on down to his subordinates, from the top to bottom.

Berglund Sokolov: Very clear hierarchy.

Millard: The legal proceedings and officers that advise the commander, are what they call staff officers. They're advisors to the command, as opposed to in a civilian justice system we have judges that make findings, rulings, and orders. In the military, you make findings and recommendations—the commander makes the orders.

Berglund Sokolov: The commander is not a judge; the commander is a high-ranking officer.

Millard: Right.

Berglund Sokolov: Without legal training.

Millard: He has lawyers to advise him.
Berglund Sokolov: Right, right.

Millard: But he makes the decisions. In the typical situation, the officer that’s assigned to look into it, the Article 32 investigator, gathers, in his office, which is probably smaller than this room that we’re in now. [laughing] It’s an office with a desk and a few chairs, and you have the counsel, the accused, and you bring in the witness. You bring in the witness, and you say, “I understand you were here or there, and saw such and such. Describe what you saw and heard.” You give an opportunity to the representative, the counsel for the accused, to question the person as well. When the witness leaves, the counsel and the Article 32 investigator usually agree this is what this witness could testify to if called at a later proceeding. You handle each witness that way, and after that’s all finished, the Article 32 investigator makes his findings and recommendations. That’s the normal procedure, and it’s fairly informal.

Berglund Sokolov: And straightforward.

Millard: Right. In this particular case, referring to the Presidio Mutiny—there was no mutiny, we know now, but at the time everybody referred to it as a mutiny.

Berglund Sokolov: Can you tell us about the charge of mutiny in the military?

Millard: Well, it’s laid out in the [Uniform] Code of Military Justice. The definition of mutiny that was used in this particular case is a concerted—a disobedience of orders in concert—meaning two or more—with an intent to override military authority.

Berglund Sokolov: Right.

Millard: That last phrase has to have some meaning other than just two or more individuals disobeying an order. When we think of a mutiny, you think of the men on a ship getting together to throw Captain Bligh overboard and take charge of the ship. The contrast to what was going on at the Presidio is that the men were demonstrating against the conditions, the killing of a fellow prisoner, and all the other conditions that occurred at the Presidio. That last phrase has to have some meaning other than just two or more individuals disobeying an order. When we think of a mutiny, you think of the men on a ship getting together to throw Captain Bligh overboard and take charge of the ship. The contrast to what was going on at the Presidio is that the men were demonstrating against the conditions, the killing of a fellow prisoner, and all the other conditions that occurred at the Presidio.

Berglund Sokolov: Right, they were asking for—the stockade was overcrowded, so they were asking for better sanitation; they were asking for psychiatric evaluations. They even had demands about fair treatment for black prisoners—they had a whole host of things, but it really was about conditions in the stockade.
Oral History Center, The Bancroft Library, University of California, Berkeley

Millard: It was about the conditions in the stockade. There were three major things, three major points, that came about as the demonstration—I mean they may have been unhappy about a whole bunch of things.

Berglund Sokolov: Right.

Millard: But as far as what was expressed on that day—and I’m trying to direct my attention, for the purposes of this discussion—

Berglund Sokolov: Sure.

Millard: —on what occurred on October 14, 1968. The men sat around in a group, sang “America the Beautiful,” “We Shall Overcome,” and at some point I believe Pvt. [Walter] Pawlowski got up and read a list of grievances. There were basically three grievances that he was complaining about: one [that] was on everybody’s mind was the fact that one of their fellow prisoners had been shot and killed a couple of days earlier, walking away from a work detail.

Berglund Sokolov: Yeah.

Millard: The work detail, in that case, were two men—I think they had to go rake leaves or do some—I’m not sure what their assignment was, but they had an armed guard, a guard with a shotgun that was loaded, accompanying them to do some type of menial labor outside the stockade. Bunch, I believe.

Berglund Sokolov: Bunch, Richard Bunch.

Millard: Right—had said words to the effect of, to the guard, “If I walked away, what would you do?” He said, “I’d shoot you.” He said, “Well, all right, go ahead.” He walked away, and he got shot and killed. I imagine the guard was probably as shocked as anybody else. One of the demands that the demonstrators—first on their list is they wanted to end shotgun work details.

Berglund Sokolov: Yeah.

Millard: And number two was they wanted, if there were going to be any work details, that the guards have some type of psychiatric testing for their fitness to be in that duty. Number three, they were protesting the conditions in the stockade, and there’d be some—a whole list of things that were wrong there.
In my investigation I found out that the stockade had limits, because of the size and capacity—

Berglund Sokolov: It’s a pretty small building.

Millard: It’s a very small building, and I believe the normal capacity was somewhere in the range of sixty-eight prisoners, but some regulation allowed for as many as approximately ninety. I can’t remember now the exact number, but these numbers are fairly accurate.

Berglund Sokolov: Yeah.

Millard: Approximately ninety in aggravated situations, and maybe even another ten or so—in a real emergency, they could go over a hundred. In this particular instance, and it was somewhat in question as to how many there were, but I believe Capt. [Robert] Lamont, who was in charge of the military police, said at one point there were 140 men in the stockade.

Berglund Sokolov: Something like that, and that they were even, I had heard—and again, it’s not, I don’t know this for certain—but that even records that they kept were misleading, because they would decrease the numbers, and then that would affect the amount of rations, because they didn’t want to admit how many were there.

Millard: That’s correct. They did not want to admit there were more than the allowed persons in the stockade, so they didn’t want any records showing that there were more than sixty-eight or ninety, so they ordered food for sixty-eight, but there were 140.

Berglund Sokolov: Young men.

Millard: Right. And that number of 140—there’s no set number every single day or—they could find a date, but the number ebbed and flowed with people coming and going. It was particularly crowded after they threw several people in the stockade who didn’t go to the formation because of the demonstration, the political demonstration in San Francisco that weekend.

Berglund Sokolov: There’s another piece of this, that as many men were going AWOL from the military, disaffected, kind of lost. Many were flocking to the West Coast, to San Francisco, because of the countercultural stuff that had arisen, and that
made pressures on this small stockade built in the early part of the twentieth century greater than they ever would have been under normal circumstances.

Millard: Right. In the papers that I brought to you this weekend is a partial letter that—somehow I got interrupted and didn’t finish. But it’s about a seven- or eight-page letter where I describe the Presidio at the time, and the conditions that were there, and what was going on. I’ll just describe for you—the Presidio itself, because of its location in San Francisco, is somewhat unique, because San Francisco was a beacon for a lot of people coming from different areas. People that had gone AWOL, maybe in Kansas or Washington or who knows where—anywhere in the country—if they found themselves in San Francisco, and then were arrested and [it was] found out that they were supposed to be on a military base somewhere, they were taken to the Presidio of San Francisco. So you had all these people that had left different areas, gone AWOL or deserted, and were picked up in San Francisco. They’d be thrown in the Presidio stockade, so we had in the stockade these people from all over. Looking at the individual records of the twenty-seven soldiers that were put on trial, they had various backgrounds and reasons for how they got to where they were. Some just didn’t like the military and went AWOL, some complained about being drafted unfairly and were told tell it to someone later on—“Tell it to your sergeant when you get to training camp.” It was unsympathetic.

Berglund Sokolov: Right, right! I think that was like Nesrey Sood, right?

Millard: Right, and they ended up in the stockade. Some people had wives and children, and were drafted anyway, against regulations.

Berglund Sokolov: Yeah.

Millard: And should not have been drafted, and they ended up in the stockade.

Berglund Sokolov: I think most of these guys were pretty working class. I think only five had finished high school?

Millard: I didn’t realize that few had finished high school. But there was only one that had any college, and I think he had one year of college or junior college classes.

Berglund Sokolov: Yeah, yeah. I think Randy Rowland had some college, and then maybe Lindy Blake had a tiny bit of community college classes, or something like that. But no one was a college graduate.
Millard: Except for reading a book that was written on the event, I hadn’t really studied the other individuals. As far as my part, I was assigned the original investigation of all twenty-seven, but very early in the proceedings, many of them had their matters continued to a later time. There were fourteen, fifteen—as many as seventeen, who were represented by Terence Hallinan, the local San Francisco attorney, and all of his cases were continued. He wasn’t prepared to move forward, so that pared down the number considerably, and then there were two or three others, for various reasons, had their matters continued. One, I believe, was in the hospital. A couple may have gone AWOL.

Berglund Sokolov: Right.

Millard: Eventually, I went forward with the initial investigation, the formal hearing, as to six soldiers. So I didn’t know.

Berglund Sokolov: Do you remember the names of those six?

Millard: Pardon me?

Berglund Sokolov: Do you remember the names of those six?

Millard: I have them written down. I do, but rather than trust my memory, I can get it and read them into—but yes, I do.

Berglund Sokolov: Okay, and let’s talk a little bit about how this Article 32 investigation was different from others.

Millard: Well, because of the size, that itself, just the fact that you have twenty-seven men accused of a crime. Each one of these individuals is entitled, by military law, to both military counsel, and if they ask for a lawyer, then a lawyer, as well as civilian counsel. You had a potential of fifty-four attorneys with twenty-seven defendants accused. That’s not going to be conducted in a small office, which was actually a desk and a makeshift library in a bungalow. We used the courtroom on the Presidio grounds. These were all not necessarily my decisions, but they were—they were my decisions in that I demanded it, but the—my commander didn’t want to go along with using the courtroom. They wanted to hold the hearings inside the stockade.
Berglund Sokolov: I wonder where they thought they were going to do that, in this overcrowded space? Having been in the building a few times myself, it’s hard to imagine where that would actually happen.

Millard: It was totally inappropriate, and that word came to me from the military police captain, who says, “We’re not going to transport them to a courtroom. We’re going to hold them in the—and you can hold your hearing inside the stockade.” I told him, “I’m ordering the hearing to be inside the courtroom, and you be there or we’ll deal with your not being there.” They showed up, so we held the hearings in the courtroom.

Berglund Sokolov: How was the process of gathering information for this, for the investigation, supported by the military?

Millard: There’s a section of military investigators [or] military police, that investigate cases and write up investigative reports. Those reports were attached to my order to conduct the examination. I started with that information and those potential witnesses. Once there were attorneys assigned for all the accused, then they could also submit names of people who were potential witnesses or they could call witnesses themselves.

Berglund Sokolov: Do you think that there was a real interest on the part of the command at the Presidio, commanding officers [or] command structure, to do a fully thorough investigation into this matter?

Millard: No. I think I know what you’re saying. I was assigned the duty, and I was going to do my duty, both as an officer and as a lawyer. There was no question on my part as to what I was supposed to do. But if you’re asking me the feeling, either stated or not specified, the attitude of the command—the officers, as well as my immediate commander—were that we’re not having demonstrations in the army, and we’re going to show these people. This is a mutiny, and that’s what the command up above wants. You go ahead and conduct your investigation—but we expect you’re going to find that there’s a mutiny, so that the higher command can move on with what they intend to do.

Berglund Sokolov: Why do you think that they wanted to find a mutiny?

Millard: That’s an interesting question, because when you say they—
Berglund Sokolov: Right, who is they, right? There’s an amorphous, whatever, command structure or commanders.

Millard: I think overall—

Berglund Sokolov: And it is just speculation, correct? Right?

Millard: I never met the general that was in charge. I didn’t get to speak to my higher ups other than Harvey Homel, who became the post judge advocate, who was my immediate supervisor. He specifically ordered me to communicate through him, through channels, even though I was the Article 32 officer and wrote up my findings and recommendations to be given to the command. I had to present them to Maj. Homel, and he would give it to his superior to give it to his superior. So I never got to meet Gen. [Stanley R.] Larsen. If I could have, I would have said, “If you really care what I’ve got to say, I’d be happy to sit down and have a conversation as to where I think this is going—and I think this is idiocy.” But I never had that opportunity. I had to put my findings and recommendations in my report and give it to Harvey Homel. I think an interesting aside there, Harvey Homel became my commander. He reported to the Presidio the same day I did. You know, that was his assignment, and he was put in charge. [pause to think] Can we pause for a moment? [laughing]

[Interruption in recording]

Berglund Sokolov: Yeah.

Farrell: All right. We’re back.

Berglund Sokolov: We were talking about your putting your Article 32 investigation together, and your dealing with the command structure, both the command structure way above you—Gen. Larsen and his immediate circle, as well as your direct superior Homel.

Millard: Okay. I was working in the post judge advocate general’s office—JAG office. It was the post office. The Presidio is somewhat unique, in that you have the physical layout—there’s the Presidio, and there’s a command structure that is in charge of that post. It so happened that in the western United States, the command of the whole western United States, the Sixth Area Army Command [6th US Army], their office building was on the Presidio grounds. The immediate commanders to the Presidio were the 6th Army, and happened to be just a number of yards away, in another building.
My commander was Harvey Homel, Maj. Harvey Homel, who showed up at the Presidio the same day I did.

Berglund Sokolov: Both of you had had little to no tenure there, and different levels of experience, and different kinds of legal training.

Millard: Right. Well, Maj. Homel, I believe, was a JAG officer, but he was a career officer. I was there filling out my two years, and—but I got the general impression that he felt it should go forward as a mutiny. He had, probably, pressure from above him that we would hurry up with this investigation, forward the paperwork, so they could get on with the mutiny trials. One of the reasons I know that is when I first started to begin the formal proceedings in the courtroom, two attorneys from the 6th Area Command showed up with an order from the higher command, that they were to attend my Article 32 investigation. Now, keep in mind, the way the military’s supposed to work, the lower command appoints an Article 32 officer to look into an alleged offense, to see if it justifies being handled at that level. Or if not, if it’s beyond the limits of authority for the specific commander, anybody less than a general, a colonel or below, they can do a special court-martial or some minor—take care of minor offenses. But if it’s going to be something major, they have to recommend it to another command after their investigation. Now, I’m here to investigate, to see whether this is an infraction, a misdemeanor, or some serious felony.

Berglund Sokolov: If it could be special court-martial, if you could just determine these guys were unfit for military service and dispense of it that way?

Millard: Right. That can all be handled at the local area. Only in the event that this is some type of a serious offense that has to have a jurisdiction for more than a year in custody—an analogy would be, or civilian law, a felony rather than a misdemeanor. Does it go up to the higher command? Well, I’m about to start the investigation at this level when two officers from the higher command come down and have already been assigned by the JAG office at the 6th Army to attend and to participate in my investigation.

Berglund Sokolov: Sounds a little like a fait accompli. [laughing]

Millard: Right. I remember telling them that they could attend, but they could not participate. I’m sure that didn’t gain me any favor from up above.

Berglund Sokolov: Yeah.
Millard: But that was how I ruled as the investigator.

Berglund Sokolov: You had these guys coming down from a jurisdictional level that was—would typically be inappropriate at this stage in the game. You also had some experiences with the kinds of nuts-and-bolts support that was offered to you [Millard laughs] in terms of carrying out the investigation, things that would be considered very basic in terms of infrastructure and staffing. Would you like to talk a little about that?

Millard: Yes. I had to request a telephone, a desk, a place where I could just work. Our JAG office, post JAG office, was so crowded and small that I didn’t have a regular office. I had a table inside a little room with a bunch of books they called a library, and that was my office. I requested extra help, and it was all denied. “No, we don’t have any to give you.” I then had to write a formal request and put, in effect, my arguments in my request, and that document is in the papers I brought here today, requesting a telephone, a secretary, a desk, so that I can conduct the investigation that not only the accused, but the military, was entitled to. They were charging people with mutiny that had, unless they declared otherwise, possible consequences of death. They very promptly said they were not going to seek the death penalty, but still, they were very serious charges.

Berglund Sokolov: It was very severe charge, yes.

Millard: You have to have some formality in the proceedings and the records, as to what’s going on, and they didn’t want that. I had to put it in writing, requesting why it’s necessary to have the proper facilities—and they gave me a desk and a telephone, and that was about it.

Berglund Sokolov: But no secretarial support?

Millard: No.

Berglund Sokolov: No.

Millard: One of the secretaries working in the post JAG office was then assigned, at my request. I asked for a stenographer, a court stenographer [or] a court reporter, for the hearings, then they didn’t want to do that. But she had had some shorthand experience, and Maj. Homel said to her, “Okay, we’ll let you use Miss Tull to take notes at the hearing.” I remember, if you want me to go on?
Berglund Sokolov: Yes, please.

Millard: I talked to her about her abilities, and she told me she could pretty well get it, but sometimes it goes too fast. I said, “If it’s going too fast and you’re having trouble keeping up or you’re thinking something really should be—you need more time—give me a signal, give me a cue, give me a nod, and I’ll tell the witnesses to slow down or to stop or wait a minute, so you can get it all down properly.” She said she would, and we went on that way for a while. And then one time during the hearing I actually looked over, and there was testimony going on, and she wasn’t writing. I had to call a recess right in the middle, and had a conversation with her and asked, “What’s going on? Why aren’t you taking notes?” She said, “Maj. Homel told me not to.” I had to go have a confrontation with my superior.

Berglund Sokolov: What was that like?

Millard: Not very pleasant, you know. “How dare you talk to me that way. I’m your commanding officer.” I was in somewhat of an unusual position, in that if you didn’t do what people wanted you to do, you might be in danger of being sent to Vietnam. But I had just come back from Vietnam, so they didn’t have that hammer to hit me over the head with. They used it for Brendan Sullivan.

Berglund Sokolov: They certainly did.

Millard: He was being too good of a defense lawyer, and they threatened him with Vietnam, and he had to take intervention to stop that. But that’s the kind of problems that you had when you run afoul of what the command wants.

Berglund Sokolov: Right.

Millard: You had asked me earlier about the feelings and what the investigation is supposed to really go about. Among other things, you’re supposed to be advising the commander. Supposedly, as a lawyer, you have some legal insight, even though you’re only twenty-six years old, you know, and you’re supposed to be advising some general as to how to run his command. [laughter] But supposedly, you’re supposed to have some insight as to the legal aspects, so that you can advise the commander regarding what to do in a specific situation. I would have liked to have told the commander as to why I thought this was all wrong to go this route, but I never had that opportunity.
Berglund Sokolov: You were able to write your report, so that went into your report.

Millard: Right. But you have to be very careful when you write the report as to what you advise. I was as careful as I could be in the time that I had.

Berglund Sokolov: Do you think that your advice actually reached Gen. Larsen?

Millard: No, I don’t.

Berglund Sokolov: Why is that?

Millard: I’ve only heard from multiple levels of hearsay that he was an intelligent individual, you’d assume that he would have had [to be] to reach the command of general. It just didn’t make sense to me. The whole thing didn’t make sense, and I think he was given bad advice by people between me and him. That’s my conclusion all these years.

Berglund Sokolov: Is it true that your report went to him kind of underneath the reports of two other higher-ranking individuals that contraindicated your findings, so that he would have had to kind of dig his way through all of these pages of information to get to what you had to say about the situation?

Millard: That’s what I’ve heard, and that’s what I’ve read, but I never went through an interviewing process to find out.

Berglund Sokolov: Yeah, you didn’t directly experience that, yeah.

Millard: I wrote my report. It’s my understanding Harvey Homel took it, put a cover letter contradictory to it on top of my report, gave it to his superior, who put another cover letter on top of his recommending to go forward with the mutiny charges. That was given to the higher level and went through the JAG office there, and I believe the officers there put more recommendations for going forward with mutiny. Eventually it got to Gen. Larsen, and I don’t know if Gen. Larsen actually read through all the stuff. I doubt it. He was probably very busy, and he got a—

Berglund Sokolov: He’s looking for a one-pager, right?
Millard: Yeah, right. I mean, I have been, for the last fifty years practicing law, and I do trial work. When I submit a motion to a court, I know if I want the important points to get considered—I’ve got to put them in the first paragraph. [laughing] You fill in the details later. But otherwise, they’ll never get to your recommendations.

Berglund Sokolov: What did you recommend, in the end?

Millard: Number one, I found there was no mutiny. The law did not justify the charges of mutiny. There was no mutiny.

Berglund Sokolov: Why is that?

Millard: There was no intent to override military authority. It’s interesting, going back even to the hearings that we had in the courtroom. Attorney Joe Choate, Capt. Choate, who represented one of the accused at that first hearing, in his argument was pointing out that here’s the statute, and there’s elements of a violation of the law, and that there were three elements. There was the disobedience of orders, two or more people in concert, and to override military authority. You concede there was a disobedience of orders—

Berglund Sokolov: Sure.

Millard: —assuming they heard the order to shut up and go back inside, and there were obviously two or more. But the third part—to override military authority—speaks to the intent of the disobedience to the orders. These men were not saying we want to take over the command; we want to take over the Presidio. They were saying we want it to be run properly. We, as prisoners, want to have a full ration. We want the broken windows fixed. We want the floors not to have floating feces, and when you have to walk through that to the shower, because the toilets are overflowing. We want basic sanitary conditions, and we don’t want to be thrown down the stairs with our fingers broken—and a bunch of other things about brutality that was going on, that I learned about as I was conducting my investigation. But they were not seeking to override the authority; they were appealing to the authority. They had gone through a practice. There are regular forms, when somebody has a complaint in the military. I’m not sure of the name anymore. Everything’s DD for Department of Defense, 214 or, there’s a certain form.
Berglund Sokolov: I know what you’re talking about, and they were filling out form after form, or either being denied the opportunity to fill out these forms.

Millard: Right.

Berglund Sokolov: Or they were being ignored when they did fill them out.

Millard: Right. Some of them that were presented by the military is that they were requesting to have news conferences and they were denied, but those weren’t the real—and that’s the only forms that I actually saw. But there were something like four-hundred-and-something-plus forms requesting the command to look into various problems, like the food and blankets, and fix the broken windows in the Presidio where the cold air—

Berglund Sokolov: Right, it’s right on the ocean.

Millard: Right on the ocean. All of these forms were ignored, and they just stacked up and nothing was done about it, and that was offensive to me. I spoke to you earlier, it’s a basic violation of the military commander’s duties, [which] is just taking care of his men.

Berglund Sokolov: Yeah.

Millard: If they were taking care of their men, and made sure that they had full meals and proper guidance, none of this would have come about.

Berglund Sokolov: Right. Why do you think there was that lapse?

Millard: [pause to think] I mean, I don’t really know. I think there was a real problem with just demonstrations in the military. There was that schism. There’d be talk about—

Berglund Sokolov: And probably a lot of anger on both sides?

Millard: You know, I don’t know. I haven’t really analyzed it. But I do know the prevailing attitude is we’re not going to have demonstrators here in the military. No. If they want to do that down in the Marina Green or some other, have peace marches and all that, we’re going about our duty. I can understand people in the military being very upset about people that were
conducting peace marches and calling them baby killers and things of that nature. You know, so I can understand that aspect of it too, because of what I—

01-01:30:50
Berglund Sokolov: Had experienced.

01-01:30:50
Millard: —felt.

01-01:30:51
Berglund Sokolov: And tensions were clearly running high on both sides.

01-01:30:54
Millard: Absolutely.

01-01:30:56
Berglund Sokolov: Yeah.

01-01:30:58
Millard: But why didn’t they take care of things in the stockade? Different levels do things—who knows. Some sergeant in charge of the prisoners was reportedly sadistic.

01-01:31:18
Berglund Sokolov: Yeah.

01-01:31:19
Millard: And you know, he had been around for twenty-something years, and maybe his commander didn’t want to go through the trouble to rein him in or to punish him, or hope that maybe he’d get transferred and somebody better would come in. Who knows why people do or don’t do what they’re supposed to do.

01-01:31:39
Berglund Sokolov: Yeah.

01-01:31:40
Millard: But I suspect a lot of it’s bureaucracy.

01-01:31:43
Berglund Sokolov: Right. Did you have any strong impressions about any of the members of the Presidio 27, as—?

01-01:31:53
Millard: No. I didn’t get to know them. When I came to this fiftieth reunion just recently I really met them for the first time.

01-01:32:02
Berglund Sokolov: Right. Oh, that’s interesting.
Millard: The only other meeting that I had with them, other than sitting in a courtroom where I was up on a bench and there were people sitting out there in the audience that I didn’t speak to because they had attorneys speaking—I had no communication with them personally. The only personal communication is when I went to the stockade with the first list of the accused, and I had to call them out, and the men behind the bars would come up to the bars—“Are you Pvt. So-and-So?” “Yes.” “I’m Richard Millard. I’m investigating. Do you have a lawyer?” I had a short communication between the bars with these people, and they told me, if they didn’t have a lawyer, who they wanted, and I went and contacted them for them. Or if they wanted a military lawyer, I contacted the JAG people above me to make sure they had someone appointed. That was the only personal conversation that I had with any of these men until just a month ago.

Berglund Sokolov: When you were doing your investigations, you were listening to witnesses and the counsel of the defendants, but not the defendants themselves?

Millard: Right. Picture a crowded courtroom, and witnesses taking the chair and swearing and being asked questions, both by me—in the Article 32 investigation it’s interesting, because the investigator is also, in effect, the prosecutor. You have to ask some questions to make the record as to whether or not an offense has been committed. And yet, at the same time, you’re sitting there as a judge, and the defense lawyers could ask questions on cross-examination, and then you have a secretary partially writing down the testimony.

Berglund Sokolov: Right.

Millard: And the defendants, they’re sitting out there in a crowded courtroom. In answer to your question, I really didn’t get to know any of the defendants, any of the accused at all, except for—just by records.

Berglund Sokolov: Right. Anything else you want to add to the story of the Article 32 investigation piece of this that we haven’t touched on?

Millard: As to the investigation part itself—no. But as to the definite feeling that there was command influence—yes.

Berglund Sokolov: Can you talk about what command influence is?
Millard: It’s when a commander tells a subordinate you should do this or that, and it may be—in effect, Harvey Homel was telling me I should come in with a finding of mutiny, even though legally, ethically, professionally—in every way—the facts and my morals told me this was not a mutiny, and I’m being told by my superior that I’m to find there’s a mutiny. Now, he didn’t order me, “You find there’s a mutiny.” That won’t be in any record or any piece of paper anywhere, but it was very obvious that the military was going forward with charges of mutiny, and that I was expected to return a verdict—although it’s not a verdict—a finding and a recommendation that that’s how it should proceed. The motions were already—the gears were already turning from up above.

Berglund Sokolov: Was there any consequences or retaliation towards you for not levying the appropriate finding?

Millard: Yes, well, number one, immediately after my recommendations were submitted, they found another investigator to investigate subsequent charges against the other alleged mutineers. Now, partially, I advised that, because I had heard a hearing with testimony and come to a conclusion. Picture yourself being in a regular courtroom, and the judge has heard a case involving half of the defendants and made rulings regarding evidence, but you and your attorney weren’t there, and now you’re next. You don’t want to go before the same judge. You want someone that has a blank slate to start from scratch. To some extent, that’s justified. But the real reason they had a subsequent investigator is they didn’t like my result.

Berglund Sokolov: Right.

Millard: [laughing] There was something else you asked me, I’m sorry.

Berglund Sokolov: About command influence.

Millard: Oh, command influence.

Berglund Sokolov: Because basically what you have is you have people operating as attorneys. But they are not on equal footing with people that they are either advising or that they have to compel to testimony, or all of those other things that—where military hierarchy intervenes in the way we think the justice system normally works.
Millard: There were other officers involved in the military that were making orders. I had to go to—and I can’t remember all the names at this point, and I apologize.

Berglund Sokolov: That’s all right.

Millard: It’s been a long time! [laughter]

Berglund Sokolov: Yeah.

Millard: Bur for instance, the men that wanted military counsel, I had to go to that officer, and it wasn’t Harvey Homel. It was some other judge advocate officer to make sure that these men had counsel assigned, and they were being assigned mostly out of the 6th Army offices. There was some colonel there that—that’s how Joe Choate was ordered to represent one or more individuals, and Emmett Yeary was a captain, a JAG officer, was ordered to represent various people. Those orders were from higher ups than Harvey Homel. There were other JAG officers involved, majors, colonels, that were making some of these decisions. I was getting orders that—“This is taking too long. Hurry up. Let’s go forward with this. You’ve already taken two days. How come you haven’t hurried this up?” They were particularly anxious and angry with me when it took two weeks to get my final report in, because the transcript hadn’t been written up. I had to wait two weeks for the secretary to type up the transcript, so I could review it and put it as an attachment with my recommendations. My recommendations only followed by a day or two of the transcript being prepared. I was getting heat from higher up. “Come on! We’ve got to move forward. We’re waiting to have the trial.” [laughter]

Berglund Sokolov: Right. We’ve already decided what we’re doing.

Millard: Yeah, we’re waiting for your recommendations for mutiny.

Berglund Sokolov: Right.

Millard: You know, it was just so pervasive. It was just, everyone knew. It was in the air. “Get on with the formalities. Let’s bring them in, and let’s have this mutiny trial. Give us your report already, so we can move forward.” That was the atmosphere.
Berglund Sokolov: Yeah, how did that make you feel?

Millard: Well, at one point—it’s funny, I was reminded by reading [Fred] Gardner’s book [*The Unlawful Concert: An Account of the Presidio Mutiny Case*] that I had told him fifty years ago when he interviewed me that I was concerned about overreacting to my reaction. I don’t like being told what to do, even though I was in the military. [laughter] But in general—you can ask my wife—I don’t like being told what to do. But you know, in effect, I was being told to find there was a mutiny. My natural reaction was to resist that, you know? I’m the investigating officer. I’m supposed to investigate, make an analysis of the facts, and make a legal decision and be fair about it, and someone’s telling me what to do, who’s not supposed to know anything about this. I was reacting about that, but I was worried about overreacting against my reaction, in case there really was a mutiny—technically. Am I going to be overreacting, because I don’t want to be told there was a mutiny and say there wasn’t, when there really was? I remember discussing that fifty years ago with Fred Gardner.

Berglund Sokolov: With Fred Gardner.

Millard: And Dick Seamans, who I respect—he’s recently deceased and was a good friend of mine, a very smart guy and a very good lawyer from Harvard and was a JAG officer. He felt there was a mutiny. Dick and I discussed it at some length, the technical legal things. Now, he was not an emotional—but he would tell me why he thought the law applied, and I would tell him why not. I gave it a lot of consideration. But I don’t know; I’m getting off on a tangent.

Berglund Sokolov: No, no, it’s actually really good information, because fundamentally, when these cases went for appeal, the ruling was essentially what you had felt.

Millard: Right.

Berglund Sokolov: Yes, there was disobedience. And yes, there was disobedience in concert, but there was no intent to overthrow military authority. In fact, they were actually imploring that authority for help—

Millard: Right.

Berglund Sokolov: —in resolving the situations that they were facing.
Millard: It’s interesting—Dick Seamans, who I respected and respect, later changed his mind and said to me, many times, “You were right. There wasn’t a mutiny,” and he’s thought about it.

Berglund Sokolov: That’s interesting. Did the case have any impact on your legal career after that?

Millard: I’m not sure that it did or not. I know when I was getting out of the army, I was invited to go back to Washington, DC and talk with Senator [Alan] Cranston about a possible position working as an aide in Washington, DC. I considered that and went back to interview with him—either he wasn’t pleased with me, or I wasn’t sure that that’s what I wanted to do. I didn’t end up working for him. I decided to go back to the public defender’s office in Los Angeles. But I know when I went back to the public defender’s office, I had to re-interview for the position, and that was, I’m sure, just a formality, because the interview was in the early afternoon. I got home, and my mother informed me that the public defender’s office had called, and, “You passed, and they want you to start work tomorrow.” [laughter] But in that discussion, there was a discussion about my recently having been involved in the mutiny.

Berglund Sokolov: In this case, yeah.

Millard: Because it was big press.

Berglund Sokolov: Yeah, it was front-page news.

Millard: Pardon me?

Berglund Sokolov: It was front-page news.

Millard: Not only front-page news, at the actual hearing, at the Presidio, outside were TV cameras from ABC, CBS, and NBC. They wanted to come in and televise it, but I didn’t allow that. But they were interviewing people coming in and out of the courtroom, on television. It was big news, and they knew about it when I went back to the public defender’s office, and it was mentioned. In being a public defender, you have to be the kind of person that’s going to—you know, you’re representing the defendant, you know, so let’s bring the guilty person in and let’s have a fair trial—almost like a court-martial.
Berglund Sokolov: Right, right.

01-01:44:25

Millard: They want people that are going to stand up to pressure. I think that put me in good stead for getting hired back to the public defender.

Berglund Sokolov: Right, absolutely, yeah.

01-01:44:33

Millard: But I would hope that they were pleased with the work I did before I left.

Berglund Sokolov: So, since we’re fifty years out—we just had our fiftieth anniversary commemoration of this—what do you think we can learn from what happened fifty years ago at the Presidio, with these twenty-seven young men?

01-01:44:55

Millard: Well, I think a lot was learned, and I don’t think maybe just now, but I think shortly after. Because of all the press and all the news that was involved in that, the country, as a whole, was offended by the results of those series of trials. The sentences were outrageous—fifteen, sixteen years of hard labor, which were promptly cut down to far less and eventually overturned. But the reaction, across the country, was tremendous—that it was unfair and was unjust. I have letters from all over the country from people—

Berglund Sokolov: That they wrote to you?

01-01:45:40

Millard: Right. They were just written to me. People that I never knew and didn’t solicit, some asking me questions that I couldn’t answer because of the ongoing cases. But in Washington, on the floor of Congress, there were senators and congressmen talking about investigations. There were investigations launched. There were changes in the Military Code of Justice. There were Supreme Court cases affecting the jurisdiction of courts-martial. I think Justice [William O.] Douglas wrote an opinion—I’m not sure—on this. But the military authority, under courts-martial, used to be a lot greater in matters involving soldiers off-post or outside the command. Those people were generally court-martialed. There seemed to be, in most instances, a situation where local authorities would cede over to the military authorities the command to take action if a soldier or sailor went and did something wrong off-base.

Berglund Sokolov: Right.
Millard: After the Presidio mutiny trials, and all the hullabaloo that was created, a closer examination was held as to what the authority of the military ought to be over citizen-soldiers who were accused of an offense in civilian territory as opposed to civilian life. They’re real soldiers, but if a soldier was out in the town some night and did some offense, there’d be a question as to—that should be a court-martial? Or should they go to the civilian court being charged with the district attorney’s office? The authority was lessened for the military under those types of cases, and a lot of it’s an outgrowth of the Presidio misuse and abuse of power.

Berglund Sokolov: Yeah. Do you want to share any thoughts about the fiftieth anniversary celebration that we just had?

Millard: Yes. Number one, I thought it was excellent. I enjoyed coming, I enjoyed meeting a lot of the men that were involved as the accused, who I had never really got to see or know. I wonder if it’s like a lot of reunions. If you go to a fiftieth reunion in your high school, it’s usually the successful ones that show up.

Berglund Sokolov: Right.

Millard: Not the people that were not successful. The successful ones want to come and see their friends and reminisce. I don’t know if that applies the same as to the men that were involved at the Presidio. But those that did come—and there were about ten—

Berglund Sokolov: Seven.

Millard: Oh, there were seven?

Berglund Sokolov: Seven, maybe eight—yeah.

Millard: They all seemed fairly well adjusted and to have had good lives after what they went through, which could have been totally devastating to a normal person. These men overcame that and went on to lead normal healthy lives, and I was impressed with the people that I met at the reunion. But there again, there were seven there—I don’t know about the other twenty. I suspect that some of them were devastated, but I don’t know.
Berglund Sokolov: Yeah, one thing that’s kind of interesting is that we found out in the run-up to the event that about, I think, fourteen are deceased, which is fairly early for people this day and age—not necessarily, but they’re—seventyish, right?

Millard: They would be about seventy.

Berglund Sokolov: I think there were a few that we could not find. But of the ones that we could find, almost all of them—a good number came. Others were interested in coming, but couldn’t come maybe for health reasons. I think one, his son was getting married the same day. There was one who did refuse to come for political reasons, because he felt that it was too—that the way the Presidio were being portrayed was too antiwar, so it was interesting that that had come up earlier in our conversation.

Millard: Well, I felt that way as well. I was surprised when I arrived. I thought it was going to be just about what had happened to these men, and there was a reunion of people that had been through a similar circumstance and mostly came out of it okay. But I was surprised that there was a total antiwar flavor about the reunion, and I don’t think these men were antiwar—or necessarily antimilitary. I think a lot of them were just very disillusioned after they had become involved in the military. Some of the men that were accused were from military families.

Berglund Sokolov: Right. Right.

Millard: With long military backgrounds and wanted to do their duty.

Berglund Sokolov: It gets even more convoluted than that. Randy Rowland, who was one of the vehement antiwar people, he had gone into the military, career military family, father was a career officer. He had believed that he would go in and do his duty, and then his mind changed over time. I, going back, that is one thing I would have liked to have corrected about the flavor of the events, because it really is twenty-seven men with twenty-seven different sets of complex attitudes and feelings about the situation that they were in, and that that could have been conveyed more accurately. We had people who were driving the reunion who had antiwar sentiments, so that tended to come to the surface more, yeah.

Millard: It was interesting. And there was a woman officer that—

Berglund Sokolov: Susan Schnall, yes.
Millard: The one that went up in the plane and threw leaflets. I mean obviously, she wasn’t basically antiwar or anti-military—she wasn’t drafted. She went in because she wanted to serve, but she disagreed with some of the things going on.

Berglund Sokolov: With the policy, yeah.

Millard: And she spoke in her time off. [laughing]

Berglund Sokolov: Right, right. You mentioned also that you had some strong feelings about what was going on with the military today, and the difference between an all-volunteer army, and an army of draftees. Do you want to speak a little bit about that?

Millard: Yeah, I’ve thought a lot about that, and I’ve had long discussions with my best friend, roommate in college, and the friend of Richard Seamans that went to Harvard Law School. This fellow and I are good friends today, and we’ve discussed the pros and cons of the volunteer military. At the time that I was in, I had strong feelings that people shouldn’t be drafted to be clerks and cooks and things of that nature. After all, when you’re drafted, you have taken from you certain rights and liberties. You’re told you shall do this.

Berglund Sokolov: Right.

Millard: Why should the government be forcing someone to do something, if they can just hire a cook or a secretary or whatever. Obviously, in military operations on a battlefield, you can’t have a bunch of civilians running in and out, so you have to have people to do that. But it just seems a lot of positions in the military, that people were being drafted into, were positions that could have been done by non-draftees. I felt at that time that that was a disservice and a possible area of taking away certain people’s civil rights that could have been avoided. I’ve changed my mind on that, and it’s interesting, because I believe that the end of conscription was caused by Dick Nixon, for political reasons. The demonstrations were too loud and too harsh, and that he wanted to lessen the antiwar movement, and by converting the military to an all-voluntary military, it quickly silenced the noise from the academic community, from college campuses of young men that were concerned about being drafted. Once they were no longer subject to being drafted, they were not such violent demonstrators.
It made it easier. But I think in the longer, broader view, when we’re considering whether or not to fight a war in the Middle East or somewhere else, and whether or not it’s really in our interest to do so, I think that the people that are making these decisions: congressmen and senators and presidents, should feel the same—although it’s never going to be the same as far as degree. There’s always special people. [laughter] But some congressman should be concerned that his son or daughter may get called over to serve, if he votes for having a war in some foreign land that may not be in the necessary interests of our country. I think having a citizen-soldier brings that home. When you eliminate the citizen-soldier—or sailor, or whatever—military person, and you just have hired professional military people, it somewhat eliminates the political consciousness of the country about getting involved in certain situations that we maybe should give more thought to.

I don’t think the average person’s concerned today, personally, as to whether the president decides we’re going to go send some troops somewhere.

I think it’s important that people have—I’m trying to think of the term—but something in the fire. [laughing]

Some of their fat in the fire. Right, right. To have a personal consideration, to give more thoughtful consideration to some of these involvements, and I think that the draft brought that home to everybody. Going back to World War II, I’m sure everybody in the nation—I mean, I was born in 1941, but I’m sure all the people, the whole citizenry was involved in what was going on and had very strong opinions as to whether or not they would have to go or not go.
Berglund Sokolov: Right, everybody in a neighborhood would have sons who were—right, either on the verge or going, or whatnot, just as the way it was in Vietnam.

Millard: Right, and I think that what happened is if you look at history, when the military ceased to become draftees and became voluntary, opinions change.

Berglund Sokolov: Yeah.

Millard: And I’m not sure that’s healthy.

Berglund Sokolov: Is there anything else you want to add before we wrap up?

Millard: I don’t think so. I’ve had a lot of thought about, particularly in reviewing a lot of the Presidio papers and what was done and not done, and I’ve questioned myself—and I’m still not sure of the answer as to whether I was too harsh in my recommendations. As to whether I should have just recommended to the command that they shouldn’t prosecute these men at all, just continue on with—they were unfit for service. There’s no reason to stop any of that because of this demonstration, versus my recommendation that it could be handled at a special court-martial level, for some. Each individual was different because of psychiatric reasons and stuff like that.

Berglund Sokolov: Right.

Millard: I do feel that one reading my recommendation, seeing that—having six months of a possible penalty for the demonstration should be more than sufficient, and I believe strongly in that. But in my recommendations, where I’m saying up to six months, I want to stress the up to. That could be time served, you know? [laughing]

Millard: That didn’t have to be six months, you know, because I feel very strongly that the conditions that were there were abominable, and it was an abuse, really of the prisoners that were there to force them to be in those conditions, and not somebody looking into what was going on. There were four-hundred-and-something complaints, in writing, about the conditions—and nobody did anything about it. If somebody had done something about it, they wouldn’t have had to have a demonstration to stand up and say, “We want these conditions rectified.”
Berglund Sokolov: Yeah, okay. I think that’s a good place to stop. Thank you.

Millard: [laughing] I do too! Thank you.

Berglund Sokolov: Excellent conversation. Great.

[End of Interview]