

~~SECRET~~

DPD 1171-62

19 February 1962

MEMORANDUM FOR : General Counsel

SUBJECT : Conversation with Dr. Hugh Dryden, Deputy Administrator, NASA, 16 February Regarding Powers' Press Conference

1. Dr. Dryden called me the afternoon of 16 February to express his concern over the Powers' press conference and the potential involvement of NASA as a result of things which Powers might say on that subject. In effect, he was viewing the whole idea of a press conference with a considerable amount of restrained enthusiasm.

2. I reassured Dr. Dryden that although we had not yet formulated cohesive press policy for the conference, we certainly were mindful of his interest and would do everything possible to minimize NASA's part in any statement Powers might be obliged to make. I think this call points up the degree to which we must concern ourselves with the whole question of appropriate guidance for Powers relative to contacts with the press following the Board of Inquiry.

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JAMES A. CUNNINGHAM, JR.  
Acting Chief, DPD-DD/P

cc:



C/CI

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NASA, USAF reviews completed

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STATEMENT CONCERNING FRANCIS GARY POWERS

Since his return from imprisonment by Soviet Russia, Francis Gary Powers has undergone a most intensive debriefing by CIA and other intelligence specialists, aeronautical technicians, and other experts concerned with various aspects of his mission and subsequent capture by the Soviets. This was followed by a complete review by a Board of Inquiry presided over by Judge E. Barrett Prettyman to determine if Powers complied with the terms of his employment and his obligations as an American. The Board has submitted its report to the Director of Central Intelligence.

Certain basic points should be kept in mind in connection with this case. The pilots involved in the U-2 program were selected on the basis of aviation proficiency, physical stamina, emotional stability, and, of course, personal security. They were not selected or trained as espionage agents, and the whole nature of the mission was far removed from the traditional espionage scene. Their job was to fly the plane, and it was so demanding an assignment that on completion of a mission physical fatigue was a hazard on landing.

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The pilots' contracts provided that they perform such services as might be required and follow such instructions and briefings in connection therewith as were given to them by their superiors. The guidance was as follows:

'a. If evasion is not feasible and capture appears imminent, pilots should surrender without resistance and adopt a cooperative attitude toward their captors.

'b. At all times while in the custody of their captors, pilots will conduct themselves with dignity and maintain a respectful attitude toward their superiors.

'c. Pilots will be instructed that they are perfectly free to tell the full truth about their mission with the exception of certain specifications of the aircraft. They will be advised to represent themselves as civilians, to admit previous Air Force affiliation, to admit current CIA employment, and to make no attempt to deny the nature of their mission. "

They were instructed, therefore, to be cooperative with their captors within limitations, to use their own judgment of what they should attempt to withhold, and not to subject themselves to strenuous hostile interrogation. It has been established that Mr. Powers had been briefed in accordance

with this policy and so understood his guidance. In regard to the poison needle which was prominently mentioned at the trial in Moscow, it should be emphasized that this was intended for use primarily if the pilot were subjected to torture or other circumstances which in his discretion warranted the taking of his own life. There were no instructions that he should commit suicide and no expectation that he would do so except in those situations just described, and I emphasize that even taking the needle with him in the plane was not mandatory; it was his option.

Mr. Powers' performance on prior missions has been reviewed, and it is clear that he was one of the outstanding pilots in the whole U-2 program. He was proficient both as a flyer and as a navigator and showed himself calm in emergency situations. His security background has been exhaustively reviewed, and any circumstances which might conceivably have led to pressure from or defection to the Russians have also been exhaustively reviewed, and no evidence has been found to support any theory that failure of his flight might be laid to Soviet espionage activities. The same is true of the possibilities of sabotage.

Accordingly, Mr. Powers was assigned to the mission that eventually occurred on 1 May 1960 and accepted the assignment willingly.

It was a particularly grueling assignment across the heart of Soviet Russia and ending on the northwest coast of Norway. It was necessary to maintain extreme altitude at heights at which no other plane but the U-2 had steadily flown. So far as can be ascertained Mr. Powers followed the scheduled flight plan, making a prescribed turn to the northwest when nearing the city of Sverdlovsk where he was directly on course. According to his statement, he had settled on his new course and had Sverdlovsk in sight, perhaps 20 or 30 miles away, when he felt and heard something he describes as a push or feeling of acceleration on the plane accompanied by a dull noise unlike the sharp sound of a high explosive. This caused him to look up from his instruments, and he saw surrounding him, or perhaps reflected in his canopy, he is not sure, an orange or reddish glare which seemed to persist. He felt this phenomenon to be external to the plane but says he cannot be sure. For a moment the plane continued to fly normally, then it dipped to the right but he found he was able to control this dip and level the plane with his normal controls. Shortly thereafter, however, the plane began to nose forward, and Mr. Powers states that as he drew back on the stick he felt no control as if the control lines had been severed. The plane nosed sharply over and went into

violent maneuver, at which point he believes the wings came off. The hull of the plane then turned completely over and he found himself in an inverted spin with the nose high revolving around the center of the fuselage so that all he could see through the canopy looking ahead was the sky revolving around the nose of the plane. This motion exerted G forces on him which threw him forward and up in the cockpit. At this point he states he could have reached the destruct switches which would have set off an explosive charge in the bottom of the plane. However, he realized that this charge would go off in 70 seconds and he did not yet know if he could leave the plane. He stated that he tried to draw himself back into the seat to see if he could activate the ejection mechanism, but the G forces prevented him from recovering his position. Being forward and out of the seat, even if he could have used the ejection mechanism, which was below and behind him, it would have seriously injured him if activated. He recalled that it was possible to open the canopy manually, and shortly thereafter he was able to do so and the canopy disappeared. His last recollection of the altimeter was that he was at about 34,000 feet and descending rapidly. To see if he could get out of the cockpit, he released his seat belt and was immediately thrown forward out over the cowling of the cockpit to a position where

he was held only by his oxygen tube. He tried to pull himself back in the cockpit to the destruct switches which take four separate manipulations to set and found himself unable to do so because of the G forces, the inflation of his pressure suit, and the fogging up of his face mask which totally obscured his view. By pushing he tore loose the oxygen tube and fell free, whereupon his parachute opened almost immediately, indicating that he was probably at 15,000 feet or below at this time since the automatic mechanism was set for this height. In connection with Powers' efforts to operate the destruct switches, it should be noted that the basic weight limitations kept the explosive charge to 2 1/2 pounds and the purpose of the destruct mechanism was to render inoperable the precision camera and other equipment, not to destroy them and the film. After he landed he was taken by commercial plane to Moscow the same day.

In the processing into the prison he was given a hypodermic injection which may well have been a general immunization, and there is no evidence of the use of truth serums or other drugs. From then until the time of the trial, about 100 days, he was kept in solitary confinement and subjected to constant interrogation, sometimes as long as ten or twelve hours a day, but on the average considerably

less than this. He had no access to anyone but his Russian guards and interrogators despite repeated requests for contact with the U. S. Embassy or his family and friends. He states that the interrogation was not intense in the sense of physical violence or severe hostile methods, and that in some respects he was able to resist answering specific questions. As an example, his interrogators were interested in the names of people participating in the project, and he states that he tried to anticipate what names would become known and gave those, such as the names of his commanding officer and certain other personnel at his home base in Adana, Turkey, who would probably be known in any case to the Russians. However, they asked him for names of other pilots and he states that he refused to give these on the grounds that they were his friends and comrades and if he gave their names they would lose their jobs and, therefore, he could not do so. He states they accepted this position. It is his stated belief, therefore, that the information he gave was that which in all probability would be known in any case to his captors.

At his trial he had only the advice of his Russian defense counsel to go by, and he advised that unless Powers pleaded guilty to what the Russians considered a clear violation of domestic law and expressed

penitence matters would go hard for him, including a possible death sentence. These actions were consistent with his instructions from CIA. After the trial and sentencing, Mr. Powers states that there was only intermittent interrogation of little importance and that on the whole he was well treated, adequately fed, and given medical attention when required.

All the facts concerning Mr. Powers' mission, the descent of his plane, his capture, and his subsequent actions, have been subjected to intensive study. In the first place, Powers was interrogated for many days consecutively by a debriefing team of experienced interrogators, one of whose duties was to evaluate Powers' credibility. They expressed the unanimous view that Powers was truthful in his account. Secondly, an intensive inquiry was made by Government officials into the background, life history, education, conduct, and character of Powers. This team included doctors, specialists in psychiatry and psychology, personnel officers, his former colleagues in the Air Force and on the U-2 project. All these persons were of the view that Powers is inherently and by practice a truthful man. Thirdly, Powers appeared before a Board of Inquiry and testified at length, both directly and under cross-examination.

The Board agreed that in his appearance he appeared to be truthful, frank, straightforward, and without any indicated attempt to evade questions or color what he was saying. In the Board's judgment he reflected an attitude of complete candor. In the fourth place, when during his examination before the Board a question was raised as to the accuracy of one of his statements, he volunteered with some vehemence that, although he disliked the process of the polygraph, he would like to undergo a polygraph test. That test was subsequently duly administered by an expert and in it he was examined on all of the factual phases which the Board considered critical in this inquiry. The report by the polygraph operator is that he displayed no indications of deviation from the truth in the course of that examination. In the fifth place, a study of the photograph of the debris of the plane and other information concerning the plane revealed in the opinion of experts making the study no condition which suggested an inconsistency with Powers' account of what had transpired. The Board noted the testimony of Russian witnesses at the trial in Moscow which dealt with the descent and capture of Powers and with technical features of the plane and the incident.

The testimony was consistent with the account given by Powers.

Powers was able to identify a spot near a small village where he thought he had landed. This location checked with prior testimony given by Powers as to physical features, directions, and distances and also corresponded with earlier independent information not known to Powers that certain of the persons who captured him lived in this same small village. Some information from confidential sources was available. Some of it corroborated Powers and some of it was inconsistent in parts with Powers' story, but that which was inconsistent was in part contradictory with itself and subject to various interpretations. Some of this information was the basis for considerable speculation shortly after the 1 May episode and subsequent stories in the press that Powers' plane had descended gradually from its extreme altitude and had been shot down by a Russian fighter at medium altitude. On careful analysis, it appears that the information on which these stories were based was erroneous or was susceptible of varying interpretations. The Board came to the conclusion that it could not accept a doubtful interpretation in this regard which was inconsistent with all the other known facts and consequently rejected these newspaper stories as not founded in fact.

On all the information available, therefore, it is the conclusion of the Board of Inquiry which reviewed Mr. Powers' case and of the Director of Central Intelligence, who has carefully studied the Board's report and has discussed it with the Board, that Mr. Powers lived up to the terms of his employment and instructions in connection with his mission and in his obligations as an American under the circumstances in which he found himself. It should be noted that competent aerodynamicists and aeronautical engineers have carefully studied Powers' description of his experience and have concluded on the basis of scientific analysis that a U-2 plane damaged as he described would perform in its descent in about the manner he stated. Accordingly, the amount due Mr. Powers under the terms of his contract will be paid to him.

In my testimony before this Board, I do  
swear to tell the truth, the whole truth, and  
nothing but the truth, so help me God.



AIR FORCE REGULATION }  
NO. 110-9 }

DEPARTMENT OF THE AIR FORCE  
WASHINGTON, 16 OCTOBER 1951

## JUDGE ADVOCATE GENERAL

### Courts of Inquiry

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#### 1. When and by Whom Ordered:

a. *Statutory Provision.* Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court martial or by any other person designated by the Secretary of a Department for that purpose whether or not the persons involved have requested such an inquiry. Uniform Code of Military Justice, Article 135(a).

b. *Discretion.* No convening authority is obliged to order a court of inquiry. Where a request is made therefor, and where the facts are thoroughly understood or can be otherwise satisfactorily ascertained, the convening authority may, in his discretion, refuse the request.

#### 2. Composition:

a. *Number of Officers.* A court of inquiry shall consist of three or more officers \* \* \*. Uniform Code of Military Justice, Article 135(b).

##### b. *Retired Officers:*

(1) The Secretary of the Air Force may assign retired officers of the Air Force, with their consent, to active duty \* \* \* upon \* \* \* courts of inquiry \* \* \* (Act 23 April 1904, 10 U.S.C. 991, as changed by Act 26 July 1947, 61 Stat 501).

(2) In time of war retired officers may be employed on active duty in the discretion of the President \* \* \*

(section 127a, National Defense Act, as added by section 51, Act 4 June 1920, 41 Stat 785, 10 U.S.C. 992).

c. *Grade of Members.* Every member of a court of inquiry should be senior in permanent and temporary grade to any officer whose professional conduct or record may be involved in the inquiry. If in any given case exigencies of the service do not permit a strict compliance with this rule, departures therefrom may be authorized by the convening authority, whose decision that the same are necessary, as indicated by the order detailing the court, is final.

##### d. *Counsel:*

(1) *For the court.* For each court of inquiry, the convening authority shall appoint counsel for the court.

(2) *For the parties.* For each court of inquiry, the convening authority shall appoint counsel for any parties to the investigation known at the time the court of inquiry is ordered. Any person designated as a party either at the time the court of inquiry is ordered, or thereafter, shall have the right to be represented by civilian counsel, if provided by him, or by military counsel of his own selection if reasonably available, or by the counsel for the parties duly appointed by the convening authority. Upon receipt of application for individual military counsel, the convening au-

\*The provisions of this Regulation correspond to the provisions of AR 600-300, 23 May 1927, and changes thereto, which are no longer applicable to Air Force activities.

thority will take the action prescribed in paragraph 48b, Manual for Courts Martial, 1951.

- (3) All counsel appointed by the convening authority shall be persons certified by The Judge Advocate General, USAF, under Article 27(b) of the Uniform Code of Military Justice.

**3. Convening Order.** The form of convening order shall be similar to that for a court martial. The order shall appoint members and counsel by name and grade, fix the time and place of the meeting, specify the subject matter of inquiry, and direct the report of the facts only, or, where required by the convening authority, of the facts with an opinion on the merits of the case. If persons brought in as parties after an investigation has commenced have interests adverse to those of persons theretofore made parties to the investigation, counsel shall be appointed by the convening authority for such parties in separate orders. Counsel for the parties shall not be deemed a part of the court of inquiry itself.

**4. Jurisdiction:**

a. *As to Persons.* Any person subject to the Uniform Code of Military Justice whose conduct is subject to inquiry shall be designated as a party. Any person subject to the mentioned code or employed by the Department of Defense who has a direct interest in the subject of inquiry shall have the right to be designated as a party upon request to the court. See Uniform Code of Military Justice, Article 135(c).

b. *As to Time.* The statute of limitations, prescribed in the Uniform Code of Military Justice, Article 43, does not apply to courts of inquiry. There is no legal objection, therefore, to investigating transactions that are remote in time.

c. *As to Subject Matter.* Any matter may be investigated by a court of inquiry. However, courts of inquiry ordinarily should not be used:

- (1) Where existing regulations prescribe other methods for hearings or other investigative procedures.
- (2) For the investigation of routine or trivial matters which normally are part of the duties of a commanding officer or his staff.

**5. Reporters:**

a. *Statutory Provisions:*

- (1) Under such regulations as the Secretary of the Department may prescribe, the convening authority of a

\* \* \* court of inquiry shall appoint qualified court reporters, who shall record the proceedings of and testimony taken before such court \* \* \* Uniform Code of Military Justice, Article 28.

- (2) Enlisted personnel may be detailed to serve as stenographic reporters for military courts, boards, and commissions, but shall not receive extra pay for such service. Section 531(b), Act 12 October 1949.

b. *Authorization for Appointment.* Subject to such exceptions as may be made by appointing authorities and within the limitations of statutes quoted in a above, the appointment of reporters or the detail of enlisted personnel to serve as stenographic reporters is authorized.

c. *Pay.* See AFR 173-90.

**6. Interpreters:**

a. *Appointment:*

- (1) Under such regulations as the Secretary of the Department may prescribe, the convening authority of a court of inquiry may appoint an interpreter who shall interpret for the court. See Uniform Code of Military Justice, Article 28.
- (2) Interpreters may be employed whenever necessary without application to the appointing authority.

b. *Pay.* See AFR 173-90.

**7. Clerks and Orderlies.** The commanding officer of the place where the court is sitting will upon request of counsel for the court detail suitable airmen as clerks and orderlies to assist a court of inquiry.

**8. Witnesses:**

a. *General.* Witnesses may be summoned to appear and testify and be examined before courts of inquiry as provided for courts martial. Uniform Code of Military Justice, Article 135(f).

b. *Refusal to Appear or Testify.* Every person not subject to the Uniform Code of Military Justice who (1) has been duly subpoenaed to appear as a witness before any court of inquiry; and (2) has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the United States; and (3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which such person may have been legally subpoenaed

to produce; shall be deemed guilty of an offense against the United States. See Uniform Code of Military Justice, Article 47.

c. *Person Designated as a Party.* Any person designated as a party to any investigation of a court of inquiry shall, at his own request but not otherwise, be a competent witness, and his failure to make such request shall not create any presumption against him. See Act 25 June 1948 (62 Stat 833; 18 U.S.C. 3481).

d. *Examination:*

- (1) The examination of witnesses may be by counsel for the court, by the court, or by a member thereof, in the discretion of the court.
- (2) Any person designated as a party \* \* \* shall have the right \* \* \* to cross-examine witnesses and to introduce evidence. Uniform Code of Military Justice, Article 135(c).
- (3) No person shall be compelled to make a statement or produce evidence before any court of inquiry if the statement or evidence is not material to the issue and may tend to degrade him. See Uniform Code of Military Justice, Article 31.

c. *Fees.* See AFR 173-90.

## 9. Procedure:

a. *General.* A court of inquiry is governed by the general principles of military law, applying the analogies of a court martial where they are applicable, and will refer to adjudged cases, precedents, rules, authoritative legal opinions, and approved books of legal exposition where there is no permanent paramount stated rule. See Uniform Code of Military Justice, Article 36.

b. *Rules of Evidence.* The rules of evidence governing courts martial will be applied by courts of inquiry, but, subject to constitutional or statutory restrictions, these rules may be relaxed in the discretion of the court.

c. *Presence of Person Designated as a Party.* Any person designated as a party shall be given due notice and shall have the right to be present. However, the presence of any party is not essential and his absence does not affect the authority of the court to proceed with the hearing. See Uniform Code of Military Justice, Article 135(c).

d. *Reduction in Membership of Court:*

- (1) Where the number of members is reduced by casualty or challenge, the court may proceed with the reduced number if not below the minimum, but the appointing authority

should be notified in order that he may detail new members if he desires to do so.

- (2) If any testimony has been taken before a new member is added, it should be read to him in the presence of the other members.

c. *Examination of Witnesses.* See paragraph 8d.

**10. Right of Challenge.** Members of a court of inquiry may be challenged by a party, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge and shall not receive a challenge to more than one member at a time.

## 11. Oaths:

a. *General.* The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties. Uniform Code of Military Justice, Article 135(e).

b. *Witnesses.* All persons who testify before a court of inquiry shall be examined on oath or affirmation.

c. *Who May Administer.* The president and the counsel for the court of any court of inquiry shall have the authority to administer oaths in connection with the matter before the court.

d. *Obligation to Secrecy.* The oath of members of a court of inquiry, unlike that of members of a court martial, does not enjoin upon them secrecy as to the votes and opinions of members, but it would be contrary to military custom and usage to divulge the recommendation and opinion of the court, where such is required, until announced by the appointing authority, or to disclose the vote or opinion of a member unless legally required to do so.

**12. Depositions.** The method of taking and authenticating depositions to be read in evidence before courts of inquiry shall be as prescribed in the Uniform Code of Military Justice, Article 49.

## 13. Admissibility of Records of Courts of Inquiry:

a. In any case not capital and not extending to the dismissal of an officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible, under the rules of evidence, be read in evidence by any party before a court martial or military commission if the accused was a party before the court of inquiry and if the same issue was involved or if the ac-

cused consents to the introduction of such evidence.

b. Such testimony may be read in evidence only by the defense in capital cases or cases extending to the dismissal of an officer.

c. Such testimony may also be read in evidence before a court of inquiry or military board. Uniform Code of Military Justice, Article 50.

**14. Report by the Court.** The court must, as a finding, give its conclusions as to the facts, and when ordered must also give an opinion on the merits of the case. The conclusions or opinion may not be unanimous, in which case a dissenting conclusion or opinion is authorized.

**15. Record:**

a. *Authentication.* Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court \* \* \*. In case the record cannot be authenticated by the president it shall be signed by a member in lieu of the president and in case the record cannot be authenticated by the counsel for the court it shall be signed by a member in lieu of the counsel. Uniform Code of Military Justice, Article 135.

b. *Action after Authentication.* The record after being authenticated shall be forwarded to the convening authority. Uniform Code of Military Justice, Article 135.

c. *Disposition.* The original proceedings of all courts of inquiry with the decisions and orders of the convening authority made thereon will be forwarded to The Judge Advocate General, USAF. Accompanying these papers will be eight copies of the order publishing the case, if there be any, and a copy of every subsequent order affecting the case. Where more than one case

is embraced in a single order, a sufficient number of copies will be forwarded to enable one to be filed with each record.

**16. Revision:**

a. If not satisfied with the investigation, or with the report of opinion, the convening authority may reassemble the court, in the same manner as a court martial, and return the proceedings with direction:

- (1) To have the investigation pursued further and completed, or the report of the facts made more detailed and comprehensive, or the opinion expressed in terms more definite and unequivocal or more responsive to the original instructions; or
- (2) To correct some other error or defect or supply some omission.

b. The inquiry not being a trial but an investigation merely, the court may properly be required, upon revision, to reexamine witnesses or to take entirely new testimony, or it may do so of its own motion without orders in connection with the revision.

**17. Publication of Proceedings:**

a. The convening authority, having taken final action upon the report or opinion, may publish in orders, in whole or in part or in substance, the report of the court upon the subject of the inquiry, with the opinion, if any, and the determination had or the action taken thereon.

b. Upon consideration, however, the convening authority may, in his discretion, delay or omit the publication of the report or may publish the result alone, as, for example, that it is determined that no further proceedings are called for in the case.

BY ORDER OF THE SECRETARY OF THE AIR FORCE:

OFFICIAL:

K. E. THIEBAUD  
Colonel, USAF  
Air Adjutant General

HOYT S. VANDENBERG  
Chief of Staff, United States Air Force

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AIR FORCE REGULATION }  
NO. 110-9A

DEPARTMENT OF THE AIR FORCE  
WASHINGTON, 18 FEBRUARY 1957

### JUDGE ADVOCATE GENERAL ACTIVITIES Courts of Inquiry

AFR 110-9, 16 October 1951, is changed as follows:

\* \* \* \* \*  
**2. Composition:**

a. *Number of Officers.* A court of inquiry consists of three or more commissioned officers. Uniform Code of Military Justice, Article 135(b).

b. Delete.

\* \* \* \* \*  
**5. Reporters:**

a. *Statutory Provisions.* Under such regulations as the Secretary of the Air Force may prescribe, the convening authority of a \* \* \* court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and the testimony taken before that court \* \* \*. Uniform Code of Military Justice, Article 28.

b. *Authorization for Detail or Employment.* Subject to such exceptions as may be made by appointing authorities and within the limitations of the statute quoted in a above, the employment of reporters or the detail of enlisted personnel to serve as stenographic reporters is authorized. See paragraph 40320, AFM 173-30, 1 July 1954.

c. *Pay.* See paragraph 40310, AFM 173-30.

**6. Interpreters:**

a. *Statutory Provisions.* Under such regulations as the Secretary of the Air Force may prescribe, the convening authority of a \* \* \* court of inquiry may detail or employ interpreters who shall interpret for the court \* \* \*. Uniform Code of Military Justice, Article 28.

b. *Authorization for Detail or Employment.* Interpreters may be detailed or employed wherever necessary without application to appointing authorities. See paragraph 40320, AFM 173-30.

c. *Pay.* See paragraph 40312, AFM 173-30.

BY ORDER OF THE SECRETARY OF THE AIR FORCE:

OFFICIAL:

CHARLES M. McDERMOTT  
Colonel, USAF  
Acting Air Adjutant General

\* \* \* \* \*  
**8. Witnesses:**

e. *Fees.* See paragraphs 40311 and 40320, AFM 173-30.

\* \* \* \* \*  
**9. Procedure:**

c. *Presence of Person Designated as a Party.* Any person designated as a party shall be given due notice and has the right to be present \* \* \*. Uniform Code of Military Justice, Article 135(c).

\* \* \* \* \*  
**15. Record:**

b. *Action After Authentication.* After being authenticated, the record shall be forwarded to the convening authority. (Uniform Code of Military Justice, Article 135.) The convening authority will refer the record to his staff judge advocate for review. The staff judge advocate will submit a written review to the convening authority. This review will include a summary of the proceedings, together with a determination on the legal sufficiency thereof and, if requested, a recommendation of action to be taken.

c. *Disposition.* The record shall then be forwarded by letter of transmittal to The Judge Advocate General, USAF. The letter of transmittal will include a statement by the convening authority of any action he has taken or intends to take based on the report. The Judge Advocate General shall cause the record to be examined in his office to insure that the proceedings conform with the provisions of this regulation. A notation that this examination has been completed will be made on the record.

\* \* \* \* \*  
**17. Delete.**

N. F. TWINING  
Chief of Staff, United States Air Force

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