

Lore of the Corps

From Advanced Course to Career Course to Advanced Course (Again) to Graduate Course: A Short History of Advanced Military Legal Education in the Corps

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On 11 October 1952, nineteen Army lawyers began attending classes at The Judge Advocate General's School (TJAGSA) as part of the first Advanced Course.¹ This was a radical development in military legal education, as it was the first time in history that any service had established a program of instruction that would go beyond the basics of military law. More than sixty years later, as the members of the 62d Graduate Class complete their studies, it is time to take a brief look at the history of the Advanced Course and its evolution from a 32-week long program for 19 career Army judge advocates to today's 41-week long Graduate Course for 118 uniformed lawyers from the Army, Navy, Air Force, Marine Corps, and Coast Guard as well as 4 international military students.

The impetus for the Advanced Course was the recognition that the Corps did not have any education and training for those judge advocates that elected to remain in the Army for a career.² The Judge Advocate General's School, which had re-opened in 1950 with the start of the Korean War, had an eight-week Regular Course (now called the Judge Advocate Officer Basic Course) for new Army lawyers. But that course was devoted almost exclusively to courts-martial practice—which made sense given that the bread-and-butter of the Army lawyer in the 1950s was military justice. As for other legal disciplines—contract and procurement law, administrative and civil law, legal assistance, international law and the like—judge advocates generally learned “on-the-job” (OJT).³

This *ad hoc* nature of OJT education for career judge advocates, however, could not ensure that when members of the Corps advanced in rank and began to assume duties as staff judge advocates, they were prepared for the various legal issues that might arise at a post, camp, or station. Recognizing this shortcoming in the education of Army lawyers, Colonel (COL) Charles L. “Ted” Decker, TJAGSA's commandant, proposed that an Advanced Course be added to the curriculum. A small number of career-oriented judge advocates would be selected to come to Charlottesville for an academic year of graduate-level legal education, where they would have “the opportunity and incentive to engage in scholarly research” and further their “intellectual development.”⁴ The proposed course would provide “for a thorough and detailed study . . . [of] all aspects of the specialized field of military law.” The end result? A graduate of the Advanced Course would be able to provide significant contributions to the future development of military law while being better prepared to assume more senior leadership positions in the Corps.

The first Advanced Course consisted of nineteen student officers: one colonel, three lieutenant colonels (LTCs), ten majors (MAJs), and five captains (CPTs). When the class graduated on 25 May 1953, its Honor Graduate was MAJ Bruce C. Babbitt.⁵ Given its focus on developing staff judge advocates, the second and third Advanced Courses likewise consisted of relatively senior officers. There were eight LTCs out of twenty-three students in the second Course (which graduated on 21 May 1954), and seven LTCs out of twenty-two students in the third Course (which graduated on 27 May 1955).⁶

¹ THE JUDGE ADVOCATE GEN.'S SCH., U.S. ARMY, ANNUAL REPORT, 1951–61, at 65 [hereinafter ANNUAL REPORT].

² In the 1950s, other Army branches also developed an Advanced Course for their officer personnel. In the combat arms, for example, all commissioned officers were required to attend “a branch specific advanced course between their selection for promotion to captain and taking company-level command, normally prior to completing nine years of commissioned service.” JEROLD E. BROWN, HISTORICAL DICTIONARY OF THE U.S. ARMY 4 (2001). Successful completion of an Advanced Course was a prerequisite for selection to attend Command and General Staff College at Fort Leavenworth, Kansas. *Id.* Today, the Advanced Course is known as the Captains Career Course. Infantry and Armor officers, for example, attend a twenty-two-week Maneuver Captains Career Course at Fort Benning, Georgia. *Student Information*, U.S. ARMY MANEUVER CENTER OF EXCELLENCE, <https://www.benning.army.mil/mcoe/dot/mc3/StudentInformation.html#t1> (last visited June 4, 2014).

³ When The Judge Advocate General's School, U.S. Army (TJAGSA) began to offer instruction in non-military justice subjects, it did so with special stand-alone courses, with the first course (on contract termination) offered in August 1953. ANNUAL REPORT, *supra* note 1, at 71.

⁴ *Id.* at 7.

⁵ Bruce C. Babbitt was a unique judge advocate and Soldier. He was decorated with the Silver Star for gallantry in action while serving as an infantry officer in the Philippines in 1944 and commanded a rifle battalion while a judge advocate during the Korean War. Then Colonel Babbitt served as the Staff Judge Advocate, Military Assistance Command, Vietnam, from 1969 to 1970. Selected for brigadier general in 1970, Babbitt served as the Assistant Judge Advocate General for Civil Law until he retired from active duty in 1973. Brigadier General Babbitt died in 1999. *Who's Who in U.S. Army JAG Corps History*, THE JUDGE ADVOCATE GENERAL'S CORPS REGIMENTAL HISTORY, <https://www.jagcnet.army.mil/8525736A005BE1BE/0/5C2BEB1224678F5D852577AE00521D86?op=endocument&noly=1> (last visited June 4, 2014).

⁶ ANNUAL REPORT, *supra* note 1.

In 1955, the Advanced Course underwent a transformation when, for the first time, Navy officers were assigned as students. Since the Navy did not yet have a Judge Advocate General's Corps, the four Navy commanders (LTC equivalents) who attended the Fourth Advanced Course were known as legal specialists, not judge advocates.⁷

That same year, TJAGSA also reached a milestone when the American Bar Association (ABA) reported that the curriculum of the Regular and Advanced Courses made TJAGSA "the outstanding specialist graduate law school in the nation." The ABA concluded that TJAGSA, having "attained an excellence unsurpassed by the programs of any other school," had earned "provisional accreditation." Full approval as a law school was granted on 25 February 1958, with the Advanced Course "fully approved . . . as a graduate program in law."⁸ As a result, TJAGSA became the first—and is still the only—ABA-accredited military law school in the United States.

In August 1956, beginning with the Fifth Advanced Course, instruction was increased from 32 to 35 weeks, and the number of hours of instruction was increased from 1405 to 1556. According to the Commandant's *Annual Report*, this "enabled the School to provide more academic time for the student thesis program."⁹ By the end of the 1950s, every student was required to write a thesis, and about 300 hours of scheduled time was allotted for preparation and oral presentation of each student's thesis. These three additional weeks also provided more time for "LOGEX" instruction and participation—LOGEX being "a command post exercise" that focused on logistical issues arising under simulated field conditions.¹⁰

In the late 1950s, the curriculum of the Advanced Course underwent periodic revision—but any changes were "grounded upon the premise that the objective of the [Course] was and continues to be to provide leaders for the military legal profession."¹¹ In 1959, for example, the Advanced Course added twelve hours of instruction on jurisprudence, eight hours of instruction on military psychiatry, and nine hours of instruction on navigable waters. These additions required a corresponding reduction in the amount of time devoted to civil emergencies and military justice instruction.¹²

⁷ *Id.*

⁸ *Id.* at 8.

⁹ *Id.*

¹⁰ *Id.* at 10.

¹¹ *Id.* at 8.

¹² *Id.* at 9.

A final note about the Advanced Course in the 1950s: foreign military officers joined the Advanced Course for the first time, with LTC Eladio G. Samson, Philippine Army, attending the Sixth Advanced Course and Major Win Phe, Burmese Army, attending the Seventh Advanced Course. By the end of the 1950s, a total of three Burmese and three Filipino officers had attended the Advanced Course.

With the start of a new decade, the Advanced Course "was redesignated, by the Continental Army Command, as the Judge Advocate Officer Career Course."¹³ This name change seems to have been more form than substance, as the curriculum remained very similar in content. According to the 1962 *Annual Report of the Commandant*, the thirty-four-week course "thoroughly immersed" the student in legal history, jurisprudence, admiralty, military justice, military administrative law, procurement law, international law, comparative law, claims, civil affairs, legal assistance, military reservations, military training and counterinsurgency. Additionally, each career class student was required to write a thesis on a "significant problem area in military law."¹⁴ Topics included: "Legality of Orders," "Water Rights on Military Reservations," "Powers and Duties of Sentencing and Sentence Reviewing Authorities," and "Dishonorable Failure to Pay Debts."¹⁵



Students in seminar, 11th Career Course (1962–63)

The Corps made history once again with the Twelfth Career Course, which began on 3 September 1963. This is because, for the first time, there were two female Army judge advocates in attendance: MAJ Ann Wansley and MAJ Mary L. Attaya. Class size was still relatively small (by today's standards), with twenty-six Army lawyers (including Wansley and Attaya), and two Navy legal specialists. The number of foreign lawyers, however, had greatly increased:

¹³ *Id.*

¹⁴ THE JUDGE ADVOCATE GEN.'S SCH., U.S. ARMY, ANNUAL REPORT, FISCAL YEAR 1962, at 2.

¹⁵ *Id.* at 63–65.

two judge advocates from Turkey, one from the Philippines, and one from Thailand.¹⁶

By this time, the Advanced Course was configured in the two semester framework familiar to judge advocates today. In the first semester, the four teaching departments—Military Justice, Military Affairs (today’s Administrative and Civil Law), Procurement Law, and International and Comparative Law—were assigned a period of time in which that division taught its material and then administered a four-hour final examination at the end of its instruction. During the second semester, the students spent the first month concentrating on researching and writing their theses. They also attended four seminars twice a week. The following elective-type seminars were offered to the students in the class:

Commander’s Problems in Installation Administration
Constitutional Law and the Armed Forces
Research in Foreign and Comparative Law
Problem Areas in International Relations
Legal Control of International Conflict
The Right to Counsel
Model Penal Code and the UCMJ
Wiretapping and Electronic Eavesdropping
The Effect of Sovereignty on Government Contracts
Factors Affecting Competition in Government
Procurement
Government Contract Administration¹⁷

Finally, the students in the class took several field trips during their year at TJAGSA. There was a trip to the Army’s Engineer School, then located at Fort Belvoir, Virginia, for the purpose of getting instruction in mine warfare and nuclear weapons.¹⁸ The class also travelled to Washington, D.C., where fifteen of the students were admitted to the U.S. Supreme Court on motion of then COL George S. Prugh, who was serving as the Executive, Office of The Judge Advocate General.¹⁹

¹⁶ THE JUDGE ADVOCATE GEN.’S SCH., U.S. ARMY, ANNUAL REPORT, FISCAL YEAR 1963, at 12.

¹⁷ THE JUDGE ADVOCATE GEN.’S SCH., U.S. ARMY, ANNUAL REPORT, FISCAL YEAR 1964, at 14.

¹⁸ *Id.* at 15.

¹⁹ Executive is today’s Executive Officer, Office of The Judge Advocate General. Major General Prugh was The Judge Advocate General from 1971 to 1975. For more on Prugh, see JUDGE ADVOCATE GENERAL’S CORPS, U.S. ARMY, THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL’S CORPS, 1775–1975, at 256–57 (1975).



Army, Navy, and Marine Corps students, 13th Career Course (1964–65)

In 1966, the Career Course changed its name—back to the Advanced Course—and the Fifteenth Advanced Course began on 6 September 1966.²⁰ The goal of the course—still thirty-four weeks long—was the same: to “deepen and broaden a philosophical appreciation of the role of law in its application to all phases of military life and to prepare the officer student to render legal services to higher commanders.”²¹ The course consisted of twenty-eight students: twenty-five Army judge advocates, one Navy law specialist, and two Marine Corps legal specialists. Two students who would later reach flag rank were in this class: CPT William K. Suter, who would later wear two stars and serve as Acting The Judge Advocate General from 1989 to 1991 before becoming the Clerk of the U.S. Supreme Court, and CPT Dulaney L. O’Roark, Jr., who briefly served as TJAGSA’s commandant before being promoted to brigadier general in 1985.²²

In keeping with the times, as the Army began deploying personnel to Southeast Asia, there was a new course offering called “legal aspects of counterinsurgency.” The students took a field trip to Fort Bragg, North Carolina, where they attended “Exercise Blue Chip” and saw a demonstration of weapons, tactics, and equipment.²³

In the late 1960s and early 1970s, as American involvement in the Vietnam war increased and opposition to the war grew in U.S. society, the desire of many Americans to enter the Army—much less the JAG Corps—decreased

²⁰ THE JUDGE ADVOCATE GEN.’S SCH., U.S. ARMY, ANNUAL REPORT, FISCAL YEAR 1967, at 10 [hereinafter 1967 ANNUAL REPORT].

²¹ *Id.* at 9.

²² For more on Major General (retired) William K. Suter, see *New Clerk for Supreme Court*, N.Y. TIMES, 28 Jan. 1991, at A3. See also *Retiree Spotlight*, MILITARY OFFICER, Aug. 2010, at 28; FRED L. BORCH, JUDGE ADVOCATES IN VIETNAM: ARMY LAWYERS IN SOUTHEAST ASIA 1959–75, at 85, 95–96, 111.

²³ 1967 ANNUAL REPORT, *supra* note 20, at 10–11.

markedly. This explains, at least in part, why the Advanced Course was relatively small: the Corps was not retaining officers who were interested in staying on active duty and receiving advanced legal education. But a bigger issue, as explained by COL (retired) John Jay Douglass,²⁴ was that there was little incentive for judge advocates to attend the Advanced Course. First, attendance was not a requirement for promotion, much less being selected for a particular assignment and, in any event, those who did not wish to attend in residence could complete the Advanced Course by correspondence.

Second, Charlottesville was not considered to be a good duty assignment—at least for an academic year. There was no commissary or post exchange in the area and, in this era of relatively small pay checks for officers, this was a significant issue. Finally, there was the feeling that going to the Advanced Course to study law and engage in academic discourse was a waste of time for a career Army lawyer—time that could be better spent in the field doing legal work. There was a reasonable basis for this view, since many senior leaders in the Corps had never attended the Advanced Course—Major Generals Kenneth Hodson (TJAG from 1967 to 1971), George Prugh (TJAG from 1971 to 1975), and Wilton B. Persons (TJAG from 1971 to 1975), had not attended the Advanced Course. Prugh and Persons had not even attended a basic course.

Colonel Douglass, who served as TJAGSA Commandant from 1970 to 1974, was determined to enhance the prestige of the Advanced Course—and increase the number of students attending it. To this end, Douglass began soliciting younger judge advocates to come to Charlottesville to attend the course, which worked to some degree, but increased numbers only incrementally. Douglass also added some new features to the course. The students in the Nineteenth Advanced Course, for example, which was now thirty-six weeks in length, holding its first class on 31 August 1970, conducted a three-day field trip to the United Nations in New York City. The thirty-eight students in the class, which included military lawyers from Ethiopia, Iran, and South Vietnam, “received detailed briefings from both United States, United Nations, and foreign diplomats and legal advisors, including talks by Arab and Israeli representatives on the Middle East situation.”²⁵ Since the

upheaval resulting from the overwhelming Israeli victory in the Six Day War (June 1967) was still very much in the news, this focus on the Middle East should come as no surprise.

The Nineteenth Class also traveled by military aircraft to Fort Riley and Fort Leavenworth, Kansas. They toured the Correctional Training Facility at Riley and the U.S. Disciplinary Barracks at Fort Leavenworth, and were also given a tour and briefing at the Command and General Staff College in Kansas.²⁶ Similar field trips occurred for the next several years, as well. Understandably, Advanced Course attendance became more attractive in nature.

By the late 1970s, the Advanced Course consisted of between fifty and sixty students from the Army, Navy, and Marine Corps. According to the *Annual Bulletin 1977-1978*, “all students are attorneys with four to eight years of experience as practitioners” and selection to attend the course was “competitive”—at least for the Army judge advocates, who were selected by a board of officers convened by The Judge Advocate General of the Army.”²⁷

The 26th Advanced Course, for example, which began in August 1977 and ran forty-one weeks in length, consisted of core courses in the first semester and electives in the second semester. Each student was required to take “at least fourteen electives ranging from Law of the Sea to Legal Assistance.”²⁸ The thesis was no longer required, but a student could write a “research paper” in lieu of six electives, provided that the paper was suitable for publication and on “a legal topic acceptable to the School’s writing committee.”²⁹ Another option was to substitute electives offered by TJAGSA with “graduate courses at the University of Virginia Law School.”³⁰ These changes in the Advanced Course curriculum, however, had not altered the goal of the course—preparing “lawyers for duties as staff judge advocates and legal advisors at all levels.”³¹

The fifty-seven students who completed the 26th Advanced Class, including officers from Ghana, the Republic of China (Taiwan), and Zaire, were the last to complete an advanced course, as the program was renamed the Graduate Course in 1978. The decision to re-designate

²⁴ Colonel (Retired) John Jay Douglass, who served in the Corps from 1953 to 1974, finished his military legal career as TJAGSA’s commandant. It was Colonel Douglass who oversaw the design and construction of a new TJAGSA building on the University of Virginia’s North Grounds. Douglass also originated the General Officer Legal Orientation and Senior Officer Legal Orientation Courses. See generally JOHN JAY DOUGLASS, MEMOIRS OF AN ARMY LAWYER (2012); see also Fred L. Borch, *Legal Education for Commanders: The History of the General Officer Legal Orientation and Senior Officer Legal Orientation Courses*, ARMY LAW., Dec. 2013, at 1.

²⁵ THE JUDGE ADVOCATE GEN.’S SCH., U.S. ARMY, ANNUAL REPORT, 1970–71, at 23.

²⁶ *Id.*

²⁷ THE JUDGE ADVOCATE GEN.’S SCH., U.S. ARMY, ANNUAL BULL., 1977–78, at 9. The “Annual Report” was renamed the “Annual Bulletin” in 1977.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 10.

³¹ *Id.*

the program was made by then Commandant COL Barney L. Brannon, who served in that position from 1976 to 1979. Regardless of the name of the course, however, the fundamentals remained the same.

By the mid-1980s, the option not to attend the Graduate Course by completing it by correspondence was no longer available, and every judge advocate who desired to make the Corps a career was required to attend the Graduate Course. The *Annual Bulletin 1984–1985* describes the course as consisting “of between 75 and 85 students selected from the Army, Navy and Marine Corps.”³² The course, now forty-two weeks long, “was conducted over a two-semester academic year.”³³ The first semester was a core curriculum of “criminal law, administrative and civil law, international law, contract law, military subjects, and communications.”³⁴ Students were required to take electives in the second semester.³⁵

A major development in the history of the Advanced/Career/Graduate Course occurred in 1988, when Congress enacted legislation authorizing TJAGSA to award a “Masters of Law” in military law. This degree first went to the 36th Graduate Course, when its members graduated in May 1988. Captain Elyce Santerre, who had the highest overall academic standing in the class, was the first to walk across the stage and consequently was the first judge advocate to be awarded the LL.M.³⁶

In the 1990s and the 2000s, the curriculum of the Graduate Course changed—with some courses deleted and others added—depending on changes in the law and the needs of the Army. The course also now operates on the quarter system and, while the bulk of the core curriculum is taught during the first two quarters, electives are now offered in the second quarter. Another major development over the past twenty years has been the presence of Air Force judge advocates in the Graduate Course, with the first Air Force attorney, Captain Bruce T. Smith, attending the 39th Graduate Course in 1990. Since that time, there have been Air Force officers in every Graduate Class.

The latest Graduate Course—the 62d—which began on 12 August 2013, had 114 uniformed judge advocates: seventy-seven active Army, five Army Reserve, two Army National Guard, ten Air Force, fifteen Marine Corps, four

Navy, and one Coast Guard. Four international law students, from Egypt, Israel, Korea, and Turkey, rounded out the class of 118. As with the 61st Graduate Course, the size of the class required that it be divided into two parts (Sections A & B). One section receives its core instruction in the morning, with the other section being taught the same material in the afternoon.

While the content of the instruction remains similar to that delivered to earlier Advanced, Career, and Graduate Courses, the method of delivering this instruction is remarkably different, given the prevalence of information technology in the class room. For example, while the Graduate Classes in the 1990s were taught from paper outlines, today’s students have their instructional materials delivered to them electronically via Blackboard.

The 62d Graduate Course also continued the now traditional trip to the U.S. Supreme Court, where those who so desired were admitted to the Court. While a trip to New York City or Kansas is no longer part of the curriculum, the students of the 62d Graduate Course did travel to Gettysburg, Pennsylvania, for a two-day staff ride that focused on leadership issues during the Battle of Gettysburg—an event inaugurated in the 54th Graduate Class in April 2006.

When the 62d Graduate Course graduated on 22 May 2014, its members returned to the field and other judge advocate assignments better educated in military law and better prepared to be future leaders. Consequently, while much has changed in the manner in which advanced legal education is taught at The Judge Advocate General’s Legal Center and School over the years, the fundamental purpose of that education remains the same.

*More historical information can be found at
The Judge Advocate General’s Corps
Regimental History Website
Dedicated to the brave men and women who have served our
Corps with honor, dedication, and distinction.*

³² THE JUDGE ADVOCATE GEN.’S SCH., U.S. ARMY, ANNUAL BULL. 1984–85, at 13.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 13.

³⁶ For more on the LL.M., see Fred L. Borch, *Master of Laws in Military Law: The Story Behind the LL.M. Awarded by The Judge Advocate General’s School*, ARMY LAW., Aug. 2010, at 1.