

# CLAMO Report

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## Paving the Road to the Warfighter: Preparing to Provide Legal Support on the Battlefield

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*Field Manual (FM) 27-100* defines “operational law” as “that body of domestic, foreign, and international law that directly affects the conduct of operations.”<sup>2</sup> More precisely, *FM 27-100* states that operational law is a practice that consists of legal services to support the command and control and sustainment functions of an operation.<sup>3</sup> Given this doctrinal character, judge advocates (JAs), legal administrators, and paralegal specialists must be prepared to provide operational law support on the battlefield, not only understanding and applying the relevant law, but also effectively advising commanders as fully integrated members of the battle staff.

Charged with training commanders and battle staffs from the brigade to corps levels, the Army's Battle Command Training Program (BCTP) provides a unique opportunity for JAs, legal administrators, and paralegal specialists to develop and test their abilities to provide operational legal support.<sup>4</sup> During Fiscal Year (FY) 2001, the Office of the Staff Judge Advocate, XVIII Airborne Corps (Corps OSJA), Fort Bragg, North Carolina, served as higher headquarters to subordinate, evaluated units and was evaluated itself during a series of BCTP-run, computer-simulated battles, called “Warfighter Exercises” (WFXs).<sup>5</sup>

The purpose of this note is to share with the operational legal community the steps that the Corps OSJA took to prepare for the WFXs. Reprinted in significant part as an appendix to this note is the *BCTP Study Guide* that the Corps' Chief of International and Operational Law created, in accordance with the Corps SJA's guidance, to support the Corps OSJA BCTP preparations. This Guide proved an invaluable reference for the Corps and subordinate command OSJAs, and republishing it for a wider audience will hopefully assist other judge advocates as they prepare for the BCTP or, more importantly, for actual contingency operations.<sup>6</sup> This note's closing comments summarize salient observations on Corps OSJA WFX preparation and exercise participation.

The *BCTP Study Guide* was the blueprint and foundational document for the Corps OSJA's four-month WFX training experience. Interspersed among the three WFX training events were various OSJA “brown bag lunch” and other leader development program (LDP) sessions conducted by Corps OSJA leadership, to include: an after-action review (AAR) of the WFX Seminar, AARs of each WFX experience, two “azimuth checks” of exercise operational details (following a checklist lauded by the Corps Commanding General and Chief of Staff as a model of excellence for all other Corps commanders and staff), two reporting and tracking legal issues sessions, a no-notice alert and rucksack march, two equipment layouts in the “OSJA Operational Outload Facility” (OOOF),<sup>7</sup> demonstrations of the Command and Control Personnel Computer (C2PC) system<sup>8</sup> and the Advanced Field Artillery Tactical Data System (AFATDS),<sup>9</sup> military drivers' license qualification for

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2. U.S. DEP'T OF ARMY, FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS ¶ 3.2 (1 Mar. 2000) (to be renumbered *FM 1-04*).

3. *Id.* at vii.

4. For a brief history of the BCTP's inception, see Lieutenant Colonel (Retired) Thomas D. Morgan, *BCTP: Training Leaders*, LXX MILITARY REVIEW 7, 42-52 (July 1990). See CENTER FOR LAW & MILITARY OPERATIONS, THE JUDGE ADVOCATE GENERAL'S SCHOOL, U.S. ARMY, IN THE OPERATIONS CENTER: A JUDGE ADVOCATE'S GUIDE TO THE BATTLE COMMAND TRAINING PROGRAM (17 June 1996) [hereinafter *IN THE OPERATIONS CENTER*], for a highly instructive, hypothetical account of legal support during BCTP “Warfighter” training.

5. The XVIII Airborne Corps' first WFX evaluation as a Corps headquarters took place in FY 2001. Previous WFX evaluation cycles from BCTP's inception in 1987 onward coincided with major contingency operations, which made WFXs for the Corps staff impossible or impracticable. Operation Mountain Gate was the 10th Mountain Division (Light Infantry) WFX during FY 01, and the initial exercise component of the Corps FY 01 WFX series. Operation Dragon Comet was the culminating exercise, during which the Corps' FY 01 WFX was “embedded” (higher and lower headquarters simultaneously exercised/evaluated) with the 101st Airborne Division (Air Assault) WFX.

6. Various *BCTP Study Guide* appendices and supporting references are not reprinted in this note (for example, resource materials and concepts derived from *IN THE OPERATIONS CENTER*, *supra* note 4, and the *XVIII Airborne Corps Soldiers Handbook*), but are available on the CLAMO Web page or from CLAMO by e-mail request to CLAMO@hqda.army.mil. Several minor revisions to the original November 2000 *Study Guide* text reflect Army doctrinal changes at the time of this note's publication (for example, *FM 100-5* revision and republication as *FM 3-0*, changes to *Department of the Army Pamphlet 611-21* and deletion of 71D military occupational specialty (MOS)/creation of 27D MOS).

nearly all OSJA personnel, and a BCTP in-briefing by the senior Observer-Trainer (OT).

The LDP sessions were designed to review and improve the OSJA's delivery of legal services and soldier skills, and addressed the BCTP mission, and how to best accomplish OSJA METL tasks. From this process, the Corps OSJA "revalidated" four fundamental principles of successful training preparation and execution.

### *1. Train as You Fight—and Locate Personnel Where They Will Be Needed*

For the WFXs, the Corps SJA assigned legal staff to locations and elements including (but not limited to) the Corps Main Command Post (CMAIN), the Corps Rear Command Post (CRCP), the Information Operations Working Group, the Deep Operations Coordination Cell, the Combat Service Support Cell, the Battle Management Cell, separate brigade Tactical Operations Centers (TOCs), and all locations where senior commanders and staff officers made critical decisions. This arrangement ensured that legal assets were available where needed.<sup>10</sup> Battle Command Training Program legal OTs from Forts Leavenworth, Kansas and Eustis, Virginia came to Forts Bragg, North Carolina, and Campbell, Kentucky, to educate and evaluate legal staff efforts. The Corps OSJA staffed each TOC or cell with JAs, legal administrators, and paralegal specialists skilled in specialized and general legal support to operations concepts. Corps OSJA staff provided a continuous presence throughout the WFXs at each location. Commanders and senior staff from Corps and major subordinate commands frequently relied upon legal staffs to resolve targeting, rules of engagement, claims, fiscal, contract law, and other issues within the traditional concept of legal support to operations. They also relied upon JA advice on operational planning and execution matters, because JAs had played an integral role in the military decision making process and targeting board processes leading up to execution of each WFX operational plan (OPLAN).

### *2. Train Using Multiechelon Techniques—and Exploit Knowledge Management (KM) Systems and Practices*

The OSJA designed a tactical secret intranet protocol router network (SIPRNET) Web site to consolidate information coming from various sources and levels of command so that legal and other staff members could find it easily. This Web site contained all of the OPLAN annexes, fragmentary orders, SJA critical information, the legal actions log, and other information necessary to foster a legal "common operational picture" (COP). The widely-dispersed Corps and subordinate command legal staffs could access the Web site to gain the current legal COP, see the status of legal opinions, and access necessary information. In accordance with the Corps OSJA *Soldiers' Handbook*, electronic tracking tool data was mirrored in periodically updated paper copies posted on custom-made status chart "wingboards," and augmented with direct e-mails and phone calls to subordinate and higher headquarters legal staffs.<sup>11</sup> In all instances of pre-WFX training and WFX participation, the Corps OSJA leadership stressed that information technology (IT)-based KM technologies and databases are no substitute for the professional judgment and expertise of each JA, legal administrator, and paralegal specialist.

### *3. Train to (Build and) Sustain Proficiency—Make a Self-Fulfilling Prophecy*

Success in a WFX is not accidental. Lessons experienced during the months of preparation for the final exercise must be captured and implemented. To memorialize observations and lessons learned from the Corps OSJA's WFX experiences, the Chief, International and Operational Law, created an AAR shell before the start of the first exercise, and collected AAR comments from all echelons of legal staffs throughout train-up and WFX conduct. Throughout all of the exercises, AAR comments were collected and posted to the tactical Web site. At the end of each exercise, WFX participants discussed their experiences, leading to necessary changes to operating procedures and future training events.<sup>12</sup> Because many Corps OSJA per-

7. The OOF was a converted storage/attic space above the Corps OSJA building, configured and equipped to replicate the CMAIN, CRCP, and brigade operational law team (BOLT) legal operations for equipment layout, inspections, and work center rehearsals.

8. See, e.g., Center for Army Lessons Learned (CALL), *Information Sharing in a Coalition/Joint Headquarters*, CALL Training Techniques List, Training Techniques 1st Quarter FY02, at <http://call.army.mil/products/trngqtr/tq1-02/clan.htm> (last visited Feb. 2, 2002). For a description of C2P2, see Northrup-Grumman's Web site at [http://www.northgrum.com/tech\\_cd/it\\_it\\_c2pc.html](http://www.northgrum.com/tech_cd/it_it_c2pc.html).

9. See, e.g., U.S. DEP'T OF ARMY, FIELD MANUAL 3-09.22, TACTICS, TECHNIQUES, AND PROCEDURES FOR CORPS ARTILLERY, DIVISION ARTILLERY, AND FIELD ARTILLERY BRIGADE OPERATIONS app. G-6 (2 Mar. 2001). For a description of AFATDS, see the Raytheon Web site at <http://www.raytheon.com/c3i/c3iproducts/c3i060/c3i060.htm>.

10. Subordinate command legal staffs were also with: the 2d Armored Cavalry Regiment TOC, the 82d Airborne Division Main (DMAIN) and Division Rear (DREAR) elements at Fort Bragg, North Carolina; the 101st Airborne Division (Air Assault) DMAIN and DREAR at Fort Campbell, Kentucky; and numerous National Guard and reserve units at both Fort Bragg and Fort Campbell. The Corps' higher headquarters for the WFX was U.S. Army Central Command/Third U.S. Army at Fort McPherson, Georgia.

11. Knowledge management has been defined as "cater[ing] to the critical issues of organizational adaption, survival and competence in face of increasingly discontinuous environmental change. Essentially, it embodies organizational processes that seek synergistic combination of data and information processing capacity of information technologies, and the creative and innovative capacity of human beings." *TOOLS@WORK: Deciphering the Knowledge Management Hype*, 21 J. QUALITY & PARTICIPATION 4, 58-60 (July/Aug. 1998).

sonnel would permanently change station a few months after the final WFX and take their WFX-related expertise with them, the Corps OSJA recognized the need to focus on the next team-building events and the means towards achieving and maintaining requisite proficiency levels.

#### 4. Use Performance-Oriented Training— Review and Rehearse Support Requirements Before Deployment

The Corps OSJA CMAIN and CRCP successfully planned and executed the large and small details of getting people, equipment, and work product where and when needed. Brigade Operational Law Team (BOLT) JAs and paralegal specialists also understood what “life support” their units would provide, and what BOLTs were responsible to supply. Brigade operational law teams actively integrated themselves into brigade operations, demonstrated what they would “pack out” with an

OOOF layout,<sup>13</sup> and trained their legal staffs during a one-day legal support to operations seminar led by the Corps OSJA sergeant major. Performance-oriented training helped the Corps OSJA and BOLTs set and adhere to common standards,<sup>14</sup> anticipate the WFX training environment,<sup>15</sup> prevent problems before they arose,<sup>16</sup> and take what was needed where it would be needed to get the job done.<sup>17</sup>

The Corps SJA’s vision for OSJA readiness included the concept that METL-based standards of training and operations would help OSJA personnel “anticipate and fulfill requirements with the highest levels of professional competence, personal integrity, and unflagging dedication to duty.”<sup>18</sup> The Corps OSJA used its WFX experiences to develop future sustainment training, combining theoretical/classroom instruction with practical application and first-hand observation. The ultimate value of WFX training will lie in enhanced deployment readiness and peak performance during future real-world missions.

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12. Practical orientation and education led up to WFX participants deploying on exercises. New soldiers and those not slated to participate in the WFXs made orientation trips to observe OSJA operations in the field. The various training events for WFX participants and other OSJA personnel helped build an exceptionally cohesive team.

13. See *supra* note 7.

14. Deploying OSJA staff must read and keep on hand (not leave back in garrison or in their rucksack) OSJA and command-common policies, procedures and guidance manuals (for example, the *Soldiers’ Handbook* and *BCTP Study Guide*), and basic orders, plans, and execution documents.

15. Anticipating the environment includes: checking power supplies, outlet locations, and keeping surge suppressors and charged battery packs on hand in the event of power supply interruptions; investigating phone line and local area network capabilities; keeping equipment and critical components together (for example, STU III (secure telephone unit, third generation) with key); having back-up systems (for example, systems software, portable lights, and speakers); and protective carrying boxes and equipment covers/protective wrappings. Equipment should have “expansion” capability wherever possible (computer memory, for example). Train to proficiency on baseline systems (for example, MicroSoft (MS) Office applications) and gain familiarity with other systems impacting on legal support to operations (for example, AFATDS). Proactively seek out and use new tools that enhance legal support to operations (for example, FalconView flight planning/mapping software).

16. Put in work orders or seek assistance immediately when there is an automation, power supply, or telephone problem—do not leave for another shift or another person to do. Log the problem and solution. When one system fails, go to an alternate system (for example, if MS FrontPage-based Web Log fails, start a MS Word or paper log).

17. Never underestimate supply consumption rates, or assume you can readily replenish exhausted supplies. Good stewardship of resources starts with soldier accountability for sensitive/hand-receipted items. Mark, maintain, and safeguard your equipment, and seek immediate assistance if equipment is lost, damaged, or stolen.

18. Memorandum, Staff Judge Advocate, XVIII Airborne Corps & Fort Bragg, subject: Introduction to the OSJA XVIII Airborne Corps Soldiers’ Handbook—2000 Edition (10 Oct. 2000).