

# CLAMO Report

Center for Law and Military Operations (CLAMO)  
The Judge Advocate General's School

## CLAMO Personnel Additions

The Center welcomes the addition of a second judge advocate observer-controller (O/C) to the National Training Center (NTC), Fort Irwin, California.<sup>1</sup> This O/C will join the NTC Mustang Team in dealing with civilians on the battlefield and will assist the Lizard Team in scripting the scenarios and events that confront units during their rotations.<sup>2</sup> The Center also welcomes a third O/C at the Joint Readiness Training Center (JRTC), Fort Polk, Louisiana.<sup>3</sup>

## CLAMO Databases

The Center for Law and Military Operations continues to expand its electronic databases in support of its mission to examine legal issues that arise during all phases of military operations and to devise training and resource strategies for addressing those issues. These databases are accessible through your local Army office of the staff judge advocate Lotus Notes servers, or through the Internet at The Judge Advocate General's Corps' website, <[www.jagcnet.army.mil](http://www.jagcnet.army.mil)>.

Since the posting of the last CLAMO Lotus Notes database update, the following databases have been developed:

*CLAMO–War Crimes.* This database contains United Nations (UN) Conventions and UN Security Council Resolutions pertinent to war crimes; Rules of Procedures and Evidence for the two International Criminal Tribunals; and war crimes materials relevant to Yugoslavia and Kosovo, Bosnia, Rwanda, and Desert Shield/Storm.

*CLAMO–NEO.* Created by CLAMO's Marine representative, the non-combatant evacuation operations (NEO) database includes after action reports (AARs) from non-combatant evacuation operations, Department of Defense and Department of

State guidance and information, information papers, and NEO-focused training vignettes (scenarios).

*CLAMO–71D Ops.* This database is intended to provide a needed forum for enlisted judge advocate personnel to share resources and lessons learned. It was developed with the assistance of the Combat Developments Department. It includes AARs authored by enlisted legal personnel (71Ds) or containing information specific to 71Ds, sample legal products, and information on the rucksack deployable law office and library (RDL).

*CLAMO–Korea.* This database was created to provide Korea-specific operational law materials. To date, it includes an electronic version of the U.S.-ROK Status of Forces Agreement, with Minutes and Understandings On Implementation, all procedures for disposition of serious crimes, and the Department of State Human Rights Reports for North and South Korea.

*CLAMO–Kosovo.* This database contains materials pertinent to operations undertaken in the Balkan region in support of the peace operation in Kosovo.

In the near future, the following databases will also be added:

*CLAMO–OJF.* This database will contain documents and materials from the continuing mission in Bosnia (Operation Joint Forge) that will supplement the previously released databases CLAMO–OJE and CLAMO–OJG, dealing with Operations Joint Endeavor and Joint Guard, respectively.

*CLAMO–ROE.* This database will be launched in conjunction with the to-be-published CLAMO publication, *The ROE Handbook*. It will include materials on rules of engagement (ROE) development and training, and problem areas, to include sample annexes and training vignettes for situational training

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1. To contact the NTC O/Cs, call CPT Nicholas (Nick) King at (760) 380-6412 or e-mail him at [Bronco70@irwin.army.mil](mailto:Bronco70@irwin.army.mil).

2. See CLAMO Report, *The Shifting Sands at NTC*, ARMY LAW., Mar. 1998, at 46 (discussing the NTC).

3. To contact the JRTC O/Cs, call MAJ Paul Wilson at (318) 531-0286 or e-mail him at [WilsonPS@emh2.army.mil](mailto:WilsonPS@emh2.army.mil).

*CLAMO-CTCs*. This database will provide information concerning the four Combat Training Centers (CTC), to include the Battle Command Training Program (BCTP), the NTC, the JRTC, and the Combat Maneuver Training Center (CMTC). It will include photographs depicting the training conditions, descriptions of the training that occurs at each CTC, and sample legal products (such as legal and ROE annexes, operational law training scenarios, pre-deployment checklists, packing lists, and more).

Figures 1 and 2 at the end of this article depict the CLAMO Lotus Notes databases, as seen when replicated on a Lotus Notes server, and the CLAMO database on the Internet at the JAGCNet web site, respectively. The Center posts a wide range of material to assist the operational law attorney, to include the text of international agreements, Power Point presentations, formal AARs, draft memoranda, and other documents. The Center obtains these materials from judge advocates and soldiers in garrison, in the field, and those deployed in operations. The Center solicits judge advocates to submit all materials that may assist other legal personnel to better perform their mission and to provide legal support to operations.

In an effort to improve operational readiness and the speed and quality of legal support to operations, the Center requests that judge advocates in the field submit legal products to add to the upcoming CLAMO-CTCs database. One of the sample legal products that will be included in the CLAMO-CTCs database is the *Judge Advocate Field Guide*<sup>4</sup> developed by the 101st Airborne Division, Fort Campbell, Kentucky. The *Field Guide* was developed as a form of a judge advocate "ranger handbook." This guide is described further in the accompanying CLAMO Note from the Field. The judge advocate *Field Guide* will be available on the CLAMO-CTC database. Major Randolph.

### ***CLAMO Note From the Field:***

#### **Judge Advocate Field Guides: An Operational Law Method for Organizing Legal Problem Solving**

##### *Introduction*

This note introduces the operational law *Field Guide*, or "smart book," for attorneys assigned as brigade judge advocates and division operational law attorneys. The Office of the Staff Judge Advocate (OSJA), 101st Airborne Division (Air

Assault), conceived this method for issue development and resolution, which should benefit all judge advocates in operational law assignments.

The *Field Guide* is an "SOP<sup>5</sup> plus." Brigade judge advocates may not have the room to deploy with their OSJA field standard operating procedures (FSOP). However, if an OSJA has properly developed and implemented an FSOP, the *Field Guide* will be the extract from the FSOP that is relevant to that OSJA's brigade operational law teams (BOLTS). Honing the OSJA FSOP into those elements specific to the BOLTS will create the "heart" of the *Field Guide*.

The *Operational Law Handbook* is the self-described "'how to' guide for judge advocates practicing operational law."<sup>6</sup> Although it is a "focused collection of diverse legal and practical information," the *Operational Law Handbook* does not provide a methodology for judge advocates to follow from issue determination through resolution.<sup>7</sup> During operations, a deployed judge advocate will, in addition to having limited resources available for problem solving, be constrained by METT-T (mission, enemy, time, terrain, and troops) factors and by limited communications with higher echelon judge advocates.

The 101st Airborne Division (Air Assault) OSJA has learned that establishing, training, and employing a series of issue resolution procedures overcomes many of the obstacles judge advocates encounter while attempting to resolve legal issues in an operational setting. A unit-specific operational law *Field Guide* greatly assists deployed judge advocates in providing accurate and timely issue resolution. Important to note is that this *Judge Advocate Field Guide* does not provide legal answers. Rather, this *Field Guide* provides procedural steps that should be followed to provide accurate and timely issue resolution. Legal research and analysis are still required for ultimate issue solving.

##### *Implementing the Field Guide*

The *Field Guide* is designed to provide a systematic research starting point for brigade judge advocates and legal specialists faced with operational law issues. Each issue addressed within the *Field Guide* provides a list of procedures, contacts, and references for addressing and initially solving "common" battle-field issues. These procedures, contacts and references are the crux of the *Field Guide* and are developed from *FM 27-100, Legal Operations*, doctrinal requirements, division tactical

4. Captain Eric Young, Judge Advocate Field Guide (1999) (unpublished manuscript on file with the Operation Law branch of the Office of the Staff Judge Advocate, 101st Airborne Division, Fort Campbell, Kentucky) available at <[www.jagcnet.army.mil](http://www.jagcnet.army.mil)>.

5. SOP is standard operating procedure.

6. See INT'L & OPERATIONAL LAW DEP'T, THE JUDGE ADVOCATE GENERAL'S SCHOOL, U.S. ARMY, JA-422, OPERATIONAL LAW HANDBOOK, preface (1998).

7. *Id.*

standard operating procedures (TACSOP) requirements, OSJA FSOP standards, *Operational Law Handbook* guidance, and judge advocate experience.

Due to the diverse nature of both conventional operations and military operations other than war (MOOTW), this *Field Guide* is not designed to be all-inclusive of the numerous legal issues that could arise on the modern battlefield. Rather, this *Field Guide* incorporates several of the more “common” issues that might be encountered during operations and outlines the “steps” that should be followed to resolve those issues. In addition, the *Field Guide* provides a starting point for resolving issues similar to those outlined in the *Field Guide*.

The *Field Guide* includes the following substantive areas: law of armed conflict issues, fratricide reporting and investigating procedures, select criminal law procedures, civilian property damage resolution procedures, and select administrative law issues. In addition, the *Field Guide* explains procedures (including notification procedures to higher headquarters judge advocates, with whom to investigate and/or coordinate for issue resolution, and how to follow-up and ultimately close-out an issue) that the brigade judge advocate should follow when handling various issues. Further, the *Field Guide* outlines the general responsibilities that the division main command post (DMAIN) OSJA cell and the division rear command post (DREAR) OSJA cell have with regard to issue tracking, reporting, and resolution.

### *Issue Resolution*

Recent Battle Command Training Program (BCTP) Warfighters, as well as rotations at the NTC and the JRTC, demonstrated that similar issues arise during any operation. However, each time an issue arose, judge advocates at the brigade and division levels “re-invented the wheel” to resolve the issue, or attempted to locate and question another judge advocate who had resolved a similar issue. These “procedures” were very time consuming and cumbersome, particularly for inexperienced operational law judge advocates. The *Field Guide* assists in resolving this recurring problem.

To illustrate how the *Field Guide* outlines procedures for issue resolution, see the excerpt from the *Field Guide* at Appendix A (at the end of this Note). It reflects how a division’s operational law attorneys at the brigade and division levels work to resolve fratricide issues.

### *Reports*

The Appendix A example from the *Field Guide* references a “JAG 4 Report.” Because of the operational constraints under which judge advocates are often required to operate, a reporting system was developed that is designed to aid communications between the brigade judge advocates and the operational law attorneys at the division command posts. These reports are

referred to as the “JAG Reports,” as they are unique to the OSJA and legal operations.

Four JAG reports were created, and each serves a uniquely different purpose. The “JAG 1 Report” is the law of armed conflict incident report. The “JAG 2 Report” is the serious incident report, and mirrors the serious incident reporting requirements contained in the division TACSOP. The “JAG 3 Report” is the daily report of legal actions in the area of operations, which each brigade judge advocate is required to submit to the DREAR OSJA cell during every twenty-four-hour period. The “JAG 4 Report” is the fratricide report, which also mirrors the reporting requirements contained in the division TACSOP.

These reports are necessary, as judge advocates have limited communications options when deployed. Most judge advocates at the brigade level do not have direct communications with their higher echelon judge advocates at division level and must “borrow” another staff section’s radios, secure fax, or other communications medium in order to transmit information. Since the simple solution (providing judge advocates with their own communications devices) is not always the easiest to achieve, another method was required in order to enable judge advocates to transmit significant information in a timely and concise manner that would not significantly interfere with tactical operations center (TOC) operations.

Balancing the need for timely information against limited communications resources, it was determined that a concise set of reports would streamline the information flow between brigade and division level judge advocates. The JAG reporting system allows the brigade judge advocate to use almost any communications device (SINGGARS, FM, LAN, TAC phone, secure fax, and the like) to send a concise, formatted report that the receiver will be able to easily understand. A brigade judge advocate simply has to identify which report is being sent, and then identify the line number and the corresponding information. The excerpt from the *Field Guide* at Appendix B (at the end of this Note) shows the format for a JAG 4 report.

Reporting times (such as the “NLT 30 minutes”) are guidelines, but will actually be dictated by the events surrounding the event being reported. Judge advocates are taught to gather information quickly, make an initial JAG report as close to the reporting time as possible, and then, as more information becomes available, submit subsequent JAG reports as necessary.

### *Sustainment*

These procedures work because each judge advocate is trained to resolve operational law issues by following the *Field Guide*. Initial familiarization training with the *Field Guide* occurs within the OSJA leader professional development (LPD) program. Judge advocates are advised that if each step for an issue outlined in the *Field Guide* is followed, and the

judge advocate conducts the necessary legal research and analysis, the issue will be resolved in an expeditious manner. In addition, the procedures outlined in the *Field Guide* are included in the OSJA FSOP, and, as such, become OSJA “tactics, techniques, and procedures.” Sustainment training occurs through LPD exercises and OSJA TOC “mini-exercises.”<sup>8</sup>

#### *Additional Information*

The *Field Guide* is a tool designed to assist judge advocates at all experience levels. Accordingly, it includes additional reference information that goes beyond the initial operational law procedures. Due to limited LPD time available to devote to basic soldier skills, the *Field Guide* also includes reference information concerning skills such as challenge and password procedures, how to construct fighting positions, range card development, and hot/cold weather injury first aid. Also included are a tactical packing list and a pre-combat equipment inspection checklist. To further assist the brigade judge advocate with operational law issues, the *Field Guide* also includes the following: a selected weapons’ ranges reference guide (for targeting issues); a daily inspections checklist for the BOLT; a common graphics control measures reference guide; and a recommended guide for daily brigade judge advocate duties, coordination and activities.

How large is this *Field Guide*? Because the 101st is a light division, any operational law product developed has to be lightweight, easily transportable, and user friendly. The current *Field Guide* is approximately one-quarter inch thick, six inches wide, and nine inches long, held together with binder rings, and fits within the BDU cargo pocket. Further, to increase its survivability, the *Field Guide* can either be laminated or inserted into the durable, weather resistant, multipurpose blue aviator’s

“flight crew check lists” book. Other units, particularly heavy divisions not limited in load carrying capacity, may determine that a *Field Guide* might be larger.

#### *Conclusion*

The principal feature making the *Field Guide* a valuable asset is that it is a “living” document now imbedded within the division’s OSJA. The *Field Guide* is successful because it provides a standard, established, and rehearsed method that coincides with the OSJA FSOP through which a judge advocate will be able to resolve, with the help of tried and true legal research, numerous legal issues that consistently arise during military operations. The current contents of the 101st Airborne Division (Air Assault) *Field Guide* will be posted on the CLAMO database “CLAMO-CTCs,” available on your local Lotus Notes server or through the JAGCnet at <[www.jagc-net.army.mil](http://www.jagc-net.army.mil)> in the near future. CPT Young.<sup>9</sup>

#### **How Can I Contact the Center?**

The Center invites contributions of operational law materials from the field by telephone, e-mail, or by correspondence.

Telephone: DSN 934-7115, extension 339/448 or commercial (804) 972-6339/448.

E-mail [Sharon.Riley@hqda.army.mil](mailto:Sharon.Riley@hqda.army.mil), [Tyler.Randolph@hqda.army.mil](mailto:Tyler.Randolph@hqda.army.mil), or [William.Ferrell@hqda.army.mil](mailto:William.Ferrell@hqda.army.mil).

Or, write the Center for Law and Military Operations, The Judge Advocate General’s School, 600 Massie Road, Charlottesville, Virginia, 22903-1781.

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8. To capitalize on the benefits of Warfighter and other TOC exercises, an OSJA specific “mini-exercise” was developed. This mini-exercise was conducted along the lines of a BCTP Warfighter exercise through the use of inputted legal master event scenario lists (MESLs). This mini-exercise occurred over an approximately three-hour period and was held within the OSJA. Judge advocates and legal specialists staffed the various division and brigade TOCs, as they would have in an actual deployment. Other judge advocates role-played the commanders, observer/controllers, and various “actors” who contacted their judge advocates for advice on operational law legal issues. In addition, legal issues were embedded throughout the exercise and were “hidden” within the operation’s orders, FRAGOs, and planned target lists. This mini-exercise used full TOC set-ups (maps, battle boards, operational overlays, LAN between the DMAIN and DREAR CPs, and phone communications between the “units”) and evaluated judge advocate and legal specialist abilities to identify, report, and resolve operational law legal issues. Using all available resources found within their TOCs (*Op Law Handbook*, the *OSJA Field Guide*, regulations, Lotus Notes databases, etc.), judge advocates were required to fully research and resolve issues as they arose during the exercise. Similar training programs were developed and implemented by the 3d Legal Support Organization in Boston and by The Judge Advocate General’s School’s International and Operational Law Department, U.S. Army, Charlottesville, Virginia. All three of these training package scenarios will soon be posted on the CLAMO database CLAMO-CTCs, available on your local Lotus Notes server or through the JAGCNet at <[www.jagc-net.army.mil](http://www.jagc-net.army.mil)>

9. Captain Eric Young is an operation law attorney at the 101st Airborne Division (Air Assault), Fort Campbell.

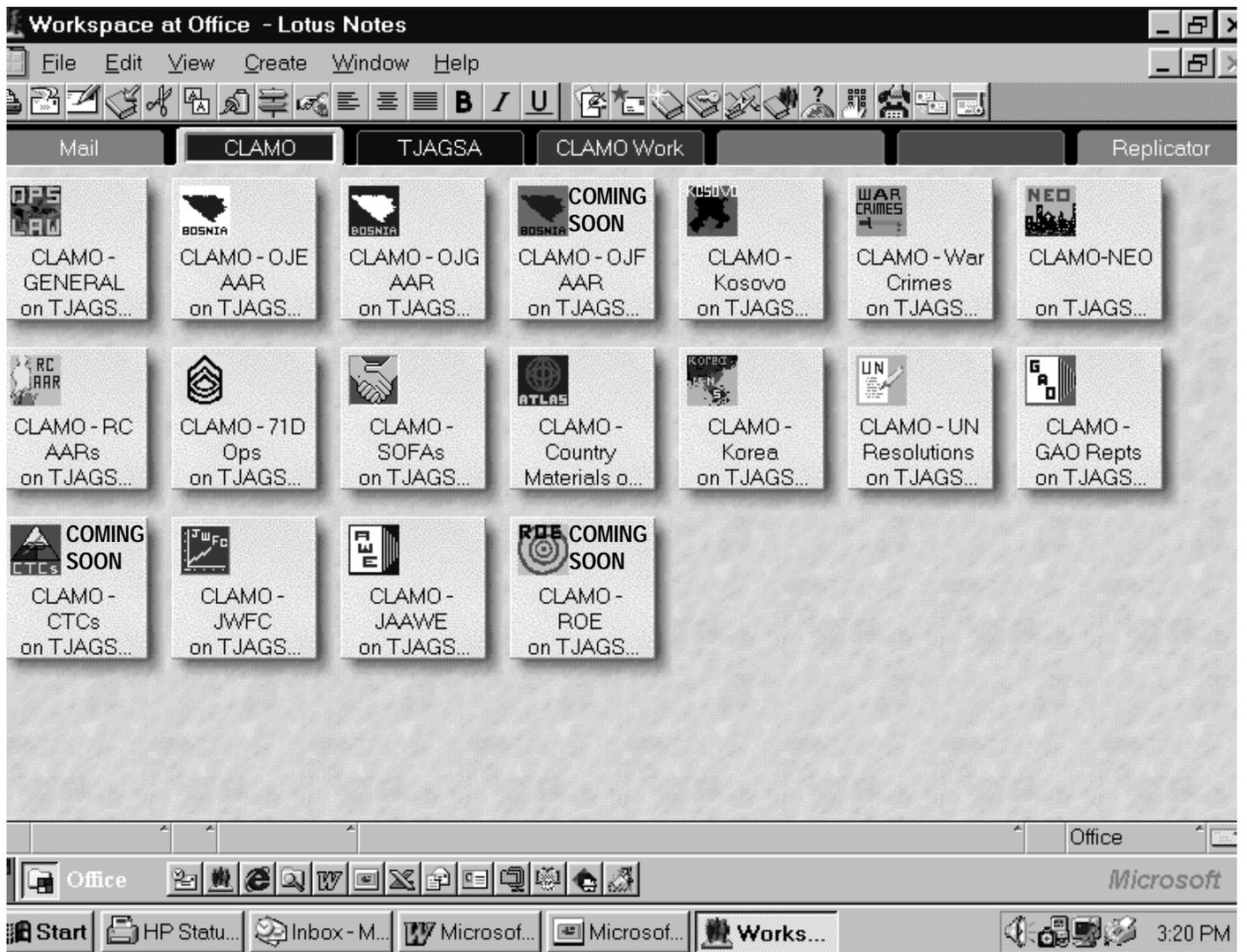


Figure 1: CLAMO Databases as they appear when added to your Lotus Notes folder.

## The Center for Law and Military Operations Information Repositories

The Center for Law and Military Operations examines legal issues that arise during all phases of military operations and devises training and resource strategies for addressing those issues. Created in 1988, at the direction of the Secretary of the Army, CLAMO is located at The Judge Advocate General's School of the Army in Charlottesville, Virginia. All of the Center's work seeks to improve the practice of operational law, which involves the application of domestic, international and foreign law to every phase of military operations.

Select an Information Repository:

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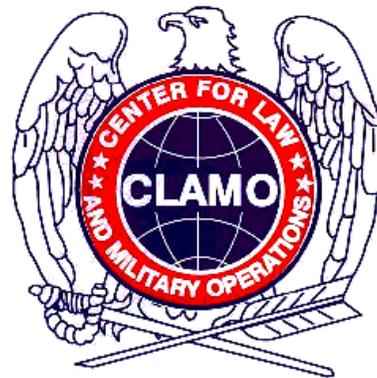
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Figure 2: CLAMO Databases as they appear when accessed through the "[www.jagcnet.army.mil](http://www.jagcnet.army.mil)" Internet site.

**Appendix A: Excerpt from 101st Airborne Division Judge Advocate Field Guide  
Actions to Take On a Fratricide**

**FRATRICIDE**

When a report is received that U.S. soldiers have been killed or wounded by friendly fire, the following actions must be taken in order to quickly and accurately determine the cause of the incident and to provide “damage control” for the operational command:

**1. Brigade Trial Counsel:**

- a. Confirm this information at your BDE TOC.
- b. Immediately notify the SJA cell at the DMAIN [DREAR is alternate notification point].
- c. Send JAG 4 Report to DMAIN SJA Cell within 30 min after receiving initial report.
- d. Notify BDE commander.
  1. Advise that an investigation will be initiated through Division SJA Cell.
  2. If operating independently, advise that an investigating officer must be appointed to investigate the cause of the fratricide. Conduct IAW AR 15-6.
    - a. Model appointment order on RDL.
    - b. Get I.O. name from BDE S-1.
    - c. Brief I.O. on AR 15-6 duties.
    - d. Review I.O. Findings and Recommendations IAW AR 15-6.
    - e. Ensure investigation completed IAW AR 15-6.

**2. SJA cell located at the DMAIN does the following:**

- a. Immediately notify the DREAR in order to begin AR 15-6 investigation. Provide the reported information to the DREAR at this time. [If DREAR received the report, then notify DMAIN.]
- b. Begin coordination with the following staff sections:
  1. G-1.
  2. Chaplain.
  3. PAO.
- c. Notify XVIII ABN Corps SJA cell.
- d. Follow up the investigation conducted through the DREAR SJA cell in order to brief the Division commander as necessary.

**3. SJA Cell located at the DREAR does the following:**

- a. Draft request for appointing investigating officer to Chief of Staff / ADC(S).
  1. Model request on RDL computer.
- b. Draft appointment order.
  1. Model order on RDL computer.
  2. Get I.O. name from G-1.
- c. Notify DMAIN SJA cell when IO appointed and investigation is initiated IAW OSJA FSOP.
- d. Coordinate with DREAR units (graves registration, chaplain).
- e. Track the investigation until completed.
- f. Provide investigation information to SJA at the DMAIN ASAP after completion.
- g. Forward completed investigation through SJA to XVIII ABN Corps SJA cell NLT 24 hours after investigation completed.

**Appendix B: Excerpt from 101st Airborne Division Judge Advocate Field Guide**

**Reporting Format for a Fratricide**

**JAG 4 Report**

**FRATRICIDE REPORT**

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This report must be sent to the DMAIN SJA NLT 30 minutes after receiving information that a fratricide has occurred in your BDE area of operations.  
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LINE 1: Unit: \_\_\_\_\_

LINE 2: DTG of incident: \_\_\_\_\_

LINE 3: Location of fratricide: \_\_\_\_\_ (6-digit grid)

LINE 4: # / Type of Casualties / unit assigned to

a. KIA: # \_\_\_\_\_; unit: \_\_\_\_\_

b. WIA: # \_\_\_\_\_; unit: \_\_\_\_\_

LINE 5: Unit controlling location:

a. Now \_\_\_\_\_

b. When incident occurred \_\_\_\_\_

LINE 6: Unit (BN, Co, Plt,) reporting the fratricide: \_\_\_\_\_

LINE 7: Battle operating system / weapons involved (armor, artillery, small arms, naval gunfire) if known: \_\_\_\_\_

\_\_\_\_\_

LINE 8: Cause (if known / determined): \_\_\_\_\_