

CLAMO Report

Center for Law and Military Operations, The Judge Advocate General's School

Combat Training Centers: Lessons Learned for the Judge Advocate

Introduction

This is the first of a series of periodic reports that will summarize lessons learned by judge advocates (JAs) who have participated in rotations through the Army's four combat training centers (CTCs)—the Joint Readiness Training Center (JRTC) at Fort Polk, Louisiana; the National Training Center (NTC) at Fort Irwin, California; the Combat Maneuver Training Center (CMTTC) at Hohenfels, Germany; and the Battle Command Training Program (BCTP) at Fort Leavenworth, Kansas. Lessons learned from the Joint Warfighting Center (JWFC),¹ Suffolk, Virginia, will also be included.

The Center for Law and Military Operations (CLAMO) has collected lessons learned from various operations since it began ten years ago. Only in the past several years, however, has CLAMO positioned JA observer/controllers (O/Cs) and observer/trainers² at the CTCs. In 1998, CLAMO began collecting, in earnest, lessons learned for JAs from the CTCs.

In 1995, the General Accounting Office (GAO) issued a report entitled, *Military Training: Potential to Use Lessons Learned to Avoid Past Mistakes is Largely Untapped*.³ While the report was generally favorable to the Army, a few of its remarks best express the rationale behind this series of CLAMO reports:

Military training exercises and operations provide an unparalleled opportunity for the military services to assess the performance and capabilities of their forces under realistic

conditions. Moreover, these experiences often result in lessons learned information, which can identify and publicize recurring problems and be used to develop corrective actions so that others can avoid repeating past mistakes.⁴

The GAO Report noted the hallmarks of a good lessons learned program:

- (1) Include all significant information from training exercises and operations;
- (2) Routinely analyze lessons learned information to identify trends in performance weaknesses;
- (3) Ensure widest possible distribution;
- (4) Ensure lessons learned information is used to its fullest potential; and
- (5) Implement adequate remedial action processes to follow up and validate that problems have been corrected.⁵

The Army's Center for Lessons Learned and CLAMO have historically fulfilled these tenets. By examining the CTC rotations, in addition to real world operations, for lessons learned CLAMO has further advanced these goals.⁶ Additionally, CLAMO's work with the Combat Developments Department and the academic departments in The Judge Advocate General's School, U.S. Army (TJAGSA) will ensure the most effective use of the information gained. All of these efforts will amount to very little, however, unless JAs in the field both

1. Formerly known as the Atlantic Command's Joint Training Analysis and Simulation Center (JTASC), the JWFC has now subsumed JTASC. This joint training center, through extensive use of computer simulations, trains joint task force commanders and their staff.

2. For the purpose of this report, both the observer/controllers and observer/trainers will be referred to as O/Cs. The judge advocates are called O/Cs at JRTC, NTC, and CMTTC. At the BCTP, they are called observer/trainers or O/Ts.

3. See GENERAL ACCOUNTING OFFICE, *MILITARY TRAINING: POTENTIAL TO USE LESSONS LEARNED TO AVOID PAST MISTAKES IS LARGELY UNTAPPED* (Aug. 1995) (on file with author).

4. *Id.*

5. *Id.*

6. The process for collecting, reporting, and publishing lessons learned is as follows. Observer/controllers at each CTC collect observations and record them in a written after action report (AAR). They then submit an AAR, after each exercise rotation, to CLAMO. This AAR is distinct from the take home packets prepared for a unit's use at its home station. The Center collects, reviews, and analyzes these AARs, against the backdrop of raw data, lessons learned, and AARs gathered from prior exercises and operations. The Center then sends lessons learned through periodic articles in *The Army Lawyer* and through the Lotus Notes CLAMO databases, accessible through local staff judge advocate (SJA) servers and through the Internet, at <www.jagcnet.army.mil>. The Center also shares key trends and distilled lessons learned with the Combat Developments Department at TJAGSA, to assist in them in developing new doctrine and organization for the JAG Corps, and with the academic departments at TJAGSA, for use in developing curricula.

apply these lessons learned and provide input and feedback to what CLAMO makes available.

Disclaimer

Lessons learned will be addressed in general terms. They are not meant to be a statement about, or criticism of, any one particular unit or JA, nor of JAs as a whole.⁷ When specific vignettes are discussed, CLAMO intends them as constructive examples from which all JAs can learn.

The scope of CTC lessons learned will often be confined to the brigade JA and the brigade operational law team (BOLT), due to the level of units usually exercised at JRTC, NTC, and CMTC. Many of the lessons learned, however, particularly those derived from BCTP, are useful to judge advocates at division, corps, and joint levels.

Lessons Learned Format

The following format will be used to discuss lessons learned:

Lesson(s) Learned: A statement of the lesson(s) to take away.

Observations: A brief summary of pertinent observations made at the CTCs.

Discussion: Details of observations and their implications. Possible approaches (tactics, techniques, and procedures) to address Lessons Learned.

The following lessons learned topics are addressed in this report: Integration and Synchronization; Battle Tracking and Continuity; Planning; Information Operations; Fratricides; Civilians on the Battlefield; Rules of Engagement; Public Affairs; Judge Advocate Strength and Disposition; Battle Box—References; Basic Soldiering Skills

Integration and Synchronization.

Lesson Learned

Judge advocates and legal noncommissioned officers (NCOs) and specialists must integrate and synchronize with the

command and staff *before* they deploy on an exercise or operation.

Observations

Judge advocates and legal NCOs have not been well integrated with their commanders and staff when they arrive at the training centers. Some recent international deployments have witnessed the same problem. The result is less than optimal legal support to operations—particularly early on in operations. Judge advocates do not know commanders and staffs well, to include commanders of task-force slice elements. They do not understand how the unit does business in the field—the unit's standing operating procedures (SOPs), to include the field SOP (FSOP), tactical SOP (TACSOP), and tactical operations center SOP (TOCSOP). These documents often do not address the legal personnel, their locations, their duties, and key legal issues. Judge advocates also do not know the military decision making process (MDMP) and the role that they should play in the process. Finally, JAs are not familiar with key points of contact and available resources outside of their immediately supported unit.

The essential elements of integration and synchronization are team building, attending the leadership training program, learning the MDMP, and understanding the various SOPs. These areas will be discussed below.

Discussion

Team Building—Judge advocates and the legal NCOs must team build with the commander, staff, and slice element commanders, at home station.

To increase team building, JAs should attend an occasional command and staff meeting, not just at the supported unit's level, but also at subordinate and slice units. They should learn what the staff and slice element commanders do. To gain a basic understanding of staff organizations and operations, JAs should read *Field Manual (FM) 101-5*.⁸ To better understand field operations, JAs should learn the capabilities of the equipment that is used in the field, such as the Q-36 and the TLQ-17, and look to subject matter experts on the staff or field manuals that detail particular capabilities. In particular for team building, JAs should meet with the headquarters and headquarters

7. The Center will preserve the anonymity of all units concerned. As described in four previously published reports in *The Army Lawyer*, each CTC has at least one JA assigned permanently as an O/C. See CLAMO Report, *The Best Job in the JAG Corps*, ARMY LAW., Feb. 1998, at 63 (discussing the JRTC); CLAMO Report, *The Shifting Sands at NTC*, ARMY LAW., Mar. 1998, at 46 (discussing the NTC); CLAMO Report, *Battle Command Training Program*, ARMY LAW., June 1998, at 36 (discussing the BCTP); CLAMO Report, *Combat Maneuver Training Center: Training in Transition*, ARMY LAW., Oct. 1998, at 75 (discussing the CMTC). These JAs strive to keep the AAR process a fully open forum, aimed at learning. The Center gives the exercised units a THP (or final exercise report, at BCTP) to review and use at their home stations. Other than the THP, nothing else is published that would identify the unit with specific successes or failures, absent unit coordination. These *CTC Lessons Learned for the Judge Advocate* reports will preserve anonymity by listing lessons learned without referencing the unit or rotation concerned. The CLAMO welcomes submissions and input for these articles, as well as for the CLAMO Lotus Notes repository as a whole.

8. U.S. DEP'T OF ARMY, FIELD MANUAL 101-5, STAFF ORGANIZATION AND OPERATIONS (31 May 1997) [hereinafter FM 101-5].

company commander. In the field, that commander is the key for food, a place to sleep, and transportation.

Participating in home station field training exercises⁹ can also create team building. Even if legal personnel cannot deploy to the field for the duration of an exercise, a half day's time will enable them to see how the unit sets up and operates in the field. This can make a critical difference. Judge advocates must observe how supported units set up and run a tactical operations center (TOC) as often as possible. Tactical operations center configurations often change from unit to unit as well as by the exercise. If JAs are not familiar with their unit's TOC configuration, they will quickly find themselves left out of this process.

CTC Leadership Training Programs (LTPs)/Warfighter Seminars—Judge advocates and their legal NCOs must attend the LTP (known as the warfighter seminar, at the BCTP). The LTP programs usually occur a few months before the actual field exercise. Thus, early planning and coordination with the command and staff is essential to ensure that the JA is included. Participating in LTPs may be limited at NTC, however. Nonetheless, the NTC JA O/C will conduct an informal LTP over the telephone and the Internet. *Training and Doctrine Command Regulation 350-50-3*¹⁰ requires that the staff judge advocate (SJA) and the operational law attorney attend the BCTP warfighter seminar. A large part of the value of these seminars is the focus on command and staff team building and the extensive use of the MDMP.

The Military Decision Making Process—Judge advocates must learn the MDMP. The MDMP is how the Army plans operations; all commanders follow its basic tenets. Each commander, however, also conducts business, in his unit, in a particular way. Thus, JAs must not only learn the Army's MDMP doctrine and tenets, but also the nuances of how the supported commander(s) executes this process. *Field Manual 101-5* addresses the basics of the MDMP.

Standing Operating Procedures (SOPs)

It is important for JAs to read and know the unit's SOPs and the higher headquarters' SOPs. When reviewing these SOPs, ensure that JAs are addressed. The SOPs should list the personnel expected to man the TOC and their locations, to include the JA and legal NCO or specialist. Many JAs find being located next to the civil affairs cell to be most useful, due to the need to coordinate many operational law issues with civil affairs personnel.

The SOP should list the JA's essential duties and responsibilities. The JA should be on the distribution list for operations orders, fragmentary orders, and maps. The JA should be in the briefing order for commander's updates and battle update briefs. The JA should participate in course of action (COA) development, provide input to the commander during mission analysis (facts, assumptions, express tasks, and implied tasks), attend the COA brief and COA wargaming, conduct a legal review of operations plans and orders, and attend other key meetings and rehearsals. Standard operating procedures should detail reporting requirements and formats for fratricides, law of war violations, civilian casualties, maneuver damage, and requests for temporary refuge. Finally, the JA should know the next higher unit's SOPs and reporting requirements.

While at the CTCs, JAs should work with the O/Cs. To the extent that your desire for added training opportunities does not interfere with the rotation, the JA O/Cs will accommodate you. One JA rotating through NTC told the O/C that he wanted to test the new office of the SJA FSOP. The O/C, acting as the division SJA, adopted the unit FSOP in lieu of the standard NTC 52d ID procedures.

Battle Tracking and Continuity

Lesson Learned

Judge advocates must develop and use methods to track the battle and ensure continuity of legal support to operations.

Observations

Successful legal support to operations requires constant monitoring of the battlefield and operations. Judge advocates and legal NCOs who do not watch the battle map, listen to the TOC radios, and interact with the various battlefield operating systems¹¹ will miss many pertinent legal issues. By the time a "legal issue" is brought to the attention of the JA by a commander or staff member, it has usually reached crisis proportions and requires reaction.

Discussion

Rather than adopt a "sit back and wait" approach, JAs should track operations and plans for future operations and practice preventive law. Judge advocates must also ensure continuity of the legal mission and continuity between legal personnel. If a JA is killed, incapacitated, or called away on a mission, the remaining legal specialist or legal NCO must be

9. Field training exercises are commonly referred to as FTXs; situational training exercises are commonly referred to as STXs.

10. U.S. DEP'T OF ARMY, TRAINING AND DOCTRINE COMMAND, REG. 350-50-3, BCTP (July 1998).

11. Commonly referred to by the acronym BOSSs.

aware of the current situation, outstanding issues, and where to look for answers. The JA must not become indispensable as an individual. When in the field, the JA should ask, "If I die today, can a replacement JA walk into the TOC tomorrow and pick up where I left off?"

Here are some ideas for battle tracking and continuity that have worked for JAs on CTC rotations:

(1) Keep a daily log of actions, issues, and communications. Memories grow weary and quickly become overloaded with the battle rhythm. Write it down, to include the specifics: times, references, and points of contact.

(2) Keep charts posted (separate from the daily log) for each of the following, and their status: significant acts (SIGACTs), investigations, fratricides, and claims. These charts are of enough importance and interest to warrant posting on the tent wall over the JA station.

(3) Keep a binder or binders (smartbooks), with tabs, to organize papers and messages into topics such as these: log, SIGACTs, investigations, rules of engagement, targeting, international agreements, fratricides, fiscal law and contracts, administrative law, claims, military justice, legal assistance, intelligence law, environmental law, media, and civil affairs. While the battle captain should maintain a file of all operations orders, fragmentary orders, and message traffic, the JA should consider keeping copies of particularly pertinent documentation in his binder, for ready reference. Judge advocates who attempt to keep everything in one file folder lose documents, become disorganized, and miss pertinent issues.

(4) Hot Lists for Battle Captains and radio/telephone operators (RTOs). One JA developed a particularly useful TTP (tactic, technique or procedure). He made a simple list of ten to twelve key legal issues (for example, use of force against and detention of civilians, fratricides, law of war violations, claims). He gave this list, on an index card, to the battle captains and the RTOs, and asked them to alert the legal section any time that these issues arose in message traffic. The enlisted RTOs were especially interested and responsive. They appreciated the active participation and the interest of a staff officer in what they were doing. Ensure that the users of the "hot list," however, know that it is not exclusive.

(5) Do not be afraid to ask questions. Take advantage of the relationships you have established with the commanders and staffs that you have advised as a trial counsel. Use the rapport you have established to cajole a professional development course on TOC operations. You will usually discover that those operating in the TOC are not only happy to explain what they do, but are also flattered that a JA is interested enough to ask.

Planning

Lesson Learned

In addition to tracking current operations, JAs need to participate in the planning process.

Observations

The CTCs present commanders and JAs with a rapid pace of operations. Judge advocates often become so consumed in reacting to current crises that they fail to look ahead and plan for future phases and missions. Many JAs, when questioned at the CTCs, could not discuss details of the next operation, or the commander's concept of operations more than a few days out. Prior planning prevents oversights from becoming last minute legal obstacles to a commander's plans and reduces future crises.

Discussion

Just as the commander plans and thinks of military operations in phases, so must the JA approach legal issues. Priorities change as the JA goes through pre-deployment, deployment, operations, and re-deployment. Issues that are a priority in pre-deployment, such as the troops' legal assistance needs for wills and powers of attorney, give way to command and control issues, such as rules of engagement as the unit goes through deployment, and targeting during operations.

Each phase of an operation will also see legal issues and priorities change. For example, the handling of displaced civilians may be an essential issue in one phase of an operation, while the handling of large numbers of enemy prisoners of war (EPWs) may be an issue in a later phase. With forethought, a JA might be able to request and obtain humanitarian and civil assistance funds to provide food and support to local nationals, thereby currying their favor, cooperation, and good will. The JA should actively participate in the commander's planning process and should independently brainstorm potential legal issues to conduct a "legal preparation of the battlefield."¹²

Information Operations

Lesson Learned

Get involved in information operations (IO) and recognize the impact that an IO cell at division level can have.

12. Major Geoffrey Corn of the International and Operational Law Department, The Judge Advocate General's School, developed the concept of "Legal Preparation of the Battlefield" (LPB), a methodical approach to anticipating and planning for legal issues through each phase of an operation. See International and Operational Law Note, *A Problem Solving Model for Developing Operational Law Proficiency: An Analytical Tool for Managing the Complex*, ARMY LAW., Sept. 1998, at 43. Copies of this note and a sample chart, with legal issues and solutions, are also available through the International and Operational Law Department or CLAMO.

Observations

As units such as the 4th Infantry Division (Mechanized) reorganize, equip, and train to move toward "Division XXI,"¹³ JAs continue to appear on the field table of organization and equipment in the TAC1 command post, G3 operations and plans, and the main command post. Exercises have JAs present in the G3 plans cell, the G3 operations cell, the sustainment cell, the main, and the IO cell. In one exercise, the deputy SJA (DSJA) essentially ran the IO cell.

Discussion

While the G3 was tasked with running the IO cell in one exercise, his operations tempo resulted in the DSJA being in charge of the cell. In the IO cell, the DSJA worked closely with civil affairs,¹⁴ psychological operations,¹⁵ public affairs, electronic warfare, and most importantly, the targeting cell. In his capacity as chief of the IO cell, the DSJA briefed at the battle update briefs twice a day. He also ran the daily IO cell meeting, chaired by the chief of staff or the assistant division commander. The DSJA also attended corps IO-cell meetings, when time permitted.

While the DSJA was doctrinally in the G3 operations cell, this arrangement (the DSJA as the chief of the IO cell) worked very well. The G3 operations cell was physically located next to the IO cell. The DSJA's position and responsibilities in the IO cell allowed him to effectively perform G3 operations functions and IO cell functions (as such, the targeting cell briefed everything to the IO cell, and the chief of the IO cell—the DSJA—sat in on all targeting cell briefings).

Even if the DSJA had not served as the chief of the IO cell, he would have attended all targeting cell meetings. Having the DSJA serve as the IO chief was a true combat multiplier. The SJA section was a prime player in IO plans and actions, and the command, staff, and other JA cells gained information that gave them the ability to foresee events on the battlefield, and plan accordingly.

Warfighter exercises recently emphasized the JAs participation in an IO cell. For example, an enemy farmer reports several dead EPWs, and the enemy's psychological operations forces allege that United States forces executed them. If the right players—the IO cell, the SJA, public affairs, civil affairs, psychological operations, G2—take responsive actions, positive effects result, such as calmed EPWs divulging valuable intelli-

gence. On the other hand, if the event goes unreported or not addressed, negative consequences result, such as unrest by EPWs—requesting diversion of troops to control them—and increased resistance from enemy combat units.

Fratricides

Lesson Learned

The commander must personally intervene to implement fratricide prevention measures, to ensure that fratricides are properly reported and investigated, and to implement appropriate risk reduction measures, if necessary.

Observations

Fratricides occur frequently at the CTCs. More than two-thirds of the "dirt"¹⁶ CTC fratricides are caused not by indirect fires, but by direct and small-arms fires. Most occur because of a lack of awareness of the situation and battle tracking—not knowing the location of friendly units and personnel. Over three-fourths of fratricides are not reported by the units. The O/Cs, however, usually observe the fratricides and report them if the unit fails to do so. Fratricide investigations are usually late and incomplete.

Discussion

Fratricide prevention is a command responsibility. It requires thoughtful use of maneuver, fire control measures, and rules of engagement. Because the JA always advises and monitors investigations and the commander's inquiries, there is often a misconception that fratricides are the JA's problem.

While the legal implications of a fratricide do require JA involvement *after* they occur, the best approach is to prevent them from occurring. One way to prevent fratricides is to ensure that investigations are completed in a timely manner, so that commanders can use the findings and recommendations to prevent similar incidents. The mishandling of fratricides can cause public affairs challenges and even degrade troop morale. Because the JA is intimately involved in use of force issues, he often can contribute to fratricide awareness and prevention. The JA can tactfully help the command and staff understand the effect that a real fratricide would have on a deceased soldier's

13. Division XXI is a new divisional structure designed to be a knowledge and capabilities-based, power projection force capable of land force dominance across 21st century joint military operations. The 4th Infantry Division is the first Force XXI Digital Division.

14. The civil affairs cell is commonly referred to by the initialism CA.

15. Psychological operations is commonly referred to by the acronym PSYOP.

16. "Dirt" fratricides are those fratricides resulting from friendly ground force fires, direct and indirect, and not to fratricides inflicted by friendly air asset fires, such as rotary wing and fixed wing close-air support fires.

friends and family, troop morale, the media, public opinion, and unit discipline.

Many commanders rotating through the CTCs view fratricide investigations as a “training distracter.” These commanders have a valid point. Ongoing combat operations cannot be halted for an investigation. The JA should minimize the impact of investigations, for training at the CTCs and in “real” operations, by standardizing a format and process for reporting and investigating fratricides. Prepare investigation packets in advance, with pre-formatted appointment letters and a sample report of investigation that advises the investigating officer(s) of the minimum standards. These measures will minimize the “distraction” factor.

Normally, *Army Regulation (AR) 15-6*¹⁷ requires the general court-martial convening authority to appoint the fratricide investigating officer.¹⁸ The CTCs build in an artificial incentive system that assists JAs in motivating commanders to promptly report and investigate fratricides. If a fratricide is reported immediately, and followed up quickly with a report of a commander’s inquiry (within twenty-four hours), the requirement for an *AR 15-6* investigation may be waived by the notional higher headquarters (division or corps), saving the commander and an investigating officer very valuable time.

Civilians on the Battlefield¹⁹

Lesson Learned

Units must conduct unit and individual training on the handling of civilians on the battlefield, to include lane training and situational training exercises.²⁰

Observations

Virtually every rotation at the three CTCs (JRTC, NTC and CMTTC) using civilian role players sees several incidents of mishandling and maltreatment of civilians. A tank turret machine gunner fired on civilians for refusing to move on when told to do so. A garbage man was shot when he happened to be collecting garbage outside the perimeter of a support area when mortar shells started falling onto the support area (troops immediately assumed he called in the fires). Troops who suspected a local farmer of harboring snipers assaulted up his driveway and into the yard with a platoon of M1 tanks, a few Bradley fighting vehicles, and a helicopter gunship hovering overhead

for backup. This seemed to be a “hooah” approach, at least until the International Network News²¹ aired a video of the whole ordeal that night, complete with the old man cowering with his wife, waving a white flag, on his front door step. Needless to say, the troops found no snipers.

Discussion

Training centers used to have “sanitized” battlefields (that is, rolling or open terrain uninterrupted by towns, villages, civilian vehicles, livestock, schools, churches, hospitals). Such scenes allowed commanders and troops to fully exercise the basic principles of shoot, move, and communicate. These training centers failed to prepare commanders and troops for the realities encountered in most present-day operations. Today’s CTC battlefields are more realistic, with towns, structures, and civilian role-players as locals, police, sheriffs, governors, non-governmental organizations, and the like.

The biggest challenge that a commander and his staff, to include the JA, has today is to train an eighteen-year-old private, armed with a rifle and grenades, to properly react to a variety of situations on the battlefield and in “peaceful” areas of operations. Civilians on the battlefield often present the greatest confusion and challenge to a young soldier. That soldier must quickly ascertain whether the civilian is a combatant or not, represents a hostile threat or intent, or is a security risk. The soldier must balance preservation with the requirement of properly treating noncombatants and civilians.

As with rules of engagement, discussed next, the best way to prepare soldiers for handling civilians on the battlefield is through training. Classroom training is sufficient for introducing the issues that soldiers will face and the general rules and principles that should guide them. No substitute exists, however, for putting the rules in practice.

The best training is lane training and situational training exercises at the individual and small unit level. Tasks, conditions, and standards can be created to test soldiers’ reactions in a variety of situations, such as an armed farmer angry that military vehicles just killed his livestock, an apparently unarmed person crawling under the perimeter wire, a civilian or host nation law enforcement roadblock, a demonstration, International Committee of the Red Cross members demanding access to prisoners, and media members who refuse to leave a dangerous area.

17. U.S. DEP’T OF ARMY, REG. 15-6, PROCEDURE FOR INVESTIGATING OFFICERS AND BOARDS OF OFFICERS, para. 2-1a(3) (11 May 1988) (C1 30 Oct. 1996).

18. *See id.* para. 2-1a(3).

19. While this section concerns rules of engagement as well, the number of issues that arise concerning civilians dictates this separate section.

20. Commonly referred to by the initialism STX.

21. The International Network News, or INN, is the notional news station, which is equivalent to the real world CNN.

Judge advocates must help devise mission-oriented scenarios and the standards by which soldier reactions will be judged. When possible, JAs should actively participate in the training. Numerous “hip pocket” or preplanned situational training exercise opportunities exist—for example: during “down time” at the ranges, as an added station during expert infantryman’s badge training, or as part of the required law of war training. Civilians on the battlefield events occur across the entire battlefield and spectrum of operations. Thus, combat maneuver, service, and service-support soldiers must all be trained.

Rules of Engagement

Lesson Learned

Rules of engagement (ROE) must be trained, trained, and trained some more.

Observations

Many soldiers are not trained on the ROE. During every CTC rotation at least hundreds, sometimes thousands, of soldiers have not had ROE training. Often, JAs do not prepare, disseminate ROE products, or train the ROE before deployment. In addition, JAs and commanders do not conduct sufficient training on mission-specific ROE and law of war principles, in general. The result has been civilian deaths due to improper use of force and friendly deaths when untrained soldiers hesitate or do not react to hostile threats and acts.

Discussion

Rules of engagement are the commander’s tool for controlling the use of force. Because law of war is intimately involved with the ROE, commanders and other staff members often turn to the JA to take the lead in ROE development and training. Even if the commander and his operations staff take the lead, the JA still has an important role in developing, reviewing, and revising the ROE for each mission.

In today’s operations, every soldier has the potential to be a “strategic soldier.” The incorrect use of force by a soldier can turn the sentiment of a crowd, a town, or a nation against that soldier’s forces and the nation’s or coalition’s efforts. Similarly, the judicious application of force at the right moment can quell an otherwise explosive situation and prevent casualties or death. If the JA or commander could be at the soldier’s side at the crisis moment, the task would be simple. Unfortunately, this is not possible. The CTCs, however, can replicate the realities of the “strategic soldier” concept through the media and through changes in the attitudes and actions of the civilian role players.

Each soldier in an area of operations must not only be briefed or provided a card on the ROE, but *trained* on the ROE.

Do not forget to train support and service support—not just combat arms—soldiers on ROE. A supply truck convoy is as or more likely than a combat arms soldier to encounter a roadblock or riot in a peace operation, like Bosnia. Even in combat operations such as Desert Storm, support personnel are as far forward as the maneuver forces and face similar dangers and situations. The only way to evaluate whether a soldier understands the ROE is to present him with a situation, and observe how he reacts. Situational training exercises, as discussed in the lesson on civilians on the battlefield above, are the best ROE training method.

Rules of engagement training is not “one time fire-and-forget.” Rules of engagement should be trained at every opportunity, for example: at guard mount, convoy briefings, and before moving to tactical assembly areas.

Rules of engagement are partly communicated to the commanders and soldiers through ROE products—the ROE annex to the operations order and ROE cards issued to every soldier.

The correct length of a ROE annex is essential to its effectiveness at the CTCs. Some rotations have tried to reduce the ROE to a one-page matrix of phrases. Commanders did not understand the one-page matrix. Other rotations have inserted thirty pages of text into a brigade task force operations order that itself was only thirty pages or less. Commanders did not have the time, and did not bother to read, the thirty page annexes, let alone attempt to disseminate their content to the troops. The successful answer lies somewhere in the middle.

Much paper can be saved by putting definitions and other generic provisions and material that remains constant in the unit SOP. Judge advocates should remember, when writing and organizing ROE, at least for ground forces, the ultimate consumers of ROE are the combat soldiers—the “trigger pullers” and the “cannon cockers.” Rules of engagement cards must be short, simple, clear, and either weather proof or available in great numbers.

For purposes of training at the CTCs, the notional higher headquarter ROE are usually available from the CTC before the training unit deploys. Thus, a ROE card should be produced, and mission-specific ROE should be trained at home station. When specific ROE for a mission are not available before deployment, situational training can still be used to train the general principles on the use of force.

Public Affairs

Lesson Learned

Judge advocates should be media savvy and prepare their commanders to handle questions on legally complex issues.

Judge advocates at the CTCs have traditionally done well in handling media relations. In fact, several units that have deployed without a public affairs officer (PAO) have designated the JA as the *de facto* PAO.

Discussion

The JA's legal mission and involvement in other aspects of operations should usually preclude him from acting as the PAO. The JA, however, should be familiar with the general principles on handling the media. At the CTCs, as in "real world" operations like Bosnia, JAs frequently face a camera and prying questions from the media. Many CTC rotations feature one or more formally scheduled interviews with the JA.

The JA should be a subject-matter expert on many legal issues, such as the legal basis for the force's presence and operations, status of investigations, and status of forces agreements. The JA must be adept at fielding questions on every aspect of the unit's mission. Before deploying, JAs should seek some informal training from the home station PAO. The JA must also prepare the commanders to handle questions and to use affirmatively the media to advance the mission. One successful technique employed by JAs at the CTCs has been to keep a stack of "smart cards" available for the commander's review. These are index card on key topics, with a short explanation and recommended statement points as bullets.

Judge Advocate Strength and Disposition

Lesson Learned

Judge advocates should deploy with their supported unit, take their legal NCOs and specialists, and position themselves in the TOC or TAC (forward), as appropriate.

Observations

At least one JA now deploys to every CTC rotation. Usually, one or two legal NCOs, or specialists, accompany the JA(s). At JRTC and CMTC, JAs are almost always positioned in the TOC. At NTC, JAs are pushed to the rear, usually to the brigade support area (BSA). The S1 (personnel) section often usurps the enlisted legal personnel.

Old practices of the JA staying behind when the unit deploys have mostly died with the emergence of legally intense operations.²² The key issues are now where the legal personnel should physically locate to provide optimal legal support to operations, and the proper use of enlisted personnel.

Strength—Recent rotations at the CTCs have seen more than one JA accompany a brigade or brigade task force. The military readiness exercises that prepare units for deployment to Bosnia, for example, have had one JA assigned per battalion task force base camp, just as it is done in the Bosnia theater. The O/Cs have reported very favorable results. With two, even three JAs per brigade, all remain fully employed and utilized. Judge advocates miss fewer legal issues and do not have to choose which meetings to miss. Responding to crises, attending meetings with host nation civilians, planning groups, targeting meetings, do not cause a lapse in battle tracking. Additionally, JAs are proactive in training troops on ROE.

Of course, Judge Advocate General (JAG) Corps numbers and overall disposition cannot support such JA strength on the ground in all operations. When the need arises, however, and the ability is there, the extra JA makes an immense difference. The JAG Corps has met the need for JAs at the battalion level in Bosnia base camps, and their presence has greatly assisted mission accomplishment.

Disposition—The JA, and at least one legal NCO or specialist, should be positioned in the TOC. Commanders who favor placing JAs in the BSA or ALOC²³ only account for the service support functions of the JA (for example, legal assistance, military justice, and personnel claims). To properly perform the JA's command and control functions (for example, targeting, rules of engagement, law of war) and many sustainment functions (for example, fiscal and contract issues, foreign claims) the JA must be where the battle is tracked. Usually, this means the TOC or the TAC, if one is sent forward. One way to assure your forward presence—and to improve your legal support to operations—is to learn other skills that make you invaluable to the commander.²⁴

Another lesson is to deploy whenever practical. Judge advocates, legal specialists, and legal NCOs should deploy with their normally supported unit. The training unit should task organize to reflect deployment task organization, when possible. This ties directly into the integration and synchronization lesson learned, discussed earlier.

22. There have been several BCTP rotations in which brigade JAs failed to fully participate. This is a loss of a great training opportunity. Division SJA sections and BOLTs do not often have the opportunity to rehearse and operate together.

23. The ALOC (pronounced "A Loc") is the common acronym used for the admin-logistics center.

24. See *supra* Integration and Synchronization section. If JAs learn battle captain functions, the physical set up of the TOC or TAC, the communications equipment within the TOC or TAC, or information operations, they become more valuable to the commander.

Basic Soldiering Skills

Lesson Learned

All legal personnel need to train on common soldier skills.

Observations

Most legal personnel are weak in several common soldier-skills areas. This puts them and their fellow soldiers at greater risk of injury or death on the battlefield, hampers performance of the legal mission, and can hurt their credibility in the eyes of other soldiers.

Discussion

Below are several soldier skills and issues that have proven to be problem areas for JAs deployed to CTCs.

Map reading—Too many JAG Corps personnel demonstrate a lack of map and compass skills. While JAs may not expect to navigate on the battlefield, they should expect to assist with navigation in various ways. Often, soldiers will look to JAs, as officers, for navigation assistance. More than one rotation has seen the JA as the sole survivor of a firefight, left to get himself, and at times, some wounded, out of the area. Additionally, battle tracking, monitoring protected targets, and many other TOC functions require a detailed understanding of maps and their symbols.

Weapons maintenance, qualification, and handling—Rotation after rotation, JAs and enlisted alike neglect their weapons. Even when prompted by the O/Cs, legal personnel ignore weapons maintenance. Because of the CTC anomaly that only M16s, not M9s, accept MILES equipment,²⁶ and thus are capable of “killing” the enemy, most JAs *do* deploy with M16s.

Many JAs do not take the time or make the effort to zero their weapon with the MILES. A non-functioning and inaccurate weapon not only risks the life of its owner, but the lives of those soldiers who will look to its owner to protect their flank. An unwanted side effect is the less than professional impression that a rusty, dirty weapon gives. Finally, legal personnel must practice safe weapon handling. There is nothing worse for a JA than to have an accidental discharge—an offense he prosecutes as a trial counsel.

Drivers' Licenses—Judge advocates almost never possess a military driver's license. Enlisted legal personnel usually have their HMMWV license. Officers must then rely upon a driver to move around the battlefield. This becomes a problem when

Enlisted Personnel—All enlisted personnel are often not taken to the CTCs—SJAs who do send enlisted personnel usually deploy only one or two legal NCOs or legal specialists. The legal specialists doctrinally assigned at battalion level rarely accompany the force. Aside from forcing the brigade operational law team (BOLT) to perform their functions while understrength, failing to take enlisted legal soldiers is a great training opportunity lost. The deployed environment exposes legal specialists and NCOs to legal work that takes them out of the “artificial box” created in garrison. They must become office managers and “jacks of all trades.” During deployments, they suddenly become essential for more than military justice matters—for example, they become ROE trainers and foreign claims processors.

A recurring problem is effective JA control over legal specialist and legal NCO assets. Due to their normal affiliation with the S1 (personnel shop) in garrison, S1 personnel often attempt to appropriate these legal specialists and NCOs for non-legal use. This has not only been a problem on exercises, but also on recent real world deployments, such as the Hurricane Mitch relief operations in Central America. Real world experience and CTC rotations clearly demonstrate that the legal mission makes full use of legal specialists and NCOs. Legal support to operations suffers significantly if the S1 seizes them.

Battle Box—References

Lessons Learned

Back up your digital library with hard copies of essential references. Do not assume there will be access to the Internet.

Observations

Computers, diskettes, CD-ROMs, and the Internet are wonderful, but often fail. Rotations to CTCs have seen computers become inoperable due to cracked screens, too much dust and dirt, moisture, and viruses. Frequently, the JA cannot access the Internet.

Discussion

Judge advocates should have certain key references available,²⁵ not just on a compact diskette or on a computer hard drive, but also in hard copy. They can either be stored in a traditional footlocker “battle box” or in a large ammo can. A footlocker can also serve as a seat in the TOC, but ammo cans offer better weather and abuse protection for battle box items like the rucksack deployable law office/library, references, and office supplies.

25. For example, the *Operational Law Handbook*, the *Manual for Courts-Martial*, AR 27-10, AR 15-6, FMs 27-1, and 27-10.

26. MILES, the acronym for the multiple integrated laser engagement system, is akin to “laser tag” equipment. It records notional casualties and deaths.

the JA has to call upon the only legal NCO in the TOC, a move that results in no legal coverage.

Vehicle(s)—Most SJA offices do not have assigned vehicles in sufficient numbers to provide one to each JA, and the supported units almost never want to give up one. Numerous pre-positioned vehicles, however, are located at the CTCs. If a JA coordinates early with the deploying unit, he may be able to have an assigned vehicle for the rotation. Apart from this, JAs have fared best by keeping their “eyes and ears open” for drivers, vehicles, and couriers going to places that they or their messages need to travel.

Night Observation Devices (NODs)—Night observations devices are key when legal personnel are to be driving or maneuvering at night. Legal personnel should always seek to deploy with at least one set of NODs for the BOLT. Accordingly, knowing how to wear, use, and maintain NODs is indispensable. More than one JA has been seen wandering into the wire around the TOC perimeter on a dark night.

Nuclear, Biological Chemical (NBC) Skills—The “dirt” CTCs (JRTC and NTC) use CS gas to replicate the threat of chemical agents in operations. However, CS cannot replicate the fear of the actual use of chemicals when a NBC alarm goes off in the middle of a combat environment, or their horrible effects. Just as with weapons maintenance and skills, legal sol-

diers must know NBC skills, not just for self-preservation, but to aid others and to ensure that the mission continues. Most legal personnel can don a mask and NBC suit, though not always to time standards. But, many do not know decontamination procedures, mask maintenance, or, as at least one JA has had to know in the absence of the chemical officer, how to render an NBC-1 report and conduct an M8/M9 detector test for the presence of agents.

Your Comments, Please

The Center invites your comments as to the format and content of this first article, and your ideas for future articles.²⁷ Additionally, CLAMO asks, that you provide all AARs, memoranda, raw data, messages, books, and guides that might contribute to operational law training of fellow JAs.

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27. While CLAMO only began collecting legal lessons learned from the CTCs short time ago, CLAMO cannot address all of the lessons learned in this report. The following is a sample of other lessons learned that CLAMO is considering for future reports: preparation for deployment, to include a detailed pre-deployment checklist; personal packing lists; the rucksack deployable law office/library—components, maintenance, use and training; communications modes and means; detention of civilians and their release to host nation authorities; indicators of hostile intent—Read the Country Study (for example, open carry of weapons allowed in Mojavia (NTC); weapons confiscation; fratricide investigations; fiscal law training and issues; handling of friendly and enemy dead; legal Assistance and notary functions; ROE: what constitutes “observed” fires?; medical treatment of EPWs; the EPW cage; non-governmental organizations inspections of EPW cages, displaced civilian routes, collection points, etc.; interaction with host nation police and authorities; verbal claims; integration with civil affairs and “team village.”