

Lore of the Corps

An Officer Candidate School for Army Lawyers? The JAG Corps Experience (1943–1946)

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On 29 June 1943, the *Michigan Daily* featured a small article on eighty-three enlisted men attending the first-ever officer candidate school operated by the Judge Advocate General's Department (JAGD) on the campus of the University of Michigan.¹ This is the story of that officer candidate program—and its place as a unique educational episode in our Regiment's history.

Within days of the Japanese attack on Pearl Harbor, the JAGD began calling Reserve officers to active duty as the United States mobilized for war with the Axis powers. Initially, these lawyers received on-the-job training; however, Major General (MG) Myron C. Cramer, The Judge Advocate General (TJAG), quickly realized that this “slow process of apprenticeship” was “impractical” to meet the wartime demands and that the Army must establish a school for refresher training “to afford the proper orientation and indoctrination for bridging the gap between civil and Army life.”² The first class convened on 2 February 1942 at National University Law School,³ Washington, D.C., but it became apparent that larger facilities were required.⁴ The Judge Advocate General's School, U.S. Army (TJAGSA) was activated at the University of Michigan on 5 August 1942.

As the supply of Reserve judge advocates dwindled, the JAGD decided to directly commission civilian lawyers and enlisted personnel who were attorneys. The War Department, however, informed TJAG Cramer in early 1943 that it was curtailing the authority of all branches in the Army to offer direct commissions except in the rarest cases.⁵ Faced with this quandary, the JAGD decided to activate an officer candidate school so that qualified attorneys serving in

the enlisted ranks could enter the JAGD as judge advocates. As a result, the Secretary of War established the Judge Advocate General's Officer Candidate School (JAGOCS) on 24 March 1943. The Judge Advocate General received the “authority to accept or reject applicants” and “was further authorized to recommend fifty percent of the graduates . . . for immediate promotion to the grade of first lieutenant.” This promotion authority was unique: all other officer candidate programs in the Army commissioned their graduates as second lieutenants; only the JAGOCS program was allowed the immediate promotion of one half of a graduating class.⁶ The first JAGOCS candidates reported to the University of Michigan on 7 June 1943.

From the outset, the mission of JAGOCS “was to train officer candidates for service as judge advocates in tactical and administrative units of the Army. . .,”⁷ but exactly how to accomplish this mission was very much an open question. The JAGD had never operated an officer candidate program, and there was no time to experiment. The obvious solution was to model at least some parts of JAGOCS after other officer candidate schools already in operation, and this in fact occurred.

A more significant problem, however, was the limited number of instructors. By June 1943, TJAGSA had trained ten officer classes (consisting of more than 500 men) with an instructional staff of only seventeen men (fifteen judge advocates and two infantry officers) in ten months. Consequently, although very much overburdened with work, some of these TJAGSA instructors now also had to begin teaching JAGOCS classes when the first candidates arrived on 7 June 1943. Ultimately, the solution was to select JAGOCS graduates to become instructors—but this could be done only after several JAGOCS classes had graduated. To alleviate the shortage of instructors in the meantime, TJAGSA arrived at a practical solution: combining officer classes with officer candidate classes “for a substantial amount of instruction.”⁸ While some were concerned about the impact on good order and discipline that might result from “mixing” officers and enlisted personnel, the “similarity in background and ability of the officers and officer candidates” seems to have precluded any problems.⁹

¹ G. P. Forbes, *1st OCS Class in History of JAGD Is Training Here*, MICH. DAILY, June 29, 1943. First Lieutenant George P. Forbes, Jr., a graduate of The Judge Advocate General's School, U.S. Army's (TJAGSA), 10th Officer Course, was on TJAGSA faculty when he submitted this article for publication.

² Inzer B. Wyatt, *The Army's School for Its Lawyers*, 29 A.B.A. J. 135, 136 (1943).

³ *About GW Law*, GEO. WASH. UNIV. LAW SCHOOL, <http://www.law.gwu.edu/school/pages/history.aspx> (last visited July 31, 2012).

⁴ THE JUDGE ADVOCATE GEN.'S SCH., HISTORY OF MILITARY TRAINING OF OFFICER CANDIDATES—JUDGE ADVOCATE GENERAL'S DEPARTMENT, 24 MARCH 1943—30 JUNE 1944, at 2 (n.d.) [hereinafter HISTORY OF MILITARY TRAINING OF OFFICER CANDIDATES].

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 3.

⁸ *Id.* at 6.

⁹ *Id.* at 7.

As for the candidates, who was selected to attend JAGOCS? A civilian attorney who had voluntarily enlisted or had been drafted was eligible to apply for the officer candidate program at the University of Michigan, provided he “had attained his 28th birthday” and was “a graduate of a law school.” Additionally, “at least 4 years practice of law is desirable, but not essential.”¹⁰ Since certain states did not require law school as a prerequisite for being admitted to the practice of law, the JAGD waived this requirement for JAGOCS where the applicant had been a civilian attorney for a significant period of time or had otherwise demonstrated exceptional professional competence. Similarly, the four years of practice requirement was waived in exceptional cases. According to the *History of Military Training of Officer Candidates* published by TJAGSA in 1944, the age requirement was never waived.¹¹

To apply for JAGOCS, enlisted applicants had to be provisionally approved by the local command screening boards. Then, each application was sent to the Judge Advocate General’s Office, Military Personnel and Training Division (MPTD) (the forerunner of today’s Personnel, Plans and Training Office). The MPTD “screened the papers and made judgments as to the prima facie excellence and desirability of the applicant.”¹² When the “character and capability” of applicants were “deemed to be worthy of further consideration,” the MPTD then investigated each applicant by asking for letters from “lawyers, institutional and municipal officials, and others of recognized standing.”¹³ After passing this investigation, their files went to a “selection board composed of a general officer and other high ranking members” of the JAGD.¹⁴ This board then made selection recommendations to MG Cramer, “who personally passed on each applicant before he was [finally] selected.”¹⁵

Each JAGOCS class was seventeen weeks long (as compared to the TJAGSA officer class, which was twelve weeks in length). Each week consisted of sixty-two hours of education and training. There were thirty-five hours of classroom work and thirteen hours of military and physical training; the remaining fourteen hours were “night time supervised study.”¹⁶ It seems, however, that there was

considerable OCS candidates’ resistance to this regime; the cadre, “after some experimentation with the schedule,” decided that “best academic efficiency was obtained by not making assignments for study on Wednesday and Saturday nights.”¹⁷ Those who wanted to continue to review or study on their own were obviously free to do so, but it seems that most candidates found other activities in Ann Arbor to keep them engaged during these two nights.

Officer candidates studied to “perform all the duties of a staff judge advocate.”¹⁸ This made sense given that a combat division was authorized only one judge advocate during World War II. *The 1928 Manual for Courts-Martial* was the key classroom text, supplemented by TJAGSA books containing common forms and materials relating to military justice in the field. The Judge Advocate General’s School, U.S. Army also incorporated three training films in JAGOCS training, including a special film devoted to absence without leave and desertion.¹⁹

Officer candidates also studied administrative and civil law topics, including line of duty determinations, citizenship and naturalization, and claims. Government contracting was also an extremely important area of practice, which included the formation of contracts, bids and awards, modification, breach, implied contracts and disputes. In 1945, with the end of the war in sight, the contract law curriculum shifted from the War Department procurement to contract termination.²⁰

There was considerable study of the Law of War and the applicability of the Geneva Convention of 1929 relating to the treatment of prisoners of war, the status of U.S. military personnel in friendly countries, war crimes, the legal rights and duties arising out of a military occupation of foreign territory, and “the traditional problems arising out of the conduct of hostilities (Hague Conventions of 1899 and 1907).”²¹ Field Manual 27-10, *Rules of Land Warfare*, which had been published by the War Department on 1 October 1940, was especially helpful in the JAGOCS curriculum, as it was an easy-to-use reference that fit easily in a uniform pocket.

The 1929 conventions were relatively new, and there had been no major war since their ratification. Consequently, TJAGSA and JAGOCS cadre undertook a number of research projects and produced “definitive texts” on the Law of Land Warfare and the Law of Belligerent Occupation. The focus was on Italy, Germany and Japan, with “the emphasis on each decreasing or increasing as the war

¹⁰ U.S. DEP’T OF ARMY, REG. 625-5, OFFICER CANDIDATE SCHOOLS para. 33c(10) (26 Nov. 1942) (C6, 31 Mar. 1943), as reprinted in HISTORY OF MILITARY TRAINING OF OFFICER CANDIDATES, *supra* note 4, at 5.

¹¹ HISTORY OF MILITARY TRAINING OF OFFICER CANDIDATES, *supra* note 4, at 10.

¹² *Id.* at 9.

¹³ *Id.* at 10.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 12–13.

¹⁷ *Id.* at 13.

¹⁸ *Id.*

¹⁹ *Id.* at 14.

²⁰ *Id.* at 17–20.

²¹ *Id.* at 22.

progressed.” After Italy joined the Allies in September 1943, “background material” on that country ceased to be part of JAGOCS instruction.²²

Military training included instruction on “the development of military bearing, precision in marching, and the exercise of voice and command.”²³ There also were classes in map reading and defense against air, airborne and chemical attacks. Some hours also were “devoted to familiarization with various infantry weapons including assembly, disassembly, functioning, care, and cleaning of the U.S. Carbine caliber .30 M1, Browning Automatic Rifle, caliber .30, Browning Machine Gun, caliber .30, Thompson Submachine Gun, caliber .30, and the Automatic Pistol caliber .45.”²⁴

The first JAGOCS class graduated on 28 August 1943, when seventy-nine students took their oaths as either second or first lieutenants in the JAGD. What determined their rank? Those who graduated in the top half of the class were commissioned as first lieutenants; the remainder of the class was commissioned as second lieutenants. It was certainly an incentive to perform as well as one could. The newly commissioned judge advocates went to a variety of locations. First Lieutenant (ILT) Ralph E. Becker was assigned as an assistant staff judge advocate in an infantry division in Europe while 1LT Floyd Osborne was a part of a division “on the front” at Monte Casino, Italy. First Lieutenant Leo Bruck was in Teheran, Iran, with

Headquarters, Persian Gulf Command, while 1LT Richard Kent was with “a fighter command in England.” Kent found his Army Air Force assignment “most interesting. Aside from a little legal assistance, military justice is the bread and meat of my work . . . perform all the functions of a JA—reviewing charges and referring them to the proper court, trial judge advocate, law member, and reviewing the record of trial.”²⁵ Other JAGOCS graduates had similar experiences in Europe and the Pacific, while others were assigned to the Pentagon and other U.S. locations.

The second JAGOCS class was already underway before the first class had graduated (it had started on 26 July 1943 and all future OCS classes were staggered so that a class was always in session). By the time TJAGSA ceased operating in Michigan at the end of January 1946, a total of 15 JAGOCS classes had graduated, and more than one thousand enlisted Soldiers had been transformed into judge advocates. It had been an overwhelmingly successful episode in military legal education but, given the configuration of today’s Army and our Corps, is unlikely to be repeated again.

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.

<https://www.jagcnet.army.mil/8525736A005BE1BE>

²² *Id.* at 22–23.

²³ *Id.* at 24.

²⁴ *Id.*

²⁵ Notes, *1st Officer Candidate Class*, JUDGE ADVOCATE J., Sept. 15, 1944, at 50–51.