

The Judge Advocate General's Corps

Professional Reading List

This reading list is for all members of the Corps—military and civilian. Its intent is to enhance one's understanding of military law and the role of the Judge Advocate General's Corps in our Army. Consequently, this list consists of both foundational documents with which every member of the Regiment should be familiar, as well as those tailored to an individual job or interest.

The cases, articles and books on this reading list are intended to complement—and not replace or supersede—the Army Chief of Staff's Professional Reading list.

While not all the books on this list are in-print, all are available by inter-library loan or from out-of-print booksellers.

Comments and suggestions for additional materials should be directed to the Regimental Historian and Archivist at The Judge Advocate General's Legal Center and School.

Cases.

Foundational legal cases of general interest.

Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866) (invalidating the use of a military commission to try a U.S. citizen)

Ex parte Quirin, 317 U.S. 1 (1942) (upholding the use of a military commission to try enemy saboteurs)

Application of Yamashita, 327 U.S. 1 (1946) (upholding military commission procedures and war crimes charges)

Little v. Barreme, 6 U.S. (2 Cranch) 170 (1804) (foundational case regarding *respondeat superior*; enunciates legal standard for officer responsibility that continues today)

Reid v. Covert, 354 U.S. 1 (1957) (invalidating the use of court-martial to try civilian family members overseas)

Solorio v. United States, 483 U.S. 435 (1987) (holding the courts-martial may try service members for crimes having no service connection)

Trial of Sawada, V Law Reports of Trials of War Criminals 1 (1946) (Japanese commanding general convicted for signing the convening authority's action on a sham court-martial in which three Doolittle raiders were convicted and sentenced to death; demonstrates the extent of command responsibility)

Weiss v. United States, 510 U.S. 163 (1994) (upholding the appointment process for military judges)

Loving v. United States, 517 U.S. 748 (1996) (upholding the military death penalty scheme)

United States v. Jacoby, 29 C.M.R. 244 (1960) (landmark decision on the application of the Bill of Rights to service members)

United States v. Ezell, 6 M.J. 307 (C.M.A. 1979) (same)

Classic military justice cases.

Swaim v. United States, 165 U.S. 553 (1897) (infamous court-martial of the Judge Advocate General of the Army)

United States v. Calley, 48 C.M.R. 19, 22 C.M.A. 534 (1973) (court-martial arising out of the My Lai incident in Vietnam)

United States v. Cruz, 25 M.J. 326 (1987) (archetypical case about pre-trial punishment and unlawful command influence)

United States v. Von Leeb, XII Law Reports Law of Trials of War Criminals 1, at 59 (Judgment of the Tribunal) (1948) (one of the 12 Nuremberg "subsequent proceedings;" contains an outstanding statement of command responsibility in combat; also discusses staff officer responsibility in wartime)

Books.

General military legal history.

Borch, Frederic L. *Judge Advocates in Combat: Army Lawyers in Military Operations from Vietnam to Haiti*. Washington, D.C.: Center of Military History, 2001 (history of Army lawyers in military operations from 1959 to 1995)

_____. *Judge Advocates in Vietnam: Army Lawyers in Southeast Asia 1959 to 1975*. Leavenworth, Kans.: Combat Studies Institute, 2003 (history of Army lawyers serving at MACV and USARV headquarters, and at units in the field)

Judge Advocate General's Corps, U.S. Army. *The Army Lawyer: A History of the Judge Advocate General's Corps, 1775-1975*. Washington, D.C.: Government Printing Office, 1975 (first and only general history of Army JAG Corps)

Kerns, Patricia A. *First 50 Years: The Air Force Judge Advocate General's Department*. Washington, D.C.: Department of the Air Force, 2004 (history of the first 50 years of the Air Force Judge Advocate General's Department)

Prugh, George S. *Law at War: Vietnam, 1964-1973*. Vietnam Studies: Washington, D.C.: Department of the Army, 1975 (first book published about Army lawyers; examined of legal operations at MACV; author was TJAG (1971-1975))

Solis, Gary. *Marines and Military Law: Trial by Fire*. Washington, D.C.: Marine Corps History and Museums Division, 1989 (first Marine Corps history of military lawyers in combat operations)

Winthrop, William. *Military Law and Precedents* (2d ed.) Washington, D.C.: Government Printing Office, 1920 (essential text for understanding the evolution of military law)

International Law and Law of Armed Conflict.

Danner, Mark. *Torture and Truth: America, Abu Ghraib, and The War on Terror*. New York: New York Review of Books, 2004 (examines legal basis for American interrogation of detainees)

Friedman, Leon (ed). *The Law of War: A Documentary History* (2 vols). New York: Random House, 1972 (essential collection of basic documents)

Greene, Joshua. *Justice at Dachau: The Trials of an American Prosecutor*. New York: Broadway Books, 2003 (true story of Army judge advocate who prosecuted war crimes in Germany after World War II)

Lang, Daniel. *Casualties of War*. New York: McGraw Hill, 1969 (story of brutal war crime perpetrated by American soldiers in Vietnam and their subsequent courts-martial; 1989 film version starred Michael J. Fox and Sean Penn)

Lewy, Guenther. *America in Vietnam*. New York: Oxford Univ. Press, 1969 (key text for understanding law of armed conflict issues in Vietnam)

Peers, William R. *The My Lai Inquiry*. New York: Norton, 1979 (authoritative version of the My Lai massacre, as told by the Army lieutenant general who headed the official inquiry).

Pictet, Jean S. *Commentary, Geneva Conventions I - IV* (Geneva: International Committee of the Red Cross, 1952-58) (Pictet was responsible for the preparatory work that resulted in the four 1949 conventions; his commentary is still the best dissection of the articles in the conventions)

Russell, Edward F. L. *Knights of the Bushido: A Short History of Japanese War Crimes*. London: Greenhill Books, 2002 (classic, standard account of Japanese war crimes between 1931 and 1945; author was Deputy Judge Advocate General for the British Army of the Rhine)

_____. *Scourge of the Swastika: A Short History of Nazi War Crimes*. London: Greenhill Books, 2002 (classic, companion volume to Lord Russell's volume on Japanese war crimes)

Solis, Gary. *The Law of Armed Conflict: International Humanitarian Law in War*. New York: Cambridge University Press, 2010 (award winning textbook; unique treatment of essentials of law of armed conflict and finer points of battlefield law)

_____. *Son Thang: An American War Crime*. Annapolis, Md.: Naval Institute Press, 1997 (highly acclaimed story of war crime committed by Marines in Vietnam)

Taylor, Telford. *The Anatomy of the Nuremburg Trials* (New York: Knopf, 1992) (perhaps the best account, by the ultimate insider).

United Kingdom, Ministry of Defense. *The Manual of the Law of Armed Conflict*. Oxford: University Press, 2004 (UK version of FM 27-10; superbly written)

Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (4th ed.) New York: Basic Books, 2006 (examines just war theory; an important discussion of the morality of war that includes conventional conflicts, guerrilla warfare, and terrorism)

Administrative, Civil (including Litigation), Constitutional, Contract and Environmental Law.

Amar, Akhil R. *America's Constitution: A Biography*. New York: Random House Publishing Group, 2005 (analysis of one of the world's most important political texts by an accomplished legal scholar)

Harr, Jonathan. *A Civil Action*. New York: Vintage Books, 1995 (story of lawsuit against company responsible for contaminated drinking water that resulted in high numbers of children with leukemia; the book subsequently was made into a film starring John Travolta)

Mauet, Thomas A. *Trial Techniques* (8th edition). New York: Aspen Publishers, 2010 (considered by many to be the “bible” for civil litigators)

Military Justice.

(see also International Law and Law of Armed Conflict)

Crouch, Jack H. *Vietnam Stories: A Judge's Memoir*. Niwot, Colo.: Univ. Press of Colorado, 1997 (author served as GCM judge in Vietnam)

DiMona, Joseph. *Great Court-Martial Cases*. New York: Grosset & Dunlap, 1972 (entertaining but unsophisticated retelling of famous courts-martial)

Generous, William T., Jr. *Swords and Scales: The Development of the Uniform Code of Military Justice*. New York: Kennikat Press, 1973 (key text for understanding “judicialization” of courts-martial).

Hammer, Richard. *The Court-Martial of Lt. Calley*. New York: Coward, McCann & Geoghegan, 1971 (definitive examination of the trial of Lt. William F. “Rusty” Calley for the war crimes committed at My Lai in 1968).

Hodson, Kenneth J. *Military Justice: Abolish or Change*, 22 Kan. L. Rev. 31 (1973) (critique of the military justice system by former TJAG (1967-1971) and first Chief Judge of the Army Court of Military Review (1971-1974); Hodson was the principal architect of Military Justice Act of 1968)

Huie, William B. *The Execution of Private Slovik* (1954) (story of the only American soldier executed in World War II for desertion)

Lurie, Jonathan. *Military Justice in America: The U.S. Court of Appeals for the Armed Forces, 1775 to 1980*. Lawrence, Kans.: Kansas Univ. Press, 2001 (abridges and revises Lurie's two previous books--*Arming Military Justice* and *Pursuing Military Justice*)

McCarthy, Mary. *Medina* (1972) (story of trial of Lt. Calley's company commander)

Robinson, Charles M. *The Court-Martial of Lieutenant Henry Flipper* (1994) (court-martial of the first African-American to graduate from West Point)

Sherrill, Robert. *Military Justice Is to Justice as Military Music Is to Music*. New York: Harper and Row, 1970 (infamous---and highly critical---book about courts-martial as they existed prior to the Military Justice Act of 1968)

Valle, James E. *Rocks and Shoals* (Annapolis, Md.: Naval Institute Press, 1980) (outstanding history of military trial and punishment in the U.S. Navy, with applications to all U.S. armed services)