

Lore of the Corps

Master of Laws in Military Law The Story Behind the LL.M. Awarded by The Judge Advocate General's School

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Every year in May, career military officers who have successfully completed the Graduate Course at The Judge Advocate General's School, U.S. Army (TJAGSA),¹ are awarded a Master of Laws (LL.M.) in Military Law. This unique LL.M.—no other law school in the world awards such a degree—from the world's only American Bar Association-accredited military law school has been conferred since 1988. But the story behind that degree—how and why it came to be—is not well known.

In 1951, TJAGSA moved from Fort Myer, Virginia, to the grounds of the University of Virginia (UVA) in Charlottesville. From the outset, the School's first Commandant, then-Colonel (COL) Charles L. "Ted" Decker, understood that TJAGSA's affiliation with UVA meant that the Army's curriculum must achieve the standard of legal education set by the American Bar Association (ABA). As a result of the caliber of its students, its rigorous academic curriculum, and Decker's personal efforts, TJAGSA became the first and only military law school in American history to receive accreditation from the ABA, in February 1955.

A year later, in March 1956, "action was initiated to obtain statutory authority . . . to confer the Master of Laws degree for successful completion of the Advanced Program."² Legislation drafted by the Office of The Judge Advocate General (OTJAG) was sent to Congress in late 1956 but was not enacted.

The Corps, however, did not give up its desire for an LL.M. at TJAGSA, and this explains why, in February 1958, the School sought—and obtained—ABA approval for TJAGSA's 42-week-long Advanced Course as a graduate law program. While the ABA stamp of approval and ABA accreditation of the Advanced Course put it on par with UVA's graduate law program, in fact, the Corps believed that ABA accreditation would enhance its chances of obtaining statutory authority from Congress to grant an LL.M. degree.

Despite lack of progress toward obtaining authority to grant the degree, the JAG Corps did not drop its wish for the LL.M. in the 1960s and 1970s. On the contrary, COL

Kenneth Crawford, who served as Commandant from 1967 to 1970, routinely lobbied his counterparts at UVA's law school for their support for a Masters of Laws degree—but these efforts came to naught. Colonel John Jay Douglass, who followed Crawford as TJAGSA Commandant, tried a different approach. In November 1971, Douglass wrote to Edgar F. Shannon, then serving as UVA's president, and requested that the university work with TJAGSA to create a "program . . . whereby students in the Judge Advocate Officer Advanced Course could earn an advanced degree conferred by the University of Virginia."³ While correspondence from Shannon to Douglass proves that UVA carried out "preliminary discussions" with the JAG Corps on the possibility of a UVA-granted LL.M., nothing happened.

It took another fifteen years before TJAGSA gained the right to award a graduate legal degree. This ultimately successful effort was spearheaded by then Lieutenant Colonel (LTC) David E. Graham, head of TJAGSA's International Law Division—at the urging of the Commandant, COL Paul "Jack" Rice, and The Assistant Judge Advocate General, Major General (MG) William K. Suter.

The first step toward obtaining accreditation for the degree involved winning the support of the Army and the Defense Department for an LL.M. Building on work started in January 1986 by then-LTC Daniel E. Taylor, Graham's predecessor in the International Law Division at TJAGSA, Graham modeled the JAG Corps's bid to obtain an LL.M. on an initiative the Defense Intelligence School (DIS) used to win authority to award a graduate degree in strategic intelligence.⁴ Graham assembled a packet for TJAGSA's LL.M. that included proposed legislation and coordinated his efforts with a variety of interested parties. Then, in November 1986, Graham obtained approval from Mr. Delbert Spurlock, a former Army General Counsel who was then working as the Assistant Secretary of the Army (Manpower and Reserve Affairs). Approval from the Office of the Assistant Secretary of Defense (Military Manpower and Personnel Policy) followed—no doubt helped by the fact that an Army judge advocate, COL Fred K. Green, was assigned to that office at the time.

¹ The Judge Advocate General's School, U.S. Army, became The Judge Advocate General's Legal Center and School (TJAGLCS) in 2003.

² NATHANIEL B. RIEGER, THE JUDGE ADVOCATE GENERAL'S SCHOOL, U.S. ARMY, REPORT OF THE COMMANDANT, 15 JUNE 1955 – 25 FEBRUARY 1957, at 1-2 (1957).

³ Letter from Edgar F. Shannon, Jr., President, Univ. of Va., to John Jay Douglass, Commandant, The Judge Advocate Gen.'s Sch., U.S. Army (Nov. 26, 1971) (on file with Regimental Historian, The Judge Advocate General's Corps).

⁴ In 1980, DIS had obtained the authority to award a Master of Science in Strategic Intelligence degree. Pub. L. § 96-450, Oct.14, 1980; 10 U.S.C. § 2161 (2006).

The next step was to gain the Secretary of Education's approval for the degree. United States law requires that any federal agency wishing to obtain degree-granting status must obtain a positive recommendation from the Department of Education before it may forward any proposed legislation to Congress.

On 1 December 1986, COL Rice and U.S. Court of Military Appeals Chief Judge Robinson Everett (representing the ABA) appeared before the Education Department's National Advisory Committee on Accreditation and Institutional Eligibility. They showed a five-minute film about TJAGSA—developed by Graham with assistance from Mr. Dennis L. Mills in TJAGSA's media services branch—and delivered a forty-minute presentation explaining why the School wanted the authority to award an LL.M. In his prepared remarks, Rice emphasized the Army's belief that “the existence of a graduate degree program . . . will prove to be *an invaluable* asset in retaining the *best* qualified and most *highly* motivated individuals as career military attorneys.”⁵ He also stressed that the uniqueness of TJAGSA's curriculum meant “the graduate degree we propose to grant [a Master of Laws in Military Law] cannot be obtained at other non-Federal educational institutions.”

The accreditation review committee voted 15-0 in favor of TJAGSA's LL.M. proposal, and Secretary of Education William J. Bennett concurred on 18 March 1987. The next step was to introduce legislation in both the House and the Senate. On 23 March 1987, Representative Les Aspin introduced H.R. 1748, which contained legislation giving the “Commandant of the Judge Advocate General's School of the Army . . . upon recommendation of the faculty of such school” the power to “confer the degree of master of laws (LL.M.) in military law.” Identical legislation was introduced in the Senate and, on 3 December 1987, Congress enacted Public Law 100-180, giving TJAGSA's Commandant the authority to award the LL.M.⁶

The first judge advocates to be awarded the LL.M. were the members of the 36th Graduate Course, who graduated in May 1988. The first recipient of the LL.M. was Captain (CPT) Elyse K. Santerre who, having finished first in the class was the first to walk across the stage at graduation and the first to be handed the new LL.M. diploma.

Probably the thorniest issue raised in the aftermath of the successful LL.M. initiative was retroactivity: Should past graduates of the Advanced and Graduate Courses—especially those in the 35th Graduate Class whose curriculum was used as the basis for the LL.M. legislative package—be retroactively awarded the LL.M.? While the legislation enacted by Congress was silent on the issue of retroactivity, the ABA had no doubts in the matter: The answer was no, an opinion to which The Judge Advocate General, MG Hugh Overholt, reluctantly acceded.

Today, the Commandant, TJAGLCS continues to award the LL.M. to those career military attorneys who successfully complete the Graduate Course—and it continues to be a truly unique degree.

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>

⁵ Colonel Paul J. Rice, Commandant, The Judge Advocate Gen.'s School, U.S. Army, Presentation to Nat'l Advisory Comm. on Accreditation and Institutional Eligibility (Dec. 1987) (on file with Regimental Historian, The Judge Advocate General's Corps) (emphasis in original).

⁶ 10 U.S.C. § 4315 (2006).