

Lore of the Corps

Military Legal Education in Virginia: The Early Years of The Judge Advocate General's School in Charlottesville

Fred L. Borch III
Regimental Historian & Archivist

In August 2011, The Judge Advocate General's School, U.S. Army (TJAGSA), now a principal component of The Judge Advocate General's Legal Center and School (TJAGLCS), celebrated its Diamond Jubilee—sixtieth birthday—in Charlottesville, Virginia. How military legal education came to be in Virginia and what happened in the early years of TJAGSA on the grounds of the University of Virginia (UVA) is important and worth telling.

After the Japanese attack on Pearl Harbor, and the rapid expansion of the Army in the weeks and months that followed America's entry into World War II, the Judge Advocate General's Department (JAGD) recognized that the old way of preparing lawyers for service as judge advocates (JAs) would no longer work; "on the job training" took too long and the hundreds of new lawyers entering the Department had to be ready in the shortest possible time to serve in a variety of locations at home and overseas. These new JAs had to know something about international law, procurement law, the Articles of War, and the practice of courts-martial, as well as the law governing claims for and against the government. These new military lawyers also had to understand military organization and procedures, so that they would be efficient and effective staff officers. The result was the opening of TJAGSA at the University of Michigan in 1942. While the JAGD no doubt would have preferred to keep TJAGSA open at the end of World War II, the rapid de-mobilization of the Army—and the greatly reduced need for lawyers in uniform—led to the school closing in 1946. But not before the value of having a TJAGSA had been proven—since hundreds of lawyers had passed successfully through its classrooms and had been given the specialized education and training needed to serve commanders and soldiers both in garrison and in the field.

In June 1950, North Korean troops attacked U.S. and South Korean forces and the Judge Advocate General's Corps began recalling Reserve JAs to serve during the rapidly escalating Korean crisis. Since these officers needed a refresher course on military law, the Corps obtained a temporary building at Fort Myer, Virginia, and assigned Colonel (COL) Edward H. "Ham" Young (who had led the school in Michigan) and a handful of Active Duty JAs to serve as instructors. When TJAGSA reopened on 2 October 1950, the bulk of the teaching at Fort Myer focused on the new Uniform Code of Military Justice (UCMJ), which had been enacted by Congress in 1950 and was scheduled to take effect in 1951. Since the UCMJ was a revolutionary change from the Articles of War that had been in use during World War II—and with which Reserve JAs were familiar—this made sense.

At the same time, recognizing that a permanent TJAGSA was needed—a school that would continue after the crisis on the Korean peninsula ended—Major General (MG) Ernest M. "Mike" Brannon, who had only recently begun serving as The Judge Advocate General (TJAG), directed COL Charles E. "Ted" Decker "to plan for and locate a permanent Judge Advocate General's School."¹ This meant that COL Decker was to propose an organization for the new school as well as find a suitable location.

Organization of the New TJAGSA

Decker and the other members of the "Special Projects Division"² ultimately decided that the new TJAGSA should consist of three parts: "a resident school, non-resident school, and a research, planning and publications unit."³ The concept for the resident school was that it would offer a "basic" or "regular" course of instruction, and an advanced course. All new JAs would attend the regular course and would be given basic instruction in military legal matters. Colonel Decker saw the advanced course lasting a full academic year, and believed that "officers with eight to twelve years of military law practice who had outstanding records" should be invited to attend. Significantly, the advanced course was not for every JA, but only for the best. The concept for the advanced course was that it would be a "thorough and comprehensive 'rounding out' in all military law subjects." Additionally, each student in the advanced course would be required to write a research thesis on some "facet or some phase of military law." The non-resident school would provide instruction to Army Reserve and National Guard JAs not on active duty in two ways: "group schooling for those officers in larger communities, extension courses for the officers in smaller communities." Finally, the research, planning and publication unit would research novel legal questions and disseminate its findings to JAs in

¹ Charles E. Decker, "A History of the Development of the Judge Advocate General's School," at 4 (June 15, 1955) (unpublished monograph) (on file in TJAGLCS Library).

² The Special Projects Division had been created in 1950 to draft the new *Manual for Courts-Martial* needed after the enactment of the Uniform Code of Military Justice. As Decker was the Chief of the Special Projects Division, it was logical for The Judge Advocate General (TJAG) to task him (and the other division members) with the special project of organizing and locating a permanent Judge Advocate General's School, U.S. Army (TJAGSA). See U.S. ARMY JUDGE ADVOCATE GENERAL'S CORPS, THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL'S CORPS, 1775–1975, at 217 (1975).

³ Decker, *supra* note 1, at 5.

the field. It would also prepare all legal texts for Army-wide distribution and publish periodic updates to keep JAs abreast of recent developments in military law.⁴

Location of the New TJAGSA

Finding the right location for the new school was not an easy task, but COL Decker had a number of requirements to guide him. First, it seemed desirable for the school to be located no more than two hundred miles from Washington, D.C. Consequently, while COL Decker and the Special Projects Branch considered locations as far away as Fort Rodman, Maine and Fort Crockett, Texas, and actually considered renovating an abandoned brewery at Fort Holabird, Maryland and a former ordnance shop at Fort Benjamin Harrison, Indiana, Decker and his team ultimately concluded that there was no “feasible site” on a military installation.⁵

A second factor—of great importance in the 1950s—was the recognition that the new TJAGSA must have a first-class law library. Colonel Decker in particular noted that if the permanent TJAGSA were located at an existing law school, such a location would provide a law library and “save an enormous sum of money.”⁶

By late spring in 1951, the Corps had decided that only two civilian law schools were suitable for a permanent TJAGSA: the University of Tennessee and UVA. It is probable that the latter got the nod for two reasons: first, UVA was less than 125 miles from the Pentagon, and this satisfied the Corps’ desire that the new school be geographically close to Washington, D.C. Second, UVA President Colgate W. Darden, Jr., offered the Army a new dormitory (identified as “Building No. 9” but later named “Hancock House”) that would be ready for occupancy in August 1951. Having been built as a dormitory for more than 100 students, this new structure was large enough to provide office space for TJAGSA faculty and staff as well as housing for Army students who did not desire to live in town.

Additionally, UVA’s law school was adding a new wing to its existing building, and UVA offered to lease the Corps classroom space in this new structure. As President Darden wrote to COL Decker on 19 June 1951:

This will confirm our [telephone] conversation of this morning. Should the Judge Advocate General’s Office decide to use the facilities of the University of Virginia in connection with the school

⁴ *Id.*

⁵ *Id.* at 6.

⁶ *Id.* at 7.

which they now have under consideration, I should be glad to recommend to the Board [of Visitors] that Building No. 9, and such space in the Law School as is required for the conduct of classes, be rented to the Army at the price paid by it for like space in other parts of Virginia. Arrangements can be made to have your students receive the medical service now offered students of the University. They will be free to use the restaurants and recreation facilities around the University on the same basis as to the students.

President Darden closed his letter with another incentive to choose UVA: “Maid and janitor service for the occupants of Building No. 9 can be furnished by the University at cost, plus 10% to cover overhead. We can arrange for such furnishings as are desired as soon as we know your needs.”⁷

The Army liked this last idea because it eliminated the use of enlisted personnel for maintenance and also reduced the need for a large administrative operation.⁸ In any event, the Army accepted UVA’s offer, and signed a lease on 30 July 1951. It was a year-to-year tenancy for \$46,000 per year.⁹ The Army signed its first multi-year lease—for five years—in the summer of 1954. The rent was \$53,354 per annum for 36,212 square feet of floor space, joint use of additional rooms and library facilities at UVA’s law school in Clark Hall, “and parking space for 30 automobiles.”¹⁰

On 2 August 1951, the Department of the Army announced in General Orders that TJAGSA had been established at UVA and that the school at Fort Myer would close on 25 August.¹¹ The move to Charlottesville was made by truck on 25 August. As COL Decker later wrote, the move “was completed and all offices were in operation on the afternoon of 27 August 1951. There was no founding ceremony; we just went to work—there was a lot to be done.”¹² There were twenty officers on the first day of TJAGSA’s operation; a month later, the school had hired fifteen civilian employees. By 1955, the staff and faculty

⁷ Letter from Colgate W. Darden, Jr. to Colonel Charles L. Decker (June 19, 1951) (on file with Historian, TJAGLCS).

⁸ The fact that the University of Virginia (UVA) had hosted the Army’s School of Military Government during World War II, and that some students attending the school were judge advocate (JAs) (who likely would have reported favorably to TJAG about their experiences in Charlottesville), apparently had no impact on the decision to move TJAGSA to UVA.

⁹ THE JUDGE ADVOCATE GENERAL’S SCHOOL, U.S. ARMY, THE JUDGE ADVOCATE GENERAL’S SCHOOL, 1951–1961, at 3 (1961).

¹⁰ Memorandum from Franklin G. Floete, Adm’r, Gen. Servs. Admin., to the Chief of Eng’rs, U.S. Army (June 4, 1954) (on file with Historian, TJAGLCS).

¹¹ Headquarters, U.S. Dep’t of Army, Gen. Order No. 71 (2 Aug. 1951).

¹² Decker, *supra* note 1, at 7.

consisted of over seventy officers and civilians. The commandant, faculty and staff offices were in Hancock House (known colloquially as “The JAG School”); classes were held in UVA’s law school in Clark Hall, which was located across a parking lot from Hancock House.¹³

In the early years of TJAGSA, the school consisted of an Executive Office (which handled all administration and supply issues and also served as the registrar’s office) and an Academic Department with four teaching divisions: Military Justice, Military Affairs, Civil Affairs and Military Training. Military Justice provided instruction in court-martial practice, while Military Affairs covered administrative and civil law (except for claims). The Civil Affairs Division taught contract law and claims. As for the Military Training Division, it was responsible for instructing JAs in military courtesy and discipline, staff functions, weapons, and map reading. The first change to this organization occurred in 1953, when the Procurement Law Division was formed from the personnel of the Civil Affairs Division.

Resident Regular and Advanced Courses

When TJAGSA began operating in Charlottesville in 1951, the regular course for all new JAs (about 60 were in each class) was eight weeks long. In early 1952, the instruction was increased to twelve weeks. Then, in early 1954, the Army opened an eight-week special basic leadership course for newly commissioned officers at Fort Benning, Georgia, and JAs began reporting to Benning’s Infantry School for this instruction prior to starting the regular course in Charlottesville. But, as newly commissioned Army lawyers had already spent eight weeks at Fort Benning, the JA regular course was reduced to eleven weeks. Today, the Regular course—now called the Basic Course—consists of two weeks at Fort Lee, Virginia, and ten weeks in Charlottesville. After graduating, the new JAs attend the six-week Direct Commissioned Officer Course at Fort Benning before reporting to their first assignments.

As for the advanced course, the number of students attending in the early years of TJAGSA was quite small; a total of 64 JAs attended the first three advanced courses and TJAGSA planned on about 25 JAs per advanced class in the mid-1950s. The seven month long course (1360 hours in the early 1950s) covered international law, procurement law, military justice, military affairs (today’s administrative and civil law), claims, legal assistance, lands, and comparative law. Instruction was chiefly “through the use of seminar, panel, problem and other methods of group instruction.”¹⁴ The first non-Army JAs to attend the Advanced Course were naval officers, who joined the 4th Advanced Course in 1955.

¹³ *Id.* at 9.

¹⁴ *Id.* at 11.

A naval officer, Lieutenant Commander Owen Cedarburg, was also the first non-Army faculty member.¹⁵ The advanced course, renamed the Career Course in 1960¹⁶ and the Graduate Course in the 1970s, continues to be the jewel in the crown of military legal education, especially since its graduates now earn an LL.M.¹⁷

Non Resident Instruction

The Non-Resident Schools Division had two branches: the Text Preparation Branch and the Extension and U.S. Army Reserve (USAR) School Operating Branch. Initially, it had five officers and six civilians; by 1955, the branch had grown to thirteen officers and twelve civilians.

In addition to preparing texts for “extension courses” for non-active-duty JAs, the division operated a USAR non-resident school basic course. Students enrolled in the program took extension courses created by the Text Preparation Branch and then completed the USAR basic course by attending a “USAR summer school encampment” run by each of the six continental armies.¹⁸ Reserve JA instructors (trained at TJAGSA) presented legal instruction.¹⁹

Short Courses

The first “short course” at TJAGSA was the contract termination law course, which was first conducted in August 1953. The impetus for this course came with the end of the Korean War, when the “tapering-off of certain procurement activities” meant that many contracts needed to be terminated for the convenience of the government. Judge advocates and lawyers at other federal agencies needed special instruction in this area—and TJAGSA rose to the occasion by creating a short course. A three-week procurement law course followed in 1954. Over the years, hundreds of different short courses have been offered in Charlottesville, and today the school provides some 6000 students a year with “continuing legal education.”

Research, Planning and Publications

The intent of the Research, Planning and Publications Division was to provide adequate research tools for JAs. As

¹⁵ Darden, *supra* note 7, at 10.

¹⁶ *Id.* at 9.

¹⁷ For the history of the LL.M. at TJAGSA, see Fred L. Borch, *Lore of the Corps: Master of Laws in Military Law, The Story Behind the LL.M. Awarded by The Judge Advocate General’s School*, ARMY LAW., Aug. 2010, at 2–3.

¹⁸ At the time, I Army, V Army, etc. were known as “continental armies.”

¹⁹ Decker, *supra* note 1, at 15.

the UCMJ had just gone into effect, Army lawyers in the field needed help in deciphering the more “foggy areas” of the new code. The creation of a new civilian appellate court—the Court of Military Appeals—meant that the division had to collect and analyze opinions being handed down by the court. The division also was busy producing 16-milimeter black-and-white training films, including “Uniform Code of Military Justice,” “Non-Judicial Punishment,” “The Investigating Officer,” “The General Court-Martial,” “The Special Court-Martial,” and “The Summary Court-Martial.”²⁰

Annual Conference

Starting in 1952, TJAGSA began hosting an annual conference for senior JAs, with attendance averaging between 100 and 120. Interestingly, the Research, Planning, and Publications Division (which ran the conference) solicited JAs in the field to advise it of legal topics that they wanted covered at the conference and, after getting input from the field, scheduled those subjects that were the most requested. Except for 2001, when the conference was cancelled in the aftermath of the 9/11 attacks,²¹ the Corps has continued to hold an annual gathering of senior JA leaders in Charlottesville. Today, the conference is called the “World Wide Continuing Legal Education Conference” and is held the first week of October every year.

Court-Reporter Training

The school also took the first step in enlisted education when it began training Corps enlisted personnel in modern electronic court reporting. The first class was held in January 1955 and “consisted of 18 enlisted men,

representing 16 general court-martial jurisdictions in the continental United States.” Those who completed the six week course could take down court-martial proceedings “at more than 200 words per minute” using the electronic recorder-producer device equipped with a steno mask. They also could “prepare and assemble records [of trial] in a minimum of time.”²²

Court reporter training remained at TJAGSA until November 1959, when the course was transferred to the Naval Justice School in Newport, Rhode Island. It returned to Charlottesville in January 2000. Today, TJAGSA does initial court reporter training for court reporters in both the Army and Air Force.

When he completed his tour as TJAGSA’s first commandant on 15 June 1955, COL Decker noted that the American Bar Association (ABA) had been enthusiastic in supporting Army legal education in Charlottesville, and that an ABA inspection of the school revealed that new JAs “came, on average, from the upper fifteen percent of their classes in law school and that roughly six to ten percent had stood first [in their class] or had been law journal editors.”²³ Not surprisingly, the ABA’s House of Delegates approved accreditation for TJAGSA on 22 February 1955. In COL Decker’s opinion, this date was only fitting, as it was the anniversary of George Washington’s birthday—and it was Washington who had been on the first committee to draw up Articles of War for the Army and, as Continental Army commander, had petitioned Congress to appoint the first Army Judge Advocate in 1775.²⁴

Today, TJAGSA remains in Charlottesville, albeit as part of a larger TJAGLCS. Additionally, military legal education at UVA now includes warrant officer legal administrators and noncommissioned officer paralegals. Despite the many changes, what COL Decker and the Special Projects Division started sixty years ago remains: the oldest and the only ABA-accredited military law school in the world.

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.

²⁰ *Id.* at 18.

²¹ Ultimately, the 2001 conference was held in Spring 2002.

²² *First Enlisted Men Training as Court Martial Reporters*, ARMY TIMES, Jan. 29, 1955, at 8.

²³ Decker, *supra* note 1, at 20.

²⁴ After leaving TJAGSA in 1955, Colonel “Ted” Decker returned to Washington, D.C. From 1957 to 1961, then-Brigadier General Decker served as the Assistant Judge Advocate General for Military Justice. He was promoted to major general and assumed duties as TJAG on 1 January 1961. Decker retired on 31 December 1963.